

**THE REGIONAL MUNICIPALITY OF NIAGARA**

**PROCEEDINGS OF COUNCIL**

**REPORT CL 16-2003**

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The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, November 6, 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, Konkle, Marshall, Martin, Muir, Nicholson, Partington, Redekop, Rigby, Saracino, Smeaton, Thomson, Timms.

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

401.

**CLOSED SESSION**

Moved by Councillor Muir  
Seconded by Councillor Martin

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.

402.

**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, and he therefore vacated the Council Chamber, and 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 vacated the Council Chamber and took no part in the discussion of, or voting, on these matters.

403. Surplus Land, Niagara Falls

Moved by Councilor Thomson  
Seconded by Councillor Eke

That the matter of the sale of surplus land at the site of the former Dorchester Manor Long Term Care Facility, be referred back to staff for further discussion and report.

Carried.

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

404. Moved by Councillor Badawey  
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 7:00 p.m. with an Invocation by Councillor Andreychuk, followed by the singing of O' Canada.

405. **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, and he 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 241, Additional Information on Official Plan Amendment No. 49, Proposed Tourist Commercial Parking Lot and Commercial Building, South Side of Dunn Street, west of Ailanthus Avenue in the City of Niagara Falls, in Report PS 18-2003, as he has an interest in a property on Dunn Street, 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 the Minute Item 246, Appeal of Consent Application B41/2003/NF, Frank Franze, Fernando & Mary Berlinger, Gino & Irma Giallonardo, Anthony & Rose Marra, Bruno & Mary Franze, Ronald Yetman, Cindy Patterson, North Side of Detenbeck Road, west of the Niagara River Parkway in the City of Niagara Falls, in Report PS 18-2003, as he has been retained by Mr. Franze on another matter, 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 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 property on Roberts Street, as a family member resides on Roberts Street, and he therefore took no part in the discussion of, or voting, on these matters.

406. **ADOPTION OF THE AGENDA**

Moved by Councillor Thomson  
Seconded by Councillor Collins

That the Planning Services Committee minutes be moved forward on the agenda and dealt with before the Corporate and Financial Services Committee minutes.  
Carried.

Moved by Councillor Eke  
Seconded by Councillor Collins

That the Council Agenda CL 16-2003 be adopted as amended.  
Carried.

407. **CHAIR'S REMARKS**

The Regional Chair thanked Jeffrey's Greenhouses of St. Catharines for the beautiful cyclamen in the Council Chamber.

The Regional Chair congratulated the recipients of the Ontario Chamber of Commerce Awards and the Niagara Entrepreneur of the Year Awards; and updated Council on the Citizens Committee on Council Remuneration, chaired by Professor David Whorley of Brock University.

The Regional Chair read a letter from Councillor Trombetta, who sent her apologies for not attending the meeting as her father was having open heart surgery. Councillor Trombetta sent a thank you to Council and staff for their support and guidance during this term and wished everyone success in the election.

The Regional Chair urged all citizens to vote and wished all the candidates good luck in the upcoming election. She also invited everyone to attend Election Central here at Regional Headquarters.

**APPROVAL OF MINUTES**

408. Report 15-2003

Moved by Councillor Bailey  
Seconded by Councillor Forster

That Report 15-2003, being the minutes of the Proceedings of the Council meeting of October 16, 2003, be approved and adopted.

Carried.

**CORRESPONDENCE**

409. Communications were received and dealt with as follows:

C6163 Card of thanks from Elizabeth Ignatczyk and family for the kind donation to the Kinsmen Club of Niagara-on-the-Lake in memory of her husband Stan Ignatczyk.

Received.

C6164 Coleman Bagu Sr., Port Colborne, respecting the location for the proposed site of the new Niagara Regional Hospital.

Received.

C6165 Town of Fort Erie resolution (October 16, 2003) extending congratulations and best wishes to Regional Chair Zimmerman for her chairmanship and leadership of Regional Council for the past six years.

Received.

C6166 Debbie M. Zimmerman, Regional Chair (October 31, 2003) respecting Resolutions from other Municipalities.

City of Kingston resolution call on the Electricity Distributors Association to support all municipal governments, including Kingston, Toronto, Ottawa, Windsor, and London, in their efforts to have generation and distribution of electricity in Ontario returned to the public domain.

Received.

C6167 Card of thanks from Cam Wilson, an employee of the Public Works Department, and family for the kind donation to the Heart and Stroke Foundation in memory of his mother Pansy Wilson.

Received.

- C6168 Card of thanks from Val Smith, an employee in the Community Services Department, and family for the kind donation to the Canadian Cancer Society in memory of her father, David Engstrom.

Received.

- C6169 Patricia Martin, Nancy Bellantino, and Wendy Dueck, Fonthill, Ontario (October 26, 2003) respecting the traffic and safety issues at the intersection of Highway and Station Street in the Town of Fonthill.

Moved by Councillor Smeaton  
Seconded by Councillor Badawey

That Ms. Martin, Ms. Bellantino and Ms. Dueck, be invited to attend the next Public Works Committee meeting to present their concerns respecting traffic and safety issues at the intersection of Highway and Station Street in the Town of Fonthill.

Carried.

- C6170 Card of thanks from Angie Anderson, and family for the kind donation to the Tender Wishes Foundation in memory of her husband, Mike Anderson.

Received.

- C6171 Copy of a letter to the Honourable Steve Peters, Minister of Agriculture and Food from Regional Chair Zimmerman (October 30, 2003) respecting Niagara's Agricultural Task Force discussion paper "Securing a Legacy for Niagara's Agricultural Land – A Vision from One Voice.

Received.

- C6172 Report CLK 32-2003, Election Central 2003.

Received.

Moved by Councillor Beamer  
Seconded by Councillor Eke

That Communications C6163 to C6172, be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

## **PRESENTATIONS**

### 410. Down Syndrome Awareness Week – November 1-7

Ms. Lily Iuliano, President, and her daughter Brianna, and Ms. Anjie Inglis, Secretary, and her son Adam, Down Syndrome Caring Parents Niagara, updated Regional Council on the services and programs offered by the association to parents of children with Down Syndrome. Brianna presented the Regional Chair with the Down Syndrome calendar for 2004.

### 411. Bicycle Friendly Awards

Regional Chair Zimmerman and Councillor Gabriel presented the Bicycle Friendly Award Winners for 2003. Small Business Winners: Gold, Liberty! Bicycles; Silver, Ski Pro Shop; Bronze, Vickers' Imports. Workplace Winners: Gold, Oxy Vinyls Canada Inc.; Silver, Georgia Pacific Canada Inc., Thorold; Bronze, Venest Industries. Government Institutions: Gold, City of Niagara Falls, Trailways and Bikeway Committee; Silver, Province of Ontario Ministry of Transportation, St. Catharines Office. Educational Institutions: Gold, Gracefield Public School; Silver, Niagara College.

Certificates of Recognition for Workplaces were also presented to PolyOne Canada Inc., Niagara Falls; Panabrasive Inc., Welland and the Heart and Stroke Foundation of Ontario, Niagara Region. A Certificate of Recognition for Small Business was presented to Avondale #21, 84 Pelham Road, St. Catharines.

The Regional Niagara Bicycling Committee challenges the citizens of the Niagara Region to work towards making the environments where they live, work, learn and play more bicycle friendly. To obtain application and information forms for the Bicycle Friendly Awards for 2004, log onto [www.rnbc.info](http://www.rnbc.info) or call the Regional Niagara Public Health Department.

### 412. CERT Awards of Excellence

Regional Chair Zimmerman, Mr. Trojan, Chief Administrative Officer, and Councillor Nicholson, Chair, Human Resources Committee, presented the following individuals with Recognition of Excellence Awards: HR's own Fiona Peacefull, Karen Forget and Kathleen McCormick from Linhaven; and Rickey Ward of Upper Canada Lodge, who were recognized in the category of "Customer Service"; and Mark Solomon who was presented with a "Team Participation" award. Also recognized for "Team Participation", but unable to attend the presentation November 6, was Paula Cheese from the Water & Wastewater Division, Public Works.

The following Tobacco Use Prevention Team members of the Public Health Department were also recognized for demonstrating extraordinary "Team Participation": Annette Andison, Deborah Armstrong, Kathy Ballantyne, Laurie Ann Barnatt, Peter DiPietro, Brandy Doan, Jackie Gervais, Colin Humeault, David Lorenzo, Ken MacLean, Carol Ravenda, and Sarah Rose.

413. Niagara Water Quality Protection Strategy

Dr. John Bacher, Researcher, Preservation of Agricultural Lands Society, spoke to Council on the issue of land use planning as it relates to the Niagara Water Quality Protection Strategy. With reference to several portions of the report, he expressed his concerns with regard to safeguarding our ground water supplies, and protecting the land by limiting urban expansion. He urged staff to include a strong land use planning component in the strategy.

414. Mr. Ron Scheckenberg, Director, Philips Engineering Limited, presented the Final Technical Summary Report for the Niagara Water Quality Protection Strategy (NWQPS), highlighting key areas: background, purposes, goals and objectives, the study phases, the communication/consultative process, the study area characterization, the prioritization process and the implementation process.

A sub-project of the NWQPS was The Niagara Green Map Project, which was initiated out of the need for a wide audience communications piece to enhance water issue awareness and promote the NWQPS. It also serves to enhance the local economy through increased tourism by promoting the rich natural and cultural history of the Region, as well as sustainable recreational and commercial activities. The project began in June, 2002, and could not have been possible without the support of the Regional Public Works, Planning and Public Health Departments, the twelve local area municipalities, and many other agencies. Thank you to staff who worked diligently to put the Green Map together: Bob Steele, Regional Project Manager, Nathan Hercanuck, Regional NWQPS G.I.S. Technician, Johnny Docker, Cartographic Consultant, Alison Sivers, Regional NWQPS Assistant, Mary Stack and Geoff Verkade, Niagara Peninsula Conservation Authority, and Ken Forgeron, Regional Planner.

**PLANNING SERVICES COMMITTEE**

415. Report 18-2003

Moved by Councillor Smeaton  
Seconded by Councillor Beamer

That Report 18-2003, being the minutes of the Planning Services Committee meeting of Wednesday, October 29, 2003, be approved and adopted.

416. Official Plan Amendment No. 49

Moved by Councillor Rigby  
Seconded by Councillor Bentley

That Minute Item 241. Additional Information on Official Plan Amendment No. 49, Proposed Tourist Commercial Parking Lot and Commercial Building, South Side of Dunn Street, west of Ailanthus Avenue in the City of Niagara Falls, 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 241, Additional Information on Official Plan Amendment No. 49, Proposed Tourist Commercial Parking Lot and Commercial Building, South Side of Dunn Street, west of Ailanthus Avenue in the City of Niagara Falls, as contained in Report PS 18-2003, was carried.

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

Councillor Collins asked to be recorded as opposed to the recommendation in Minute Item 242, Town of Grimsby Growth Management Study, Regional Policy Plan Amendment 163, Expansion to Urban Area, Industrial Development – Deanfield Property, Town of Grimsby, in Report PS 18-2003.

Upon a vote being taken, the Regional Chair declared the balance of Report 18-2003, being the minutes of the Planning Services Committee of Wednesday, October 29, 2003, (Minute Item 415), was carried.

**CORPORATE AND FINANCIAL SERVICES COMMITTEE**

417. 2004 Niagara Physician Recruitment and Retention Program

Moved by Councillor Martin  
Seconded by Councillor Smeaton

That Report CSD 157-2003, 2004 Physician Recruitment and Retention Program, be received for information; and

That Regional Council support the funding request in principle, and the posting of the position, and refer the matter to the first meeting of the Public Health Committee of the Council-elect for consideration as an integral part of the 2004 budget.

Carried.

418. Report 18-2003

Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report 18-2003, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, October 29, 2003, be approved and adopted.

Carried.

**COMMUNITY AND HEALTH SERVICES COMMITTEE**

419. Report 17-2003

Moved by Councillor Hildreth  
Seconded by Councillor Brickell

That Report 17-2003, being the minutes of the Community and Health Services Committee meeting of Monday, October 27, 2003, be approved and adopted.

Carried.

(Please see Staff Directions.)

**PLANNING SERVICES COMMITTEE**

420. Report DPD 135-2003

Moved by Councillor Smeaton  
Seconded by Councillor Beamer

That Report DPD 135-2003, Smart Growth Implementation – Urban Design Principles and Model Guidelines be received, and the recommendations contained therein be adopted.

Carried.

**PUBLIC WORKS AND UTILITIES COMMITTEE**

421. Report 21-2003

Moved by Councillor Badawey  
Seconded by Councillor Redekop

That Report 21-2003, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, October 28, 2003, be approved and adopted.

Carried.

**CHIEF ADMINISTRATIVE OFFICER'S REPORT**

422. CAO 21-2003

Moved by Councillor Martin  
Seconded by Councillor Collins

That Report CAO 21-2003, Update on the Process of the Core Services Review  
be received for information.

Carried.

423. Council and Committee Structure – Next Steps

That the Memorandum from Mike Trojan, CAO, Council and Committee Structure  
– Next Steps, be received for information.

Carried.

**BY-LAWS**

424. Moved by Councillor Bentley  
Seconded by Councillor Gabriel

That the following bills be now read and do pass:

Bill 95

A by-law to establish part of Lot 1, Concession 13, in the City of Welland, as part  
of Regional Road No. 29 (Lincoln Street).

Bill 96

A by-law to establish part of Township Lot 237, in the City of Welland, as part of  
Regional Road No. 36 (South Pelham Road).

Bill 97

A by-law to authorize debenture financing (1-5 years) in the amount of \$250,000  
for the initiation of NRPS Capital Project ZPO0303, Date Entry/Live Scan.

Bill 98

A by-law to authorize debenture financing (1-10 years) in the amount of  
\$5,850,000 for projects included in the 2004 Capital Budget.

Bill 99

A by-law to establish part of Lot 16, Concession 10, part of Lot 17, Concession 8,  
in the City of St. Catharines as part of Regional Road No. 50 (Glenridge Avenue)

Bill 100

A by-law to provide for the adoption of Amendment 163 to the Official Plan for the Niagara Planning area to permit an expansion to the Urban Area Boundary West of Kelson Avenue in the Town of Grimsby

Bill 101

A by-law to provide for the adoption of Amendment 173 to the Official Plan for the Niagara Planning area to permit an Inn and Restaurant on the Niagara Parkway in the Town of Niagara-on-the-Lake

Bill 102

A by-law to provide for the adoption of Amendment 182 to the Official Plan for the Niagara Planning area to provide for the Identification of a Hamlet at Kemp Road in the Town of Grimsby

Bill 103

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 November, 2003

Carried.

**STAFF DIRECTION**

That staff be directed to:

- bring the matter of urging the Liberal Government to begin debate and eventual implementation of no smoking within all retail/business/entertainment establishments throughout the Province, back at a later date (Reference: Communication CHS 66-2003, in Report CHS 17-2003) (Minute Item 419 in these minutes) (Councillor Davidson).

**ADJOURNMENT**

The Council meeting adjourned at 10:55 p.m.

Debbie Zimmerman  
Regional Chair

Pam Gilroy  
Deputy Clerk

Thomas R. Hollick  
Regional Clerk