

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 11-2003

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, July 17, 2003 commencing at 4:10 p.m.

ATTENDANCE

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

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

Other: John Cunnane, Director Public Safety, Public Health; Neal Roberts, Project Manager, Public Health; Denise Papaiz, Communications Coordinator, Public Health; Patrick Robson, Director of Corporate Strategy.

263.

CLOSED SESSION

Moved by Councillor Harry
Seconded by Councillor Burroughs

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.

264.

CONFLICT OF INTEREST

Councillor Brickell declared an indirect pecuniary interest with respect to any matters related to the land ambulance service, as he is running as a candidate for the Provincial election, representing the party currently in power, and he therefore vacated the Council Chamber, and took no part in the discussion of, or voting, on this matter.

265. **MOTION TO RISE AND REPORT FROM CLOSED SESSION
AND CONTINUE IN COMMITTEE OF THE WHOLE**

Moved by Councillor Martin
Seconded by Councillor Eke

That this Committee of the Whole do now rise without report.

Carried.

(Please refer to Minute Item 279 on Page CL 130.)

CHIEF ADMINISTRATIVE OFFICER'S REPORT

266. Council Business Plan Directions 2003
Action Plans and Timeframes
CAO 11-2003

Mr. Trojan, Chief Administrative Officer, provided highlights of the Council Directions 2003 dialogue sessions held in April and May. He advised that, as a result of the discussions at the sessions, Council identified several priorities for the next 12 to 18 months. The Corporate Management Committee then met in special session in June to consider the "six month priority" items and to develop actions plans and time frames to further these initiatives/priorities.

Moved by Councillor Marshall
Seconded by Councillor Burroughs

That Report CAO 11-2003, July 17, 2003, respecting the Council Business Plan Directions 2003 - Action Plans and Timeframes be received, and

That the action plans and timeframes for the "six month priority" items outlined in this report be endorsed.

Carried.

267. **RECESS FOR DINNER**

Committee of the Whole adjourned at 5:58 p.m. for dinner in the cafeteria. Following dinner, Council met in regular session, commencing at 7:05 p.m. with an Invocation by Councillor Smeaton, followed by the singing of O' Canada.

268. **CONFLICTS OF INTEREST**

Councillor Brickell declared an indirect pecuniary interest with respect to any matters related to the land ambulance service as he is running as a candidate for the Provincial election, representing the party currently in power, and he therefore vacated the Council Chamber, 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 an employee of a Seniors Home, and he therefore took no part in the discussion of, or voting, on these matters.

ADOPTION OF THE AGENDA

269. The Regional Chair advised that there were members of the public in the audience who were interested in planning matters. Therefore, it was:

Moved by Councillor Collins
Seconded by Councillor Martin

That Planning Services Report 13-2003 be moved forward and dealt with first under Committee Reports.

Carried.

Moved by Councillor Trombetta
Seconded by Councillor Eke

That Council Agenda CL 11-2003, be adopted, as amended.

Carried.

270.

CHAIR'S REMARKS

The Regional Chair thanked Flora Pack Incorporated of Jordan Station for the Gerbera flowers in the Council Chamber. The Regional Chair thanked the staff of the Clerk's Office for their dedication and hard work during this week's hectic meeting schedule and the completion of meeting minutes for tonight. As suggested by Councillor Marshall, the flowers were given to Clerk's Office staff.

The Regional Chair congratulated Councillor Muir who has a new granddaughter, Morgan, born on Wednesday.

The Regional Chair updated Council on several events since the last meeting:

- The official opening of the T. Roy Adams Dementia Care Centre - the first such facility to be built in the province of Ontario, for respite and complex care. The Regional Chair extended appreciation to Councillor Brickell who chaired the event. Louis Ziff presented a cheque for \$10,000 to the Centre from the Bell Foundation.
- The Roundtable discussion with the Honourable Claudette Bradshaw, Federal Minister of Labour, with Councillor Rigby – which centred on helping the homeless in Niagara, with a focus on community partnerships with the private sector. The Regional Chair extended thanks to Councillor Rigby for his work on homelessness through the Niagara Homelessness Committee, and

Minister Bradshaw for the additional funding of \$1,461,520 that St. Catharines/Niagara will receive through the Supporting Communities Partnership Initiative over the next 3 years.

- The kick-off event for Canal Days in Port Colborne, where the Regional Chair brought greetings from Regional Council. It is the 25th anniversary of Canal Days – events will take place from July 31 to August 4

The Regional Chair updated Council on the development of a plan of action to address the prostitution and drug problems in the Queenston Street, Eastchester area of St. Catharines. Local residents have submitted a petition of 1300 names. Extra police patrols have been assigned to the area and will be focusing on eliminating the drug trade.

APPROVAL OF MINUTES

271. Report 10-2003

Moved by Councillor McMullan
Seconded by Councillor Saracino

That Report 10-2003, being the minutes of the Proceedings of the Council meeting of Thursday, June 19, 2003, be approved and adopted.

Carried.

272.

CORRESPONDENCE

Communications were received and dealt with as follows:

C6115 Debbie M. Zimmerman, Regional Chair (June 13, 2003) respecting Resolutions from other Municipalities.

The County of Bruce resolution (June 12, 2003) to encourage senior levels of Government to take immediate action to show financial support to mitigate the negative impact being felt by implementing a BSE specific financial support program and that the senior levels of government be encouraged to expeditiously work towards reinstating the export of beef to the United States and other countries.

Received.

The Corporation of the Township of Armour in the District of Parry Sound resolution (June 10, 2003) supporting the Nurses in their determination to get the Ontario Government to set up a Board of Inquiry.

Received.

The Town of Ingersoll resolution (June 20, 2003) to petition the government for the Province of Ontario to enact legislation prohibiting the possession or smoking or otherwise consuming tobacco products in a public place in the Province of Ontario.

Received.

The Town of Richmond Hill resolution (June 19, 2003) respecting their resolution to request the Minister of Transportation for an amendment to the *Highway Traffic Act*.

Received.

C6116 Deb Morton, Executive Director, Regional Municipality of Niagara Police Services Board (July 9, 2003) respecting their motion on the 2002 Year-End Review, NRPS Selective Traffic Enforcement & Education Program (S.T.E.E.P.)

Received.

Councillor Haeck asked that participants in the Niagara Regional Police S.T.E.E.P. education seminar be provided an opportunity for questions and answers with uniformed officers. Councillor Muir agreed to raise this at the Police Board.

C6117 Renee Trepanier, Recording Secretary, City of Prince George, B.C. (June 23, 2003) respecting the Nations in Bloom – A Forum for Canadian Municipalities.

Received.

C6118 Card of thanks from Mary Lou DeCou, an employee of the Public Health Department, and family for the kind donation to the Canadian Cancer Society in memory of her father Norman Decou.

Received.

C6119 Doug Rapelje, President, Alzheimer Society Niagara Region (June 23, 2003) extending congratulations to Regional Council and staff on establishing the T. Roy Adams Centre for Dementia Care.

Received.

C6120 Copy of a letter to Councillor Bob Muir, Chair, Niagara Regional Police Services Board from Regional Chair Zimmerman (July 11, 2003) respecting signed letters of petition from residents and business owners residing in the Geneva Street to Eastchester Avenue and the troubling concerns for those citizens living in the area.

Received.

C6121 Card of thanks from Michael and Jan Tisdall and family for the kind donation to the Multiple Sclerosis Society of Canada in memory of their son James Tisdall.

Received.

Moved by Councillor Partington
Seconded by Councillor Marshall

That Communications C6115 to C6121, be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

RESOLUTIONS FROM OTHER MUNICIPALITIES

273. Municipality of Chatham - Kent

Moved by Councillor Muir
Seconded by Councillor Brickell

That the Council of The Regional Municipality of Niagara endorse the resolution passed by the Municipality of Chatham-Kent on April 22, 2003 respecting the Incarceration of Criminals Convicted of First Degree Murder in Minimum Security Facilities, and request

That corrective action by The Solicitor General of Canada through changes to corrections policy be taken to prohibit the incarceration of criminals convicted of first degree murder in minimum security facilities.

Carried.

PLANNING SERVICES COMMITTEE

274. Report 13-2003

Moved by Councillor Smeaton
Seconded by Councillor McMullan

That Report 13-2003, being the minutes of the Planning Services Committee meeting of Wednesday, July 15, 2003, be approved and adopted.

Carried.

**JOINT PUBLIC WORKS & UTILITIES COMMITTEE AND
CORPORATE & FINANCIAL SERVICES COMMITTEE**

275. Report CFS 12/PWC 14-2003

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report CFS 12/PWC 14-2003, being the minutes of a joint meeting of the Public Works and Utilities, and Corporate and Financial Services Committees, of Wednesday July 16, 2003, be approved and adopted.

Carried.

Councillors Collins and Redekop volunteered to sit on the Sub-Committee to review and finalize the recommendations of the final draft report on the Water and Wastewater Master Servicing Plan Update.

CORPORATE AND FINANCIAL SERVICES COMMITTEE

276. Report 13-2003

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 13-2003, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, July 16, 2003, be approved and adopted.

Carried.

(Please see Staff Directions.)

BUDGET REVIEW COMMITTEE

277. Report BRC 1-2004

Moved by Councillor Martin
Seconded by Councillor Hildreth

That Report BRC 1-2004, being the minutes of the Budget Review Committee meeting of Wednesday, July 16, 2003, be approved and adopted.

Carried.

COMMUNITY AND HEALTH SERVICES COMMITTEE

278. Report 12-2003

Moved by Councillor Hildreth
Seconded by Councillor Bentley

That Report 12-2003, being the minutes of the Community and Health Services Committee meeting of Monday, July 14, 2003, be approved and adopted.

Carried.

(Please see Staff Directions.)

279. Land Ambulance Service
External Review of Service Delivery Options
PHD 46-2003

Moved by Councillor Hildreth
Seconded by Councillor Davidson

That Report PHD 46-2003, respecting Land Ambulance Service, External Review of Service Delivery Options be received and the recommendations contained therein be approved, and

That Regional Council endorse the recommendation to transition the Emergency Medical Services (EMS) to a regionally operated direct delivery service, and that Council approve the staff recommendations contained herein regarding the future delivery of Emergency Medical Services in Niagara, and further

That Report PHD 46-2003, dated July 17, 2003, titled Land Ambulance Service External Review of Service Delivery Options, exclusive of the attachment (Emergency Medical Service Delivery Options Final Report Dated July 8, 2003) be released as a public document effective July 18, 2003.

Carried.

HUMAN RESOURCES COMMITTEE

280. Report 6-2003

Moved by Councillor Nicholson
Seconded by Councillor Andreychuk

That Report 6-2003, being the minutes of the Human Resources Committee meeting of Tuesday, July 15, 2003, be approved and adopted.

281. Councillor Remuneration

Moved by Councillor Collins
Seconded by Councillor McMullan

That the motion in Minute Item 47, to change the annual remuneration for Regional Councillors to \$28,000, beginning in the next term of Council, be lifted and dealt with separately by this Council at this time.

Carried.

Upon a recorded vote being requested, Council divided on the motion as follows:

Voting for the Motion:

Andreychuk	Haeck	
Badawey	Harry	
Bentley	Hildreth	
Burroughs	Konkle	
Collins	Nicholson	
Davidson	Partington	
Eke	Smeaton	
Gabriel	Trombetta	(16)

Voting against the Motion:

Bailey	McMullan	
Brickell	Muir	
Forster	Redekop	
Marshall	Rigby	
Martin	Saracino	(10)

Upon the recorded vote being taken, the Regional Chair declared the motion was carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report 6-2003, being the minutes of the Human Resources Committee meeting of Tuesday, July 15, 2003, was carried.

PUBLIC WORKS AND UTILITIES COMMITTEE

282. Report 13-2003

Moved by Councillor Badawey
Seconded by Councillor Rigby

That Report 13-2003, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, July 15, 2003, be approved and adopted.

283. Environmental Assessment Level
Review of Regional Mid-Term Disposal Alternatives

Moved by Councillor Forster
Seconded by Councillor Eke

That Minute Item 287, Environmental Assessment Level Review of Regional Mid-Term Disposal Alternatives, be lifted and dealt with separately by this Council at this time.

Carried.

Following discussion, it was:

Moved by Councillor Forster
Seconded by Councillor Eke

That the motion on Minute Item 287, Environmental Assessment Level Review of Regional Mid-Term Disposal Alternatives, be amended, by deleting the paragraphs on Page PW 130, and adding the following:

That during the period of time from mid-July to September, the Region and its consultants will prepare a strategy to address the Environmental Assessment Act approval process that will ensure a seamless transition between the "mid-term" period and the "long-term" period.

Carried.

Upon a vote being taken, the Regional Chair declared the motion on Minute Item 287, Environmental Assessment Level Review of Regional Mid-Term Disposal Alternatives, as amended, and which now reads as follows, was carried:

“That Report PWA 109-2003, July 15, 2003, respecting the Final Report – Environmental Assessment, Level Review of Regional Mid-Term Disposal Alternatives, be received for information; and

That during the period of time from mid-July to September, the Region and its consultants will prepare a strategy to address the Environmental Assessment Act approval process that will ensure a seamless transition between the “mid-term” period and the “long-term” period.”

Councillor Burroughs asked to be recorded as opposed to the foregoing motion.

It was noted that an opportunity for public input will be provided at a special meeting of the Public Works and Utilities Committee on Tuesday, September 2, 2003, with a resolution being brought forward to the regular Public Works and Utilities Committee meeting on September 9, 2003, and consideration at Regional Council on September 18, 2003.

284. Burger King Restaurant to Maintain Median
On Regional Road 41 (Woodlawn Road) and
Regional Road 50 (Niagara Street), City of Welland

Moved by Councillor Redekop
Seconded by Councillor Forster

That Minute Item 278, Burger King Restaurant to Maintain Median on Regional Road 41 (Woodlawn Road) and Regional Road 50 (Niagara Street), City of Welland, be lifted and dealt with separately by this Council at this time.

Carried.

Moved by Councillor Redekop
Seconded by Councillor Forster

That the motion on Minute Item 278, Burger King Restaurant to Maintain Median on Regional Road 41 (Woodlawn Road) and Regional Road 50 (Niagara Street), City of Welland, be amended by adding the following paragraph:

That, if this matter is not resolved by August 1, 2003, then this Council advises that capital funds in the amount of approximately \$1.1 million will be reallocated from Regional Road 41 (Woodlawn Road) and Regional Road 50 (Niagara Street) in Welland, to the Thompson Road project in Fort Erie, to initiate the tender call in approximately four (4) weeks.

Carried.

Upon a vote being taken, the Regional Chair declared the motion on Minute Item 278, Burger King Restaurant to Maintain Median on Regional Road 41 (Woodlawn Road) and Regional Road 50 (Niagara Street), City of Welland as amended, and which now reads as follows, was carried:

“That Report PWA 117-2003, July 15, 2003, respecting Burger King Request to Maintain Median on Regional Road 41 (Woodlawn Road) and Regional Road 50 (Niagara Street) in the City of Welland, be received; and

That staff review the proponents request to maintain the configuration of the existing median on Regional Road 41 (Woodlawn Road) and Regional Road 50 (Niagara Street) in the City of Welland; and

That staff meet with all those involved in the said property, as well as Committee Chair Badawey and Mayor Forster, City of Welland, to resolve the proponent’s concerns; and

That, if this matter is not resolved by August 1, 2003, then this Council advises that capital funds in the amount of approximately \$1.1 million will be reallocated from Regional Road 41 (Woodlawn Road) and Regional Road 50 (Niagara Street) in Welland, to the Thompson Road project in Fort Erie, to initiate the tender call in approximately four (4) weeks.”

285. Slogan for the New Collection Services
Waste Management Services Division

Moved by Councillor Badawey
Seconded by Councillor Davidson

That Minute Item 279, Slogan for the New Collection Services, Waste Management Services Division, be lifted and dealt with separately by this Council at this time.

Carried.

Moved by Councillor Davidson
Seconded by Councillor Gabriel

That the committee recommendation for Minute Item 279 be amended to read as follows:

That Regional Council accept the slogan, "Help Curb Waste, Put It In Its Proper Place", and graphics, as presented at Regional Council on July 17, 2003, for Niagara's new collection services.

Carried.

Upon a vote being taken, the Regional Chair declared that the original motion on Report 13-2003, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, July 15, 2003, with the foregoing amendments to Minute Items 287, 278 and 279, was carried.

286. PWA 123-2003

Moved by Councillor Badawey
Seconded by Councillor Rigby

That Report PWA 123-2003, July 17, 2003, Tender Award Contract RN 03-34 Rehabilitation of Smithville Bridge (Structure No. 014230), Regional Road 14 (Griffin Street) 0.16 km south of Regional Road 20 (former Highway 20) in the Township of West Lincoln, be received and recommendations contained therein, be approved.

Carried.

287. PWA 124-2003

Moved by Councillor Badawey
Seconded by Councillor Rigby

That Report PWA 124-2003, July 17, 2003, Tender Award Contract RN 03-37 2003 Hot Mix Resurfacing Program – Part 1, be received and recommendations contained therein, be approved.

Carried.

288. **COMMITTEE OF THE WHOLE**

Moved by Councillor Davidson
Seconded by Councillor Bentley

That the decisions made at the Committee of the Whole meeting on Thursday, July 17, 2003, preceding Council, be ratified.

Carried.

OTHER BUSINESS

289. Thorold Craft Show

Councillor Davidson invited everyone to the Thorold Craft Show, which is being held on Saturday, July 19, 2003 from 10:00 a.m. to 6:00 p.m. and Sunday July 20, 2003 from 10:00 a.m. to 5:00 p.m. at the Battle of Beaverdams Park. Admission is \$3.00 for adults, children 14 and under free, and the funds will be supporting Thorold's Multi-Purpose Recreational Centre. The event will take place rain or shine. For more information, call the Thorold Community Activities Group at 905-227-7248 or 905-227-0545.

290. Fundraising Event 20 Valley/Jordan Harbour Area

Councillor Collins invited everyone to the fundraiser (Summerlude by the Harbour) for the Jordan Harbour/Twenty Valley area on Sunday, July 27, 2003, from 1:00 to 5:00 p.m. at Harbour Estates Winery, 4362 Jordan Road, Jordan Station. Tickets are \$75 per person inclusive (with \$25 tax receipt) and can be purchased by calling the Conservation Niagara Foundation at 905-788-3135.

BY-LAWS

291. Moved by Councillor Redekop
Seconded by Councillor McMullan

That the following bills be now read and do pass:

Bill 60

A by-law to authorize Debenture Financing (1 – 10 Years) in the amount of \$2,370,000 for project ZGL0216 (Capital Purchases/Upgrades for new Materials Recycling Facility) from the approved 2003 Waste Management Capital Budget.

Bill 61

A by-law to provide for the regulation of traffic on Regional Highways in the City of Thorold and City of Niagara Falls

Bill 62

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

Bill 63

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 17th day of July, 2003

Carried.

292. Moved by Councillor Rigby
Seconded by Councillor Marshall

That the following bills be now read and do pass:

Bill 64

A by-law to establish part of Lot 21, Concession 4, in the City of St. Catharines as part of Regional Road No. 42 (Ontario Street)

Bill 65

A by-law to authorize debenture financing (1-10 years) in the amount of \$187,475 for Project ZPO0211, Emergency Services Facility.

Bill 66

A by-law to authorize debenture financing (1-3 years) in the amount of \$315,000 for Project ZGCO201, PC's, Printers and Software.

Bill 67

A By-law to authorize budget allocations, including debenture financing (1-10 years) in the amount of \$8,075,000 for the balance of the 2003 Public Works Capital Programs.

Bill 68

A by-law to authorize debenture financing (1 – 10 Years) in the amount of \$387,500 to finance the 2003 Niagara Peninsula Conservation Authority (NPCA) Capital Budget

Bill 69

A by-law to remove a 12-inch watermain located on Willoughby Drive and Weinbrenner Road, in the City of Niagara Falls from the Regional Water System and transfer same to the City of Niagara Falls

Carried.

STAFF DIRECTIONS

Staff was requested to:

- Investigate sources of revenue (e.g. higher development charges) (Councillor Smeaton)
- Forward a copy of the report from the Staff Task Force on Development Charges on By-law 34-2003, to Councillor Rigby (Minute Item 180, Communication CFS 39-2003)
- Ask the Niagara Peninsula Conservation Authority to bring the development of Charles Daley Park to the Town of Lincoln Council (Minute Item 158 in Report CFS 13-2003) (Councillor Konkle)
- Arrange a meeting with the taxi and specialty vehicle operators to discuss the provision of transit services for the handicapped (Councillor Smeaton)
- Provide an update on tax capping (Councillor Bentley)

ADJOURNMENT

The Council meeting adjourned at 10:06 p.m.

Debbie Zimmerman
Regional Chair

Pam Gilroy
Deputy Clerk

Thomas R. Hollick
Regional Clerk