

# THE REGIONAL MUNICIPALITY OF NIAGARA

## PROCEEDINGS OF COUNCIL

### REPORT CL7-2004

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, April 1, 2004 commencing at 6:41 p.m.

### ATTENDANCE

Council: Regional Chair Partington; Councillors Almas; Bailey; Baty; Bentley; Bodner; Burroughs; Casselman; Collins; Davidson; Eke; Gabriel; Goulbourne; Harry; Heit; Hodgson; Katzman; Leavens; Marshall; Mastroianni; Nicholson; Redekop; Rigby; Salci; Saracino; Smeaton; Timms; Trombetta.

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner of Corporate Services; Farley, Director of Planning Services; Nicol, Commissioner, Human Resources; Sidawi, Director, Operational Support Services; Hutchings, Director, Social Assistance and Employment Opportunities; Dr. Williams, Medical Officer of Health; Ms. Hepplewhite, Acting Deputy Regional Clerk; Ms. Pilon, Legislative Assistant.

Other Staff: Corporate Services: Mr. Banting, Director, Legal Services.  
Public Health: Ms. Rix, Manager, Chronic Disease Prevention Division Tobacco Use Prevention Program; Ms. Rose, Health Promoter and Ms. Polly, Public Health Nurse

Police: Deputy Chief Moody; Mr. Magnacca, Chair, Police Services Board.

### CLOSED SESSION

128. Moved by Councillor Gabriel  
Seconded by Councillor Mastroianni

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

Carried.

129. Border Security

Moved by Councillor Casselman  
Seconded by Councillor Eke

That the sensitive sections of the comprehensive report on Border Security and the roles, responsibilities and obligations to Canada's First Line Defense in Niagara, be removed and the report be made public as soon as possible.

Carried.

(Refer to Staff Directions)

**COMMITTEE OF THE WHOLE, RISE AND REPORT**

130. Moved by Councillor Eke  
Seconded by Councillor Bodner

That this Council do now rise with report.

Carried.

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

**CONFLICTS OF INTEREST**

Councillor Heit declared an indirect pecuniary interest with respect to those organizations that deal with wireless communication as he is employed by a wireless communication company and to waste management matters with respect to Modern Collection, as they are a client of his, and he therefore took no part in the discussion of, or voting on, these matters.

Regional Chair Partington declared a direct pecuniary interest with respect to Minute Item #98 in the Planning Services Committee minutes, respecting Minute Item #26, Report 3-2004, Smarter Niagara Steering Committee minutes of March 10, 2004 respecting the Urban Forum Working Group Report – Hospital Development and Redevelopment, as he has an interest in the transaction, and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Timms declared an indirect pecuniary interest with respect to any matters relating to 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.

### **ADOPTION OF THE AGENDA**

131. Moved by Councillor Timms  
Seconded by Councillor Eke

That Council Agenda CL 7-2004 be adopted with the presentation of the Third Annual Tobacco-Free Poster Contest Awards being brought forward in advance of the Chair's Remarks.

Carried.

### **PRESENTATION**

132. Third Annual Tobacco-Free Poster Contest Awards

Ms. Sarah Rose, Health Promoter and Ms. Sandy Polly, Public Health Nurse provided Regional Council with an overview of the Third Annual Tobacco-Free Poster Contest – “The Best Think About a Smoke-Free Home is....”, which was launched in all elementary schools during the National Non-Smoking Week in January 2004, as part of a comprehensive strategy that aims to educate and denormalize smoking amongst youth, while also helping to educate Niagara's students regarding the dangers of smoking and second hand smoke exposure.

The contest is a collaborative effort by the Chronic Disease Prevention Division Tobacco Prevention Team and Population Health's Youth Connection Elementary School Team, which achieved tremendous results from the area schools. In total there were over 3,700 entries received in three age categories from 86 schools.

The 1<sup>st</sup> place winners receive a \$100 gift certificate; 2<sup>nd</sup> place winners receive a \$50 gift certificate and the 3<sup>rd</sup> place winners receive, compliments of the YMCA of Niagara and Fort Erie a one-month junior membership. The two French categories will receive a \$100 gift certificate. In addition, there will be several random prize draws with an opportunity for all entrants to win. All of the prizes are geared to encourage physical activity.

Regional Chair Partington presented the awards to the winners in the Primary Division: 3<sup>rd</sup> place - Brandon Ruddy (Grade 2), Lockview School; 2<sup>nd</sup> place - Sarah Read (Grade 2), Quaker Road School; 1<sup>st</sup> place – Riley Brennan (Grade 3), Ross School; Junior Division: 3<sup>rd</sup> place - Alina Voisky (Grade 6), St. Alfred School; 2<sup>nd</sup> place – Ariana Nunes (Grade 5), St. Edward School; 1<sup>st</sup> place – Eunice Lee (Grade 6), Mary Ward School; Intermediate Division: 3<sup>rd</sup> place – Grace Noh (Grade 8), Fort Erie Public School; 2<sup>nd</sup> place – Rachel Nottrodt (Grade 7), Lockview School; 1<sup>st</sup> place – Kelly Young (Grade 8), Notre Dame School; French Categories – JK to Grade 4 – Jacob Duguay (Grade 3), Ecole Nouvel Horizon and Grade 5 to 8 – Adrianna Capelletti (Grade 6), Ecole St. Marguerite Bourgeoys.

Congratulations to all the participants and winners for an amazing job in producing a powerful Smoke-Free Home message!

133.

### **CHAIRMAN'S REMARKS**

Regional Chair Partington commented on the beautiful orchids in the Council Chambers, which were supplied by Van Berkel Enterprises and the rain, which is sure to bring spring blooms shortly.

Regional Chair Partington noted that the Smarter Niagara Summit that was held last week was a tremendous success for the Region and a great opportunity to learn from others and to showcase the progress Niagara Region is making and that the remarks made by the Honorable John Godfrey made about the "new deal" that were greatly encouraging and Niagara Region is looking forward to learning more about the federal government's intent as this issue comes to the fore with the provinces.

During the past week, Regional Chair Partington has had the opportunity to attend the annual meetings for the Niagara Credit Union and the Grape Growers of Ontario. Regional Chair Partington commended the Niagara Credit Union for its unparalleled success and growth and advised Regional Council that the Grape Growers challenges deserve the support of the Niagara Region as they make plans to ensure the industry remains vibrant.

Regional Chair Partington noted that Niagara Region's consultation efforts to learn about community priorities got off to a great start in Wellandport last week, which continued in Welland this week. The turnout may not have been large, however, our efforts to communicate with residents about the services and programs we provide were positively received. Regional Council was reminded of the next session, which is to be held April 6, 2004 at the Chippawa Lions Club.

Regional Chair Partington updated Regional Council on his "open door" meetings, the latest meeting being held in the City of Thorold. Regional Chair Partington thanked Councillors Davidson and Gabriel for joining him.

Regional Chair Partington advised Regional Council that Mr. Allan Magnacca, Chairman of the Police Services Board is in attendance this evening and that in accordance with Provincial legislation, the Police Services Board is charged with oversight of the Police Service and its associated operating costs and that Niagara Region is encouraged that the Police Services Board has begun a full operational review of policing procedures and costs with a view to finding more economical ways to provide policing services for Niagara Region.

Regional Chair Partington noted that he strongly supports and is committed to this full operational review that will begin to provide a more transparency for Niagara residents, who expect cost-efficient option for the operations they fund through property taxes.

134.

### **POLICE SERVICES BOARD**

Mr. Magnacca, Chairman of the Police Services Board advised Regional Council that he was in attendance at tonight's meeting to clarify the salary issues and give the reasons why there was no comment or explanation given to the media.

Mr. Magnacca noted that until yesterday the list was in draft and until the Ministry released the salaries to the public they were under no obligation to comment prior to the official release.

The Police Services Board recognizes the increased number of officers who have achieved \$100,000 + annually versus the number of officers on the list from last year, however, the information respecting their salaries is personal information and therefore, the Police Services Board members are restricted as to what information they can release to the public.

The Police Services Board can generally explain the higher salaries, which were generated through excessive overtime, sick leave, retroactive payments, grievance pay outs, etc., the officers on the list have a base salary of \$66,000 annually.

The 2003 list illustrates a total of 57 officers in excess of \$100,000 annually, totaling approximately \$6 million, which is made up of base salaries 71%; overtime 17%; retroactive 5%; banked payout (vacation, lieu, etc.) 3% and contractual costs 3%.

Mr. Magnacca advised Regional Council that Police Chief Nichols has given him written authorization to release information respecting his salary to Regional Council publicly.

The Police Services Board negotiated a contract with Police Chief Nichols initially in 2000, through due diligence the Police Services Board reviewed the Police Chief's salary in 2003, the contract should have been reviewed on annual basis (August to August), however, it was not, which resulted in a one-time retroactive payment to adjust the salary from 2000 to 2003 of \$63,000. The Police Chief's 2004 base salary is \$157,000 annually.

Mr. Magnacca noted that the Police Chief had no obligation to release the information, as it is a personal matter.

Mr. Magnacca advised Regional Council of the Police Services Board comprehensive review, which they anticipate will provide the Niagara Regional Police Services with opportunities for efficiencies and still maintain the Police Services Act mandated services.

Regional Council thanked Mr. Magnacca for addressing Regional Council on this matter, however, better communication between the Niagara Region and Police Services Board, would have given the members the information in advance of it being released to the media.

### **APPROVAL OF MINUTES**

135. **Report 3-2004**

Councillor Heit noted that the Staff Direction should be ***amended*** as follows:

Provide members of Council with a list of services provided by each department indicating what services are mandatory or non-mandatory ***and to what level of service.***

Moved by Councillor Burroughs  
Seconded by Councillor Bailey

That Report 3-2004, being the minutes of the Committee of the Whole of Thursday, March 18, 2004, be approved as ***amended.***

Carried.

136. **Report 6-2004**

Moved by Councillor Casselman  
Seconded by Councillor Bentley

That Report 6-2004, being the minutes of the Proceedings of Council of Thursday, March 18, 2004, be approved and adopted.

Carried.

**CORRESPONDENCE**

137. The following Communications were received and dealt with as follows:

C6223 Card of thanks from Hether Deans, an employee of the Public Health Department, and family for the kind donation to St. Andrew's United Church in memory of her mother Jean Deans.

Received.

C6224 Card of thanks from Mike Shepherd, an employee of the Community Services Department, and family for the kind donation to Knox Presbyterian Church Memorial Fund in memory of his mother Doris Shepherd.

Received.

C6225 Ed Goulbourne, Coordinator St. Julia Church, St. Catharines, respecting Reconstruction of Regional Road 50 (Glenridge Avenue) from Regional Road 89 (Glendale Avenue) to the CNR Overpass in the City of St. Catharines.

Received.

C6226 Peter Partington, Regional Chairman (March 22, 2004) respecting Resolutions from other Municipalities.

Township of South Stormont resolution (March 9, 2004) respecting the Ontario Recreation Facilities Association (O.R.F.A.) process of a Private Bill at Queen's Park recognizing them in Ontario as the certifying body for recreation facility professionals and requesting the Provincial Government to approve the Private Bill and grant Royal Assent before the 2004 Summer break at Queen's Park.

Received.

C6227 Report PHD 27-2004 (April 1, 2004) Procedure to Amend By-law No. 22-2002 – Region of Niagara Smoking By-law.

Received for information and referred to the April 19, 2004, Public Health Services Committee meeting.

C6228 Card of thanks from Regional Councillor Jill Hildreth (March 21, 2004) for the gift of an "English Garden" flower basket during her recent stay in the hospital.

Received.

C6229 Card of thanks from Amy White, an employee of the Public Works Department, and family for the kind donation to the Canadian Guide Dogs for the Blind in memory of her father, Frank Pearson.

Received.

C6230 Memorandum from Anne Hepplewhite, Corporate Records Manager (March 31, 2004) to Members of Council respecting the Accessibility/Disability Awareness Training.

Received.

C6231 Mayor Robert S. MacIsaac, Chair, Greenbelt Task Force (March 23, 2004) Ministry of Municipal Affairs and Housing, respecting participation in the coming months in the creation of a permanent greenbelt for the Golden Horseshoe.

Received and referred to the April 14, 2004, Planning Services Committee meeting.

C6232 Memorandum from Pam Gilroy, Acting Regional Clerk (March 31, 2004) requesting that Council authorize the Regional Chairman to sign the official agreement to host the 2005 AMO Counties, Regions and Single Tier Conference.

Approved.

Moved by Councillor Collins  
Seconded by Councillor Leavens

That Communications C6223 to C6232 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

## **COMMITTEE REPORTS**

### **CORPORATE AND FINANCIAL SERVICES COMMITTEE**

138. **Report 9-2004**

Moved by Councillor Saracino  
Seconded by Councillor Leavens

That Report CFS 9-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, March 24, 2004, be approved and adopted.

Carried.

**COMMUNITY SERVICES COMMITTEE**

139. Report 6-2004

Moved by Councillor Almas  
Seconded by Councillor Marshall

That Report CSC 6-2004, being the minutes of the Community Services Committee meeting of Monday, March 22, 2004, be approved and adopted.

Carried.

**PLANNING SERVICES COMMITTEE**

**CONFLICT OF INTEREST**

Councillor Marshall declared an indirect pecuniary interest with respect to Minute Item #98 in the Planning Services Committee minutes, respecting Minute Item #26, Report 3-2004, Smarter Niagara Steering Committee minutes of March 10, 2004 respecting the Urban Forum Working Group Report – Hospital Development and Redevelopment, as he is an employee of the Niagara Health System, and he therefore took no part in the discussion of, or voting on, this matter.

140. Report 6-2004

Moved by Councillor Rigby  
Seconded by Councillor Heit

That Minute Item #98 in the Planning Services Committee minutes, respecting Minute Item #26, Report 3-2004, Smarter Niagara Steering Committee minutes of March 10, 2004 respecting the Urban Forum Working Group Report – Hospital Development and Redevelopment, be lifted and dealt with separately at this time.

Carried.

Moved by Councillor Rigby  
Seconded by Councillor Heit

That the Urban Working Group Report – Hospital Development and Redevelopment be referred to a Special Meeting of the Smarter Niagara Steering Committee, to which the City of St. Catharines staff and NHS/Hotel Dieu Restructuring Committee, be invited.

Carried.

Moved by Councillor Smeaton  
Seconded by Councillor Eke

That Report PS 6-2004, being the minutes of the Planning Services Committee meeting of Wednesday, March 24, 2004, with the exception of Minute Item # 98, be approved and adopted.

Carried.

### **PUBLIC HEALTH SERVICES COMMITTEE**

141. Report 6-2004

Moved by Councillor Timms  
Seconded by Councillor Baty

That Report PHSC 6-2004, being the minutes of the Public Health Services Committee meeting of Monday, March 22, 2004, be approved and adopted.

Carried.

### **PUBLIC WORKS AND UTILITIES COMMITTEE**

142. Report 9-2004

Moved by Councillor Rigby  
Seconded by Councillor Davidson

That Report PW 9-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, March 23, 2004, be approved and adopted.

Carried.

### **CHIEF ADMINISTRATIVE OFFICER'S REPORT**

143. Report CAO 7-2004

Moved by Councillor Eke  
Seconded by Councillor Casselman

That Report CAO 7-2004, Council Business Plan – 2003 Progress Report Significant Achievements, Work in Progress, and Plans for 2004, be received for information.

Carried.

**BY-LAWS**

144. Moved by Councillor Gabriel  
Seconded by Councillor Nicholson

That the following bills be now read and do pass:

**Bill 38**

A by-law to establish part of Lot 17, Concession 1, in the Town of Lincoln as part of Regional Road No. 18 (Ontario Street).

**Bill 39**

A by-law to authorize debenture financing (1–10 Years) in the amount of \$3,273,000 for Individual Projects in the 2004 Waste Management Capital Program.

**Bill 40**

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 1<sup>st</sup> day of April, 2004.

Carried.

145. Moved by Councillor Goulbourne  
Seconded by Councillor Mastroianni

That the following bills be now read and do pass:

**Bill 41**

A by-law to provide for the Regulation of Traffic on Regional Highways in the City of Niagara Falls.

**Bill 42**

A by-law to provide for the Regulation of Traffic on Regional Highways in the Town of Grimsby.

**Bill 43**

A by-law to provide for the Regulation of Traffic on Regional Highways in the Town of Niagara-on-the-Lake.

**Bill 44**

A by-law to establish part of Township Lot 17, Concession 10, in the City of St. Catharines as part of Regional Road No. 50 (Glenridge Avenue)

Carried.

## **OTHER BUSINESS**

### **CONFLICT OF INTEREST**

Councillor Almas declared an indirect pecuniary interest with respect to sale of the Domtar Property in the City of St. Catharines, as his firm is representing the proponent, and he therefore took no part in the discussion of, or voting on, this matter.

146. **Domtar Property**

Councillor Rigby advised Regional Council of the sale of the Domtar Property and looks promising for the area. Councillor Rigby noted that the Smarter Niagara initiatives and this is what smart growth and brownfield redevelopment is all about.

147. **St. Catharines Hydro/Hamilton Hydro**

Councillor Rigby advised Regional Council that St. Catharines Hydro and Hamilton Hydro are reviewing the possibility of a merger.

148. **Councillor Debbie Zimmerman's Dinner**

Councillor Collins reminded everyone of Councillor Debbie Zimmerman's dinner taking place at Whiteoaks on April 8, 2004.

149. **Best Wishes**

Councillor Collins extended his best wishes to Councillor Zimmerman and Councillor Nicholson on their future plans as members of the federal government.

150. **Glenridge Reconstruction**

Councillor Casselman advised Regional Council of the extra Public Meetings that have been scheduled on April 6, 2004 at Regional Headquarters from 2:00 p.m. to 4:00 p.m. and 7:00 p.m. to 9:00 p.m.

## **STAFF DIRECTIONS**

Staff was directed to:

- provide Councillor Marshall with a copy of the comprehensive report on Border Security and the roles, responsibilities and obligations to Canada's First Line Defense in Niagara, distributed to Regional Council on March 18, 2004 in Closed Session. (Refers to Minute Item 129)

**ADJOURNMENT**

The Council meeting adjourned at 9:35 p.m.

Peter Partington  
Regional Chairman

Janet Pilon  
Legislative Assistant

Anne Hepplewhite  
Acting Deputy Clerk/  
Corporate Records Manager