

**REGIONAL MUNICIPALITY OF NIAGARA**

**PROCEEDINGS OF COUNCIL**

**REPORT CL 16-2004**

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The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, October 7, 2004 commencing at 6:30 p.m.

**ATTENDANCE**

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

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner of Corporate Services; Cambray, Commissioner, Planning and Development; Neville, Commissioner, Public Works; Nicol, Commissioner, Human Resources; Ventresca, Acting Commissioner, Social Services; Ms. Gilroy, Regional Clerk/Associate Director of Corporate Strategy; Dr. Williams, Medical Officer of Health; Ms. Southall, C.A.O., Niagara Regional Police Services; Ms. Reilly, Legislative Assistant.

Other Staff  
(Part-time): Messrs. Banting, Director, Legal Services; Bowles, Executive Assistant to the Regional Chair.

**CLOSED COMMITTEE OF THE WHOLE**

382. Moved by Redekop  
Seconded by Martin

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.

383. Personnel Issues

Mr. Trojan, C.A.O., provided an update on personnel Issues.

384. Smoking By-law Cross Appeal

Mr. Banting, Director, Legal Services provided an update on the Smoking By-law Cross Appeal.

385. Atlas Steels – Welland

Councillor Bentley declared an indirect pecuniary interest with respect to the matter of Atlas Steels, Welland, as he is employed in the Steel Industry and he therefore vacated the Council Chambers and took no part in the discussion of, or voting on, this matter.

Council received an update on the Atlas Steels, Welland matter.  
(Refer to motion on page CL 219.)

386. Hotel Dieu Ambulance Site

Councillor received an update on the Hotel Dieu Ambulance Site matter. Staff was to proceed further with discussions as directed by Council.

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

387. Moved by Councillor Leavens  
Seconded by Councillor Smeaton

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:30 p.m. with an Invocation by Councillor Saracino followed by the singing of O' Canada.

388. **CONFLICTS OF INTEREST**

Councillor Almas declared an indirect pecuniary interest with respect to Minute item 391 as contained in Public Works and Utilities Committee Report PW 19-2004 respecting Report PWA 168-2004, September 28, 2004, regarding the Class Environmental Assessment, Reconstruction of Regional Road 89 (Glendale Avenue) between Mountain Street and Welland Canals Parkway in the City of St. Catharines, as the proponent is a neighbour and client of his law firm and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Bentley declared an indirect pecuniary interest with respect to the matter of Atlas Steels, Welland, as he is employed in the Steel Industry and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Heit declared an indirect pecuniary interest with respect to any matters related to wireless communication as he is employed by a wireless communications company 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 the presentation on Modern Waste Transfer Site, J. W. Sheldrick Sanitation Ltd., Town of Smithville, as Sheldrick is a client of his, and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Marshall declared an indirect pecuniary interest with any matters related to the Niagara Health System as he is employed by the Niagara Health System 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 the Homes for the Aged as he is employed by a Seniors Home and he therefore took no part in the discussion of, or voting on, these matters.

### **ADOPTION OF THE AGENDA**

389. Moved by Councillor Trombetta  
Seconded by Councillor Eke

That Council Agenda CL 16-2004 be approved and adopted as amended to include a brief presentation by Councillor Timms on the Public Health Department's Planning and Priorities Session.

Carried.

- 390.

### **CHAIRMAN'S REMARKS**

The Regional Chair provided the following remarks:

The Chair thanked Spring Valley Gardens of St. Catharines for the assortment of Chrysanthemums in the Council Chambers and Councillor Hildreth for the display of pumpkins.

The Regional Chair highlighted the 7<sup>th</sup> annual Niagara Regional Chair's Charity Golf Tournament at Legends on the Niagara golf course in Niagara Falls. Approximately \$95,000 was raised with 60% going to the Niagara

Community Foundation and the rest being divided between the West Lincoln Memorial Hospital, Women's Place of South Niagara Nova House, YMCA Youth Programs, the Salvation Army Booth Centre, the Niagara Symphony Foundation and educational bursaries sponsored by the Region. Chair Partington thanked the golf committee and volunteers for organizing the tournament and Regional Council and the generous sponsors for their support.

Councillor Debbie Zimmerman was congratulated on her recent appointment as Chair of the Municipal Property Assessment Corporation (MPAC).

Congratulations were extended to Brian Hutchings, Director of Social Assistance and Employment Opportunities, on his recommendation to be the Chair of the Niagara Grant Review Team for the Ontario Trillium Foundation.

### **APPROVAL OF MINUTES**

391. Report 15-2004

Moved by Councillor Hodgson  
Seconded by Councillor Bailey

That Report 15-2004, being the minutes of the Proceedings of Council of Thursday, September 16, 2004, be approved and adopted.

Carried.

### **CORRESPONDENCE**

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

C6328 Dan McKnight, President OPSEU Local 270 (September 17, 2004) respecting a recent decision made by the Province of Ontario's Management Board Secretariat to relocate thirty of its St. Catharines based positions to Toronto and Northern Ontario.

Received.

C6329 David W. Atkinson, President & Vice Chancellor, Brock University (September 14, 2004) extending support of the recommendation for the potential development of a shared, community-based archival facility to manage the records of the twelve local municipalities and those of the Niagara Region.

Received.

- C6330 Peter Partington, Regional Chairman (October 1, 2004) respecting Resolutions from other Municipalities.
- City of Woodstock Resolution (September 16, 2004) requesting that the Premier of the Province of Ontario, and the Minister of Municipal Affairs and Housing, take immediate action to amend Section 319 of the Ontario Municipal Act that deals with Tax Deferrals for relief from financial hardships and introduce amendments to allow each single-tier and lower-tier municipality the opportunity to provide a Municipality Property Tax Deferral Program targeted towards low income seniors and disabled persons as defined by Regulation.
- Received for Information.
- C6331 Card of thanks from John and Terri Charlebois, both employees of the Region of Niagara, and family for the kind donation to the Multiple Sclerosis Society of Canada in memory of their mother and mother-in-law, Norma Charlebois.
- Received.
- C6332 Carolyn A. Bones, President, Chamber of Commerce Niagara Falls (September 22, 2004) requesting Regional Council to consider implementing a three (3) year moratorium on Industrial Development Charges and to continue to work towards lowering industrial tax rates in Niagara.
- Received and referred to the Corporate and Financial Services Committee.
- C6333 Letter from Gord Hunchak, President, St. Catharines Chamber of Commerce (September 24, 2004) addressed to the Minister of Public Infrastructure Renewal, and copied to the Regional Municipality of Niagara, respecting A Growth Plan for the Greater Golden Horseshoe.
- Received and referred to the Planning Services Committee.
- C6334 Gary E. Nicholls, Chief of Police, Niagara Regional Police Service (September 22, 2004) respecting legislative changes which authorize the use of red light camera technology, and requesting Council's support of the installation of red light camera technology in appropriate locations within the Region.
- Received and referred to the Public Works Department and Manager, Provincial Offences.

- C6335      The Honourable Dalton McGuinty, Premier of Ontario (September 10, 2004) respecting the Niagara-GTA Trade Corridor and their commitment to a full environmental assessment (EA) for transportation alternatives in the Niagara- GTA corridor.
- Received and referred to the Transportation Steering Committee.
- C6336      Presentation to Niagara Regional Council regarding the Modern/Sheldrick Waste Transfer Station, Smithville, Ontario, Part 1: Concerns of Area Residents and Businesses.  
Part 2: Concerns of the John Calvin Christian School, 320 Station Street, Smithville
- Received and referred to Presentations.
- C6337      Letter from Mayor Trombetta, Township of West Lincoln to the Honourable Leona Dombrowsky, Minister of Environment (April 14, 2004) advising of the adoption of a resolution in opposition to the expansion of the Sheldrick/Modern Waste Transfer facility located on Thompson Avenue in the Industrial Park in Smithville
- Received and referred to Presentations.
- C6338      Mayor David Miller, City of Toronto, addressed to Chairman Peter Partington (September 29, 2004) with respect to the Hub City Mayors' Summit communiqué which calls on the Federal Government to begin sharing revenues from federal fuel (gas and diesel) excise taxes, and proposes that 75% of the amount of Federal fuel tax revenue, to be allocated to each province or territory, should be based on its share of the total amount of fuel sold in Canada.
- Received and referred to Corporate and Financial Services Committee.
- C6339      Sandra Pupatello, Minister, Ministry of Community Services, addressed to Chairman Peter Partington (September 13, 2004) in response to a letter from the Region of Niagara, concerning the de-listing of health services under OHIP. The Minister's response states that municipalities will not be asked to cost-share eye examinations for individuals on social assistance.
- Received and referred to Community Services Committee.

C6340 Janet Beckett, City Clerk, City of Port Colborne (September 27, 2004) requesting that the Niagara Regional Police Services Board provide the Police Service with resources to properly patrol the East Side Trail system between Port Colborne and Welland.

Received and referred to the Niagara Regional Police Services Board.

C6341 Jim Bradley, Minister of Tourism and John Gerretsen, Minister of Municipal Affairs and Housing (October 4, 2004) announcing a new \$20 million Community Use of Schools Program to help put community groups back into schools and onto playing fields.

Received.

C6342 Glenda Gies, Executive Director, Waste, Waste Diversion Ontario (October 5, 2004) supplying information on Regional Municipality of Niagara's 2003 Municipal Blue Box Datacall Results; our program net cost per tonne is \$92 compared to \$115 net cost per tonne (which is the average for Urban Regional groups).

Received and referred to Waste Management Steering Committee.

Moved by Councillor Katzman  
Seconded by Councillor Timms

That Communications C6328 to C6342 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

(Refer to staff direction on page CL 224.)

### **PRESENTATIONS**

#### 393. Niagara Regional Broadband Network Update

Dr. Andy Panko, Chairman and Gordon Marasco, Director, Niagara Regional Broadband Network and Luigi Calabrese, Vice President of Sales for Cygnal Technologies, were in attendance to provide an update on the Niagara Regional Broadband Network Limited. It is now open for business and is providing fibre optic broadband access for both public and private sector customers in the Niagara Region. Niagara Regional Broadband Network Limited has recently started to connect some of the 254 municipal sites across the Region. NBRN acknowledge the customers that created the vision and followed it through to a successful completion, noting that this project will benefit all municipalities and businesses throughout the Region. Customers include the Region of Niagara;

Niagara Health System; District School Board of Niagara; Niagara Catholic District School Board; Niagara College and St. Catharines Public Library. NRBN is investing over \$15 million to build a “state of the art” broadband fibre-optic network.

394. Modern Waste Transfer Site  
J. W. Sheldrick Sanitation Ltd., Township of West Lincoln

Magdalene Boilard and Steve Witt on behalf of “Concerned Citizens of West Lincoln” and Daniella Devries, on behalf of John Calvin Christian School, addressed Council to express their concerns on the Modern Waste Transfer Site in the Township of West Lincoln and their plans for expansion. They spoke to the negative impacts on the school that is next to the property, as well as on businesses and residents in the area. They requested the lower and upper tier municipalities meet with the Ministry of the Environment and Modern Waste and J. W. Sheldrick Sanitation to find a solution for better locating the waste site. Council referred the matter to the Planning Services Committee, the Public Works and Utilities Committee and the Public Health Services Committee for report.

Moved by Councillor Trombetta  
Seconded by Councillor Casselman

That the issues raised with respect to the Modern Waste Transfer Site in the Township of West Lincoln, together with Correspondence items C6336 and C6337, be referred to the Planning Services Committee, Public Works and Utilities Committee and Public Health Services Committee.

Carried.

**COMMITTEE REPORTS**

**CORPORATE AND FINANCIAL SERVICES COMMITTEE**

395. Report 20-2004

Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report CFS 20-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, September 29, 2004, be approved and adopted.

Moved by Councillor Martin  
Seconded by Councillor Burroughs

That minute Item 218 respecting Communication CFS 52-2004, be lifted and dealt with separately by this Council at this time.

Carried.

Moved by Councillor Martin  
Seconded by Councillor Redekop

That minute item 218 respecting Communication CFS 52-2004, respecting Tax Write-offs be deferred pending the outcomes of the Assessment Review Board for the property known as Atlas Steels in the City of Welland.

Carried.

Moved by Councillor Leavens  
Seconded by Councillor Saracino

That minute item 211 respecting Report CSD 139-2004/DPD 119-2004, regarding Proposed Investigation of the Concept of Assessment Pooling, be lifted and dealt with separately by this Council at this time.

Carried.

Moved by Councillor Leavens  
Seconded by Councillor Saracino

That Report CSD 139-2004, September 29, 2004 (DPD 119-2004) respecting Proposed Investigation of the Concept of Assessment Pooling, be received and approved with the following amendment:

“That consultation with area municipalities take place prior to the call for proposals; and

That area municipalities provide input and respond to this matter before November 30<sup>th</sup>, 2004.”

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report CFS 20-2004, being the minutes of the Corporate and Financial Services Committee meeting of September 29, 2004, approved as amended.

### **PLANNING SERVICES COMMITTEE**

396. Report 15-2004

Moved by Councillor Smeaton  
Seconded by Councillor Eke

That Report PSC 15-2004, being the minutes of the Planning Services Committee meeting of Wednesday, September 29, 2004, be approved and adopted with amendment to minute item 254 respecting Proposed Investigation

of the Concept of Assessment Pooling, to reflect the following resolution as passed by the Corporate and Financial Services Committee:

“That consultation with area municipalities take place prior to the call for proposals; and

That area municipalities provide input and respond to this matter before November 30<sup>th</sup>, 2004.”

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report PSC 15-2004, being the minutes of the Planning Services Committee meeting of September 29, 2004, approved as amended.

### **PUBLIC HEALTH SERVICES COMMITTEE**

#### 397. Report 15-2004

Moved by Councillor Timms  
Seconded by Councillor

That Report PHSC 15-2004, being the minutes of the Public Health Services Committee meeting of Monday, September 27, 2004, be approved and adopted.

Moved by Councillor Councillor Baty  
Seconded by Councillor Bentley

That minute item 166 respecting Report PHD 67-2004, Health Bus Service: Fall 2004 Schedule Change, be lifted and dealt with separately by this Council at this time.

Carried.

Moved by Councillor Baty  
Seconded by Councillor Zimmerman

That minute item 166, Report PHD 67-2004, respecting Health Bus Service: Fall 2004 Schedule Change be referred to Public Health staff to contact the organization as directed by Councillor Bentley to discuss a better, more efficient way of providing the Health Bus Service to West Niagara and report back to Committee.

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report PHSC 15-2004, being the minutes of the Public Health Services Committee meeting of September 27, 2004, approved as amended.

Carried.

398. Public Health Planning and Priorities Session

Councillor Timms provided an oral report on the Public Health Planning and Priorities session that took place on September 23<sup>rd</sup>. The session provided an opportunity to increase understanding of the role of members of Council as the Board of Health and to review the department's goals. Also discussed was the concern related to the new Provincial 55/45 funding formulas and the rules and regulations related to this. Councillor Timms requested that the facilitator's (Bev Carter) notes be circulated to all members of Council. The Councillor also requested a second Planning and Priorities session take place in the near future.

**PUBLIC WORKS AND UTILITIES COMMITTEE**

399. Report 19-2004

Moved by Councillor Rigby  
Seconded by Councillor Brock

That Report PW 19-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, September 28, 2004, be approved and adopted.

Carried.

394. Name Change – 2 km. long portion of Regional Road 29 – Welland

Moved by Councillor Rigby  
Seconded by Councillor Heit

That for the reasons noted in the verbal report of the Commissioner of Public Works, Council authorizes the change in name of a 2 km. long portion of Regional Road 29 (which is locally known as Lincoln Street) to be renamed to what will locally be known as Webber Road (Regional Road 29) in the City of Welland.

Carried.

395. Tender Award for Contract RN 04-29  
Roof Replacement Niagara Enviro-Centre  
City of Niagara Falls

Moved by Councillor Rigby  
Seconded by Councillor Heit

That Report PWA 176-2004, October 7, 2004, respecting Tender Award for Contract RN 04-29, Roof Replacement Niagara Enviro-Centre, City of Niagara Falls, be approved and adopted.

Carried.

**COUNCIL ORGANIZATIONAL REVIEW COMMITTEE**

396. **Motion No. 1 - Council – Council Agenda Modifications**

Moved by Councillor Baty  
Seconded by Councillor Timms

That the Memorandum respecting Council Agenda Modifications and Committee of the Whole, Field Test October to December 2004, be received and that the items related to agenda structure be approved for implementation at the October 21, 2004 Council meeting.

Carried.

397. **Motion No. 2 – Budget Review Committee Structure**

Moved by Councillor Baty  
Seconded by Councillor Timms

That the Budget Review Committee be field tested as Committee of the Whole beginning on October 21, 2004.

Defeated.

398. **HIGHLIGHTS OF THE BUDGET REVIEW COMMITTEE MEETING  
OF OCTOBER 7, 2004**

Councillor Martin provided highlights of the Budget Review Committee meeting that took place prior to the Council meeting. The Committee approved Report CAO 21-2004 respecting Core Services Review Process and received the proposed 2005 Capital Program which was referred for further discussion and consideration at the next BRC meeting on October 21<sup>st</sup>, 2004.

**CHIEF ADMINISTRATIVE OFFICER'S REPORT**

399. Moved by Councillor Martin  
Seconded by Councillor Collins

That Report CAO 21-2004, October 7, 2004, respecting Core Services Review Process be received and that the 2005 Budget Review and cores services review processes as outlined in this report be approved.

Carried.

### **NOTICE OF MOTION**

400. Councillor Casselman gave notice that at the next Council meeting scheduled for October 21, 2004, she will move or cause to move a motion regarding "Culture".

### **OTHER BUSINESS**

401. Investment – Automotive Technology  
Councillor Rigby apprised Council of a Mayors Meeting with General Motors representatives to discuss the Provincial and Federal Government's plan to invest monies to Colleges (including Niagara College) for automotive technology. He will be bringing a motion to his City Council to support this initiative and to Regional Council for further support.
402. Large Urban Caucus Meeting – Committee to address Health Care Costs  
Councillor Rigby advised Council of the Large Urban Caucus meeting in which the spiraling costs of health care was discussed. A Committee was formed to address this issue and Councillor Rigby will serve as Chair. He asked that the Regional Chair also become involved in this Committee. It is anticipated that a brief will be prepared on this matter for submission to the Province in December.
403. Great Lakes Study  
Councillor Rigby advised of the Conference taking place in Toronto regarding a study of the Great Lakes, noting that further information will be coming forward on this issue.
404. Benchmarking – Waste Diversion  
Councillor Bentley referred to Communication C6342 regarding benchmarking related to waste diversion and asked that Public Works staff report back on the success of its Waste Management recycling and organic processes.
405. Local Health Integration Network Initiative  
Councillor Casselman expressed her concerns related to the lack of consultation and the short time frame for response to the Ministry's Local Health Integration Network initiative and asked that the Regional Chair contact local M.P.P.s to request the Ministry expand its timeline for consultation/input from Regions and municipalities on this important issue. Dr. Williams also suggested that Barbara Hall, the communications lead on this initiative, be invited to Niagara to hear and better understand the Region's health issues and concerns. Councillor Rigby asked that the Region take a stronger position on this matter and demand the funding dollars required.

406. Reception – Safety Village, Welland  
Councillor Mastroianni invited Councillors to attend a reception at the Niagara Region Children's Safety Village. The Safety Village serves over 20,000 school children and is operated by Police, Fire and Emergency Services. The reception is on October 20<sup>th</sup> 6:00-8:00 p.m. at the Safety Village Welland Niagara College Campus.
407. Councillor Representative – United Way Committee  
Councillor Collins advised that he participated with the Hot Tamales in the C.I.B.C. run for a cure for Breast Cancer. He volunteered to be the Councillors' contact for United Way and commented that he looked forward to working with Marilyn St. John, United Way Committee Chair and the other volunteers.
408. Private Member Bill – Fire fighters  
Councillor Redekop urged Regional Council to support the Private Member Bill that would allow professional fire fighters to also serve as volunteer fire fighters in the smaller communities.

### **BY-LAWS**

409. Moved by Councillor Angelone  
Seconded by Councillor Goulbourne

That the following bills be now read and do pass:

#### **Bill 123**

A by-law to establish part of Lot 1, Concession 1, in the Town of Grimsby as part of Regional Road No. 40 (South Service Road).

#### **Bill 124**

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 7<sup>th</sup> Day of October 2004.

Carried.

410. Moved by Councillor Leavens  
Seconded by Councillor Collins

That the following bill be now read and do pass:

#### **Bill 125**

A by-law to provide for the regulation of traffic on Regional Highways in the Township of Wainfleet.

Carried.

**STAFF DIRECTION**

That staff be directed to:

- (i) Provide details on what the impact of red light cameras will have on urban versus rural roads. (Refer to minute item - communication 6334.)

**ADJOURNMENT**

The Council meeting adjourned at 9:55 p.m.

Peter Partington  
Regional Chairman

Gail Reilly  
Legislative Assistant

Pam Gilroy  
Regional Clerk  
/Associate Director of Corporate Strategy