

REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 15-2004

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, September 16, 2004 commencing at 6:35 p.m.

ATTENDANCE

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

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner of Corporate Services; Cambray, Commissioner, Planning and Development; Brcic, Director, Water & Wastewater Services; Ventresca, Acting Commissioner, Social Services; Ms. Gilroy, Acting Regional Clerk; Dr. Williams, Medical Officer of Health; Ms. Elliott, Director, Organizational Development & Compensation Services; Deputy Chief Moody; Ms. Pilon, Legislative Assistant.

Other Staff
(Part-time): Messrs. Banting, Director, Legal Services; Bowles, Executive Assistant to the Regional Chair; Gummo, Senior Policy Coordination Planner; Murphy, Manager, Policy & Development; Ms. Hepplewhite, Corporate Records Manager; Ms. Brunet, Chair, Excellence Sub-Committee; Ms. Beckwith, General Manager, Niagara Regional Housing; Ms. Drake, Manager, Housing Programs; Ms. Philips, Housing Administrator.

CLOSED COMMITTEE OF THE WHOLE

349. Moved by Councillor Salci
Seconded by Councillor Angelone

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.

350. Commissioner of Community Services Vacancy
- Interim Appointments
CAO 20-2004

Moved by Councillor Collins
Seconded by Councillor Saracino

That Report CAO 20-2004, September 16, 2004, respecting Commissioner of Community Services Vacancy - Interim Appointments, be received and that the appointment of Dominic Ventresca as Acting Commissioner of Community Services be confirmed retroactive to July 12, 2004 and for a period of up to six months in accordance with the Region's Acting Pay Policy; and that Tom Hunter be appointed to the position of Acting Director Seniors Services effective September 20, 2004 for a period up to January 11, 2005 and in accordance with the Region's Acting Pay Policy.

Carried.

351. Personnel Issue

Moved by Councillor Redekop
Seconded by Councillor Heit

That the Chief Administrative Officer be authorized to proceed as directed with respect to a personnel issue.

Carried.

COMMITTEE OF THE WHOLE, RISE AND REPORT

352. Moved by Councillor Rigby
Seconded by Councillor Martin

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:50 p.m. with an Invocation by Councillor Rigby followed by the singing of O' Canada.

353. **CONFLICTS OF INTEREST**

Councillor Almas declared an indirect pecuniary interest with respect to Report NRH 3-2004, September 16, 2004, respecting *Opening Doors Together: An Affordable Rental Housing Initiative* – Recommended List of Projects as his firm may have represented the proponent for Project NRH RFP-05 and he therefore took no part in the discussion of, or voting on, these matters.

ADOPTION OF THE AGENDA

354. Moved by Councillor Bentley
Seconded by Councillor Eke

That Council Agenda CL 15-2004 be approved and adopted as presented with Regional Council continuing the Closed Session portion of the meeting following the completion of the agenda items.

Carried.

DECLARATION OF OFFICE

355. Regional Councillor Anne Angelone

Regional Chair Partington, on behalf of Regional Council, officially welcomed Regional Councillor Angelone as its newest member and presented her with a certified copy of her Declaration of Office, which was administered on August 30, 2004 by the Acting Regional Clerk.

Regional Council responded warmly with congratulations.

Moved by Councillor Collins
Seconded by Councillor Leavens

That Regional Councillor Angelone be appointed as a member of the Community Services Committee, the Human Resources Committee and the Public Health Services Committee.

Carried.

Regional Chair Partington, also noted that Councillor Angelone, in addition to her appointments to the Community Services Committee, Human Resources Committee and Public Health Services Committee, was appointed as Regional Council's representative on the Niagara Peninsula Conservation Authority at the August 19th Regional Council meeting pending her swearing in.

APPROVAL OF MINUTES

356. Report 6-2004

Moved by Councillor Burroughs
Seconded by Councillor Rigby

That Report 6-2004, being the minutes of the Committee of the Whole Council of Thursday, August 19, 2004, be approved and adopted.

Carried.

357. Report 14-2004

Moved by Councillor Brock
Seconded by Councillor Bailey

That Report 14-2004, being the minutes of the Proceedings of Council of Thursday, August 19, 2004, be approved and adopted.

Carried.

CORRESPONDENCE

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

C6311 Tracey E. Lines (August 23, 2004) extending appreciation to the Regional Chairman and Members of Council for the \$100.00 she received as one of the finalists of the Regional Chair's Bursary for Niagara College.

Received.

C6312 Lauren Scott (August 22, 2004) extending appreciation to the Regional Chairman and Members of Council for being the recipient of the 2004 Silver Anniversary Bursary and the support demonstrated by Regional Council to the Youth of Niagara.

Received.

C6313 Town of Fort Erie resolution (August 16, 2004) supporting participation of the Region of Niagara to advance the Province's plans to release Terms of Reference for an Environmental Assessment Study and that the Regional Chairman request the Premier of Ontario and various Ministers move forward as quickly as possible with the Niagara GTA Corridor Background Studies.

Received and referred to the Transportation Steering Committee.

- C6314 City of Welland resolution (August 17, 2004) recommending that the Region of Niagara pursue lobbying the Provincial Government to investigate corporate initiatives in taking responsibility for their recyclable projects such as pop cans, wine and liquor bottles, and that the Region investigate the possibility of a partnership with Corporate Ontario in creating possibilities for revenue generating opportunities.
- Received and referred to the Waste Management Planning Steering Committee.
- C6315 City of Welland resolution (August 17, 2004) endorsing the resolution from the Council of the Regional Municipality of Niagara requesting support from the Province to move forward as quickly as possible with the Niagara GTA Trade Corridor with a coordinated effort to address Southern Ontario's transportation requirements.
- Received.
- C6316 Card of thanks from Bob Ross, Controller/Office Administrator, Niagara Economic and Tourism Corporation for the kind donation to the Canadian Cancer Society in memory of his wife Eleanor.
- Received.
- C6317 Kathleen Kuckyt (August 31, 2004) extending appreciation to the Regional Chairman and Members of Council for the \$100.00 she received as one of the finalists of the 2004 Silver Anniversary Bursary.
- Received.
- C6318 Card of thanks from Blair DeLazzer (September 1, 2004) extending appreciation to the Regional Chairman and Members of Council for the \$100.00 he received as one of the finalists of the 2004 Regional Chair's Bursary for Niagara College.
- Received.
- C6319 Card of thanks from Lenore Fleming, an employee of the Corporate Services Department, and family for the kind donation to the Carmelite Home in memory of her mother, Coralanne Condon.
- Received.

C6320 Card of thanks from Marlene Humphrey, an employee of the Community Services Department, and family for the kind donation to the Heart and Stroke Foundation of Ontario in memory of her mother, Inez Hughes.

Received.

C6321 Town of Fort Erie resolution (August 16, 2004) authorizing a contribution to assist The City of Peterborough with its state of Emergency Relief Fund in its recovery of the recent devastating flood conditions.

Received.

C6322 The Honourable Jim Bradley, Minister of Tourism and Recreation (August 26, 2004) respecting support of the Niagara-GTA Trade Corridor and working with all key stakeholders once the Terms of Reference document has been released.

Received.

C6323 News Release Communique (August 23, 2004) from the Ministry of Municipal Affairs and Housing respecting a signed agreement strengthening the provincial-municipal relationship giving municipalities a say in federal-provincial negotiations that directly affect municipalities.

Received.

C6324 News Release from the Association of Municipalities of Ontario (AMO) regarding the election of Regional Councillor Michael Collins to the Board of Directors.

Received.

C6325 Erik Janssen, expressing gratitude to the Regional Chairman and Members of Council for being chosen as the recipient for the 2004 Regional Chair's Bursary for Brock University.

Received.

C6326 Card of thanks from Linda Lambert, an employee of the Community Services Department, and family for the kind donation to the Shriners Hospital in memory of her father Coleman Bagu.

Received.

C6327 Card of thanks from Nick Rosati, an employee of the Public Works Department, and family for the kind donation to the St. Joseph Healthcare Foundation in memory of his mother-in-law, Marie Ewin.

Received.

Moved by Councillor Casselman
Seconded by Councillor Trombetta

That Communications C6311 to C6327 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

PRESENTATIONS

359. Corporate Employee Recognition Team (CERT)
Excellence Awards

Ms. Brunet, Chair, Excellence Sub-Committee along with Regional Chair Partington, Councillor Collins, Chair, Human Resources Committee and Mr. Trojan, Chief Administrative Officer presented Excellence Awards to Cathy Martin from the Infectious Disease Program in the Public Health Department, for her outstanding commitment to Customer Service, as Cathy's enthusiasm for her work is infectious and her creative thinking inspires others to do better; Janet Pilon from the Clerk's Department for her exemplary Customer Service ethic; the Northland Manor Team (Maureen Anthes, Denise Bourque, Rena Hrysko, Joy Misztal and Jenny Schiff) who demonstrated extraordinary Team Participation in their motivation and commitment to achieving excellence for residents and staff in the relocation and adjustment to a new long term care facility.

360. Niagara Wine Festival - Mayor's Grape Stomp

Councillor Rigby announced the launch of the 53rd Niagara Wine Festival, September 17th – 26th, 2004, with the Mayor's Grape Stomp being held on Saturday, September 18th in Montebello Park at 4:00 p.m.

Councillor Zimmerman, Executive Director, Grape Growers of Ontario; Mr. Rolston, External Director, St. Catharines Jaycees and last year's winner of the Mayor's Grape Stomp, Councillor Timms invited all of the Regional Councillors to challenge the reigning champion of the Mayor's Grape Stomp and come out and join in!

Councillor Rigby invited everyone to join the “Wine Country” celebration of Niagara’s Internationally acclaimed grape, wine and culinary industries for 10 glorious days with more than 100 events including winery tours and tastings, concerts, Niagara cuisine, artisan shows, wine seminars, family entertainment and one of Canada’s largest parades.

361. Alzheimer Society Niagara Region’s Coffee Break

Mr. Doug Rapelje, Board President, Alzheimer Society Niagara Region announced that the Ninth Annual Alzheimer Society Coffee Break is being held on September 21, 2004. An Alzheimer Coffee Break is a time when you can invite your co-workers, clients, colleagues, friends or neighbours to enjoy a cup of coffee, or any other beverage at a break time or another specific get-together; the Alzheimer Society supplies a kit (coffee for one pot of coffee courtesy of Sara Lee, Alzheimer Society’s national sponsor, a donation box and promotional signs and literature), the host supplies the people. Then, simply ask everyone to make a donation.

Mr. Rapelje noted that the Alzheimer Society cannot do it alone; therefore, he encouraged everyone to get involved and host an “Alzheimer Society Coffee Break”, a simple way of raising money for the 7,000 Niagara Region’s residents who suffer from Alzheimer or a related dementia.

362.

CHAIRMAN’S REMARKS

The Regional Chair provided the following remarks:

Regional Chair Partington thanked the group Niagara Growers for their gift of the beautiful array of flowers and produce that were on display in the Council Chambers.

Regional Chair Partington noted that he had participated in the annual Labour Day Merriton Lions Parade and rode in a beautiful black 2003 Thunderbird convertible from Cort Day Ford. Councillors Collins, Timms and Rigby were also present.

Regional Chair Partington has over the past couple of days, been taking part in events marking the beginning of the 53rd Annual Wine Festival, which is a great time of year for Niagara! The Chair noted that the grape growers and wine makers help to make our Region a special place in which to live.

Regional Chair Partington announced that the rained out September 9th, 2004 Annual Regional Chair’s Charity Golf Tournament at Legends on Niagara has been rescheduled for October 5, 2004.

Regional Chair Partington thanked those Councillors who have and encouraged those who have not confirmed their attendance for the Greenhouse Tour planned for October 14, 2004, which will leave Regional Headquarters at 8:30 a.m. and return at 4:30 p.m. Arrangements have been made for the Councillors who are unable to dedicate a full day to the tour, so that they can attend the morning or afternoon tour only. The details of venues, lunch arrangements and the midday meeting point will be sent to those participating by Monday, September 27, 2004.

BOARDS, COMMISSIONS, AGENCIES

NIAGARA REGIONAL HOUSING

363. *Opening Doors Together: An Affordable Rental Housing Initiative – Recommended List of Projects*
NRH 3-2004

Councillor Eke noted that this is the first development of affordable housing in Niagara Region in over 10 years, which has been made possible through the Federal and Provincial Governments commitment to allocate one hundred and fifty units or the equivalent dollar value of \$4,050,000 to develop affordable housing in the Region of Niagara.

Ms. Beckwith, General Manager and Ms. Drake, Manager, Housing Programs, Niagara Regional Housing provided the Committee with an overview of each of the properties listed on the Recommended List of Projects and the List of Additional Recommended Projects being submitted to the Ministry for approval.

Moved by Councillor Rigby
Seconded by Councillor Brock

That Report NRH 3-2004, September 16, 2004, respecting *Opening Doors Together: An Affordable Rental Housing Initiative – Recommended List of Projects*, be received.

That the “List of Recommended Projects” under the *Opening Doors Together* program be submitted to the Ministry of Municipal Affairs and Housing for approval;

That the ‘List of Additional Recommended Projects in Priority Order’ under the *Opening Doors Together* program be submitted to the Ministry of Municipal Affairs and Housing for approval should additional funding be made available.

Carried.

364. Proposed AMO Resolution – Accountability for
Social Housing Mortgage Renewal

Moved by Councillor Eke
Seconded by Councillor Timms

That the Niagara Regional Housing correspondence dated August 23, 2004 forwarded to Peter Partington, Regional Chair and Members of Regional Council respecting the Proposed AMO Resolution regarding Accountability for Social Housing Mortgage Renewals, be received and the recommendations contained therein be supported.

Carried.

365. Niagara Regional Housing Quarterly Report
April 1, 2004 – June 30, 2004
NRH 2-2004

Moved by Councillor Eke
Seconded by Councillor Timms

That Report NRH 2-2004, August 20, 2004, respecting the Niagara Regional Housing Quarterly Report, April 1, 2004 – June 30, 2004, be received for information.

Carried.

COMMITTEE REPORTS

CORPORATE AND FINANCIAL SERVICES COMMITTEE

366. Report 19-2004

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report CFS 19-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, September 8, 2004, be approved and adopted.

Carried.

COMMUNITY SERVICES COMMITTEE

367. Report 13-2004

Moved by Councillor Hildreth
Seconded by Councillor Bailey

That Report CSC 13-2004, being the minutes of the Community Services Committee meeting of Monday, September 13, 2004, be approved and adopted.

Carried.

HUMAN RESOURCES COMMITTEE

368. Report 8-2004

Moved by Councillor Collins
Seconded by Councillor Leavens

That Report 8-2004, being the minutes of the Human Resources Committee meeting of Tuesday, September 7, 2004, be approved and adopted.

Carried.

PLANNING SERVICES COMMITTEE

369. Report 14-2004

Moved by Councillor Smeaton
Seconded by Councillor Bodner

That Report PSC 14-2004, being the minutes of the Planning Services Committee meeting of Wednesday, September 8, 2004, be approved and adopted.

Carried.

(Refer to Staff Directions)

PUBLIC HEALTH SERVICES COMMITTEE

370. Niagara Region's Non-Smoking By-Law

Regional Chair Partington provided Regional Council with a statement respecting the decision of Mr. Justice Quinn of the Supreme Court of Ontario in upholding Niagara Region's non-smoking by-law.

Regional Chair Partington noted that Niagara's best course of action is to continue to enforce the provisions of our by-law while lobbying the provincial government to move forward with this legislation and with its considerable resources, to deal with this issue.

371. Report 14-2004

Moved by Councillor Timms
Seconded by Councillor Baty

That Report PHSC 14-2004, being the minutes of the Public Health Services Committee meeting of Monday, September 13, 2004, be approved and adopted.

Carried.

PUBLIC WORKS AND UTILITIES COMMITTEE

372. Report 18-2004

Moved by Councillor Rigby
Seconded by Councillor Brock

That Report PW 18-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, September 7, 2004, be approved and adopted.

Carried.

COUNCIL ORGANIZATIONAL REVIEW COMMITTEE

373. Council Agenda Modifications and
Committee of the Whole Field-Test
October to December, 2004

Councillor Brian Baty advised Regional Council that the memorandum respecting Council Agenda Modifications and Committee of the Whole Field-Test October to December 2004, is for Council's information at this time, with consideration on the matter at the October 7, 2004 Regional Council meeting and implementation on October 21, 2004.

Moved by Councillor Baty
Seconded by Councillor Timms

That the Memorandum respecting Council Agenda Modifications be received for Consideration at the October 7, 2004, Council and Implementation at October 21, 2004 Council.

Carried.

OTHER BUSINESS

374. Elm Street Landfill – Odour Problems
City of Port Colborne

Councillor Saracino requested that the Regional Chair intervene to resolve the odour problems at the Elm Street Landfill site, as soon as possible for the residents of the City of Port Colborne.

375. Recent Reports of Flooding Throughout Niagara Region

Members of Regional Council noted a number of areas throughout Niagara Region that were flooded, due to the uncommon amount of rain Niagara Region received in a very short period of time last week.

Moved by Councillor Salci
Seconded by Councillor Rigby

That Water & Wastewater Services Division staff prepare a report detailing the severity of the recent rainfall and the circumstances surrounding the flooding in the City of Niagara Falls, the City of Thorold, the Town of Lincoln, the Township of West Lincoln and the City of St. Catharines.

Carried.

376. Beaverdams Road – Safety Concerns

Councillor Brock advised Regional Council that she had attended the funeral of the twenty year old son of a very good friend, the latest victim of a roadway, which has claimed several lives over the past number of years.

Councillor Brock asked that the Niagara Region's Safety Committee, comprised of members of the Canadian Automobile Association (CAA), the Public Health Department, the Public Works Department and the Niagara Regional Police Service, make the review of Beaverdams Road a priority, to ensure that no one else's child is killed on this roadway.

377. The Great Grape Stomp"
Harbour Estates Winery

Councillor Hodgson advised Regional Council of the Third Annual "The Great Grape Stomp" taking place at Harbour Estates Winery on September 25, 2004.

Councillor Hodgson noted that he, as part of the Niagara West Politicians Team challenges the Niagara East Politicians to participate in "The Great Grape Stomp".

Councillor Salci, on behalf of the Niagara East Politicians accepted the challenge and will be forming a Niagara East Politicians Team.

378. Greater Niagara Circle Route in the Toronto Star Travel Edition

Councillor Timms advised Regional Council of the article entitled "Following new paths" in the September 16, 2004 edition of the Toronto Star Travel Section, promoting tourism in Niagara Region through the Greater Niagara Circle Route.

379. Waste Management Financing Options

Councillor Eke noted that there was some confusion with respect to the Waste Management Financing Options presented to Public Works and Utilities Committee on August 10, 2004 and deferred at the August 19, 2004 Regional Council meeting requires some additional clarification.

BY-LAWS

380. Moved by Councillor Gabriel
Seconded by Councillor Hildreth

That the following bills be now read and do pass:

Bill 112

A by-law to establish part of Lot 11, Corporation Plan No. 3, in the Town of Lincoln as part of Regional Road No. 18 (Ontario Street).

Bill 113

A by-law to provide for the Preservation Retention and destruction of Records of the Regional Corporation.

Bill 114

A by-law of the Regional Municipality of Niagara to authorize the borrowing upon instalment debentures in the amount of \$8,063,850 for the purposes of the Corporation of the Town of Fort Erie, The Corporation of the Town of Pelham and The Corporation of the City of Welland and for the purposes of the Corporation of the Regional Municipality of Niagara.

Bill 115

A by-law to provide for the adoption of Amendment 194 to the Official Plan for the Niagara Planning Area to permit an extension of a Sewer Line outside the Urban Area on Haist Street in the Town of Pelham.

Bill 116

A by-law to appoint Pam Gilroy as Clerk of the Regional Municipality of Niagara.

Bill 117

A by-law to appoint Acting Deputy Clerks for the Regional Municipality of Niagara.

Bill 118

A by-law to authorize Debenture Financing (1 – 10 Years) in the amount of \$3,550,100 for Project ZPO9802, S.P.I.R.I.T. (Supporting Police in Records Information Technology).

Bill 119

A by-law to authorize Debenture Financing (1 – 10 years) in the amount of \$400,000 for Project ZRC0320, widening of Regional Road 102 (Stanley Avenue), Phase 2 – Dixon Street to Robinson Street, City of Niagara Falls.

Bill 120

A by-law to establish Blocks 36 and 37, Plan 30M-320, in the Town of Grimsby as part of Regional Road No. 512 (Livingston Avenue).

Bill 121

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 16th day of September, 2004.

Carried.

381. Moved by Councillor Harry
Seconded by Councillor Burroughs

That the following bill be now read and do pass:

Bill 122

A by-law to establish part of Lot 22, Concession 9, in the City of St. Catharines as part of Regional Road No. 69 (Pelham Road).

Carried.

CLOSED COMMITTEE OF THE WHOLE

382. Moved by Councillor Zimmerman
Seconded by Councillor Eke

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

383 Moved by Councillor Bentley
Seconded by Councillor Martin

That this Council do now rise without report.

Carried.

STAFF DIRECTIONS

That staff be directed to:

- ensure that information on safety issues (what is in the ground; water pressure – hydrants, the traffic congestion in the area, etc.) is available, when the application for the 58-storey hotel is being considered. (Refers to Minute Item #368)

ADJOURNMENT

The Council meeting adjourned at 10:30 p.m.

Peter Partington
Regional Chairman

Janet Pilon
Legislative Assistant

Pam Gilroy
Regional Clerk