

REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 5-2006

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, April 13, 2006 commencing at 7:10 p.m.

ATTENDANCE

Council: Regional Chairman Partington; Councillors Almas; Angelone; Bailey, Baty; Bentley; Bodner; Burroughs; Casselman; Collins; Eke; Gabriel; Goulbourne; Harry; Hildreth; Hodgson; Leavens; Marshall; Martin; Redekop; Rigby; Salci; Saracino Smeaton; Timms; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Cambray, Commissioner, Planning and Development; Nicol, Commissioner, Human Resources; Friesen, Acting Commissioner of Public Works; Bergsma, Commissioner of Corporate Services; Hutchings, Commissioner of Community Services; Dr. Williams, Medical Officer of Health; Ms. Gilroy, Regional Clerk; Ms. Pilon, Deputy Clerk.

Staff

(Part-Time): Mr. Bowles, Executive Assistant to the Regional Chair

Following Committee of the Whole, Council met in regular session, commencing at 7:10 p.m. with an Invocation by Councillor Hodgson, followed by the singing of 'O Canada'.

RETAIL BUSINESS HOLIDAYS ACT EXEMPTION

119. Report CSD 57-2006

Regional Chair Partington advised Regional Council, that in accordance with the requirements of the Retail Business Holidays Act, a newspaper ad was published in the Niagara Falls Review on Saturday, March 4, 2006, to advise of this Public Meeting to consider the passage of a by-law to permit the business known locally as Commisso's Food Market (to be renamed Sobey's) to be open on Victoria Day, Canada Day, Labour Day and Thanksgiving Day for the maintenance or development of Tourism, and to give an opportunity to any person to speak to the proposed by-law.

The Regional Chair Partington asked whether there were any persons in attendance who wished to speak to the proposed by-law, there were no responses, he then asked the applicant whether he wished to speak to the proposed by-law, he motioned that he did not want to speak, it was therefore;

Moved by Councillor Angelone
Seconded by Councillor Baty

That Report CSD 57-2006, Application for Exemption under the Retail Business Holidays Act, Commisio's Food Market (to be renamed Sobey's). 3714 Portage Road, City of Niagara Falls, be received; and

That the exemption be approved to permit the business known locally as Commisso's Food Market (to be renamed Sobey's) to be open from 9:00 a. m. to 6:00 p.m. on Victoria Day, Canada Day, Labour Day and Thanksgiving Day for the maintenance or development of tourism; and

That the Regional Clerk be directed to ensure that the appropriate by-law is prepared for presentation to Regional Council.

Carried.

2006 CURRENT BUDGET

120. Regional Chair Partington advised Regional Council that in accordance with the requirements of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, Regional Council approved the public reading of a resolution at its Council meeting on March 23, 2006, and the posting of a notice on the Region's website, as adequate notice of an amendment to the approved 2006 Current Budget at this evening's meeting.

The Regional Chair Partington asked whether there were any persons in attendance who wished to speak to the amendment to the approved 2006 Current Budget, there were no responses, therefore the meeting continued as planned.

ADOPTION OF THE AGENDA

121. Moved by Councillor Harry
Seconded by Councillor Hildreth

That the Council Agenda CL 5-2006 be adopted as presented with the inclusion of an Update on the Wainfleet Boil Water Advisory by Dr. Williams and the continuation of the Committee of the Whole meeting following the presentations.

Carried.

PRESENTATIONS

122. Fifth Annual Tobacco-Free Poster Contest Awards

Regional Chair Partington and Councillor Timms assisted Ms. Brigantino, Health Promoter and Ms. Polly, Public Health Nurse, Youth Connection Team with the presentations of the Fifth Annual Tobacco-Free Poster Contest Awards. The awards support the new provincial legislation that will be implemented on May 31, 2006. This year's theme for the posters was "My Smoke Free Ontario means....".

Primary Division: Julia Lambourne, St. Thomas More, Niagara Falls (3rd); Austin Humphries, Holy Name, Welland (2nd) and Ashley Hornby, Holy Name, Welland (1st).

French Primary Division: Jesse LeBrasseur, Ste. Marguerite Bourgeoys, St. Catharines (3rd); Natasha Desjardins, Sacre Coeur, Welland (2nd) and Myrah Flatt, Champlain, Welland (1st).

Junior Division: Carly Milani, St. Gabriel Lalemant, Niagara Falls (3rd); Priscilla Pangan, Cardinal Newman, Niagara Falls (2nd) and Jessica Yang, St. Anthony, St. Catharines (1st).

French Junior Division: Pauline Iannello, Ste. Marguerite Bourgeoys, St. Catharines (3rd); Cassandra McLelland, Immaculee Conception, St. Catharines (2nd) and Elizabeth Greco, St. Patrick, Port Colborne (1st).

Intermediate Division: Elizabeth Kim, Notre Dame, Niagara Falls (3rd); Cindy Nguyen, St. Mary, Niagara Falls (2nd) and Lisa Mancini, St. Ann, St. Catharines (1st).

French Intermediate Division: Bianca Molnar, Ste. Francois d'Assise, Welland (3rd); Kayla Tremblay, Confederation, Welland (2nd) and Adrianna Cappelletti, Confederation, Welland (1st).

123. Niagara Watershed Report Card

Mr. Andy Burt, General Manager/Secretary-Treasurer, Niagara Peninsula Conservation Authority provided Regional Council with a presentation on the First Annual Niagara Wastershed Report Card. The Niagara Peninsula Conservation Authority and the Regional Municipality of Niagara along with their partners have compiled the first Report Card on the environmental health of the Niagara watershed. The Report Card is designed to inform residents about how water resources are affected in our watershed, to stimulate government action, and to encourage public stewardship initiatives in the watershed.

124. St. Catharines Cycling Club and The Ontario Cycling Association

Mr. William Coyle of the St. Catharines Cycling Club and the Ontario Cycling Association apprised Regional Council of the past events and the 2006 events being held by the St. Catharines Cycling Club and encouraged everyone to visit their website at www.stcatharinescc.com for further information. He highlighted the number of visitors from other countries who attend these events and stay on in Niagara to visit other tourist attractions.

Regional Council was apprised of the costs associated with organizing the events and were asked to consider subsidizing the costs of policing for the events.

Mr. Coyle thanked all of the municipalities for their assistance during an event in their municipality.

Regional Council adjourned at 7:45 p.m. to continue the Committee of the Whole meeting.

Regional Council reconvened at 8:15 p.m.

125. CHAIRMAN'S REMARKS

Regional Chair Partington introduced and welcomed Mr. John Bergsma, the new Commissioner of Corporate Services to his first Regional Council meeting.

Regional Chair Partington joined Niagara Falls MPP Mr. Kim Craitor on March 31, 2006 to announce the additional funding for ambulance service. The announcement, worth approximately \$1.22 million this year, is the first stage of a three year program to obtain funding to a 50 – 50 level between the Region and the Province.

The planning for Niagara Week continues with StrategyCorp and Niagara Economic Development Corporation (NEDC) working on finalizing times for meetings. Once the times of the meetings have been finalized teams will be put together.

Regional Chair Partington had the opportunity to speak with the Rotary Clubs of Welland and Port Colborne, and the Lions Club of Ridgeway / Crystal Beach on Regional services and the future of Niagara Region.

Regional Chair Partington reminded Councillors of the Council Business Planning Session being held Thursday, April 20, 2006 at Linhaven Home for the Aged.

Regional Chair Partington thanked Great Lakes Floral in St. Catharines for the flowers on display in Council Chambers.

APPROVAL OF MINUTES

126. Report 4-2006

Moved by Councillor Marshall
Seconded by Councillor Almas

That Report 4-2006, being the minutes of the Proceedings of Council of Thursday, March 23, 2006, be approved and adopted.

Carried.

CORRESPONDENCE

127. Moved by Councillor Hodgson
Seconded by Councillor Bailey

That Communications C6757, C6758 and to C6760 to C6767, be received and dealt with as noted:

C6757 Card of thanks from Susan Sicard, an employee of the Community Services Department and family for the kind donation to the Canadian Cancer Society in memory of her father, Guy Boulay.

Received.

C6758 Card of thanks from Alan Spencer, an employee of the Public Health Department and family for the kind donation to the Welland General Hospital Foundation in memory of his father, Ted Spencer.

Received.

C6760 John D. Maloney, M.P. Welland Riding (March 21, 2006) to The Right Honourable Stephen Harper, Prime Minister of Canada, respecting TVN Niagara Inc. and requesting CRTC reconsider their decision to reject their application.

Received for information.

C6761 Memorandum to Regional Chairman Partington and Members of Council from Pam Gilroy, Regional Clerk (April 7, 2006) respecting the T. Roy Adams Humanitarian of the Year Award for 2006.

Received.

C6762 Card of thanks from Dave Cosby, an employee of the Public Health Department and his family, for the kind donation to The Arthritis Society in memory of his mother, Barbara Cosby.

Received.

C6763 Robert J. Spence, President & CEO, and Sharon Broderick, Chair, Board of Directors, CAA Niagara (April 5, 2006) endorsing a motion before Niagara Regional Council to support the Niagara-GTA Trade Corridor. C6764 John Gerretsen, Minister of Municipal Affairs and Housing (March 27, 2006) respecting New Canada-Ontario Affordable Housing Program – Additional Funding Allocation.

Received for Information.

C6764 John Gerretsen, Minister of Municipal Affairs and Housing (March 27, 2006) respecting New Canada-Ontario Affordable Housing Program – Additional Funding Allocation.

Received for Information.

C6765 Card of thanks from Jackie Stanicki, an employee of the Community Services Department, and family for the kind donation to the Lincoln County Humane Society in memory of her father, Steve Stanicki.

Received.

C6766 Card of thanks from John Bredin, an employee of the Public Health Department, and family for the kind donation to Wellspring Niagara in memory of his father-in-law, Ivan Foster.

Received.

C6767 Tim Hudak, MPP, Erie-Lincoln (April 5, 2006) to the Honourable Maxine Bernier, Minister of Industry, respecting the Township of Wainfleet's application for funding under the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) to construct a municipal water and wastewater system.

Received.

Carried.

128. Moved by Councillor Bodner
Seconded by Councillor Saracino

That Communications C6759 from the City of Port Colborne resolution (January 31, 2006) requesting the Ministry of Transportation to rename Highway 140 as Highway 406 be received and supported.

Carried.

COMMITTEE REPORTS

PLANNING AND PUBLIC WORKS COMMITTEE

129. Report 6-2006

Moved by Councillor Rigby
Seconded by Councillor Smeaton

That Report 6-2006 being the minutes of the Planning and Public Works Committee meeting of Wednesday, April 5, 2006, be approved and adopted.

Carried.

130. Final Recommendations Report Update Modifications
Regional Policy Plan Amendment 2-2005
Regional Road Allowance Policies
ADDENDUM to DPD 41-2006 / PWA 66-2006

Moved by Councillor Rigby
Seconded by Councillor Smeaton

That the Addendum to Report DPD 41-2006 / PWA 66-2006 respecting the Final Recommendations Report Update Modifications, Regional Policy Plan Amendment 2-2005, Regional Road Allowance Policies, be received; and

That Regional Policy Plan Amendment 2-2005 as shown in Appendix I be approved;

That the Regional Clerk ensure that a Regional Amendment by-law is prepared for Council adoption;

That a notice of Council's decision be circulated in accordance with Planning Act requirements; and

That a copy of this report be forwarded to the local municipalities for information.

Carried.

CORPORATE SERVICES COMMITTEE

131. Report 5-2006

Moved by Councillor Martin
Seconded by Councillor Collins

That Report 5-2006 being the minutes of the Corporate Services Committee meeting of Wednesday, April 5, 2006, be approved and adopted.

Moved by Councillor Rigby
Seconded by Councillor Burroughs

That Minute Item #110 of Report 5-2006, April 5, 2006, Corporate Services Committee minutes, Report HR 11-2006, April 5, 2006, respecting the Regional Chair and Councillor Remuneration, be lifted and dealt with by Council at this time.

Carried.

Regional Chair Partington left the Chair during the discussion on Report HR 11-2006, respecting the Regional Chair and Councillor Remuneration and Councillor Goulbourne assumed the Chair during the discussion.

132. Regional Chair and Councillor Remuneration
HR 11-2006

Moved by Councillor Casselman
Seconded by Councillor Zimmerman

The Report HR 11-2006, April 5, 2006, respecting the Regional Chair and Councillor Remuneration, be deferred pending the receipt of further information on the Regional Chair's salary being fully taxable, in order to provide flexibility.

Carried.

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

Upon a vote being taken, the Regional Chair declared the original motion as amended on Report 5-2006, being the minutes of the Corporate Services Committee meeting of Wednesday, April 5, 2006, was carried.

BY-LAWS

133. Moved by Councillor Martin
Seconded by Councillor Collins

That the following bills be now read and do pass:

Bill 35

A by-law to amend by-law 12-2006, being a by-law to adopt the 2006 Current Budget for the Regional Municipality of Niagara.

Bill 36

A by-law to set tax ratios and tax rate reductions for prescribed property subclasses for Regional purposes and area municipal purposes.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

134. **Report 5-2006**

Moved by Councillor Timms
Seconded by Councillor Baty

That Report 5-2006 being the minutes of the Public Health and Social Services Committee meeting of Tuesday, April 13, 2006. be approved and adopted.

Carried.

135. **Resolution Supporting the Recommendation of Ontario's Plan to Establish an Ontario Agency for Health Protection and Promotion**

Moved by Councillor Timms
Seconded by Councillor Baty

WHEREAS the numerous federal and provincial reports in recent years, a number of them evaluating the response to the 2003 SARS outbreak, have underscored the vital needs for and called upon the provincial government to establish a provincial public health agency; and

WHEREAS the provincial government constituted the Agency Implementation Task Force (ATIF) to lead the process of scoping and planning for the proposed Ontario Agency for Health Protection and Promotion (Agency) to serve as a resource for public health units, health care providers and partner ministries; and

WHEREAS the provincial government has received the interim and final reports from the ATIF, that have proposed that the Agency be established as a scheduled agency of the Crown, governed by a Board of Directors and reporting to the Minister of Health, with responsibilities for surveillance and epidemiology, research, knowledge exchange, laboratory services, professional development and communication in the areas of infection prevention and control, environmental health and health promotion/chronic disease and injury prevention; and

WHEREAS there has been strong and uniform support for the Agency from its key stakeholders, especially from provincial public health units, who recognize the compelling need for the skills, capacities and resources being proposed for the Agency; and

WHEREAS special purpose legislation is necessary for the establishment of the Agency, with the only remaining legislative agenda opportunities being the 2006 spring and fall sessions of the Provincial Legislature; and

WHEREAS failure to pass enabling legislation for the creation of the Agency would in all likelihood delay recruitment of the initial CEO, selection of the Board of Directors and initial start-up of the Agency until 2008 or beyond;

NOW THEREFORE BE IT RESOLVED that Niagara Regional Council urge the provincial government to ensure that special purpose legislation necessary for the creation of the Agency be introduced in the spring parliamentary session, to assure review and passage of the legislation during the spring or, at the latest, fall 2006 parliamentary session; and

THAT Regional Council forward this resolution to the Association of Local Public Health Agencies, the Ontario Public Health Association, the Ontario Medical Association, the Ontario Hospital Association, and the Registered Nurses Association of Ontario for support by these associations.

Carried.

ACCOMMODATION STEERING COMMITTEE

136. Report 2-2006

Moved by Councillor Leavens
Seconded by Councillor Collins

That Report 2-2006, being the minutes of the Accommodation Steering Committee of Tuesday, February 7, 2006, be approved and adopted.

Carried.

137. Report 3-2006

Moved by Councillor Leavens
Seconded by Councillor Collins

That Report 3-2006, being the minutes of the Accommodation Steering Committee of Friday, March 24, 2006, be approved and adopted.

Carried.

COMMITTEE OF THE WHOLE

138. Moved by Councillor Martin
Seconded by Councillor Zimmerman

That the decisions made in the Committee of the Whole meeting of Thursday, April 13, 2006, be approved and adopted.

Carried.

MOTION

139. Niagara GTA Corridor – Stakeholder Group

Moved by Councillor Zimmerman
Seconded by Councillor Bodner

WHEREAS Niagara Regional Council encourages the Heads of Council group formed in May 2004 consisting of the Niagara and Halton Regional Chairs, the Mayor of Hamilton, and the Mayors of Niagara and Halton Regions to continue its advocacy of the Niagara – GTA Corridor and to expand its membership to include other municipalities as it sees fit.

WHEREAS the Niagara GTA Corridor has the effect of creating unprecedented opportunities for the communities of Niagara, Hamilton, Haldimand and Halton.

THEREFORE BE IT RESOLVED that Niagara Regional Council, through the Niagara Economic Development Corporation, bring together a stakeholder group which includes area Chambers of Commerce, business leaders, and other private sector organizations to develop a parallel strategy to ensure, through a two pronged approach, the timely completion of the Niagara – GTA Corridor, and;

That the Niagara Economic Development Corporation act as a liaison between the Heads of Council group and the private sector stakeholder group.

Carried.

OTHER BUSINESS

140. Summit 2006: Creating the Cross Border Capital
One Region. Two Niagaras. Our Shared Future.

Regional Councillors were encouraged to attend the 2006 Summit *One Region. Two Niagara. Our Shared Future* being held on Thursday, May 11th in Niagara Falls, Ontario and Friday, May 12th in Niagara Falls, New York. The Planning Team from both sides of the River have assembled a variety of interesting presenters; programs which have been distributed; and the Registration Deadline is Monday, May 1st.

141. Boil Water Advisory – Township of Wainfleet

Dr. Williams, Medical Officer of Health advised Regional Council that a Boil Water Advisory has been issued for all properties in the Township of Wainfleet located in the area south of the Trans Canada Trail (former CN railway), extending to the Lake Erie shoreline, effective April 10, 2006, following extensive consultation with a panel of national, medical and technical experts, and receiving advice from the Chief Medical Officer of Health of Ontario.

Studies conducted by the Niagara Region's Public Health and Public Works Departments have concluded that significant bacterial contamination exists in the groundwater source for private and communal wells. Drinking water drawn from a well using this groundwater source could pose a significant health risk. Property serviced by the Long Beach private communal system or a cistern (supplied with water from an approved source), are excluded from this advisory.

(Refer to Staff Directions)

142. Easter Egg Hunts

Niagara's residents were invited to participate in the many Easter Egg hunts being held in their respective municipalities.

143. Happy Passover and Happy Easter!

Regional Council wished Niagara's residents a Happy Passover and Happy Easter!

144. Opening of the Great Wolf Lodge

Councillor Salci advised Regional Council of the opening of the Great Wolf Lodge in the City of Niagara Falls earlier this evening.

145. Public Health Smoke Free Ontario Act Open Houses

Regional Council was apprised of the Public Health Department's Smoke Free Ontario Act Open Houses being held April 18th to the 21st. April 18th – Regional Headquarters; April 19th – Niagara Falls; April 20th – St. Catharines and April 21st – Welland.

Please visit www.regional.niagara.on.ca/living/health_wellness/smokefree/default.aspx for more information.

BY-LAWS (Continued)

146. Moved by Councillor Baty
Seconded by Councillor Timms

That the following bills be now read and do pass:

Bill 31

A by-law to authorize Long-Term Financing (1-10 years) in the amount of \$2,977,725 for various projects in the 2006 Niagara Peninsula Conservation Authority Capital Budget.

Bill 32

A by-law to permit Commisso's Food Market (to be renamed Sobey's) located at 3714 Portage Road, Niagara Falls, to be open on certain holidays for the maintenance or development of Tourism.

Bill 33

A by-law to provide for the adoption of amendment 2-2005 to the Official Plan for the Niagara Planning Area to update the Regional Road Allowance Policies.

Bill 34

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 9th of April, 2006.

Carried.

STAFF DIRECTIONS

Staff was requested to:

- provide the Planning and Public Works Committee with a report that details the work being conducted by the Planning & Development and Engineering Departments to resolve Wainfleet's Water and Wastewater issues. (Refers to Minute Item # 140)
- report back on new and innovative ways of financing the resolutions to the Wainfleet's Water and Wastewater issues. (Corporate Services Department) (Refers to Minute Item # 140)
- report back on what the impact of the Boil Water order is to those attempting to sell their properties. (Corporate Services Department – Legal) (Refers to Minute Item # 140)

ADJOURNMENT

The Council meeting adjourned at 9:51 p.m.

Peter Partington
Regional Chairman

Janet Pilon
Deputy Clerk

Pam Gilroy
Regional Clerk