

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 13-2003

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, September 18, 2003 commencing at 5:05 p.m.

ATTENDANCE

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

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; Nicol, Commissioner Human Resources Department; Ms. Heidebrecht, Director, Children's Services, Community Services; Dr. Klooz, Associate Commissioner of Public Health; Ms. Gilroy, Deputy Regional Clerk.

Other: Ms. Helen Chamberlain, Brian Hutchings, Director, Operational Support Services, Community Services Department;. Gord Lockyer, Margaret Murphy,

311. **RESOLVE INTO COMMITTEE OF THE WHOLE**

Moved by Councillor Collins
Seconded by Councillor Eke

That this Council do now resolve into Committee of the Whole.

Carried.

COMMITTEE OF THE WHOLE

312. 2004 Capital and Current Budget
Preliminary Overview

Shafee Bacchus, Commissioner of Corporate Services, presented a preliminary overview of the Capital and Current Budget, which included the following, and responded to questions from Council members:

- Historical Spending Patterns and Levy Trends
- Tax Ratio Trends

- Alignment with Council Business Plan
- 2003 Year-End Forecast
- Recommended Solutions 2003 – Year End Variance
- 2004 Budgets – Operational Challenges Levy Supported
- CAO initiatives, e.g. Multi-Year Budgeting
- Debt Financing Strategy

(Please refer to Staff Directions.)

313. Status on Achieving Sustainable Savings

Mike Trojan, Chief Administrative Officer, provided an overview of his memorandum to Council, which reported on the progress towards achieving sustainable savings for the 2004 budget. He advised that a further report would be presented suggesting opportunities for revenues.

(Please Refer to Staff Directions.)

314. Letter from Deb Morton
Re: Budgetary Reporting Timelines
Of the Niagara Regional Police Services' Budget

Moved by Councillor Martin
Seconded by Councillor Muir

That the letter from Deb Morton, Executive Director, Police Services Board, with respect to the Budgetary Reporting Timelines of the Niagara Regional Police Services' Budget to Council, be referred to the Corporate and Financial Services Committee.

Carried.

315. Lame Duck Period
Municipal Election 2003
Delegation of Authority
CSD 130-2003

Mr. Hollick, Regional Clerk, provided an overview of Report CSD 130-2003, and responded to questions from Council members.

Moved by Councillor Haeck
Seconded by Councillor Trombetta

That Report CSD 130-2003, "Lame Duck" Period, Municipal Election 2003, Delegation of Authority, be received, and

That, conditional upon and effective upon, the "Lame Duck" provisions coming into effect for Regional Council in respect of the 2003 municipal election, Council delegates to the Chief Administrative Officer, only to the extent not already delegated, authority over the following actions:

- (a) the appointment or removal from office of any officer of the Region;
- (b) the hiring or dismissal of any employee of the Region;
- (c) the disposition of any real or personal property of the Region which had a value exceeding \$50,000 when it was acquired by the Region; and
- (d) making any expenditures or incurring any other liability which exceeds \$50,000,

provided that such authority shall extend only until the first meeting of the new Council, and

That the CAO report to the new Council on all actions taken pursuant to this delegation.

Carried.

316. Date of Next Regional Council Meeting

As the next regularly scheduled meeting of Regional Council falls on October 2, 2003, which is the date of the provincial election, it was:

Moved by Councillor Thomson
Seconded by Councillor Martin

That the next Regional Council meeting be held on Wednesday, October 1, 2003, at 4:00 p.m.

Carried by 2/3 of the Council members.

317. RISE FROM COMMITTEE OF THE WHOLE

Moved by Councillor Saracino
Seconded by Councillor Partington

That this Committee of the Whole do now rise with report.

Carried.

RECESS FOR DINNER

Committee of the Whole adjourned at 6:35 p.m. for dinner in the cafeteria.

318. **COUNCIL MEETING**

Following Committee of the Whole, Council met in regular session, commencing at 7:05 p.m. with an Invocation by Councillor Thomson, followed by the singing of O' Canada

319. **ADOPTION OF THE AGENDA**

Moved by Councillor Thomson
Seconded by Councillor Collins

That the Council Agenda be amended by moving forward the Community and Health Services Committee minutes, the motion with respect to the increase in Councillors' remuneration, and the Human Resources Committee minutes.

Carried.

Moved by Councillor Collins
Seconded by Councillor Eke

That Council Agenda CL 12-2003, be adopted, as amended.

Carried.

320. **CONFLICT OF INTEREST**

Councillor Beamer declared an indirect pecuniary interest with respect to any matters related to the billing error, City of Welland and Town of Pelham, as he is the Mayor of Pelham, and he therefore took no part in the discussion of, or voting, on these matters.

Councillor Forster declared an indirect pecuniary interest with respect to any matters related to the billing error, City of Welland and Town of Pelham, as she is the Mayor of Welland, 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 Minute Item 201, Consent Summary from June 1, 2003 to August 31, 2003, in Report PS 15-2003, as it relates to Gakhal, Joginder and Kuldip, Town of Niagara-on-the-Lake, as the applicants are clients of his law firm, and he therefore took no part in the discussion of, or voting, on this matter.

Councillor Nicholson declared an indirect pecuniary interest with respect to Minute Item 202, Regional Comments on Development Proposals, in Report PS 15-2003, as it relates to the Proposed Official Plan and Zoning By-law Amendments, Dunn Street and Ailanthus Avenue, City of Niagara Falls, as he owns property in the area, and as it relates to Zoning By-law Amendment, Slater Avenue, City of Niagara Falls, as the applicant is a client of his law firm, and he therefore took no part in the discussion of, or voting, on these matters.

Councillor Partington declared an indirect pecuniary interest with respect to any matters involving his spouse, as she is an employee of the Public Health Department 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 an employee of 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 Minute Item 209, Impact of Amendment to Development Charges By-law 111-1999, in Report CFS 15-2003, as his family has an interest in a development company and he therefore took no part in the discussion of, or voting, on this matter.

Councillor Timms declared an indirect pecuniary interest with respect to Minute Item 210, Award of Contracts, RN 03-03, and 03-25, in Report CFS 15-2003, as his family is an associate of the company awarded the contract, and he therefore took no part in the discussion of, or voting, on this matter.

321.

CHAIR'S REMARKS

The Regional Chair expressed thanks to:

- Balfour Greenhouses Limited of Fenwick for the Kalanchoes displayed in the Council Chamber
- staff for their efforts during the power blackout in August
- all who worked on and participated in, the Regional Chair's Golf Tournament - \$105,000 was raised to benefit the Niagara Community Foundation
- Mayor Forster for hosting meetings about Atlas Steele and what we can do to assist employees during a transition period

The Regional Chair expressed congratulations to Rich Products on their 40th anniversary of serving the community.

The Regional Chair provided highlights of events since the last meeting:

- Northland Pointe, one of our newly-built long-term care facilities, celebrated its official opening on August 8 and made a special dedication to Councillor Bob Saracino for his efforts and dedication to the residents of Port Colborne
- a public meeting was held in the Grimsby Council Chamber last week regarding Proposed Policy Plan Amendment 183 (Place for People – Investing in Urban Communities)
- several events were held to celebrate the beginning of the 52nd Wine Festival

APPROVAL OF MINUTES

322. Report 11-2003

Moved by Councillor Bentley
Seconded by Councillor Gabriel

That Report 11-2003, being the minutes of the Proceedings of the Council meeting of Thursday, July 17, 2003 be approved and adopted.

Carried.

323. Report 12-2003

Moved by Councillor Bailey
Seconded by Councillor Forster

That Report 12-2003, being the minutes of the Proceedings of the Council meeting of Friday, August 15, 2003 be approved and adopted.

Carried.

CORRESPONDENCE

324. Communications from August 14 cancelled Council meeting were received and dealt with as follows:

C6122 Card of thanks from Anita Zdrojewski, an employee of the Community Services Department, and family for the kind donation to the Gilmore Lodge Memorial Fund in memory of her mother-in-law, Martha Brunkau.

Received.

C6123 Emma Lowman, the 2000 recipient of the Silver Anniversary Bursary (August 3, 2003) expressing gratitude to Council and the Region of Niagara for the bursary and support as she enters her fourth year at McMaster University.

Received.

C6124 Memorandum from Thomas R. Hollick, Regional Clerk (July 25, 2003) respecting the 2003-2004 Board of Directors of the Niagara Economic and Tourism Corporation.

Received.

- C6125 Cameron Summers, Special Assistant – Ontario, Office of the Minister of Transport, (July 21, 2003) respecting a plan to manage vehicular traffic at the Niagara Canada - U.S. border crossings.
- Received and referred to Public Works Department
- C6126 St. Catharines Cycling Club Limited (July 17, 2003) respecting the requirements for road use from the municipalities and the Region including permits and police co-operation during the World Cycling Grand Prix on Sunday, October 5, 2003.
- Received and referred to Public Works Department
- C6127 Deb Morton, Executive Director, Regional Municipality of Niagara Police Services Board (July 22, 2003) respecting the Police Services Board Election Results.
- Received and referred to Corporate and Financial Services Committee for Information
- C6128 Card of thanks from Gail Reilly, an employee in the Clerk's Office, and family for the kind donation to the Carleton United Church in memory of her father-in-law, Eugene Herbert Lampman.
- Received.
- C6129 Fred A. Norton, St. Catharines (July 23, 2003) respecting the Regional Councillors Remuneration vote.
- Received.
- C6130 Joe Fourgere, Niagara-on-the-Lake (July 28, 2003) respecting the Regional Councillors Remuneration salary increase.
- Received.
- C6131 Christine Kerr, the 2002 recipient of the Silver Anniversary Bursary (August 5, 2003) expressing gratitude to Regional Council and staff for the bursary and the opportunities she has experienced.
- Received.

C6132 John D. Maloney, Member of Parliament, Ottawa (July 29, 2003) respecting the tourism industry workers affected by SARS and help for employees through the employment insurance system. (Received earlier with your agenda package)

Received.

C6133 Ron and Shirley Martin, Vineland (August 12, 2003) respecting the Councillors Remuneration increase vote.

Recommended Action:
--Receive.

C6134 Natasha M. Annett, the 2000 recipient of the Brain E. Merrett Bursary (August 10, 2003) expressing gratitude for the bursary and updating the Chair and Regional Council on her studies at Brock University and plans for the future.

Received.

C6135 Regional Chair Debbie M. Zimmerman (August 8, 2003) respecting the council remuneration, and that a process for review is established and appropriate input obtained.

Referred to discussion on Councillors' Remuneration.

C6136 City of Welland resolution (August 14, 2003) urging Regional Council to reconsider its recent decision to remuneration.

Received.

C6137 Updated Appendix A to Report HR 32-2003, with respect to a survey of Councillor remuneration.

Received.

Moved by Councillor Collins
Seconded by Councillor Saracino

That Communications C6122 to C6137, be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

325. Communications were received and dealt with as follows:

- C6138 Card of thanks from Anne Morton, an employee in the Community Services Department and family for the kind donation to St. Columba's Hospice Challenger Lodge in Edinburgh, Scotland in memory of her sister Moira Reilly.
- Received.
- C6139 Debbie M. Zimmerman, Regional Chair (September 12, 2003) respecting Resolutions from other Municipalities
- Corporation of the Town of Gravenhurst resolution (August 5, 2003) requesting the Minister of Municipal Affairs and Housing consider amendments to the Planning Act to authorize municipalities to pass by-laws that are sensitive to the size and makeup of our smaller Ontario communities.
- Received.
- C6140 Copy of a letter to the Editor by Alun Hughes, City of Thorold respecting views on the no-smoking by-law and councillor remuneration.
- Received
- C6141 Coleman Bagu, City of Port Colborne (August 18, 2003) respecting an article in the St. Catharines Standard titled "Study could offer ferry inspiration".
- Received.
- C6142 William Miller, Town of Fort Erie (August 26, 2003) respecting the recent traffic accident on the Garden City Skyway and the gridlock of traffic throughout the peninsula for hours causing lengthy delays.
- Received.
- C6143 Card of thanks from Angelo Rubino, and employee of Sunset Haven/Rapelje Lodge for the kind donation to St. Augustine's Parish Memorial Fund in memory of his father Pasquale Rubino.
- Received.

- C6144 Town of Fort Erie resolution (August 25, 2003) respecting their response to the Bi-national Integrated Environmental Process – Draft Scoping Document/Alternative Screen Report, July, 2003.
- Received.
- C6145 City of Port Colborne resolution (August 20, 2003) respecting Regional By-Law 22-2002, a By-Law Regulating Tobacco Products in Public and Work Places be amended to permit smoking in restaurant/bar establishments between the hours of 8:00 p.m. and 3:00 a.m.
- Received and referred to Community and Health Services Committee.
- C6146 Card of thanks from Mr. Aldo DeSantis and family for the kind donation to St. Joseph's Hospital Foundation in memory of his wife Lina DeSantis.
- Received.
- C6147 Jane Stewart, P. C., M. P, Minister of Human Resources Development (July 29, 2003) respecting the economic impact of Severe Acute Respiratory Syndrome on Niagara Region hospitality industry employees.
- Received.
- C6148 Kim Stasiak, RN, Niagara Emergency Care Conference Planner (August 28, 2003) respecting the upcoming Niagara Emergency Care Conference at Four Points Suites, St. Catharines, on Thursday, September 25, 2003.
(Registration information obtained in the Clerk's Office)
- Received.
- C6149 David Hanratty, H.B.Sc., Resource Manager, SW Region, Lafarge North America (September 2, 2003) respecting an invitation to attend the 2003 Lafarge Fonthill Pit Open House on Saturday, October 4, 2003.
- Received.

C6150 William Rickers, CA Brock Graduate and Chair, Brock Days (September 16, 2003) respecting an invitation to attend Brock Days celebration on September 26, 27, and 28, 2003.

Received.

C6151 Katherine Glowacz, (August 23, 2003) expressing appreciation and gratitude for being chosen as the recipient of the 2003 Silver Anniversary Bursary for McMaster University.

Received.

C6152 Colleen McIntosh, (August 21, 2003) expressing gratitude for being chosen as the recipient of the 2003 Regional Chair's Bursary for Brock University.

Received.

C6153 Marc Bertrand-Hansen, recipient of the 1999 Brian E. Merrett Bursary (August 28, 2003) respecting his future as he has graduated from Niagara College and expressing thanks to the Regional Chair and Members of Council.

Received.

Moved by Councillor Davidson
Seconded by Councillor Muir

That Communications C6138 to C6153, be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

326.

CONFLICT OF INTEREST

Councillor Badawey declared an indirect pecuniary interest with respect to Resolutions 4 and 5 of the International Association of Great Lakes and St. Lawrence Mayors, as he owns a business related to the marine industry, and he therefore took no part in the discussion of, or voting, on these matters.

RESOLUTIONS FROM OTHER MUNICIPALITIES

327. Moved by Councillor Rigby
Seconded by Councillor Muir

That the City of Port Colborne resolution respecting The international Association of Great Lakes and St. Lawrence Mayors, and their support of resolutions 1 to 9, as presented to and approved by the Board of Directors at its June, 2003, meeting, be supported.

Carried.

PRESENTATIONS

328. Regional Bursaries

Regional Chair Zimmerman, Councillor Muir, Chair, and Councillor Saracino, Member, Adjudication Committee, presented the Silver Anniversary Bursary, supported by Buffett Taylor and Associates, and the Regional Chair's Bursaries to this year's recipients. The Committee had a difficult task of choosing the recipients from the applications that were received, and were very impressed with the scholastic achievements and community involvement of all the students.

The 2002 Silver Anniversary recipient, Christine Kerr expressed her appreciation to Council and Buffett Taylor for the assistance of the bursary funds during her year at McMaster University.

The Silver Anniversary Bursary was presented to Katherine Betty Glowacz, a graduate of Sir Winston Secondary School in St. Catharines, who will be pursuing a degree in Arts and Sciences at McMaster University, with plans to go on to Medical School with a goal to simultaneously practice medicine and conduct Research. The Regional Chair's Bursary for Brock University was presented to Colleen Marie McIntosh, a graduate of Sit Winston Secondary School in St. Catharines, who will be pursuing a degree in Business Administration. The Regional Chair's Bursary for Niagara College was presented to Joseph Franklin Crawford, a graduate of Lakeshore Catholic High School in Port Colborne, who will be studying Broadcasting – Radio, TV and film, and hopes to work in radio and television. In addition, Regional Councillors acknowledged seven other finalists with certificates of recognition: Silver Anniversary Bursary – Ashley Kathleen Clayton, Aaron William Staples and Ashley Laura Szpurko; Regional Chair's Bursary, Brock – Iwona Anna (Yvonne) Bielska and Daniel Gaetano Costabile; Regional Chair's Bursary, Niagara College – Kelly Lynn Boardman and Nicholas Dennis Piniak.

329. T. Roy Adams Humanitarian of the Year Award

Regional Chair Zimmerman and Councillor Badawey were pleased to present the T. Roy Adams Humanitarian of the Year Award to Jack O'Neil, a resident of Port Colborne. This is the first year for the award, which will be presented annually to a resident of Niagara to honour the memory of the late T. Roy Adams; one who exemplifies Roy's values and dedication to community service. Mr. O'Neil has an outstanding record of community service in many programs and organizations. To highlight a few, he was a founding member of the Niagara Gatekeeper Program, watching out for vulnerable seniors in need; an advocate for the Public Health Department's Medication Record and "Are You in Jeopardy" campaign; a founding organizer of the (now annual) Christmas Day Dinners for seniors and others; and is involved in the Out of the Cold Program in Port Colborne, and the "Getting to Know Your Parents and Grandparents" Program in local elementary and secondary schools. Jack has received many awards for his volunteer service and does it, as he says, "because I love to do it – not for the praise", and "because every person matters".

COMMUNITY AND HEALTH SERVICES COMMITTEE

330. Report 14-2003

Moved by Councillor Hildreth
Seconded by Councillor Davidson

That Report 14-2003, being the minutes of the Community and Health Services Committee meeting of Monday, September 8, 2003, be approved and adopted, save and except the closed session items.

331. Ontarians with Disabilities Act, Accessibility Plan

Moved by Councillor Collins
Seconded by Councillor McMullan

That Minute Item 181, Ontarians with Disabilities Act, Accessibility Plan, be lifted and dealt with separately by this Council at this time.

Carried.

Upon a vote being taken, the Regional Chair declared the motion on Minute Item 181, Ontarians with Disabilities Act, Accessibility Plan, was carried unanimously.

Upon a vote being taken, the Regional Chair declared the motion on Report 14-2003, being the minutes of the Community and Health Services Committee meeting of Monday, September 8, 2003, was carried.

332. Regional Councillors Remuneration

Several speakers addressed Council with respect to the proposed increase in Councillors' remuneration, effective December 1, 2003. Mr. Brian Skrydstrup, a resident of St. Catharines; Mr. Wayne Gates, a resident of Niagara Falls; and Steve Leavitt, President, CUPE Local 1287, addressed Council to express their concerns with respect to the increase. The speakers suggested that increases for Councillors should be in line with the salary increases given to other employee groups, and a citizens' committee should be struck to develop a fair compensation and a formula for future increases.

MOTIONS

333. Councillors' Remuneration

Moved by Councillor Collins
Seconded by Councillor Partington

That Council reconsider the issue of remuneration for Regional Councillors which was passed on July 17, 2003.

Carried by 2/3 of the Council members present.

Regional Council then had for consideration, the motion on Councillors' remuneration, which was approved by Regional Council on July 17, 2003, and read as follows:

"That the annual remuneration for Regional Councillors be changed to \$28,000 beginning in the next term of Council."

Upon a vote being taken, the Regional Chair declared the motion was lost.

HUMAN RESOURCES COMMITTEE

334. Report 7-2003

Moved by Councillor Nicholson
Seconded by Councillor Smeaton

That Report 7-2003, being the minutes of the Human Resources Committee meeting of Tuesday, September 9, 2003, be approved and adopted, save and except the closed session items.

335. Councillors' Remuneration

Moved by Councillor Davidson
Seconded by Councillor Muir

That Minute Item 53, Councillors' Remuneration, be lifted from Report HR 7-2003, and dealt with separately by this Council at this time.

Carried.

Moved by Councillor Davidson
Seconded by Councillor Thomson

That the third paragraph of the recommendation on Minute Item 53, Councillors' Remuneration, be deleted and replaced with the following:

That the matter of Councillors' remuneration be referred to the Regional Chair, working with the Regional Clerk, to form a citizens' committee to review and make recommendations on a base salary for Regional Councillors, and to develop a formula for annual adjustment, and

That the citizens' committee report to Regional Council before the end of its current term.

Carried.

Upon a vote being taken, the Regional Chair declared the motion on Minute Item 53, Councillors' Remuneration, with the foregoing amendment, and which now reads as follows, was carried.

That the Human Resources Committee recommends that, following passage of the reconsideration motion on Councillors' remuneration, the following motion be adopted:

That the proposed pay increase for Regional Councillors, effective December 1, 2003, be rescinded, and

That the matter of Councillors' remuneration be referred to the Regional Chair and Regional Clerk, to form a citizens' committee to review and make recommendations on a base salary for Regional Councillors, and to develop a formula for annual adjustment, and

That the recommendations of the citizens' committee be reported to Regional Council before the end of its current term.

Upon a vote being taken, the Regional Chair declared the motion on Report 7-2003, being the minutes of the Human Resources Committee meeting of Tuesday, September 9, 2003, was carried, as amended.

CORPORATE AND FINANCIAL SERVICES COMMITTEE

336. Report 15-2003

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 15-2003, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, September 10, 2003, be approved and adopted, save and except the closed session items.

Carried.

PLANNING SERVICES COMMITTEE

337. Report 15-2003

With reference to Minute Item 206, Communication PD 54-2003, Zenga Consent Application, City of Niagara Falls, Councillor Smeaton, Chair, Planning Services Committee, advised that further discussions would be held to resolve the issues raised.

Moved by Councillor Smeaton
Seconded by Councillor Beamer

That Report 15-2003, being the minutes of the Planning Services Committee meeting of Wednesday, September 10, 2003, be approved and adopted.

338. World Canals Conference

Moved by Councillor Bailey
Seconded by Councillor Timms

That Minute Item 204, World Canals Conference, 2003 Edinburgh, Scotland and 2004 Niagara, be lifted and dealt with separately by this Council at this time.

Carried.

Upon a vote being taken, the Regional Chair declared the motion on Minute Item 204, World Canals Conference, 2003 Edinburgh, Scotland and 2004 Niagara, was carried.

Upon a vote being taken, the Regional Chair declared the motion on Report 15-2003, being the minutes of the Planning Services Committee meeting of Wednesday, September 10, 2003, was carried.

339. Regional Policy Plan Amendment 183

Moved by Councillor Bentley
Seconded by Councillor Hildreth

That the time for comment on Regional Policy Plan Amendment 183 (Minute Item 208) be expanded and involve all stakeholders.

Carried.

(Please refer to Staff Directions.)

PUBLIC WORKS AND UTILITIES COMMITTEE

340. Report 17-2003

Moved by Councillor Badawey
Seconded by Councillor Redekop

That Report 17-2003, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, September 2, 2003, be approved and adopted.

Carried.

341. Report 18-2003

Moved by Councillor Redekop
Seconded by Councillor Badawey

That Report 18-2003, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, September 9, 2003, be approved and adopted, save and except the closed session items.

Carried.

(Please refer to Staff Directions.)

342. Tender Award for Contract RN 03-45

Moved by Councillor Badawey
Seconded by Councillor Redekop

That Report CSD 131/PWA 150-2003, September 18, 2003, Tender Award for Contract RN 03-45, 2003 Intersection Improvement at Regional Road 41 (Woodlawn Road) and Regional Road 50 (Niagara Street) in the City of Welland, and the recommendations contained therein, be approved and adopted.

Carried.

343. **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, September 18, 2003, preceding Council, be ratified.

Carried.

MOTIONS

344. **Public Health Department Services**

Councillor Timms advised that the Chief Administrative Officer was preparing a report for the next Council meeting which is related to the issues raised in his motion on Public Health Department Services.

Moved by Councillor Badawey
Seconded by Councillor Smeaton

That the motion put forward by Councillor Timms respecting Public Health Department Services be deferred and dealt with in the context of the report from the Chief Administrative Officer.

Carried.

BY-LAWS

345. Moved by Councillor Eke
Seconded by Councillor Thomson

That the following bill be now read and do pass:

Bill 70

A by-law to provide for the preservation, retention and destruction of records of the Regional Corporation.

Carried.

346. Moved by Councillor Forster
Seconded by Councillor Thomson

That the following bill be now read and do pass:

Bill 82

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 18th day of September, 2003.

Carried.

347. Moved by Councillor Gabriel
Seconded by Councillor Bentley

That the following bill be now read and do pass:

Bill 83

A by-law to establish part of Lot 17 Concession 2, part of Lot 93, Corporation Plan 3, part of Lot 1, Corporation Plan 3 and Block 105, Plan 30M-145, in the Town of Lincoln as part of Regional Road No. 18 (Ontario Street)

Bill 84

A by-law to establish part Block G and Block H, City Plan 79, in the City of St. Catharines as part of Regional Road No. 83 (Carlton Street)

Bill 85

A by-law to establish part of Niagara Township Lot 120, in the Town of Niagara-on-the-Lake, as part of Regional Road No. 55 (Niagara Stone Road)

Carried.

CLOSED SESSION

348. Moved by Councillor Badawey
Seconded by Councillor Rigby

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.

349. **CONFLICTS OF INTEREST**

Councillor Forster declared an indirect pecuniary interest with respect to any matters related to the billing error, City of Welland and Town of Pelham, 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.

Councillor Partington declared an indirect pecuniary interest with respect to any matters involving his spouse, as she is an employee of the Public Health Department and he therefore vacated the Council Chamber and took no part in the discussion of, or voting, on these matters.

Councillor Thomson declared an indirect pecuniary interest with respect to any matters involving CUPE Local 1263, as a family member belongs to this local, and he therefore vacated the Council Chamber and took no part in the discussion of, or voting, on these matters.

350.

EXTEND CURFEW

Moved by Councillor Badawey
Seconded by Councillor Smeaton

That the 11:00 p.m. curfew be extended.

Carried.

351. Corporate Labour Relations and Compensation Strategy, 2004-2006

Moved by Councillor Eke
Seconded by Councillor Collins

That the Commissioner of Human Resources proceed as directed with respect to an adjustment to the compensation strategy for the collective bargaining units.

Carried.

352. Development Charges – Brock Plaza

Moved by Councillor Martin
Seconded by Councillor Saracino

That the oral report presented by the Director, Legal Services, with respect to negotiations on development charges with Brock Plaza be received, and the Director be authorized to proceed in accordance with his recommendations.

Carried.

353. Closed Session Items

Moved by Councillor Martin
Seconded by Councillor Redekop

That the closed session items from the standing committees, be approved, with the amendment as noted above.

Carried.

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

Moved by Councillor Gabriel
Seconded by Councillor Bentley

That this Committee of the Whole do now rise with report.

Carried.

STAFF DIRECTIONS

Staff was asked to

- include in future reports, the growth in complement by department over the last 3-4 years related to downloading (Minute Item 311) (Councillor Rigby)
- submit proposed budgets to Standing Committees earlier in the budget cycle (Minute Item 312) (Councillor Timms)
- develop a process for communicating information in a timely manner (Minute Item 334) (Councillor Marshall)
- make policy plan amendment information available on the Regional website (Minute Item 334) (Councillor Collins)
- update municipalities on progress related to changes to waste programs on a regular basis (Minute Item 337) (Councillor Trombetta)
- obtain further comparative information on MTO union position wages (Minute Item 345)

ADJOURNMENT

The Council meeting adjourned at 11:15 p.m.

Debbie Zimmerman
Regional Chair

Pam Gilroy
Deputy Clerk

Thomas R. Hollick
Regional Clerk