

REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 18-2004

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, November 4, 2004 commencing at 6:40 p.m.

ATTENDANCE

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

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

Other Staff
(Part-time): Messrs. Banting, Director, Legal Services; Bowles, Executive Assistant to the Regional Chair; Cunnane, Director, Emergency Services Division; Roberts, Senior Manager, NEMS; Bertleff, Program Supervisor, Emergency Management.

CLOSED COMMITTEE OF THE WHOLE

433. Moved by Councillor Mastroianni
Seconded by Councillor Leavens

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.

Conflict of Interest

Councillor Casselman declared an indirect pecuniary interest with respect to the matter on the status of the Ontario Street Ambulance Station due to the uncertainty of Urology Services in St. Catharines as her husband is Chief of Urology at Hotel Dieu, and she therefore vacated Council Chambers and took no part in the discussion or voting on this matter.

434. Ontario Street
Ambulance Station

Regional Council received an oral report on the status of the Ontario Street, Ambulance Station.

COMMITTEE OF THE WHOLE, RISE AND REPORT

435. Moved by Councillor Rigby
Seconded by Councillor Burroughs

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:00 p.m. with an Invocation by Councillor Timms followed by the singing of O' Canada.

436. **CONFLICTS OF INTEREST**

Councillor Almas declared an indirect pecuniary interest with respect to Minute Item 275 in the Planning Services Committee minutes respecting DPD 125-2004, the Official Plan Amendment 22, Hartzel Road – Merritton Area, Secondary Plan in the City of St. Catharines, as one of the partners in his firm has significant land holdings in the area, and he therefore, took no part in the discussion of, or voting on, this matter.

Councillor Casselman declared an indirect pecuniary interest with respect to the matter of the Niagara Health System and the Hotel Dieu agreement due to the uncertainty of Urology Services in St. Catharines as her husband is Chief of Urology at Hotel Dieu, and she 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 Katzman declared an indirect pecuniary interest with respect to Minute Item 284 in the Planning Services Committee minutes respecting Correspondence Item PD 72-2004, regarding the 58 storey Hilton Hotel in Niagara Falls, as a family member is a legal representative for the Hotel, and she therefore, took no part in the discussion of, or voting on, this matter.

Councillor Leavens declared an indirect pecuniary interest with respect to the matter of the Niagara Health System and the Hotel Dieu agreement, as his wife is employed by the Hotel Dieu, 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.

ADOPTION OF THE AGENDA

437. Moved by Councillor Collins
Seconded by Councillor Burroughs

That Council Agenda CL 18-2004 be approved and adopted as amended by moving the Public Works and Utilities minutes to the beginning of the Committee Reports section of the agenda.

Carried.

2005 CAPITAL BUDGET

438. 2005 Capital Budget

Regional Chair Partington, advised Regional Council that in accordance with the requirements of the Municipal Act, a newspaper advertisement was published in the daily and weekly newspapers in the Region inviting public input on the 2005 Capital Budget. Interested persons were invited to submit their comments in writing or to the website, or to request an appointment to speak.

Regional Council was advised that to date, the Clerk's Department has not received any submissions or requests to speak.

Regional Chair Partington, asked whether there was anyone in the audience who wished to speak to the 2005 Capital Budget, there were no responses.

Therefore, as a result of the November 4, 2004 Committee of the Whole meeting, consideration of the 2005 Capital Budget will continue on November 18, 2004 at 4:30 p.m. and at 7:00 p.m. during the Regional Council meeting.

PRESENTATIONS

439. LivCom Awards – School Art Competition

Regional Council congratulated students from Niagara's area schools for dedicating a lot of time and effort to the development of the artwork which was on display in the Headquarters Lobby prior to Council and thanked them for their hard work. The artwork was made from recycled material and was created especially for the Livable Communities conference that was so successfully hosted a couple of weeks ago.

Regional Chair Partington also extended Regional Council's appreciation to Ms. Marian Gibbons, School Waste Management Coordinator for the School Boards of the Niagara Region for the time she has spent helping to arrange the LivCom Awards.

440. Modern Waste Transfer Site

Messrs. Gogo, General Manager and Radulovich, Environmental Manager of G.W. Sheldrick Sanitation Limited/Modern Landfill provided Regional Council with a presentation in response to the presentation made by the Concerned Citizens of West Lincoln at the October 7th, Council meeting.

Regional Council was advised that Modern Landfill has retained a consultant RWDI, who has prepared an odour control plan for the plant, which is being adhered to. Within the plan there is a provision for daily odour patrols, where individuals go out to fifteen points throughout the community and monitor the odours being released from the plant. The plan also proposed a weather station, which has been installed and used for the collection of data.

Modern Landfill has on several occasions requested that Stanpac produce information pertaining to their employees sicknesses due to the odours and have yet to be given any details of these sicknesses. They also have an open door policy in place, which would allow anyone interested in visiting the plant the opportunity to do so.

Modern Landfill has and will continue to encourage open dialogue with their neighbours and the community.

441. Niagara CBRN Emergency Response Team

Mr. Cartwright, Regional Fire Co-ordinator/Fire Chief Port Colborne and Wainfleet provided Regional Council with a presentation on the Niagara Chemical Biological Radiological Nuclear (CBRN) Emergency Response Team that is in place to respond to events such as the release of Hazmat on-site or in transit (road/rail/marine) that threatens public safety and intentional release of CBRN material that threatens public safety.

The Team consists of Municipal Fire; Regional Police; Niagara EMS; Niagara Hospitals and Public Health. The Team's vehicles a F-350 Truck and twenty-eight (28) foot trailer equipped with the equipment consisting of protective gear; SCBA; communications; agent detection; response; decontamination and blast protection; mitigation and decontamination.

Regional Council was shown video clips of a emergency exercise that took place in the City of Niagara Falls.

Regional Chair Partington and members of the Niagara CBRN Emergency Response Team presented representatives from the Erie County Team with a framed award representing Municipal Fire, Police and EMS for their assistance with the training of Niagara's Team members without charge, which was very much appreciated.

442.

CHAIRMAN'S REMARKS

The Regional Chair provided the following remarks:

Regional Chair Partington made note of Mr. Jack Teal's passing on October 25, 2004. Mr. Teal, a former Mayor of the City of Fort Erie and founding Councillor of our Regional Municipality, sending condolences on behalf of Regional Council out to the surviving members of his family including his son, former Fort Erie Mayor John T. Teal and his daughter Dr. Patricia Teal.

Regional Chair Partington had the opportunity along with Councillors Bodner and Leavens to advance the concerns of our community to David Caplan, the Ministry of Public Infrastructure Renewal, at a meeting in Toronto on October 25th. The Chairman touched upon our pressing need for the Niagara-GTA Corridor and GO Transit Service. The Minister was also advised of Niagara's need for a clearer vision as to how the Province's "Places to Grow" document will shape development in the Niagara Region.

Regional Chair Partington had the pleasure of addressing the Accessibility Advisory Committee's Inter-Municipal meeting, on October 26th, which was attended by Dr. Marie Bountrogianni, Provincial Minister of Citizenship and Immigration, as the keynote speaker for the event. The Chairman commended and expressed gratitude on behalf of the Niagara Region to all of the groups involved, for all of the good work these groups continue to do.

Regional Chair Partington attended the Niagara Economic and Tourism Corporation hosted workshop entitled "Niagara's Brownfields 2004: Setting the Agenda for Renewal", which provided a good opportunity to showcase the advancements Niagara Region has made in this field. This event coincided with the Second Annual Smarter Niagara Showcase Tour held on October 28th and 29th.

Regional Chair Partington attended the opening of the Trans Canada Pavilion in Fort Erie's Bowen Park on October 23rd and the opening of the Waterfront Trail in Jordan on October 30th. The opening of these facilities further enhance Niagara's recreational assets and serve to encourage our citizens to enjoy nature.

Regional Chair Partington thanked Cedarway Floral Incorporated of Beamsville, for the beautiful Gerbera daisies that graced Council Chambers.

APPROVAL OF MINUTES

443. Report 17-2004

Moved by Councillor Baty
Seconded by Councillor Goulbourne

That Report 17-2004, being the minutes of the Proceedings of Council of Thursday, October 21, 2004, be approved and adopted.

Carried.

CORRESPONDENCE

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

C6348 Peter Partington, Regional Chairman (October 29, 2004) respecting Resolutions from other Municipalities.

Copy of a letter to The Right Honourable Paul Martin (October 20, 2004) respecting recommendations from the Regional Municipality of Durham to strongly encourage the Ontario and Federal governments to partner and financially support General Motors of Canada's Project Beacon.

Received.

C6349 Card of thanks from Gary and Gale Meek, an employee of the Corporate Services Department and retired employee of the Community Services Department, and family for the kind donation to the Shaver Hospital in memory of their mother-in-law and mother, Helen Pollock.

Received.

C6350 Card of thanks from Crystal Mammoliti, an employee of the Corporate Services Department, and family for the kind donation to the Heart and Stroke Foundation of Ontario in memory of her mother, Brigitta Johnson.

Received.

C6351 Card of thanks from Anthony Scaringi to Regional Chairman Partington and Members of Council for being chosen as a finalist of the 2004 Regional Chair's Bursary for Brock University and the special presentation of a certificate and cheque to help with University expenses.

Received.

C6352 Card of thanks from Rick Hoover, an employee of the Public Works Department, and family for the flowers in memory of his step-son, Chris Michael Langelaan.

Received.

C6353 Pamela C. A. Ellens, Executive Director, West Lincoln Memorial Hospital (October 22, 2004) expressing sincere gratitude for the recent gift to the West Lincoln Memorial Hospital which has been designated to the 2000 Building Campaign General fund.

Received.

C6354 Rita McGrath, Policy Advisor, Ministry of Health and Long-Term Care (October 21, 2004) respecting competitive bidding process used by Community Care Access Centres (CCACs) to contract home care services.

Received.

C6355 Eleanor Dolan, General Manager, Partners With Youth Campaign, YMCA of Niagara (October 28, 2004) expressing gratitude for the recent monetary gift to the YMCA and are pleased to recognize this gift in future YMCA of Niagara Publications as Regional Municipality of Niagara.

Received.

C6356 Kimberley Duffin (November 1, 2004) requesting to speak at Regional Council on November 4, 2004 on behalf of Hectares Properties Inc. regarding an offer submitted to purchase the Sunset Haven Property.

Received and if required allow Ms. Duffin to speak during consideration of Minute Item 436 in the Public Works and Utilities Minutes.

Moved by Councillor Bentley
Seconded by Councillor Casselman

That Communications C6348 to C6356 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

COMMITTEE REPORTS

JOINT REPORTS

445. Report PWA 184-2004/CSD 148-2004

Moved by Councillor Rigby
Seconded by Councillor Harry

That Report PWA 184-2004/CSD 148-2004, Wastewater Site and Building Improvements, and the recommendations contained therein be approved and adopted.

Carried.

446. Report PWA 185-2004/CSD 149-2004

Moved by Councillor Rigby
Seconded by Councillor Harry

That Report 185-2004/CSD 149-2004, Transmission Line Relocation Regional Road 40 (South Service Road) Extension from Book Road to Nelles Road in the Town of Grimsby Project ZRC0319 and the recommendations contained therein be approved and adopted.

Carried.

BUDGET REVIEW COMMITTEE

447 Report 4-2005 (Budget)

Moved by Councillor Martin
Seconded by Councillor Timms

That Report 4-2005 (Budget), being the minutes of the Budget Review Committee meeting of Thursday, October 21, 2004, be approved and adopted.

Carried.

COMMUNITY SERVICES COMMITTEE

448. Report 15-2004

Moved by Councillor Almas
Seconded by Councillor Rigby

That Report CSC 15-2004, being the minutes of the Community Services Committee meeting of Monday, October 25, 2004, be approved and adopted.

Carried.

PUBLIC WORKS AND UTILITIES COMMITTEE

449. Report 22-2004

Moved by Councillor Harry
Seconded by Councillor Leavens

That Report PW 22-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, October 26, 2004, be approved and adopted.

Moved by Councillor Burroughs
Seconded by Councillor Hildreth

That Minute Item 436, Public Works and Utilities Committee, respecting the Sales of Surplus Property, Former Sunset Haven Long Term Care Facility in the City of Welland, be lifted and dealt with separately by this Council, at this time.

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report PW 22-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, October 26, 2004, was carried.

With respect to Minute Item 436, the purchasers of the property advised Regional Council that an announcement will be made next week as to the proposed use of the property and that the statue located on the property will be maintained.

COMMITTEE OF THE WHOLE

450. Moved by Councillor Bailey
Seconded by Councillor Burroughs

That the decisions made in the Committee of the Whole meeting of Thursday, November 4, 2004, be approved and adopted.

Carried.

CORPORATE AND FINANCIAL SERVICES COMMITTEE

451. Report 22-2004

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report CFS 22-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, October 27, 2004, be approved and adopted.

Carried.

PLANNING SERVICES COMMITTEE

452. Report 17-2004

Moved by Councillor Smeaton
Seconded by Councillor Baty

That Report PSC 17-2004, being the minutes of the Planning Services Committee meeting of Wednesday, October 27, 2004, be approved and adopted.

Carried.

(Refer to Staff Directions)

PUBLIC HEALTH SERVICES COMMITTEE

453. Report 18-2004

Moved by Councillor Timms
Seconded by Councillor Baty

That Report PHSC 18-2004, being the minutes of the Public Health Services Committee meeting of Monday, October 25, 2004, be approved and adopted.

Carried.

(Refer to Staff Directions)

CHIEF ADMINISTRATIVE OFFICER'S REPORT

454. A Blueprint for an Even Better, *Smarter* Niagara

Regional Council was advised that a CAO's report would be forwarded to them via e-mail respecting the booklet they received entitled "A Blueprint for an Even Better, *Smarter* Niagara". The report will be placed on all Standing Committee Addendums during the week of November 8, 2004.

MOTIONS

455. Niagara's Cultural Assets
Development of Committee

Moved by Councillor Casselman
Seconded by Councillor Goulbourne

Whereas in Ontario 291,000 people work in the cultural sector, generating \$19.1 billion in annual direct and indirect economic activity; and

Whereas the Niagara Region is rich in culture and heritage assets, artists and artisans; and

Whereas arts and cultural life are principal determinants of quality of life and important considerations for attracting business and highly mobile and knowledgeable workers; and

Whereas cultural activities attract tourists, create ancillary facilities that generate income, jobs and tax revenue; and

Whereas cultural tourism has been identified as the major travel motivator in the next 20 years; and

Whereas the Region of Niagara needs to establish a cultural strategy in order to compete for provincial and federal funding;

Therefore be it resolved that a Committee of Council be formed, including members of the arts and heritage community (i.e., professional cultural workers, artists and volunteers, etc.) and supported by Regional staff, to identify and assess Niagara's cultural assets and determine options for leveraging those assets to establish a strong, vibrant, regional cultural identity that can be promoted provincially, nationally and internationally.

Carried.

Councillors Angelone and Goulbourne volunteered to sit on the Committee.

NOTICE OF MOTION

456. Councillor Rigby gave notice that at the next Council meeting scheduled for November 18, 2004, he will move or cause to be moved a motion regarding "General Motors of Canada Limited, Project Beacon".

OTHER BUSINESS

457. Tour of the Windmill Site
Town of Goderich

Regional Councillors were advised of a tour that has been planned for November 13, 2004 of a windmill site in the Town of Goderich. The bus is scheduled to leave Regional Headquarters at 7:00 a.m.

Councillor Harry asked that anyone interested in attending the tour contact Ms. Rita Barany at Ext. 3340 by noon on November 5, 2004.

458. 2005 Human Resources Current Budget Information

Councillor Collins requested that the entire original package of 2005 Human Resources Current Budget Information be prepared and distributed to the Human Resources Committee members by 9:30 a.m. on November 9, 2004.

459. Economic Growth Strategy Steering Committee

Councillor Goulbourne invited all members of Regional Council to the next meeting of the Economic Growth Strategy Steering Committee. The meeting is being held on November 18, 2004, as a breakfast meeting at 7:00 a.m. in the Town of Pelham. The meeting is intended to provide members of Regional Council with an opportunity to provide their input on Niagara's economic growth strategy.

Commissioners were also advised that a meeting will be scheduled in the near future, to solicit their input on Niagara's economic development strategy.

460. Assessment Pooling
Town of Niagara-on-the-Lake

Councillor Eke advised Regional Council of the Town of Niagara-on-the-Lake's resolution in opposition to the proposed Assessment Pooling, noting that the residents of Niagara-on-the-Lake are prepared to pay their fair share.

Councillor Eke noted that the Niagara Region should be addressing fairness of assessment rates and how they are applied.

461. Inter-Municipal Specialized Transit
Town of Niagara-on-the-Lake

Councillor Eke clarified the Town of Niagara-on-the-Lake's Council position on the Inter-Municipal Specialized Transit. The Town of Niagara-on-the-Lake is in support of the proposed transit system, however, their support is subject to a population formula being used for Niagara-on-the-Lake.

462. First Annual Board Meeting
Niagara Regional Housing

Councillor Eke, Niagara Regional Housing Board Chair, advised Regional Council that the First Annual Board Meeting Networking Dinner was held tonight and included sixty-eight (68) of the Board's providers.

463. Niagara Health System/Hotel Dieu

Councillor Rigby advised Regional Council that the Niagara Health System and the Hotel Dieu have come to an agreement and that the letters of intent have been forwarded to the Ministry. The agreement will provide Niagara Region's residents with better health care and enable the building of the new Cancer Centre.

Councillor Rigby commended the Boards of the Niagara Health System and Hotel Dieu, the staff, the physicians and surgeons for being supportive of this initiative.

464. 50th Anniversary
St. Joseph's School
Town of Grimsby

Councillor Zimmerman noted that it is a privilege to represent the Niagara Region at St. Joseph's School's 50th Anniversary celebration.

BY-LAWS

465. Moved by Councillor Bodner
Seconded by Councillor Hodgson

That the following bills be now read and do pass:

Bill 131

A by-law to authorize Debenture Financing (1-10 years) in the amount of \$300,000 for Project ZSW0201, Wastewater Site and Building Improvements.

Bill 132

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 4th day of November, 2004.

Carried.

466. Moved by Councillor Brock
Seconded by Councillor Bailey

That the following bill be now read and do pass:

Bill 133

A by-law to establish part of Lot 1, Concession 14, in the City of Welland as part of Regional Road No. 29 (Webber Road).

Carried.

STAFF DIRECTIONS

Staff was directed to:

- to review the type of disruptions the local residents and the tourist will experience as a result of the construction, respecting the Proposed Construction of Water Diversion Tunnel, Niagara River Hydro Electric Development in the City of Niagara Falls. (Refers to Minute Item 452)
Councillor Bailey
- have the Regional Chair's office strongly support the Heart Niagara's advocacy efforts through the forwarding of a letter of support to the Ministry respecting the Cardiac Rehabilitation Services in Niagara and Heart Niagara's Heart Condition Petition. (Refers to Minute Item 453)
Councillor Timms

ADJOURNMENT

The Council meeting adjourned at 8:45 p.m.

Peter Partington
Regional Chairman

Janet Pilon
Legislative Assistant

Pam Gilroy
Regional Clerk/Associate Director
of Corporate Strategy