

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 8-2007

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, June 14, 2007 commencing at 6:10 p.m.

ATTENDANCE

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

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

Staff

(Part-Time): Messrs. Murphy, Manager Policy Development; Campbell, Planner.

CALL TO ORDER

226. Regional Chair Partington called the meeting to order at 6:10 p.m.

CLOSED SESSION

227. Moved by Councillor Collins
Seconded by Councillor Lepp

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

Carried.

228. Personnel Matter:
Recruitment of Commissioner of Public Works
CAO 7-2007 CONFIDENTIAL

Moved by Councillor Puttick
Seconded by Councillor Rigby

That Confidential Report CAO 7-2007, respecting a Personnel Matter: Recruitment of Commissioner of Public Works, be received, and

That Kenneth J. Brothers be appointed Commissioner of Public Works effective August 18, 2007, in accordance with the June 13, 2007 Offer of Employment as summarized and recommended by the Chief Administrative Officer.

Carried.

Conflict of Interest

Councillor Timms declared an indirect 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 vacated the Council Chambers during the discussion on the matter.

229. Legal Matter

Regional Council received a verbal report on a legal matter.

230. A Proposed Disposition of Land by the Municipality
Niagara Convention and Civic Centre
City of Niagara Falls
Memorandum & CSD 95-2007/PWA 101-2007 CONFIDENTIAL

Moved by Councillor Augustyn
Seconded by Councillor Collins

That the memorandum from Mr. Mike Kyne, Director, Legal Services (June 14, 2007) respecting the information requested at the Planning and Public Works Committee and Corporate Services Committee meetings on PWA 101-2007/CSD 95-2007, be received for information.

Carried.

CLOSED SESSION, RISE AND REPORT

231. Moved by Councillor Smeaton
Seconded by Councillor Trombetta

That this Committee do now rise with report.

Carried.

Following Closed Session, Council met in regular session, commencing at 8:40 p.m. with an Invocation by Councillor Cordiner, followed by the singing of 'O Canada'.

232. **CONFLICTS OF INTEREST**

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 Timms declared an indirect 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.

Councillor Trombetta declared an indirect pecuniary interest with respect to any matters related Minute Item 257 in the June 6, 2007, Planning and Public Works Committee minutes respecting the MTO project to widen the QEW as a family member is employed by the contractor for this project, and she therefore took no part in the discussion of, or voting on, this matter.

ADOPTION OF THE AGENDA

233. Moved by Councillor D'Angela
Seconded by Councillor Burroughs

That the Council Agenda CL 8-2007 be approved and adopted as presented.

Carried.

PRESENTATIONS

234. 2007 Niagara Region Environmental Awards

Regional Chair Partington and Mr. Lundrigan, Chair of the Ecological and Environmental Advisory Committee were pleased to present the 2007 Environmental Awards.

The Young People's Award was presented to the 1st Port Dalhousie Beavers, Cubs and Scouts, St. Catharines. Scouts Canada promotes as one of their core principles "duty to others", that duty includes "protecting the integrity of the natural world." The 1st Port Dalhousie youth have made this part of their day to day activities.

The Volunteer Award was awarded to Steve Cino, Pelham, a long-time teacher in Niagara, has worked above and beyond the call of duty to raise awareness about environmental conservation among students and others across the Region. Mr. Cino's most significant accomplishment, however, was the organization of a one-day workshop on climate change and environmental responsibility for high schools across Niagara. That event laid the groundwork for annual forums in high schools across Niagara that address many of the pressing environmental issues facing our world today.

The Corporate Award was awarded to Ontario Power Generation, Niagara Plant Group. The Niagara Plant Group has undertaken numerous environmental initiatives, usually through partnerships with local groups and government agencies.

The Lifetime Achievement Award was awarded to Mel Swart, who passed away February 2007, receiving the award on Mr. Swart's behalf was his daughter Melva Snowling and his son Orlen Swart, Mel Swart began his career in public life in the 1940s, when he was first elected to serve as a Councillor for the then Township of Thorold. Over the course of the next 40 years, through his work at the municipal, County and Regional levels and later as a member of the Provincial Legislature he made important contributions to environmental conservation in Niagara. After his retirement from politics in 1988, Mr. Swart remained a key fundraiser for a naturalization park dedicated in his name along Lake Gibson in Thorold.

235. 2007 Debenture Issue

Mr. Sunil Bhutani, Executive Director, CIBC World Markets provided Regional Council with a presentation on the market conditions.

Mr. Bhutani noted that the higher than expected global growth has caused some concern about rising global inflation. The North American inflation has failed to moderate and in Canada the 2.5% pace is well above the Bank of Canada's target of 2.0%. The housing market, in Canada, has remained relatively strong due to its minimal exposure to the subprime market. The Canadian dollar has recently overshot commodity price growth due to strong mergers and acquisitions flow and prospects of higher shorter-term interest rates in Canada relative to the U.S.

The Bank of Canada at their next meeting on July 10th, are expected to raise the overnight rate by 25 basis points. Interest rates in Canada have increased over 50 basis points since May 1, 2007.

Mr. Bhutani reviewed the chart that illustrated the interest rate forecasts, noting that there are factors that could lead to further Bank of Canada rate hikes, such as continued high cost inflation and continued robust GDP and employment growth as well as factors that could mitigate the need for further rate hikes by the Bank of Canada, such as further appreciation of the Canadian dollar; further weakening in Canadian manufacturing and exports; slowing of U.S. economy and a worsening housing market.

REGIONAL CHAIR'S REMARKS

236. Regional Council congratulated Brian Hutchings, Commissioner of Community Services, on being elected as President of the Ontario Municipal Social Services Association (OMSSA) by its membership for the 2007-2008 fiscal year. OMSSA is a non-profit organization representing 47 Consolidated Municipal Services Managers. Its members are involved in planning managing, funding, and delivering income security, housing and homelessness, early learning and child development and promoting progressive public policy for social and community services at the municipal level throughout Ontario.

Regional Chair Partington acknowledged that this would be Mr. Ian Neville's and Mr. Corwin Cambray's last Regional Council meeting since they are both retiring at the end of June. Both have served the Niagara Region and the people of Niagara exceptionally well with tremendous professionalism and ability.

On behalf of Regional Council, Regional Chair Partington, thanked both Mr. Neville and Mr. Cambray for their service to the Niagara Region and wished them the very best as they begin a new chapter in their lives.

Councillors Rigby and Smeaton thanked both Mr. Neville and Mr. Cambray for their professionalism and wished them the best wishes on their retirements.

Regional Chair Partington announced the appointment of Mr. Ken Brothers as the Commissioner of Public Works effective August 18, 2007. Mr. Brothers, a professional engineer, brings extensive experience in the delivery of municipal infrastructure services as a senior executive manager, with responsibility for all aspects of water, wastewater and solid waste management, and environmental programming. Mr. Brothers was most recently the Director of the Utility Services Branch for the City of Ottawa with prior employment at Halifax Regional Water Commission.

Regional Chair Partington thanked Peninsula Flowers of Jordan Station for the flowers on display in Council Chambers.

APPROVAL OF MINUTES

237. Report 7-2007

Moved by Councillor Katzman
Seconded by Councillor Timms

That Report 7-2007, being the minutes of the Proceedings of Council of Thursday, May 24, 2007, be approved and adopted.

Carried.

CORRESPONDENCE

238. Moved by Councillor D'Angela
Seconded by Councillor Greenwood

That Communications C6913 to C6917, be received and dealt with as noted in the Council Agenda and Addendum:

C6913 Memo from Pam Gilroy, Regional Clerk, (June 8, 2007), providing notice that amendments to the Procedural Bylaw will be presented to Standing Committees on Tuesday, June 26 and Wednesday, June 27, and Council on July 5, 2007.

C6914 A letter from Councillors Zimmerman and Smeaton (May 17, 2007) extending the Planning Review Committee's appreciation to the individuals who were involved in the development of the Memorandum of Understanding.

C6915 Card of thanks from Roxanne Nelson, an employee of the Community Services Department, for the kind donation to the Sick Kids Foundation in memory of her mother Jean Berketo.

C6916 A memorandum from Mr. Cambray, Commissioner of Planning & Development (June 14, 2007) respecting the Community Survey Underway for Niagara 2031: A Strategy for a Healthy, Sustainable Future.

C6917 A memorandum from Mr. Cambray, Commissioner of Planning & Development (June 14, 2007) respecting the information requested by the Planning and Public Works Committee on Regional Policy Plan Amendment 4-2006, Urban Area Modifications, Town of Fort Erie, Edward Feiertag Property.

Carried.

239. Moved by Councillor Greenwood
Seconded by Councillor D'Angela

That Communications C6918, respecting the 2007-2008 AMO Board of Directors Request for Nominations and Councillor Collins interest in being nominated as a Director, be received and supported.

Carried.

PLANNING AND PUBLIC WORKS COMMITTEE

240. Report 8-2007

Moved by Councillor Smeaton
Seconded by Councillor Badawey

That Report 8-2007, being the minutes of the Planning and Public Works Committee meeting of Wednesday, June 6, 2007, be approved and adopted.

241. Moved by Councillor Timms
Seconded by Councillor Baty

That the motions that were defeated under Minute Item # 248 in the Planning and Public Works Committee meeting minutes of June 6, 2007 How to Achieve National Heritage Designation For the Welland Canals Corridor, be lifted and dealt with at this time.

Carried.

242. How to Achieve National Heritage Designation
For the Welland Canals Corridor
DPD 70-2007

Upon a vote being taken, the Regional Chair declared the original motion “That due to the timing and interest, staff be authorized to undertake some preliminary work on information sources and local discussions”, was defeated.

Upon a vote being taken, the Regional Chair declared the original motion “That this report be circulated for information to the local municipalities in the Region” **was carried.**

243. Final Recommendations Report
Regional Policy Plan Amendment 4-2006
Urban Area Modifications
Town of Fort Erie
DPD 72-2007

Moved by Councillor Martin
Seconded by Councillor Collins

That Report DPD 72-2007, respecting the Final Recommendations Report, Regional Policy Plan Amendment 4-2006, Urban Area Modifications, Town of Fort Erie (June 6, 2007), **was approved with the deferral of Part 1 and deferral of a portion of Part 3.**

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report 8-2007, being the minutes of the Planning and Public Works Committee meeting of Wednesday, June 6 2007, **as amended**, was carried.

CORPORATE SERVICES COMMITTEE

244. Report 8-2007

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 8-2007, being the minutes of the Corporate Services Committee meeting of Wednesday, June 6, 2007, be approved and adopted.

245. Tile Drainage

Moved by Councillor Henderson
Seconded by Councillor Burroughs

That Minute Item # 181, respecting the Tile Drainage be amended to reflect the Town of Niagara-on-the-Lake.

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report 8-2007, being the minutes of the Corporate Services Committee meeting of Wednesday, June 6 2007, **as amended**, was carried.

(Refer to Staff Directions)

JOINT REPORTS

246. A Proposed Disposition of Land by the Municipality
Niagara Convention and Civic Centre
City of Niagara Falls
CSD 95-2007/PWA 101-2007 CONFIDENTIAL

Moved by Councillor Badawey
Seconded by Councillor Salci

That the proponents, Dr. Matovic and Mr. Lustig, be permitted to speak at Regional Council.

Carried.

Regional Council discussed the following motion:

That (pending approval of the final wording by the Director of Legal Services) the Regional Chair and Clerk be authorized to execute a lease agreement wherein Niagara Region agrees to lease to the City of Niagara Falls that 20+/- acre parcel of Niagara Region's property fronting on Dunn Street and Ailanthus Avenue that incorporates the following terms and conditions—that:

- the Lease Agreement shall be for a term of 50 years;
- the leased lands to be used as a parking lot in connection with or required for a Convention Centre to be owned by the City as a municipal capital facility and constructed upon City owned lands fronting on Stanley Avenue;
- consideration for the lease shall be nominal (i.e. \$1/yr);

- all amenities and improvements to be constructed on the leased lands, as may be required for the operation of the Convention Centre, will be approved by the Regional Municipality of Niagara and constructed to the standards of the City's Site Plan approval process;
- the lease would commence when the City initiates its option to complete the purchases of the other lands necessary for the Convention Centre project but in any case no later than 2009;
- the lease would be conditional on the leased lands being used as a parking lot for the Convention Centre facility and would terminate after 50 years, if the Convention Centre closed or coincident with the termination of the City's involvement in the Convention Centre;
- it be acknowledged that Niagara Region is prepared, pending the passage of a similar resolution by the City of Niagara Falls, to waive any development charges and property taxes that may be payable as a result of the development and operations of this Convention Centre; and
- all revenue generated by Convention Centre operations will be re-invested in the Convention Centre facility and operations.

Following, a lengthy discussion on the above motion, it was:

Moved by Councillor Hodgson
Seconded by Councillor Badawey

That Confidential Report CSD 95-2007/PWA 101-2007, (June 6, 2007) respecting A Proposed Disposition of Land by the Municipality – Niagara Convention and Civic Centre, City of Niagara Falls, be referred back to the June 27, 2007 Corporate Services Committee and Planning and Public Works Committee meetings for further discussion.

Carried.

(Refer to Staff Directions)

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

247. Report 8-2007

Moved by Councillor Baty
Seconded by Councillor Cordiner

That Report 8-2007, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, June 5, 2007, be approved and adopted.

Carried.

MOTIONS

248. Leadership Role in the Protection of Our Environment for Future Generations

Councillor McMullan requested that his motion, be referred to the July 5, 2007 Regional Council meeting and Regional Council supported that request.

NOTICE OF MOTION

249. One-Cent Solution

Councillor Zimmerman will at the July 5th Regional Council meeting be bringing a motion forward supporting the one-cent solution campaign that is aimed at channeling part of the federal taxes collected by Ottawa into municipalities.

250. Amendment to the Procedural By-Law

Councillor Baty will at the July 5th Regional Council meeting be bringing a motion forward requesting an amendment to the Niagara Region's Procedural By-law to address moving up the presentations and moving the Closed Session of the Regional Council meetings to a more appropriate time on the Agenda and Order of Business.

OTHER BUSINESS

251. Niagara Symphony

Councillor Collins noted that the Niagara Symphony has announced that they will continue to provide the residents of Niagara Region with the wonderful music they are known for, due to a successful fundraising campaign.

252. Osprey Newspapers – Summer Camp Opportunity

Osprey Media is committed to investing in tomorrow through the youth of today. Its Summer Camp & Recreation Fund will help Niagara children in financial need participate in a variety of camping and recreation experiences. An opportunity to go to summer camp or be involved in a neighbourhood activity not only helps our children develop new skills, make new friends and raise their self esteem, it also gives them the chance to get their hands dirty and have lots of fun.

BY-LAWS

253. Moved by Councillor Bentley
Seconded by Councillor Trombetta

That the following bills be now read and do pass:

Bill 58

A by-law to establish part of Hillside Place, Plan 312 and Part of Block B, Plan 294, in the City of Niagara Falls as part of Regional Road No. 420.

Bill 59

A by-law to provide for the preservation, retention and destruction of records of the Regional Corporation.

Bill 60

A by-law to provide for the adoption of Amendment 4-2006 to the Official Plan for the Niagara Planning Area to provide for modifications to the Fort Erie urban area.

Bill 61

A by-law to establish Block 79, Plan 59M359 in the City of Welland as part of Regional Road No. 29 (Webber Road).

Bill 62

A by-law to establish part of Township Lot 172 in the City of Niagara Falls as part of Regional Road No. 49 (McLeod Road).

Bill 63

A by-law to provide for the adoption of Amendment 7-2005 to the Official Plan for the Niagara Planning Area to permit an expansion to the urban area in the City of Niagara Falls.

Bill 64

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 14th day of June, 2007.

Carried.

254. Moved by Councillor Badawey
Seconded by Councillor Augustyn

That the following bill be now read and do pass.

Bill 65

A By-Law to Appoint By-Law Enforcement Officers to Enforce the Sewer Use By-Law No. 39-2002, As Amended, and to Repeal By-Law 85-1999

Carried.

STAFF DIRECTIONS

Staff were directed to:

- consult with the Town of Grimsby - Minute Item # 183 in the June 6, 2007 Corporate Services Committee minutes. (Refer to Minute Item # 245)
- inquire as to what the Federal government decision is on this matter, prior to the Committee meetings, in order for the Committee's to make an informed decision. (Refers to Minute Item # 246)

ADJOURNMENT

The Council meeting adjourned at 10:50 p.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Clerk

Pam Gilroy
Regional Clerk