THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 9-2011

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, July 7, 2011 commencing at 6:30 p.m.

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

ATTENDANCE

Council: Regional Chair Burroughs; Councillors Augustyn; Badawey; Barrick; Baty; Bentley; Bylsma; Caslin; D’Angela; Eke; Forster; Greenwood; Heit; Hodgson; Jeffs; Joyner; Katzman; Lepp; Luciani; Marshall; Martin; Maves; Petrowski; Teal; Timms.

Staff: Messrs. Trojan, Chief Administrative Officer; Bain, Regional Clerk; Ms. Pilon, Deputy Regional Clerk.

CALL TO ORDER

252. Regional Chair Burroughs called the meeting to order at 6:30 p.m.

CLOSED SESSION

253. Moved by Councillor Greenwood
Seconded by Councillor Caslin

That this Council do now move into Closed Session for the purposes of receiving information of a confidential nature respecting Matters of Litigation Affecting the Municipality and Solicitor-Client Privilege (Official Plan Amendment 37 – Queenston Secondary Plan); A Matter in Respect of Which a Council, Board, Committee or Other Body May Hold a Closed Meeting under another Act – Niagara Regional Police Services, Training Centre Classroom Addition, Niagara College Welland Campus; A Matter in Respect of Which a Council, Board, Committee or Other Body May Hold a Closed Meeting under another Act regarding Niagara College Police Training Facility & Classroom Addition; A Matter of Labour Relations, Employee Negotiations and Identifiable Individuals: Position of Commissioner of Community Services and A Matter of Labour Relations, Employee Negotiations and Identifiable Individuals: Position of Medical Officer of Health & Commissioner of Public Health.

Carried.
254. A Matter of Labour Relations, Employee Negotiations and Identifiable Individuals: Position of Commissioner of Community Services

**CAO 8-2011 Confidential**

Moved by Councillor Badawey
Seconded by Councillor Marshall

That Confidential Report CAO 8-2011, July 7, 2011, respecting A Matter of Labour Relations, Employee Negotiations and Identifiable Individuals: Position of Commissioner of Community Services, be received and the recommendations contained therein be approved.

Carried.

255. A Matter of Labour Relations, Employee Negotiations and Identifiable Individuals: Position of Medical Officer of Health & Commissioner of Public Health

**CAO 9-2011 Confidential**

Moved by Councillor Greenwood
Seconded by Councillor Hodgson

That Confidential Report CAO 9-2011, July 7, 2011, respecting A Matter of Labour Relations, Employee Negotiations and Identifiable Individuals: Position of Medical Officer of Health & Commissioner of Public Health, be received and the recommendations contained therein be approved; and

That the Regional Clerk be directed to arrange for the presentation of the necessary by-law for consideration at this evenings Council meeting.

Carried.

**CLOSED SESSION, RISE AND REPORT**

256. Moved by Councillor Eke
Seconded by Councillor Augustyn

That this Committee do now rise with report.

Carried.
The following individuals were in attendance during the Open Session of the Regional Council meeting:

**ATTENDANCE**

**Council:** Regional Chair Burroughs; Councillors Augustyn; Badawey; Barrick; Baty; Bentley; Bylsma; Caslin; D'Angela; Eke; Forster; Greenwood; Heit; Hodgson; Jefts; Joyner; Katzman; Lepp; Luciani; Marshall; Martin; Maves; McMullan; Petrowski; Teal; Timms.

**Staff:** Messrs. Trojan, Chief Administrative Officer; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Corporate Services; Brothers, Commissioner, Public Works; Bain, Regional Clerk; Dr. Jaeger, Acting Medical Officer of Health; Ms. Penisi, Director, Social Assistance Employment; Ms. Pilon, Deputy Regional Clerk.

**Staff (Other):** Messrs. Weir, Director, Administration; Robinson, Executive Officer to the Regional Chair; Cowan, Associate Director, Public Works Finance; Armstrong, Manager, Organizational and Leadership Development; Bertleff, Associate Director, Regional Emergency Planning; Ms. Dawn, Legislative Assistant; Ms. Papaiz, Associate Director Corporate Communications; Ms. Delaney, Manager Total Compensation and Rewards.

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

**ADOPTION OF THE AGENDA**

257. Moved by Councillor D’Angela
Seconded by Councillor Martin

That the Council Agenda CL 9-2011, be approved presented.

Carried.

**CONFLICTS OF INTEREST**

258. Councillor Heit declared a pecuniary interest with respect to any matters that deal with wireless communication as he is employed by a wireless communication company 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.
Regional Chair Burroughs advised Regional Council that this year marks the ninth 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.

Roy served as Mayor for the City of St. Catharines from 1976 to 1985, and as a Regional Councillor from 1988 to 2002. He was not only a dedicated Mayor and Regional Councillor, but also a devoted volunteer to community service. We could always count on Roy to be there. He approached everyone the same, and was a friend to all who knew him.

Councillor Greenwood of the 2011 Adjudication Committee was pleased to have served on this year’s T. Roy Adams Humanitarian of the Year Award Committee. The committee carefully reviewed the nominations for each of the outstanding candidates before deciding on this year’s Humanitarian of the Year.

Councillor Greenwood expressed her gratitude and appreciation to the members of this year’s Committee: Councillor Rigby (Chair), Councillor Marshall (Vice-Chair) and Councillor Joyner, staff members Dan Pilon, Bob Steele, Elaine Aldridge, Kirk Weaver and community member, Rocco Di Matteo.

Councillor McMullan was asked to come forward and assist Councillor Greenwood with the presentation to Ms. Robbie Craine Davidson this year’s recipient of the T. Roy Adams Humanitarian of the Year Award.

Ms. Craine Davidson has contributed to enriching the lives of others by dedicating countless hours of her time and expertise to many organizations in the Niagara Region for 30 years.

- She started volunteering at age 14, putting in over 2000 hours as a candy-striper at the St. Catharines General Hospital.
- By the time she was 20, Niagara Drug Awareness Week Committee and Bethlehem Housing Project were also on her volunteer list.
- In 1990 she began volunteering at the Niagara Regional Detention Centre twice a month to run a self-help program.
- In 2003, she was one of the founding members and first chairperson of the Queenston Street Community Volunteers, working with city and police officials to address problems in the area. This led to her involvement with the Niagara Health System Queenston Community Advisory Committee.
• She is Chair of the St. Catharines Community Policing Committee that won last year’s Mayors Choice Award in the Downtown Chili Cook-off, which donates all proceeds to Community Care.
• As a certified car seat technician, she sets up clinics to insure the seats are properly installed.
• She is the current President of the Optimist Club of St. Catharines which dedicates their funds and time to youth.
• She has received the Peter S. Drucker Award for Community Leadership; the Niagara Regional Detention Centre’s Community Achievement Award and has twice been recognized by the City of St. Catharines for her volunteer service.

Councillor Greenwood noted that there could be no greater tribute to Ms. Craine Davidson than to extend this very prestigious award on behalf of the people of Niagara.

CHAIR’S REPORTS, ANNOUNCEMENTS, REMARKS

260. Regional Chair Burroughs apprised Regional Council of the Kitchener-Waterloo Tour, which was attended by members of the Gateway Economic Zone Committee, as part of the economic development review. Kitchener-Waterloo is very similar to Niagara Region in its composition and history, multiple municipalities, older economy, which has evolved into a one-voice region with cooperative municipalities and coordinated economic development, marketing and technology initiatives. The tour provided the participants with a learning experience that will ultimately assist Niagara Region in moving forward, by listening to a region who is known for “getting it right” and who can enlighten us on what didn’t work as well.

Regional Chair Burroughs referred to the letter of May 31, 2011 from Minister Deb Matthews’, Ministry of Health and Long Term Care, respecting the HNHB LHIN board’s requirement for a two-year post-implementation evaluation to assess the outcomes of the changes and her request for the establishment of a tripartite steering committee to develop the Terms of Reference for the evaluation, which will consist of three members of Regional Council.

Regional Chair Burroughs noted that the purpose of the tripartite steering committee is to develop the Terms of Reference for the evaluation and that Niagara Region should form their own committee to generate and compile the points Niagara Region would like included in the evaluation.

Regional Chair Burroughs noted that in addition to himself on the tripartite steering committee will be Councillors Badawey and Martin.
Regional Chair Burroughs noted that the Economic Development Task Force has initiated its stakeholder engagement process which will wrap up July 13, 2011. The Regional Chair encouraged all of our community economic development partners and businesses to submit comments on the Task Force’s proposal. Following the conclusion of consultation period, Council will consider the final recommendations at their July 21st Council Business Planning Committee of the Whole meeting, with the final report being debated at Council on July 28, 2011.

Regional Chair Burroughs was in attendance at Fort George in the Town of Niagara-on-the-Lake to drop the ribbon for the bicyclists taking part in a biking experience that began at Fort George in the Town of Niagara-on-the-Lake and would end in Quebec City.

Regional Chair Burroughs attended the Premier’s Award for Agri-Food Innovation & Excellence, which recognizes Ontario’s Agricultural Sector for their innovative and valuable contributions.

Regional Chair Burroughs extended congratulations to Niagara Region’s winners included Hughes Vineyards; Moyer and Rowe Family Farms; Orchard Park Growers Limited; Sun-Ray Orchards Inc. and Sweet & Sticky Inc., who have demonstrated why Niagara is so well known for our flourishing agri-tourism and agri-food industries.

Regional Chair Burroughs congratulated Mayor Joyner on another successful Poultry Fest in the Township of West Lincoln.

**APPROVAL OF MINUTES**

261.  CL 8-2011

Moved by Councillor Bylsma  
Seconded by Councillor Lepp

That Report CL 8-2011, being the minutes of the Proceedings of Council of Thursday, June 23, 2010, be approved and adopted as presented.

Carried.
CORRESPONDENCE

262. Moved by Councillor Luciani
Seconded by Councillor Heit

That Communications C7688; C7689 and C7692, be received and dealt with as noted in the Addendum, which reads as follows:

C7688
A letter from Holly Dowd, Town Clerk, Town of Niagara-on-the-Lake (June 17, 2011) requesting support for the Town of Niagara-on-the-Lake’s resolution amending the Green Energy Act and Regulation, be received and supported.

Received and referred to the Corporate Services Department for comment.

C7689
A letter to Ms. Lancaster in response to the Request for Audits of Election Campaign Finances submitted to the City of St. Catharines on June 23, 2011 and received via email on June 27, 2011 respecting the audit of election campaign finances of the following 2010 municipal election candidates Andy Petrowski and Tim Rigby.

Received.

C7692
A flow chart depicting the process steps to be followed with respect to Report CSD 109-2011, Council Business Plan: A Responsive Region – Options for Delivering Enhanced Efficiencies and Operational Improvements.

Received.

Carried.

263. Moved by Councillor Augustyn
Seconded by Councillor Caslin

That Communication C7686, A memorandum from Kevin Bain, Regional Clerk (June 30, 2011) respecting Councillor Marshall’s request to be appointed to the Development Charges Task Force, be received and approved; and

That Councillor Rigby’s request to be appointed to the Development Charges Task Force, be received and approved.

Carried.
264. Moved by Councillor Bentley
    Seconded by Councillor Timms

    That Communication C7687, A letter from Councillor McMullan (June 30, 2011) respecting his notice of resignation as a member of the Water & Wastewater Task Force, be received and approved.

    Carried.

265. Moved by Councillor Timms
    Seconded by Councillor McMullan

    That Communication C7690, A letter from Walter Sendzik, Chief Executive Officer, St. Catharines – Thorold Chamber of Commerce (July 5, 2011) requesting an opportunity to appear as a delegation at the July 7, 2011 Regional Council meeting on the recommendation concerning the Auditor General within Report CSD 109-2011, Council Business Plan: A Responsive Region – Options for Delivering Enhanced Efficiencies and Operational Improvements, be received and approved.

    Carried.

266. Moved by Councillor D’Angela
    Seconded by Councillor Greenwood

    That Communication C7691, A letter from Jacquie Thrower, Confidential Secretary (June 28, 2011) respecting the Township of West Lincoln Council’s appointment of Alderman Luciano Di Leonardo to the Water/Wastewater Review – Niagara Task Force, be received and approved.

    Carried.

DELEGATION (Related to Committee Reports)

    Options for Delivering Enhanced Efficiencies and Operational Improvements
    CSD 109-2011

    Mr. Walter Sendzik, Chief Executive Officer and Mr. Kithio Mwanzia Director of Policy and Government Relations, St. Catharines – Thorold Chamber of Commerce advised Regional Council of the concerns the Chamber has with the hybrid model and that the Chamber believes that in order for the Region to take the next steps in its efforts to operate an effective and efficient organization, the creation of an internal auditors office must be a priority – and in addition to the recommendation from Regional staff, the Chamber asked that Regional Council consider the Chamber's comments as they move forward.
CL 9-2011
July 7, 2011

Moved by Councillor Petrowski
Seconded by Councillor Baty

That Mr. Sendzik and Mr. Mwanzia’s presentation respecting the Auditor General, be received and referred to the consideration of the Corporate Services Committee minutes.

Carried.

(A copy of Mr. Sendzik and Mr. Mwanzia’s presentation is attached to these minutes)

COMMITTEE REPORTS

INTEGRATED COMMUNITY PLANNING COMMITTEE

268. Report 9-2011

Moved by Councillor Hodgson
Seconded by Councillor Greenwood

That Report 9-2011, being the minutes of the Integrated Community Planning Committee meeting of Wednesday, June 29, 2011, be received and the recommendations contained therein be approved.

Carried.

PUBLIC WORKS COMMITTEE

269. Report 9-2011

Moved by Councillor Caslin
Seconded by Councillor Katzman

That Report 9-2011, being the minutes of the Public Works Committee meeting of Tuesday, June 28 2011, be received and the recommendations contained therein be approved.

270. Moved by Councillor Petrowski
Seconded by Councillor Jeffs

That Minute Item 134, respecting Report PWA 38-2011, Long Term Landfill Utilization Plan, be lifted and dealt with separately at this time.

Carried.
271. **Long Term Landfill Utilization Plan**  
**PWA 38-2011**

Moved by Councillor Petrowski  
Seconded by Councillor Caslin

*That the lift be increased from 6 to 8 metres.*

Upon a recorded vote being requested on the amendment to the original motion respecting PWA 38-2011, the members were divided as follows on the motion:

**Voting for the Motion:**  
Councillor Petrowski (1)

**Voting Against the Motion:**  
Councillor Augustyn  
Councillor Badawey  
Councillor Barrick  
Councillor Baty  
Councillor Bentley  
Councillor Bylsma  
Councillor Caslin  
Councillor D’Angela  
Councillor Eke  
Councillor Forster  
Councillor Greenwood  
Councillor Heit  
Councillor Hodgson  
Councillor Jefts  
Councillor Joyner  
Councillor Katzman  
Councillor Lepp  
Councillor Luciani  
Councillor Marshall  
Councillor Martin  
Councillor Maves  
Councillor McMullan  
Councillor Teal  
Councillor Timms (24)

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

272. Moved by Councillor D’Angela  
Seconded by Councillor Marshall

*That Minute Item 135, respecting Report PWA 48-2011, Grass Ban Alternatives, be lifted and dealt with separately at this time.*

Carried.
273. **Grass Ban Alternatives**

**PWA 48-2011**

Upon a recorded vote being requested on the original motion respecting PWA 48-2011, the members were divided as follows on the motion:

**Voting for the Motion:**
- Councillor Augustyn
- Councillor Badawey
- Councillor Barrick
- Councillor Baty
- Councillor Bentley
- Councillor Bylsma
- Councillor Caslin
- Councillor Eke
- Councillor Hodgson
- Councillor Jeffs
- Councillor Katzman
- Councillor Lepp
- Councillor Luciani
- Councillor Marshall
- Councillor Martin
- Councillor McMullan
- Councillor Petrowski
- Councillor Teal

**Voting Against the Motion:**
- Councillor D’Angela
- Councillor Forster
- Councillor Greenwood
- Councillor Heit
- Councillor Joyner
- Councillor Maves
- Councillor Timms

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

Upon the vote being taken the Regional Chair declared the original motion respecting Report 9-2011 being the minutes of the Public Works Committee meeting of Tuesday, June 28, 2011, carried.

**CORPORATE SERVICES COMMITTEE**

274. **Report 9-2011**

Moved by Councillor D’Angela
Seconded by Councillor Augustyn

That Report 9-2011, being the minutes of the Corporate Services Committee meeting of Wednesday, June 29, 2011, be received and the recommendations contained therein, be approved.
Moved by Councillor Barrick
Seconded by Councillor Caslin


Carried.


Upon a recorded vote being requested on the original motion respecting CSD 109-2011, the members were divided as follows on the motion:

Voting for the Motion:
Councillor Augustyn       Councillor Hodgson
Councillor Badawey        Councillor Joyner
Councillor Baty           Councillor Katzman
Councillor Bentley        Councillor Lepp
Councillor Bylsma         Councillor Luciani
Councillor D’Angela       Councillor Marshall
Councillor Forster        Councillor Martin
Councillor Greenwood      Councillor Teal (17)
Councillor Heit

Voting Against the Motion:
Councillor Barrick        Councillor Maves
Councillor Caslin         Councillor McMullan
Councillor Eke            Councillor Petrowski
Councillor Jeffs          Councillor Timms (8)

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

Upon the vote being taken the Regional Chair declared the original motion respecting Report 9-2011 being the minutes of the Corporate Services Committee meeting of Wednesday, June 29, 2011, carried.
PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

277. **Report 9-2011**

Moved by Councillor Baty
Seconded by Councillor Katzman

That Report 9-2011, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, June 28, 2011, be received and the recommendations contained therein be approved.

278. Moved by Councillor Jeffs
Seconded by Councillor Baty

That Minute Item 128, respecting Report PHD 31-2011, Wainfleet Boil Water Advisory, be lifted and dealt with separately at this time.

Carried.

279. **Wainfleet Boil Water Advisory**

PHD 31-2011

Councillor Jeffs advised Regional Council that the Township of Wainfleet had taken measures to facilitate the lifting of the Boil Water Advisory, it was therefore:

Moved by Councillor McMullan
Seconded by Councillor Eke

That Report PHD 31-2011, respecting the Wainfleet Boil Water Advisory, be referred to the July 19, 2011 Public Health and Social Services Committee meeting; and

That additional information from the Township of Wainfleet on the measures they have taken to facilitate the lifting of the Boil Water Advisory, be included on the Addendum to the agenda for the meeting.

Carried.

Upon the vote being taken the Regional Chair declared the original motion as amended respecting Report 9-2011 being the minutes of the Public Health and Social Services Committee meeting of Tuesday, June 28, 2011, carried.

**CAO 10-2011**

Moved by Councillor Martin  
Seconded by Councillor Lepp


That an online survey be prepared and focus group meetings held to provide stakeholders with an opportunity to identify opportunities and gaps in the draft Council Business Plan.

Carried.

**Conflict of Interest**

Councillor Forster declared a pecuniary interest with respect to Councillor Heit’s motion respecting the implementation of a hiring freeze at the Niagara Region, as she is a staff member with the Ontario Nurses Association, and she therefore took no part in the discussion of or voting on these matters.

**MOTIONS**

281. **Implementation of a Hiring Freeze at the Niagara Region**

Moved by Councillor Heit  
Seconded by Councillor Bylsma

That the Niagara Region immediately implement a hiring freeze for all staff of the Niagara Region and all of its agencies, boards, and commissions for a period up to and including December 31, 2012, and shall only be reconsidered at that time.

That this hiring freeze is to be defined as “a zero increase of FTE’s”, as well as each position that becomes vacant shall not be filled until such time as Council deals with the “formal improved efficiency model” (as outlined in CSD 109-2011) which will be presented and debated over the next number of months; and

That following the completion of the “formal improved efficiency model”, each vacated position shall only be considered to be refilled after committee debate and council approval.
Moved by Councillor Heit
Seconded by Councillor Bylsma

That the motion, be amended to read as follows:

That the Niagara Region implement a hiring freeze for all staff of the Niagara Region and all of its agencies, boards, and commissions for a period up to and including December 31, 2012, and shall only be reconsidered at that time, save and except those positions which experience frequent or ongoing turnover including positions in Homes for the Aged, EMS, Water/Wastewater where it would be impractical to seek approval for each vacancy due to volume.

That this hiring freeze is to be defined as “a zero increase of FTE’s”, until such time as Council deals with the “formal improved efficiency model” (as outlined in CSD 109-2011) which will be presented and debated over the next number of months; and

That effective immediately all vacated positions and requests for new temporary positions, save and except those identified above, shall only be filled after management review and approval by the CAO and Commissioner of Corporate Services/Treasurer and Council approval after consideration of a business case which demonstrates that not filling the vacancy will have a direct impact on service delivery.

Moved by Councillor Badawey
Seconded by Councillor Baty

That the consideration of Councillor Heit’s motion respecting the Implementation of a Hiring Freeze at the Niagara Region, be referred to the July 20, 2011, Corporate Services Committee meeting.

Carried.

(Refer to the Councillor Information Requests)

OTHER BUSINESS

282. In Memory of John Weir

Councillor Maves remembered John Weir, a great friend to Niagara, who passed away Canada Day 2011 at the age of 54. Mr. Weir was very well known, as a principle of several government relations firms; Chief of Staff for the Premier of Ontario and the Premier of Saskatchewan; an advisor to Prime Ministers and Ministers, Mr. Weir was respected for his intelligence; his wise counsel and his great dignity.

Mr. Weir was a Great Canadian who died on Canada Day, who will be greatly missed.
283. **Thank You!**

Councillor Luciani thanked Mayors Diodati; Sharpe; Hodgson; Augustyn; Martin and McMullan for the assistance of their Fire Departments in coming to the City of Thorold’s aid during the fire at a Thorold scrap yard last week; noting that the firefighters performed in an extraordinary manner and that the Mayors should be extremely proud of them.

Councillor Luciani thanked Dr. Jaeger, who was on site during the emergency ensuring the public’s safety, as well as Ms. Papaiz for coordinating the communications which went extremely smoothly. He also thanked the Ministry of the Environment and the St. Lawrence Seaway Management Corporation for logistics and monitoring.

**BY-LAWS**

284. Moved by Councillor Luciani
Seconded by Councillor Marshall

That the following Bills be now read and do pass:

**Bill 78**
A By-Law to Appoint an Acting Medical Officer of Health for the Regional Municipality of Niagara.

Carried.

**CONFIRMING BY-LAW**

285. Moved by Councillor Katzman
Seconded by Councillor Barrick

That the following Bill be now read and do pass:

**Bill 77**
A By-law to Adopt, Ratify and Confirm the Actions of Regional Council at its Meeting held on the 7th of July, 2011.

Carried.
COUNCILLOR INFORMATION REQUESTS

Staff were directed to:

- obtain a legal opinion as to whether or not Niagara Region has the ability of implementing a hiring freeze on the Agencies, Boards and Commissions (Refers to Minute Item 281) Baty
- provide the members with the total number of vacancies as of July 7, 2011 with job title and locations. (Refers to Minute Item 281) Baty

ADJOURNMENT

The Council meeting adjourned at 10:11 p.m.

Gary Burroughs
Regional Chair

Janet Pilon
Deputy Regional Clerk

Kevin Bain
Regional Clerk