

# THE REGIONAL MUNICIPALITY OF NIAGARA

## PROCEEDINGS OF COUNCIL

### REPORT CL 12-2003

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Friday, August 15, 2003 commencing at 4:00 p.m.

### ATTENDANCE

Council: Regional Chair Zimmerman; Councillors Bailey, Beamer, Bentley, Brickell, Burroughs, Collins, Davidson, Forster, Gabriel, Konkle, Marshall, McMullan, Partington, Rigby, Saracino, Thomson.

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner of Corporate Services; Farley, Director of Planning Services, Planning Department; Hollick, Regional Clerk; Neville, Commissioner of Public Works; Ms. Fontana, Director of Corporate Health Services and Employee Relations, Human Resources Department; Mr. Hutchings, Director of Operational Support Services, Community Services; Ms. Gilroy, Deputy Regional Clerk.

293.

### CALL TO ORDER

Regional Chair Zimmerman updated Council on the status of the “power blackout”, which had resulted in the cancellation of Council’s regularly scheduled meeting on August 14, 2003. Other members of Council provided updates on the status of the blackout in their municipalities.

The Regional Chair explained that the purpose of this meeting was to deal with urgent business, and the remainder of the business from the August 14 agenda would be deferred until the next Council meeting on September 18.

294.

### CLOSED SESSION

Moved by Councillor Davidson  
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.

295. **CONFLICT OF INTEREST**

Councillor Forster declared an indirect pecuniary interest with respect to the matter of the Regional Wastewater Billing Error in the City of Welland and the Water Billing Error in the Town of Pelham and City of Welland, as she is the Mayor of Welland, and she therefore vacated the Council Chamber and took no part in the discussion of, or voting, on these matters.

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

Moved by Councillor Rigby  
Seconded by Councillor Burroughs

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

Carried.

297. **MOTIONS TO WAIVE PROCEDURE**

Moved by Councillor Rigby  
Seconded by Councillor Forster

That the requirements of Part 4 of Procedural By-law 7174-93, with respect to Special Meetings, be waived.

Carried by 2/3 of the Council members present

Moved by Councillor Gabriel  
Seconded by Councillor Marshall

That the requirements of Part 11.15 (2) of Procedural By-law 7174-93, with respect to notice of consideration of expenditures of \$100,000 or more, be waived.

Carried by 2/3 of the Council members present

**ADOPTION OF THE AGENDA**

298. Moved by Councillor Collins  
Seconded by Councillor Partington

That Council Agenda CL 12-2003, be adopted.

Carried.

**COMMITTEE REPORTS**

299. Tender Award  
Contract RN 03-35  
Rehabilitation of Riverview Bridge  
(Structure No. 029205), Regional Road 29 (Lincoln Street)  
1.1 km East of Regional Road 36 (Pelham Road)  
In the City of Welland
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Moved by Councillor Davidson  
Seconded by Councillor Bentley

That Contract RN 03-35, Rehabilitation of Riverview Bridge (Structure No. 029205), Regional Road 29 (Lincoln Street) 1.1 km east of Regional Road 36 (Pelham Road), in the City of Welland, be awarded to the low tenderer Rankin Construction Inc. (Rankin), at the bid price of \$693,496.00;

That a contingency amount of \$20,000.00 be provided for this contract;

That the engineering agreement with the firm of Ellis Engineering Inc. (Ellis) be extended to include contract administration and inspection services, with the engineering fees being calculated on a time plus disbursements basis, estimated at \$40,000.00, plus G.S.T.;

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara, and;

That all project costs be charged against Capital Works Project ID No. ZRC0134, (Rehabilitation of Structure No. 029205, on Webber Rd over the Welland River).

Carried.

300. Tender Award for Contract RN. 03-39  
2003 Hot Mix Resurfacing Program – Part 2

Moved by Councillor Davidson  
Seconded by Councillor Bentley

That debenture financing (1 – 10 years) in the amount of \$228,000.00 be transferred from Parent Project ZRC0201, 2002 Roads Rehabilitation Program to Parent Project ZRC0301/Project ID RC0342, 2003 Roads Rehabilitation Program;

That the project cost for the Intersection Improvements, Regional Road 54 (Rice Road) at Thorold Road be charged against Parent Project ZRC0327;

That Contract RN 03-39, 2003 Hot Mix Resurfacing Program – Part 2, be awarded to the low tenderer, Norjohn Limited, at its bid price of \$2,383,000.00, excluding G.S.T. (reduced by \$293,000.00 as reported in PWA 137-2003);

That subject to the confirmation of cost sharing, the replacement of water services and associated watermain appurtenance on Regional Road 83 (Carlton Street) and the removal of surplus parking for the purposes of landscaping at the intersection of Regional Road 48 (Niagara Street and Church Street be undertaken for the City of St. Catharines;

That subject to the confirmation of cost sharing, the construction of concrete sidewalks and boulevard reinstatement on Regional Road 100 (Four Mile Creek Road) be undertaken for the Town of Niagara-on-the-Lake;

That a contingency allowance in the amount of \$50,000.00 be provided for this contract;

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara, are presented to Regional Council on August 14, 2003;

That project costs be charged against Parent Project ZRC0301 (Project I.D. RC0342).

Carried.

301. Tender Award for Contract RN. 03-43  
2003 Cold Mix Resurfacing Program

Moved by Councillor Davidson  
Seconded by Councillor Bentley

That Contract RN 03-43, 2003 Cold Mix Resurfacing Program, be awarded to the low tenderer, Northland Bitulithic Limited at its bid price of \$552,506.97 excluding G.S.T.

That a contingency allowance in the amount of \$15,000.00 be provided for this contract.

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara, are presented to Regional Council on August 14, 2003.

That all project costs be charged against Parent Project ZRC0301.

Carried.

**CORPORATE AND FINANCIAL SERVICES COMMITTEE**

302. Report 14-2003

Moved by Councillor Bentley  
Seconded by Councillor Burroughs

That Report 14-2003, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, August 13, 2003, be approved and adopted.

Carried.

**COMMUNITY AND HEALTH SERVICES COMMITTEE**

303. Report 13-2003

Moved by Councillor Brickell  
Seconded by Councillor Bentley

That Report 13-2003, being the minutes of the Community and Health Services Committee meeting of Monday, August 11, 2003, be approved and adopted.

Carried.

**PLANNING SERVICES COMMITTEE**

304. Report 14-2003

Moved by Councillor Beamer  
Seconded by Councillor Marshall

That Report 14-2003, being the minutes of the Planning Services Committee meeting of Wednesday, August 13, 2003, be approved and adopted.

Carried.

305.

**CONFLICT OF INTEREST**

Councillor Forster declared an indirect pecuniary interest with respect to the matter of the Regional Wastewater Billing Error in the City of Welland and the Water Billing Error in the Town of Pelham and City of Welland, as she is the Mayor of Welland, and she therefore took no part in the discussion of, or voting, on these matters.

**PUBLIC WORKS AND UTILITIES COMMITTEE**

306. Report 15-2003

Moved by Councillor Konkle  
Seconded by Councillor Marshall

That Report 15-2003, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, July 29, 2003, be approved and adopted.

Carried.

307. Report 16-2003

Moved by Councillor Konkle  
Seconded by Councillor McMullan

That Report 16-2003, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, August 12, 2003, be approved and adopted.

308. Sale of Surplus Property  
Former Highland Avenue Water Standpipe  
Town of Pelham

Moved by Councillor Collins  
Seconded by Councillor Davidson

That the second paragraph of the recommendation on Minute Item 337, Sale of Surplus Property, Former Highland Avenue Water Standpipe, Town of Pelham, in Report PW 16-2003, be deleted, and replaced with the following:

That the Region accept an offer from Mr. James Marando, in the amount of \$70,000.00. for the purchase of the Region's surplus property at #5 Highland Avenue in the Town of Pelham, which is conditional on rezoning from Public to Residential zoning to permit the construction of a residential dwelling.

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report PW 16-2003, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, August 12, 2003, with the foregoing amendment, was carried.

**JOINT COMMITTEE ON MUNICIPAL SERVICES**

309 Report 1-2003

Moved by Councillor Bentley  
Seconded by Councillor Davidson

That Report 1-2003, being the minutes of the Joint Committee on Municipal Services Committee meeting of Thursday, July 31, 2003, be approved and adopted.

Carried.

**BY-LAWS**

310. Moved by Councillor Partington  
Seconded by Councillor Marshall

That the following bills be now read and do pass:

Bill 71

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 14<sup>th</sup> day of August, 2003.

Bill 72

A by-law of The Regional Municipality of Niagara to authorize the borrowing upon debentures in the principal amount of \$13,219,473 for purposes of The Regional Municipality of Niagara (20 year amortizing debentures).

Bill 73

A by-law of The Regional Municipality of Niagara to authorize the borrowing upon debentures in the aggregate principal amount of \$22,767,000 (\$18,924,000 principal amount of 10 year installment debentures and \$3,843,000 principal amount of 15 year installment debentures) for purposes of the Corporations of the Cities of Niagara Falls, St. Catharines, Welland and Port Colborne and of the Corporations of the Towns of Fort Erie and Niagara-on-the-Lake.

Bill 74

A by-law of The Regional Municipality of Niagara to authorize the borrowing upon debentures in the aggregate principal amount of \$19,013,527 (\$1,422,226 principal amount of 3 year installment debentures, \$4,451,709 principal amount of 5 year installment debentures and \$13,139,592 principal amount of 10 year installment debentures) for purposes of the Regional Municipality of Niagara.

Bill 75

A by-law of the Regional Municipality of Niagara to authorize the borrowing upon debentures in the principal amount of \$41,780,527 for purposes of the Regional Municipality of Niagara.

Bill 76

A by-law to establish part of Township Lot 177, in the Town of Pelham as part of Regional Road No. 36 (South Pelham Street)

Bill 77

A by-law to establish part of range 24, Plan 1, in the City of Niagara Falls as part of Regional Road No. 102 (Stanley Avenue)

Bill 78

A by-law to establish blocks 50, 51, 52 and 53, Plan 59M-313, in the Town of Fort Erie, as part of Regional Road No. 1 (Dominion Road)

Bill 79

A by-law to amend by-law 145-1999 in respect of the Waste Management System.

Bill 80

A by-law to authorize debenture financing (1-3 years) in the amount of \$1,796,000 for Project ZGC0301 (PC's Printers, Software) from the approved 2003 Information Services Capital Budget.

Bill 81

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

Carried.

**ADJOURNMENT**

The Council meeting adjourned at 4:45 p.m.

Debbie Zimmerman  
Regional Chair

Pam Gilroy  
Deputy Clerk

Thomas R. Hollick  
Regional Clerk