

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 3-2007

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, March 1, 2007 commencing at 8:46 p.m.

ATTENDANCE

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

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

Staff

(Part-Time): Messrs. Kyne, Director, Legal Services; Ms. Beckwith, General Manager, Niagara Regional Housing.

CLOSED COMMITTEE OF THE WHOLE

65. Moved by Councillor Burroughs
Seconded by Councillor Heit

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.

66. Personnel Matter

Moved by Councillor Smeaton
Seconded by Councillor Collins

That the Chief Administrative Officer proceed as recommended and outlined in the memorandum.

Carried.

67. Community Member, Police Services Board
Confidential Report HR 9-2007

Moved by Councillor Zimmerman
Seconded by Councillor Saracino

That Confidential Report HR 9-2007, February 8, 2007, respecting the Community Member, Police Services Board, be received and the recommendations contained therein, be approved as **amended** to specify the term of the appointment to read: "four year term of **March 2007 – November 2010**".

Carried.

(Refer to Staff Directions)

CLOSED COMMITTEE OF THE WHOLE, RISE AND REPORT

68. Moved by Councillor McMullan
Seconded by Councillor Timms

That this Council do now rise with report.

Carried.

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

CURRENT & CAPITAL BUDGET PUBLIC MEETING

69. Regional Chair Partington advised Regional Council that in accordance with the requirements of the Municipal Act, a newspaper ad was published in the daily and weekly newspapers in the Region on January 19, 2007 advising of Council approval of the Current and Capital Budget on February 8, 2007, and invited public input. On February 8, 2007 Regional Council made a public statement, which advised the public that the deliberations on the 2007 Current and Capital Budget would continue on March 1, 2007 at 2:00 p.m.

Regional Chair Partington noted that the Budget Review Committee had one speaker at their meeting on February 8, 2007, and no written submissions.

Regional Chair Partington asked whether there was anyone in the audience who wished to speak to the Current or Capital Budget, there were no responses. The Regional Chair then advised Council that following the decision made at the Budget Review Committee earlier this evening the 2007 Current and Capital Budgets would be approved through the normal course of the meeting.

2007/2008 UNIFORM SEWER AND WATER RATES PUBLIC MEETING

70. Regional Chair Partington advised Council that the Regional Municipality of Niagara has invited interested parties to attend this public meeting being held to receive input from the public on Niagara's proposed 2007/2008 uniform sewer and water rates and that notice of this public meeting was given on February 9th by way of the local papers of general circulation. Furthermore, information on these proposed rates have been available at no cost to any member of the public upon request.

It is Council's intent tonight to consider that input and to make changes to the 2007/2008 proposed uniform sewer and water rates. A report from a joint meeting of the Corporate Services Committee and Planning and Public Works Committees will be considered in the normal course of considering the Committee Reports.

Regional Chair Partington asked whether there was anyone present who would like to speak to the proposed 2007/2008 Uniform Sewer and Water Rates, there were no response, therefore, the consideration of the rates would take place during the normal course of the meeting.

CONFLICTS OF INTEREST

71. Councillor Collins declared an indirect pecuniary interest with respect to any matters that deal with the Niagara Polices Services Board, as a family member is an employee of the Police Services, and he therefore took no part in the discussion of, or voting on, this matter.

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.

ADOPTION OF THE AGENDA

72. Moved by Councillor Bentley
Seconded by Councillor Burroughs

That the Council Agenda CL 3-2007 be approved and adopted as presented.

Carried.

PRESENTATIONS

73. Women of Distinction Awards and Gala
Call for Nominations

Ms. Elisabeth Zimmermann, Acting Executive Director, YWCA Niagara Region advised Regional Council of the Women of Distinction Awards that are held to acknowledge women from different walks of life who have distinguished themselves by their personal achievements, their community commitment and above all their contribution to the advancement of women. While the Women of Distinction serve as role model for other women, their individual actions echo the mission of the YWCA Niagara Region and further the place of women in our society.

The nominees must be a Niagara Region resident for at least a year; agree to be nominated; sign the nomination form. There are seven categories: Arts and Culture; Education, Training and Development; Health and Wellbeing; Public Affairs and Communication; Public and Community Service; Science and Technology and Trades, Professional and Entrepreneurship.

Ms. Zimmermann encouraged members of Council to take this opportunity to nominate a woman of distinction by the deadline of March 23, 2007.

The awards will be awarded at the Gala Reception and Ceremony on May 10, 2007 at John-Michael's Banquet & Conference Centre.

74. **CHAIRMAN'S REMARKS**

Regional Chair Partington thanked Balfour Greenhouses of Fenwick for their gift of flowers.

Regional Chair Partington reminded Regional Councillors to RSVP for the March 8th discussion on the Economic Growth Strategy and Niagara's Collective Voice, noting that a survey was attached to the invitation for the event on March 8th, and that to date the response has been low. Therefore, the survey has been placed in your packages and Regional Councillors were encouraged to complete and return the surveys as soon as possible, as the surveys are intended to provide staff with the information they require to formulate our Niagara Week presentations.

Regional Council was advised of the passing of former Regional Councillor, former Warden of Welland County, and former MPP Mel Swart. Mel was a great advocate for our community and a dedicated family man; he was a builder of Niagara; a founding board member of the Niagara Peninsula Conservation Authority, Brock University and the Thorold Community Credit Union.

Mel's name can also be found at the Mel Swart Lake Gibson Conservation Area in Thorold and on Mel Swart Cooperative Homes in Welland. Niagara is a richer community because of Mel's contribution and he will be greatly missed.

APPROVAL OF MINUTES

75. Report 1-2007

Moved by Councillor Augustyn
Seconded by Councillor Gabriel

That Report 1-2007, being the minutes of the Budget Review Committee meeting of Thursday, February 8, 2007, be approved and adopted with Minute Item 1, ***amended***, as follows:

That the 2007 Niagara Regional Police Services Capital Budget and Nine Year Forecast, be referred for consideration with the overall budget; excluding the **\$21,895,000** for Central Accommodations which is referred to the Police Services Board for further clarification and report on a long range accommodations plan.

Carried.

76. Report 2-2007

Moved by Councillor Rigby
Seconded by Councillor Collins

That Report 2-2007, being the minutes of the Proceedings of Council of Thursday, February 8, 2007, be approved and adopted.

Carried.

CORRESPONDENCE

77. Moved by Councillor Rigby
Seconded by Councillor Collins

That Communications C6852 to C6858 and C6860 to C6862, be received and dealt with as noted in the Council Agenda and Addendum:

- C6852 A letter from Cheryl Miclette, Town Clerk, Town of Pelham (February 8, 2007) endorsing and supporting the Regional Municipality of Niagara's resolution with respect to Military Leave of Absence.
- C6853 A letter from Susan Daniels, Deputy City Clerk, City of Thorold (February 8, 2007) endorsing and supporting the Regional Municipality of Niagara's resolution with respect to Military Leave of Absence.
- C6854 Card of thanks from Gail Babion, an employee of the Public Works Department, for the kind donation to the Port Colborne General Hospital Foundation in memory of her mother-in-law Elaine Ruston.
- C6855 A letter from Carolyn Kett, Town Clerk, Town of Fort Erie (February 13, 2007) supporting the Regional Municipality of Niagara's resolution with respect to Military Leave of Absence.
- C6856 A letter from Craig Stirtzinger, General Manager, Communications, Council and Legislative Services/City Clerk, City of Welland (February 9, 2007) supporting the Regional Municipality of Niagara's resolution with respect to Military Leave of Absence.
- C6857 A letter from Holly Dowd, Town Clerk, Town of Niagara-on-the-Lake (February 15, 2007) supporting the Regional Municipality of Niagara's resolution with respect to Military Leave of Absence.
- C6858 A letter from Janet Beckett, City Clerk, City of Port Colborne (February 15, 2007) receiving the Regional Municipality of Niagara's resolution with respect to Military Leave of Absence.
- C6860 Card of thanks from Guy DiPietro an employee of the Public Works Department, for the kind donation to the Kidney Foundation of Canada in memory of his mother Maria (DiPietro) Telese.
- C6861 A letter from Thomas Rankin, President, Rankin Construction Inc. (February 28, 2007) respecting the Wainfleet 10MW Wind Farm.
- C6862 A letter from Tim Hudak, MPP (February 28, 2007) respecting the Justice of the Peace Appointments.

Carried.

78. Moved by Councillor Rigby
Seconded by Councillor Collins

That Communication C6859 a letter from Carolyn Kett, Town Clerk, Town of Fort Erie (February 13, 2007) supporting the City of Thorold's resolution calling upon the Province of Ontario to continue its efforts to resolve the current problems with the health care system, be received and supported.

Carried.

AGENCIES, BOARDS AND COMMISSIONS

79. The Canada-Ontario Affordable Housing Program:
Rental & Supportive Component Recommended List of Projects
NRH 2 – 2007

Moved by Councillor Forster
Seconded by Councillor Gabriel

That Report NRH 02-2007, March 1, 2007, respecting the Canada-Ontario Affordable Housing Program: Rental & Supportive Component Recommended List of Projects, be received.

That Regional Council recommend to the Ministry of Municipal Affairs and Housing approval of the "A" list of Recommended Projects for funding under the Canada-Ontario Affordable Housing Program;

That the Ministry of Municipal Affairs and Housing be requested to provide additional funding of \$840,000 for the 12 additional units that exceed the approved allocation; and

That Regional Council and the Ministry of Municipal Affairs and Housing approve the "B" list of Recommended Projects for funding under the Canada-Ontario Affordable Housing Program if there is an additional allocation under the program.

Carried.

Councillor D'Angela advised Regional Council that he would be refraining from voting on the above matter, as the old City of Thorold, City Hall, a municipally owned building is under consideration.

80. The Canada-Ontario Affordable Housing Program:
Home Ownership Component – Delivery Plan
NRH 3 – 2007

Moved by Councillor Forster
Seconded by Councillor Gabriel

That Report NRH 03-2007, March 1, 2007, respecting the Canada-Ontario Affordable Housing Program: Home Ownership Component – Delivery Plan, be received.

That Regional Council approve Niagara Regional Housing delivery of the Home Ownership Component of the Canada-Ontario Affordable Housing Program, as set out in the attached report 07-53-4.4, dated February 23, 2007; and

That Regional Council forward notification of Council approval along with the Niagara Regional Housing Home Ownership Program Delivery Plan to the Ministry of Municipal Affairs and Housing, for approval.

Carried.

PLANNING AND PUBLIC WORKS COMMITTEE

81. Report 3-2007

Moved by Councillor Smeaton
Seconded by Councillor Rigby

That Report 3-2007, being the minutes of the Planning and Public Works Committee meeting of Wednesday, February 21, 2007, be approved and adopted.

Carried.

(Refer to Staff Directions)

CORPORATE SERVICES COMMITTEE

82. Report 3-2007

Moved by Councillor Collins
Seconded by Councillor Martin

That Report 3-2007, being the minutes of the Corporate Services Committee meeting of Wednesday, February 21, 2007, be approved and adopted.

(Refer to Staff Directions)

83. Moved by Councillor Baty
Seconded by Councillor Badawey

That Confidential Report CSD 34-2007, February 21, 2007, respecting a Matter of Solicitor and Client Advice – POA Prosecution Guidelines, be lifted and dealt with by this Council at this time.

Carried.

Councillor Baty noted that the issue of Remuneration for the Standing Committee Co-Chairs will be brought forward at the next Corporate Services Committee meeting.

84. A Matter of Solicitor and Client Advice –
POA Prosecution Guidelines
Confidential CSD 34-2007

Moved by Councillor Badawey
Seconded by Councillor Hodgson

That Confidential Report CSD 34-2007, February 21, 2007, respecting a Matter of Solicitor and Client Advice – POA Prosecution Guidelines, be referred back to the Corporate Services Committee.

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report 3-2007, being the minutes of the Corporate Services Committee meeting of Wednesday, February 21, 2007 as amended, was carried.

85. Appointment of Community Member to the Police Services Board

Moved by Councillor Badawey
Seconded by Councillor Saracino

That the Mr. Thomas (Todd) Shoalts, CA, be appointed as the Community Member to the Niagara Police Services Board for the four year term of March 2007 – November 2010.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

86. Report 3-2007

Moved by Councillor Timms
Seconded by Councillor Baty

That Report 3-2007, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, February 20, 2007, be approved and adopted.

Carried.

(Refer to Staff Directions)

ACCOMMODATION STEERING COMMITTEE

87. Report 2-2007

Moved by Councillor Collins
Seconded by Councillor Lepp

That Report 2-2007, being the minutes of the Accommodation Steering Committee meeting of Friday, January 30, 2007, be approved and adopted.

Carried.

**JOINT COPORATE SERVICES COMMITTEE &
PLANNING AND PUBLIC WORKS COMMITTEE**

88. Report 1-2007

Moved by Councillor Rigby
Seconded by Councillor Martin

That Report 1-2007, being the minutes of the Joint Corporate Services Committee & Planning and Public Works Committee meeting of Wednesday, February 21, 2007, be approved and adopted as ***amended***:

That Report PWA 35-2007/CSD 38-2007 include the provision that the method of determining the apportionment to each area municipality based on their proportionate share of the total metre equivalent (a system capacity measure) be in place for more than one year.

Carried.

BUDGET REVIEW COMMITTEE

89. Moved by Councillor Martin
Seconded by Councillor Rigby

That the decisions made at the Budget Review Committee meeting of Thursday, March 1, 2007, be approved and adopted.

Carried.

NOTICE OF MOTION

90. Councillor Timms advised Regional Council that he would be bringing forward a Notice of Motion at the next Regional Council meeting requesting that Regional Council take a leadership role in establishing a Welland Canals National Heritage Corridor through the Heritage Sub-Committee of the Culture Committee.

OTHER BUSINESS

91. Thank you!

Councillor D'Angela thanked the Public Health Department for their continued assistance during and following the incident at Clean Harbor Canada.

92. Mr. Paul Ryan – Citizen of the Year - Town of Pelham

Councillor Augustyn congratulated Mr. Paul Ryan of the Town of Pelham for recently being awarded the 2006 Pelham Citizen of the Year. Mr. Ryan has been an active member of the community for decades; most recently volunteering with the 150th Anniversary celebration for Fonthill.

BY-LAWS

93. Moved by Councillor Heit
Seconded by Councillor McMullan

That the following bills be now read and do pass:

Bill 20

A By-Law to Establish Part of Township Lot 171, in the Town of Niagara-on-the-Lake as Part of Regional Road No. 55 (Niagara Stone Road)

Bill 21

A By-Law to Establish Part of Lot 8, Plan No. 260, in the City of St. Catharines as Part of Regional Road No. 83 (Carlton Street)

Bill 22

A By-Law to Establish Part of Lot 1, Plan 409, in the Town Of Fort Erie as Part of Regional Road No. 1 (Dominion Road)

Bill 23

A By-Law to Provide for the Adoption of Amendment 172 to the Official Plan for the Niagara Planning Area to Provide for an Expansion to the Grand Niagara Golf Course in the City of Niagara Falls

Bill 24

A By-Law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting Held on the 1st of March, 2007

Carried.

94. Moved by Councillor Marshall
Seconded by Councillor Rigby

That the following bills be now read and do pass:

Bill 25

A By-Law to Fix the Rates to be Charged for Water Supplied to Lower-Tier Municipalities During the Period March 1, 2007 to February 29, 2008

Bill 26

A By-Law to fix the Rates to be Charged for Wastewater Received from Lower-Tier Municipalities for the Period March 1, 2007 to February 29, 2008

Carried.

95. Moved by Councillor Lepp
Seconded by Councillor Bentley

That the following bills be now read and do pass:

Bill 27

A By-Law to Adopt the 2007 Capital Budget for the Regional Municipality of Niagara.

Bill 28

A By-Law to Adopt the 2007 Current Budget for the Regional Municipality of Niagara.

Carried.

STAFF DIRECTIONS

Staff was directed to:

- prepare a policy that details the process to follow when selecting members of Agencies, Boards and Commissions. (Refers to Minute Item 67)
- ensure that the Transportation Strategy Steering Committee consider the three or four municipalities where their residents are not permitted to use the service for medical appointments within their own municipality, when they are considering the Niagara Regional Specialized Transit – Trip Purpose and Hours of Service. (Refers to Minute Item 81)
- provide all Regional Councillors with the entire BMA presentation. (Refers to Minute Item 82)
- prepare a report on the City of Toronto's DineSafe program. (Refers to Minute Item 87)
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ADJOURNMENT

The Council meeting adjourned at 10:54 p.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Clerk

Pam Gilroy
Regional Clerk