

REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 20-2004

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, December 2, 2004 commencing at 7:45 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, Marshall, Martin, Redekop, Rigby, Salci, Saracino, Smeaton, Timms, Trombetta, Zimmerman.

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

Other Staff

(Part-time): Mr. Bowles, Executive Assistant to the Regional Chair.

CLOSED COMMITTEE OF THE WHOLE

501. Moved by Councillor Harry
Seconded by Councillor Burroughs

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 Katzman declared an indirect pecuniary interest with respect to the matter of Report PWA 204-2004 / COM 82-2004 / CSD 160-2004, November 8, 2004, Dr. Finland Child Care Centre City of Niagara Falls as her employer the Board of Education is involved in the negotiations, and she therefore vacated the Council Chambers and took no part in the discussion of or voting on these matters.

502. Dr. Finland Child Care Centre
City of Niagara Falls
PWA 204-2004 / COM 82-2004 / CSD 160-2004

Moved by Councillor Hildreth
Seconded by Councillor Bailey

That Report PWA 204-2004 / COM 82-2004 / CSD 160-2004, November 8, 2004, respecting Dr. Finland Child Care Centre in the City of Niagara Falls, be received and the recommendation contained therein be approved and adopted.

Carried.

503. Agreement to Licence Outdoor Advertising Signs
on Various Regional Roads

Moved by Councillor Collins
Seconded by Councillor Zimmerman

That Report PWA 205-2004, November 23, 2004, respecting the Agreement to Licence Outdoor Advertising Signs on Various Regional Roads, be deferred to the January 20, 2004 Regional Council meeting.

Carried.

(Refer to Staff Directions)

COMMITTEE OF THE WHOLE, RISE AND REPORT

504. Moved by Councillor Bodner
Seconded by Councillor Timms

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 8:02 p.m. with an Invocation by Councillor Zimmerman followed by the singing of O' Canada.

505.

CONFLICTS OF INTEREST

Councillor Casselman declared an indirect pecuniary interest with respect to Council's Order of Business, item 15, the motion respecting the new health care complex 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 Leavens declared an indirect pecuniary interest with respect to Council's Order of Business, item 15, the motion respecting the new health care complex, 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 Marshall declared an indirect pecuniary interest with respect to Council's Order of Business, item 15, the motion respecting the new health care complex, as he is employed by the Niagara Health System, and he therefore took no part in the discussion of, or voting on, these matters.

Regional Chair Partington declared an indirect pecuniary interest with respect to Council's Order of Business, item 15, the motion respecting the new health care complex, as he is the former lawyer and agent for the new hospital site and is the advisor to the owners of the subject property, 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

506. Moved by Councillor Collins
Seconded by Councillor Burroughs

That Council Agenda CL 20-2004, be approved and adopted as amended by moving the Delegation (related to Committee Reports) and the Public Health Services Committee minutes immediately following the approval of the Council minutes.

Carried.

2005 CAPITAL BUDGET

507. 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 for the Council meeting on November 4, 2004. Public statements were made as to its deferral to the November 18, 2004 and December 2, 2004 meetings of Council. 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, as there was no one present who wished to speak, the Regional Chair advised that a motion to approve the decisions made in Committee of the Whole on December 2, 2004 would be presented later on the agenda. (Please refer to Minute Item 521)

508.

CHAIRMAN'S REMARKS

The Regional Chair provided the following remarks:

Regional Chair Partington attended a meeting on the Niagara-GTA Corridor with Hamilton Mayor Di Ianni, Halton Regional Chair Savoline and Burlington Mayor Mac Isaac on November 26, 2004, to consider how best to move the issue of the Niagara-GTA forward with the Province. While there is a recognized need for the Corridor, concerns persist as to how the highway will link to existing transportation infrastructure in Halton. It was decided at the meeting, that an executive committee consisting of the aforementioned individuals including Regional Chair Partington, the Mayor of Milton and two Mayors from Niagara, be formed to encourage the provincial government to move forward as expeditiously as possible with the process. February 11, 2005 is slated as the date for the Executive Committee meeting in Halton.

The meetings with all heads of Council from Niagara, Hamilton and Halton will continue to be held, with invitations being extended to the Warden of Wellington County, the Chair of Waterloo Region, the Mayor of Haldimand County and the Mayors of Guelph, Kitchener and Cambridge.

Regional Chair Partington was pleased to have attended the celebrations commemorating the 175th Anniversary of the Welland Canals. The events were well attended and attest to the continued importance the Canal has in Niagara. Regional Chair Partington extended his congratulations to Lou Cahill and his team at the Welland Canals Foundation for putting together an outstanding programme.

Regional Chair Partington thanked Pioneer Flower Farms for the poinsettias and for adding a festive flair to the Council Chambers.

APPROVAL OF MINUTES

509. **Report 8-2004**

Moved by Councillor Heit
Seconded by Councillor Burroughs

That Report 8-2004, being the minutes of the Committee of the Whole meeting of Thursday, November 18, 2004, be approved and adopted.

Carried.

510. **Report 19-2004**

Moved by Councillor Hodgson
Seconded by Councillor Bodner

That Report 19-2004, being the minutes of the Proceedings of Council of Thursday, November 18, 2004, be approved and adopted.

Carried.

DELEGATIONS

(Related to Committee Reports)

511. **Bill 3: An Act to Protect Anaphylactic Students**

Ms. Cindy Pasky, President of Niagara Anaphylaxis Support and Knowledge (NASK) provided Council with a presentation on Bill 3: An Act to Protect Anaphylactic Students, a private member's bill, that will implement Anaphylaxis Management Plans in Ontario publicly funded schools.

An Anaphylaxis Management Plan includes procedures to identify the students at risk and to educate the school community; the proper training of staff in the use of epinephrine (e.g. EpiPen®), the adoption of measures that are aimed at reducing the risk of exposure to allergy-causing substances for students at risk and the training of staff to recognize allergic reactions and to follow an established emergency protocol.

Bill 3 assists “at risk” children and their families; parents and guardians of “at risk” children; school educators and administrators; the school / parent relationship; classmates, friends and their parents / guardians through safety, prevention and education; the health care system with a reduced number of 911 calls and emergency room visits; tax payers through reduced health care costs; Ontario’s next generation of leaders and Premier McGuinty and his elected Liberal party, fulfilling one of their election promises.

Mr. Marcus Fessler, an 11-year old Niagara student, advised Regional Council of his Anaphylaxis, noting that Bill 3 will ensure that children with life threatening allergies, as he does will be safe. Mr. Fessler noted that he is extremely lucky to have the knowledge that his friends, family and school community are aware of his allergies, the signs of a reaction and the actions they should take when he does have a reaction.

COMMITTEE REPORTS

PUBLIC HEALTH SERVICES COMMITTEE

512. Report 20-2004

Moved by Councillor Timms
Seconded by Councillor Baty

That Report PHSC 20-2004, being the minutes of the Public Health Services Committee meeting of Monday, November 22, 2004, be approved and adopted.

Moved by Councillor Rigby
Seconded by Councillor Eke

That Minute Item 206, Bill 3 – An Act to Protect Anaphylactic Students from the Public Health Services Committee minutes, be lifted and dealt with separately by this Council at this time.

Carried.

Council then voted on the recommendation on Minute Item 206, which reads as follows:

Moved by Councillor Rigby
Seconded by Councillor Angelone

That this Committee recommend that Regional Council support Bill 3, Anaphylactic Students Protection Act, 2003 in principle, and

That the Regional Chair forward a letter to Premier McGuinty seeking support for the passage of Bill 3; and

That a copy of the resolution be forwarded to the Standing Committee on General government and local M.P.P.s for their endorsement; and

That a copy of the resolution be forwarded to the Association of Local Public Health Agencies (aLPHa).

Carried.

Upon a vote being taken, the Regional Chair declared the motion on the balance of the November 22, 2004, Public Health Services Committee minutes was carried.

Councillor Redekop requested that he be recorded as opposed to the motion on Minute Item 210, Emergency Management Program Enhancements for 2005, in the November 22, 2004 Public Health Services Committee minutes.

CORRESPONDENCE

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

C6366 Card of thanks from Darquise Lennox, an employee in the Public Health Department, and family for the kind donation to the Royal Canadian Legion, Branch #4 in memory of her mother-in-law, Rita Lennox.

Received.

C6367 City of Thorold Resolution respecting Bill 3, An Act to Protect Anaphylactic Students which requires that every school principal in Ontario establish a school Anaphylactic Plan.

Received.

- C6368 Dr. June Mergl, Chair, Nova House Capital Campaign (November 5, 2004) expressing gratitude for the generous support for the donation to the Nova House Capital Campaign.
- Received.
- C6369 Member's Communication Alert (November 25, 2004) respecting the Province Announces Expansion of Services and some details of the Best Start Plan.
- Received.
- C6371 Card of thanks from Mary Heyermans, an employee from the Public Health Department, and family for the kind donation to the Douglas Memorial Hospital Foundation in memory of her father, Ennio Fornasiero.
- Received.
- C6372 Card of thanks from Gisele Young, an employee from the Community Services Department, and family for the kind donation to the Royal Canadian Legion, Branch #4, Welland, Ontario, in memory of her mother, Louise Young.
- Received.
- C6373 Peter Partington, Regional Chairman (December 2, 2004) respecting Resolutions from other Municipalities.
- City of Ottawa resolution (October 27, 2004) respecting Long Range Financial Plan 2 – Recommendation 6 – Hydro Ottawa Endowment Fund.
- Received.
- C6374 City of Thorold resolution (November 16, 2004) respecting Opening of Schools to Community Groups after hours.
- Received.
- C6375 Town of Fort Erie resolution (November 22, 2004) respecting the Town opting out of Regional Council by including a Question on the ballot for the next municipal election. Council.
- Received.

Moved by Councillor Leavens
Seconded by Councillor Collins

That Communications C6366 to C6369 and C6371 to C6375 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

514. Moved by Councillor Saracino
Seconded by Councillor Martin

That Correspondence Item C6370 respecting the Corporal Fred Topham Victoria Cross Fundraising Project be received and that Regional Council donate \$500.00 to the Corporal Fred Topham Victoria Cross Fundraising Project.

Carried.

515. Moved by Councillor Katzman
Seconded by Councillor Timms

That Correspondence Item C6376, a memorandum from Pam Gilroy, Regional Clerk/Associate Director of Corporate Strategy (December 2, 2004) requesting approval of a revised Schedule of Regular Meetings of Regional Council be received and the Meeting Schedule of Regular Meetings of Regional Council and Standing Committees from December 6, 2004 to June 2, 2005, be approved.

Carried.

AGENCIES, BOARDS AND COMMISSIONS

516. Niagara Regional Housing Quarterly Report
July 1, 2004 – September 30, 2004

Councillor Eke provided Regional Council with an overview of Report NRH 04-2004.

Moved by Councillor Eke
Seconded by Councillor Salci

That Report NRH 04-2004, December 2, 2004, being the Niagara Regional Housing Quarterly Report, July 1, 2004 to September 30, 2004, and the recommendations contained therein be approved and adopted.

Carried.

COMMITTEE REPORTS (Continued)

JOINT REPORTS

517. Glass Grinding System
Project ZGL0307
PWA 206-2004 / CSD 161-2004

Moved by Councillor Rigby
Seconded by Councillor Redekop

That Report PWA 206-2004 / CSD 161-2004, November 23, 2004 respecting the Glass Grinding System, Project ZGL0307, be received.

That the following recommendations be presented to standing committees (Public Works and Utilities and Corporate and Financial Services) for discussion purposes and forwarded to Regional Council for decision.

That reserve financing in the amount of \$24,000 be transferred from Project ZGL0216 / GL0216 to Project ZGL0307 / GL0418 Existing MRF and Equipment Purchases.

That debenture financing for Project ZGL0307/GL0418, Existing MRF and Equipment Purchases be substituted with reserve financing in the amount of \$400,000 from Project ZGL0216/GL0216 and that the debenture financing be allocated to project ZGL0216.

That approval be given to pay Niagara Recycling the additional amount of \$144,000 (total contribution \$389,000) to finance the glass grinding system, subject to ratification of the required agreement.

That the Regional Clerk be directed to ensure that the appropriate bylaws are prepared for presentation to Regional Council.

Carried.

518. Tender Award for Contract RN 04-26
Reconstruction of Regional Road 102 (Stanley Avenue)
Between Dunn Street and Murray Street
In the City of Niagara Falls
Project ZRC0320/RC0320

PWA 211-2004 / CSD 163-2004

Moved by Councillor Rigby
Seconded by Councillor Redekop

That Report PWA 211-2004 / CSD 163-2004, November 23, 2004, respecting the Tender Award for Contract RN 04-26, Reconstruction of Regional Road 102 (Stanley Avenue) between Dunn Street and Murray Street in the City of Niagara Falls, Project ZRC 0320/RC0320, be received.

That subject to approval by Regional Council of the 2005 Capital Budget and subject to the confirmation of cost sharing by the City of Niagara Falls, Contract RN 04-26, Reconstruction of Regional Road 102 (Stanley Avenue) between Dunn Street and Murray Street, in the City of Niagara Falls be awarded to the low tenderer, Hard Rock Construction Inc., at its bid price in the amount of \$2,334,979.00, excluding G.S.T;

That approval be given to further increase the gross budget for Project ZRC0320, Widening of Regional Road 102 (Stanley Avenue) from Ferry Street to Main Street by \$160,000.00 to allow for increased cost sharing with the City of Niagara Falls for a total contribution of \$1,360,000.00.

That a contingency allowance in the amount of \$530,000.00 be provided for this contract;

That the engineering agreement with the consulting firm of Totten Sims Hubicki Associates be extended to include additional design fees of \$41,000.00 and contract administration and inspection services of \$194,470.00 with the engineering fees being calculated on a time plus disbursements basis.

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara, are presented to Regional Council on December 16, 2004.

Carried.

BUDGET REVIEW COMMITTEE

519. Report 6-2005 (Budget)

Moved by Councillor Martin
Seconded by Councillor Collins

That Report 6-2005 (Budget), being the minutes of the Budget Review Committee meeting of Thursday, November 18, 2004, be approved and adopted.

Carried.

520. Report 7-2005 (Budget)

Moved by Councillor Martin
Seconded by Councillor Collins

That Report 7-2005 (Budget), being the minutes of the Budget Review Committee meeting of Thursday, November 24, 2004, be approved and adopted.

Carried.

COMMITTEE OF THE WHOLE

521. December 2, 2004

Moved by Councillor Martin
Seconded by Councillor Saracino

That the decisions made in the Committee of the Whole meeting of Thursday, December 2, 2004, be approved and adopted.

Carried.

(Refer to Staff Directions)

JOINT CORPORATE AND FINANCIAL SERVICES COMMITTEE AND PUBLIC WORKS AND UTILITIES COMMITTEE

522. Report CFS 24/PW 25-2004

Moved by Councillor Saracino
Seconded by Councillor Martin

That Report CFS 24-2004 / PW 25-2004, being the minutes of the Joint Corporate and Financial Services Committee and Public Works and Utilities Committee meeting of Tuesday, November 23, 2004, be deferred to December 16, 2004.

Carried.

CORPORATE AND FINANCIAL SERVICES COMMITTEE

523. Report 25-2004

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report CFS 25-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, November 23, 2004, be approved and adopted.

Carried.

COMMUNITY SERVICES COMMITTEE

524. Report 17-2004

Moved by Councillor Hildreth
Seconded by Councillor Bailey

That Report CSC 17-2004, being the minutes of the Community Services Committee meeting of Monday, November 22, 2004, be approved and adopted.

Carried.

PLANNING SERVICES COMMITTEE

525. Report 19-2004

Moved by Councillor Eke
Seconded by Councillor Burroughs

That Report PSC 19-2004, being the minutes of the Planning Services Committee meeting of Wednesday, November 24, 2004, be approved and adopted with the amendment to the motion respecting Report DPD 145-2004, Minute Item 309 of the Planning Services Committee minutes to include the following:

That the Council of the Regional Municipality of Niagara respectfully requests an extension to the consultation period for the Greenbelt Protection Act to allow economic viability solutions for agriculture to be introduced by the Provincial Government concurrent to the implementation of any Greenbelt-related plan or regulation; and

That the Niagara Peninsula Conservation Authority should be consulted for mapping purposes.

Carried.

PUBLIC WORKS AND UTILITIES COMMITTEE

526. Report 24-2004

Moved by Councillor Rigby
Seconded by Councillor Redekop

That Report PW 24-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, November 23, 2004, be approved and adopted.

Moved by Councillor Heit
Seconded by Councillor Burroughs

That Minute Item 500, the Agreement to Licence Outdoor Advertising Signs on Various Regional Roads in the Public Works and Utilities Committee minutes be lifted and dealt with separately by this Council at this time.

Carried.

Moved by Councillor Heit
Seconded by Councillor Burroughs

That Minute Item 500, the Agreement to Licence Outdoor Advertising Signs on Various Regional Roads in the Public Works and Utilities Committee minutes, be deferred to the January 20, 2005 Regional Council meeting.

Carried.

(Refer to Staff Directions)

Upon a vote being taken, the Regional Chair declared the motion on the balance of the November 23, 2004, Public Works and Utilities Committee minutes was carried.

CHIEF ADMINISTRATIVE OFFICER'S REPORT

527. Council Business Plan 2004-2006
CAO 25-2004

Moved by Councillor Marshall
Seconded by Councillor Almas

That Report CAO 25-2004, December 2, 2004, being the Council Business Plan 2004 – 2006, and the recommendations contained therein be approved and adopted.

Carried.

Councillor Almas assumed the Chair during the discussion on the New Health Care Complex.

MOTIONS

528. New Health Care Complex

Moved by Councillor Timms
Seconded by Councillor Baty

Whereas the residents of the Regional Municipality of Niagara are proportionately older than all other Regions in the Province of Ontario and experience significantly higher rates of cancer, cardiac disease and diabetes; and

Whereas Niagara residents requiring radiation therapy for cancer primarily travel to Hamilton for service and that Cancer Care Ontario's statistics and projections show that Hamilton will not have the capacity to provide radiation treatment services based on the projected cancer incidence for Niagara beyond the year 2008; and

Whereas investment in health and hospital infrastructure in Niagara lags significantly behind that of other regions across the Province of Ontario and there is significant need to support investment in hospital building infrastructure, medical equipment and technology across all hospital sites in Niagara; and

Whereas there is a solid case based on health population statistics and sound business principles to develop a Regional Centre for comprehensive cancer care and cardiac catheterization to serve all Niagarans and community hospital facility to provide acute care services to the residents of St. Catharines, Thorold and immediate surrounding areas;

NOW THEREFORE BE IT RESOLVED that the Council of the Regional Municipality of Niagara requests that the Ministry of Health and Long Term Care to give urgent attention to the approval of the development of the new health care complex as outlined by the Niagara Health System.

Carried.

Regional Chair Partington assumed the Chair for the remainder of the meeting.

NOTICE OF MOTION

529. Rolling Three Week Summer Meeting Schedule

Councillor Baty advised Regional Council that he will bring forward at the next Council meeting on December 16, 2004 a motion recommending a three week rolling schedule for the summer months of 2005.

OTHER BUSINESS

530. Niagara-GTA Corridor

Councillor Zimmerman advised Regional Council that she has been asked to represent the Chambers of Commerce and represent the business side on the Niagara-GTA Corridor.

531. Committee of the Whole – December 16, 2004

Regional Council was advised that a 3:00 p.m. time for the December 16, 2004 Committee of the Whole meeting will be taken under consideration.

532. Santa Claus Parades

Regional Council was advised that Santa will be arriving in the Town of Grimsby at 5:15 p.m. and the City of Port Colborne on December 4, 2004 at their Santa Claus Parades.

BY-LAWS

533. Moved by Councillor Gabriel
Seconded by Councillor Zimmerman

That the following bills be now read and do pass:

Bill 140

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 2nd of December, 2004.

Carried.

534. Moved by Councillor Salci
Seconded by Councillor Goulbourne

That the following bill be now read and do pass:

Bill 141

A by-law to provide for the Procurement of Goods and Services and the disposal of Surplus Goods.

Carried.

STAFF DIRECTIONS

Staff was directed to:

- provide Council with the type of advertising and the process used to select the preferred company. (Refers to Minute Item # 503 & 526)
- provide Council with more information on the particulars on the Region leasing a building on the Region's property (Refers to Minute Item # 521)

ADJOURNMENT

The Council meeting adjourned at 9:45 p.m.

Peter Partington
Regional Chairman

Janet Pilon
Legislative Assistant

Pam Gilroy
Regional Clerk/Associate Director
of Corporate Strategy