

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 7-2003

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, May 1, 2003 commencing at 6:30 p.m.

ATTENDANCE

Council: Regional Chair Zimmerman; Councillors Andreychuk, Badawey, Bailey, Beamer, Bentley, Brickell, Burroughs; Collins, Davidson, Eke, Forster, Gabriel, Haeck, Harry, Hildreth; Marshall, McMullan, Nicholson, Partington; 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; Ventresca, Director, Seniors Services, Community Services Department; Ms. Elliott, Director, Organizational Development and Compensation Services; Dr. Sider, Associate Medical Officer of Health; Ms. Gilroy, Deputy Regional Clerk.

Others: Messrs. Cunnane, Director of Public Safety; Diakow, Director, Information Systems; Roberts, Project Mgr., Public Safety.

158.

CLOSED SESSION

Moved by Councillor Collins
Seconded by Councillor McMullan

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.

159. EMS Delivery

Moved by Councillor Collins
Seconded by Councillor Eke

That the recommendation in Minute Item 104, Emergency Medical Service (EMS) – Future Service Delivery Options, in Report CHS 8-2003, be amended by replacing the word “staff” in the last line with the word “resources”.

Carried.

160. Legal Agreement with NRBN

Moved by Councillor Haeck
Seconded by Councillor Eke

That the memorandum from Mike Trojan, CAO, May 12, 2003, with respect to the Legal Agreement with NRBN, Further Updates, be received.

Carried.

CLOSED COMMITTEE OF THE WHOLE, RISE AND REPORT

161. Moved by Councillor Rigby
Seconded by Councillor Burroughs

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:25 p.m. with an Invocation by Councillor Partington, followed by the singing of O' Canada.

162. **CONFLICTS OF INTEREST**

Councillor Andreychuk declared an indirect pecuniary interest with respect to any matters related to Deer Park Villa, as his mother is a resident there, and he therefore took no part in the discussion of, or voting, on these matters.

Councillor McMullan declared an indirect pecuniary interest with respect to Minute Item 173, E.S. Fox Lands and Premises, Niagara Enviro-Centre, in Report PW 9-2003, as his father is the Chair of the Board at Niagara Recycling, 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 an employee of a Seniors Home, and to any matters related to Roberts Street, as a family member resides there, and he therefore took no part in the discussion of, or voting, on these matters.

ADOPTION OF THE AGENDA

163. Moved by Councillor Andreychuk
Seconded by Councillor Trombetta

That Council Agenda CL 7-2003, be adopted as presented.

Carried.

164.

CHAIR'S REMARKS

The Chair thanked VanBerkel Enterprises Limited of St. Catharines for the lilies in the Council Chamber.

The Regional Chair offered congratulations to:

- The Grimsby Peach Kings who won the All Ontario Hockey Association Jr. C. Championship Finals - Councillor Andreychuk added his congratulations.
- Donald Ziraldo, co-founder of Inniskillin Wines, who received the Canadian Italian National Award - Prime Minister Jean Chretien recognized Mr. Ziraldo's contribution to the development of Canada's growing wine industry - the Prime Minister also recognized Michael Sabia, a Niagara native who is currently Chair of BCE.

The Regional Chair reminded Council of the Council/Senior Management Retreat on Thursday, May 8, 2003, 3:00 - 9:00 p.m., at the Atrium, Four Points Sheraton.

The Regional Chair advised that on Wednesday, the Deer Park Villa became the Region's 8th long-term care facility, and is the first Regional Home serving Grimsby, Lincoln and West Lincoln. She extended special thanks to Councillor Hildreth for her ongoing support of this project

The Regional Chair invited everyone to attend the Greater Niagara Circle Trek on the weekend - events are scheduled in Port Colborne, St. Catharines, Thorold, Fort Erie and Welland on Saturday and in Niagara Falls on Sunday.

APPROVAL OF MINUTES

165. Report 6-2003

Moved by Councillor Thomson
Seconded by Councillor Eke

That Report 6-2003, being the minutes of the Proceedings of the Council meeting of Thursday, April 17, 2003, be approved and adopted.

Carried.

166.

CORRESPONDENCE

Communications were received and dealt with as follows:

C6082 Card of thanks from John Rizzo, an employee in the Public Works Department, and family for the kind donation to the Heart and Stroke Foundation of Ontario in memory of his mother-in-law, Hazel Staley.

Received.

C6083 Card of thanks from Cathy Warren, an employee in the Corporate Services Department, and family for the kind donation to Our Lady of the Holy Rosary Church Building Fund in memory of her father, Louis Lizzotti.

Received.

C6084 Bob Muir, Chair, Regional Municipality of Niagara Police Services Board (April 14, 2003) respecting an invitation to participate in the preparation of the 2004/2006 Business Plan for the Niagara Regional Police Service.

Received.

C6085 Copy of a letter to Mike Gowan, Autism Society of Ontario, Niagara Chapter, from the Regional Chair (April 14, 2003) to support the Toonie for Autism Day campaign of Autism Society of Ontario on April 25, 2003.

Received.

C6086 City of Niagara Falls resolution (April 13, 2003) requesting Premier Ernie Eves and Minister of Community, Family and Children Services, Brenda Elliot, be called upon to direct resources to extending Intensive Behavioural Intervention (IBI) funding to children of school age.

Received.

C6087 Card of thanks from Gary Ettinger, an employee in the Community Services Department, and family for the kind donation to the Canadian Cancer Society in memory of his father Gerald Ettinger.

Received.

C6088 (Jim) J. F. Lougheed, St. Catharines (April 19, 2003) respecting Habitat For Humanity Niagara site to be selected for restoration.

Received.

Moved by Councillor Timms
Seconded by Councillor McMullan

That Communications C6082 to C6088 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

167. Petition – Martindale Road and Grapeview Drive

Councillor Brickell submitted a petition from between 600-700 residents asking for a stoplight at the intersection of Martindale Road and Grapeview Drive, in the City of St. Catharines.

Moved by Councillor Brickell
Seconded by Councillor Badawey

That the petition asking for a stoplight at the intersection of Martindale Road and Grapeview Drive, in the City of St. Catharines, be received, and staff be directed to prepare a report outlining the traffic volumes at this location, as well as the number of vehicular accidents, the volume of pedestrian traffic, the peak traffic flow times, etc.

Carried.

PRESENTATIONS

168. Long Service Volunteer Awards
Seniors Services

The Regional Chair, Councillor Hildreth, and Dominic Ventresca, Director, Seniors Services, recognized the approximately 900 volunteers who assist in the provision of programs and services at the Region. Special recognition was given to honour three volunteers: Gladys Treitz, for 40 years of service to the Auxiliary at Sunset Haven; Carol Rapelje, for 45 years of service to the Auxiliary at Sunset Haven; and Margaret Crawford, for 45 years of service to the Auxiliary at Linhaven. Congratulations and thank you to all!

169. CERT Awards of Excellence

Ms. Betty Staines, Chair, Corporate Employee Recognition Team, and Deanna Barrow, Chair, Excellence Sub-committee, together with the Regional Chair, and Councillor Nicholson, Chair, Human Resources Committee, presented individual Awards of Excellence in Team Participation to Catherine Habermebl, Manager, Waste Collection and Diversion Operations; and in Customer Service to Paul

Taylor, Graphics Designer. The Team Participation Award was presented to the Public Works Week team. Congratulations to all!

170. Update of Services provided by YMCA

Mr. Stephen Butz, CAO, and Mr. Tom Kretz, Board Chair, YMCA of Niagara, updated Council on the services and programs provided by the YMCA, and outlined their plans and partnership opportunities for the future. Mr. Kretz advised that recently, the YMCAs in Welland, Niagara Falls and St. Catharines united to form the new YMCA of Niagara. This unification will enable the YMCA to serve more people and develop a stronger base of co-ordinated, community services. Mr. Butz expressed his appreciation for the successful partnership with the Region's Community Services Department to provide day care in several elementary schools across the Region.

171. Northwest Fonthill Secondary Plan

Mr. John Lynn and Dr. Uwe Brand expressed concerns with respect to Minute Item 112, Official Plan Amendment 43, in Report PS 9-2003, related to development and the environmental impact on the headwaters of Twelve Mile Creek. Dr. Brand outlined contradictions in the report and questioned some of the findings

Moved by Councillor Collins
Seconded by Councillor Beamer

That Report 9-2003, being the minutes of the Planning Services Committee meeting of Wednesday, April 23, 2003, be moved forward on the agenda and considered by Council at this time.

Carried.

PLANNING SERVICES COMMITTEE

172. Report 9-2003

Moved by Councillor Smeaton
Seconded by Councillor Beamer

That Report 9-2003, being the minutes of the Planning Services Committee meeting of Wednesday, April 23, 2003, be approved and adopted.

Moved by Councillor Collins
Seconded by Councillor Beamer

That Minute Item 112, Official Plan Amendment 43 be lifted from Report PS 9-2003, be lifted and dealt with separately by this Council at this time.

Carried.

Upon a vote being taken, the Regional Chair declared the recommendation on Minute Item 112, Official Plan Amendment 43, as noted in Report PS 9-2003, was carried.

Upon a vote being taken, the Regional Chair declared the balance of Report PS 9-2003, being the minutes of the Planning Services Committee meeting of Wednesday, April 23, 2003, was carried.

CORPORATE AND FINANCIAL SERVICES COMMITTEE

173. Report 8-2003

Moved by Councillor Bentley
Seconded by Councillor Beamer

That Report 8-2003, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, April 23, 2003, be approved and adopted.

Carried.

COMMUNITY AND HEALTH SERVICES COMMITTEE

174. Report 8-2003

Councillor Hildreth, with leave of Council, presented the following motion for consideration:

Moved by Councillor Hildreth
Seconded by Councillor Davidson

That Report 8-2003, being the minutes of the Community and Health Services Committee meeting of Monday, April 28, 2003, be approved and adopted with an amendment to the recommendation on Minute Item #104 to change the word "staff" where it appears in the last paragraph to read "resources".

Carried.

(Please refer to Staff Directions.)

PUBLIC WORKS AND UTILITIES COMMITTEE

175. Report 9-2003

Councillor Badawey, with leave of Council, presented the following motion for consideration:

Moved by Councillor Badawey
Seconded by Councillor Redekop

That Report 9-2003, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, April 22, 2003, be approved and adopted.

Carried.

176. Reconstruction of Regional Road 18
(Ontario Street), Beamsville
Town of Lincoln

Councillor Badawey, with leave of Council, presented the following motion for consideration:

Moved by Councillor Badawey
Seconded by Councillor Redekop

That Report PWA 75-2003 in which staff conclude there are insufficient funds to undertake the reconstruction of Ontario Street in Beamsville in 2003 be received; and

That Regional staff continue to work with the Town of Lincoln and related utilities to ensure that the Ontario Street (Beamsville) Reconstruction Project is ready for an early tender call for 2004, subject to Regional Council's review and approval of the 2004 Capital Program.

Carried.

Councillor Hildreth stressed the importance of putting this project on the top of the list when capital budget discussions continue.

177. Provincial Highway Rights-of-way in Niagara

Councillor Badawey, with leave of Council, presented the following motion for consideration:

Moved by Councillor Badawey
Seconded by Councillor Rigby

WHEREAS unsightly litter and garbage continues to accumulate on the Provincial Highway System Rights-of-Way in Niagara; and

WHEREAS Niagara's residents have a reasonable expectation that the Provincial Highway System through our communities will be maintained to a satisfactory standard of repair and cleanliness; and

WHEREAS Niagara is a world-class destination for millions of tourists who visit annually, and serves as a gateway to Ontario.

THEREFORE BE IT RESOLVED that the Minister of Transportation be urged to take immediate action to address the clean up of unsightly litter and garbage along the Provincial Highway System Rights-of-Way in Niagara; and

THAT all Area Municipal Councils be requested to forward similar requests for immediate action to the Minister; and

THAT area residents be encouraged to voice their concerns with their Local MPP; and

THAT the Regional Chair raise this issue with the Local MPPs to emphasize the need for the Ministry to take immediate action.

Unanimously Carried.

178. CAO REPORT

Mr. Trojan provided some highlights of the Corporate Social Responsibility session held last week with representation from Council and a cross-section of staff from all Regional Departments. He highlighted some of the programs undertaken by the Region which demonstrate the corporation's commitment to social responsibility (e.g. Water Quality Protection Strategy, United Way Campaign, the Regional Chair's Bursaries, Nations in Bloom, the Children's Charter).

179. Border Contingency Plan

Moved by Councillor Thomson
Seconded by Councillor Redekop

That the requirement of the Procedural By-law 7174-93, to include a notice of motion in the Blue Book with the Council agenda, be waived, and Council consider the following resolution at this time.

Carried by a vote of two-thirds.

Moved by Councillor Redekop
Seconded by Councillor Burroughs

Whereas the Niagara Region has four vehicular bridge crossings (the Peace Bridge, the Rainbow Bridge, the Whirlpool Bridge and the Queenston-Lewiston Bridge) to the United States;

Whereas the Peace Bridge and the Queenston-Lewiston Bridge are devoted to both commercial and passenger vehicular traffic;

Whereas the commercial traffic at those two bridge crossings exceeds \$1 billion per week and constitutes approximately 20 percent of all trade between Canada and the United States;

Whereas Niagara is also a major tourist area in Ontario and Canada, with over 14 million tourists visiting Niagara Falls alone on an annual basis and many other travelers, commuters and tourists crossing all four of the bridge crossings in Niagara on a daily basis;

Whereas the queuing of commercial traffic at the Peace Bridge and the Queenston-Lewiston Bridge has become a serious safety, environmental and economic issue with repercussions for those using the highways that lead to those crossings, the communities in which the crossings are located (Fort Erie and Niagara-on-the-Lake) and the businesses reliant on the efficient operation of the border crossings between Canada and the United States;

Whereas the Province of Ontario has announced recently a Border Contingency Plan to address the serious vehicular traffic congestion at border crossings in Ontario;

Whereas since the announcement by the provincial government of its Border Contingency Plan there have been two serious motor vehicle collisions on the Queen Elizabeth Highway leading to the Peace Bridge at Fort Erie, one of which resulted in a fatality and the other of which resulted in critical injuries to three travelers;

Whereas to date that Plan has been inconsistently implemented, does not address the problems created within the communities involved when commercial traffic (transport trucks and trailers) are diverted off of the highways that lead to the bridge crossings, and relies on inadequate human resources and physical infrastructure in order to accomplish the objective of managing the significant numbers of vehicles attempting to cross the border at peak times;

Whereas the Niagara Regional Police Services have been assigned, both by design and consequence, significant responsibility for the implementation of the provincial government's Border Contingency Plan, despite the fact that its resources are severely stretched as a result of delivering the services that it is mandated to provide and for which the residents of Niagara allocate revenues through property taxes;

Whereas there are a number of initiatives that the provincial or federal governments could undertake to assist in the effort to manage traffic at the border crossings to enhance safety and efficiency, such as requiring transport rigs to activate their flashings lights when stopped in a queue and to allocate staff from the Ministry of Transportation for traffic marshalling and management;

Whereas it is inappropriate and unrealistic for the governments of Ontario and Canada to expect that municipal and regional resources and property tax dollars should be utilized and relied upon to manage traffic created and encouraged as a result of provincial and federal policies;

Therefore be it Resolved by this Council That:

1. The Council of the Regional Municipality of Niagara hereby urges both the Government of Ontario and the Government of Canada:
 - (a) to create an effective plan to manage vehicular traffic attempting to cross the border to the United States at the bridges in Niagara, and
 - (b) to allocate adequate funding and human resources to ensure that the plan is effective and responsive to the needs for traffic management as they arise.
2. That copies of this resolution be circulated to the Prime Minister, the Premier of Ontario, the Minister of Public Safety and Security (Ontario), the Deputy Prime Minister, local area MPs and MPPs, the Commissioner of the RCMP, the Commissioner of the OPP, the Regional Police Chief, and to the Area Municipal Councils with a request for their support.

Carried.

180. **NOTICE OF MOTION**

Councillor McMullan gave notice that at the next Council meeting on May 15, 2003, he will bring forward a motion in support of the recent announcement by the Niagara Health System to build a twin hospital on Ontario Street in St. Catharines.

OTHER BUSINESS

181. ECCO Conference

Councillor Partington provided information about the upcoming ECCO Conference in Toronto. Commissioner Cambray advised a staff member from Planning will be attending to obtain information and report back.

182. Lincoln Official Plan Study

Councillor Andreychuk discussed the Lincoln Official Plan Study as it relates to the truck crossing of the escarpment and the suggestion that it not be located in Lincoln, but should be located in Grimsby on Bartlett Avenue. (Please refer to Staff Directions.)

183. PST

Councillor Burroughs advised that PST will not be collected from accommodations and attractions from May 1 to September 30, 2003.

184. Hockey Team

Councillor Badawey congratulated the hockey team from the City of Thorold who played through to Game 7 in the Sutherland Cup finals. Councillor Davidson thanked the players, who were excellent representatives of the community. Councillor Bentley reiterated congratulations to all the teams, including the Junior C Championship team from Grimsby.

BY-LAWS

185. Moved by Councillor Trombetta
Seconded by Councillor Haeck

That Bill 43 and Bill 44 be now read and do pass:

Bill 43

A by-law to provide for the adoption of Amendment 177 to the Official Plan for the Niagara Planning Area to permit a Watermain Extension in the Town of Fort Erie

Bill 44

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 1st day of May, 2003.

Carried.

186. Moved by Councillor Andreychuk
Seconded by Councillor Haeck

That Bill 45 be now read and do pass:

Bill 45

A by-law to authorize Debenture Financing (1 – 3 Years) in the amount of \$381,115 for Project ZPO0301, IT Equipment Replacement

Carried.

STAFF DIRECTIONS

Staff was directed to:

- provide a report to Committee on the process for requests for amendments to the Smoking By-law (Councillor Collins) (Please refer to Minute Item 174)
- clarify the Town's preferred location for a proposed truck crossing of the escarpment, with Town of Lincoln staff ((Councillor Andreychuk) Please refer to Minute Item 182.)

ADJOURNMENT

The Council adjourned at 10:32 p.m.

Debbie Zimmerman
Regional Chair

Pam Gilroy
Deputy Regional Clerk

Thomas R. Hollick
Regional Clerk