

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 11-2004

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, June 3, 2004 commencing at 6:32 p.m.

ATTENDANCE

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

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner of Corporate Services; Cambray, Commissioner of Planning & Development; Sidawi, Director, Operational Support Services; Chief Nicholls, N.R.P.S.; Dr. Klooz, Associate Commissioner, Public Health; Ms. Reid, Commissioner, Community Services; Ms. Elliot, Director, Organizational Development and Compensation Services; Ms. Fontana, Director, Corporate Health Services and Employee Relations; Ms. Gilroy, Acting Regional Clerk; Ms. Pilon, Legislative Assistant.

Other Staff: Messrs. Banting, Director, Legal Services; Bowles, Executive Assistant to the Regional Chair; Cunnane, Director of Public Safety; Ms. Fontana, Director, Corporate Health Services and Employee Relations.

CLOSED SESSION

237. Moved by Councillor Harry
Seconded by Councillor Bodner

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

238. Moved by Councillor Bailey
Seconded by Councillor Burroughs

That this Council do now rise without report.

Carried.

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

ADOPTION OF THE AGENDA

239. Moved by Councillor Collins
Seconded by Councillor Bentley

That Council Agenda CL 11-2004 be approved and adopted as amended to move the presentation of the Environmental Awards prior to dealing with the correspondence items.

Carried.

240.

CONFLICTS OF INTEREST

Councillor Bodner declared an indirect pecuniary interest with respect to any matters relating to the Niagara Health System, as his wife is employed by the Niagara Health System, as he is an employee of the Niagara Health System, 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 Marshall declared an indirect pecuniary interest with respect to any matters relating to the Niagara Health System, as he is an employee of the Niagara Health System, and he therefore took no part in the discussion of, or voting on, these matters.

241.

CHAIRMAN'S REMARKS

The Regional Chair Partington on behalf of Regional Council thanked Mori Nurseries in Niagara-on-the-Lake for the lovely variety of shrubs and plants.

Regional Chair Partington held a town hall meeting in Niagara-on-the-Lake that was well attended and provided him with an opportunity to speak to the residents and obtain an understanding of their issues and an opportunity to provide them with a greater knowledge of Regional government.

Regional Chair Partington is hoping to hold a town hall meeting in all twelve municipalities by the end of this year and has schedule his next town hall meeting at the Smithville train station in West Lincoln on June 15, 2004 at 6:00 p.m.

Regional Chair Partington was pleased to announce that this past Thursday the Niagara Region won a Sustainability Community Award of Excellence in Municipal Service Delivery from the Federation of Canadian Municipalities and CH2M HILL Canada, recognizing Niagara's leadership in the water category with the development of the Niagara Water Quality Protection Strategy. A formal presentation will be made to Regional Council at its meeting on June 17, 2004.

Regional Chair Partington noted that Prime Minister Martin confirmed and expanded on the New Deal for Communities and Cities at the FCM conference in Edmonton. Prime Minister Martin emphasized that this New Deal would not just be for big cities, and stated that cities and communities will receive five cents of the federal gas tax phased in over five years starting in 2005. There was a consensus amongst the conference delegates that the federal government should allow this money to be used towards infrastructure such as roads and not be limited to any one spending area in particular.

Regional Chair Partington announced that the negotiations began this week on the Ambulance Dispatch contract; we are looking for the negotiations to be completed by the end of June, followed by Council's endorsement. Niagara Region will be conducting a Job Fair specific to ambulance dispatch on June 19, 2004, to allow Niagara Region to get an early start on the recruitment phase of the transition, although no formal recruitment will take place until the anticipated contract is actually signed.

Regional Chair Partington noted that the City of St. Catharines is hosting the 2004 World Canals Conference, which brings together canal professionals, scholars and enthusiasts from around the world. Those attending the conference will have the opportunity to see how we in Niagara are impacted by the presence of the Canal and how we have embraced this waterway.

Regional Chair Partington announced that this Sunday, June 5, 2004 marks the 60th Anniversary of D-Day, without question one of the most pivotal moments in human history. The sacrifices of the individuals who stormed the beaches of Normandy to smash Hitler's "Fortress Europe" will never be forgotten. We are forever in their debt.

Regional Chair Partington congratulated Councillor Saracino, who has been awarded a "Certificate of Appreciation" by the Royal Canadian Legion's Ontario Command in recognition of services rendered to or on behalf of the Legion.

Regional Chair Partington advised Council that the Vietnamese delegation from the Town of Tuy Hoa will arrive next week and will be visiting Niagara Region's various Public Works installations and will be exchanging information with our staff.

Regional Chair Partington advised Council that Mr. Dan Patterson, President of Niagara College has extended an invitation to Regional Council to tour the college's new Culinary Institute and discuss the college's evolving role in the community on Thursday, June 24, 2004. The invitation to Niagara College presents Regional Council with an opportunity to conduct a Council Business Planning Session. Regional Councillors were asked to contact Florrie Neufeld at extension 3453 with their availability on June 24, 2004.

APPROVAL OF MINUTES

242. Report 10-2004

Moved by Councillor Bentley
Seconded by Councillor Casselman

That Report 10-2004, being the minutes of the Proceedings of Council of Thursday, May 20, 2004, be approved and adopted.

Carried.

PRESENTATION

243. Environmental Awards

Regional Chair Partington and Mr. Clark Gunter with the assistance of Councillor Collins presented the Grapeview Public School's Green Team, consisting of forty to fifty (40 – 50) members from grades four (4) to six (6), in the City of St. Catharines with the Environmental Award for school recognition under Seeds Canada "Learners in Action" program. The Grapeview Public School Green Team has earned their award for their ongoing waste reduction and recycling program that goes beyond recycling of pizza boxes and juice containers to include printer cartridges and batteries; planting of native trees and wildflower garden on school grounds; educational activities and events - earth day activities, hikes, essay contests, mentoring programs, conferences and announcements; and fundraising to support environmental projects.

With the assistance of Councillor Bodner, Regional Chair Partington and Mr. Clark Gunter presented the Port Colborne & District Conservation Club with an Environmental Award to mark the club's 50th anniversary. The Club has over the past 50 years worked towards a healthy environment in Port Colborne and the surrounding area, their activities have included tree planting and reforestation projects with local Scout troops; maintaining and monitoring for the tern nesting sites on Port Colborne breakwall, an internationally important bird area; contributing to the Welland River rehabilitation project and the Dunnville-Grand River fish-monitoring program; working for the conservation of the Wainfleet Bog. The Club has just recently created a youth program to help young people develop outdoor skills and learn about the benefits of conservation.

Regional Chair Partington and Mr. Clark Gunter with the assistance of Councillor Redekop presented Mr. Earl Plato of the Town of Fort Erie, with the Lifetime Achievement Award. Mr. Plato has over the course of his life done so much to foster environmental awareness in the Fort Erie/Niagara Falls area, through his writings and through countless outings he has shared his knowledge and love of nature with many people, young and old. Mr. Plato began writing articles on nature for the Fort Erie Times more than twenty years ago and for the past fourteen years he has written a weekly nature column for the Niagara Falls Review. Mr. Plato recognized the beauty and significance of Marcy's Woods and has written more than fifty articles about this special place. Mr. Plato founded and was the first president of the Bert Miller Nature Club, which has led efforts to protect Marcy's Woods.

CORRESPONDENCE

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

C6266 Valerie Caster, Vice-President, Easy Radiant Works, Wainfleet, Ontario (May 25, 2004) respecting air pollution/smog and unnecessary emissions from parked vehicles.

Received.

C6267 Memorandum to Regional Chairman Peter Parting and Members of Council from Pam Gilroy, Acting Regional Clerk (May 26, 2004) respecting the Memorial Award for the late Councillor T. Roy Adams.

Received.

C6268 Card of thanks from Jane Davies, an employee of the Community Services Department, and family for the kind donation to the Canadian National Institute for the Blind (CNIB) in memory of her mother Peggy Bouchard.

Received.

C6269 Deb Morton, Executive Director, Niagara Regional Police Services Board (May 21, 2004) respecting their resolution requesting the Ontario Association of Police Services Board (OAPSB) to lobby the provincial government to review the Police Services Act.

Received for Information.

C6270 Yves Ducharme, President, Federation of Canadian Municipalities (FCM) respecting the Federal Election on June 28, as this marks the first time in our history that the concerns of Canadian cities and communities as being central in the federal election campaign.

Received.

C6271 Town of Pelham resolution (May 17, 2004) requesting the Minister of Health to investigate the health care needs of the citizens of Niagara as they pertain to the hospitals of the Niagara Health System and a Strategic Plan involves each municipality, health care professionals and the public at large to provide a vision for health care in Niagara for the next twenty (20) years.

Received and referred to the Public Health Services Committee.

- C6272 George C. M. Banks, City Solicitor, City of Welland (May 27, 2004) respecting a Court Claim filed on behalf of Gallant against the City regarding the Watermain Extension Moyer Road, South of Schisler Road, City of Welland. (Refer to Report PS 10-2004, May 26, 2004, Minute Number 158 in the Blue Book)
- Received.
- C6273 Memorandum to Regional Chairman Partington and Members of Council from Councillor David Eke, Chair, Niagara Regional Housing Board of Directors (June 3, 2004) respecting the status following Council's recommendation to fast track "Opening Doors Together – An Affordable Rental Housing Initiative.
- Received for Information.
- C6274 Memorandum to Regional Chairman Partington and Members of Council from Pam Gilroy, Acting Regional Clerk (June 1, 2004) respecting Councillor Hildreth be granted a leave of absence from Regional Council meetings for the duration of her recuperation.
- Supported.
- C6275 John Gerretsen, Minister Responsible for Seniors (May, 2004) respecting an invitation to participate in the 2004 Senior of the Year Awards.
- Received.
- C6276 Scott Wilson, Secretary-Treasurer (AMO) Association of Municipalities of Ontario (May 27, 2004) respecting nominations to the 2003-2004 AMO Board of Directors. (Councillor Collins has expressed an interest to continue as a Director)
- Received and the nomination for Councillor Collins, be supported.
- C6277 City of Thorold Resolution (May 18, 2004) respecting the Federal Taxes Charged on Gas.
- Received and referred to the Transportation Strategy Steering Committee.
- C6278 Melissa Watkins on behalf Farmland Preservation Research Project extending an invitation to attend the June 28/29, 2004, *Farmland Preservation Conference: Protecting Farmland for Farmers and the launch of the Ontario Farmland Trust.*
- Received.

C6279 Letter from Regional Councillor Rob Nicholson, June 3, 2004, requesting that Council grant an unpaid leave of absence from June 4 – 28th, 2004 inclusive.

Supported.

C6280 Letter from Regional Councillor Debbie Zimmerman dated June 3, 2004 requesting that Council grant an unpaid leave of absence from June 11 – 28th, 2004 inclusive.

Supported.

Moved by Councillor Bodner
Seconded by Councillor Hodgson

That Communications C6266 to C6280 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

COMMITTEE REPORTS

CORPORATE AND FINANCIAL SERVICES COMMITTEE

245. **Report 13-2004**

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report CFS 13-2004, being the minutes of a special meeting of the Corporate and Financial Services Committee meeting of Thursday, May 20, 2004, be approved and adopted.

Carried.

246. **Report 14-2004**

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report CFS 14-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, May 26, 2004, be approved and adopted.

Carried.

COMMUNITY SERVICES COMMITTEE

247. Report 9-2004

Moved by Councillor Marshall
Seconded by Councillor Almas

That Report CSC 9-2004, being the minutes of the Community Services Committee meeting of Monday, May 31, 2004, be approved and adopted.

Carried.

PLANNING SERVICES COMMITTEE

248. Report 10-2004

Moved by Councillor Nicholson
Seconded by Councillor Marshall

That Report PS 10-2004, being the minutes of the Planning Services Committee meeting of Wednesday, May 26, 2004, be approved and adopted.

Carried.

PUBLIC HEALTH SERVICES COMMITTEE

249. Report 10-2004

Moved by Councillor Casselman
Seconded by Councillor Saracino

That Report PHSC 10-2004, being the minutes of the Public Health Services Committee meeting of Monday, May 31, 2004, be approved and adopted.

Carried.

(Refer to Staff Directions)

PUBLIC WORKS AND UTILITIES COMMITTEE

250. Report 13-2004

Moved by Councillor Redekop
Seconded by Councillor Goulbourne

That Report PW 13-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, May 25, 2004, be approved and adopted.

Carried.

MOTIONS

251. Peace Bridge Plaza Improvements

Moved by Councillor Martin
Seconded by Councillor Redekop

WHEREAS the Peace Bridge is critical infrastructure annually conveying millions of cars between the Region of Niagara and the U.S. and carrying approximately \$220 million of trade daily,

WHEREAS a free flowing Peace Bridge is critical to the tourism economy of the Niagara Region and the agricultural and manufacturing industries as well as the overall economy of the province and the country,

WHEREAS bridge congestion related to changes in Customers' procedures following 9/11 have resulted in lengthy border delays including many kilometers-long truck queues on the QEW with concerns related to highway safety (13 accidents, 4 fatalities), air quality and negative economic impacts on both sides of the border,

WHEREAS managing the traffic queues puts undue burden on the MTO, OPP, and Regional Police exceeding a million dollars per year,

WHEREAS the Region has previously supported the Peace Bridge Authority's efforts to resolve these issues,

WHEREAS the Government of Canada developed the Border Infrastructure Fund program to alleviate border congestion, including approving and entering into an agreement with the Buffalo and Fort Erie Public Bridge Authority to make changes in both the Canadian and U.S. plazas designed to enhance highway safety, improve air quality, and facilitate tourism, trade, and commuter traffic,

WHEREAS the Border Infrastructure Fund plans at the Peace Bridge are supported by Environment Canada, Transport Canada, Ministry of the Environment, Ministry of Transportation, and Canada Border Services Agency,

WHEREAS a lawsuit has been filed by three residents in the U.S. to stop the improvements from taking place,

WHEREAS this lawsuit serves to delay beneficial plaza improvements that would actually improve the flow of traffic, thereby helping to resolve highway safety and air quality concerns,

WHEREAS the plaza improvements that will be made through the Border Infrastructure Fund are necessary whether Peace Bridge expansion takes place or not and are separate and distinct from the expansion of current Peace Bridge capacity

WHEREAS it is in the interests of the binational region that these improvements take place as quickly as possible,

NOW THEREFORE, the Regional Council of Niagara resolves as follows:

THAT the federal and provincial governments be requested to legally support the Peace Bridge Authority in this lawsuit and any future lawsuit to protect national and provincial economic interests.

THAT the Region of Niagara participate to the extent possible in support of moving the Peace Bridge Authority plans forward given the critical importance of these Peace Bridge plaza improvements to the Region and that the Town of Fort Erie be requested to do likewise.

THAT the Regional Chairman convene a meeting as soon as possible with Erie County Executive, Joel Giambra; City of Buffalo Mayor, Anthony Masiello; and Town of Fort Erie Mayor, Wayne Redekop to discuss this issue and means by which it can be resolved as quickly as possible.

That a copy of this resolution be circulated to the local area MPs and MPPs for their support.

Carried.

OTHER BUSINESS

252. Invitation to D-Day Events
City of Port Colborne

Councillor Saracino invited Regional Council to attend the events marking the 60th Anniversary of D-Day at the Royal Canadian Legion, Branch 66, in the City of Port Colborne, to honour the veterans on Sunday, June 6, 2004.

Councillor Saracino also invited Regional Council to attend the Nostalgia Night that is also being hosted by the Royal Canadian Legion, Branch 66, in the City of Port Colborne, on Saturday, June 5, 2004 to enjoy music from the 40's.

253. Gala Opening of the Fallsview Casino
City of Niagara Falls

Councillor Salci announced the Gala Opening of the Fallsview Casino on June 8, 2004 at 4:00 p.m., with the public grand opening taking place on June 10, 2004.

254. Congratulations!

Councillor Bentley attended the Niagara Regional Police Services Awards Event held to recognize long service Police and Civilians and extended congratulations to all of the Niagara Regional Police Services recipients.

BY-LAWS

255. Moved by Councillor Baty
Seconded by Councillor Mastroianni

That the following bills be now read and do pass:

Bill 71

A by-law to establish part of Lot 1, Concession 9, in the Town of Niagara-on-the-Lake as part of Regional Road No. 81 (York Road).

Bill 72

A by-law to authorize debenture financing (1 – 10 Years) in the amount of \$393,000 for Project ZSW0118, Infrastructure Improvement Program.

Bill 73

A by-law to provide for the adoption of Amendment 189 to the Official Plan for the Niagara Planning Area to permit a Contractor's Shop, Yard & Ancillary Offices in the City of Niagara Falls.

Bill 74

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 3rd day of June 2004.

Carried.

STAFF DIRECTIONS

Staff was directed to:

- Councillor Collins requested that the draft Development Charges By-law be posted on the Regional website by Monday June 7, 2004.
- Councillor Collins requested that Confidential Report PHD 41-2004 be forwarded to the Human Resources Committee on June 8, 2004. (Refers to Minute Item # 249)

ADJOURNMENT

The Council meeting adjourned at 8:05 p.m.

Peter Partington
Regional Chairman

Janet Pilon
Legislative Assistant

Pam Gilroy
Acting Regional Clerk