

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 11-2008

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, June 12, 2008 commencing at 6:30 p.m.

ATTENDANCE

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

Staff: Messrs. Trojan, Chief Administrative Officer; Cousins, Director, Transportation Services; Robson, Acting Commissioner, Planning and Development; Hutchings, Commissioner, Community Services; Bergsma, Commissioner, Corporate Services; Ms. Fontana, Director, Corporate Health Services; Dr. Williams, Medical Officer of Health; Ms. Gilroy, Regional Clerk; Ms. Pilon, Deputy Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Kyne, Director, Legal Services; Campbell, Planner.

CALL TO ORDER

258. Regional Chair Partington called the meeting to order at 6:30 p.m.

CONFLICT OF INTEREST

259. Councillor Zimmerman declared an indirect pecuniary interest with respect to Confidential Report CAO 7-2008 Amended, Matters Concerning Security of Property of the Municipality and Litigation (OLG Tax Appeal), as she is Chair of the Municipal Property Assessment Commission, and she therefore vacated the Council Chamber during the discussion of and voting on, this matter.

CLOSED SESSION

260. Moved by Councillor Marshall
Seconded by Councillor Rigby

That this Council do now move into Closed Session for the purposes of receiving information and dealing with matters concerning the security of the property of the Municipality and litigation, and proposed acquisitions of land by the Municipality.

Carried.

CLOSED SESSION, RISE AND REPORT

261. Moved by Councillor Augustyn
Seconded by Councillor Bentley

That this Committee do now rise without report.

Carried.

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

ADOPTION OF THE AGENDA

262. Moved by Councillor Lepp
Seconded by Councillor Timms

That the Council Agenda CL 11-2008 be approved and adopted as presented.

Carried.

CONFLICTS OF INTEREST

263. Councillor Collins declared an indirect pecuniary interest with respect to any matters relating to the Police as he has a family member employed by the Niagara Regional Police Services and he therefore took no part in the discussion of, or voting on, these matters.

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 Katzman declared an indirect pecuniary interest with respect to any matters relating to the District School Board of Niagara, as she is presently employed by the District School Board of Niagara, and she therefore took no part in the discussion of, or voting on, these matters.

Councillor Marshall declared an indirect pecuniary interest with respect to any matters relating to the District School Board of Niagara, as his wife is presently employed by the District School Board of Niagara, and he therefore took no part in the discussion of, or voting on, these matters.

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 Zimmerman declared an indirect pecuniary interest with respect to Confidential Report CAO 7-2008 Amended, Matters Concerning Security of Property of the Municipality and Litigation (OLG Tax Appeal), as she is Chair of the Municipal Property Assessment Commission, and she therefore vacated the Council Chamber during the discussion of and voting on, this matter.

PRESENTATIONS

264. 2008 Environmental Awards

Regional Chair Partington and Mr. Lundrigan, Chair of the Ecological and Environmental Advisory Committee were pleased to present the 2008 Environmental Awards.

The Young People's Award, Elementary Age Category was presented to the St. Patrick Catholic Elementary School, Port Colborne, who created "We're Going Green Buttons" to let everyone know that the Green Team had arrived. They host Litter Less Lunches in the school every Wednesday; distributed Green Team Bags filled with items such as eco-friendly cleaning supplies and water-saving shower heads and faucets to assist the community in becoming more "eco-friendly" free to each family. They also created "Did You Know" messages read on the announcements each day to raise environmental awareness and teach strategies to make a difference, which have become the focal point for a video that was the finale for the Green Team Assembly held in March.

The Young People's Award, Secondary Age Category was presented to The Green Team and Garden Club at Ridgeway-Crystal Beach High School, Fort Erie, who have an impressive list of accomplishments. They have promoted Waste Reduction Week by encouraging the school administration to provide more blue boxes and recycling bins; collecting used cell phones and ink cartridges; combated litter by cleaning up litter on the school grounds and in the neighbourhood during Pitch In Week; participated in the development of the ECO School Garden Project at Ridgeway-Crystal Beach High School, planting trees and bulbs around the school yard and along the Friendship Trail; promoted environmental education and awareness through bulletin boards, displays, newsletter articles and guest speakers.

The Volunteer Award was presented to Adam Shoalts of the Town of Pelham, who is actively involved in raising environmental awareness in Niagara. Mr. Shoalts is a volunteer columnist covering environmental, nature and conservation issues for the Welland Tribune and The Voice of Pelham; he sits on the Tribune's Youth Editorial Board ensuring that the paper has a "green" voice and speaks on environmental issues to a wide variety of audiences across Niagara; and as a student of Brock University, he is active on campus as a member of the Brock Environmental Club.

Mr. Shoalts is the founder and chair of the Friends of Coyle Creek a volunteer community group dedicated to cleaning up and preserving Coyle Creek, a tributary of the Welland River that flows south through Pelham and Welland.

The Lifetime Achievement Award was awarded to Dan Bouwman of the City of Niagara Falls, who is recognized for his leadership in creating Heartland Forest in Niagara Falls, one of the largest woodlands in Niagara, which through his efforts has protected an important part of Niagara's legacy. Mr. Bouwman acquired the 93 acre parcel of land in 1999 which is a prime example of a slough forest, containing a large number of rare plants such as black gum and pin oak, and provides important habitat for deer and other wildlife.

Mr. Bouwman is focus on making Heartland Forest a nature experience accessible to everyone. A wheelchair accessible trail system 4 kilometers long has been constructed through the forest, with learning stations and signs along the trail providing information about the flora and fauna. An educational program has been developed, equipped with a classroom and staff conducts tours through the property and provides instruction for elementary and high school groups. College and university students use the forest to study the natural environment.

265. Agriculture in Niagara - Update

Mr. Albert Witteveen, President, Niagara North Federation of Agriculture provided Regional Council with an updated on Agriculture in Niagara. Mr. Witteveen provided Regional Council with an overview of federation's mission, vision and value statements; the composition of their Board of Directors, membership and committee representation.

Mr. Witteveen advised Regional Council of Niagara's major agricultural commodity groups and their gross farm receipts, noting that the equine sector is the fastest growing agricultural commodity throughout Ontario and that the Ontario Veterinary College Graduating Class of 2008 has a total of 111 students, 91 of which are female; of the farm cash receipts in Niagara from 1991 to 2006; the fact that in 2006, Niagara had 2,236 farms with a total area of 232,817 acres with a total land mass of approximately 444,349 acres.

Mr. Witteveen advised Regional Council of the issues that are affecting Niagara's Agricultural industry: the lack of processing facilities; hog, beef and horticulture industries are still struggling; greenbelt pressures; Conservation Authority restricting approved normal farming practices through misguided regulation interpretation; concerns with the direction of the source water protection committees, for example – to date, refusal to discuss compensation issue in draft Terms of Reference; animal rights agenda; Niagara to GTA Transportation Corridor; trade issues.

The Niagara North Federation of Agriculture feels that the following solutions will assist the Agricultural industry with these issues: increase the involvement for the Agriculture Sub Committee (regular scheduled meetings); continue to encourage the "Buy Local" initiative in Niagara – a market of 120 million people is accessible within a days drive to Niagara; continue to support the initiatives of the Niagara Agricultural Task Force and take advantage of the opportunities provided to personally meet with farm representatives through scheduled events (such as summer BBQ on Wednesday, August 20, 2008).

Mr. Witteveen on behalf of the members of the Niagara North Federation of Agriculture thanked Niagara Region for their continued support of the agricultural sector and are looking forward to a continued partnership.

REGIONAL CHAIR'S REMARKS

266. Regional Chair Partington noted that earlier this week a meeting was held with the Niagara Regional Police Services regarding the Police Long Term Accommodation issue. There was open and frank discussion that led to some common understanding and agreement on several issues and it was clear that we have a number of issues still to resolve. During this meeting Council's direction from the May 1, 2008 meeting to establish a joint oversight committee moving forward was reaffirmed and the Police Services Board was provided with the background information and the draft terms of reference to guide the joint oversight committee. They agreed to review our information and the draft terms of reference and respond to the Regional Chair's office. Upon receipt of the Police Services Board's response, the Regional Chair will provide Regional Council with a further update for their consideration and guidance.

On June 5, 2008, the Regional Chair along with several Regional Councillors and key stakeholders attended the Council Business Planning Session, "A Legacy of Poverty? addressing Cycles of Poverty and the Impact on Child Health in Niagara." The participants discussed four key objectives and the associated strategies: To inform council and the public about the impact of poverty on our community and the strategies to reduce poverty; To mitigate the effects of living in poverty on adults in Niagara; To increase programs and services for youth and children living in poverty in Niagara; To monitor the progress of Niagara's strategies in reducing poverty. The results of the session will be summarized and further community engagement will take place and a final report will be presented to Regional Council for approval.

Regional Chair Partington thanked Brian Hutchings, Commissioner, Community Services Department and his staff for all of the hard work that went into hosting this event.

Regional Chair Partington was pleased to recognize the recent achievements of Niagara Region's Commissioners. On Tuesday, June 10, 2008, Dr. Robin Williams was presented with an honorary degree by Brock University. Dr. Williams was recognized for her professional contributions in raising awareness of children's health and welfare issues by educating parents, families, professionals and communities along with local provincial and federal governments about child development issues. Congratulations Dr. Williams on receiving this recognition for your dedication to improving the lives of Canadians!

Mr. Brian Hutchings, Commissioner, Community Services also received the Niagara Award from Niagara College in recognition of his contributions to Niagara. The recipient of this award must be an individual who is or has, brought recognition to the Niagara area; affected the community positively; is a pioneer that makes things happen and demonstrates a commitment over years of service.

Regional Chair Partington thanked Mr. Hutchings on behalf of Regional for his dedicated service to Niagara Region and the residents he serves!

Dr. Doug Sider, Associate Medical Officer of Health was the recipient of an Honorary Bachelor of Applied Sciences Degree from Niagara College on June 11, 2008. Dr. Sider was honoured for his significant contribution to public health and community medicine. Dr Sider is widely known for his leadership, professional experience and dedication to public health in Ontario. Congratulations Dr. Sider!

Regional Chair Partington was pleased to welcome Mr. Neal Roberts to his office as his Executive Officer.

Regional Chair Partington noted that the plants that adorned the Council Chamber were provided courtesy of Broadway Gardens Ltd. of St. Catharines. These plants will be donated to Upper Canada Lodge in Niagara-on-the-Lake. On behalf of Council the Regional Chair thanked them for their gift.

APPROVAL OF MINUTES

267. Report CL 10-2008

Moved by Councillor Henderson
Seconded by Councillor Greenwood

That Report CL 10-2008, being the minutes of the Proceedings of Council of Thursday, May 22, 2008, be approved and adopted.

Carried.

CORRESPONDENCE

268. Moved by Councillor Katzman
Seconded by Councillor Saracino

That Communications C7060 to C7063 and C7067 to C7072 be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7061 Card of thanks from Nadine Riddell, an employee of the Community Services Department, for the kind donation to the All Saints Anglican Church in memory of her father-in-law Baden Matthews.

Received.

C7062 A letter from the Minister Leona Dombrowsky, Ministry of Agriculture, Food and Rural Affairs, (May 15, 2008) in response to Regional Council's resolution in support of local foods.

Received.

C7063 Card of thanks from Beth Brens, an employee of the Corporate Services Department, for the kind donation to the Architectural Conservancy of Ontario in memory of her father John Livingstone.

Received.

C7067 A letter from Jean Grandoni, a resident of Niagara Falls (June 4, 2008) respecting her Notice of Objection to Official Plan Amendment No. 82 and City By-law No. 2008-73, City of Niagara Falls, Warren Woods Community and Regional PWA 56-2008, June 4, 2008.

Received.

C7068 A letter from the Minister Gerry Ritz, Ministry of Agriculture and Agri-Food and Ministry for the Canadian Wheat Board, (May 29, 2008) in response to Regional Council's resolution in support of local foods.

Received.

C7069 A letter from Minister George Smitherman, Deputy Premier, Ministry of Health and Long-Term Care (May 29, 2008) advising Niagara Region of one-time funding up to \$125,000 to negotiate agreements for dedicated nurses to receive ambulance patients at hospital ER(s) for the fiscal year 2008-09.

Received.

C7070 A memorandum from John Bergsma, Commissioner, Corporate Services (June 12, 2008) respecting the Councillor Request Regional Development Charges 10 Year Trend.

Received.

C7071 An e-mail from John Bacher (June 12, 2008) respecting Niagara Falls, Official Plan Amendment 82, Warren Woods Community Development.

Received and referred to the June 4, 2008 Planning and Public Works Committee Minutes, Report PWA 56-2008.

C7072 A message from Minister Donna Cansfield, Ministry of Natural Resources (June 11, 2008) respecting the Plant a Tree Challenge to help fight climate change by planting trees.

Received.

Carried.

269. Moved by Councillor Heit
Seconded by Councillor Burroughs

That Communication C7064, A letter from Councillor McMullan (May 9, 2008) resigning from the Council Organization Review Committee, be received and supported.

Carried.

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

That Communication C7065, A letter from the CAW Local 222 (April 29, 2008) requesting support for their motion (attached) to legislate changes governing harassment and violence in the workplace. be received and referred to Human Resources staff for report.

Carried.

271. Moved by Councillor Lepp
Seconded by Councillor Casselman

That Communication C7066, A memorandum from Pam Gilroy, Regional Clerk (May 30, 2008) respecting Membership on the Niagara Region Communications Advisory Panel, be received; and

That Regional Chair Partington; Councillors Augustyn; Collins; Goulbourne; Greenwood; Marshall; Timms and Henderson, be appointed to the Niagara Region Communications Advisory Panel.

Carried.

DELEGATIONS (RELATED TO COMMITTEE REPORTS)

272. Official Plan Amendment No. 82
Warren Woods Community
City of Niagara Falls
PWA 56-2008

Ms. Jean Grandoni a resident of the City of Niagara Falls appeared before Regional Council to advise them of her objection to the approval of the recommendations contained therein Report PWA 56-2008, respecting the Official Plan Amendment No. 82, Warren Woods Community in the City of Niagara Falls

Ms. Grandoni referred to the contents of Correspondence Item C7067, noting that her primary reason for addressing Regional Council was to advise them that the amendment only recognizes a portion of the forest, when the forest as a whole should be recognized.

Ms. Grandoni requested that Regional Council either defer their decision on this matter until a further report can be brought forward or reject it completely and wait for the completion of the secondary plan by the City of Niagara Falls.

COMMITTEE REPORTS

PLANNING AND PUBLIC WORKS COMMITTEE

273. Report 8-2008

Moved by Councillor Smeaton
Seconded by Councillor Augustyn

That Report 8-2008, being the minutes of the Planning and Public Works Committee meeting of Wednesday, June 4, 2008, be approved and adopted.

274. Moved by Councillor Collins
Seconded by Councillor Bentley

That Report PWA 56, 2008, June 4, 2008, respecting the respecting the Official Plan Amendment No. 82, Warren Woods Community in the City of Niagara Falls, be lifted and dealt with separately at this time.

Carried.

275. Following a lengthy discussion, it was:

Moved by Councillor Puttick
Seconded by Councillor Marshall

That Report PWA 56, 2008, June 4, 2008, respecting the respecting the Official Plan Amendment No. 82, Warren Woods Community in the City of Niagara Falls, be deferred.

Defeated.

276. Moved by Councillor Salci
Seconded by Councillor Lepp

That Report PWA 56-2008, June 4, 2008, Official Plan Amendment No. 82 Warren Woods Community City of Niagara Falls, be received;

That Amendment No. 82 to the City of Niagara Falls Official Plan be approved;

That all parties be notified of Regional Council's decision on this application in accordance with Provincial regulations; and

That staff issue a notice of final decision for the Amendment 20 days after notice of Council's decision has been given provided that no appeals have been lodged against the decision.

Carried.

Upon a vote being taken, the Regional Chair declared the original motion, carried.

CORPORATE SERVICES COMMITTEE

277. Report 8-2008

Moved by Councillor Martin
Seconded by Councillor Collins

That Report 8-2008, being the minutes of the Corporate Services Committee meeting of Wednesday, June 4, 2008, be approved and adopted.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

278. Report 7-2008

Moved by Councillor Casselman
Seconded by Councillor Saracino

That Report 7-2008, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, June 3, 2008, be approved and adopted.

Carried.

PUBLIC INFORMATION AND COMMUNICATIONS ADVISORY COMMITTEE

279. Report 1-2008

Moved by Councillor Marshall
Seconded by Councillor Rigby

That Report 1-2008, being the minutes of the Public Information and Communications Advisory Committee meeting of Tuesday, May 20, 2008, be received and the recommendations contained therein be approved.

Carried.

OTHER BUSINESS

280. Best Wishes to Lora Fontana

Regional Council extended their best wishes to Ms. Lora Fontana, who was in attendance at Council on her last day at Niagara Region, Ms. Fontana has accepted a position in Hamilton.

281. Save Rainbow Nursery School Petition

Councillor Marshall apprised Regional Council of the closing of the Rainbow Nursery School in the City of Welland, a decision made by Family and Child Services.

Councillor Marshall presented Regional Council with a petition that has been signed by approximately 5,000 individuals and asked that Mr. Hutchings' staff review the circumstances surrounding the closure of the Rainbow Nursery School and report back to committee.

Mr. Hutchings advised Regional Council that a report on this subject has been prepared and will be discussed at the June 24, 2008 Public Health and Social Services Committee.

282. Niagara Receives 1/4 of the Funding, Hamilton Receives for Homelessness, Why?

Mr. Hutchings advised Regional Council that the funding is based on urban core cities with populations over 100,000 and since Niagara Region has only the City of St. Catharines with a population of 130,000, Niagara Region only receives funding for its population.

283. Rankin Cancer Run

Councillor Heit noted that this year's Rankin Cancer Run raised a total of \$405,000 for Niagara Region's local cancer fund, a marvellous accomplishment.

Regional Council asked that the Regional Chair forward a letter of appreciation to the Chair of the Run Committee.

284. Plant Closures

Councillor Puttick asked that the members of the Niagara Economic Development Corporation make inquiries to ascertain what is happening in Niagara Region in regards to the closing or moving of industries within the Niagara Region, in light of the plant closure reports of General Motors and Hallmark.

285. Apology to the Aboriginal People

Councillor Puttick noted that earlier this week the Federal government apologized to the aboriginal people and asked that Dr. Williams and Mr. Hutchings work together and develop an appropriate resolution to the government to address the fact that it is not appropriate to apologize and then leave the aboriginal people in poverty.

286. Working Together

Councillors Goulbourne and D'Angela highlighted the motions (PWC 17-2008 and PWC 180-2008) passed by their Councils (Welland and Thorold) to discuss common municipal issues and joint municipal development opportunities for their mutual benefits.

287. Centre for Young Artists
Niagara Falls

Councillor Goulbourne complimented the City of Niagara Falls for their initiative in downtown Niagara Falls where young artists are displaying their work in empty store fronts along Queen Street.

288. Bike Train

Councillor Timms noted that the Bike Train will be arriving again in Niagara Falls beginning on June 27th with a new stop in St. Catharines. Please refer to the following website for the Bike Train's schedule http://biketrain.ca/index.php?option=com_content&task=view&id=12&Itemid=29

289. Italia In Festa

Councillor D'Angela invited everyone to enjoy the 4th Annual Italia In Festa, celebrating Italian food, drink, dance and entertainment on June 20th and 21st.

290. Mayor's Annual Canada Day Picnic

Councillor D'Angela invited everyone to Canada's Most Patriotic City, the City of Thorold on Canada Day for the 2nd Annual Canada Day Picnic. This year's picnic features a Best Decorated Bike Contest and fireworks.

291. Rotary Club of Niagara Falls Sunrise Ribfest and BBQ

Councillor Salci invited everyone to the Ribfest in the City of Niagara Falls at Optimist Recreation Park, Dorchester Road, this Friday, Saturday and Sunday (June 13 -15).

BY-LAWS

292. Moved by Councillor Bylsma
Seconded by Councillor Lepp

That the following Bill be now read and do pass:

Bill 49

A By-Law to Establish Blocks 235, 236, And 237, Plan M-83, in the Town of Fort Erie as Part of Regional Road No. 3 (Garrison Road)

Carried.

293. Moved by Councillor Gabriel
Seconded by Councillor Puttick

That the following Bills be now read and do pass:

Bill 51

A By-Law to Accept, Assume and Dedicate Part of Township Lot 159 in the City of Thorold as Part Of Regional Road No. 20 (Canboro Road)

Bill 52

A By-Law to Accept, Assume and Dedicate Parcel 51-1, Section M1 Niagara And Part of Lot 52, Plan M1, in the Town of Niagara-on-the-Lake as Part of Regional Road No. 87 (Lakeshore Road)

Bill 53

A By-Law to Accept, Assume and Dedicate Part of Township Lot 160 in the Town of Pelham as Part of Regional Road No. 20 (Canboro Road)

Bill 54

A By-Law to Accept, Assume and Dedicate Part of Lots 34 and 36, City Plan 53, in the City of St. Catharines as Part of Regional Road No. 42 (Ontario Street)

Carried.

CONFIRMING BY-LAW

294. Moved by Councillor Cordiner
Seconded by Councillor Baty

That the following Bill be now read and do pass:

Bill 50

A By-law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting held on the 12th of June, 2008.

Carried.

ADJOURNMENT

The Council meeting adjourned at 9:12 p.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Clerk

Pam Gilroy
Regional Clerk