

**THE REGIONAL MUNICIPALITY OF NIAGARA**

**PROCEEDINGS OF COUNCIL**

**REPORT CL 4-2003**

The Municipal Council of the Regional Municipality of Niagara met in Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, March 6, 2003 commencing at 6:35 p.m.

**ATTENDANCE**

Council: Regional Chair Zimmerman; Councillors Andreychuk, Badawey, Bailey; Beamer, Bentley, Brickell, Collins, Davidson, Eke, Forster, Gabriel, Haeck, Harry, Konkle, Marshall, Martin, McMullan, Muir, Nicholson, Redekop, Rigby, Saracino, Smeaton, Thomson, Timms, Trombetta.

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner Corporate Services; Cambray, Commissioner of Planning Services; Hollick, Regional Clerk; Neville, Commissioner Public Works; Ms. Reid, Commissioner, Community Services Department; Dr. Sider, Associate Medical Officer of Health; Ms. Gilroy, Deputy Regional Clerk.

Others: Messrs. Banting, Director, Legal Services, Corporate Services Department; Chado Brcic, Director, Water and Wastewater Services, Public Works Department; Roberts, Project Manager, Public Safety Division, Public Health Department; Kathy Sirotnik, Executive Assistant to the Regional Chair

80. **CLOSED SESSION**

Moved by Councillor Muir  
Seconded by Councillor Harry

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.

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

81 Moved by Councillor Konkle  
Seconded by Councillor Muir

That this Council do now rise without report.

Carried.

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

82.

### **CONFLICTS OF INTEREST**

Councillor Badawey declared an indirect pecuniary interest with respect to Minute Item 41, Niagara Regional Housing Debt and Mortgage Structures, in Report CFS 4, 2003, as a member of his family is Chair of the Board, and he therefore took no part in the discussion of, or voting, on this matter.

Councillor Nicholson declared a indirect pecuniary interest with respect to Minute Item 54, respecting the Regional Comments on Development Proposals, Official Plan & Zoning By-law Amendments, Marineland Parkway east of Drummond Road (Fallsview Golf Inc.), in Report PS 4-2003, as he has an interest in a property in the area and he therefore took no part in the discussion of, or voting, on these matters.

Councillor Redekop declared an indirect pecuniary interest with respect to Minute Item 41, Niagara Regional Housing Debt and Mortgage Structures, in Report CFS 4, 2003, as he has been retained for legal services on one of the seniors' residences in Fort Erie, and he therefore took no part in the discussion of, or voting, on this matter.

Councillor Redekop declared an indirect pecuniary interest with respect to Minute Item 52, Peace Bridge Expansion Project, in Report PS 4, 2003, as one of the alternative sites is in the vicinity of his residence, and he therefore took no part in the discussion of, or voting, on this matter.

Councillor Rigby declared an indirect pecuniary interest with respect to Minute Item 82, Alternative Biosolids Management, in Report PW 4-2003, as he is a Director of St. Catharines Hydro, and he therefore 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 took no part in the discussion of, or voting, on these matters.

### **ADOPTION OF THE AGENDA**

83. Moved by Councillor Bentley  
Seconded by Councillor Collins

That Minute Item 53, Appeal of Zoning By-law Amendment 03-10-Z265, Culp Transport, Town of Lincoln, in Report PS 4-2003, be moved forward and dealt with under Presentations.

Carried.

Moved by Councillor Eke  
Seconded by Councillor Smeaton

That Council Agenda CL 4-2003 , be adopted as presented, with the amendment noted in the foregoing motion.

Carried.

84.

#### **CHAIR'S REMARKS**

The Regional Chair thanked the Balfour Greenhouses Limited in Fenwick for the donation of the beautiful Kalanchose flowers displayed in Council Chambers, and noted that the flowers at the February 20, 2003 Council meeting were from VanLeeuwen Flower Farms in St. Catharines.

The Chair expressed condolences to the families of Frank Branscombe and Madeline Faiazza, who both passed away over the past tow weeks. Mr. Branscombe was a prominent businessman and philanthropist, who was instrumental in establishing the Niagara Community Foundation. Ms. Faiazza represented Fort Erie on Regional Council from 1978 to 1982 and was Mayor of Fort Erie from 1980 to 1982.

The Chair congratulated Bob Nesbitt, Assistant Director of Public Works in the Town of Grimsby for receiving the "Niagara Engineering Award of Merit" at the Annual Engineering Week Luncheon.

The Regional Chair provided highlights of the following events:

- The consultation of the Province's Smart Growth Strategy
- The pre-budget roundtable discussions with Minister Ecker - Mike Trojan, Mayor Tim Rigby and Mayor Robin Davidson also attended.

Councillor Timms shared information on the recent announcement of funds for Niagara from the SuperBuild Fund.

#### **APPROVAL OF MINUTES**

85. Report CW 2-2003

Moved by Councillor Brickell  
Seconded by Councillor Rigby

That Report CW 2-2003, being the minutes of the Committee of the Whole meeting of Thursday, February 20, 2003 be approved and adopted.

Carried.

86. Report 3-2003

Moved by Councillor Muir  
Seconded by Councillor Konkle

That Report 3-2003, being the minutes of the Proceedings of the Council meeting of Thursday, February 20, 2003, be approved and adopted, with an amendment to Minute Item 62, 2003 Non-Union Salary Structure Adjustment Option, so that the motion now reads as follows:

“That Report HR 12-2003, 2003 Non-Union Salary Structure Adjustment Option, be received, and

That the non-union salary structure be adjusted and that staff make provisions for a non-union Managing Performance Program salary adjustments as described in this report, save and except the effective date, being January 1, 2003; and

That any unused budgeted funds be held in reserve to fund the Managing Performance Program for future years.”

Carried.

87.

CORRESPONDENCE

Communications were received and dealt with as follows:

C6061 Card of thanks from John Barr, an employee in the Public Works and family, for the kind donation to the Bob and Bonnie Dagenais Memorial Fund in memory of his sister and brother-in-law Bob and Bonnie Dagenais.

Received.

C6062 Frank Mazzilli, MPP, Co-Chair, Ontario Crime Control Commission (February 7, 2003) extending an invitation to nominate two individuals or organizations from the community no later than March 8, 2003, to receive the *Ontario Crime Control Commission Award of Excellence in Crime Control*.

Received.

C6063 Card of thanks from Rod Hollick, Regional Clerk, Regional Municipality of Niagara and wife Sherrill for the kind donation to the Alzheimer Society in memory of his mother-in-law, Phyllis Turner.

Received.

C6064 Debbie M. Zimmerman, Regional Chair (March 3, 2003) respecting Resolutions from other Municipalities

The Municipality of Trent Hills (February 10, 2003) requesting that the Provincial government recognize and acknowledge the unsustainable burden being placed on "Small Town Ontario" and that a new funding formula be developed to eliminate the high cost associated with mandated drinking water system upgrades in order to ensure that small urban centres can not only grow but, survive.

Received.

C6065 Memorandum to the Chair and Members of the Planning Services Committee from Bruce W. Banting, Director Legal Services (March 4, 2003) respecting the Mid Peninsula Transportation Corridor.

Received.

C6066 Copy of a letter from Sylvain Lepine, Niagara Paramedic Association President, (March 4, 2003), addressed to Sean Jackson, Chairperson, HDHSC Board of Directors, expressing the Association's grave concerns regarding the recent dismissal of the Director of EMS.

Received.

Moved by Councillor Collins  
Seconded by Councillor Martin

That Communications C6061 to C6066 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

**PRESENTATIONS**

88. Appeal of Zoning By-law Amendment 03-10-Z265  
Culp Transportation  
North Service Road (R. R. 39) and Merritt Road  
Town of Lincoln

Moved by Councillor Smeaton  
Seconded by Councillor Collins

That Minute Item 53, Appeal of Zoning By-law Amendment 03-10-Z265, Culp Transportation, North Service Road (R.R. 39) and Merritt Road, Town of Lincoln, in Report PS 4-2003, being the minutes of the Planning Services Committee meeting of February 26, 2003, be lifted and dealt with separately by this Council at this time.

Carried.

Moved by Councillor Konkle  
Seconded by Councillor Badawey

That Minute Item 53, Appeal of Zoning By-law Amendment 03-10-Z265, Culp Transportation, North Service Road (R.R. 39) and Merritt Road, Town of Lincoln, in Report PS 4-2003, be referred back to the Planning Services Committee for further discussion.

Carried.

Given that Minute Item 53 was referred back to the Planning Services Committee for further discussion, Messrs. Sims and Szymusiak did not make a presentation, but agreed to attend the Planning Services Committee meeting when this item is brought back for discussion.

(Please see Minute Item 92.)

**CORPORATE AND FINANCIAL SERVICES COMMITTEE**

89. Report 4-2003

Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report 4-2003, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, February 26, 2003, be approved and adopted.

Carried.

**MOTION ON REVENUE SHARING WITH THE PROVINCE**

90. Moved by Councillor Martin  
Seconded by Councillor Brickell

WHEREAS the 2001 average Ontario family total tax bill was \$36,497. The federal take was about 60%, the provincial share about 33% and municipalities got about 7%. Income taxes make up the largest single component of the average Ontario family's tax burden at almost 35%, followed by sales tax at about 18%. A typical family would pay about 6 times its property tax burden in income taxes and 3 times in sales taxes, and

WHEREAS income and consumption taxes, not property taxes, are a better reflection of ability to pay. Income taxes and consumption taxes as a share of total governments' revenue grew 15% and 22% respectively from 1997/98 to 29001/02. Property taxes grew in the same period by only 6.2% - clearly not as responsive a revenue source, and

WHEREAS property tax in Ontario is substantially above the average per capita in Canada. Ontario's municipal expenditure in 1988 was \$1,389/per capita; the Canadian average was \$1,216. In 1998, it was \$1,650 and \$1,4041 respectively. The property tax burden in Ontario for an average family is about 14% higher than the next highest province in absolute terms, and

WHEREAS user fees and charges cannot be used to generate new discretionary revenues for municipalities. User fees represent about 210% of municipal operating revenue and with property taxes total about 70%. In the U.S., they were estimated to comprise 54% of municipal revenue – 21% property taxes and 33% user fees/charges, and

NOW THEREFORE BE IT RESOLVED that The Regional Municipality of Niagara petition the provincial government to negotiate a new deal for revenue sharing with Ontario municipalities that will:

- (a) recognize the regressive nature of property tax as a revenue source for Ontario municipalities
- (b) provide Ontario municipalities access to other revenue streams
- (c) provide Ontario municipalities with broader powers of taxation
- (d) provide access to the gas tax and zero rate PST & GST

That this resolution be forwarded to the Association of Municipalities of Ontario (AMO), local area municipalities, M.P.s and M.P.P.s for support.

Carried.

COMMUNITY AND HEALTH SERVICES COMMITTEE

91. Report 4-2003

Moved by Councillor Brickell  
Seconded by Councillor Marshall

That Report 3-2003, being the minutes of the Community and Health Services Committee meeting of Monday, February 24, 2003, be approved and adopted.

Carried.

(Please refer to Staff Directions.)

PLANNING SERVICES COMMITTEE

92. Report 4-2003

Moved by Councillor Smeaton  
Seconded by Councillor Timms

That Report 4-2003, being the minutes of the Planning Services Committee meeting of Wednesday, February 26, 2003, be approved and adopted with the exception of Minute Item 53, Appeal of Zoning By-law Amendment 03-10-Z265, which was referred back to the Planning Services Committee for further discussion.

Carried.

(Please see Minute Item 88.)

PUBLIC WORKS AND UTILITIES COMMITTEE

93. Report 42003

Moved by Councillor Badawey  
Seconded by Councillor Redekop

That Report 42003, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, February 25, 2003, be approved and adopted.

Carried.

**OTHER BUSINESS**

94. Fundraiser

Councillor Eke expressed thanks to the community for supporting the Lord Mayor's fundraiser, which raised \$29,000 for the Niagara-on-the-Lake arena fund. He advised that many more events are planned.

**BY-LAWS**

95. Moved by Councillor Eke  
Seconded by Councillor Thomson

That the following bills be now read and do pass:

Bill 20

A by-law to provide for the regulation of traffic on Regional Highways

Bill 21

A by-law to provide for the regulation of traffic on Regional Highways in the City of Welland

Bill 22

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 6<sup>th</sup> day of March 2003

Carried.

96. Moved by Councillor Forster  
Seconded by Councillor Thomson

That the following bills be now read and do pass:

Bill 23

A by-law to establish part of Lot 3, Plan 54, in the City of Niagara Falls as part of Regional Road No. 20 (Lundy's Lane)

Bill 24

A by-law to establish part of Lots 2 and 3, Plan 4, part of Lot 160 broken front, and part of Range No. 1, Plan 1, in the City of Niagara Falls as part of Regional Road No. 102 (Stanley Avenue)

Carried.

**STAFF DIRECTIONS**

Staff was asked to:

- provide further information on the smoking by-law, particularly as it pertains to private clubs, and the building code requirements for designated smoking rooms (Councillor Collins)

**ADJOURNMENT**

The Council adjourned at 8:25 p.m.

Debbie Zimmerman  
Regional Chair

Pam Gilroy  
Deputy Regional Clerk

Thomas R. Hollick  
Regional Clerk