

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 11-2009

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, July 30, 2009 commencing at 6:31 p.m.

The following individuals were in attendance during the Closed Session of the Regional Council meeting:

ATTENDANCE

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

Staff: Messrs. Trojan, CAO; Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Community Services; Cousins, Acting Commissioner Public Works; Bain, Regional Clerk; Kyne, Director Legal Services; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Lockyer, Treasurer/Director, Financial Management; Ms. Vanecko, Acting Director, Administration.

CALL TO ORDER

310. Regional Chair Partington called the meeting to order at 6:31 p.m.

CLOSED SESSION

311. Moved by Councillor Burroughs
Seconded by Councillor Puttick

That this Council do now move into Closed Session for the purposes of receiving information and dealing with a Proposed Acquisition of Property by the Municipality, City of Niagara Falls POA Lease Amendment; a Matter of Labour Relations - Dental Program Restructuring; Proposed Acquisition of Land by the Municipality, City of Port Colborne, City of Niagara Falls, City of Welland, Town of Fort Erie, Town of Niagara-on-the-Lake, NHS Facility Transfers; Personal Information About Identifiable Individuals – Regional Chair's Bursaries 2009; Matter of Litigation before the Ontario Municipal Board and Solicitor-Client Advice re: Appeal of Regional Council's Approval of the Town of Niagara-on-the-Lake's Official Plan Amendment No. 37 (Queenston Secondary Plan); Proposed Acquisition of Land by the Municipality, Frenchman's Creek Trunk Sanitary Sewer Servicing Project Phase 2, Town of Fort Erie; Matters of Solicitor-Client Privilege & Litigation including Matters Before Administrative Tribunals, Affecting the Municipality or Local Board, Update on OCCOPS Hearing.

Carried.

312. Matters of Solicitor-Client Privilege & Litigation
including Matters Before Administrative
Tribunals, Affecting the Municipality or Local Board
Update on OCCOPS Hearing
Oral Report

Regional Council was provided with an Update on the OCCOPS Hearing.

CLOSED SESSION, RISE AND REPORT

313. Moved by Councillor Bentley
Seconded by Councillor Henderson

That this Committee do now rise without report.

Carried.

Council met in regular session, commencing at 7:05 p.m. with an Invocation by Councillor Lepp followed by the singing of 'O Canada'.

The following individuals were in attendance during the Open Session of the Regional Council meeting:

ATTENDANCE

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

Staff: Messrs. Trojan, CAO; Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Community Services; Brothers, Commissioner Public Works; Bain, Regional Clerk; Kyne, Director Legal Services; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Weaver, Director, Comm. & Corp. Planning; Murphy, Manager Policy Development.

IN MEMORIAM OF REGIONAL COUNCILLOR MICHAEL COLLINS

Regional Council observed a minute of silence in memory of Regional Councillor Michael Collins.

ADOPTION OF THE AGENDA

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

That the Council Agenda CL 11-2009, be approved and adopted, with the addition of Correspondence Item C7318, A letter from Joshua Kaufman, Director, SmartCentres (July 30, 2009) proposing three alternatives to the proposed Development Charges By-law.

Carried.

CONFLICTS OF INTEREST

315. Councillor Forster declared a pecuniary interest with respect to matters respecting Report COM 41-2009, Receipt of Additional Funding for Seniors Services from the Hamilton Niagara Haldimand Brant (HNHB) Local Health Integrated Network (LHIN) as she is a staff member with the Ontario Nurses Association, and she therefore took no part in the discussion of, or voting on, these matters.

Councillor Heit declared a pecuniary interest with respect to 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 Timms declared a pecuniary interest with respect to matters respecting Amended Report ICP 38-2009 (CSD 112-2009), Region of Niagara 2009 Development Charge Background Study and Proposed By-law, 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.

PRESENTATIONS

316. 2009 Recipients and Finalists:
Regional Chair's Bursary for Brock University
Regional Chair's Bursary for Niagara College

Regional Chair Partington noted that this year marks the eighth year for the award of the Regional Chair's Bursary that was approved by Council on May 16, 2002, replacing the Brian E. Merrett Bursary which ended in 2001. The Regional Chair's Bursary is an annual, one-time bursary of \$1,500, awarded to one first-year student entering Brock University and one first-year student entering Niagara College. In addition, the Adjudication Committee came to a tie for the finalists of both Brock University and Niagara College. All of the finalists will receive \$350.00.

Councillor Gabriel noted that he was honoured to Chair the Adjudication Committee for the 2009 Regional Chair's Bursaries. The Committee found this year's task interesting and exciting. In concurrence with Brock University and Niagara College, students logging into their Student Award websites found information regarding the Regional Chair's bursaries and were redirected to the Niagara Region's website for applications. Brock University and Niagara College also sent group e-mails to all Niagara students granted admission to their institutions

Councillor Gabriel extended a special thank you to all of the Committee members: Councillor Brian Baty; Councillor Shirley Cordiner; John Stainsby; Karen Torigian of the District School Board of Niagara; Khayyam Syne; Frank Iannantuono of the Niagara Catholic District School Board and Eric Silvestri of Niagara College.

2009 Regional Chair's Bursary finalists for Brock University:

Guliano Portanova a graduate of St. Francis Secondary School in St. Catharines has been accepted at Brock University in the Bachelor of Health Science program. His career goal is to become a surgeon. He has received a number of school awards that include the Waterloo Math Contest Champion and Certificate of Excellence. Guliano community service includes Special Olympic Bowling, canvassing for the Heart and Stroke Foundation, raising money for St. Vincent De Paul, and EcoSchool projects.

Jenny-Lind Poulin a graduate of Notre Dame in Welland has been accepted at Brock University in the Honours Bachelor of Education program. Her carrier goal is to become an educator at the elementary or high school level. Jenny's achievements include maintaining an Honour Roll status over 90%, Top Scholar Semester Awards and Youth Citizen of the Year Finalist. Her community service includes Pilgrimage for the Third World Walk, Notre Dame's Bare Necessities Fundraiser, the Annual Hope Centre Christmas Dinner and the Trick or Treat Community Food Drive.

Councillor Gabriel and Councillor Bentley were pleased to present Julia Inneo with the Regional Chair's Bursary for Brock University.

Julia Inneo a resident of Grimsby who graduated from Eden High School in St. Catharines, where she has maintained an Honour Roll status all four years with an average between 91% and 97%. She has been accepted at Brock University in the Health Sciences program, after which she plans to attend The Canadian College of Naturopathic Medicine and pursue a career in either naturopathic or sports medicine. Julia has received numerous awards and been involved in many extra curricular activities including sports, student council, computer programming team and music. Her community involvement includes the New Orleans Relief Work where she helped repair houses and run children's programs; the Gear Up Eden Summer Mission taking onsite residency to help at a Women's Emergency Shelter; service projects at Hannah House, the Southridge Community Church Soup Kitchen, Operation Christmas Child Shoeboxes, the Grimsby Benevolent Fund Christmas Food Drive, to name a few.

Councillor Baty noted that he felt privileged to have been asked to serve on this committee. All of these students are winners, and the task of choosing a recipient has been difficult. The future of Niagara is in good hands with these young people.

2009 Regional Chair's Bursary finalists for Niagara College:

Jocelyn VandenBeukel a graduate of Heritage Christian School in Jordan Station has been accepted into the Educational Assistant-Special Needs Support program at Niagara College. Jocelyn's community service includes volunteering her time on a trip to West Virginia to assist disadvantaged people, fundraised for school and church trips, babysitting for church activities, and helping at summer vacation bible school programs. Her goal is to become an Educational Assistant.

Katelyn Easby has graduated from Eden High School in St. Catharines and has been accepted at Niagara College in the Dental Hygiene program. Her future career goals are to be a Dental Hygienist and to open her own dental office one day. Katelyn's community involvement includes volunteering at her church basketball camp, Vacation Bible School, assisted teaching Sunday School and fundraising car washes.

Councillor Baty and Councillor Goulbourne were pleased to present Natasha Smagata with the Regional Chair's Bursary for Niagara College.

Natasha Smagata a graduate of Adolescent's Family Support Services of Niagara's, Young Mother's Outreach program in Welland. She has been accepted at Niagara College in the Office Administration Program. Natasha represented the "Young Mother's Outreach" program as the 2009 Valedictorian at the Ontario Works, LEAP graduation ceremonies. She has volunteered with the Hope Centre, assisted in the daycare at AFSSN and volunteered at fundraising galas. Natasha not only helped form the "Postponing Parenting Till You're Ready Speakers Bureau", but has also shared her own life experiences with area high school students and agencies.

REGIONAL CHAIR'S REMARKS

317. Regional Chair Partington paid tribute to Councillor Collins, noting that he had a great mind, that he served Niagara Region and the City of St. Catharines well and that he enthusiastically attended every event he could attend.

Councillor Debbie Zimmerman thanked those who spoke at the memorial earlier in the day. She noted that Councillor Collins was a gift to Niagara Region.

Regional Chair Partington also on behalf of Regional Council expressed Council's condolences to the Clement family on the recent passing of former Regional Councillor Harrold Clement.

Regional Chair Partington on behalf of Council thanked Spring Valley Gardens in the City of St. Catharines for the flowers, which will be donated to the Upper Canada Lodge in Niagara-on-the-Lake.

The following individuals were in attendance during the Closed Session of the Regional Council meeting:

ATTENDANCE

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

Staff: Messrs. Trojan, CAO; Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Community Services; Cousins, Acting Commissioner Public Works; Bain, Regional Clerk; Kyne, Director Legal Services; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair.

CLOSED SESSION

318. Moved by Councillor Zimmerman
Seconded by Councillor Burroughs

That this Council do now move into Closed Session for the purposes of receiving information and dealing with a Proposed Acquisition of Property by the Municipality, City of Niagara Falls POA Lease Amendment; a Matter of Labour Relations - Dental Program Restructuring; Proposed Acquisition of Land by the Municipality, City of Port Colborne, City of Niagara Falls, City of Welland, Town of Fort Erie, Town of Niagara-on-the-Lake, NHS Facility Transfers; Personal Information About Identifiable Individuals – Regional Chair's Bursaries 2009; Matter of Litigation before the Ontario Municipal Board and Solicitor-Client Advice re: Appeal of Regional Council's Approval of the Town of Niagara-on-the-Lake's Official Plan Amendment No. 37 (Queenston Secondary Plan); Proposed Acquisition of Land by the Municipality, Frenchman's Creek Trunk Sanitary Sewer Servicing Project Phase 2, Town of Fort Erie; Matters of Solicitor-Client Privilege & Litigation including Matters Before Administrative Tribunals, Affecting the Municipality or Local Board, Update on OCCOPS Hearing.

Carried.

319. Matters of Solicitor-Client Privilege & Litigation
including Matters Before Administrative
Tribunals, Affecting the Municipality or Local Board
Update on OCCOPS Hearing
Oral Report

Moved by Councillor Gabriel
Seconded by Councillor Zimmerman

That the Oral Report respecting Matters of Solicitor-Client Privilege & Litigation
including Matters Before Administrative Tribunals, Affecting the Municipality or
Local Board – Update on OCCOPS Hearing, be received; and

That staff be authorized to proceed as recommended.

Carried.

CLOSED SESSION, RISE AND REPORT

320. Moved by Councillor Badawey
Seconded by Councillor Heit

That this Committee do now rise with report.

Carried.

APPROVAL OF MINUTES

321. Report BRCOTW 2-2010 Budget

Moved by Councillor Rigby
Seconded by Councillor Heit

That Report BRCOTW 2-2010 Budget, being the minutes of Budget Review
Committee of the Whole of Thursday, July 9, 2009, be approved and adopted as
amended by replacing the word “on” with “**as**” in the motion at the bottom of
Page BRCOTW 8.

Moved by Councillor Hodgson
Seconded by Councillor Zimmerman

***That the minutes of the Budget Review Committee of the Whole meeting on
July 9, 2009, be amended as follows:***

- (a) by deleting after the recorded vote on page BRCOTW 9, the
section of the minutes on pages BRCOTW 9 and 10
pertaining to revised presentation slides 18 and 20; and***

(b) by deleting the section of the minutes on page BRCOTW 10 regarding the portion of the resolution pertaining to budget guidance for levy programs and by inserting the following:

That staff be directed to use as a guideline for levy programs an amount less than or equal to 3.0% before the anticipated real assessment growth of 1.0% for an actual net increase of less than or equal to 2%, for the preparation of the 2010 Budgets.

That staff be directed to use as a guideline for rate programs an amount less than or equal to 3.0% for the preparation of 2010 Budgets.

Carried.

Upon a recorded vote being requested, the Council was divided on the original motion as **amended** as follows:

Voting for the Motion:

Councillor Badawey	Councillor Henderson
Councillor Baty	Councillor Hodgson
Councillor Burroughs	Councillor Lepp
Councillor Cordiner	Councillor Marshall
Councillor D'Angela	Councillor McMullan
Councillor Forster	Councillor Rigby
Councillor Greenwood	Councillor Salci
Councillor Goulbourne	Councillor Saracino
Councillor Heit	Councillor Zimmerman (18)

Voting Against the Motion:

Councillor Bentley	Councillor Puttick
Councillor Gabriel	Councillor Smeaton
Councillor Martin	Councillor Timms (6)

Upon a recorded vote being taken, the original motion as **amended**, was carried.

322. Report CL 10-2009

Moved by Councillor Saracino
Seconded by Councillor Martin

That Report CL 10-2009, being the minutes of the Proceedings of Council of Thursday, July 9, 2009, be approved and adopted.

Carried.

323. COTW 6-2009

Moved by Councillor D'Angela
Seconded by Councillor Greenwood

That Report COTW 6-2009, being the minutes of the Committee of the Whole meeting of Thursday, July 16, 2009, be approved and adopted.

Carried.

CORRESPONDENCE

324. Moved by Councillor Puttick
Seconded by Councillor D'Angela

That Communications C7301, C7303 to C7305 and C7310 to C7317 be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7301 A letter from Debbie Zimmerman, Chair, MPAC Board of Directors (July 10, 2009) respecting MPAC's participation in a concurrent session at the AMO Conference to review the 2009 assessment products and services and report on our delivery of the 2008 province-wide Assessment Update.

Received.

C7303 A letter from Rick Dykstra, M.P. for St. Catharines (July 13, 2009) respecting the Niagara District Airport.

Received.

C7304 A letter from Susan Dods, Acting Deputy Clerk (July 20, 2009) advising Regional Council of St. Catharines Council's resolution respecting the 2009 Water and Wastewater Budget and Associated Rates.

Received and referred to the Water & Wastewater Division and Corporate Services Department

C7305 A memorandum from Gord Lockyer (July 23, 2009) in response to a Councillor Information Request – July 22, 2009.

Received.

C7310 A letter from Regional Chair Partington to Mr. Rick Dykstra, M.P. St. Catharines (July 27, 2009) addressing Mr. Dykstra's concerns in his letter of July 13, 2009 (C7303)

Received.

C7311 A letter from John Baird, Canada's Minister of Transport and George Smitherman, Ontario's Deputy Premier and Minister of Energy and Infrastructure (July 17, 2009) respecting the projects that were selected and approved for funding under the Infrastructure Stimulus Fund for Niagara Region.

Received.

C7312 A letter from Upper Canada Consultants (July 10, 2009) respecting the Regional Municipality of Niagara Development Charges.

Received and referred to the consideration of the Development Charges By-law.

C7313 A letter from Ian E. Bennett, Royal Canadian Mint (July 21, 2009) in response to the Chair's letter proposing that the Royal Canadian Mint issue a coin to commemorate the bicentennial of the War of 1812.

Received.

C7314 A letter from Stephen Brereton, Consul General for Canada and John R. Nay, Consul General for the United States (July 6, 2009) expressing their sincere appreciation to Niagara Region for the contribution made in support of activities to commemorate the Centennial of the Boundary Waters Treaty between the United States and Canada.

Received.

C7315 A letter from Larry A. Iggulden, Chair, Police Services Board to Mayor Brian McMullan (July 27, 2009) respecting the Niagara Regional Police Service Facilities – Costing Comparison.

Received.

- C7316 An e-mail from David McGilvray, President, Niagara Home Builders' Association (July 30, 2009) requesting that Regional Council incorporate in the Development Charges By-law the Provincial Stimulus Funding in the capital works calculations as legislated and recommended by the Region's own consultant in order to avoid an appeal to the OMB, and to honour the discount structure subject to the revised calculated rate which was the recommendation approved in principle by Committee of the Whole on July 16, 2009.

Received and referred to the consideration of the Development Charges By-law.

- C7317 A letter from Guery Goyo, President, Villarboit Development Corporation (July 29, 2009) strongly encouraging the freezing of the Regional Development Charge rate to encourage economic development and employment opportunities for developments such as Villarboit that will produce real jobs and stimulate the Regional economy.

Received and referred to the consideration of the Development Charges By-law.

- C7318 A letter from Joshua Kaufman, Director, SmartCentres (July 30, 2009) proposing three alternatives to the proposed Development Charges By-law.

Received and referred to the consideration of the Development Charges By-law.

Carried.

325. Moved by Councillor Badawey
Seconded by Councillor Hodgson

That Correspondence Item C7302, a letter from Jim Williams, Chairman, Niagara Parks Commission (July 13, 2009) requesting that Regional Council support their request to the Ontario Civilian Commission on Police Services to exercise their authority, under the Police Services Act, to approve the transition of the Niagara Parks Police to full police service status, be received and supported.

Carried.

326. Moved by Councillor Rigby
Seconded by Councillor Heit

That Correspondence Items C7306, C7307 and C7308, Memorandums from Jan Idzenga, Staff Sargeant, Detachment Commander, Niagara Detachment, Highway Safety Division, Ontario Provincial Police (July 22, 2009) requesting letters of support for the dedication of the Niagara Region's Niagara Street overpass bridge crossing the QEW in the name of Provincial Constable Charles Mercier; the Garden City Skyway in the City of St. Catharines in the name of Provincial Constable John Gregovski and the McLeod Road overpass crossing the QEW in the name of Provincial Constable Michael Gula, be received and deferred to the Regional Clerk to prepare a report on the history, impacts and a protocol for dedication of roads, bridges, etc..

Carried.

327. Moved by Councillor Burroughs
Seconded by Councillor Heit

That Correspondence Item C7309, a letter from Janet McKelvey, Chair, Board of Governors, Shaw Festival (July 16, 2009) requesting a letter of support for the Shaw Festival's request for a commemorative stamp in celebration of their 50th Anniversary in 2011, be received and supported.

Carried.

AGENCIES, BOARDS AND COMMISSIONS

328. Niagara Regional Housing's 2009-2010 Business Plan
NRH 5-2009

Moved by Councillor Forster
Seconded by Councillor Gabriel

That Report NRH 5-2009, July 30, 2009, respecting the Niagara Regional Housing's 2009-2010 Business Plan, be received for information.

Carried.

329. Niagara Economic Development Corporation
Update/Highlights January 1, 2009 – June 30, 2009

Moved by Councillor Goulbourne
Seconded by Councillor Salci

That the presentation entitled Niagara Economic Development Corporation, Update/Highlights January 1, 2009 – June 30, 2009, be received for information.

Carried.

COMMITTEE REPORTS

INTEGRATED COMMUNITY PLANNING AND PUBLIC WORKS COMMITTEE

330. Report 10-2009

Moved by Councillor Smeaton
Seconded by Councillor Henderson

That Report 10-2009, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Wednesday, July 22, 2009, be approved and adopted.

331. Moved by Councillor Zimmerman
Seconded by Councillor Smeaton

That Amended Report ICP 38-2009 (CSD 112-2009), July 22, 2009, respecting Region of Niagara 2009 Development Charge Background Study and Proposed By-law, be lifted and dealt with separately at this time.

Carried.

332. Region of Niagara 2009 Development Charge
Background Study and Proposed By-law
ICP 38-2009/CSD 112-2009 Amended

Moved by Councillor Smeaton
Seconded by Councillor Martin

That the Proposed Development Charges By-law be amended to provide as follows:

- A freeze on Regional Commercial rate for a period of 18 months effective September 1, 2009 to February 28, 2010, subject to indexing;
- Increase the Regional Commercial rate to \$5.00 per square foot effective March 1, 2001 to February 29, 2012, subject to indexing;
- Increase the Regional Commercial rate to \$6.00 per square foot effective March 1, 2012 to February 28, 2013, subject to indexing;

- o Increase the Regional Commercial rate to \$7.00 per square foot effective March 1, 2013 to February 28, 2014, subject to indexing; and
- o Increase the Regional Commercial rate to \$8.00 per square foot, for a period of 6 months effective March 1, 2014 to August 31, 2014, subject to indexing.

Upon a recorded vote being requested, the Council was divided on the original motion as **amended** as follows:

Voting for the Motion:

Councillor Cordiner	Councillor Salci	
Councillor Goulbourne	Councillor Smeaton	(5)
Councillor Martin		

Voting Against the Motion:

Councillor Badawey	Councillor Henderson	
Councillor Baty	Councillor Hodgson	
Councillor Bentley	Councillor Lepp	
Councillor Burroughs	Councillor Marshall	
Councillor D'Angela	Councillor McMullan	
Councillor Forster	Councillor Puttick	
Councillor Gabriel	Councillor Rigby	
Councillor Greenwood	Councillor Zimmerman	(17)
Councillor Heit		

Upon a recorded vote being taken, the original motion as **amended**, was defeated.

Upon a recorded vote being requested, the Council was divided on the original motion as follows:

Voting for the Motion:

Councillor Badawey	Councillor Heit	
Councillor Baty	Councillor Henderson	
Councillor Bentley	Councillor Hodgson	
Councillor Burroughs	Councillor Lepp	
Councillor D'Angela	Councillor Marshall	
Councillor Forster	Councillor McMullan	
Councillor Gabriel	Councillor Puttick	
Councillor Goulbourne	Councillor Rigby	
Councillor Greenwood	Councillor Zimmerman	(18)

Voting Against the Motion:

Councillor Cordiner	Councillor Salci	
Councillor Martin	Councillor Smeaton	(4)

Upon a recorded vote being taken, the original motion, was carried.

Upon a vote being taken the original motion respecting Report 10-2009, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Wednesday, July 22, 2009, was carried.

CORPORATE SERVICES COMMITTEE

333. Report 10-2009

Moved by Councillor Martin
Seconded by Councillor Bentley

That Report 10-2009, being the minutes of the Corporate Services Committee meeting of Wednesday, July 22, 2009, be approved and adopted.

Carried.

334. Budget Transfer Between New Police Facilities Projects in
Grimsby and Fort Erie
CSD 115-2009

Moved by Councillor Bentley
Seconded by Councillor Badawey

That Report CSD 115-2009, July 30, 2009, respecting the Budget Transfer Between New Police Facilities Projects in Grimsby and Fort Erie, be received;

That financing in the amount of \$400,000, consisting of 1-20 year long-term debt be transferred from capital project ZPO0702/PO0702 – Fort Erie Facility, to ZPO0407/PO0407 – 14 Division Facility (Grimsby); and

That the Regional Clerk be directed to ensure that the appropriate bylaw(s) are prepared for presentation to Regional Council.

Carried.

The following individuals were in attendance during the Closed Session of the Regional Council meeting:

ATTENDANCE

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

Staff: Messrs. Trojan, CAO; Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Community Services; Cousins, Acting Commissioner Public Works; Bain, Regional Clerk; Kyne, Director Legal Services; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair.

CLOSED SESSION

335. Moved by Councillor Burroughs
Seconded by Councillor Forster

That this Council do now move into Closed Session for the purposes of receiving information and dealing with a Matter of Labour Relations - Dental Program Restructuring.

Carried.

Conflict of Interest

Councillor McMullan declared a pecuniary interest with respect to matters respecting Report PHD 29-2009, A Matter of Labour Relations – Dental Program Restructuring as he has a relative that may be affected, he therefore left the Council Chamber during the discussion of this matter.

CLOSED SESSION, RISE AND REPORT

336. Moved by Councillor Bentley
Seconded by Councillor Burroughs

That this Committee do now rise without report.

Carried.

CURFEW EXTENSION

337. Moved by Councillor Bentley
Seconded by Councillor Burroughs

That Regional Council extend this meeting's curfew, in order to complete Council's business listed on the Order of Business.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

338. Report 10-2009

Moved by Councillor Baty
Seconded by Councillor Timms

That Report 10-2009, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, July 21, 2009, be approved and adopted.

339. Moved by Councillor Baty
Seconded by Councillor Timms

That Report COM 39-2009, July 21, 2009, respecting Ministry of Municipal Affairs and Housing Provincial Rent Bank Program, be lifted and dealt with separately at this time.

Carried.

340. Ministry of Municipal Affairs and Housing
Provincial Rent Bank Program
COM 39-2009

Moved by Councillor Marshall
Seconded by Councillor Cordiner

That Report COM 39-2009, July 21, 2009, respecting Ministry of Municipal Affairs and Housing Provincial Rent Bank Program, be deferred to the next Niagara Regional Housing Steering Committee and Public Health and Social Services Committee meetings for further discussion.

Carried.

341. Moved by Councillor Forster
Seconded by Councillor Baty

That Report COM 45-2009/PHD 33-2009, July 21, 2009, respecting Service Delivery Model Improvements for Dental Services Provided to Children and Adults in Receipt of Ontario Works, be lifted and dealt with separately at this time.

Carried.

342. Service Delivery Model Improvements for Dental Services
Provided to Children and Adults in Receipt of Ontario Works
COM 45-2009/PHD 33-2009

Moved by Councillor Forster
Seconded by Councillor Marshall

That Report COM 45-2009/PHD 33-2009, July 21, 2009, respecting Service Delivery Model Improvements for Dental Services Provided to Children and Adults in Receipt of Ontario Works, be received for information.

That the Human Resources, Community Services and Public Health Departments set aside funds to assist the employees affected by the Service Delivery Model Improvements, to become marketable and competitive, in order for them to maintain their employment and benefits with the Niagara Region or to obtain employment through other private sector opportunities.

Moved by Councillor Heit
Seconded by Councillor Burroughs

That the aforementioned motion respecting Report COM 45-2009/PHD 33-2009, July 21, 2009, Service Delivery Model Improvements for Dental Services Provided to Children and Adults in Receipt of Ontario Works, be referred to the Human Resources Division for report.

Carried.

Upon a vote being taken, the original motion respecting Report 10-2009, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, July 21, 2009 as ***amended***, was carried.

CHIEF ADMINISTRATIVE OFFICER'S REPORT

343. Council Business Planning Sessions
September to December 2009
CAO 4-2009

Moved by Councillor Henderson
Seconded by Councillor Badawey

That Report CAO 4-2009, July 30, 2009, respecting Council Business Planning Sessions, September to December 2009, be received; and

That Regional Council endorses the proposed Council Business Planning Session topics for the remainder of 2009.

That the Budget Review Committee of the Whole meetings previously scheduled for September 10, 2009 and October 1, 2009, be postponed; and

That the Corporate Services Committee, be requested to review the scheduling of Budget Review Committee of the Whole meetings for the remainder of the year and report back to the October 1, 2009 Regional Council meeting.

Carried.

MOTIONS

344. Niagara Region's FCM Conference in 2014

Moved by Councillor Baty
Seconded by Councillor Rigby

That the motion respecting the Niagara Region's FCM Conference in 2014, be deferred to the September 10, 2009 Regional Council meeting.

Carried.

OTHER BUSINESS

345. Legal Costs Associated with the OCCOPS Hearing

Mr. Kyne advised Regional Council that Niagara Region has incurred approximately \$75,000 in legal costs associated with the OCCOPS Hearing as of June 30, 2009. He also noted that Niagara Region's Legal staff have spent over 600 hours over the past three years on Police Facilities.

346. Emergency Medical Services Incident in Port Colborne

Dr. Williams apprised Regional Council of an unfortunate incident that occurred in Port Colborne earlier this week, when an ambulance responding to a call was involved in an accident. The ambulance involved in the accident, immediately contacted dispatch and requested another ambulance, the second ambulance arrived 8 minutes after they received the call (16 minutes following the initial call). Unfortunately the patient arrested and passed away in the ambulance on route to the Welland Hospital.

Councillor Badawey advised Regional Council of the City of Port Colborne's resolution which requests additional resources for the City of Port Colborne and an Advanced Care Paramedic on those vehicles 24/7, noting that the Town of Fort Erie may also request these additional resources.

347. PASSION, August 22, 2009

PASSION, a new and exciting wine, food and cultural arts event is the inspiration of the Rotary Club of Niagara-on-the-Lake in partnership with the wineries of Niagara-on-the-Lake and local epicurean restaurants. Visit www.niagarapassion.com for more details.

BY-LAWS

348. Moved by Councillor Lepp
Seconded by Councillor Goulbourne

That the following Bills be now read and do pass:

Bill 62

A By-Law to Establish Development Charges for the Regional Municipality of Niagara and to Repeal By-Laws 90-2004, 84-2006, 19-2007 and 47-2007.

Bill 63

A By-Law to Provide the Claw Back Percentages to be Used for Each Capped Class to the Area Municipalities.

Carried.

349. Moved by Councillor Cordiner
Seconded by Councillor Baty

That the following Bills be now read and do pass:

Bill 65

A By-law to Authorize the Borrowing Upon Instalment Debentures in the Aggregate Principal Amount of \$24,235,000.00 (3 Year Instalment Debentures in the Principal Amount of \$2,000,000.00, 5 Year Instalment Debentures in the Principal Amount of \$1,316,000.00 and 10 Year Instalment Debentures in the Principal Amount of \$20,919,000.00), \$4,850,000.00 of Which 10 Year Instalment Debentures May Be Raised By the Issue of Refinancing Debentures On or Before the Final Maturity Date, for the Purposes of the Regional Municipality of Niagara.

Bill 66

A By-law to Authorize the Borrowing Upon 10 Year Instalment Debentures in the Aggregate Principal Amount of \$16,161,000.00 for the Purposes of the Cities of Niagara Falls, St. Catharines, Port Colborne and Welland and the Towns of Fort Erie and Pelham.

Bill 67

A By-law to Authorize the Borrowing of the Aggregate of the Principal Amounts Authorized by By-law 65-2009 and By-law No. 66-2009 in the Aggregate Principal Amount of \$40,396,000.00 (3 Year Instalment Debentures in the Principal Amount of \$2,000,000.00, 5 Year Instalment Debentures in the Principal Amount of \$1,316,000.00 and 10 Year Instalment Debentures in the Aggregate Principal Amount of \$37,080,000.00) and the Issuing of One Series of Instalment Debentures Therefor, \$4,850,000.00 of Which 10 Year Instalment Debentures May Be Raised by the Issue of Refinancing Debentures On or Before the Final Maturity Date.

Bill 68

A By-law to Close and Convey Part of the Excess Untravelled Portion of Regional Road No. 89 (Glendale Avenue) in the City of St. Catharines.

Carried.

CONFIRMING BY-LAW

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

That the following Bill be now read and do pass:

Bill 64

A By-law to Adopt, Ratify and Confirm the Actions of the Committee of the Whole at its Meeting held on the 30th of July, 2009.

Carried.

ADJOURNMENT

The Council meeting adjourned at 11:27 p.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Regional Clerk

Kevin Bain
Regional Clerk