

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 9-2008

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, May 1, 2008 commencing at 5:00 p.m.

ATTENDANCE

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

Staff: Messrs. Trojan, Chief Administrative Officer; Brothers, Commissioner, Public Works; Robson, Acting Commissioner, Planning and Development; Hutchings, Commissioner, Community Services; Bergsma, Commissioner, Corporate Services; Nicol, Commissioner, Human Resources; Dr. Feller, Associate Medical Officer of Health; Ms. Gilroy, Regional Clerk; Ms. Ricci, Legislative Assistant.

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

CALL TO ORDER

188. Regional Chair Partington called the meeting to order at 5:10 p.m. following a brief training session on the new audio system in the Chamber.

CLOSED SESSION

189. Moved by Councillor Burroughs
Seconded by Councillor Trombetta

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.

190. A Matter of Labour Relations
Corporate Organizational Design Review
CAO 1-2008 Confidential

Moved by Councillor Trombetta
Seconded by Councillor Timms

That an amendment be made to the Chief Administrative Officer's organizational design.

Defeated.

Moved by Councillor Rigby
Seconded by Councillor Zimmerman

That the Chief Administrative Officer's recommended organizational design be approved.

Carried.

191. Matters Concerning the Security of the Municipality's Property,
Proposed or Pending Acquisitions of Land and Solicitor-Client Advice
CSD 62-2008 Confidential

Moved by Councillor Zimmerman
Seconded by Councillor Badawey

That Confidential Report CSD 62-2008, May 1, 2008, respecting Matters Concerning the Security of the Municipality's Property, Proposed or Pending Acquisitions of Land and Solicitor-Client Advice, be released publicly and dealt with in Open Session.

Carried.

(Please see Minute Item 212.)

192. A Matter of Security of the Property of the Municipality
CSD 63-2008 Confidential

Moved by Councillor Zimmerman
Seconded by Councillor Badawey

That Confidential Report CSD 63-2008, May 1, 2008, respecting A Matter of Security of the Property of the Municipality, be released publicly and dealt with in Open Session.

Carried.

(Please see Minute Item 213.)

193. Solicitor-Client Advice – Oral Report
Publicly Releasing Confidential Material

Moved by Councillor Puttick
Seconded by Councillor Burroughs

That staff be directed to proceed as recommended by the Director, Legal Services.

Carried.

194. Solicitor-Client Advice – Oral Report
Granting Staff the Authority

Moved by Councillor Puttick
Seconded by Councillor Burroughs

That the Director, Legal Services (or designate) be granted the authority, in his/her discretion, to approve the release of any confidential records, documents and information requested by the Ombudsman under s.239.1 of the *Municipal Act, 2001* or the *Ombudsman Act*.

Carried.

CLOSED SESSION, RISE AND REPORT

195. Moved by Councillor Bentley
Seconded by Councillor Timms

That this Committee do now rise with report.

Carried.

Council met in regular session, commencing at 7:00 p.m. with an Invocation by Councillor Smeaton followed by the singing of 'O Canada'.

ADOPTION OF THE AGENDA

196. Moved by Councillor Bentley
Seconded by Councillor D'Angela

That the Council Agenda CL 9-2008 be approved and adopted as presented.

Carried.

CONFLICTS OF INTEREST

197. 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 vacated the Committee Room and took no part in the discussion of, or voting on, these matters.

PRESENTATIONS

198. Long-Term Care – Volunteer Recognition

Mr. Dominic Ventresca, Director Seniors Services advised Council members that this was Volunteer Appreciation Week across Canada and that Niagara Region's Seniors Services was proud to recognize its 914 volunteers that serve in the Region's 8 long-term homes and in the numerous seniors' community programs.

Regional Chair Partington and Councillor Baty presented the following individuals with certificates in recognition of their dedicated years of volunteer service:

Carol Rapelje - 50 years of volunteer service to Sunset Haven/The Woodlands of Sunset

Gladys Trietz - 45 years of volunteer service to Sunset Haven/The Woodlands of Sunset

Elvine Cronier - 40 years of volunteer service to Northland Manor/Northland Pointe

Helen Doan - 40 years of volunteer service to Northland Manor/Northland Pointe

Friorina Fabi - 40 years of volunteer service to Northland Manor/Northland Pointe

Edith Noyes - 40 years of volunteer service to Northland Manor/Northland Pointe

Flo Rusk - 40 years of volunteer service to Northland Manor/Northland Pointe

Betty Smythe - 40 years of volunteer service to Northland Manor/Northland Pointe

REGIONAL CHAIR'S REMARKS

199. Regional Chair Partington was pleased to announce that Niagara Week in Toronto at Queens Park had focused on four issues; St. Catharines Downtown Development, transportation linkages and the expansion of the 406 and an extended GO Transit network, poverty issues in Niagara, and an alignment of economic strategies between the Region and the province. Chair Partington advised Council members of the State of the Region speech hosted by the St. Catharines/Thorold Chamber of Commerce at the Quality Hotel Parkway Convention Centre, Wednesday May 7 at 11:30 a.m. and the upcoming Smarter Niagara Summit a week from today, Thursday, May 8 and Friday, May 9 at the Welland Lions Club. Visit the Region's website at www.regional.niagara.on.ca for further information. He added that next week, on Friday, May 9, we have the official opening of the Balls Falls Centre for Conservation.

Chair Partington attended this week the official opening of the Region's pilot program with respect to battery recycling. It is a one-year pilot program – and we're hopeful that over 14 tonnes of batteries will be recycled this year that otherwise would have ended up in our landfills, contributing mercury and cadmium into the municipal waste stream.

Chair Partington thanked Robert and Rod Bierhuizen of Sunrise Greenhouses in Vineland Station for the flowers you see before you today. They will be brought to one of our long-term care homes after council this evening.

APPROVAL OF MINUTES

200. Report COTW 5-2008

Moved by Councillor Lepp
Seconded by Councillor Bylsma

That Report COTW 5-2008, being the minutes of the Committee of the Whole meeting of Thursday, April 10, 2008, be approved and adopted.

Carried.

201. Report CL 7-2008

Moved by Councillor Cordiner
Seconded by Councillor Baty

That Report CL 7-2008, being the minutes of the Proceedings of Council of Thursday, April 10, 2008, be approved and adopted as amended to specify that Bill 30 shall come into force on July 31, 2008.

Carried.

202. Report CL 8-2008

Moved by Councillor Katzman
Seconded by Councillor Saracino

That Report CL 8-2008, being the minutes of the Proceedings of Council of Thursday, April 24, 2008, be approved and adopted.

Carried.

CORRESPONDENCE

203. Moved by Councillor D'Angela
Seconded by Councillor Hodgson

That Communications C7049 to C7051 be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7049 A letter from Winston Heron, President of the Board of Directors for the Folk Arts Council of St. Catharines (April 9, 2008) with an invitation to the 40th Niagara Folk Arts Festival celebration from May 9th to May 25th.

Received.

C7050 A letter from Councillor Cindy Forster, Vice Chair, Niagara Regional Housing (NRH) Board of Directors (April 24, 2008) respecting Report CSD 45-2008, Year End Results and Final Report on Required Transfer for the Year Ended December 31, 2007, which recommended that the full surplus gained by NRH in 2007 be transferred to the Region's General Capital Levy reserve and addresses the Board's concerns with what has been recommended.

Received and referred to Legal Services for a response to the NRH Board's concerns, for discussion at Corporate Services Committee.

C7051 Card of thanks from Marie Rabishaw, an employee of the Community Services Department, for the kind donation to the Port Colborne General Hospital Foundation in memory of her father Daniel Porte.

Received.

Carried.

204. Moved by Councillor Badawey
Seconded by Councillor Augustyn

That Communications C7052, respecting the 2008-2009 AMO Board of Directors Request for Nominations and Councillor Collins interest in being nominated as a Director, be received and supported.

Carried.

205. Moved by Councillor Martin
Seconded by Councillor Saracino

That Communications C7053, from Deb Morton, Executive Director, Regional Municipality of Niagara Police Services Board, (April 22, 2008), requesting Council support to execute the Contractual Agreements relative to the Safer Communities – 1,000 Officers Partnership Program, be received and supported.

Carried.

COMMITTEE REPORTS

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

206. Report 5-2008

Moved by Councillor Baty
Seconded by Councillor Cordiner

That Report 5-2008, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, April 15, 2008, be approved and adopted.

Carried.

207. Offload Delay Situation

Moved by Councillor Henderson
Seconded by Councillor Casselman

WHEREAS ambulance off-load delays are common and increasing realities affecting most, if not all, emergency medical services across Ontario; and

WHEREAS ambulance off-load delays are a symptom of serious health care and community support system problems and challenges (for example, lack of access to comprehensive and effective primary care, emergency department staffing and optimal functioning, alternate level of care patient crises, lack of adequate supportive housing, etc.); and

WHEREAS ambulance offload delay times are consistently increasing in the Regional Municipality of Niagara, on a month to month and year to year basis; and

WHEREAS response times to high acuity calls have dramatically increased across the Regional Municipality of Niagara due to ambulance offload delays, to the point where Provincially mandated standards cannot be met on a consistent basis; and

WHEREAS total resource commitment to offload delays is contributing to periods of critically low ambulance availability to respond to emergency calls; and

WHEREAS ambulance offload delays are contributing to budget variance, not within the approved budgetary guidelines for mandated service provisions to the Regional Municipality; and

WHEREAS programs and initiatives undertaken by both Emergency Medical Services and the Niagara Health system have not achieved results in eliminating offload delays; and

WHEREAS Niagara EMS can no longer sustain the effects of offload delay without temporary measures being requested of Regional Council to enhance staffing and the associated budget required;

THEREFORE BE IT RESOLVED:

THAT the Public Health and Social Services Committee recommend that Regional Council affirm its support for the urgent need for a coordinated and effective province-wide approach to the systems and issues underlying offload delays, for circulation to other boards of health, municipal, county or regional governments responsible for land ambulance services, the Ontario Hospital Association, the Association of Municipalities of Ontario, Local Health Integration Networks and the MOHLTC; and

THAT the provincial governments be requested to continue working with hospital emergency departments to address and resolve offload delays in an expedient manner.

Carried.

208. Results of Homelessness Partnering Strategy Request for Proposal # 2008-RFP-11
COM 24-2008

Moved by Councillor Puttick
Seconded by Councillor Henderson

That Report COM 24-2008, May 1, 2008, respecting the Results of Homelessness Partnering Strategy Request for Proposal # 2008-RFP-11, be received.

That as approved by Regional Council in COM 35-2007, Community Services be authorized to allocate Homelessness Partnering Strategy funds to successful proponents of 2008-RFP-11.

Carried.

PLANNING AND PUBLIC WORKS COMMITTEE

209. Report 6-2008

Moved by Councillor Rigby
Seconded by Councillor Marshall

That Report 6-2008, being the minutes of the Planning and Public Works Committee meeting of Wednesday, April 16, 2008, be approved and adopted.

Carried.

CORPORATE SERVICES COMMITTEE

210. Report 6-2008

Moved by Councillor Martin
Seconded by Councillor Collins

That Report 6-2008, being the minutes of the Corporate Services Committee meeting of Wednesday, April 16, 2008, be approved and adopted.

Moved by Councillor Martin
Seconded by Councillor Collins

That Minute Item 95, respecting Report CSD 45-2008, Year End Results and Final Report on Required Transfers for the Year Ended December 31, 2007 – Current Operations, be lifted and dealt with separately by this Council at this time.

Carried.

In light of the direction on Correspondence C7050, with respect to year end transfers for the NRH, there was some discussion about these transfers as contained in Report CSD 45-2008. Staff advised that as the response requested from the Director of Legal Services was to be discussed at a future Corporate Services Committee meeting, staff would report back on this issue at that time.

Upon a vote being taken, the original motion on Minute Item 95, respecting Report CSD 45-2008, Year End Results and Final Report on Required Transfers for the Year Ended December 31, 2007 – Current Operations, as noted in Report 6-2008, was carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report 6-2008, being the minutes of the Corporate Services Committee meeting of Wednesday, April 16, 2008 was carried.

211. Matters Concerning the Security of the Municipality's Property,
Proposed or Pending Acquisitions of Land and Solicitor-Client Advice
CSD 62-2008

(Referred from Closed Session – please see Minute Item 192.)

Mr. Bergsma, Commissioner of the Corporate Services Department, provided a PowerPoint presentation highlighting the recommendations in Reports CSD 62-2008, and CSD 63-2008.

Moved by Councillor Zimmerman
Seconded by Councillor Heit

That Report CSD 62-2008, May 1, 2008, respecting Matters Concerning the Security of the Municipality's Property, Proposed or Pending Acquisitions of Land and Solicitor-Client Advice, be received.

That the Police Long-Term Accommodation Committee (the "Committee") chaired by the Commissioner of Corporate Services be immediately struck to oversee and administer the Police Long-Term Accommodation Strategy (the "Strategy") on behalf of Regional Council. The Acting Commissioner of Planning, the Regional Treasurer and the Director, IT Solutions will also be members of the Committee and the Police Services Board ("PSB") will be invited to provide three members – preferably the CAO, the Deputy Chief and the Director, Business Services; and

That the Committee immediately retain a project manager to review, analyze, oversee and manage the Strategy on behalf of Regional Council which administration shall include a due diligence review of all facilities recommended by the PSB, its consultants and the Chief; an assessment of the PSB's documentation, requests, needs and related costs; an analysis of all other relevant factors (particularly affordability, land use planning and servicing); and, the development of recommendations as to how best resolve the municipality/PSB's long-term accommodation challenges; and

That all processes currently underway in support of the Strategy including all RFPs, Expressions of Interest, land purchases and other related activities be immediately referred to the Committee for review and recommendation to Regional Council; and

That the planning, design and construction of the NRP's new Grimsby and Fort Erie facilities also be referred to the Committee for administration; and

That the affordability of the Police Long-Term Accommodation Strategy be confirmed after the Capital Budget Affordability Strategy has been reviewed and revised (scheduled for summer 2008).

Carried.

212. A Matter of Security of the Property of the Municipality

CSD 63-2008

(Referred from Closed Session – please see Minute Item 193.)

Moved by Councillor Rigby

Seconded by Councillor Marshall

That Report CSD 63-2008, May 1, 2008, respecting A Matter of Security of the Property of the Municipality, be received for information.

Carried.

COUNCIL ORGANIZATION REVIEW COMMITTEE

213. Report 5-2008

Moved by Councillor Marshall
Seconded by Councillor Rigby

That Report 5-2008, being the minutes of the Council Organization Review Committee meeting of Tuesday, April 14 2008, be received and the recommendations contained therein, be approved.

Carried.

AUDIT COMMITTEE

214. Report 2-2008

Moved by Councillor Burroughs
Seconded by Councillor Heit

That Report 2-2008, being the minutes of the Audit Committee meeting of Wednesday, April 30, 2008, be approved and adopted.

Carried.

OTHER BUSINESS

215. Ontario Invests in Niagara Economy

Councillor D'Angela advised that on Monday, April 28th the Ontario government announced their help with respect to manufacturers in the Niagara region. The provincial assistance is part of a \$1.9 million investment provided to the Niagara Economic Development Corporation.

In addition to helping manufacturers, the corporation will use the Ontario government funding to:

- market the region to business investors
- support the development of new industries and
- reduce gridlock and revitalize downtown Thorold.

Councillor D'Angela added that this investment will create opportunities for new development and diversification, citing the example of the Thorold Exelon project which re-developed 100 acres of brownfield in the urban area. He expressed special appreciation to Mark Brickell, V.P., NEDC, for his hard work.

216. Niagara Falls Tourism member

Councillor Puttick conveyed a question from a Niagara Falls Tourism member about why each member of Niagara Falls Tourism would have to pay \$400 each for placing brochures at the Grimsby Gateway Centre.

217. Niagara Falls Council request

Councillor Puttick stated that in January, 2008, the Chair of NETCORP had offered to meet with Niagara Falls Council, but that he has not yet attended a meeting. He requested the CAO to follow-up with the Clerk of the City of Niagara Falls to make the necessary arrangements.

218. CanGro

Councillor Puttick expressed his concerns about the closing of CanGro, the last canning industry in Niagara, and the devastating impact this will have on Niagara's economy.

He suggested that a strong letter from the Regional Chairman be sent to the Premier and the Ministry expressing disappointment in how they handled the situation.

219. 406 – St. Catharines to West End Study

Councillor Timms requested whether an additional exit was planned off Hwy 406 to service the new hospital site and asked staff to follow-up.

220. By-Law 41

Councillor Augustyn requested that, in the future, a note or memo be issued to the Heads of Area Municipal Councils, to highlight items on the agenda, such as amended by-laws that affect the municipalities.

221. CanGro Press

Councillor Burroughs reiterated the concerns expressed about the closing of CanGro, and in particular to the recent confusion stated in the Press respecting cooperation, or lack thereof, from the Can Grow proponents. He wished to clarify that the proponents had been diligent in cooperating.

BY-LAWS

222. Moved by Councillor Bylsma
Seconded by Councillor Lepp

That the following Bills be now read and do pass:

Bill 41

A By-Law to Amend By-Law 38-2008 Being a By-Law to Set and Levy the Rates of Taxation For Regional General and Special Purposes for the Year 2008

Bill 42

A By-Law to Provide for the Regulation of Traffic on Regional Highways in the City of St. Catharines

Carried.

CONFIRMING BY-LAW

223. Moved by Councillor Gabriel
Seconded by Councillor Zimmerman

That the following Bill be now read and do pass:

Bill 43

A By-law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting held on the 1st of May, 2008.

Carried.

ADJOURNMENT

The Council meeting adjourned at 9:55 p.m.

Peter Partington
Regional Chair

Lisa Ricci
Legislative Assistant

Pam Gilroy
Regional Clerk