

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 11-2005

The Municipal Council of the Regional Municipality of Niagara met in Closed Session in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, July 21, 2005 commencing at 6:30 p.m.

ATTENDANCE

Council: Regional Chairman Partington; Councillors Almas Angelone; Bailey, Bentley; Bodner; Brock; Casselman; Collins; Eke; Gabriel; Goulbourne; Harry; Heit, Hildreth; Hodgson; Katzman; Leavens; Marshall; Martin; Saracino; Smeaton; Timms; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Gummo, Senior Policy Coordinator Planner; Bacchus, Commissioner, Corporate Services; Neville, Commissioner, Public Works; Nicol, Commissioner, Human Resources; Hutchings, Commissioner, Community Services; Dr. Sider, Associate Medical Officer of Health; Ms. Gilroy, Regional Clerk/Associate Director, Corporate Strategy; Ms. Pilon, Legislative Assistant.

Staff

(Part-Time): Messrs. Bowles, Executive Assistant to the Regional Chair; Brcic, Director, Water and Wastewater Services; Macklem, Coordinator Properties.

CLOSED COMMITTEE OF THE WHOLE

358. Moved by Councillor Harry
Seconded by Councillor Smeaton

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.

(Members of Council, the Chief Administrative Officer and Regional Clerk were in attendance for the following matter):

359. Personnel Matter
Council received confidential information regarding a personnel matter.

The Closed Session continued with all staff members.

Conflict Of Interest

Councillor Saracino declared an indirect pecuniary interest with respect to Atlas Steels as he is a former employee of the Company and is a member of the United Steel Workers of America and he therefore vacated the Council Chamber and took no part in the discussion of, or voting, on this matter.

CLOSED COMMITTEE OF THE WHOLE, RISE AND REPORT

360. Moved by Councillor Angelone
Seconded by Councillor Hildreth

That this Council do now rise without report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:17 p.m. with an Invocation by Councillor Eke, followed by the singing of O' Canada.

ADOPTION OF THE AGENDA

361. Moved by Councillor Collins
Seconded by Councillor Harry

That the Council Agenda CL 11-2005 be adopted as presented.

Carried.

362. **CONFLICTS OF INTEREST**

Councillor Almas declared an indirect pecuniary interest with respect to Minute Item 329 of the Public Works and Utilities Committee minutes, Report PWA 130-2005 respecting the reconstruction of Regional Road 89 (Glendale Avenue) Merritton Developments Inc. in the City of St. Catharines, as a proponent is a client of his law firm 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 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 Heit declared an indirect pecuniary interest with respect to any matters dealing with the Wind Energy initiative as the consultant, Rankin is currently one of his customers and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Saracino declared an indirect pecuniary interest with respect to Minute Items 170, 175 and 177 of the Corporate and Financial Services Committee minutes respecting Atlas Steels as he is a former employee of the company and is a member of the United Steel Workers of America and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Hodgson declared an indirect pecuniary interest with respect to any matters dealing with wineries, as he is a small investor and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Zimmerman declared an indirect pecuniary interest with respect to any tax matters dealing with wineries, as she is Chair of the Municipal Property Assessment Corporation and employed by the Grape Growers Association and she therefore took no part in the discussion of, or voting on, this matter.

363.

CHAIRMAN'S REMARKS

Regional Chair Partington extended Regional Council's deepest sympathy to the entire Rigby family on the loss of Tim Rigby, Jr., an outstanding young man, who leaves behind his wife Kelly, 3 young children, 2 sisters, his mother Gini and his father, our friend and colleague, the Mayor of St. Catharines, Tim Rigby.

Regional Chair Partington advised Regional Council of the passing of Mr. Eric Bergenstein, a long serving mayor of the Town of Pelham; a Regional Councillor and a volunteer with a number of organizations, noting that he will be missed by his community.

Regional Chair Partington noted that on July 14, 2005 the Minister of Health and Long Term Care, The Honourable George Smitherman, made an announcement regarding the funding for mental health and addiction programs across Ontario. Minister Smitherman included in his announcement a budget boost of over \$877,000 for our Public Health Department's Community Mental Health Program, a program that is one hundred percent funded by the Ministry. The additional funds will be annualized, making this a permanent budget enhancement.

Regional Chair Partington noted that in an effort to enhance communication between the Niagara Regional Police Service and Regional Council, Chief Southall or a representative of the Police Service would be in attendance at the Regional Council meetings. The Niagara Regional Police Service will also be providing Regional Council with periodic reports. Regional Councillors were asked to submit specific issues they wished raise at Regional Council to the Regional Chair's office prior to our meetings, in order for the issues to be addressed during the Boards, Agencies and Commissions section of Regional Council's agenda.

Regional Chair Partington thanked Epic Plant Company in the Town of Niagara-on-the-Lake on behalf of Regional Council for the perennials on display in Council Chambers.

Regional Chair Partington on behalf of Regional Council welcomed Brian Hutchings, to Regional Council for the first time as Niagara's new Commissioner of Community Services

APPROVAL OF MINUTES

364. Report 2-2005

Moved by Councillor Saracino
Seconded by Councillor Angelone

That Report 2-2005, being the minutes of the Committee of the Whole meeting of Thursday, June 30, 2005, be approved and adopted.

Carried.

365. Report 10-2005

Moved by Councillor Almas
Seconded by Councillor Marshall

That Report 10-2005, being the minutes of the Proceedings of Council of Thursday, June 30, 2005, be approved and adopted.

Carried.

CORRESPONDENCE

366. Communications were received and dealt with as follows:

C6561 Former Regional Councillor Jane (Hughes) Dunphy (June 17, 2005) respecting life in Prince Edward Island and the responsibilities of local government in the area.

Received.

C6562 John D. Maloney, M. P. Welland Riding (June 28, 2005) respecting priorities and timelines for Intake Two of the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF).

Received.

C6563 Greg Sorbara, Minister of Finance, (June 23, 2005) respecting a matching business education tax cut for the industrial rate, and a review of each municipality's request on a case-by-case basis to reduce property taxes on businesses.

Received.

C6566 Card of thanks from Brad Smith, an employee of the Public Works Department and family6 for the kind donation to the Fort Erie SPCA in memory of his step-father, Ron Hawkey.

Received.

C6567 Harinder S. Takhar, Minister of Transportation (July 14, 2005) respecting widening Highway 406 from Beaverdams Road to Port Robinson Road that will begin later this year.

Received.

367. Moved by Councillor Angelone
Seconded by Councillor Goulbourne

That Communications C6561 to C6563 and C6566 to C6567 be received and dealt with as noted in these minutes.

Carried.

368. C6564 Memorandum to the Regional Chairman and Members of Council from Pam Gilroy, Regional Clerk (July 11, 2005) requesting support for the County of Frontenac resolution to encourage the Ministry of Labour to authorize the necessary Employment Standards Act regulations for EMS staff.

Moved by Councillor Timms
Seconded by Councillor Katzman

That Communications C6564 recommending Council's endorsement of the resolution from the County of Frontenac to encourage the Ministry of Labour to authorize the necessary Employment Standards Act regulations for EMS staff, be received and supported.

Carried.

369. C6565 Memorandum to the Regional Chair and Members of Council from Chado Brcic, Director Water and Wastewater Services (July 14, 2005) recommending that Report PWA 126-2005 / CSD 100-2005 be deferred by Regional Council to the respective Committees in August, 2005.

Moved by Councillor Bodner
Seconded by Councillor Hodgson

That Communication C6565, recommending deferral of Report PWA 126-2005 / CSD 100-2005 to the respective Committee meetings in August, 2005, be received and supported.

Carried.

COMMITTEE REPORTS

PLANNING SERVICES COMMITTEE

370. Report 11-2005

Moved by Councillor Smeaton
Seconded by Councillor Eke

That Report 11-2005 being the minutes of the Planning Services Committee meeting of Wednesday, July 13, 2005, be approved and adopted.

Carried.

(Refer to Staff Directions)

CORPORATE AND FINANCIAL SERVICES COMMITTEE

371. Report 11-2005

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 11-2005 being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, July 13, 2005, be approved and adopted as amended.

Carried.

372. Initiation of Capital Project ZPO0402
MWS Additional Equipment
CSD 108-2005

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report CSD 108-2005, July 21, 2005, respecting the Initiation of Capital Project ZPO0402, MWS Additional Equipment, be approved and initiated with a gross and net cost of \$840,126 as included in the approved 2004 and 2005 Capital Budgets.

That financing for the project include long-term financing (1-5 years) of \$840,136.

That the previously approved budget and long-term financing of \$171, 863.60 be transferred from project ZPO9901, Mobile Data Terminals to project ZPO0402, MWS Additional Equipment.

That the Regional Clerk be directed to ensure that the appropriate bylaw(s) are prepared for presentation to Regional Council.

Carried.

Conflict of Interest

Councillor Eke declared an indirect pecuniary interest with respect to Minute Item 115 of the Community Services Committee minutes respecting the development of a Hospice at the Linhaven Site, as his wife is a member of the Hospice Niagara Board for fundraising, and he therefore took no part in the discussion of, or voting on, this matter.

COMMUNITY SERVICES COMMITTEE

373. Report 12-2005

Moved by Councillor Hildreth
Seconded by Councillor Bailey

That Report 12-2005 being the minutes of the Community Services Committee meeting of Monday, July 11, 2005, be approved and adopted.

Carried.

PUBLIC HEALTH SERVICES COMMITTEE

374. Report 11-2005

Moved by Councillor Timms
Seconded by Councillor Casselman

That Report 11-2005 being the minutes of the Public Health Services Committee meeting of Monday, July 11, 2005, be approved and adopted.

Carried.

(Refer to Staff Directions)

PUBLIC WORKS AND UTILITIES COMMITTEE

375. Report 11-2005

Moved by Councillor Bodner
Seconded by Councillor Hodgson

That Report 10-2005 being the minutes of the Public Works and Utilities Committee meeting of Tuesday, June 21, 2005, be approved and adopted as amended.

Carried.

376. 2005 Hot Mix Resurfacing Program
PWA 143-2005

Moved by Councillor Bodner
Seconded by Councillor Hodgson

That Report PWA 143-2005, July 21, 2005, respecting the 2005 Hot Mix Resurfacing Program, be received.

That the Corporate Management Team of Regional Niagara be authorized to award the contract for the 2005 Hot Mix Resurfacing Program – Part 2 to the successful bidder, up to a budget limit of \$3,000,000.00.

That the project costs be charged to Parent Project ZRC0501, subprogram RC0544, Roads Rehabilitation Program.

Carried.

CAO REPORT

377. Report on Council's Business Plan:
Progress Update on 2005 Priorities and Accomplishments
CAO 14-2005

Mr. Trojan provided Regional Council with an overview of Report CAO 14-2005, a Report on Council's Business Plan: Progress Update on 2005 Priorities and Accomplishments noting Council's setting of four priorities.

Members of Regional Council were asked to submit their areas of interest for the upcoming September sessions to the Regional Chair's or CAO's office.

Council was advised that an Advisory Committee, made up of Regional Councillors and representatives of the area municipalities would be formed to deal strictly with the planning process that will engage the public at the beginning of the process rather than the end.

Moved by Councillor Gabriel
Seconded by Councillor Marshall

That Report CAO 14-2005, July 21, 2005, respecting the Report on Council's Business Plan: Progress Update on 2005 Priorities and Accomplishments, be received for information.

Carried.

MOTIONS

378. Funding for Waste Diversion Initiatives

Moved by Councillor Goulbourne
Seconded by Councillor Eke

WHEREAS there is a need to reduce the amount of waste disposed of in municipal landfill sites in the Niagara Region and across Province of Ontario, and

WHEREAS there are limited municipal financial resources to achieve the Province of Ontario's objective of 60% waste diversion, and

THEREFORE BE IT RESOLVED that the Niagara Regional Council request the Province of Ontario to take the following actions:

Immediately designate organic materials under the Waste Diversion Act, and,

Request the Minister of Environment and the Province of Ontario to provide funding assistance for infrastructure requirements and operational components for organic diversion programs and other municipal waste diversion initiatives, and

That copies of this resolution be forwarded to local MPPs, Association of Municipalities of Ontario and Waste Diversion Ontario for support.

Carried.

NOTICE OF MOTION

379. Councillor Angelone gave notice that at the next meeting of Regional Council on August 11, 2005, she would bring forward a motion for Council's consideration that would request that the Niagara Regional Police Service more stringently enforce the Trespass to Property Act and ask each of the area municipalities to join the Region in efforts to prevent Niagara's youth from jumping into Niagara's watercourses.

OTHER BUSINESS

380. Canal Days – July 29 to August 1 in the City of Port Colborne

Councillor Bodner invited members of Regional Council and the residents of Niagara to visit the City of Port Colborne July 29th to August 1st for their Canal Days.

381. Wind Energy Agreement Clarification

Councillor Eke noted that the agreement has not been approved by Regional Council and that further information, a revised business plan, once the Niagara Region is aware of the Province's commitment; a detailed draft partnership agreement and a detailed listing of all the risks involved should be reviewed prior to approval. Mr. Neville assured Council this was part of the steps being undertaken.

Councillor Smeaton requested that staff review the Kincardine Wind Energy agreement, due to its similarities with the Niagara Region's plans.

382. East Side Trail Update

Councillor Timms thanked Regional Council for their support for the East Site Trail noting that the trail has been used by the Timberline Riders Motorcycle Club in the Spring of 2005 for two of their events and that Horse Unlimited is now open for business and will be providing equestrian services on the trail.

383. Long Term Care and Preventative Medicine – New Branch of the MOHLTC

Councillor Casselman advised Regional Council of the Ministry of Health and Long Term Care's establishment of a new branch Long Term Care and Preventative Medicine. Councillor Casselman requested that staff prepare a report that details what changes have occurred with the implementation of the new branch and what affect the new branch will have on Regional Council as Niagara's Board of Health.

384. Tour of the Domtar Steam Plan Site – August 9, 2005 at 4:00 p.m.

Councillor Gabriel invited members of Regional Council to tour the Domtar Steam Plant Site on Tuesday, August 9, 2005 at 4:00 p.m., commencing at the Hartzel Road site and moving to The Keg restaurant for a brief presentation and an opportunity to ask pertinent questions of the developers.

385. West Niagara Community Foundation – Golf Tournament

Councillor Bentley advised Regional Council that the West Niagara Mayors have been working together to organize an event that would benefit the Community Foundation, West Niagara. The golf tournament will be held August 31, 2005 at Twenty Valley Golf and Country Club.

386. Dragon Boat Race – July 23, 2005 at Henley Island

Councillor Timms thanked Regional Council for their support for the sixth annual Dragon Boat Race that is being held on July 23, 2005 at Henley Island. Anyone interested in joining in would be welcome as there are spaces still available.

BY-LAWS

387. Moved by Councillor Bailey
Seconded by Councillor Brock

That the following bills be now read and do pass:

Bill 72

A by-law to amend By-Law Number 18-2004 (A by-law to authorize the submission of an application to the Ontario Municipal Economic Infrastructure Financing Authority ("OMEIFA") for Financing certain ongoing Capital Works the Regional Municipality of Niagara (The "Municipality"): to authorize temporary borrowing from OMEIFA to meet expenditures in connection with such works; and to authorize Long Term borrowing for such works through the Issue of Debentures to OMEIFA).

Bill 73

A by-law to authorize Long Term Financing (1-10 years) in the amount of \$13,021,500 for individual projects in the 2004/2005 Water Capital Budget and \$10,232,760 for Individual Projects in the 2004/2005 Wastewater Capital Budget.

Bill 74

A by-law to authorize Debenture Financing (1-10 years) in the amount of \$925,000 for Individual Projects in the 2005 Roads Capital Budget.

Bill 75

A by-law to authorize Debenture Financing (1-10 years) in the amount of \$1,400,000 for Individual Projects in the 2005 Waste Management Capital Budget.

Bill 76

A by-law to authorize Long Term Financing (1-20 years) in the amount of \$400,000 for Project ZGRO503, St. Catharines EMS Building.

Bill 77

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 21st of July, 2005.

Carried.

388. Moved by Councillor Bentley
Seconded by Councillor Martin

That the following bills be now read and do pass:

Bill 78

A by-law to authorize long-term financing (1-5 years) in the amount of \$840,136 for Project ZPO0402, MWS Additional Equipment.

Carried.

STAFF DIRECTIONS

Staff was directed to:

- include in the thank you letter to VIA Rail a request for the service to be maintained with the assurance that the service between Niagara and Toronto will include all of the regular stops. (Refers to Minute Item # 370)
- prepare a letter to the Ministry of Health and Long Term Care for the Regional Chair's signature that requests a greater level of transparency detailing the reasons for the discontinuation of the funding for Pandemic Planning. (Refers to Minute Item # 374)

ADJOURNMENT

The Council meeting adjourned at 8:20 p.m.

Peter Partington
Regional Chairman

Janet Pilon
Legislative Assistant

Pam Gilroy
Regional Clerk/Associate
Director, Corporate Strategy