

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 13-2005

The Municipal Council of the Regional Municipality of Niagara met in Closed Session in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, September 1, 2005 commencing at 6:50 p.m.

ATTENDANCE

Council: Acting Regional Chairman Timms; Councillors Almas; Bailey; Baty; Bentley; Bodner; Brock; Burroughs; Casselman; Collins; Eke; Gabriel; Goulbourne; Harry; Heit; Hildreth; Hodgson; Leavens; Marshall; Martin; Mastroianni; Redekop; Rigby; Saracino; Smeaton; Trombetta; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Farley, Director of Planning Services; Lockyer, Acting Commissioner, Corporate Services; Neville, Commissioner, Public Works; Hutchings, Commissioner, Community Services; Dr. Williams, Medical Officer of Health; Superintendent Kane, Niagara Regional Police Service; Ms. Fontana, Director, Corporate Health Services & Employee Relations; Ms. Gilroy, Regional Clerk; Ms. Pilon, Legislative Assistant.

Staff

(Part-Time): Mr. Kyne, Director, Legal Services.

CLOSED COMMITTEE OF THE WHOLE

411. Moved by Councillor Bentley
Seconded by Councillor Collins

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.

412. Claims Against Niagara Region – Status Report
CSD 134-2005

Moved by Councillor Rigby
Seconded by Councillor Eke

That Report CSD 134-2005, September 1, 2005, respecting the Claims Against Niagara Region – Status Report, be received; and

That the recommendations contained herein be approved.

Carried.

CLOSED COMMITTEE OF THE WHOLE, RISE AND REPORT

413. Moved by Councillor Bentley
Seconded by Councillor Trombetta

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:30 p.m. with an Invocation by Councillor Gabriel, followed by the singing of O' Canada.

ADOPTION OF THE AGENDA

414. Moved by Councillor Trombetta
Seconded by Councillor Burroughs

That the Council Agenda CL 13-2005 be approved and adopted as amended by moving the consideration of the Planning Services Committee minutes following the delegation.

Carried.

415. **CONFLICTS OF INTEREST**

Councillor Heit declared an indirect 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 Zimmerman declared an indirect pecuniary interest with respect to any matters related to the Rolling Meadows in the City of Thorold as her company may have an interest in the development and she therefore took no part in the discussion of, or voting on, these matters.

416.

CHAIRMAN'S REMARKS

In Regional Chair Partington's absence Councillor Timms Acting Regional Chair wished Regional Chair Partington who is under the weather and Councillor Katzman who has undergone surgery a speedy recovery.

Regional Council was reminded of the Regional Chair's Golf Tournament at Legends on the Niagara golf course in the City of Niagara Falls. It will be a great day of golf and an opportunity to raise some much needed cash for area charities.

Regional Council wished Shafee Bacchus, a 25-year veteran of the Region well on his retirement.

In the wake of the devastation caused in the Southern United States by Hurricane Katrina, Regional Council urged members of our community to donate to charities such as the Niagara branch of the Canadian Red Cross who are assisting in aid efforts in that afflicted region.

Regional Council thanked Penglad Farms Inc. in the City of St. Catharines, for the gladioli on display in Council Chambers. The flowers will be distributed to the Meadows of Dorchester in Niagara Falls.

Councillor Zimmerman rose in chamber and paid tribute to Shafee Bacchus, noting that the Region would not be in such wonderful shape financially if he had not maintained his agenda and voice his honest opinion when required.

APPROVAL OF MINUTES

417. Report 12-2005

Moved by Councillor Casselman
Seconded by Councillor Leavens

That Report 12-2005, being the minutes of the Proceedings of Council of Thursday, August 11, 2005, be approved and adopted.

Carried.

CORRESPONDENCE

418. Communications were received and dealt with as follows:

C6573 Christopher Bentley, Minister of Training, Colleges and Universities (August 8, 2005) extending gratitude for kind words of congratulations on his appointment and welcoming the opportunity to improve the system for today's students and future generations.

Received.

C6574 Ted Mouradian, Chair, Community Vision Committee, City of St. Catharines (August 15, 2005) respecting the City of St. Catharines initiating a review process to update the Community Based Strategic Plan review and inviting input from the Region on matters that are relevant to the process from a Regional perspective.

Received.

C6575 Lauren Scott, 2004 Silver Anniversary Bursary Recipient (August 13, 2005) extending her gratitude for the support of the community during her first year at McMaster in the nursing program and updating council on a year that has been both challenging and rewarding.

Received.

C6576 Christine Kerr, 2002 Silver Anniversary Bursary Recipient (August 18, 2005) updating council on her past year at McMaster University as she continue in her final year of undergraduate Honours Biology Degree and the opportunities she has had through volunteer work in the pediatric ward of the McMaster Children's Hospital.

Received.

C6577 Katherine Glowacz, 2003 Silver Anniversary Bursary Recipient (August 12, 2005) expressing gratitude to council for the ongoing contributions towards her education at McMaster University and her involvement as part of the Emergency First Response Team (EFRT) that provides students and employees with basic medical attention 24 hours a day, 7 days a week.

Received.

C6578 Card of thanks from Leslie O'Hagan, an employee of the Public Health Department for the kind donation to the Heart and Stroke Foundation and the Shaver Hospital Foundation in memory of her father, Gerald Buschlen and mother, Marion Buschlen.

Received.

C6579 John D. Maloney, M.P. Welland (August 12, 2005) respecting correspondence to the Minister of Labour and Housing, Joe Fontana, concerning the Regional resolution on Supporting Communities Partnership Initiative (SCPI) applications.

Received.

C6581 Card of thanks from Gini and Tim Rigby for the beautiful flower arrangement to honour the life of their son Tim and the support from the Niagara Community during this very sad and difficult time.

Received.

C6583 Card of thanks from Crystal Mammoliti, an employee of the Corporate Services Department, and family for the kind donation to the Children's Make a Wish Foundation of Canada in memory of her father, Neil Johnson.

Received.

C6584 Card of thanks from Kathleen Marr, an employee of the Community Services Department, and family for the kind donation to the Lincoln County Humane Society in memory of her mother, Beatrice Kellett.

Received.

C6585 City of Thorold resolution (August 25, 2005) adopted by the Regional Municipality of Niagara at its August 11, 2005 Council meeting respecting the enforcement and awareness of the Trespass Property Act be received and supported.

Received.

C6586 City of Port Colborne resolution (August 25, 2005) supporting the resolution of the Regional Municipality of Niagara respecting the Trespass to Property Act.

Received.

C6587 City of St. Catharines resolution (August 30, 2005) endorsing the resolution of the Regional Municipality of Niagara respecting the Trespass to Property Act.

Received.

C6588 Memorandum to the Regional Chairman and Members of Council (September 1, 2005) respecting Minute Item 194 of Report PS 13-2005, Planning Services Committee meeting of Wednesday, August 24, 2005, requesting Further Information regarding DPD 116-2005, Results of the Planning and Scoping Sessions, A Proposal for a Niagara "Historic Places" Summit.

Received.

C6589 City of Welland resolution (August 25, 2005) in support of the resolution passed by the Town of Fort Erie requesting the Minister of Municipal Affairs and Housing to amend Section 20 (1) of the Line Fences Act with respect to Abandoned rail lines.

Received.

C6590 Peter Kormos, M.P.P. Niagara Centre (August 29, 2005) respecting the resolution passed by Regional Council concerning the Trespass to Property Act.

Received.

Moved by Councillor Goulbourne
Seconded by Councillor Eke

That Communications C6573 to C6579 and C6581, C6583 to C6590 be received and dealt with as noted in these minutes.

Carried.

419. C6580 City of Port Colborne resolution (August 23, 2005) to petition the Premier of Ontario, the Minister of Consumer and Business Services and the Registrar of Alcohol and Gaming regarding the eligibility for Lottery Licensing Municipal Museums and Public Libraries.

Moved by Councillor Bodner
Seconded by Councillor Saracino

That Communications C6580, respecting City of Port Colborne resolution to petition the Premier of Ontario, the Minister of Consumer and Business Services and the Registrar of Alcohol and Gaming regarding the eligibility for Lottery Licensing Municipal Museums and Public Libraries and the recommendations contained therein be received and supported.

Carried.

420. C6582 Ontario Municipal Partnership Fund (OMPF) Motion
(As requested at the Corporate and Financial Services Committee meeting of August 24, 2005)

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report C6582, respecting the Ontario Municipal Partnership Fund (OMPF) motion as requested at the Corporate and Financial Services Committee meeting of Wednesday, August 24, 2005, and the recommendations contained therein be received and supported.

Carried Unanimously.

DELEGATIONS (Related to Committee Reports)

421. Fish Habitat, Municipal Drains and
Land Use Planning: A Review
DPD 117-2005

Ms. Austin Kirkby, Chairman, Niagara-on-the-Lake Irrigation Committee advised Regional Council of the history of the irrigation system in the Town of Niagara-on-the-Lake, which was initiated seventeen years ago with investments in excess of \$2 million. The Town of Niagara-on-the-Lake's irrigation system is now in jeopardy, as it is now being considered by some to be a negative impact on fish habitat when the ditches would be bone dry if water is not introduced into them.

Ms. Kirkby requested that Regional Council support the removal of the man-made drainage ditches from being classified as fish habitats on Niagara's maps.

COMMITTEE REPORTS

PLANNING SERVICES COMMITTEE

422. Report 13-2005

Moved by Councillor Eke
Seconded by Councillor Baty

That Report 13-2005 being the minutes of the Planning Services Committee meeting of Wednesday, August 24, 2005, be approved and adopted.

423. Moved by Councillor Smeaton
Seconded by Councillor Burroughs

That Minute Item 195 as contained Planning Services Committee Report 13-2005, respecting Report DPD 117-2005, August 24, 2005, Fish Habitat, Municipal Drains and Land Use Planning: A Review, be lifted and dealt with separately by this Council at this time.

Carried.

424. Fish Habitat, Municipal Drains and
Land Use Planning: A Review
DPD 117-2005

Moved by Councillor Smeaton
Seconded by Councillor Hildreth

That the recommendations contained within Report DPD 117-2005, be approved;
and

That Ms. Kirkby's comments be circulated with the report; and

That staff with the assistance of the Niagara Peninsula Conservation Authority prepare a report with the site classifications information and possible solutions.

Carried.

425. Moved by Councillor Gabriel
Seconded by Councillor Baty

That Minute Item 194 as contained Planning Services Committee Report 13-2005, respecting Report DPD 116-2005, August 24, 2005, Results of the Planning and Scoping Sessions – A Proposal for a Niagara ‘Historic Places’ Summit, be lifted and dealt with separately at this time.

Carried.

426. Results of the Planning and Scoping Sessions -
A Proposal for a Niagara ‘Historic Places’ Summit
DPD 116-2005

Councillor Gabriel advised Regional Council that the administration of heritage does rest with the municipality not with the Region, however, the recommendations in Report DPD 116-2005 address a combination (heritage, arts and culture) that is critical to Niagara reinforcing the pertinent Smart Growth Principles.

The Region is being asked to facilitate the event, in order to bring the relevant stakeholders together for some community engagement and that the exercise will determine whether or not the Region should play a role in heritage, it was therefore;

Moved by Councillor Gabriel
Seconded by Councillor Brock

That Report DPD 116-2005, August 24, 2005, respecting the Results of the Planning and Scoping Sessions – A Proposal for a Niagara ‘Historic Places’ Summit, be received.

That this proposal for a Niagara ‘Historic Places’ Summit be endorsed.

That staff be directed to assist the Smarter Niagara Steering Committee in organizing the Summit.

That the Region’s cash contribution to Summit expenses be capped at \$3,000.

That the outcomes of the Summit and any suggestions for further action be reported to Council for further consideration.

Carried.

Upon a vote being taken the original motion as amended was carried.

AGENCIES, BOARDS AND COMMISSIONS

427. Niagara Regional Housing Quarterly Report
April 1, 2005 – June 30, 2005
NRH 04-2005

Councillor Eke advised Regional Council of Niagara Regional Housing's opportunity to strengthen the financial viability of the program with additional units. Niagara Regional Housing has moved forward and requested the approval of eight (8) additional units from the Ministry.

Regional Council was advised of the August 31, 2005 announcement, which allocates \$9.9 million to Niagara Region.

Niagara Regional Housing will be hosting a Housing Development Forum on October 21, 2005 at Club Roma in the City of St. Catharines, with guest speaker Minister John Gerretsen.

Moved by Councillor Eke
Seconded by Councillor Collins

That Report NRH 04-2005, September 1, 2005, respecting the Niagara Regional Housing Quarterly Report, April 1, 2005 – June 30, 2005, be received for information.

Carried.

(Refer to Staff Directions)

Moved by Councillor Smeaton
Seconded by Councillor Brock

That the Regional Chair convene a special session as soon as possible to discuss the aspects of Niagara Regional Housing and Niagara's present and future role.

Carried.

COMMITTEE REPORTS (Continued)

CORPORATE AND FINANCIAL SERVICES COMMITTEE

428. Report 13-2005

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 13-2005 being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, August 24, 2005, be approved and adopted.

Carried.

COMMUNITY SERVICES COMMITTEE

429. Report 13-2005

Moved by Councillor Hildreth
Seconded by Councillor Bailey

That Report 13-2005 being the minutes of the Community Services Committee meeting of Monday, August 22, 2005, be approved and adopted.

Carried.

PUBLIC HEALTH SERVICES COMMITTEE

430. Report 13-2005

Moved by Councillor Baty
Seconded by Councillor Brock

That Report 13-2005 being the minutes of the Public Health Services Committee meeting of Monday, August 22, 2005, be approved and adopted.

Carried.

PUBLIC WORKS AND UTILITIES COMMITTEE

431. Report 13-2005

Moved by Councillor Redekop
Seconded by Councillor Rigby

That Report 132005 being the minutes of the Public Works and Utilities Committee meeting of Tuesday, August 23-2005, be approved and adopted.

Carried.

(Refer to Staff Directions)

COMMITTEE OF THE WHOLE

432. Moved by Councillor Heit
Seconded by Councillor Burroughs

That the decisions made in the Committee of the Whole meeting of Thursday, September 1, 2005, be approved and adopted.

Carried.

CHIEF ADMINISTRATIVE OFFICER'S REPORT

433. Organizational Sustainability
(Core Service Review) Work Plans
CAO 17-2005

Moved by Councillor Gabriel
Seconded by Councillor Zimmerman

That Report CAO 17-2005, Thursday, SEPTEMBER 1, 2005 respecting Organizational Sustainability (Core Services Review) Work Plans be received, and

That Council endorse the work plans for service delivery reviews and that staff be directed to report back to Council with the results as outlined in the work plans.

Carried.

434. Terms of Reference for a Governance Review
of the Niagara Regional Housing Corporation
CAO 18-2005

Moved by Councillor Eke
Seconded by Councillor Goulbourne

That Report CAO 18-2005, Thursday, September 1, 2005, respecting Terms of Reference for a Governance Review of the Niagara Regional Housing Corporation be received, and

That Regional Council authorizes the completion of a review of the Governance Model for the Niagara Regional Housing Corporation within the Scope of the Terms of Reference summarized in this report and attached as Appendix A.

Carried.

NOTICES OF MOTION

435. Councillor Goulbourne gave notice that at the next meeting of Regional Council on September 22, 2005, for the reconsideration of Report PWA 88-2005/DPD 76-2005, April 28, 2005, Status Report on the Niagara-Greater Toronto Area Corridor.
436. Councillor Baty gave notice that at the next meeting of Regional Council on September 22, 2005, he would be bringing forward a presentation and report on the proposed Council/Committee structure with a motion that would be for consideration at the October 13, 2005 meeting of Regional Council.

OTHER BUSINESS

437. Niagara-Hamilton Joint Working Group
Presentation at the AMO Conference

Regional Council was advised that the Niagara-Hamilton Joint Working Group gave a presentation at the AMO Conference on the partnership, which was well received.

438. Energy From Waste

Councillor Rigby noted that he was very concerned with the Minister of Energy response when asked about Energy From Waste, "Absolutely Not, It is Not on the Agenda". Councillor Rigby noted that Regional Council will have to deal with this response.

439. Grand Opening of the St. Catharines Sportsplex

Regional Council was invited to bring their skates on September 10th at 2:00 p.m. to celebrate the grand opening of the Sportsplex in St. Catharines.

440. Niagara Wine Festival

The Niagara Wine Festival begins on September 16th, with the Mayor's Grape Stomp on September 17th at 2:00 p.m., there are no substitutes allowed this year, the participants must be the Regional Chair and the Mayors. There will be a Phase 2 competition that will be open to all councillors, who will be competing against the local agricultural industry.

Regional Council commended the Jaycee's for organizing this event successfully every year.

441. Scotia Bank Luncheon

Regional Councillors were invited to attend the Scotia Bank Luncheon, being held on September 14th at the Parkway. Catriona LeMay-Doan (Olympic Speed Skating Gold Medalist and Current 2010 Olympics Spokesperson) will be speaking at the event.

442. Fort Erie Celtic Festival

The Fort Erie Celtic Festival is being held on September 10th from 10 a.m. to 6:00 p.m.

443. Applefest, Town of Grimsby

The Town of Grimsby's first Applefest will be taking place during the weekend of September 17th.

444. Congratulations Extended to the Niagara West Warriors

Regional Council congratulated the Niagara West Warriors for winning Gold at the Provincial Championship in Sudbury.

445. Biggar Lagoon

Councillor Bentley provided Regional Council with the current developments with the Department of National Defence on the Biggar Lagoon site. Councillor Bentley asked that Regional Council look at delaying the project.

446. Impact of the Current Fuel Costs on Niagara Region

Regional Council was advised that staff are preparing a report that will provide Regional Council with the impact of the current fuel costs on Niagara Region.

447. Marshville Heritage Festival, Township of Wainfleet

The 17th Marshville Heritage Festival is taking place September 3 – 5, 2005.

448. Cross-River Ferry - One Day Trial
Town of Niagara-on-the-Lake to Youngstown, New York

The Town of Niagara-on-the-Lake and Youngstown, New York will be reinstating the cross-river ferry on September 17th as a one day trial.

449. 50th Anniversary, Boy Scout Jamboree

The Town of Niagara-on-the-Lake will be the site of the 50th Anniversary, Boy Scout Jamboree on the September 17th weekend, the town is expecting 1700 campers on the common.

BY-LAWS

450. Moved by Councillor Harry
Seconded by Councillor Burroughs

That the following bills be now read and do pass:

Bill 86

A by-law to authorize long-term financing (1-3 Years) in the amount of \$1,476,200 for Project ZGC0501, PC's Printers, Software

Bill 87

A by-law to provide for the regulation of traffic on Regional highways in the Town of Fort Erie

Bill 88

A by-law to provide for the regulation of traffic on Regional highways in the Town of Fort Erie

Bill 89

A by-law to provide for the regulation of traffic on Regional highways in the Town of Grimsby

Bill 90

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 1st of September, 2005.

Carried.

451. Moved by Councillor Hodgson
Seconded by Councillor Bodner

That the following bills be now read and do pass:

Bill 91

A by-law to establish part of Lot 134, Plan M-1, in the town of Niagara-on-the-Lake as part of Regional Road No. 87 (Lakeshore Road).

Bill 92

A by-law to establish part of Lots 11 and 12, Plan 653, in the City of Niagara Falls as part of Regional Road No. 20 (Lundy's Lane).

Bill 93

A by-law to establish part of Township Lot 73, in the City of Niagara Falls as part of Regional Road No. 102 (Stanley Avenue)

Carried.

STAFF DIRECTIONS

Staff was directed to:

- provide Councillor Burroughs with the expenses that relate to the figures on page 3 of Report NRH 04-2005. (Refers to Minute Item 427)
- Regional Council requested that staff prepare an information page Proposed Amendment to the Regional Niagara Policy Plan, Regional Road Allowance Policies, that clearly identifies what is happening; explains the purpose of the amendment and the public information session; an explanation on why the matter is being dealt with by Planning Services when it is a Public Works matter. Regional Council also requested that the information also be placed on the website and that there be an opportunity for residents who are unable to attend the public information sessions, to voice their opinions and send in their comments. (Refers to Minute Item 431)

ADJOURNMENT

The Council meeting adjourned at 9:50 p.m.

Bruce Timms
Acting Regional Chair

Janet Pilon
Legislative Assistant

Pam Gilroy
Regional Clerk