

# THE REGIONAL MUNICIPALITY OF NIAGARA

## PROCEEDINGS OF COUNCIL

### REPORT CL 3-2004

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, February 5, 2004 commencing at 6:35 p.m.

### ATTENDANCE

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

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

#### Staff

(Part-Time): Mr. Banting, Director, Legal Services

### CLOSED SESSION

42. Moved by Councillor Leavens  
Seconded by Councillor Mastroianni

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.

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

43. Moved by Councillor Mastroianni  
Seconded by Councillor Martin

That this Council do now rise without report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:00 p.m. with an Invocation by Councillor Baty, followed by the singing of O' Canada.

44. **CONFLICTS OF INTEREST**

Councillor Almas declared an indirect pecuniary interest with respect to Minute Item # 34 in the Planning Services Committee minutes of January 28, 2004, the Brownfield Workshop held at the Four Points Sheraton Hotel on December 9, 2003 as Mr. Patrick Little and Phil Ritchie are listed in the report and are clients of his firm, he therefore took no part in the discussion of, or voting, on this matter.

Councillor Baty declared an indirect pecuniary interest with respect to Bill 10, a By-law to Establish Part of Lot 2, Plan 717, in the Town of Pelham as Part of Regional Road No. 20 (Canboro Road), as he owns property adjacent to the subject property; he therefore took no part in the discussion of, or voting, on these matters.

Councillor Marshall declared an indirect pecuniary interest with respect to the Minute items # 27 & 38 in the Planning Services Committee minutes of January 28, 2004, the Background Information on Niagara North Health Complex, Fourth Avenue and First Street in the City of St. Catharines and Smarter Niagara Steering Committee, Minute Item # 14, Hospital Redevelopment Site, as he is employed by the Niagara Health System 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 # 30 in the Public Works and Utilities Committee minutes and Minute Item # 22 in the Corporate and Financial Services Committee minutes, respecting the Roberts Street Gateway Project, as represents someone who lives on Roberts Street, he therefore took no part in the discussion of, or voting, on these matters.

Regional Chair Partington declared an indirect pecuniary interest with respect to Minute items # 27 & 38 in the Planning Services Committee minutes of January 28, 2004, the, Background Information on Niagara North Health Complex, Fourth Avenue and First Street in the City of St. Catharines and Smarter Niagara Steering Committee, and Minute Item # 14, Hospital Redevelopment Site, as the property owners are clients of his law firm; and any matters with respect to the Public Health Department Budget, as his spouse 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; Minute Item # 30 in the Public Works and Utilities Committee minutes and Minute Item # 22 in the Corporate and Financial Services Committee minutes, respecting the Roberts Street Gateway Project, as his son lives in the area, he therefore took no part in the discussion of, or voting, on these matters.

Councillor Trombetta declared an indirect pecuniary interest with respect to Minute # 26 in the Planning Services Committee minutes of January 28, 2004, the Official Plan Amendment No. 33, Secondary Plan Revisions for Evergreens Subdivision Phase IV, Livingston Avenue (R.R. 512), east of Roberts Road in the Town of Grimsby, as her son is employed by A.J. Clarke & Associates and she therefore took no part in the discussion of, or voting on, this matter.

45. **ADOPTION OF THE AGENDA**

Moved by Councillor Collins  
Seconded by Councillor Martin

That the Council Agenda CL 3-2004 be adopted as presented with the Public Health Services Committee and Planning Services Committee minutes being brought forward following the presentations.

Carried.

46. **CHAIRMAN'S REMARKS**

Regional Chairman Partington expressed thanked Boekestyn Greenhouses in Jordan for the beautiful chrysanthemums in the Council Chamber and the reminder that Spring is on the way.

Regional Chairman Partington noted that this week's Throne Speech from Ottawa brings news of change in several areas affecting Niagara Region. We welcome the news that the municipalities will receive full relief from the GST. Regional government joins the cities across Canada who applaud this first step in creating a reliable, predictable stream of funding.

Niagara Region should also be pleased that the federal government will work with the provinces to look at ways to share the gas tax with municipalities or find another way to achieve this goal.

Niagara Region was also pleased to hear the government's commitment to a new and more sophisticated approach to border issues and the flow of goods and people with an emphasis on infrastructure to facilitate trade, strengthening border safety and smart border initiatives are pertinent and timely.

Niagara Region was honoured to host a study group from the Ukraine, earlier this week. The group was looking at issues of sustainability, economic development and environmental management issues.

Regional Chairman Partington was pleased to announce that the Ontario Public Works Association awarded Niagara Region Public Works Department with the Bruce Brunton Award for the Public Works Department's activities during the National Public Works Week and the award for Best Project, for the Stanley Avenue project in the City of Niagara Falls. Regional Council congratulated the Public Works Department on their excellent accomplishments.

### **APPROVAL OF MINUTES**

47. Report 2-2004

Moved by Councillor Eke  
Seconded by Councillor Salci

That Report 2-2004, being the minutes of the Proceedings of Council of Thursday, January 22, 2004, be approved and adopted.

Carried.

### **CORRESPONDENCE**

48. Communications were received and dealt with as follows:

C6198 Card of thanks from Debbie Blasioli, an employee in the Corporate Services Department, and family for the kind donation to St. Peters Lutheran Church in memory of her father, Herman Wirsint.

Received.

C6199 Councillor R. F. (Russ) Powers, City of Hamilton (January 21, 2004) respecting Niagara Water Quality Protection Strategy, commending the Regional Chairman and Members of Council for the comprehensive degree of public consultation and involvement.

Received.

- C6200 City of Niagara Falls resolution (January 19, 2004) requesting the Region's Smoking By-law 22-2002 be rescinded due to the detrimental effect on small businesses, bars and restaurants.
- Received and referred to the Public Health Department.
- C6201 Michael A. Reader, Executive Director, Ontario Federation of Anglers and Hunters (January 12, 2004) respecting Premier McGuinty's decision not to reinstate the spring bear hunt, and that municipalities urge him to reconsider his decision.
- Received.
- C6202 Card of thanks from Ann Maurice, an employee of the Community Services Department working at Gilmore Lodge, and family for the kind donation to Foyer Richelieu in memory of her mother-in-law, Yvette Maurice.
- Received.
- C6203 Memorandum from Acting Regional Clerk, Pam Gilroy, (January 28, 2004) advising that Councillor Zimmerman has requested that her name be withdrawn as a member of the Public Works and Utilities Committee.
- Approved.
- C6204 A Member Communication Alert from (AMO) Association of Municipalities of Ontario (February 2, 2004) respecting a New Deal on the way for Ontario's Municipalities – AMO Seeks Trilateral Agreement.
- Received.
- C6205 A Members' Advisory from (FCM) Federation of Canadian Municipalities (February 2, 2004) respecting a New Deal for Canada's Cities and Municipalities.
- Received.
- C6206 A Member Communication from (AMO) Association of Municipalities of Ontario (February 3, 2004) respecting their resolution to support the work of the NOW Alliance (Negotiating Ontario's Wellbeing) and its Rural Health Action Plan to address the chronic shortage of doctors across communities in Ontario.
- Received.

49. Moved by Councillor Gabriel  
Seconded by Councillor Nicholson

That Communications C6198 to C6206, be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

### **PRESENTATIONS**

50. "Celebration of Life" Concert

Mr. John Toth, Conductor, St. Catharines Chamber Orchestra, invited Regional Council to attend the "Celebration of Life" Concert with the proceeds benefiting the future Niagara Regional Cancer Centre of the Niagara Health System, which is desperately needed in the Niagara Region.

The event is being held on February 15, 2004, at the Bethany Community Church Concert Hall, 1388 Third Street in the City of St. Catharines. The performance begins at 8:00 p.m. Tickets can be obtained from the St. Catharines General Hospital Foundation at a cost of \$20.00 per person.

Councillor Martin assumed the Chair, due to Regional Chair Partington's conflicts of interest.

### **PUBLIC HEALTH SERVICES COMMITTEE**

51. Report 2-2004

Moved by Councillor Timms  
Seconded by Councillor Baty

That Report PHSC 2-2004, being the minutes of the Public Health Services Committee meeting of Monday, January 26, 2004, be approved and adopted, with the addition of a Conflict of Interest by Regional Chair Partington to indicate his indirect pecuniary interest with respect to the Public Health Department Budget, as his spouse is an employee of the Public Health Department.

Carried.

**PLANNING SERVICES COMMITTEE**

52. Report 2-2004

Moved by Councillor Smeaton  
Seconded by Councillor Eke

That Report PS 2-2004, being the minutes of the Planning Services Committee meeting of Wednesday, January 28, 2004, be approved and adopted.

Moved by Councillor Casselman  
Seconded by Councillor Heit

That Minute Item #38, respecting the motion appointing Councillor Smeaton, Chair of the Planning Services Committee the Region's spokesperson to the Niagara Health System, be lifted and dealt with separately by this Council at this time.

Carried.

Moved by Councillor Casselman  
Seconded by Councillor Heit

That the motion appointing Councillor Smeaton, Chair of the Planning Services Committee the Region's spokesperson to the Niagara Health System, be referred back to staff for a report in consultation with the NHS/Hotel Dieu, on the mandate and responsibilities of Regional Council with respect to the planning and delivery of hospital services within the Region; and

That the report further outline the present relationship of the NHS/Hotel Dieu and Regional Council and all future considerations and options; and

That staff clarify the role of an appointed Liaison person from Regional Council to the NHS/Hotel Dieu concerning the proposed co-location of the St. Catharines General Hospital and the Hotel Dieu and the new Regional Cancer Centre.

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report 2-2004, being the minutes of the Planning Services Committee meeting of Wednesday, January 28, 2004, with the foregoing referral of the appointment motion under Minute Item 38, was carried.

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

53. **BUDGET REVIEW COMMITTEE**

Moved by Councillor Martin  
Seconded by Councillor Smeaton

That Report BRC 2-2004, being the minutes of the Budget Review Committee meeting of Thursday, January 22, 2004, be approved and adopted.

Carried.

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

54. Report CFS 3/PW 4-2004

Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report CFS 3/PW 4-2004, being the minutes of the Joint Corporate and Financial Services Committee and Public Works and Utilities Committee meeting of Wednesday, January 28, 2004 be approved and adopted.

Carried.

**CORPORATE AND FINANCIAL SERVICES COMMITTEE**

55. Report 4-2004

Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report 4-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, January 28, 2004, be approved and adopted.

Carried.

**COMMUNITY SERVICES COMMITTEE**

56. Report 2-2004

Moved by Councillor Marshall  
Seconded by Councillor Almas

That Report CSC 2-2004, being the minutes of the Community Services Committee meeting of Monday, January 26, 2004, be approved and adopted.

Carried.

**PUBLIC WORKS AND UTILITIES COMMITTEE**

57. Report 3-2004

Moved by Councillor Redekop  
Seconded by Councillor Salci

That Report PW 3-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, January 27, 2004, be approved and adopted.

Carried.

Moved by Councillor Redekop  
Seconded by Councillor Salci

That Regional Council approves the appointments of Councillor Goulbourne as the representative of the City of Welland to the Humberstone Landfill Site Liaison Committee; Councillors Burroughs, Eke and Mastroianni as representatives of the Line 5 Landfill Site Liaison Committee; and Councillors Redekop, Rigby, Timms and Salci as representatives of the MSP/NWQPS Implementation Committee.

Carried.

**OTHER BUSINESS**

58. Audit Committee

Councillor Martin advised Regional Council of the formation of the Audit Committee and that if they are interested in participating on this Committee, they are to contact Mr. Bacchus.

59. Budget Review Committee Meeting  
February 12, 2004 at 3:00 p.m.

Councillor Martin reminded Regional Council of the Budget Review Committee meeting scheduled for February 12, 2004 at 3:00 p.m., which is anticipated to go well into the evening.

Councillor Martin noted that all Regional Councillors are welcome to attend the Budget Review Committee meetings, and was extremely pleased to see so many at this afternoons meeting.

60. Agricultural Task Force - Update

Councillor Zimmerman provided Regional Council with an update on the Agricultural Task Force's activities, which have included presentations to most of the municipalities, the University of Guelph, Niagara Escarpment Commission and Niagara Economic & Tourism Corporation. The Agricultural Task Forces met with the Provincial Agriculture Minister along with staff of the Ministries of Agriculture and Tourism in November and are scheduling presentations to the balance of the municipal Councils, the Niagara Peninsula Conservation Authority and Brock University and a meeting with several Deputy Ministers from the Provincial government in February.

61. Association of Municipalities of Ontario - Board Meeting - Highlight

Councillor Collins provided Regional Council with the details of the Association of Municipalities of Ontario Board meeting, which highlighted the provincial commitment to the funding of the Blue Box Program in 2004.

62. Niagara-Hamilton WastePlan - Update

Councillor Burroughs advised Regional Council of the Niagara-Hamilton Waste Plan's public meetings, which were well attended and enjoyed by all in attendance. Councillor Burroughs noted that he is extremely pleased with the Waste Management staff and the consultant's accomplishments to date.

**BY-LAWS**

63. Moved by Councillor Goulbourne  
Seconded by Councillor Salci

That the following bills be now read and do pass:

Bill 08

A by-law to delegate all remaining authority with respect to the approval of the Cherry Ridge Plan of Subdivision (File 26T-97016); a subdivision application in the Town of Pelham originally submitted to the Region subsequent to March 28, 1995.

Bill 09

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 5th day of February 2004

Carried.

64. Moved by Councillor Burroughs  
Seconded by Councillor Heit

That the following bills be now read and do pass:

Bill 10

A by-law to establish part of Lot 2, Plan 717, in the Town of Pelham as part of Regional Road No. 20 (Canboro Road)

Bill 11

A by-law to establish part of Lot 7, Plan 2, in the City of Niagara Falls as part of Regional Road No. 20 (Lundy's Lane)

Bill 12

A by-law to authorize Debenture Financing (not exceeding 10 years) in the amount of \$855,000 for Project ZRC0426, improvements to Regional Road 122 (Thompson Road), QEW to Garrison Road, Town of Fort Erie

Bill 13

A by-law to authorize Debenture Financing (not exceeding 10 years) in the amount of \$3,850,000 for Project ZRC0014, Reconstruction of Regional Road 18 (Ontario Street), King Street to QEW, in the Town of Lincoln

Carried.

**ADJOURNMENT**

The Council meeting adjourned at 7:52 p.m.

Peter Partington  
Regional Chairman

Janet Pilon  
Legislative Assistant

Pam Gilroy  
Acting Regional Clerk