

# THE REGIONAL MUNICIPALITY OF NIAGARA

## PROCEEDINGS OF COUNCIL

### REPORT CL 2-2004

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, January 22, 2004 commencing at 6:30 p.m.

### ATTENDANCE

Council: Regional Chairman Partington; Councillors Almas, Bailey, Baty, Bentley, Bodner, Burroughs, Casselman, Collins, Davidson, Eke, Gabriel, Goulbourne, Harry, Heit, Hodgson, Katzman, Leavens, Marshall, Martin, Mastroianni, Redekop, Rigby, Salci, Saracino, Smeaton, Timms, Trombetta, Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner of Corporate Services; Cambray, Director of Planning Services, Planning Department; Neville, Commissioner of Public Works; Nicol, Commissioner Human Resources Department; Dr. Williams, Medical Officer of Health, Commissioner of Public Health; Ms. Reid, Commissioner of Community Services Department; Ms. Gilroy, Acting Regional Clerk; Ms. Hepplewhite, Acting Deputy Clerk; Ms. Pilon, Legislative Assistant.

#### Staff

(Part-Time): Messrs. Brcic, Director, Water & Wastewater; Cunnane, Director of Public Safety.

### CLOSED SESSION

9. Moved by Councillor Gabriel  
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.

10. Community Member Appointment  
To the Niagara Regional Police Services Board

Council discussed the appointment of the Community Member to the Niagara Regional Police Services Board. Please refer to Minute Item # 26, for further details.

11. Niagara Ambulance Communications Service Pilot Project  
Request from the Ministry of Health and Long-Term Care

Council was apprised of the request from the Ministry of Health and Long-Term Care for an extension to the Niagara Ambulance Communications Service Pilot Project RFP's irrevocability date. Please refer to Minute Item # 32, for further details.

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

12. Moved by Councillor Harry  
Seconded by Councillor Smeaton

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:10 p.m. with an Invocation by Councillor Almas, followed by the singing of O' Canada.

13. **CONFLICTS OF INTEREST**

Councillor Almas declared an indirect pecuniary interest with respect to any matters related to the Regional Development Charges in general, as he may have clients that have an interest in development charges, and he therefore took no part in the discussion of, or voting, on these matters.

Councillor Almas declared an indirect pecuniary interest with respect to Mr. Larry Iggulden, as his firm deals with Mr. Iggulden's accounting firm, and he therefore took no part in the discussion of, or voting, on these matters.

Councillor Bodner declared an indirect pecuniary interest with respect to any matters related to the Tobacco Enforcement Program, as he sells tobacco products in his store, and he therefore took no part in the discussion of, or voting, on these matters.

Councillor Burroughs declared an indirect pecuniary interest with respect to the DPD 5-2004, Official Plan Amendment No. 20, Expansion of Ridley College, Ridley Road and Louth Street in the City of St. Catharines, as he sits on the Ridley College Foundation and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Heit declared an indirect pecuniary interest with respect to Cheque #143253 to Telus Mobility, as he is a senior sales representative for Telus Mobility products, and he therefore took no part in the discussion of, or voting, on this matter.

Councillor Marshall declared an indirect pecuniary interest with respect to the Presentation being made by the Citizens for a Smart Growth Hospital, as he is employed by the Niagara Health System and he therefore took no part in the discussion of, or voting on, this matter.

Regional Chairman Partington declared an indirect pecuniary interest with respect to the Presentation being made by the Citizens for a Smart Growth Hospital, as he is representing the property owners of the subject property and he therefore took no part in the discussion of, or voting on, this matter.

Regional Chairman Partington declared an indirect pecuniary interest with respect to DPD 4-2004, Official Plan Amendment No. 22, Proposed Inn and Restaurant, Niagara River Parkway and John Street in the Town of Niagara-on-the-Lake, as he received a campaign contribution from an associate of the proponent 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 Timms declared an indirect pecuniary interest with respect to any matters related to the Regional Development Charges in general, and he therefore took no part in the discussion of, or voting, on these matters.

14.

### **PUBLIC MEETING**

#### **2004 Uniform Sewer & Water Rates**

Regional Chairman Partington advised Council that notice of the Public Meeting for the 2004 Water and Wastewater Rates was advertised in local papers to invite interested parties to make a presentation, or submit written comments, on this matter.

He advised Council that would consider that input in setting the uniform water and wastewater rates proposed for 2004 and this matter was contained in a report from the joint meeting of the Corporate and Financial Services Committee and Public Works and Utilities Committee.

The 2004 uniform water and wastewater rates will ensure that each system remain self-sufficient while balancing the need for affordability with that of meeting service level standards. The financing strategy from which the rates are calculated is driven to a significant degree by the recommendations contained in the recently developed Water and Wastewater Master Plans.

Several requests for information were received by the Corporate and Financial Services Department staff, and to date, no requests for presentation were received. One written submission was included in the Council Addendum as Communication C 6196.

Moved by Councillor Timms  
Seconded by Councillor Davidson

That Communication C6196, being a letter from Norbert Preiner, Councillor City of Thorold, (January 13, 2004) requesting that any increase in water/sewer rates be kept to the rates of inflation, be received.

Carried.

The Regional Chair asked if there was anyone present who wished to speak. There being no one in attendance to speak on this matter, the consideration of the 2004 Uniform Sewer & Water Rates were dealt with during the normal course of business. (Refer to Minute Item # 28)

15. **ADOPTION OF THE AGENDA**

Moved by Councillor Collins  
Seconded by Councillor Martin

That the Council Agenda CL 2-2004 be adopted as presented with the Human Resources Committee and Planning Services Committee minutes being brought forward following the presentations.

Carried.

16. **CHAIRMAN'S REMARKS**

Regional Chairman Partington expressed thanks to De Ruyter Greenhouses in the City of St. Catharines for the beautiful flowers in the Council Chamber.

Regional Chairman Partington noted that in the last two weeks he has had the opportunity to visit many areas in Niagara and been advised of local concerns.

Regional Chairman Partington met with Erie County Executive Joel Giambra, Roger Marsham of the Canadian Consulate and Ron Rienas, General Manager of the Peace Bridge Authority to discuss Niagara's relationship with our counterparts in the U.S., in particular trade and tourism.

Regional Chairman Partington stressed the importance of public consultation within Niagara's Budget deliberations, noting that the public will be given ample notice about the consultation and the events that will be held in various communities.

Regional Chairman Partington extended an invitation to members of Regional Council to be members of the Working Group that will be formed to review the Council/Committee structure.

Councillors Baty, Goulbourne, Martin, Timms and Saracino volunteered to represent Council on the Working Group.

### **APPROVAL OF MINUTES**

17. **Report 19-2003**

Moved by Councillor Baty  
Seconded by Councillor Timms

That Report 19-2003, being the minutes of the Proceedings of Council of December 18, 2003, be approved and adopted.

Carried.

18. **Report Committee of the Whole 1-2004**

Moved by Councillor Bodner  
Seconded by Councillor Leavens

That Report 1-2004, being the minutes of the Committee of the Whole of Thursday, January 8, 2004, be approved and adopted.

Carried.

### **CORRESPONDENCE**

19. Communications were received and dealt with as follows:

C6186      Card of thanks from Carol Reece, an employee of the Community Services Department, and family for the kind donation to the Canadian Arthritis Society in memory of her mother Margaret Jones.

Received.

C6187 Card of thanks from Ruth Bertnik, an employee of the Public Health Department, and family for the kind donation to the Canadian Cancer Society in memory of her father Harold Shaver.

Received.

C6188 Nancy Clark, St. Catharines (December 16, 2003) respecting concerns regarding the medical situation and ambulance service within the City of St. Catharines

Moved by Councillor Timms  
Seconded by Councillor Eke

That Correspondence, C6188, a letter from Nancy Clark, St. Catharines (December 16, 2003) respecting concerns regarding the medical situation and ambulance service within the City of St. Catharines, be received and referred to Public Health Services Committee.

Carried.

C6189 Jake Sinke, President, Canada Family Action Coalition, (November 28, 2003) expressing appreciation to those governing the Niagara Region and extending best wishes to the Chairman and Members of Council in all future deliberations.

Received.

C6190 Card of thanks from Darlene Laurin, an employee of the Community Services Department, and family for the kind donation to the March of Dimes in memory of her mother Lisa Laurin.

Received.

C6191 Card of thanks from John Naar, an employee of the Public Works Department, who was presented with the gift of a clock upon his retirement from the DeCew Falls Water Plant.

Received.

C6192 E-Mail from Mark Zwolak, a 4<sup>th</sup> year Brock Student and a student of Niagara College, respecting the establishment of a forum at Brock concerning the implications of developing St. Catharines' new hospital in the Southwest End (1<sup>st</sup> Street & Fourth St Louth) for Monday, January 19, 2004.

Received.

C6193 Memorandum to Regional Chairman Peter Partington and Members of Council respecting A Public Notice – Council Budget Meeting.

Moved by Councillor Martin  
Seconded by Councillor Trombetta

That Correspondence, C6193, a Memorandum to Regional Chairman Peter Partington and Members of Council respecting A Public Notice – Council Budget Meeting, be approved.

Carried.

C6194 Brian Skrydstrup, St. Catharines (January 19, 2004) requesting to speak at Regional Council on Thursday, January 22, 2004, on the matter of Councillors' Remuneration.

Approved to Address Council.

C6195 Peter Partington, Regional Chairman (January 21, 2004) respecting Resolutions from other Municipalities.

Maria Gardiner, Legislative Co-ordinator, Legislative Services, Region of Peel (January 2, 2004) respecting their resolution that the Prime Minister of Canada be requested to appoint a Cabinet Minister with a clear focus on Federal Housing Policy and Delivery.

Received for consideration.

C6196 Norbert Preiner, Councillor City of Thorold, (January 13, 2004) requesting that any increase in water/sewer rates be kept to the rates of inflation.

(Refer to Minute Item # 14)

C6197 Councillor Michael Collins, (January 22, 2004), requesting Council's approval of the submission of a Letter of Intent to host the 2005 AMO Counties and Regions Conference.

Moved by Councillor Collins  
Seconded by Councillor Martin

That Correspondence, C6197, a letter from Councillor Michael Collins, (January 22, 2004), requesting Council's approval of the submission of a Letter of Intent to host the 2005 AMO Counties and Regions Conference, be approved.

Carried.

20. Moved by Councillor Burroughs  
Seconded by Councillor Davidson

That Communications C6186 to C6197, be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

### **PRESENTATIONS**

21. Status of United Way Campaign

Ms. St. John, Chair, Regional United Way Action Group was please to update Council on the status of the Region's United Way Campaign and announced that the \$60,000 target had been greatly exceeded.

Ms. St. John introduced members of the United Way Action Team to Council and with the assistance of Regional Chairman Partington and Mr. Trojan, Chief Administrative Officer, she presented members of the United Way with a cheque in the amount of \$98,113.48, which was raised through Regional Niagara's employee fund-raising initiatives and payroll deductions.

22. Niagara Community Foundation

Ms. Ann-Louise Branscombe, President of the Niagara Community Foundation provided Regional Council with an overview of their activities for the year as well as an overview of the foundation for new Council members.

Mr. Frank Branscombe raised the idea for a community foundation and former Regional Chair Debbie Zimmerman brought together a group of leaders from across the region for a meeting to discuss the establishment of a community foundation as a millennium project of the Region. This meeting took place in March of 1999. Representatives from the four United Ways, hospital foundations, educational institutions, various charities, political leaders and the private sector participated in this meeting. As a result of the interest shown, a Steering Committee was formed in September to lay the groundwork for the Niagara Community Foundation. Through the efforts of the Committee, the Foundation was incorporated in April 2000 and received charitable status in June 2000.

The Niagara Community Foundation serves the people of the Niagara peninsula by building permanently endowed charitable funds for the changing needs and opportunities of the community, making grants, and providing leadership that contributes to the health and vitality of the community.

Ms. Branscombe noted that Regional Council will be kept up to date on the foundation's activities through the foundation's newsletter and our annual report in June 2004.

Ms. Branscombe thanked former Regional Chair Zimmerman for the substantial contribution from the Chair's Golf Tournament and Mr. Neville and his staff for their coordination of this event.

23. Council Remuneration - Increase

Mr. Brian Skrydstrup, a business owner and life long resident of the City of St. Catharines appeared before Regional Council in opposition to the recommended Council remuneration increase.

Mr. Skrydstrup noted that Niagara Region will be facing several bargaining unit negotiations this year and that any decision on an increase for Regional Council will reflect how those negotiations proceed.

In closing, Mr. Skrydstrup advised Regional Council that the decision they make tonight will be a stepping stone for the future and thanked Ms. Gilroy, Acting Regional Clerk and her staff for their assistance.

**HUMAN RESOURCES COMMITTEE**

24. Report 1-2004

Moved by Councillor Collins  
Seconded by Councillor Leavens

That Report HR 1-2003, being the minutes of the Human Resources Committee meeting of Tuesday, January 13, 2004, be approved and adopted.

Moved by Councillor Bailey  
Seconded by Councillor Collins

That Minute Item # 2, respecting the Citizen's Committee on Council Remuneration, be lifted and dealt with by this Council at this time.

Carried.

25. Citizen's Committee on Council Remuneration

Following a thorough discussion on this matter, it was:

Moved by Councillor Bailey  
Seconded by Councillor Collins

That the recommendations respecting the Citizen's Committee on Council Remuneration, Minute Item #2, in Report 1-2004 of the January 13, 2004, Human Resources Committee minutes, be approved.

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

Voting for the Motion:

Baty	Katzman
Bentley	Leavens
Bodner	Martin
Burroughs	Mastroianni
Casselmann	Redekop
Collins	Rigby
Eke	Salci
Gabriel	Saracino
Goulbourne	Smeaton
Harry	Timms
Heit	Trombetta
	Zimmerman (23)

Voting against the Motion:

Almas  
Bailey  
Davidson  
Hodgson  
Marshall

(5)

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 1-2004, being the minutes of the Human Resources Committee meeting of Tuesday, January 13, 2004, was carried.

26. Community Member -Appointment  
To the Niagara Regional Police Services Board

Moved by Councillor Salci  
Seconded by Councillor Eke

That Larry Iggulden be appointed to the Niagara Region Police Services Board for a three-year term commencing immediately; and

That the Acting Regional Clerk advise Mr. Iggulden and the Niagara Regional Police Services Board Administrator of this appointment; and

That the Acting Regional Clerk express written appreciation to the 39 citizens who put their names forward.

Carried.

Councillor Martin assumed the Chair during the approval of the Planning Services Committee minutes due to Regional Chairman Partington's conflict of interest (See page CL-11).

**PLANNING SERVICES COMMITTEE**

27. Report 1-2004

Moved by Councillor Smeaton  
Seconded by Councillor Bodner

That Report PS 1-2004, being the minutes of the Planning Services Committee of Wednesday, January 14, 2004, be approved and adopted.

Councillor Burroughs noted that his conflict should read:

Councillor Burroughs declared an indirect pecuniary interest with respect to the DPD 5-2004, Official Plan Amendment No. 20, Expansion of Ridley College, Ridley Road and Louth Street in the City of St. Catharines, as he sits on the ***Ridley College Foundation*** and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Burroughs also advised Regional Council that he is unable to sit on the Budget Review Committee as Planning Services Committee's alternate member, due to time constraints; therefore the appointment of an alternate should be referred back to the Committee.

Upon a vote being taken the Regional Chair declared that Report PS 1-2004, being the minutes of the Planning Services Committee of Wednesday, January 14, 2004, be approved and adopted, as amended was carried.

Regional Chairman Partington assumed the Chair for the remainder of the meeting.

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

28. Report CFS 1/PW 2-2004

Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report CFS 1/PW 2-2004, being the minutes of the Joint Corporate and Financial Services Committee and Public Works and Utilities Committee meeting of Wednesday, January 14, 2004 be approved and adopted.

Carried.

**CORPORATE AND FINANCIAL SERVICES COMMITTEE**

29. Report 2-2004

Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report 1-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, January 14, 2004, be approved and adopted.

Carried.

Councillor Saracino asked to be recorded as opposed to Minute Item 3.3.4 of the Regional Development Charges Task Force minutes of Monday, December 15, 2003.

**COMMUNITY SERVICES COMMITTEE**

30. Report 1-2004

Moved by Councillor Marshall  
Seconded by Councillor Almas

That Report CSC 1-2004, being the minutes of the Community Services Committee meeting of Monday, January 12, 2004, be approved and adopted; and

That a letter be forwarded to the Ministry of Health and Long-Term Care, to invite them to tour Niagara Region's Long-Term Care Facilities, to observe actual examples of best practices.

Carried.

**PUBLIC HEALTH COMMITTEE**

31. Report 1-2003

Moved by Councillor Timms  
Seconded by Councillor Baty

That Report PHSC 1-2004, being the minutes of the Public Health Committee meeting of Monday, January 12, 2004, be approved and adopted.

Carried.

32. Niagara Ambulance Communications Service Pilot Project Request from the Ministry of Health and Long-Term Care

Moved by Councillor Timms  
Seconded by Councillor Zimmerman

That the request of the Ministry of Health and Long-Term Care for an extension to the RFP's irrevocability date for the Niagara Ambulance Communication Service Pilot Project Submission, from February 21, 2004 to April 30, 2004, be approved, and the Ministry be so advised; and

That the extension results in a corresponding extension to the Region's implementation timelines as outlined in our RFP.

Carried.

**PUBLIC WORKS AND UTILITIES COMMITTEE**

33. Report 1-2004

Moved by Councillor Rigby  
Seconded by Councillor Redekop

That Report PW 1-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, January 13, 2004, be approved and adopted.

Carried.

34. **CHIEF ADMINISTRATIVE OFFICER'S REPORT**

Mr. Trojan highlighted the actions of the Budget Review Committee, at the meeting that took place prior to Council, which referred CSD 153-2003 - 2004 Capital Program - Final Report to all Standing Committees next week.

### **OTHER BUSINESS**

35. **Raising the Roof's Toque Tuesday**

Regional Council invited everyone to attend the events which will be taking place through the Niagara Region on February 3, 2004 in support of Raising the Roof's Toque Tuesday a national campaign that gives people from all walks of life the chance to raise funds, raise fun and raise awareness in the fight against homelessness in Canada.

Councillor Collins reminded everyone of the Toque Tuesday event that Councillor Rigby will be hosting at the Market Square on February 3, 2004 at 7 a.m., if you purchase a toque you are provided with a wonderful breakfast.

36. **Open House for Former Mayor Ray Konkle**

Councillor Hodgson invited everyone to an Open House for former Mayor Ray Konkle at Grandstand Hall at the Beamsville Fairgrounds on February 1, 2004 from 1 - 3 p.m.

37. **Sewer & Water Late Payment - Interest Charges**

Councillor Redekop noted that the rate of interest (15%) being charged on late payments for sewer and water should be reviewed by the province.

38. **Niagara Peninsula Conservation Authority - Appointment**

Regional Council congratulated Councillor Gord Harry on his re-appointment as Chairman of the Niagara Peninsula Conservation Authority.

### **BY-LAWS**

39. Moved by Councillor Casselman  
Seconded by Councillor Trombetta

That the following bills be now read and do pass:

**Bill 01**

A by-law to establish part of Lots 2 and 3, Plan 592, in the City of Welland, as part of Regional Road No. 50 (Niagara Street)

**Bill 02**

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 22<sup>nd</sup> day of January 22, 2004

Carried.

40. Moved by Councillor Davidson  
Seconded by Councillor Bodner

That the following bills be now read and do pass:

Bill 03

A by-law to establish Part of Lot 20, Concession 2, in the City of Niagara Falls as part of Regional Road No. 116 (Sodom Road)

Bill 06

A by-law to amend by-law No. 9055-98 to establish a property tax rebate program for Charitable Organizations

Bill 07

A by-law to amend by-law 29-2003, being a by-law to appoint members to the Accessibility Advisory Committee

Carried.

41. Moved by Councillor Eke  
Seconded by Councillor Rigby

That the following bills be now read and do pass:

Bill 04

A by-law to fix the rates to be charged for Wastewater received from Lower-Tier Municipalities during the Year 2004

Bill 05

A by-law to fix the rates to be charged for Water supplied to Lower-Tier Municipalities during the Year 2004

Carried.

### **STAFF DIRECTIONS**

Staff was requested to:

- provide Council with information relating to e-mail privacy at their homes and businesses.
- review the issue of the television cameras left with their red lights on, during Closed Session of Regional Council.

**ADJOURNMENT**

The Council meeting adjourned at 9:40 p.m.

Peter Partington  
Regional Chairman

Janet Pilon  
Legislative Assistant

Pam Gilroy  
Acting Regional Clerk