

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 12-2005

The Municipal Council of the Regional Municipality of Niagara met in Closed Session in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, August 11, 2005 commencing at 6:30 p.m.

ATTENDANCE

Council: Regional Chairman Partington; Councillors Almas; Angelone; Bailey; Baty; Bentley; Bodner; Brock; Burroughs; Collins; Eke; Goulbourne; Harry; Hildreth; Katzman; Leavens; Martin; Mastroianni; Redekop; Rigby; Saracino; Timms; Trombetta;.

Staff: Messrs. Trojan, Chief Administrative Officer; Cambray, Commissioner, Planning and Development; Bacchus, Commissioner, Corporate Services; Sidawi, Director, Operational Support Services; Nicol, Commissioner, Human Resources; Hutchings, Commissioner, Community Services; Dr. Williams, Medical Officer of Health; Ms. Gilroy, Regional Clerk/Associate Director, Corporate Strategy; Ms. Reilly, Legislative Assistant.

Staff

(Part-Time): Messrs. Bowles, Executive Assistant to the Regional Chair; Brcic, Director, Water and Wastewater Services.

CLOSED COMMITTEE OF THE WHOLE

389. Moved by Councillor Goulbourne
Seconded by Councillor Angelone

That this Council do now move into Closed Committee of the Whole for the purposes of receiving information of a confidential nature relating to legal, personnel and property matters.

Carried.

390. Personnel Issue

Moved by Councillor Brock
Seconded by Councillor Almas

That the Chief Administrative Officer be authorized to proceed as recommended with respect to a personnel issue.

Carried.

Conflict of Interest

Councillor Katzman declared an indirect pecuniary interest with respect to Report CSD 113-2005, Funk Decision – Assessment of Winery Lands, as a family member has an association with this matter and she therefore vacated the Council Chambers and took no part in the discussion of, or voting on, this matter.

CLOSED COMMITTEE OF THE WHOLE, RISE AND REPORT

391. Moved by Councillor Harry
Seconded by Councillor Burroughs

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:15 p.m. with an Invocation by Councillor Bailey, followed by the singing of O' Canada.

ADOPTION OF THE AGENDA

392. Moved by Councillor Trombetta
Seconded by Councillor Burroughs

That the Council Agenda CL 12-2005 be adopted as presented.

Carried.

393. **CONFLICTS OF INTEREST**

Councillor Katzman declared an indirect pecuniary interest with respect to minute item 178 as contained in the Corporate and Financial Services Committee Report 12-2005 respecting Report CSD 113-2005, Funk Decision – Assessment of Winery Lands, as a family member has an involvement with this matter and she therefore took no part in the discussion of, or voting on, this matter.

Regional Chair Partington declared a direct pecuniary interest with respect to minute item 66 as contained in Human Resources Committee Report 09-2005 respecting HR 30-2005, Benefit Package for Regional Chair, and he therefore took no part in the discussion of, or voting on, this matter.

PRESENTATIONS

394. T. Roy Adams Humanitarian of the Year Award 2005
Regional Chair Partington, together with Councilor Rigby, Chair, Adjudication Committee, presented the T. Roy Adams Humanitarian of the Year Award. The award was established to honour the memory of the late Councillor T. Roy Adams and is awarded to 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. The award was presented to Linda Crabtree and honours her outstanding achievements and tireless efforts within the Community, to help those with disabilities in Niagara enjoy a more rewarding life by letting them know what is accessible for them, advocating for change on their behalf, and heightening awareness of the needs of the disabled. Ms. Crabtree expressed her thanks and appreciation to the Adams Family and Regional Council for the honour bestowed upon her as well as Rosemary Chupik of The Ontario March of Dimes South Region, who nominated her.
395. Briar Thompson
Brian E. Merrett Bursary Recipient 1998
Briar Thompson, the recipient of the 1998 Brian E. Merrett Bursary attended to express her appreciation for the bursary. Ms. Thompson achieved a Bachelor of Honours Degree in Neuroscience from Brock University in 2002 and a Masters Degree in Speech Language Pathology from McGill University in 2004. Ms. Thompson is now a Speech Language Pathologist working at the Niagara Peninsula Child Centre in St. Catharines.
396. 2005 Recipient and Finalists
Silver Anniversary Bursary
Regional Chair, Peter Partington, together with Councillor John Mastroianni, Chair, Bursary Adjudication Committee, presented the 2005 recipient and finalists with their Silver Anniversary Bursary awards. The firm of Buffett Taylor and Associates, to commemorate the Region's 25th Silver Anniversary, established a bursary at McMaster University for students from the Region of Niagara. The bursary is awarded to one student each year in the amount of \$2,000 and may continue during undergraduate studies for up to four years.
- The 2005 Silver Anniversary Bursary was awarded to Jillian Kristina Bevan, a graduate of Notre Dame College School in Niagara Falls, who is entering McMaster University to pursue a degree in Kinesiology. The finalists, George Alexander Lemair, who is pursuing a degree in Kinesiology and Mary-Elizabeth Peckham, who is pursuing a degree in Life Sciences, were awarded \$100.00 each.

397. 2005 Recipients and Finalists

Regional Chair's Bursary for Brock University
Regional Chair's Bursary for Niagara College

Regional Chair, Peter Partington, together with Councillor John Mastroianni, Chair, Bursary Adjudication Committee, awarded the Regional Chair's Bursary for Brock University and Niagara College to the 2005 recipients and finalists. This year marks the fourth year for the award of the Regional Chair's Bursaries, which replaced the Brian E. Merrett Bursary, when it ended in 2002. Two Regional Chair's Bursaries, a one-time bursary of \$1,000, is awarded annually; one to a first year student entering Brock University and one to a first year student entering Niagara College.

The 2005 Regional Chair's Bursary Recipient for Brock University is Vanessa Kylie Iannantuono, a graduate of Notre Dame College School in Welland who will be entering Brock University to pursue a degree in Academics. Finalists, Julie Beth Rorison, who is pursuing a degree in Arts and Political Science and Talya Alexandra Wawrow, who is pursuing a Bachelors degree with Honours in Science-Biology, were awarded \$100.00 each.

The 2005 Regional Chair's Bursary Recipient for Niagara College is Daniel Evkovich, a graduate of Welland Secondary School in Welland who will be entering Niagara College to pursue a degree in Applied Technology (Photonics). Finalists, Tabeah Paige Clapp, who is pursuing a degree in Culinary Management and Trent Akalu, who is pursuing a degree in Police Foundations, were awarded \$100.00 each.

398.

CHAIRMAN'S REMARKS

The Regional Chair advised that next week is the Association of Municipalities of Ontario Conference in Toronto. Small delegations have been arranged to meet with the following Ministers:

- David Caplan (Public Infrastructure Renewal)
- Greg Sorbara (Finance)
- Harinder Takhar (Transportation)
- Leona Dombrowsky (Agriculture and Food)
- Jim Watson (Health Promotion), and
- Dwight Duncan (Energy)

A delegation meeting is also being held with the Leader of the Opposition.

The Chair advised that he is planning to lead a small delegation to Ottawa during the period of October 3-4, 2005 with the intent to build upon the positive momentum created by "Niagara Week in Toronto" during April of this year.

With the assistance of area MPs, the Regional Chair hopes to establish meetings with the Prime Minister and a select group of Cabinet Ministers in order to discuss opportunities for partnership in Niagara that are of mutual benefit to both the Government of Canada and Niagara Region. He also hopes to establish meetings with the relevant members of the Shadow Cabinet. This is in keeping with the successful formula followed for meetings during "Niagara Week in Toronto."

In light of the Prime Minister's visit to Niagara on June 17, the Chair commented that he believes the time is right for this mission to Ottawa. The Chair will keep Regional Council regularly apprised of developments.

The sunflowers that adorned the Council Chamber were provided courtesy of Peninsula Flowers of Jordan Station. On behalf of Council, Regional Chair Partington thanked them for their gift. These flowers will be given to Rapelje Lodge in Welland after the meeting.

APPROVAL OF MINUTES

399. Report 11-2005

Moved by Councillor Bodner
Seconded by Councillor Burroughs

That Report 11-2005, being the minutes of the Proceedings of Council of Thursday, July 21, 2005, be approved and adopted.

Carried.

CORRESPONDENCE

400. Communications were received and dealt with as follows:

C6568 Mike Colle, Minister of Citizenship and Immigration (July 25, 2005) respecting his appointment to cabinet responding to an invitation to visit the Niagara Region.

Received.

C6569 George Smitherman, Minister of Health and Long Term Care (July 19, 2005) extending appreciation for the Region's continuing effort and cooperation in working with the ministry to improve Ontario's health care system.

Received and referred to the Community Services Committee.

C6570 Mary Anne Chambers, Minister of Children and Youth Services (July 21, 2005) providing an update on the progress of the implementation of Phase I of Best Start, an initiative to strengthen early development, learning and child care services in Ontario.

Received and referred to the Community Services Committee.

C6571 Bruce Bodden, P.Eng., President and CEO, Marshall Macklin Monaghan (August 5, 2005) respecting a recommendation for the award of a professional services Contract Project ZCW0514/CW0514 for the environmental assessment, predesign, design and provision of contract and inspection services during construction for the Trunk Watermain installation on Pettit Road, Sunset Drive and Eagle Street in the Town of Fort Erie.

Received and referred to Staff.

C6572 The Honourable Dalton McGuinty, Premier of Ontario (August 3, 2005) respecting the government's dedicated commitment of the health care system, the prevention of illness by promoting healthy lifestyle choices.

Received.

Moved by Councillor Brock
Seconded by Councillor Burroughs

That Communications C6568 to C6571 be received and dealt with as noted in these minutes.

Carried.

COMMITTEE REPORTS

PLANNING SERVICES COMMITTEE

401. Report 12-2005

Moved by Councillor Eke
Seconded by Councillor Hildreth

That Report 12-2005 being the minutes of the Planning Services Committee meeting of Wednesday, August 3, 2005, be approved and adopted.

Carried.

CORPORATE AND FINANCIAL SERVICES COMMITTEE

402. Report 12-2005

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 12-2005 being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, August 3, 2005, be approved and adopted save and except minute item 179, being Report CSD 100-2005/PWA 126-2005 which was referred to staff and minute item 195 respecting Report CSD 114-2005 which was approved **as amended** and now reads as follows:

“That Report CSD 114-2005, August 3, 2005, respecting OPG Hydro Generation Project Agreement, be received.

That it provide the authority necessary to sign and execute the August 2005 Amending Agreement proposed by the Ontario Power Generation Inc.

That the Ministry of Environment and Ontario Power Generation be requested to address and correct historical water fluctuations and flows in the Welland River due to hydroelectric operations at the Sir Adam Beck complex in Niagara Falls.”

Carried.

(Refer to staff direction on page CL 194.)

HUMAN RESOURCES COMMITTEE

403. Report 9-2005

Moved by Councillor Collins
Seconded by Councillor Leavens

That Report 9-2005 being the minutes of the Human Resources Committee meeting of Tuesday, August 2, 2005, be approved and adopted.

Carried.

PUBLIC HEALTH SERVICES COMMITTEE

404. Report 12-2005

Moved by Councillor Timms
Seconded by Councillor Baty

That Report 12-2005 being the minutes of the Public Health Services Committee meeting of Monday, August 8, 2005, be approved and adopted.

Carried.

PUBLIC WORKS AND UTILITIES COMMITTEE

405. Report 12-2005

Moved by Councillor Rigby
Seconded by Councillor Burroughs

That Report 12-2005 being the minutes of the Public Works and Utilities Committee meeting of Tuesday, August 2, 2005, be approved and adopted, save and except minute item 356 being Report PWA 126-2005/CSD 100-2005 which was referred to staff.

Carried.

(Refer to staff direction on page CL 194.)

MOTIONS

406. Trespass to Property Act

Moved by Councillor Angelone
Seconded by Councillor Goulbourne

WHEREAS many young people disregard the warning signs posted at dangerous waterways in Niagara, and

WHEREAS many young people have lost their lives while jumping and diving from bridges and swimming in these prohibited areas, and

WHEREAS the Trespass to Property Act, R.S.O., 1990, Chapter T.21, sets out regulations to prohibit not only illegal entry to certain premises, but also illegal activities at such premises, and

WHEREAS more stringent enforcement of the Trespass to Property Act, R.S.O., 1990, Chapter T.21, may curtail these activities and save lives, and

WHEREAS increased education is needed to reinforce the message to our youth to "play safe" and not put themselves at risk of injury or death.

THEREFORE BE IT RESOLVED that Regional staff, in collaboration with the appropriate municipal, provincial and federal authorities, ensure that proper signage is maintained at dangerous waterways in Niagara, and

THAT the Niagara Regional Police Service be requested to more stringently enforce regulations under the Trespass to Property Act and lay charges against those who choose to disobey posted warning signs and

That our local Boards of Education be requested to assist us in our efforts to increase student awareness about the risks of swimming, jumping and diving in prohibited areas and

That this resolution be circulated to the Area Municipal Councils, the Niagara Regional Police Service, the Boards of Education, and local MPs and MPPs for their support.

Carried.

OTHER BUSINESS

407. Special Olympics
Councillor Bentley and Deputy Chief Beaulieu, N.R.P.S., apprised Council of the Ontario Special Olympics sponsored by the Niagara Regional Police, commenting that they were a complete and total success. Deputy Chief Beaulieu commented that all of the athletes did well and everyone took pride in their achievements. Appreciation was expressed to the Police and the sponsors for their efforts.
408. AMO Conference
Councillor Collins advised that the Hamilton/Niagara Waste Plan Committee is sponsoring two presentations at AMO and that he looked forward to seeing members of Council there.
409. Best Wishes
Best wishes were extended to Councillor Burroughs with his endeavours in the upcoming election of candidates to become the Liberal candidate for the Niagara Falls Riding in the next Federal Election.

BY-LAWS

410. Moved by Councillor Burroughs
Seconded by Councillor Harry

That the following bills be now read and do pass:

Bill 79

A by-law to establish part of Lot 1, Concession 1, in the Town of Grimsby as part of Regional Road No. 40 (South Service Road).

Bill 80

A by-law to establish parts of Lots 378 and 898, Corporation Plan 6, in the City of St. Catharines as part of Regional Road No. 89 (Glendale Avenue).

Bill 81

A by-law to authorize the borrowing upon Serial Debentures in the aggregate amount of \$1,102,523.74 for the purposes of the Corporation of the Town of Niagara-on-the-Lake.

Bill 82

A by-law to authorize the borrowing upon Serial Debentures in the aggregate amount of \$1,351,617 for the purposes of the Corporation of the Town of Niagara-on-the-Lake.

Bill 83

A by-law to authorize the borrowing upon Serial Debentures in the aggregate amount of \$4,854,531 for the purposes of the Corporation of the Town of Fort Erie and for the purposes of the Regional Municipality of Niagara.

Bill 84

A by-law to provide the Claw Back percentages to be used for each capped class to the Area Municipalities.

Bill 85

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 11th of August, 2005.

Carried.

STAFF DIRECTIONS

Staff was directed to:

- (i) Forward a letter to those municipalities that have not yet forwarded a letter of support to the Region to recommend the elimination of all capping programs for 2006. (Clerk correspondence re: Report CSD 67-2005, New Capping Options) (Refer to minute 402.)
- (ii) Prepare a letter (The Commissioners of Community Services and Public Works Departments) to the Federal Government, requesting a reduction in rent for Upper Canada Lodge. (Refer to minute item 369 – PWC 45-2005) (Refer to minute 405.)

ADJOURNMENT

The Council meeting adjourned at 8:25 p.m.

Peter Partington
Regional Chairman

Gail Reilly
Legislative Assistant

Pam Gilroy
Regional Clerk/Associate
Director, Corporate Strategy