

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 9-2004

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, May 6, 2004 commencing at 6:45 p.m.

ATTENDANCE

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

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner of Corporate Services; Cambray, Commissioner of Planning & Development; Nicol, Commissioner, Human Resources; Payne, Director, Waste Management Services; Ms. Reid, Commissioner, Community Services; Dr. Williams, Medical Officer of Health; Ms. Gilroy, Acting Regional Clerk; Ms. Pilon, Legislative Assistant.

Other Staff: Corporate Services: Mr. Banting, Director, Legal Services.
Public Works: Mr. Brcic, Director, Water & Wastewater Services.
Administration: Mr. Bowles, Executive Assistant to the Regional Chair.

CLOSED SESSION

185. Moved by Councillor Collins
Seconded by Councillor Trombetta

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.

COMMITTEE OF THE WHOLE, RISE AND REPORT

186. Moved by Councillor Smeaton
Seconded by Councillor Bailey

That this Council do now rise without report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:10 p.m. with an Invocation by Councillor Hodgson followed by the Children of Grey Gables School Choir singing O' Canada in English and French.

ADOPTION OF THE AGENDA

187. Moved by Councillor Zimmerman
Seconded by Councillor Bentley

That Council Agenda CL 9-2004 be approved and adopted as amended with the Niagara Children's Charter presentation being moved up to immediately following the adoption of the agenda.

Carried.

PRESENTATION

188. Niagara Children's Charter

Regional Councillor Debbie Zimmerman and Ms. Pat Heidebrecht, Director, Children's Services announced the launch of the Niagara Children's Charter.

Ms. Pat Heidebrecht noted that after almost two years of working together, the Public Health and Community Services Departments developed the first version of the Niagara Children's Charter, a local perspective on the United Nations Convention on the Rights of the Child, which is a product of the Take a Kid to Work Day, written by Chelsea Bolger, Victoria Krikorian and Nicole Burnett, who were grade nine students at the time.

Ms. Heidebrecht thanked Ms. Ann Biscaro for working with her in developing the first version; Mrs. Scott's grade four class at Vineland School for translating the Charter into easily understood words for young children; the Early Years Action Group the first organization to endorse the Charter; Mr. John TeBrake a former member of the group, who challenged us to have a children's version of the Charter; the students of Mary Ward Public School in Niagara Falls who prepared the wonderful artwork that represents children's rights on display a Regional Headquarters; the former Community and Health Services Committee, under the Chair of Jill Hilldreth as well as member of Regional Council for their leadership in helping shape the Niagara Children's Charter and for the direction provided by Councillors to provide the Charter with endorsement from all twelve municipalities.

Regional Council was advised that the Charter is not intended to replace or preempt requirements under varying sources of legislation related to children. It constitutes a statement of principles rather than a legally binding document. The Children's Charter consolidates elements related to the fundamental rights of children from birth to eighteen years of age in one document.

The children in attendance presented Regional Chair Partington; Councillor Debbie Zimmerman, former Regional Chair and Early Years Champion; Dr. Williams, Medical Officer of Health and Ms. Susan Reid, Commissioner of Community Services with plaques of the Niagara Children's Charter.

189.

CHAIRMAN'S REMARKS

Regional Chair Partington commented on the following:

Regional Chair Partington noted that the Kalanchoe plants gracing the Council Chambers, were supplied by Bayview Flowers in Jordan Station and are a reminder that spring is indeed here – at last!

Regional Chair Partington was pleased to announce the three new board members for Niagara Economic and Tourism Corporation, Mr. Dennis Parass, President of Handling Specialty Manufacturing Ltd., Ms. Colleen Blake, Executive Director of the Shaw Festival and David Atkinson, President of Brock University. Mr. Rudi Kroeker is the newly elected Chairman, Mr. Don Wilson, Vice-Chair, Mr. Bill Costella, Treasurer and Mr. Patrick Gedge is the new CEO. Mr. Kroeker and Mr. Gedge will be attending Council on May 20, 2004.

Regional Chair Partington advised Regional Council that he attended a meeting that brought together regional, provincial and federal interests to discuss border security requirements and the role of the Niagara Regional Police as a first responder, which have changed since September 11. The meeting was quite helpful in moving forward the recognition of the role that our police service plays – and our contention that Niagara should be compensated for the work our police service does in monitoring and securing the border, work that not only benefits the people of Niagara, but benefits Ontario and Canada as a whole.

Regional Chair Partington referred to the results of the Council Planning Session held several weeks ago, which brought to light that transportation is key to Niagara and that the Mid-Peninsula Transportation Corridor is of particular important to Niagara, which has not only been heard at these sessions but at our public consultations as well.

Regional Chair Partington noted that he has met with Provincial Transportation Minister Takhar and has stressed the importance of transportation in Niagara, touching on the Mid Peninsula Transportation Corridor, the 406 extension, GO Transit and the widening of the QEW and is pleased to report that Minister said that the Province is "absolutely committed" to the Mid Peninsula Transportation Corridor and that a further report will be forthcoming at the next Regional Council meeting.

Regional Chair Partington in consideration of Niagara's last budget process and the importance of providing policing services to our residents at a fair price, addressed the Police Services Board and urged their adoption of a resolution asking the Province to review the manner in which, they regulate policing. Similar resolutions are being passed in other municipalities as we all struggle to contain the cost of policing while maintaining appropriate public safety and therefore, urged Regional Council to support the resolution so that the municipalities of Ontario speak with one strong voice on this important issue.

Regional Chair Partington also noted that while at the Police Services Board he spoke about the importance of ensuring that the review of operations and services they are now carrying out are carried out by an independent expert.

Regional Chair Partington, in response to Chief Gary Nicholls announcement of his intention to retire at the end of this year, commended him for his dedicated service to Niagara and its residents, and wished him well in future pursuits.

Regional Chair Partington was please to advise Regional Council that Regional Councillor Jill Hildreth is doing well and has been receiving visitors this week. She asked that her thanks be extended to everyone for all of the flowers, cards and good wishes that she has received, with particular thanks for the hand-crafted card sent to her from the staff and children of Community Services.

CONFLICTS OF INTEREST

Councillor Bodner declared an indirect pecuniary interest with respect to Minute Item # 99 in the Corporate and Financial Services Committee minutes, respecting the Sub-Class for Permanent Trailers, as he owns a business at Sherkston Shores and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Heit declared an indirect pecuniary interest with respect to any matters that deal with wireless communication as he is employed by a wireless communication company and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Nicholson declared an indirect pecuniary interest with respect to Minute Item # 133 in the Planning Services Committee minutes, respecting the Regional Comments on Development Proposals, Zoning By-law Amendment Application, 6177 McLeod Road in the City of Niagara Falls, as he has an interest in the property and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Nicholson declared an indirect pecuniary interest with respect to Minute Item # 171 in the Public Works and Utilities Committee minutes, respecting the Expropriation – Roberts Street Gateway Project in the City of Niagara Falls, as he represented a Roberts Street property owner and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Smeaton declared an indirect pecuniary interest with respect to any matters relating to Seniors Homes as he is employed by a Seniors Home, and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Smeaton declared an indirect pecuniary interest with respect to Minute Item # 171 in the Public Works and Utilities Committee minutes, respecting the Expropriation – Roberts Street Gateway Project in the City of Niagara Falls, as his son resides in the area and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Zimmerman declared an indirect pecuniary interest with respect to Minute Item # 132 in the Planning Services Committee minutes, respecting the Consent Activity Summary from March 1, 2004 to April 18, 2004, as she may own one of the properties listed and she therefore took no part in the discussion of, or voting on, these matters.

APPROVAL OF MINUTES

190. Report 8-2004

Moved by Councillor Leavens
Seconded by Councillor Collins

That Report 8-2004, being the minutes of the Proceedings of Council of Thursday, April 22, 2004, be approved and adopted.

Carried.

CORRESPONDENCE

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

C6244 Card of thanks from Andy Burt, General Manager, Niagara Peninsula Conservation Authority, for the kind donation to the Alzheimers Society of Niagara Region in memory of his father, Andy Burt.

Received.

- C6245 Card of thanks from Lord Mayor Gary Burroughs, for the kind donation to St. Mark's Addison Hall fund, in memory of his mother-in-law, Elizabeth Rigg.
- Received.
- C6246 Card of thanks from Lori Sentineal, an employee of the Community Services Department, for the kind donation to Hospice Niagara, in memory of her mother-in-law, Jackie Sentineal.
- Received.
- C6247 Craig Stirtzinger, City Clerk, City of Welland (April 22, 2004) asking for Regional Council's support of their Council's resolution requesting the Provincial Government to strengthen the Ontario Pension and Benefits Guarantee Fund (PBGF).
- Moved by Councillor Marshall
Seconded by Councillor Collins
- That consideration of Communication C6247 be deferred pending a presentation at Regional Council
- Carried.
- C6248 Card of thanks from Joe Nicosia, an employee of the Public Works Department, for the kind donation to the Heart and Stroke Foundation of Ontario, in memory of his mother, Genevieve Nicosia.
- Received.
- C6249 Card of thanks from Catharine Zelenak, an employee of the Community Services Department, and family for the kind donation to the Ontario March of Dimes in memory of her mother Shirley Zelenak.
- Received.
- C6250 Carolyn Amyotte, Councillor on behalf of the Council of North Kawartha Township (April 22, 2004) respecting a major threat to local tourism operators and many small businesses in the community which are facing a major threat to their sustainability from the Safe Drinking Water Act.
- Received.

C6251 Letter from Peter Partington, Regional Chairman (April 14, 2004) to Allan Magnacca, Chairman, Niagara Police Services Board, requesting support of a resolution recommending the Regional Niagara Police Services Board request the Ontario Association of Police Services Boards (OAPSB) to lobby the provincial government of Ontario to review the Police Services Act, so as to provide greater flexibility and alternatives for delivery of police services, along with a letter from Deb Morton, Executive Director, Police Services Board (May 4, 2004) confirming that the Regional Niagara Police Services Board supports the above resolution.

Moved by Councillor Bentley
Seconded by Councillor Martin

That Communication C6251 be supported; and

That the provincial government be requested to provide funding for the standards they put forth; and

That the area municipalities be requested to support the foregoing motion.

Carried.

C6252 Card of thanks from Lois LaCroix, an employee of the Public Health Department, and family for the kind donation to the Kidney Foundation of Canada in memory of her mother-in-law, Anita LaCroix.

Received.

C6253 Holly Dowd, Clerk, Town of Niagara-on-the-Lake (May 3, 2004) respecting the approval of their recommendation that the Province be requested to set up a sub-committee with agricultural representatives to address the economic viability of the agricultural industry before the Greenbelt Legislation is finalized by the Province.

Referred to Planning Services Committee.

C6254 Town of Fort Erie resolution (April 26, 2004) in support of the plans of the Buffalo and Fort Erie Bridge Authority to alleviate short-term border congestion and improve air quality in Fort Erie.

Moved by Councillor Redekop

Seconded by Councillor Martin

That Communication C6254 be supported.

Carried.

C6255 Report DPD 49-2004 (Revised) May 6, 2004, Some Issues on the Provincial Zoning Order and the Proposed Greenbelt Legislation. (As noted in Minute Item 129 in Report PS 8-2004).

Moved by Councillor Rigby
Seconded by Councillor Heit

That Communication C6255 be received and updated with current figures when they become available, and forwarded to the Minister of Municipal Affairs and Housing and the Greenbelt Task Force.

Carried.

Moved by Councillor Marshall
Seconded by Councillor Almas

That Communications C6244 to C6255 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

PRESENTATIONS (Continued)

192. Niagara Flower and Garden Show

Ms. Wendy Chrystian, Provincial Administrator and Ms. June Streadwick, Coordinator of Master Gardeners of Niagara invited everyone to attend the Niagara Flower and Garden Show taking place June 11 to 13, 2004 at the Niagara Parks Botanical Gardens and School of Horticulture in the City of Niagara Falls.

The event is being presented by the Master Gardeners of Niagara and the Niagara Parks School of Horticulture. The event will have everything for the home gardener, there will be demonstrations, presentation, a marketplace of quality growers, creative artisans and garden suppliers in a beautiful outdoor setting.

193. Appeal Consent Applications B53/2004/NF and B54/2004/NF

Ronald and Karen Lundy
North Side of Lyon's Creek Road
South Side of Schisler Road (Regional Road 27)
City of Niagara Falls

Mr. Sinclair, legal counsel for the proponents requested that Regional Council withdraw the appeal, as the land in question is not suitable for farming in its current state.

Ms. Coleman, a resident in the area, requested that Regional Council approve staff recommendation, as the choice to farm or not farm the land is lifestyle choice made by the proponents.

Following a lengthy discussion and upon a recorded vote being requested, Council divided on the motion as follows:

Moved by Councillor Smeaton
Seconded by Councillor Harry

That Report DPD 50-2004, April 14, 2004, respecting the Appeal of Consent Applications B53/2004/NF and B54/2004/NF, Ronald and Karen Lundy, North Side of Lyon's Creek Road, South Side of Schisler Road (Regional Road 27) in the City of Niagara Falls, be received.

That Regional Council withdraw the appeal to the Ontario Municipal Board of the decision by the City of Niagara Falls Committee of Adjustment to grant Consent Applications B53/2004/NF and B54/2004/NF.

That the applicant and the City of Niagara Falls be advised of Council's decision.

Voting for the Motion:

Bailey
Bentley
Bodner
Eke
Goulbourne
Harry
Hodgson
Katzman
Martin

Nicholson
Redekop
Rigby
Salci
Saracino
Smeaton
Timms
Trombetta

(17)

Voting against the Motion:

Almas	Gabriel	
Baty	Heit	
Casselman	Leavens	
Collins	Marshall	(8)

Upon the recorded vote being taken, the Regional Chair declared the motion was carried.

COMMITTEE REPORTS

CORPORATE AND FINANCIAL SERVICES COMMITTEE

194. Report 11-2004

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report CFS 11-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, April 28, 2004, be approved and adopted.

Carried.

PLANNING SERVICES COMMITTEE

195. Report 8-2004

Moved by Councillor Casselman
Seconded by Councillor Heit

That Minute Item # 130, Planning Services Committee, respecting the April 14, 2004 minutes of the Smarter Niagara Steering Committee, Minute Item # 42, respecting the hiring of the Expeditor, be lifted and dealt with separately at this time.

Carried.

Moved by Councillor Casselman
Seconded by Councillor Heit

That the Niagara Economic and Tourism Board give consideration to the use of the Regional Human Resources Department, to hire the Expeditor.

Carried.

Moved by Councillor Smeaton
Seconded by Councillor Hodgson

That Report PS 8-2004, being the minutes of the Planning Services Committee meeting of Wednesday, April 28, 2004, be approved and adopted as amended.

Carried.

PUBLIC HEALTH SERVICES COMMITTEE

196. Report 8-2004

Moved by Councillor Collins
Seconded by Councillor Bailey

That Staff Direction (ii), be lifted and dealt with separately at this time.

Carried.

Moved by Councillor Collins
Seconded by Councillor Bailey

That Staff Direction (ii), respecting contacting NETCorp. to gather information on what the factors may be to explain why Niagara businesses (hospitality industry) are slower to rebound economically due to the negative impacts of such issues as the Smoking By-law, SARS, Terrorism, etc. as compared to other municipalities within the Province, be deferred to early September 2004.

Carried.

Moved by Councillor Timms
Seconded by Councillor Baty

That Report PHSC 8-2004, being the minutes of the Public Health Services Committee meeting of Monday, April 26, 2004, be approved and adopted as amended.

Carried.

PUBLIC WORKS AND UTILITIES COMMITTEE

197. Report 11-2004

Moved by Councillor Martin
Seconded by Councillor Nicholson

That Minute Item # 195, Public Works and Utilities Committee, be lifted and dealt with separately at this time.

Carried.

Moved by Councillor Casselman
Seconded by Councillor Eke

That the Niagara Region forward a letter of apology with an explanation of the Wastewater billing errors to the residents of the City of Niagara Falls and the City of Welland; and

That staff meet with the community leaders to develop a strategy for the funds.

Carried.

Moved by Councillor Martin
Seconded by Councillor Nicholson

That the oral report on the Wastewater billing error in the City of Niagara Falls, be received, and

That the Commissioner of Corporate Services be authorized to make the necessary financial arrangements in a manner acceptable to the City of Niagara Falls;

That the agreed upon refund be taken from the Region's Wastewater Reserve Fund.

That staff continue to work with the City of Niagara Falls.

Carried.

Moved by Councillor Rigby
Seconded by Councillor Harry

That Report PW 10-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, April 27, 2004, be approved and adopted as amended.

Carried.

COMMITTEE OF THE WHOLE

198. Report 11-2004

Moved by Councillor Martin
Seconded by Councillor Heit

That the decisions made in the Committee of the Whole meeting of Thursday, May 6, 2004, be approved and adopted.

Carried.

CHIEF ADMINISTRATIVE OFFICER'S REPORT

199. Report CAO 10-2004

Moved by Councillor Zimmerman
Seconded by Councillor Gabriel

That Report CAO 10-2004, May 6, 2004, Update from Council's Planning Session 2004, be received for information.

Carried.

(Refer to Staff Directions)

OTHER BUSINESS

200. Policing Costs

Councillor Eke noted that policing costs should be funded through an alternative means to the levy.

(Refer to Staff Directions)

BY-LAWS

201. Moved by Councillor Salci
Seconded by Councillor Goulbourne

That the following bills be now read and do pass:

Bill 56

A by-law to establish part of Township Lot 115, in the City of Niagara Falls as part of Regional Road No. 98 (Montrose Road).

Bill 57

A by-law to establish part of lots 3 and 4, Plan 94, in the City of Niagara Falls as part of Regional Road No. 98 (Montrose Road)

Bill 58

A by-law to authorize the execution of an agreement with Business Education Council of Niagara

Bill 59

A by-law to authorize debenture financing (1-10 years) in the amount of \$550,000 for project ZGDO203, building improvement program for Regional facilities in the 2004 Buildings and Equipment Capital Program

Bill 60

A by-law to authorize debenture financing (1-10 years) in the amount of \$1,064,620 for the projects included in the 2004 Regional Housing Capital Program

Bill 61

A by-law to authorize debenture financing (1-10 years) in the amount of \$542,500 for the projects included in the 2004 Niagara Peninsula Conservation Authority Capital Budget

Bill 62

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 6th day of May, 2004.

Carried.

202. Moved by Councillor Trombetta
Seconded by Councillor Eke

That the following bills be now read and do pass:

Bill 63

A by-law to refer the matter of the expropriation of 5248 Roberts Street, in the City of Niagara Falls to the Chief Inquiry Officer.

Bill 64

A by-law to assume inter-municipal specialized transit services within the Regional Municipality of Niagara.

Carried.

STAFF DIRECTIONS

Staff was directed to:

- Refer the issue surrounding the funding alternatives for levying taxes for the police budget to the Corporate and Financial Services Committee (Councillor Eke)
- Survey Regional Council for an appropriate date, when scheduling the additional half day session that is required to complete the Council Business Planning process. (Councillor Collins)

ADJOURNMENT

The Council meeting adjourned at 10:12 p.m.

Peter Partington
Regional Chairman

Janet Pilon
Legislative Assistant

Pam Gilroy
Acting Regional Clerk