

THE REGIONAL MUNICIPALITY OF NIAGARA
CORPORATE AND FINANCIAL SERVICES COMMITTEE

REPORT 15-2004

Minutes of a meeting of the Corporate and Financial Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario, on Wednesday, June 9, 2004, commencing at 10:05 a.m.

ATTENDANCE

Committee: Councillors Martin, Chair; Burroughs; Goulbourne; Saracino.

Staff: Mr. Trojan, C.A.O.; Mr. Bacchus, Commissioner, Corporate Services; Mr. Lockyer, Treasurer; Ms. Reilly, Legislative Assistant.

Staff
(Part-time): Mr. Banting, Director, Legal Services; Mr. Bendall, Financial Analyst; Mr. Bowles, Executive Assistant; Ms. Chamberlain, Fixed Assets Analyst; Mr. Cherrington, Manager, Engineering Planning & Development; Mr. Farley, Director, Planning Services; Ms. Gilroy, Acting Regional Clerk; Ms. Hepplewhite, Records Manager/Deputy Clerk; Mr. Miller, Planner; Mr. Murphy, Director, Policy Planning; Mr. Nicholson, Senior Policy Coordination Planner; Mr. Roach, Manager, P.W. Financial Services; Mr. Teichroeb, Manager, Business Development.

Others: Councillors Bailey; Timms; A. Burt, General Manager, NPCA.

QUORUM

There being a lack of ordinary quorum at the meeting, the Committee Chair determined that the ordinary quorum for the meeting be reduced to four members, pursuant to Part 11, Section 11.7 of the Procedural By-law 7174-93.

PRESENTATIONS

137. Niagara Peninsula Conservation Authority
Former CN Rail Lands – Township of Wainfleet

Mr. Andrew Burt, General Manager, Niagara Peninsula Conservation Authority, apprised Committee of the abandoned Canadian National rail corridor which has been identified as a candidate for multi-use trail development and registered as part of the Trans Canada Trail route through

the Region of Niagara. The Township of Wainfleet has approached the Conservation Authority regarding trail development plans and a possible role of the NPCA. The plan recommends developing a 3 metre wide trail along the entire rail corridor. The Authority approved the plan subject to the Township of Wainfleet Council supporting the transfer of the rail corridor to the Niagara Peninsula Conservation Authority and the Region of Niagara endorsing the additional operating and capital costs. The estimated cost of constructing the trail and related infrastructure is \$500,000. The Lake Ontario Waterfront Investment Program approved 30% funding up to a maximum of \$160,000. The trail may also be eligible for an additional 10% or \$50,000 of funding through the Trans Canada Trail Foundation. Taking into consideration the grants, the estimated net cost to the Conservation authority would be \$290,000 and annual operational costs for this trail are estimated to be \$20,000. The Authority recommends that the multi-year capital program be increased by \$290,000 and as this would be operated as a non-revenue facility, the Authority's current budget would be increased by \$20,000 to reflect the annual maintenance costs.

Moved by Councillor Saracino
Seconded by Councillor Burroughs

That Regional Council support the request by the Niagara Peninsula Conservation Authority for the transfer of the rail corridor to the Niagara Peninsula Conservation Authority and endorse the additional operating and capital costs which would be incurred in the future budgets of the Authority.

Carried.

CORPORATE SERVICES DEPARTMENT

138. Regional Development Charges Background Study And Proposed By-law

Mr. Bacchus, Commissioner, Corporate Services, provided an overview of the Development Charges Background Study and proposed by-law. Mr. Bacchus highlighted the Development Charges Act, 1997 which provides the authority to impose Development Charges and the current by-law which has been in force since September 1, 1999 and expires August 31, 2004. The Commissioner outlined the requirements for approving a new by-law and the process used to arrive at the proposed by-law. The Public Advisory Committee was formed to complement the required public review process Council recommended and as a means of obtaining additional input from the community in the formulation of the by-law. The PAC had broad representation of development industry and taxpayer committees. Comments and recommendations from Committee were considered by the Task Force in

the final draft of the study and recommended proposed development charges by-law.

Cam Watson of C.N. Watson and Associates Ltd. presented a comparison of the Region of Niagara's existing, calculated and recommended development charges. For Residential, per single detached unit, the current charge is \$3,500.00, the calculated charge is \$4,994 and the recommended charge is \$4,500 (an increase of \$1,000). For non-Residential, per square foot, the current charge is \$2.20, the calculated rate is \$5.62 and the recommended charge is \$3.00 (an increase of \$0.80). The new by-law also recommends that agricultural, institutional and industrial development not be subject to a non-residential development charge. Mr. Watson advised that the 2004 calculation is based on an updated capital program and recently completed servicing studies. Mr. Watson highlighted the anticipated development for which the Region of Niagara will be required to provide services for over a ten year period. Also provided was an overview of the service levels, capital costs and development charge calculation for services where no 10% statutory deduction is required. Mr. Watson highlighted the proposed development charges by-law as it relates to definitions for exemption and special situations where no development charge is payable. Also noted was the provision that would allow Regional council, for any particular year, to waive the indexing for that year.

Mr. Hudson, Chair, Public Advisory Committee, apprised Committee of the Committee's input into the development of the proposed by-law and commended staff for an excellent process. He commented that the Public Advisory Committee recommended a residential charge of \$4,500 for single, combining semis within the multiple units category for a charge of \$3,500 and apartments grouped together and averaged at \$2,500. The Committee also recommended a non-residential charge of \$3.00 per square foot and categorizing the non-residential charge to exempt industrial development, provide a 75% discount for agricultural development over 10,000 square feet and full charge for institutional development not covered by statutory regulations. The PAC recommended that charges be applied on day one of the passage of the by-law and that no indexing or phasing-in take place. The Public Advisory Committee also recommended, with respect to exemption for demolition, that this horizon be from the inception of the Region's first RDC by-law to allow for credits to such properties as Brownfields as some of these sites could take longer than five years to develop.

Mr. Stephen Kaiser, member, Public Advisory Committee and developer/builder, attended to express concerns related to growth projections and anticipated development as outlined in the background study, as well as the definitions for exemptions, which he commented are wide spread and could be seen as lost revenues. Mr. Kaiser also asked, that given the Public Advisory Committee did not recommend phasing in of the development charge, that the proposal for the by-law to permit annual indexation of the recommended charges be revisited.

Mr. Bacchus highlighted the recommendations contained in Report CSD 83-2004 and other policy changes to be included in the by-law.

Moved by Councillor Goulbourne
Seconded by Councillor Saracino

That Report CSD 83-2004, June 9, 2004, respecting Development Charges Background Study and Proposed by-law, be received.

That the completed Development Charges Background Study be adopted.

That the attached proposed Development Charges By-law reflecting the recommendations contained in this report be approved.

That a development charge reserve fund be established for Emergency Medical Services.

That semi-detached units be included in the definition of "Other Multiples".

That rates for residential development be approved as follows

Single Family Units	\$4,500
Apartment Units	\$2,500
Other Multiples	\$3,500

That the rate charged on non-residential development be established at \$3.00 per square foot of gross floor area.

That agricultural, institutional, and industrial development not be subject to a non-residential development charge.

That the by-law permit for annual indexation of the recommended charges.

That the Smart Growth Exemption Program be incorporated into the proposed development charge by-law.

That notice be given of the passage of the Development Charges By-law in accordance with Section 13 of *the Development Charges Act, 1997*.

That the by-law come into force on September 1, 2004.

That Staff be directed to review the current process by which development charges are collected and report back to Council prior to the effective date of the by-law coming into force.

Following consideration of Report CSD 83-2004 and the recommendations contained therein, Committee recommended the following:

That Report CSD 83-2004, respecting Development Charges Background Study and Proposed By-law be received; and

Referred to Regional Council for consideration, following the Public Meeting to be held on the Development Charges Proposed By-law on Thursday, June 17, 2004.

Carried.

139. Renewal of Banking Services

Moved by Councillor Goulbourne
Seconded by Councillor Saracino

That Report CSD 82-2004, June 9, 2004, respecting Renewal of Banking Services, be received.

That the Commissioner of Corporate Services and the Regional Clerk be authorized to execute an agreement with the RBC Royal Bank to provide banking services to Regional Municipality of Niagara within the negotiated terms for a five year period commencing July 1, 2004 to June 30, 2009.

Carried.

140. Initiation of Funding for the SuperBuild Component
Of the Greater Niagara Circle Route Trails System
ZPL9710 Thorold, Port Colborne and Fort Erie Sections

Moved by Councillor Goulbourne
Seconded by Councillor Saracino

That Report CSD 84-2004, June 9, 2004 (DPD 80-2004) respecting Initiation of Funding for the SuperBuild Component of the Greater Niagara Circle Route Trails System ZPL9710 Thorold, Port Colborne and Fort Erie Sections, be received.

That the remaining 2002, 2003 and 2004 approved capital budget expenditures of \$2,564,500 for ZPL9710, Niagara Circle Route Trails System be approved and initiated with the following financing:

- i. \$1,014,984 Capital Levy Reserve loan, with the understanding that it will eventually be repaid through proceeds of the ongoing Public Fundraising Campaign.

- ii. \$321,750 Fort Erie contribution.
 - iii. \$613,883 Canada Ontario Infrastructure Program (COIP) funding'
 - iv. \$613,883 Federal Government funding
2. That, based upon the above commitment of all required funds, the Regional Chair be authorized to sign the Funding Agreement with SuperBuild.
 3. That the Regional Clerk be directed to ensure that the appropriate by-laws be prepared for presentation to Regional Council.

Carried.

141. 2004 Debenture Issue

Sunil Bhutani, CIBC World Markets, [Dave Berner, National Bank Financial](#) and Tim VanAlstyne, RBC Dominion Securities attended to apprise Committee of the current market conditions. The agents commented that the markets have been quite volatile over the past months and rates may change according to subsequent market conditions and timing of the actual debenture issue. They commented that the market is very receptive at this time for municipal bonds and recommended moving forward immediately with the issue.

Moved by Councillor Goulbourne
Seconded by Councillor Saracino

That Report CSD 86-2004, June 9, 2004, respecting 2004 Debenture Issue, be received.

That the Region's Fiscal Agents, through its lead manager CIBC World Markets, be authorized to negotiate on the Region's behalf the sale of debentures for financing requirements in 2004 for the Region and certain area municipalities.

That the amount to be debentured shall not exceed \$72,000,000 and that the timing, term and interest costs be determined by the Region's Commissioner of Corporate Services in consultation with the Region's Chief Administrative Officer, the Region's Chairman and the Chair and Vice-Chair of the Corporate and Financial Services Committee.

That the relevant details be presented to Regional Council for information upon finalization of the issue.

That the Region's Commissioner of Corporate Services execute an agreement on behalf of the Regional Municipality of Niagara for the issue and sale of said

Regional Debentures with the term and interest costs as determined by the authorization stated in recommendation #2.

That \$387,500 of debenture financing (1-5 years) be approved to finance the Niagara Regional Police (NRP) project ZPO9802, CIMS project (Common Information Management System). That the Regional Clerk ensure that the necessary by-law(s) for this project be prepared for presentation to Regional Council.

That the Regional Clerk ensure that the necessary by-law(s) be prepared to effect the sale and issue of the debentures and that the by-law(s) be presented to Regional Council for approval.

That prior to negotiating a new Fiscal Agency agreement staff be directed to investigate alternatives to raising long term capital funds.

Carried.

142. Closure of Capital Projects

Moved by Councillor Saracino
Seconded by Councillor Goulbourne

That Report CSD 85-2004, June 9, 2004, respecting Closure of Capital Projects, be received.

That total net transfers from the Niagara Transportation SuperBuild Reserve Fund (0030-0975) of \$13,520 be approved to accommodate the closure of roads capital projects as shown in Appendix 1.

That total net transfers to the Capital Levy Reserve (0035-0960) of \$5,034 be approved to accommodate the closure of Community Services capital projects as shown in Appendix 1.

That total net transfers to the Solid Waste Reserve Fund (0030-0970) of \$13,814 be approved to accommodate substitution of previously approved debenture financing and the closure of Waste Management capital projects as shown in Appendix 2.

That total net transfers to the Water Operations Capital Works Reserve Fund (0030-0962) of \$373,737 be approved to accommodate the closure of Water Capital Projects as shown in appendix 2.

That total net transfers to the Wastewater Capital Works Reserve Fund (0030-0961) of \$307,229 be approved to accommodate the closure of Wastewater Capital Projects as shown in Appendix 2.

That project closures be completed as indicated in Appendix 1 and Appendix 2.

That copies of this report be circulated to the Public Works and Utilities and the Community and Health Services standing committees for information.

That the Regional Clerk be instructed to prepare the appropriate by-law(s) for presentation to Regional Council.

Carried.

143. Tender Award for Contract RN 03-52
Thorold Pump Station Upgrades
In the City of Thorold
Project ZSW0213

Moved by Councillor Saracino
Seconded by Councillor Goulbourne

That Report CSD 87-2004, June 9, 2004 (PWA 97-2004, June 8, 2004) respecting Tender Award for Contract RN 03-52 Thorold Pump Station Upgrades in the City of Thorold Project ZSW0213, be received.

That financing (Wastewater Capital Reserve) in the gross and net amount of \$416,600.00 be transferred from Project ID ZSW9305/SW9305 Improvements to Pumping Stations and Force mains to Project ID ZSW0213/SW0213 Upgrading Blackhorse & Centre Street Pump Stations.

That Contract RN 03-52 Thorold Pump Station Upgrades, be awarded to the low tenderer, V. Gibbons Contracting Ltd., at its bid price of \$935,761.21.

That a contingency amount of \$93,000.00 be provided for this project.

That the Regional Clerk be directed to ensure that the appropriate by-laws are prepared for submission to Regional Council, including authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara.

That all project costs be charged against Project ID SW0213.

Carried.

144. Retention of Consulting Services for the
Frenchman's Creek Trunk Sanitary Sewer Servicing Study
Town of Fort Erie

Moved by Councillor Saracino
Seconded by Councillor Goulbourne

That Report CSD 88-2004, June 9, 2004 (PWA 98-2004, June 8, 2004), respecting the Retention of Consulting Services for the Frenchman's Creek Trunk Sanitary Sewer Servicing Study in the Town of Fort Erie, be receive.

That the consulting engineering firm of Earth Tech Canada Inc. be retained to provide engineering services for the Frenchman's Creek Trunk Sanitary Sewer Servicing Study in the Town of Fort Erie.

That the engineering fee be calculated on a time plus expenses basis estimated to an upset limit of \$95,950.00 plus GST.

That subject to the approval of the Town of Fort Erie, the engineering fee be split 60% (\$57,570.00) Regional Municipality of Niagara and 40% (\$38,380.00) Town of Fort Erie, representing the engineering effort required to undertake the Region's and the Town of Fort Erie's portion of the Study.

That approval be given to increase the gross budget by \$38,380.00 to reflect the cost sharing contribution from the Town of Fort Erie.

That the Regional Clerk be directed to ensure that the appropriate by-law is prepared for submission to Regional Council authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara.

That the costs associated with this project be charged against Project SW0417.

Carried.

145. Approvals for Withdrawals from Reserves and Reserve Funds

Moved by Councillor Saracino
Seconded by Councillor Goulbourne

That Report CSD 89-2004, June 9, 2004, respecting Approvals for Withdrawals from Reserves and Reserve Funds, be received for information.

Carried.

MINUTES

146. Report 5-2004

Moved by Councillor Saracino
Seconded by Councillor Goulbourne

That Report 5-2004, being the minutes of the Regional Development Charges Task Force meeting of Monday, May 17, 2004, be approved.

Carried.

147. Report 6-2004

Moved by Councillor Saracino
Seconded by Councillor Goulbourne

That Report 6-2004, being the minutes of the Regional Development Charges Task Force meeting of Tuesday, May 25, 2004, be approved.

Carried.

CORRESPONDENCE

148. Moved by Councillor Saracino
Seconded by Councillor Goulbourne

That the following communications be received:

CFS 29-2004 Andrew Burt, General Manager, Niagara Peninsula Conservation Authority (May 27, 2004) regarding Former CN Rail Lands – Township of Wainfleet

CFS 30-2004 Deb Morton, Executive Director, Regional Municipality of Niagara, Police Services Board (June 2, 2004) respecting Niagara Police Services Board Capital Project PO0401- IT Equipment Replacement.

CFS 31-2004 Deb Morton, Executive Director, Regional Municipality of Niagara, Police Services Board (June 2, 2004) respecting Niagara Police Services Board NRPS Novell Yearly Software Licence & Maintenance Upgrade Agreement.

CFS 32-2004 Deb Morton, Executive Director, Regional Municipality of Niagara, Police Services Board (June 2, 2004) respecting NRPS financial Variance Report to April 30, 2004.

Carried.

ACCOUNTS

149. Moved by Councillor Saracino
Seconded by Councillor Goulbourne

That Accounts Payable Expense Summary for the period ending April 30, 2004
in the following amounts be approved:

Administration & Corporate Services	\$ 705,863.14
Community Services	3,559,294.22
Planning & Development	6,743.40
Public Health	1,552,996.86
Public Works	5,644,187.12
Police Service	743,047.21
Outside Board's & Agencies	439,792.50
Non Departmental	<u>28,436,683.25</u>
Total	41,088,607.70
G.S.T. Rebate	<u>1,004,148.01</u>
Total Expense Payable	42,092,755.71
Holdback Amount	<u>10,362,554.37</u>
Total Expenses Paid	<u>\$ 31,730,201.34</u>

Carried.

ADJOURNMENT

Committee adjourned at 12:10 p.m. to meet on Wednesday, July 14, 2004, at
10:00 a.m. in Committee Room 4, Regional Headquarters.

Doug Martin
Chair

Gail Reilly
Legislative Assistant

Pam Gilroy
Acting Regional Clerk