

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 11-2010

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, September 23, 2010 and Friday, September 24, 2010 commencing at 6:30 p.m. on September 23, 2010.

The following individuals were in attendance during this portion of the Regional Council meeting:

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn; Badawey; Baty; Bentley; Burroughs; Bylsma; Casselman; Cordiner; D'Angela; Forster; Gabriel; Garcia; Goulbourne, Greenwood, Hodgson; Katzman; Lepp, Marshall; Martin; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms; Trombetta; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Robson, Commissioner, Integrated Community Planning; Bergsma, Commissioner, Corporate Services; Hutchings, Commissioner, Community Services; Kyne, Director, Legal Services; Bain, Regional Clerk; Dr. Jaeger, Associate Medical Officer of Health; Ms. Matthews-Malone, Acting Commissioner, Public Works; Ms. Pilon, Deputy Regional Clerk.

Staff

(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Weir, Director, Administration; Hughes, Director, Properties Management; Steele, Associate Director, Strategic Business Management; Ms. Learn, Director ESC.

Police: Chief Southall, N.R.P.S.; Deputy Chief Matthews, N.R.P.S.; Mr. Fuentes, CAO, N.R.P.S.; Supt. Symonds, N.R.P.S.; Sgt. Tschang, N.R.P.S.

Others: Mr. Dean Roberts, McClaren, Wilson & Lawrie, Inc.; Ms. Littlewood, Pepper, Rebanks, Pepper, Littlewood Architects.

CALL TO ORDER

363. Regional Chair Partington called the meeting to order at 6:30 p.m.

MOTION TO SUSPEND THE RULES OF PROCEDURE

364. Moved by Councillor Martin
Seconded by Councillor Bentley

That the rules of procedure in the Procedural By-law be suspended in order to permit the participation of representatives of the Niagara Police Services Board and the attendance of senior Niagara Regional Police Services representatives and the consultants jointly engaged by Niagara Region and the Niagara Police Services Board for the portion of the closed session of the Regional Council involving the presentations and the question period with respect to matters of the proposed acquisition of land and in respect of which a Board may hold a closed meeting under another Act namely the Police Services Act (Site Selection, New Regional Police Central Headquarters and Operations Centre).

Carried.

365. Moved by Councillor Baty
Seconded by Councillor Timms

That this Council move into Closed Session following the Chair's Reports, Announcements and Remarks.

Carried.

Council met in regular session, commencing at 7:00 p.m. with an Invocation by Councillor Cordiner followed by the singing of 'O Canada'.

ADOPTION OF THE AGENDA

366. Moved by Councillor Trombetta
Seconded by Councillor Lepp

That the Council Agenda CL 11-2010, be approved and adopted ***as amended by moving the consideration of Bill 118 following the consideration of the Correspondence items.***

Carried.

CONFLICTS OF INTEREST

367. Councillor Forster declared a pecuniary interest with respect to matters respecting Report COM 39-2010, the Implementation of the *Long-Term Care Homes Act*; Report PHD 49-2010 respecting 90 Day Update: Offload Nurse Funding Initiatives and the Niagara Health System Review contained in the September 8, 2010 Committee of the Whole minutes, as she is a staff member of ONA and she therefore took no part in the discussion of, or voting on, these matters.

Councillor Martin declared a pecuniary interest with respect to any matters respecting Labour Relations, as his spouse is a member of CUPE and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Timms declared a pecuniary interest with respect to matters related to Regional Development Charges as his family owns a business that may be subject to development charges, and he therefore took no part in the discussion of or voting on these matters.

PRESENTATIONS

368. T. Roy Adams Humanitarian of the Year Award 2010

Regional Chair Partington advised Regional Council that this is the eighth year for the T. Roy Adams Humanitarian of the Year Award. Roy Adams was a colleague and a dear friend. Regional Council presents this memorial award in his name to honour a resident of Niagara who best exemplifies Roy's values and dedication to community service; a person who sees volunteerism as an integral part of their life.

Councillor Rigby noted that it was a great pleasure to Chair the 2010 T. Roy Adams Humanitarian of the Year Award Committee. This year's Adjudication Committee: Councillors Casselman and Marshall and Regional staff members Dan Pilon, Bob Steele, Elaine Aldridge and Kirk Weaver carefully reviewed the nominations for each of the outstanding candidates before deciding on this year's Humanitarian of the Year.

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Councillor McMullan was asked to come forward and assist Councillor Rigby with the presentation to Dr. Ken Taylor and his wife Denise Taylor this year's recipients of the T. Roy Adams Humanitarian of the Year Award.

Ken and Denise have dedicated countless hours of their time and expertise to many organizations in the Niagara Region. They have contributed to enriching the lives of others not only in their own community but also abroad.

- Ken has volunteered for more than 30 years as Ringside Doctor for the St. Catharines and the Port Dalhousie Boxing Clubs.
- He is an active member of the St. Catharines Rotary and together Ken and Denise volunteer for the annual Rotary Television Auction and the Rotary Ribfest.
- Through the Student Exchange Program, the Taylors have welcomed many foreign students into their lives.
- Denise donates her time to the community undertaking various charity events and has volunteered for many years preparing and serving breakfasts put on by their church.
- The Taylors started "Not Just Tourists" about 15 years ago after taking part in a cycling vacation in Cuba where they delivered medications and supplies to clinics in remote villages. They dedicate many hours a week to this Not-For-Profit organization, and with the help of 40 volunteer doctors, nurses, pharmacists and many others, collect, sort and pack donated medical supplies into suitcases and assist hundreds of tourists annually to deliver this humanitarian aid to medical professionals in developing nations.
- Ken and Denise received the YMCA's Peacemaker Award in 2002, they were appointed the Order of Niagara in 2009, and received a Citation on behalf of the Government of Canada in 2010 for bettering the lives of those who face conditions of poverty.

Councillor Rigby noted that after having had the privilege of knowing and working with Roy Adams, we can think of no greater tribute to Ken and Denise than to extend this very prestigious award on behalf of the people of Niagara.

CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS

369. The Regional Chair offered a brief word on the recent passing of former Niagara Regional Councillor Bill Andres. Bill represented Niagara-on-the-Lake from 1970-1974 on the first Niagara Regional Council. It is through hard work and perseverance that he served 50 years on behalf of his constituents at all levels of government and benefitted all in Niagara. Whether it be Township, County, Regional and Federal, Bill will be fondly remembered for enriching the community and the lives of Niagara's residents with his many accomplishments.

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The Regional Chair was pleased that Regional Council and Niagara was able to recognize Bill and his five other Regional Colleagues earlier this year, for their contributions and to help Niagara Region celebrate our 40th year as a Region.

On behalf of Niagara Regional Council the Regional Chair extended heartfelt sympathy and prayers to the Andres family.

The Regional Chair noted that Regional Council has had a very busy and successful year in fulfilling the objectives of their Business Plan, and our 2010 Tier One priorities.

The Regional Chair referred to the Chair's Report CHR 1-2010 respecting the Proposed Initiation of Funding for Construction, Public Beach Access Lakeshore Road in the Township of Wainfleet,, a report that not only further demonstrates Regional Council's commitment to one of the key priorities – our Waterfront Enhancement Strategy, it is also a project that has been a personal priority of the Regional Chair's over these past few months.

The acquisition of beachfront property in Wainfleet earlier this year, was a significant first step in the implementation of Niagara's Waterfront Enhancement Strategy, and Regional Council has taken prudent measures in consultation with local residents and the Township of Wainfleet, to ensure that this project is done right.

The Regional Chair encouraged Regional Council to adopt this report, allowing this particular enhancement project in Wainfleet to move forward and fulfill the commitment Regional Council made to our constituents in developing a Waterfront Enhancement Strategy: to maximize public access, to increase public ownership of waterfront lands, to preserve and protect our environment and heritage areas, and to establish uses of waterfront lands that will benefit as many people as possible.

The Regional Chair noted that the current term of Regional Council have only two meetings left, and tonight is the penultimate meeting before the municipal elections that will take place next month. Nominations for office have closed, and we now know that the composition of Niagara's Regional Council will be a different one after October 25th.

Some have announced their departure from Regional politics; others will be pursuing alternative elected positions within our two-tiered system – whether it is a mayor who is running for Regional Councillor, or vice versa.

This Council has achieved great things for residents across Niagara over the past four years, and there is no doubt in my mind, the next Council will continue to achieve great things for the people of Niagara, over the next four years.

September 23, 2010 & September 24, 2010

To all members of Council seeking re-election on October 25th, the Regional Chair extended the best of luck in their campaigning efforts.

On behalf of Regional Council, the Regional Chair thanked CosMic Plants Inc. of Beamsville for the generous donation of the flowers that adorned Council Chamber. The flowers will be donated to Rapelje Lodge in the City of Welland.

370. Proposed Initiation of Funding for
Construction Public Beach Access
Lakeshore Road, Wainfleet
CHR 1-2010

Moved by Councillor Goulbourne
Seconded by Councillor Salci

That Report CHR 1-2010, dated September 23, 2010, respecting Proposed Initiation of Funding for Construction Public Beach Access Lakeshore Road Wainfleet, be received;

That the Council Strategic Initiatives project ZGG0803 be initiated in the amount of \$210,000.00 funded by capital levy reserves as approved in the 2008 capital budget, for the purposes of funding the development of the Wainfleet Waterfront Public access;

That on initiation of the Council Strategic Initiatives project account, Corporate Services staff be authorized to award a contract for the construction of a parking facility, pathways and associated landscaping to the firm of Norjohn Contracting in an amount of \$167,046.83, plus H.S.T. to be charged to the Council Strategic Initiative Account ZGG0803; and

That the Regional Chair and the Regional Clerk be authorized to execute the necessary documents on behalf of The Regional Municipality of Niagara.

Carried.

September 23, 2010 & September 24, 2010

The following individuals were in attendance during the Closed Session portion of the Regional Council meeting:

ATTENDANCE

- Council:** Regional Chair Partington; Councillors Augustyn; Badawey; Baty; Bentley; Burroughs; Bylsma; Casselman; Cordiner; D'Angela; Forster; Gabriel; Garcia; Goulbourne, Greenwood, Henderson; Hodgson; Katzman; Lepp, Marshall; Martin; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms; Trombetta; Zimmerman.
- Staff:** Messrs. Trojan, Chief Administrative Officer; Robson, Commissioner, Integrated Community Planning; Bergsma, Commissioner, Corporate Services; Hutchings, Commissioner, Community Services; Kyne, Director, Legal Services; Bain, Regional Clerk; Dr. Jaeger, Associate Medical Officer of Health; Ms. Matthews-Malone, Acting Commissioner, Public Works; Ms. Pilon, Deputy Regional Clerk.
- Staff (Other):** Messrs. Roberts, Executive Officer to the Regional Chair; Weir, Director, Administration; Dirks, Treasurer/Director, Financial Management & Planning; Hughes, Director, Properties Management; Strategic Business Management; Pilon, Associate Director, Service Quality & Improvement; Ms. Learn, Director ESC.
- Police:** Chief Southall, N.R.P.S.; Deputy Chief Matthews, N.R.P.S.; Mr. Fuentes, CAO, N.R.P.S.; Supt. Symonds, N.R.P.S.; Sgt. Tschang, N.R.P.S.
- Others:** Mr. Dean Roberts, McClaren, Wilson & Lawrie, Inc.; Ms. Littlewood, Pepper, Rebanks, Pepper, Littlewood Architects.

CLOSED SESSION

371. Moved by Councillor Bentley
Seconded by Councillor Cordiner

That this Council do now move into Closed Session for the purposes of receiving information of a confidential nature relating to A Proposed Acquisition of Land by the Municipality, 5853 Peer Street, Niagara Falls and Initiation of Capital Project ZGD0906 NF-SAEO Office; A Matter of Labour Relations, Employee Negotiations and Identifiable Individuals: Position of Commissioner of Corporate Services and Matters of the Proposed Acquisition of Land and in respect of which a Board may hold a Closed Meeting under another Act, namely the Police Services Act (Site Selection New Regional Police Central Headquarters and Operations Centre)

372. Moved by Councillor Garcia
Seconded by Councillor McMullan

That the aforementioned motion to move into Closed Session be divided into two separate motions, one motion dealing with the reports as contained in the Standing Committee Reports and one motion dealing with the Matters of the Proposed Acquisition of Land and in respect of which a Board may hold a Closed Meeting under another Act, namely the Police Services Act (Site Selection New Regional Police Central Headquarters and Operations Centre).

Carried.

373. Moved by Councillor Garcia
Seconded by Councillor Katzman

That the Matters of the Proposed Acquisition of Land and in respect of which a Board may hold a Closed Meeting under another Act, namely the Police Services Act (Site Selection New Regional Police Central Headquarters and Operations Centre), be referred to the next Corporate Services Committee meeting.

Defeated.

Upon the vote being taken on the aforementioned motion to move into Closed Session respecting the reports as contained in the Standing Committee Reports the Regional Chair declared the motion, carried.

Upon the vote being taken on the aforementioned motion to move into Closed Session respecting the Matters of the Proposed Acquisition of Land and in respect of which a Board may hold a Closed Meeting under another Act, namely the Police Services Act (Site Selection New Regional Police Central Headquarters and Operations Centre), the Regional Chair declared the motion, carried.

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374. Matters of the Proposed Acquisition of Land and in respect of which a Board may hold a Closed Meeting under another Act, namely the Police Services Act (Site Selection New Regional Police Central Headquarters and Operations Centre)

CSD 97-2010/PSB 207/2010 Confidential

Moved by Councillor Bentley

Seconded by Councillor Puttick

That Confidential Report CSD 97-2010/PSB 207/2010, September 14, 2010, respecting Matters of the Proposed Acquisition of Land and in respect of which a Board may hold a Closed Meeting under another Act, namely the Police Services Act (Site Selection New Regional Police Central Headquarters and Operations Centre), be received and the recommendations contained therein **as amended** be approved.

Carried.

375. Moved by Councillor Smeaton
Seconded by Councillor Marshall

That Communication C7589, a confidential memorandum from Chief Southall, Niagara Regional Police Service (September 23, 2010) respecting Matters of the Proposed Acquisition of Land and in respect of which a Board may hold a Closed Meeting under another Act, namely the Police Services Act (Site Selection New Regional Police Central Headquarters and Operations Centre), be received.

Carried.

CLOSED SESSION, RISE AND REPORT

376. Moved by Councillor Katzman
Seconded by Councillor Goulbourne

That this Committee do now rise with report.

Carried.

September 23, 2010 & September 24, 2010

The following individuals were in attendance during this portion of the Regional Council meeting:

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn; Badawey; Baty; Bentley; Burroughs; Bylsma; Casselman; Cordiner; D'Angela; Forster; Gabriel; Garcia; Goulbourne, Greenwood, Henderson; Hodgson; Katzman; Lepp, Marshall; Martin; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Robson, Commissioner, Integrated Community Planning; Bergsma, Commissioner, Corporate Services; Hutchings, Commissioner, Community Services; Kyne, Director, Legal Services; Bain, Regional Clerk; Dr. Jaeger, Associate Medical Officer of Health; Ms. Matthews-Malone, Acting Commissioner, Public Works; Ms. Pilon, Deputy Regional Clerk.

Staff (Other): Messrs. Roberts, Executive Officer to the Regional Chair; Weir, Director, Administration; Dirks, Treasurer/Director, Financial Management & Planning; Hughes, Director, Properties Management; Strategic Business Management; Pilon, Associate Director, Service Quality & Improvement; Ms. Learn, Director ESC.

CURFEW EXTENSION

377. Moved by Councillor Baty
Seconded by Councillor Goulbourne

That Regional Council extend this meeting's curfew, in order to complete the Council's business listed on the Order of Business.

Carried.

Councillor Augustyn assumed the Chair in the Regional Chair's absence.

378. Addition to the Council Agenda

Moved by Councillor Baty
Seconded by Councillor McMullan

That the matter of Niagara Regional Police Service Accommodations be added to the Council Agenda.

Carried.

The Regional Chair assumed the Chair for the remainder of the meeting.

379. Niagara Regional Police Service Accommodations

Following a discussion on the Niagara Regional Police Service Accommodations, it was:

Moved by Councillor McMullan
Seconded by Councillor Timms

That Regional Council waive the notice requirement to permit the introduction of a motion respecting the Niagara Regional Police Service Accommodations \$83,076,100 cap.

Carried.

Moved by Councillor McMullan
Seconded by Councillor Forster

That the \$83,076,100 cap established for all elements, components and phases of the Police Master Plan as outlined in the attached Minutes of Settlement dated September 18, 2009 between the Regional Municipality of Niagara and the Niagara Police Services Board be reaffirmed.

Carried.

APPROVAL OF MINUTES

380. CL 10-2010

Moved by Councillor Lepp
Seconded by Councillor Greenwood

That Report CL 10-2010, being the minutes of the Proceedings of Council of Thursday, August 5, 2010, be approved and adopted as presented.

Carried.

CORRESPONDENCE

381. Moved by Councillor Gabriel
Seconded by Councillor Zimmerman

That Communications C7565 to C7572; C7574; C7575; C7577 to C7581 and C7583 to C7588, be received and dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7565 Card of thanks from Melodie Zarlenga the recipient of the Regional Chair's Bursary for Niagara College, noting how much the bursary funds will help her purchase a lap top and books.

Received.

C7566 Card of thanks from Toni Nagy, an employee of the Community Services Department for the kind donation to the St. Patrick's Catholic Elementary School Breakfast Program in memory of her mother Angelina Cardamone.

Received.

C7567 A letter from Carolyn Kett, Town Clerk, Town of Fort Erie (August 18, 2010) advising Niagara Region of the Town of Fort Erie Council's support of Continental 1.

Received.

C7568 A letter from Minister Rick Bartolucci, Ministry of Community Safety and Correctional Services (July 6, 2010) responding to Councillor Martin, Acting Chair of the Regional Municipality of Niagara Police Services Board's letter of May 31, 2010 respecting their support for the White Paper on Special Constables released by the Ontario Association of Chiefs of Police in February 2010 and the attached "Big 12" Joint Resolution on Special Constables and Accountability.

Received.

C7569 A letter from Dan Carnegie, Director of Corporate Support Services/Clerk, City of St. Catharines (August 10, 2010) respecting a resolution from the City of St. Catharines' Council requesting that the Niagara Region receive and acknowledge the consultant's report, entitled *Within Our Means – Cost-Effective Alternatives for Niagara Regional Police Services* respecting the Niagara Regional Police Headquarters.

Received.

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C7570 Card of thanks from Alphonse Wolf, an employee of the Public Health Department for the kind donation to Woolcott Wing of the Welland General Hospital in memory of his father-in-law John Bartok.

Received.

C7571 A letter from Deb Morton, Executive Director, Regional Municipality of Niagara Police Services Board (August 27, 2010) respecting the Niagara Regional Police Service 2010 – 2012 Business Plan (*copies of the Niagara Regional Police Service 2010-2012 Business Plan have been distributed to members of Regional Council in their Blue Book packages*)

Received.

C7572 A letter from Dan Carnegie, Director of Corporate Support Services/Clerk, City of St. Catharines (August 30, 2010) advising Regional Council of a resolution from the City of St. Catharines' Council approving in principle, the returning of certain lands currently under control of the Niagara Escarpment Commission to regulation by the City's Zoning By-laws.

Received.

C7574 A letter from Minister Peter Fonseca, Ministry of Labour (August 31, 2010) thanking Regional Chair Partington for sharing Niagara Region's views on improving the efficiency and responsiveness of the interest arbitration process.

Received.

C7575 A memorandum from Kevin Bain, Regional Clerk (September 17, 2010) respecting the Eligibility for the Office of Regional Chair and Voting Procedure during the Inaugural and the first meeting of Regional Council.

Received.

C7577 A letter from Ashley Grigg, City Clerk, City of Port Colborne (September 15, 2010) respecting Wind Power Generation Equipment Manufacturing in Port Colborne, requesting Regional Council's support for commitments for servicing extensions to the east-side of the Welland Canal including the completion of an environmental assessment within 12-months.

Received and referred to the Integrated Community Planning and Corporate Services Departments

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- C7578 An email from Andy Petrowski (September 17, 2010) respecting the Water and Wastewater Rates Setting and Billing Review for 2010.
- Received and referred to the consideration of the Report PWA 78-2010/CSD 87-2010 contained in the Public Works Committee and Corporate Services Committee minutes.*
- C7579 Comments from the Niagara Health Coalition and Ontario Health Coalition respecting the Niagara Health System's presentation at the September 8, 2010 Committee of the Whole meeting.
- Received and referred to the consideration of the September 8, 2010 Committee of the Whole minutes.*
- C7580 Card of thanks from John and Heather Becchetti, employees of the Public Works Department for the kind donation to the Heart & Stroke Fund in memory of his father Francesco Becchetti.
- Received.*
- C7581 A letter from Barbara Henderson, Mayor, Township of Wainfleet (September 20, 2010) respecting Lakefront Naturalization Park.
- Received and referred to the consideration of CHR 1-2010 respecting Proposed Initiation of Funding for Construction, Public Beach Access Lakeshore Road Wainfleet*
- C7583 Card of thanks from Frank Tassone, an employee of the Public Works Department for the kind donation to the Canadian Cancer Society in memory of his mother Jean Ann Tassone.
- Received.*
- C7584 A letter from Debbie Sevenpifer, President & Chief Executive Officer, Niagara Health System (NHS) (September 17, 2010) to Councillors Martin and Badawey, reiterating the commitment of the NHS to maintain services defined in the signed Memorandum of Understanding.
- Received and referred to the consideration of the September 8, 2010 Committee of the Whole minutes.*
- C7585 A memorandum from Mary Lou Tanner, Manager, Policy Development, Integrated Community Planning (September 23, 2010) respecting Development Charges Act Complaint – Joedy Burdett.
- Received.*

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C7586 A letter from Debbie Sevenpifer, President & Chief Executive Officer, Niagara Health System (September 23, 2010) providing Regional Council with background information and to clarify statements being made to Regional Councillors referencing a Hamilton Niagara Haldimand Brant (HNHB) Local Health Integration Network (LHIN) funding decision that was made this past June.

Received and referred to the consideration of the September 8, 2010 Committee of the Whole minutes.

C7587 A memorandum from Gord Lockyer, Associate Director, Financial Research & Strategy (September 23, 2010) respecting Key Facts – Water & Wastewater Rate Setting and Billing Review 2010 (PWA 78 /CSD 87)

Received and referred to the consideration of the Report PWA 78-2010/CSD 87-2010 contained in the Public Works Committee and Corporate Services Committee minutes.

C7588 A memorandum from the Water & Wastewater Rate Setting – Response to Councillor Information Requests at Public Works Committee.

Received and referred to the consideration of the Report PWA 78-2010/CSD 87-2010 contained in the Public Works Committee and Corporate Services Committee minutes.

Carried.

382. Moved by Councillor Garcia
Seconded by Councillor Augustyn

That Communication C7576, A memorandum from Kevin Bain, Regional Clerk (September 17, 2010) respecting the 2011 Meeting Schedule, be received; and

That the 2011 Meeting Schedule be approved subject to approval by the new Regional Council at the meeting to be held on December 16, 2010.

Moved by Councillor Cordiner
Seconded by Councillor Baty

That the 2011 Meeting Schedule be referred to the Regional Clerk for inclusion of meetings in August.

Carried.

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383. Moved by Councillor McMullan
Seconded by Councillor Marshall

That Communication C7582, A letter from Dan Carnegie, Director of Corporate Support Services, City of St. Catharines (September 21, 2010) requesting that Regional Council delay their decision regarding the Police Headquarters until after the 2010 Municipal Election, be received.

Carried.

BY-LAWS

384. Moved by Councillor Lepp
Seconded by Councillor Casselman

That the following Bill be now read and do pass:

Bill 118

A By-Law to Authorize the Submission of an Application to the Ontario Infrastructure Projects Corporation ("OIPC") for Financing Certain Capital Works of the Corporation of the City of Niagara Falls; and to Authorize Long Term Borrowing for Such Works Through the Issue of Debentures to OIPC.

Carried.

AGENCIES, BOARDS AND COMMISSIONS

385. Niagara Regional Housing Quarterly Report
April 1 – June 30, 2010
NRH 8-2010

Moved by Councillor Forster
Seconded by Councillor Gabriel

That Report NRH 8-2010, September 23, 2010, respecting Niagara Regional Housing Quarterly Report, April 1 – June 30, 2010, be received for information.

Carried.

COMMITTEE REPORTS

INTEGRATED COMMUNITY PLANNING COMMITTEE

386. Report 11-2010

Moved by Councillor Gabriel
Seconded by Councillor Smeaton

That Report 11-2010, being the minutes of the Integrated Community Planning Committee meeting of Wednesday, September 15, 2010, be received and the recommendations contained therein be approved.

Moved by Councillor Zimmerman
Seconded by Councillor Marshall

That the Niagara Sports Commission – Pan-Am Games, be lifted and dealt with separately at this time.

Carried.

387. Niagara Sports Commission – Pan-Am Games

Moved by Councillor Zimmerman
Seconded by Councillor Marshall

That Mr. Scott McRoberts Presentation respecting the Niagara Sports Commission – Pan-Am Games, be received;

That Regional Council request that the Niagara Economic Development Corporation (NEDC) advance \$10,000.00 to the Niagara Sports Commission, from the existing line item in the NEDC budget, for the purposes of marketing and strategy planning for the Pan/Para Pan American Games; and

That Regional Council ***refer the consideration of an additional \$75,000 to 100,000 line item in the Region's 2011 Operating Budget to the consideration of the 2011 Budget***, for the Niagara Sports Commission in support of the Pan/Para Pan American Games.

Carried.

Upon the vote being taken on the original motion respecting Report 11-2010 being the minutes of the Integrated Community Planning Committee meeting of Wednesday, September 15, 2010, the Regional Chair declared the motion ***as amended***, carried.

(Refer to Councillor Information Requests)

PUBLIC WORKS COMMITTEE

388. Report 11-2010

Moved by Councillor Rigby
Seconded by Councillor Marshall

That Report 11-2010, being the minutes of the Public Works Committee meeting of Tuesday, September 14, 2010, be received and the recommendations contained therein be approved **as amended** by replacing the word “approved” in the following section of the motion for Report PWA 79-2010/CSD 90-2010, respecting Inter-Municipal Transit Pilot Project – Terms of Reference for Grant and Project Initiation and Transfer of Funds to “**initiated**”:

That Capital Levy financing in the amount of \$3,100,000 gross and net be **initiated** from the 2010 Capital Program for Project ZGG1003 Inter-Municipal Transit.

389. Moved by Councillor Rigby
Seconded by Councillor Badawey

That Report PWA 86-2010, respecting Parking Prohibition, Regional Road 3 (Main Street East) in the City of Port Colborne, be lifted and dealt with separately at this time.

Carried.

390. Parking Prohibition
Regional Road 3 (Main Street East)
City of Port Colborne
PWA 86-2010

Councillor Saracino read a letter from a concerned business owner in the area; it was therefore:

Moved by Councillor Rigby
Seconded by Councillor Badawey

That Report PWA 86-2010, September 14, 2010 respecting Parking Prohibition, Regional Road 3 (Main Street East) in the City of Port Colborne, be referred back to the Public Works Committee.

Carried.

391. Moved by Councillor Badawey
Seconded by Councillor Gabriel

That Report PWA 78-2010/CSD 87-2010, September 14, 2010 respecting the Water & Wastewater Rate Setting and Billing Review 2010, be lifted and dealt with separately at this time.

Carried.

392. Water & Wastewater Rate Setting and Billing Review 2010
PWA 78-2010/CSD 87-2010

Following a lengthy discussion, it was:

Moved by Councillor Rigby
Seconded by Councillor Burroughs

That Report PWA 78-2010 (CSD 87-2010), September 14, 2010, respecting Water & Wastewater Rate Setting and Billing Review 2010, be received **as amended**;

That the following guiding principles be endorsed and form the basis for the establishment of the Region's 2011 to 2014 Water and Wastewater requisitions and rates;

Water Rate Setting

- a. ***The Region will use a water cost recovery mechanism based on 25% fixed requisition and 75% variable rate for 2011, phasing in the 50% fixed requisition and 50% variable rate over 3 years as follows:***
 - ***34% fixed requisition and 66% variable rate for 2012***
 - ***42% fixed requisition and 58% variable rate for 2013***
 - ***50% fixed requisition and 50% variable rate for 2014***
- b. ***The fixed requisition will be based on Recommendation Water Rate Setting a) and will be billed in 12 equal payments to the Area Municipalities apportioned based on their previous 3 year's average water supply volumes.***
- c. ***The Region's variable water rate be calculated by applying the variable apportionments of Recommendation Water Rate Setting a) to the Region's water budget and dividing by the estimated supply volume as calculated in "e". The variable amount will be billed monthly based on the previous month's metered flows to each Local Municipality.***

Wastewater Rate Setting

- d. The Region will continue with 100% of the wastewater budget being a fixed requisition to the Area Municipalities. This will be billed in 12 equal payments to the Municipalities, apportioned based on their average wastewater flows to the Region over the previous three years.

Rate Stabilization Reserves

- e. That the Region establish sewer and water Rate Stabilization Reserves, that ultimately target 5 to 10% of the annual revenue as the ideal Reserve balance. The Reserves will be funded by an annual allocation in the budgets and any surpluses in one year will be set aside for future year revenue shortages.

Forecasting and Timing

- f. That the Region work with each of the Local Municipalities to forecast, as accurately as possible, the future years water demand from the Region, starting with the year 2011.
- g. That the Region work with each of the Local Municipalities to forecast future year's water demand projections in order that the Region can attempt to bring some sustainability to the water rates by projecting the water rate for the next four years.
- h. The Region will endeavour to set the following year's water and sewer rates before the end of the current year recognizing that in an election year this may not occur until January of the following year.

Communication

- i. Should both the Region and the Local Municipalities agree to action their respective recommendations so that the whole package can be communicated and implemented, The Region and Area Municipalities agree to meet to create a joint communications plan, and to agree on a timetable for implementation, that will be used by all the parties.

Local Municipalities

- j. That each of the participating municipalities be requested to consider the draft recommendations contained with Appendix A of this report for implementation and that their decisions be shared with the Region in order to determine possible next steps.
- k. That Regional staff be directed to report back on the status of the local municipal decisions.

September 23, 2010 & September 24, 2010

Moved by Councillor D'Angela
Seconded by Councillor Forster

That Report PWA 78-2010/CSD 87-2010, September 14, 2010 respecting the Water & Wastewater Rate Setting and Billing Review 2010, be referred back to the Public Works Committee.

Carried.

Upon the vote being taken on the original motion respecting Report 11-2010 being the minutes of the Public Works Committee meeting of Tuesday, September 14, 2010, the Regional Chair declared the original motion **as amended**, carried

CORPORATE SERVICES COMMITTEE

393. Report 11-2010

Moved by Councillor Augustyn
Seconded by Councillor Garcia

That Report 11-2010, being the minutes of the Corporate Services Committee meeting of Wednesday, September 15, 2010, be received and the recommendations contained therein be approved **as amended**.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

394. Report 11-2010

Moved by Councillor Casselman
Seconded by Councillor Lepp

That Report 11-2010, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, September 14, 2010, be received and the recommendations contained therein be approved.

Moved by Councillor Badawey
Seconded by Councillor D'Angela

That Report PHD 49-2010, September 14, 2010, respecting 90 Day Update: Offload Nurse Funding Initiative, be lifted and dealt with separately at this time.

Carried.

Upon the vote being taken on the original motion respecting Report 11-2010 being the minutes of the Public Health and Social Services Committee meeting of Tuesday, September 14, 2010, the Regional Chair declared the original motion, carried

40TH ANNIVERSARY COMMITTEE

395. Report 11-2010

Moved by Councillor Greenwood
Seconded by Councillor Bylsma

That Report 11-2010, being the minutes of the 40th Anniversary Committee meeting of Wednesday, July 14, 2010, be received and the recommendations contained therein be approved.

Carried.

396. Report 12-2010

Moved by Councillor Timms
Seconded by Councillor Katzman

That Report 12-2010, being the minutes of the 40th Anniversary Committee meetings of Tuesday, August 10, 2010, be received and the recommendations contained therein be approved.

Carried.

COMMITTEE OF THE WHOLE

397. Moved by Councillor Burroughs
Seconded by Councillor D'Angela

That Report COTW 11-2010, being the minutes of the Committee of the Whole meeting of Wednesday, September 8, 2010, be received and the recommendations contained therein be approved.

398. Moved by Councillor Saracino
Seconded by Councillor Badawey

That Minute Item 80, respecting the Niagara Health System, be lifted and dealt with separately at this time.

Carried.

399. Niagara Health System

Following a lengthy discussion, a recorded vote was requested on the motion carried listed under Minute Item 80 in Report COTW 11-2010, being the minutes of the Committee of the Whole meeting of Wednesday, September 8, 2010, the Council was divided on the motion as follows:

Voting for the Motion:

| | | |
|-----------------------|----------------------|------|
| Councillor Augustyn | Councillor Henderson | |
| Councillor Baty | Councillor Katzman | |
| Councillor Burroughs | Councillor Lepp | |
| Councillor Bylsma | Councillor McMullan | |
| Councillor Casselman | Councillor Rigby | |
| Councillor Gabriel | Councillor Salci | |
| Councillor Garcia | Councillor Timms | |
| Councillor Goulbourne | Councillor Zimmerman | (16) |

Voting Against the Motion:

| | | |
|----------------------|---------------------|------|
| Councillor Badawey | Councillor Marshall | |
| Councillor Bentley | Councillor Martin | |
| Councillor Cordiner | Councillor Puttick | |
| Councillor D'Angela | Councillor Saracino | |
| Councillor Greenwood | Councillor Smeaton | (11) |
| Councillor Hodgson | | |

Upon the recorded vote being taken, the Regional Chair declared the motion carried.

Upon the vote being taken on the original motion respecting Report COTW 11-2010, being the minutes of the Committee of the Whole meeting of Wednesday, September 8, 2010, the Regional Chair declared the original motion, carried

BUDGET REVIEW COMMITTEE OF THE WHOLE

400. Moved by Councillor Salci
Seconded by Councillor Goulbourne

That Report 3-2011 Budget being the minutes of the Budget Review Committee of the Whole meeting of Thursday, September 16, 2010, be received and the recommendations contained therein be approved.

Carried.

NOTICES OF MOTION401. Region-Wide Performance Measurements by Niagara Health System

Councillor Badawey advised Regional Council that he would be bringing forward a motion at the October 14, 2010 Regional Council meeting with respect to region-wide performance measurements by NHS.

402. Bidding Process for Public Works Projects

Councillor Katzman advised Regional Council that she would be bringing forward a motion to improve the effectiveness and transparency of the bidding process for Public Works projects, at the October 14, 2010 Regional Council meeting.

OTHER BUSINESS403. New Commissioner of Corporate Services

Regional Council congratulated Brian Hutchings on his appointment as Commissioner of Corporate Services and thanked John Bergsma for his contribution to the Niagara Region.

BY-LAWS (Continued)404. Moved by Councillor Bylsma
Seconded by Councillor Goulbourne

That the following Bills be now read and do pass:

Bill 100

A By-Law to Repeal By-Law 114-2002 Being a By-Law Appointing an Associate Medical Officer of Health.

Bill 101

A By-Law to Accept, Assume and Dedicate Part of Lot 3, Broken Front Concession Welland River, in the City of Niagara Falls As Part of Regional Road 102 (Stanley Avenue)

Bill 102

A By-Law to Accept, Assume and Dedicate Part of Township Lot 170, in the City of Niagara Falls As Part of Regional Road No. 98 (Montrose Road)

Bill 103

A By-Law to Accept, Assume and Dedicate Part of Lot 3, Broken Front Concession and Part of the Road Allowance Between Lots 2 and 3 Broken Front Concession Welland River, in the City of Niagara Falls As Part of Regional Road No. 47 (Lyons Creek Road)

Bill 104

A By-Law to Accept, Assume and Dedicate Part of Lot 1, Concession 11, in the City of Welland As Part of Regional Road No. 36 (South Pelham Road)

Bill 105

A By-Law to Accept, Assume and Dedicate Part of Lot 16 and 17, Concession 1, in the City of St. Catharines As Part of Regional Road No. 87 (Lakeshore Road)

Bill 106

A By-Law to Accept, Assume and Dedicate Part of Lot 1, Plan 56 and Part of Lot 42, Plan 59M-138 in the City of Niagara Falls As Part of Regional Road No. 57 (Thorold Stone Road)

Bill 107

A By-Law to Accept, Assume and Dedicate Part of Township Lots 28 and 29, in the City of Niagara Falls as Part of Regional Road No. 101 (Mountain Road)

Bill 108

A By-Law to Change the Names of Certain Road in the Township of Wainfleet

Bill 109

A By-Law to Authorize the Execution of an Inter-Municipal Transit Pilot Project Agreement Between The Regional Municipality of Niagara and the Three Service Providers (St. Catharines Transit Commission; the City of Niagara Falls and the City of Welland)

Bill 110

A By-Law for the Regulation of Small, on Lot Sewage Systems in The Regional Municipality of Niagara and to Repeal By-Law No. 125-2008

Bill 111

A By-Law to Appoint Sewage System Inspectors for the Regional Municipality of Niagara Pursuant to the Building Code Act and to Repeal By-Laws No. 124-2008 and By-Law No. 09-2010

Bill 112

A By-Law to Provide for the Regulation of Traffic on Regional Highways in the City of St. Catharines

Bill 113

A By-Law to Provide for the Regulation of Traffic on Regional Highways in the City of Welland

Bill 114

A By-Law to Provide for the Regulation of Traffic on Regional Highways in the City of St. Catharines

Bill 116

A By-Law to Provide for the Regulation of Traffic on Regional Highways in the City of Thorold

Bill 117

A By-Law to Provide for the Regulation of Traffic on Regional Highways in the Town of Grimsby

Bill 119

A By-Law to Accept, Assume and Dedicate Part of the Road Allowance Between Lots 8 and 9, Concession 9, in the City of St. Catharines as Part of Regional Road No. 89 (Glendale Avenue)

Bill 120

A By- Law To Govern The Calling, Place And Proceedings Of The Meetings Of Council And Its Committees And To Repeal By-Law 96-2007 As Amended By By-Law 109-2009

405. Moved by Councillor Puttick
Seconded by Councillor Bylsma
- Carried.

That the following Bills be now read and do pass:

Bill 122

A By-Law to Authorize Long-Term Financing (1-30 Years) in the Amount of \$940,000 for Project ZGD0906, NF – SAEO OFFICE.

Carried.

CONFIRMING BY-LAW

406. Moved by Councillor Bentley
Seconded by Councillor Garcia

That the following Bill be now read and do pass:

Bill 121

A By-law to Adopt, Ratify and Confirm the Actions of Regional Council at its Meeting held on the 23rd of September, 2010.

Carried.

COUNCILLOR INFORMATION REQUESTS

Staff were requested:

- To prepare a report detailing what happened during the Planning Review process; what duplications have been completely eliminated; what tasks are in progress and what duplications are still in place. (Minute Item 386 - ICP 64-2010 - Creating Healthy, Sustainable Bicycle Friendly Communities Proposed Model Local Municipal Bicycle Transportation Policies) Councillor Baty

ADJOURNMENT

The Council meeting adjourned at 1:49 a.m., September 24, 2010.

Peter Partington
Regional Chair

Janet Pilon
Deputy Regional Clerk

Kevin Bain
Regional Clerk