

# THE REGIONAL MUNICIPALITY OF NIAGARA

## PROCEEDINGS OF COUNCIL

### REPORT CL 3-2003

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The Municipal Council of the Regional Municipality of Niagara met in Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, February 20, 2003 commencing at 7:20 p.m.

#### ATTENDANCE

Council: Regional Chair Zimmerman; Councillors Andreychuk, Badawey, Bailey; Beamer, Bentley, Brickell, Burroughs, Collins, Davidson, Eke, Gabriel, Haeck, Harry, Hildreth, Konkle, Marshall, Martin, Mastroianni (sitting in for Councillor Forster); McMullan, Muir, Nicholson, Partington, Redekop, Rigby, Saracino, Smeaton, Thomson, Timms, Trombetta,

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner Corporate Services; Cambray, Commissioner of Planning Services; Neville, Commissioner Public Works; Nicol, Commissioner of Human Resources; Ms. Reid, Commissioner, Community Services Department; Dr. Williams, Medical Officer of Health; Ms. Gilroy, Deputy Regional Clerk; Janet Pilon Legislative Assistant.

Others: Messrs. Banting, Director, Legal Services; Hutchings, Director, Operations Support Services; Lockyer, Treasurer, Financial Management & Planning; Ms. Elliott, Director, Organizational Development & Compensation Services; Ms. Murphy, Manager, Current & Capital Budgets

#### Niagara Regional Police Services

Messrs. Nicholls, Chief of Police; Berndt, Superintendent, Support Services; Locke, Superintendent; Ms. Southall, Chief Administrative Officer; Ms. George, Manager of Finance; Ms. Robertson, Administrative Assistant.

#### Niagara Regional Police Services Board

Messrs. Brunton, Board Member; Iggulden, Board Member; Ms. Morton, Board Administrator.

**ADOPTION OF THE AGENDA**

48. Moved by Councillor Eke  
Seconded by Councillor Badawey

That Council Agenda CL 3-2003 February 20, 2003, be adopted as presented, by moving the Closed Committee of the Whole Session to the end of the agenda and by bringing forward the presentations following the approval and adoption of the Council Minutes and dealing with the correspondence items.

Carried.

49. **CONFLICTS OF INTEREST**

Councillor Andreychuk declared an indirect pecuniary interest with respect to Minute Item Number 39 of the February 11, 2003, Community and Health Services Committee minutes, COM 8-2003, February 10, 2003 (HR 11-2003, February 11, 2003) regarding Approval of Agreement to Operate Deer Park Villa, in the Town of Grimsby, as his mother is a resident of Deer Park Villa, and he therefore took no part in the discussion of, or voting, on these matters.

Councillor Haeck declared an indirect pecuniary interest with respect to any matters related to the Niagara Regional Police Service, due to a family situation, and she therefore took no part in the discussion of, or voting, on these matters.

Councillor Nicholson declared an indirect pecuniary interest with respect to the matter of Minute Item Number 37 of the February 12, 2003, Planning Services Committee minutes, DPD 23-2003, February 12, 2003, Regional Comments on Development Proposals, Withdrawal of Appeal of Draft Plans of Condominium Files 26CD-11-2002-02, 26CD-11-2002-03, 26CD-11-2002-04, 6105 McLeod Road, 6012 Frontenac and 6430 Montrose Road in the City of Niagara Falls as the applicant is a client of his firm, 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 related to the Homes for the Aged, as he is employed by a seniors home and he therefore took no part in the discussion of, or voting, on these matters.

Councillor Timms declared an indirect pecuniary interest with respect to matters related to Minute Item Number 21 of the February 12, 2003, Corporate and Financial Services Committee minutes, CSD 11-2003 regarding Exemption of Regional Development Charges for Quarry View Residence as his family has an interest in a development company, and he therefore took no part in the discussion of, or voting, on these matters.

Regional Chair Zimmerman declared an indirect pecuniary interest with respect to Minute Item Number 39 of the February 11, 2003, Community and Health Services Committee minutes, COM 8-2003, February 10, 2003 (HR 11-2003, February 11, 2003) regarding Approval of Agreement to Operate Deer Park Villa, in the Town of Grimsby, as a member of her husband's family is a resident of Deer Park Villa, and she therefore took no part in the discussion of, or voting, on these matters.

(Refer to Staff Directions)

50.

**CHAIR'S REMARKS**

The Regional Chair thanked the Vanleewen Flower Farms for the donation of the beautiful Alstroemeria flowers displayed in Council Chambers.

Mr. Trojan, Chief Administrative Officer, advised Regional Council of the Community Partnership Award that was awarded to the Region at the Business Education Council of Niagara's 2003 Annual Partners Breakfast last week. The award, which was sponsored by Trivial Pursuit, recognizes the Niagara Region's commitment to both time and resources in partnership with BEC Niagara, to Labour Force Development in Niagara through Connecting Niagara.

The Regional Chair provided highlights of the following events:

- the official opening of Meadows of Dorchester in Niagara Falls, the first of Regional Niagara's Redeveloped Long Term Care Facilities, which replaces the Dorchester Manor.

The Regional Chair announced that Finance Minister Janet Ecker committed \$24 Million in SuperBuild Provincial funds to twenty infrastructure projects in the Niagara Region. The SuperBuild funds will be directed towards environmental protection, transportation, waste management, economic development and tourism and downtown revitalization.

**APPROVAL OF MINUTES**

51. Report 2-2003

Moved by Councillor Bailey  
Seconded by Councillor Smeaton

That Report 2-2003, being the minutes of the Proceedings of the Council meeting of Thursday, February 6, 2003, be approved and adopted.

Carried.

52.

**CORRESPONDENCE**

Communications were received and dealt with as follows:

C6057 Letter of thanks from William B. Connor, Chief Executive Office, Niagara Economic and Tourism (February 4, 2003) for the floral arrangement in the passing of his father.

Received.

C6058 Card of thanks from Mayor Tim Rigby and family for the floral basket and the kind donation to the Alzheimers Society in memory of his mother Ann Rigby Goodwin.

Received.

C6059 City of Welland resolution (February 6, 2003) respecting support for (1) the Ontario Ministry of Transportation in preparation of the Mid-Peninsula Transportation Corridor EA Terms of Reference (2) the undertaking of an Environmental Assessment Review of Conceptual Transportation Corridor – Alternative “C” (3) the Townline Tunnel be fully reviewed as a possible Welland Canal crossing for the Mid-Peninsula Corridor and that it be included in the review of Alternative “C” (4) the City of Welland cannot support any further evaluation of Alternative Corridor “D2” and requests that the Alternative be removed from any further consideration.

Received and referred to the Planning Services Committee.

C6060 Debbie M. Zimmerman, Regional Chair (February 18, 2003) respecting Resolutions from other Municipalities:

Town of Northeastern Manitoulin and the Islands (January 21, 2003) resolution advising the Federal Minister of Transportation that it is opposed to the provision of funding to the United States Army Corps Engineers (USACE) and any further deepening of the St. Lawrence Seaway that would adversely affect the water levels of Lakes Huron and Michigan.

Received.

C6060 Corporation of the County of Grey (February 6, 2003) resolution opposition to the Ministry of Agriculture, Food and Rural Affairs proceeding with regulations affecting category 1, 2, 3 and 4 farms until a financial analysis is completed showing the costs associated with meeting the regulations has been completed and presented to the agriculture community.

Received.

Moved by Councillor Beamer  
Seconded by Councillor Collins

That Communications C6057 to C6060 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

### **PRESENTATIONS**

#### 53. Future Challenges Facing Brock University

Dr. David Atkinson, President, Brock University provided an update on the programs offered at Brock, the impact of the double cohort in September, and future plans for the University. Dr. Atkinson announced that Brock University will be taking part in a new initiative with the City of St. Catharines, Niagara Economic and Tourism Corporation and Human Resources Canada to develop Science and Innovation Parks in Niagara. This initiative will facilitate the need in Niagara for high-end job and accommodate Brock's graduates.

Dr. Atkinson made Regional Council aware of an urgent need for high quality and safe student housing, as 75% of the University's students come from outside of the Niagara Region. Anyone with available student accommodations is encouraged to visit <http://www.brocku.ca/och/index.phtml> for further information.

Regional Chair Zimmerman on behalf of Regional Council thanked Dr. Atkinson for his presentation and wished Brock University continued success.

### **CLOSED SESSION**

#### 54. Moved by Councillor Badawey Seconded by Councillor Redekop

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 and property matters.

Carried.

55. Exemption of Regional Development Charges  
For Quarry View Residence

Moved by Councillor Badawey  
Seconded by Councillor Rigby

That the confidential correspondence dated February 20, 2003 from Mr. Shafee Bacchus, Commissioner of Corporate Services, respecting the Development Charge Exemption for Quarry View Residence, be received.

That the second legal opinion regarding the interpretation of the Region's By-law as it relates to institutional exemptions and the Quarry View Residence, requested at the February 12, 2003 Corporate and Financial Services Committee meeting, be received.

Carried.

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

56. Moved by Councillor Rigby  
Seconded by Councillor Smeaton

That this Council do now rise with report.

Carried.

**CORPORATE AND FINANCIAL SERVICES COMMITTEE**

57. Moved by Councillor Badawey  
Seconded by Councillor Martin

That Minute Item 21, Exemption of Regional Development Charges For Quarry View Residence be lifted from Report CFS 3-2003, and be dealt with separately by this Council at this time.

Carried.

58. Exemption of Regional Development Charges  
For Quarry View Residence

Moved by Councillor Badawey  
Seconded by Councillor Martin

That the exemption from payment of Regional Development Charges on the Quarry View Residences be confirmed.

That the existing letter of credit, securing payment of development charges, be returned upon satisfactory proof that the Lease term has commenced and the premises are actually being used as a student residence or for some other university purpose.

That the Regional Development Charges Bylaw be amended pursuant to the provisions of the *Development Charges Act* to further restrict the exemption from development charges for an institution, to just those cases where the development is owned in fee simple by the institution and is actually used and occupied by and for the purpose of the institution.

Carried.

**NIAGARA REGIONAL POLICE SERVICE  
2003 CAPITAL AND OPERATING BUDGET**

59. Niagara Regional Police Services Board

Councillor Bob Muir, Board Chair, Niagara Regional Police Services, provided Regional Council with an overview of the responsibilities of the Police Services Board as well as the 2003 budget deliberations process.

In conclusion, Councillor Muir noted that the Board believes that the Niagara Regional Police Services 2003 Budget proposal meets the Boards obligations under the Police Services Act to provide adequate and effective policing to the residents of Niagara.

Police Chief Nicholls, introduced Ms. Wendy Southall, Chief Administrative Officer; Ms. Monica George, Financial Manager; Superintendents Berndt and Locke and Ms. Jennifer Robertson of the Niagara Regional Police Services and Mr. Larry Iggulden, Mr. Bill Brunton and Ms. Deb Morton, Board Administrator, of the Niagara Regional Police Services Board.

### Overview and Operational Impact

Police Chief Nicholls provided Regional Council with an overview and the programs maintained by Field Services, Support Services, Executive Services, Administration Services.

Police Chief Nicholls advised Regional Council of the ongoing challenges facing the Niagara Regional Police Services in maintaining the community's expectations of police service; patrolling of Niagara's four international borders; responding to imminent incidents of terrorism, patrolling of Niagara's international waterways; the ongoing monitoring of organized crime in Niagara taking into consideration the demographics of Regional Niagara.

The new challenges facing the Niagara Regional Police Services are the dramatic increase in firearms and weapon offences; the increased prisoner handling and associated responsibilities; the epidemic of stolen vehicles; labour dispute management and the impact of the permanent Casino.

In closing, Police Chief Nicholls thanked the Niagara Regional Police Services Board and Regional Council and asked for their support for the 2003 Niagara Regional Police Services Capital and Operating Budgets.

### Overview of the 2003 Capital and Operating Budget

Ms. Wendy Southall, Chief Administrative Officer, Niagara Regional Police Service, provided Regional Council with an overview of the twelve month budget process, the 2003 Budget Summary which represents an increase of \$7,078,588 or a 9.2% increase.

Ms. Monica George, Financial Manager, Niagara Regional Police Services, provided Regional Council with an overview of the non-discretionary and discretionary items.

### Overview of the 2003 Capital Budget

Ms. Southall provided Regional Council with an overview of the 2003 Capital Budget, which was reduced by \$415,138 following the revisions made on February 18, 2003.

Moved by Councillor Smeaton  
Seconded by Councillor Muir

That the Niagara Regional Police Services Capital and Operating Budgets, be approved and adopted.

That the Niagara Regional Police Services and the Niagara Police Services Board be encouraged to follow through with the proposed financial improvement areas; and

That the accountability for these funds be very specific and reported back to Regional Council as soon as possible.

Carried.

**CORPORATE AND FINANCIAL SERVICES COMMITTEE (Continued)**

60. Report 3-2003

Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report 3-2003, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, February 12, 2003, with the exception of Minute Item 21, which was amended, was carried.

Carried.

Councillor Timms requested that his Conflict of Interest noted in the February 12, 2003, Corporate and Financial Services Committee minutes, be corrected to read "as his family has an interest in a development company".

**CONFLICTS OF INTEREST**

Councillor Andreychuk declared an indirect pecuniary interest with respect to Minute Item Number 39 of the February 11, 2003, Community and Health Services Committee minutes, COM 8-2003, February 10, 2003 (HR 11-2003, February 11, 2003) regarding Approval of Agreement to Operate Deer Park Villa, in the Town of Grimsby, as his mother is a resident of Deer Park Villa, and he therefore vacated the Council Chambers and took no part in the discussion of, or voting, on this matter.

Councillor Partington declared a pecuniary interest with respect to Minute Item Number 18 of the February 12, 2003, Human Resources Committee minutes, HR 12-2003, 2003 Non-Union Salary Structure Adjustment Options, as his wife is a Non-Union employee of the Niagara Region, and he therefore vacated the Council Chambers and took no part in the discussion of, or voting, on this matter.

Councillor Smeaton declared an indirect pecuniary interest with respect to any matters related to the Homes for the Aged, as he is employed by a seniors home and he therefore vacated the Council Chambers and took no part in the discussion of, or voting, on this matter.

Regional Chair Zimmerman declared an indirect pecuniary interest with respect to Minute Item Number 39 of the February 11, 2003, Community and Health Services Committee minutes, COM 8-2003, February 10, 2003 (HR 11-2003, February 11, 2003) regarding Approval of Agreement to Operate Deer Park Villa, in the Town of Grimsby, as a member of her husband's family is a resident of Deer Park Villa, and she therefore vacated the Council Chambers and took no part in the discussion of, or voting, on this matter.

### **CLOSED SESSION**

61. Moved by Councillor Martin  
Seconded by Councillor Badawey

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.

62. 2003 Non-Union Salary Structure Adjustment Options

Moved by Councillor Nicholson  
Seconded by Councillor Martin

That Report HR 12-2003 2003 Non-Union Salary Structure Adjustment Options, and the recommendations contained therein, as amended, be approved.

Carried.

Councillor Marshall assumed the Chair during the discussion respecting Approval of Agreement to Operate Deer Park Villa in the Town of Grimsby.

63. Greater Niagara Circle Route Trails  
Fundraising Campaign

Moved by Councillor Marshall  
Seconded by Councillor Rigby

That Regional Council support the Chief Administrative Officer's recommendations respecting the Greater Niagara Circle Route Trails Fundraising Campaign.

Carried.

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

64. Moved by Councillor Martin  
Seconded by Councillor Harry

That this Council do now rise with report.

Carried.

**2003 CURRENT BUDGET**

65. Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report CAO 3-2003, February 20, 2003, respecting the 2003 Current Budget be received, and

That the recommended adjustments contained in this report towards satisfying the targeted reduction of \$3.6 million to the 2003 net expenditures as recommended by Committee of the Whole be approved by Regional Council.

That the Regional Municipality of Niagara's 2003 Current Budget excluding the Niagara Regional Police Service with Gross Expenditures in the amount of \$496,358,205 and revenues in the amount of \$275,229,895 for a Net Expenditure of \$221,128,310 be approved.

That the net tax burden for the year 2003, be approved at 5.42%.

Carried.

Councillor Collins requested that he be recorded as opposed to the above resolution.

Regional Chair Zimmerman extended her appreciation to all of the staff involved in the 2003 Budget process, as it has been a challenging exercise for everyong involved.

COMMUNITY AND HEALTH SERVICES COMMITTEE

66. Report 3-2003

Moved by Councillor Hildreth  
Seconded by Councillor Davidson

That Report 3-2003, being the minutes of the Community and Health Services Committee meeting of Monday, February 10, 2003, be approved and adopted.

Carried.

HUMAN RESOURCES COMMITTEE

67. Report 2-2003

Moved by Councillor Nicholson  
Seconded by Councillor Andreychuk

That Report 2-2003, being the minutes of the Human Resources Committee meeting of Tuesday, February 11, 2003, be approved and adopted.

Carried.

PLANNING SERVICES COMMITTEE

68. Report 3-2003

Moved by Councillor Smeaton  
Seconded by Councillor Beamer

That Report 3-2003, being the minutes of the Planning Services Committee meeting of Wednesday, February 12, 2003, be approved and adopted, with the following addition under the heading Staff Direction:

“Staff was directed to:

- review and comment on the alternatives for the Peace Bridge Expansion Project.”

Carried.

PUBLIC WORKS AND UTILITIES COMMITTEE

69. Report 3-2003

Moved by Councillor Badawey  
Seconded by Councillor Redekop

That Report 3-2003, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, February 11, 2003, with the exception of Minute Item Number 58, respecting the Cancellation of the Electronics Recycling Collection Program, which was deferred, be approved and adopted.

Carried.

(Refer to Staff Directions)

REGIONAL COUNCIL CURFEW

70. Moved by Councillor Martin  
Seconded by Councillor Collins

That Regional Council's curfew be extended past 11:00 p.m.

Carried.

RESHAPING THE COUNCIL OF REGIONAL NIAGARA COMMITTEE

71. Report 1-2003

Moved by Councillor McMullan  
Seconded by Councillor Saracino

That Report 1-2003, being the minutes of the Reshaping the Council of Regional Niagara Committee of Thursday, February 6, 2003, be approved and adopted.

Carried.

72. Report 2-2003

Moved by Councillor McMullan  
Seconded by Councillor Saracino

That Report 2-2003, being the minutes of the Reshaping the Council of Regional Niagara Committee of Tuesday, February 11, 2003, be approved and adopted.

Carried.

73. Next Scheduled Meeting of the  
Reshaping of Council of Regional Niagara Committee

Moved by Councillor Collins  
Seconded by Councillor McMullan

That the next scheduled meeting of the Reshaping of Council of Regional Niagara Committee be rescheduled from February 27, 2003 to a date in March 2003.

Carried.

74. Moved by Councillor McMullan  
Seconded by Councillor Timms

That Councillors Eke, Smeaton and Trombetta be appointed to the Committee on Reshaping the Council of Regional Niagara.

Carried.

**COMMITTEE OF THE WHOLE**

75. Moved by Councillor Martin  
Seconded by Councillor Saracino

That the decisions made at the Committee of the Whole meeting on Thursday, February 20, 2003 be approved and adopted.

Carried.

**OTHER BUSINESS**

76. Funding of Border Issues

Moved by Councillor Beamer  
Seconded by Councillor Eke

That Regional Council send a strongly worded letter to the provincial and federal authorities requesting that they take over the total costs associated with the policing of the borders, the marine services on Niagara's International Waterways, court security services; and

That a meeting is scheduled with the federal and provincial authorities without delay to discuss these funding issues.

Carried.

77. Ontario Medical Association's (OMA)  
Province-Wide Work and Public Place Smoking Ban

Regional Council discussed Regional Niagara Public Health Department's support for a Ontario Medical Association's (OMA) Province-Wide Work and Public Place Smoking Ban and the impacts if any to the businesses in Niagara, who are now in the process of adhering to Regional Niagara's Smoking Bylaw.

(Refer to Staff Directions)

**BY-LAWS**

78. Moved by Councillor Bentley  
Seconded by Councillor Gabriel

That the following bills be now read and do pass:

Bill 12

A by-law to establish part of Lot 246, in the City of Welland as part of Regional Road No. 36 (South Pelham Road)

Bill 13

A by-law to provide for the regulation of traffic on Regional Highways in the Town of Niagara-on-the-Lake

Bill 14

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 20<sup>th</sup> day of February 2003

Carried.

79. Moved by Councillor Rigby  
Seconded by Councillor Burroughs

That the following bills be now read and do pass:

Bill 15

A by-law to establish part of Lot 1, Plan 68 TP, part of Lot 17, Concession 1, part of Lot 17, Concession 2, and part of Lot 66, Corporation Plan 3, in the Town of Lincoln as part of Regional Road No. 18 (Ontario Street)

Bill 16

A by-law to establish part of Block 13, Plan TP 85, in the Town of Niagara-on-the-Lake as part of Regional Road No. 55 (Niagara Stone Road)

Bill 17

A by-law to authorize debenture financing (1-10 years) in the amount of \$5,089,000 for individual projects in the 2003 Waste Management Capital Program

Bill 18

A by-law to authorize debenture financing (1-10 Year) in the amount of \$6,000,000 for individual projects in the 2003 Water Capital Program

Bill 19

A by-law to appoint an Acting Deputy Clerk for the Regional Municipality of Niagara

Carried.

**STAFF DIRECTIONS**

Staff was asked to:

- Provide Councillor Konkle with the costs associated with the S.T.E.P. program. (Refers to Minute Item Number 59)
- provide Councillor Bentley with a complete breakdown as well as a history for the past three to five years for the replacement costs in the Community Services Department's budget. (Refers to Minute Item Number 65)
- to provide Councillors Konkle and Haeck with the costs associated with disposing of electronics in the landfill site as opposed to the costs associated with recycling of same. (Refers to Minute Item Number 69)
- Prepare a report on the Ontario Medical Association's proposed province-wide work and public place smoking ban and the impacts to businesses in Niagara. (Refers to Minute Item Number 77)

**ADJOURNMENT**

The Council adjourned at 11:20 p.m.

Debbie Zimmerman  
Regional Chair

Janet Pilon  
Legislative Assistant

Pam Gilroy  
Deputy Regional Clerk