

# THE REGIONAL MUNICIPALITY OF NIAGARA

## PROCEEDINGS OF COUNCIL

### REPORT CL 3-2005

The Municipal Council of the Regional Municipality of Niagara met in Closed Session in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, February 17, 2005 commencing at 6:32 p.m.

### ATTENDANCE

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

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

#### Staff

(Part-Time): Messrs. Bowles, Executive Assistant to the Regional Chair; Cousins, Director, Transportation Services.

### CLOSED COMMITTEE OF THE WHOLE

85. Moved by Councillor Burroughs  
Seconded by Councillor Brock

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.

86. Niagara's Local Model for One-Stage Application Process:  
Human Resource Implications  
**COM 19-2005 / HR 08-2005 CONFIDENTIAL**

Moved by Councillor Hildreth  
Seconded by Councillor Brock

That Report COM 19-2005/HR 08-2005, February 7, 2005, respecting Niagara's Local Model for One-Stage Application Process: Human Resource Implications, be received.

That the reported staffing structure and staff complement increase recommended in this report be approved; and

That the Intake Screening Unit dollars in the 2005 budget be transferred to the staffing structure, with a potential gross savings described herein, and subject to negotiations with the Province.

Carried.

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

87. Moved by Councillor Burroughs  
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 7:05 p.m. with an Invocation by Councillor Burroughs, followed by the singing of O' Canada.

**ADOPTION OF THE AGENDA**

88. Moved by Councillor Collins  
Seconded by Councillor Eke

That the Council Agenda CL 3-2005 be adopted with an addition of a Closed Committee of the Whole session being held prior to Agencies, Board and Commissions.

Carried.

89. **CONFLICTS OF INTEREST**

Councillor Angelone declared an indirect pecuniary interest with respect to the February 9, 2005, Planning Services Committee minutes, Minute Item #29, respecting the Fernwood Development Proposal as she made a \$1,500.00 donation to the Poor Boy Auction in 2004 and the developer of the Fernwood Development was the successful bidder, and 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 relating to 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 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.

**PRESENTATIONS**

90. **Presentation of United Way Cheque**

Ms. St. John, Campaign Chair of the Regional Niagara Employees United Way Action Group was pleased to advise Regional Council that this year's campaign goal of \$85,000.00, which was \$20,000 more than last year's goal, had been surpassed. The funds raised through multiple fundraising activities, employee contributions and payroll deductions, resulted in an amazing commitment from the employees of the Regional Municipality of Niagara, with the presentation of a cheque in the amount of \$103,739.97 to United Way of St. Catharines & District, United Way of Niagara Falls, United Way of Greater Fort Erie, United Way of South Niagara, United Way of South Niagara and United Way of St. Catharines & District.

91. **CHAIRMAN'S REMARKS**

Chair Partington noted the importance of economic development and transportation infrastructure to Niagara, which he has had an opportunity over the last week to stress the importance of both these issues.

Chair Partington stressed that it is absolutely necessary for the Province to facilitate development in Niagara as a whole and in our southern tier in particular at yesterday's launch of the Ministry of Public Infrastructure Renewal's "Place to Grow" draft growth plan for the Greater Golden Horseshoe. Chair Partington noted that it is still too early to discuss the overall merits of the growth plan; however, much of Niagara outside the proposed Greenbelt will play a dominant part as one area of the Province's identified sub-areas for growth. Chair Partington believes that the document requires further refinement of the goals and objectives, especially in relation to future growth areas and to Niagara's need of transportation infrastructure.

Chair Partington attended the Niagara-GTA Corridor Heads of Council Group meeting on February 11, 2005, a group that the Regional Chair formed in May 2004 as part of his continuing commitment to advocate on behalf of Niagara for this vital highway, a commitment made during his inaugural speech, which was reiterated during his State of Niagara address and one that he will continue to work towards into the future.

Chair Partington noted that the meeting of Niagara-GTA Corridor Heads of Council from Niagara, Hamilton and Halton created an opportunity for lively discussion and the representatives of the Ministry of Transportation provided the group with an overview of the Environmental Assessment process after the Terms of Reference have been approved by the Ministry of the Environment.

Chair Partington, in ensuring that Niagara's concerns continue to come through loud and clear, has directed his Executive Assistant to arrange a meeting of Niagara, Hamilton and Halton's technical staff for the purpose of discussing the Environmental Assessment Terms of Reference in depth.

Chair Partington noted that he plans to host the next Niagara-GTA Corridor Heads of Council meeting in South Niagara, possibly in the City of Port Colborne on April 8, 2005.

Chair Partington and Councillor Baty met with Ministry Jim Bradley and MPP Kim Craiton on February 10, 2005 to discuss Council's concerns over Local Health Integration Networks. Chair Partington noted that he has directed his Executive Assistant to schedule a meeting with Minister Smitherman as a next step in the process.

Chair Partington met with MP John Maloney on February 4, 2005 to discuss the refugee situation, Niagara dealt with in Welland and Fort Erie over the Christmas season and the Region's concerns surrounding Border Policing. Chair Partington noted that he felt that Mr. Maloney was very receptive on both these issues and has agreed to assist Niagara in carrying Niagara's concerns forward to the federal government.

Chair Partington thanked Sunrise Greenhouses and Homestead Growers Niagara, both of Vineland Station; Ontario Flower Growers of Beamsville and Schenck Farms and Greenhouses of St. Catharines for their gift spring, by way of the flowers that grace Council Chambers, a nice contrast to the snow outside.

Chair Partington encouraged those who have not yet confirmed their attendance at the February 24, 2005 Council Business Planning Session at the Glendale Campus of Niagara College in Niagara-on-the-Lake, to do so.

Chair Partington noted that these sessions are extremely important for setting Council's agenda and encouraged all of the Regional Councillors to attend.

Chair Partington advised Regional Council of the passing of Ms. Lynne Matthews. Ms. Matthews was a dedicated member of the Glenridge Landfill Liaison Committee and worked tirelessly towards the conversion of that site into a place of recreation and enjoyment. It is fitting that the meadow area is dedicated in her name.

### **APPROVAL OF MINUTES**

92. **Report 2-2005**

Moved by Councillor Salci  
Seconded by Councillor Goulbourne

That Report 2-2005, being the minutes of the Proceedings of Council of Thursday, February 3, 2005, be approved and adopted.

Carried.

### **CORRESPONDENCE**

93. Communications were received and dealt with as follows:

C6422 Card of thanks from Jeff Kline, an employee of the Public Works Department and family, for the kind donation to the People's Memorial United Church in Ridgeway in memory of his father, Larry Kline.

--Received.

C6423 Card of thanks from Connie Wightman, an employee of the Community Services Department and family, for the kind donation to the St. Philip-by-the-lake Anglican Church in memory of her mother Nellie Goddard.

--Received.

- C6424 Peter Partington, Regional Chairman (February 7, 2005) respecting Resolutions from other Municipalities.
- Municipality of Kincardine resolution (January 26, 2005) petitioning the Province of Ontario to ensure that fair, equitable and sustainable funding is made available to conservation authorities in order to continue to deliver the existing programs and to meet the challenges of the future.
- Received.
- C6425 Ann MacLean, President, Federation of Canadian Municipalities (January 30, 2005) respecting the Outstanding International Volunteer Contribution Awards being presented at FCM's Annual Conference and Municipal Expo held in St. John's Newfoundland from June 3 to 5, 2005. (Please contact the Clerk's office if you would like the Application Form for the 2005 nominations or you would like to view the CD).
- Received.
- C6426 Dr. Marie Bountrogianni, Minister of Citizenship and Immigration (January 27, 2005) respecting supplementary grants of \$10,000 each awarded to Fort Erie Multicultural Centre, Welland Heritage Council and Multicultural Centre to help the agencies cover the costs of short-term service increases to refugee claimants.
- Received.
- C6427 City of Welland resolution (February 1, 2005) opposing the dissolution of the District Health Council in favour of the Local Integrated Health Networks.
- Received.
- C6428 Town of Niagara-on-the-Lake resolution (January 31, 2005) in support of the Regional Municipality of Niagara in requesting the cost of border security to be borne by the Federal Government.
- Received.
- C6429 City of Niagara Falls Resolution (February 9, 2005) respecting a reduction of Council size at the Regional Government level.
- Received.

C6430 Rob Browing, President, Ontario Association of Fire Chiefs (O AFC) respecting the Fire Services Labour Relations Seminar March 2 and 3, 2005, Holiday Inn on King, 370 King Street West, Toronto.

--Received.

C6431 Copy of a letter to the Honourable Anne McLellan, Minister for Public Safety & Emergency Preparedness from John D. Maloney, M.P. Welland Riding (February 10, 2005) respecting a proposal from the Niagara Regional Police and a report from the Regional Municipality of Niagara regarding increased policing costs post September 11<sup>th</sup>.

--Received.

C6432 Copy of a letter to the Honourable Joe Volpe, Minister of Citizenship and Immigration from John D. Maloney, M.P. Welland Riding (February 10, 2005) respecting significant costs incurred by the Region of Niagara associated with the settling of refugees arriving at the Buffalo-Fort Erie crossing from December 14, 2004 to January 16, 2005.

--Received.

C6433 Kenneth R. Todd, Director of Corporate Services, City of St. Catharines (February 15, 2005) respecting a resolution from the Town of Halton Hills regarding Deposit Returns for Beverage Containers.

--Received and referred to the Waste Management Planning Steering Committee.

Moved by Councillor Redekop  
Seconded by Councillor Baty

That Communications C6422 to C6428 and C6430 to C6433, be received and dealt with as directed by this Council and as noted in these minutes.

That Communication C6429, be received and referred to the Council Organization Review Committee to determine a course of action in response to the resolution from the City of Niagara Falls.

Carried.

94. C6424 Peter Partington, Regional Chairman (February 7, 2005) respecting Resolutions from other Municipalities.

City of Vaughan resolution (January 24, 2005) requesting the Provincial government to provide financial assistance in the amount of \$5.6 million to avoid a property tax increase greater than the rate of inflation.

--Received.

The Corporation of the Town of Midland Parking By-Law to provide an exemption to a vehicle displaying an Ontario Veterans License Plate.

--Received.

Moved by Councillor Saracino  
Seconded by Councillor Martin

That Communication C6424, as noted in the February 17, 2005, Regional Council Agenda, be received and referred to the Corporate and Financial Services Committee.

Carried.

95. C6424 Peter Partington, Regional Chairman (February 7, 2005) respecting Resolutions from other Municipalities.

City of Brantford resolution (January 31, 2005) requesting HRSDC (Human Resources & Skills Development Canada) expedite the processing of the three local SCPI (Supporting Communities Partnership Initiative) proposals and provide confirmation of approval prior to February 14<sup>th</sup>.

--Received.

Moved by Councillor Rigby  
Seconded by Councillor Eke

That Communication C6424 (Brantford), as noted in the February 17, 2005, Regional Council Addendum, be received and referred to the Corporate and Financial Services Committee.

Carried.

**DELEGATIONS (RELATED TO COMMITTEE REPORTS)**

96. Official Plan Amendment No. 51 and Related Planning Applications  
To Redesignate an Industrial Area for Residential Use  
Fernwood Development Proposal  
Garner Road  
City of Niagara Falls  

---

**DPD 2-2005**

Mr. George Banks, Solicitor for the Grandoni's advised Regional Council that his clients are in agreement with the recommendations within the report and encouraged Regional Council to approve and adopt them.

**COMMITTEE REPORTS**

**PLANNING SERVICES COMMITTEE**

97. Report 3-2005

Moved by Councillor Smeaton  
Seconded by Councillor Burroughs

That Report 3-2005 being the minutes of the Planning Services Committee meeting of Wednesday, February 9, 2005, be approved and adopted.

Carried.

(Refer to Staff Directions)

**CLOSED COMMITTEE OF THE WHOLE**

98. Moved by Councillor Timms  
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 a property matter.

Carried.

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

99. Moved by Councillor Harry  
Seconded by Councillor Angelone

That this Council do now rise without report.

Carried.

**AGENCIES, BOARD AND COMMISSIONS**

100. Niagara Regional Housing Quarterly Report  
October 1, 2004 – December 31, 2004  
**NRH 01-2005**

Moved by Councillor Eke  
Seconded by Councillor Trombetta

That Report NRH 01-2005, February 17, 2005, respecting the Niagara Regional Housing Quarterly Report, October 1, 2004 to December 31, 2004, be received for information.

Carried.

**COMMITTEE REPORTS (Continued)**

**JOINT REPORTS**

101. Request for Capital Budget and Financing Approval  
For Capital Project ZGC0302 – New Initiatives,  
Public Health Inspection Program  
**PHD 09-2005 / CSD 19-2005**

Moved by Councillor Baty  
Seconded by Councillor Timms

That Report PHD 09-2005 / CSD 19-2005, February 9, 2005 respecting Request for Capital Budget and Financing Approval for Capital Project ZGC0302 – New Initiatives, Public Health Inspection Program, be received.

That the following recommendations be presented to the Public Health Services Committee and the Corporate and Financial Services Committee for discussion purposes and forwarded to Regional Council for decision; and

That \$95,000 gross and net cost be approved with Capital Levy Reserve financing for project ZGC0302 – New Initiatives, Public Health Inspection Program as included in the approved 2005 Capital Budget, and

That the Regional Clerk be directed to prepare the appropriate by-laws for presentation to Regional Council.

Carried.

102. Capital Budget Allocation By-law and  
Financing Approval for Projects  
Included in the 2005 Capital Budget  
**PWA 28-2005 / CSD 23-2005**

Moved by Councillor Rigby  
Seconded by Councillor Harry

That Report PWA 28-2005 / CSD 23-2005, February 8, 2005, respecting the Capital Budget Allocation By-law and Financing Approvals for Projects Included in the 2005 Capital Budget, be received.

That financing be approved for the following projects:

Financing in the amount of \$1,560,000 gross and \$1,060,000 net be approved for Project ZRC0320 Widening of Regional Road 102 (Stanley Avenue) from Ferry Street to Main Street in the City of Niagara Falls;

Financing in the amount of \$3,650,000 gross and \$3,570,000 net be approved for Project ZRC9817 Widening of Regional Road 98 (Montrose Road) from Hwy 420 to Thorold Stone Road in the City of Niagara Falls;

Financing in the amount of \$6,000,000 gross and net be approved for Project ZRC0501 Road Rehabilitation Program;

That financing in the gross and net amount of \$4,000,000 be approved for Project ZGD0207, Rehabilitation of the Welland Yard.

That financing in the gross and net amount of \$17,005,000 be approved for Project ZGD0209, Central Accommodations – Headquarters/Administration.

That approval be given to fund the projects with financing consisting of Debentures of \$6,474,500 (1 - 10 years), Debentures of \$18,134,800 (1 – 20 years), Capital Levy of \$4,385,700, Development Charge Reserve Fund of \$2,640,000 and Cost Sharing of \$580,000 (City of Niagara Falls).

That the Regional Clerk/Associated Director of Corporate Strategy be directed to ensure that the appropriate by-law(s) are prepared for presentation to Regional Council.

That the Request for Proposal ZGD0209, Central Accommodations – Headquarters/Administration include both the alternate option for Design/Build and Design/Build/Finance with lease back option, and

That staff report back with the results of Proposals in order to seek authorization to proceed with councils preferred alternative.

Carried.

**COUNCIL ORGANIZATIONAL REVIEW COMMITTEE**

103. 2005 Meeting Schedule

Councillor Baty provided an update from the Council Organizational Review Committee meeting on February 15, 2005. The Committee is recommending the implementation of the three-week meeting schedule as of March 17, 2005 in response to the surveys that were completed by members of Regional Council, noting the savings that would be generated from the initiation of the three-week schedule.

Regional Council was advised of a change in the process for dealing with Joint Reports, the reports will now go to each of the Standing Committees for a recommendation and the reports where the recommendations differ will be discussed at Regional Council.

Moved by Councillor Baty  
Seconded by Councillor Casselman

That the Schedule of Regular Meetings from March 17 to December 15, 2005 for Regional Council and Standing Committees be approved and adopted.

Carried.

(Refer to Staff Directions)

**CORPORATE AND FINANCIAL SERVICES COMMITTEE**

104. Report 3-2005

Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report 3-2005 being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, February 9, 2005, be approved and adopted.

Carried.

**COMMUNITY SERVICES COMMITTEE**

105. Report 4-2005

Moved by Councillor Hildreth  
Seconded by Councillor Bailey

That Report 4-2005 being the minutes of the Community Services Committee meeting of Monday, February 7, 2005, be approved and adopted.

Carried.

**HUMAN RESOURCES COMMITTEE**

106. Report 2-2005

Moved by Councillor Leavens  
Seconded by Councillor Saracino

That Report 2-2005 being the minutes of the Human Resources Committee meeting of Tuesday, February 8, 2005, be approved and adopted.

Carried.

**PUBLIC HEALTH SERVICES COMMITTEE**

107. Report 3-2005

Moved by Councillor Baty  
Seconded by Councillor Goulbourne

That Report 3-2005 being the minutes of the Public Health Services Committee meeting of Monday, February 7, 2005, be approved and adopted.

Carried.

**PUBLIC WORKS AND UTILITIES COMMITTEE**

108. Report 3-2005

Moved by Councillor Rigby  
Seconded by Councillor Harry

That Report 3-2005 being the minutes of the Public Works and Utilities Committee meeting of Tuesday, February 8, 2005, be approved and adopted.

Carried.

**OTHER BUSINESS**

109. Appointment to the Accommodation Steering Committee

Moved by Councillor Collins  
Seconded by Councillor Leavens

That Councillor Timms be appointed as a member of the Accommodation Steering Committee.

Carried.

110. Navy League of Canada  
Recognizes Councillor Saracino

Regional Council congratulated Councillor Saracino for being recognized by the Navy League of Canada for his commitment to the Navy League.

111. Canadian National Institute for the Blind  
Crocus Campaign

Councillor Collins advised Regional Council of the Canadian National Institute for the Blind an organization that serves all of Niagara, Crocus Campaign, which is underway. The crocuses are sold three for \$12.00.

112. Truck Noise and Traffic Issues  
City of Niagara Falls

Councillor Angelone advised Regional Council of her meeting with Regional staff, City staff and Mr. Harrington, a resident of the Portage Road area, respecting the noise and traffic caused by truck traffic in the area.

Councillor Angelone noted that staff is confident that an alternate route for the trucks can be found, with a report being brought to Committee in two weeks.

113. Provincial Notification of Changes to  
Provincially Designated Lands in Niagara

Councillor Bodner advised Regional Council that his Strategic Development staff had been working with an investor who required 80 acres of land for the development of his factory, a \$100 Million investment in the City of Port Colborne. Staff found a fully serviced parcel of land in the City of Port Colborne that was held by a private owner that was suitable for the development and at the 11<sup>th</sup> hour the City of Port Colborne and the private owner were advised that there was 42 acres of the property that were designated by the Province as a Provincially Designated Wetland. The owner of the property and City were shocked to find out that the designation had been in affect since 1998, as neither one of them had been advised.

Councillor Bodner noted that the investor has resumed his search for a suitable site, due to this situation.

Councillor Bodner asked that staff provide him with a copy of a letter or documentation that relates to the subject property and its designation as a Provincially Designated Wetland by the Province.

Mr. Cambray advised Regional Council that the documentation will be distributed to the Planning Services Committee as a correspondence item.

114. Canadian National Railway Bridges  
Town of Lincoln

Councillor Hildreth advised Regional Council of the uncomfortable position the CNR has put the Town of Lincoln in, respecting their bridges.

Councillor Hildreth noted that the residents of Lincoln would be satisfied with level crossings on their local roads, however, the CNR is requesting bridges and they are not in a position to pay for them.

115. Whiteoaks Fitness Challenge

Councillor Rigby sadly reported that the Town of Niagara-on-the-Lake defeated the City of St. Catharines, however, the City of St. Catharines was victorious over the City of Niagara Falls in their recent fitness challenge.

**BY-LAWS**

116. Moved by Councillor Saracino  
Seconded by Councillor Martin

That the following bills be now read and do pass:

Bill 16

A by-law to authorize Debenture Financing (1-10 years) in the amount of \$6,474,500 and (1-20 years) in the amount of \$18,134,800 to fund projects in the 2005 Roads and Buildings/Equipment Capital Budgets.

(Refer to Staff Directions)

Bill 17

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 17<sup>th</sup> of February, 2005.

Carried.

117. Moved by Councillor Trombetta  
Seconded by Councillor Casselman

That the following bill be now read and do pass:

Bill 18

A by-law to establish part of Lot 23, Concession 9, in the City of St. Catharines as part of Regional Road No. 69 (Pelham Road).

Carried.

**STAFF DIRECTION**

That staff be directed to:

- Councillor Collins asked that a policy be put in place to address refunds of Planning Review Fees. (Refers to Minute Item # 97)
- Councillor Redekop asked for a report that details the definitive savings information. (Refers to Minute Item # 103)
- In response to Councillor Redekop's question re: Bill 16, Mr. Trojan suggested refinements to the wording in future by-laws. (Refers to Minute Item # 116)

**ADJOURNMENT**

The Council meeting adjourned at 8:50 p.m.

Peter Partington  
Regional Chairman

Janet Pilon  
Legislative Assistant

Pam Gilroy  
Regional Clerk/  
Associate Director of Corporate Strategy