

# THE REGIONAL MUNICIPALITY OF NIAGARA

## PROCEEDINGS OF COUNCIL

### REPORT CL 4-2004

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, February 19, 2004 commencing at 7:02 p.m.

### ATTENDANCE

Council: Regional Chairman Partington; Councillors Almas, Baty, Bentley, Bodner, Burroughs, Casselman, Collins, Davidson, Eke, Gabriel, Goulbourne, Harry, Heit, Hodgson, Katzman, Leavens, Marshall, Martin, Mastroianni, Nicholson, Redekop, Rigby, 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. Heidebrecht, Director, Children's Services; Ms. Gilroy, Acting Regional Clerk; Ms. Pilon, Legislative Assistant.

#### Staff

(Part-Time): Messrs. Burt, General Manager/Secretary-Treasurer, Niagara Peninsula Conservation Authority; Hutchings, Director, Social Assistance and Employment Opportunities; Payne, Director, Waste Management Services; Ms. Fontana, Director, Corporate Health Services and Employee Relations; Ms. Staines, Chair, Corporate Employee Recognition Team; Ms. Brunet, Chair, Excellence Sub-Committee of the Corporate Employee Recognition Team.

### CONFLICTS OF INTEREST

Regional Chair Partington declared an indirect pecuniary interest with respect to Minute Item # 23, in the Human Resources Committee minutes of February 10, 2004, Report HR 6-2004, Corporate Labour Relations and Compensation Strategy – 2004-2006 and Minute Item # 29, Confidential List (Appendix B), to the items relating to the Public Health Department Budget as his spouse is an employee of the Public Health Department, and he therefore left the Council Chambers during the discussion on these matters.

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

**CLOSED SESSION**

65. Moved by Councillor Trombetta  
Seconded by Councillor Eke

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**

66. Moved by Councillor Trombetta  
Seconded by Councillor Eke

That this Council do now rise without report.

Carried.

Regional Chair Partington assumed the Chair following the conclusion of the Closed Session business.

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

67. **ADOPTION OF THE AGENDA**

Moved by Councillor Collins  
Seconded by Councillor Martin

That the Council Agenda CL 4-2004 be amended by bringing forward the Corporate Employee Recognition presentation in advance of the correspondence; by bringing forward Report CAO 4-2004 to the Planning Services Committee and by moving the Community Services Committee and the Corporate and Financial Services Committee reports after the Public Health Services Committee report.

Carried.

68.

**CONFLICTS OF INTEREST**

Councillor Casselman declared an indirect pecuniary interest with respect to C6209, the City of Port Colborne's resolution (February 3, 2004) respecting Physician Recruitment – Retainment & Education Task Force Petition to Ontario Ministry of Health and Long Term Care and the Ontario Medical Association, as her husband is a member of the Ontario Medical Association, and she therefore took no part in the discussion of or voting on these matters.

Councillor Gabriel declared an indirect pecuniary interest with respect to C6212, the Town of Niagara-on-the-Lake's resolution (February 9, 2004) requesting that the Provincial Government amend the Education Act, as he is employed by the Niagara District School Board, and he therefore took no part in the discussion of or voting on these matters.

Councillor Heit declared an indirect pecuniary interest with respect to the matter of Support Services contained in the Niagara Regional Housing Budget, as he is employed by a company providing the same services and he therefore took no part in the discussion of or voting on these matters.

Councillor Katzman declared an indirect pecuniary interest with respect to C6212, the Town of Niagara-on-the-Lake's resolution (February 9, 2004) requesting that the Provincial Government amend the Education Act, as she is employed by the Niagara District School Board, and she therefore took no part in the discussion of or voting on these matters.

Councillor Marshall declared an indirect pecuniary interest with respect to Minute items # 58 & 59 in the Planning Services Committee minutes of February 11, 2004, the (SCG Site)/HDH Co-Location Health Complex presentation and Report DPD 21-2004, Comments on Official Plan and Zoning Amendments, NHS (SCG Site)/HDH Co-Location Health Complex, Fourth Avenue and First Street in the City of St. Catharines, 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 Mastroianni declared an indirect pecuniary interest with respect to C6212, the Town of Niagara-on-the-Lake's resolution (February 9, 2004) requesting that the Provincial Government amend the Education Act, as he is employed by the Niagara District School Board, 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 Bill 17, a by-law to authorize debenture financing for the funding of the City of Welland's new Civic Centre, as he has an interest in a property in the area, and he therefore took no part in the discussion of, or the voting, on these matters.

Regional Chair Partington declared an indirect pecuniary interest with respect to Minute items # 58 & 59 in the Planning Services Committee minutes of February 11, 2004, the (SCG Site)/HDH Co-Location Health Complex presentation and Report DPD 21-2004, Comments on Official Plan and Zoning Amendments, NHS (SCG Site)/HDH Co-Location Health Complex, Fourth Avenue and First Street in the City of St. Catharines, as the property owners are clients of his law firm; and Minute Item # 27 in the Public Health Services Committee minutes respecting Report 3-2004, Budget Review Committee Minutes, 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 # 74 in the Public Works and Utilities Committee minutes, Report PWA 32-2004 Property Acquisition for the Roberts Street Gateway Project in the City of Niagara Falls, as his son lives in the area, and he therefore left the Council Chambers during the discussion on these matters.

Councillor Timms declared an indirect pecuniary interest with respect to matters related to Regional Development Charges as his family owns a business that may be subject to development charges, and he therefore took no part in the discussion of or voting on these matters.

69.

#### **CHAIRMAN'S REMARKS**

Regional Chairman Partington thanked Peter Bulk Greenhouses in the City of Welland for the beautiful roses that graced Council Chambers.

Niagara Region met with Niagara Regional Police Services and agreed to create a protocol that will ensure greater staff consultation and participation for issues that impact both of us and ensure that issues are collaboratively addressed on a timely basis. The collaborative approach will be used to resolve the unfunded 2003 settlement costs, as staff from Niagara Regional Police Services and the Region work to formulate solutions that will be acceptable to both parties.

Regional Chairman Partington took part in a news conference earlier this week to welcome CanJet to the facility. This is exciting news for Niagara, as well as for Hamilton, because the airport has become a regional asset that serves Niagara well. The growth and prosperity for the regions served by this airport are strengthened by CanJet's decision to use Hamilton's airport.

Regional Chairman Partington, on behalf of Regional Council, congratulated Ms. Linda Crabtree, a member of the Region's Accessibility Advisory Committee, for being awarded the King Clancy Award by the Canadian Foundation for Physically Disabled Persons, an annual award to those who have made a significant contribution to help people with disabilities achieve a more rewarding lifestyle.

Regional Chairman Partington encouraged members of Regional Council, who are not members of the Development Charges Task Force to attend the public discussion being held on Monday, February 23, 2004 at 9:30 a.m. on the draft findings regarding the revision of the Region's development charges.

### **APPROVAL OF MINUTES**

70. Report 3-2004

Moved by Councillor Heit  
Seconded by Councillor Rigby

That Report 3-2004, being the minutes of the Proceedings of Council of Thursday, February 5, 2004, be approved and adopted.

Carried.

### **PRESENTATION**

71. Excellence Awards  
Corporate Employee Recognition Team

Ms. Staines, Chair of the Corporate Employee Recognition Team; Ms. Brunet, the newly appointed Chair of the Excellence Sub Committee of the Corporate Employee Recognition Team; Regional Chair Partington and Councillor Nicholson, Chair of the Human Resources Committee presented Tony Maddalena from the Niagara Falls Social Assistance and Employment Opportunities office with an Excellence Award for his outstanding Team Participation and the Vaccine Preventable Disease Program Team was presented with an Excellence Award for their excellent Team Participation.

Ms. Staines extended congratulations to Ziggy Wright, Judy Ungaro and Dianne Comeau for their contributions and being awarded Regional Stars.

**CORRESPONDENCE**

72. Communications were received and dealt with as follows:

C6207 Town of Fort Erie resolution (January 29, 2004) respecting an immediate review of the current assessment system and Municipal Property Assessment Corporation (MPAC) Services.

Supported.

C6208 Deb Morton, Executive Director, Niagara Police Services Board (February 5, 2004) respecting their motion to forward the 2003 Annual Report on Board Activities to Regional Council.

Received.

C6209 City of Port Colborne resolution (February 3, 2004) respecting Physician Recruitment – Retainment & Education Task Force Petition to Ontario Ministry of Health and Long Term Care and the Ontario Medical Association.

Supported.

C6210 City of Thorold resolution (February 5, 2004) respecting their petition to the Provincial Government to maintain their election promise and provide their share of the gas tax to the Municipalities.

Supported.

C6211 Memorandum from Corwin Cambray, Commissioner of Planning and Development to Pam Gilroy, Acting Regional Clerk (February 19, 2004) providing a copy of Report DPD 21-2004, showing Revised Titles for the Health Complex in West St. Catharines.

Received.

C6212 Town of Niagara-on-the-Lake resolution (February 9, 2004) requesting that the Provincial Government amend the Education Act to require that surplus school properties be offered to the local area municipalities for a nominal sum after they have been offered to local boards of education before they are offered to the Ontario Realty Corporation.

Received.

73. Moved by Councillor Hodgson  
Seconded by Councillor Bodner

That Communications C6207 to C6212, be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

### **PRESENTATION**

74. Niagara-Hamilton WastePlan - Update

Mr. Payne, Director, Waste Management Services, provided Regional Council with an update on the progress of the Niagara-Hamilton WastePlan partnership, with the agreement being brought to Niagara Region's Public Works and Utilities Committee on February 24, 2004 and Hamilton's Public Works, Infrastructure & Environment Committee on March 1, 2004, for approval.

Consultants have been retained to undertake the Environmental Assessment planning process and technical review of alternatives; staff of both municipalities meet regularly to review the progress and discuss the results of the Joint Disposal Study (a study that has been undertaken by two communities to identify the best way to manage waste that remains after achievement of 65% diversion targets).

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

### **2004 CAPITAL BUDGET**

75. In accordance with the requirements of the Municipal Act, a newspaper ad was published in the daily and weekly newspapers in the Niagara Region inviting public input on the Capital Budget. Interested persons were invited to submit comments in writing or to the website, or to request an appointment to speak. To date, we have not received any submissions or requests to speak.

Regional Chair Partington asked whether there was anyone in Council Chambers wishing to speak to the Capital Budget; as there was no one present to speak to the Capital Budget, it was therefore approved through the approval of the February 5, 2004 Budget Review Committee minutes:

That the 2004 Capital program of \$118,163,687 for Regional operations and all boards and agencies inclusive of Police Services requirements and of previously approved allocations to Ontario St., Thomson Rd. and DeCew Treatment Plant be approved.

**BUDGET REVIEW COMMITTEE**

76. Report 3-2004

Moved by Councillor Martin  
Seconded by Councillor Smeaton

That Report BRC 3-2004, being the minutes of the Budget Review Committee meeting of Thursday, February 5, 2004, be approved and adopted.

Carried.

77. Report 4-2004

Moved by Councillor Martin  
Seconded by Councillor Smeaton

That Report BRC 4-2004, being the minutes of the Budget Review Committee meeting of Thursday, February 12, 2004, be approved and adopted.

Carried.

**HUMAN RESOURCES COMMITTEE**

78. Report 2-2004

Moved by Councillor Nicholson  
Seconded by Councillor Collins

That Report HR 2-2004, being the minutes of the Human Resources Committee meeting of Tuesday, February 10, 2004, be approved and adopted.

Carried.

**PLANNING SERVICES COMMITTEE**

79. Report 3-2004

Moved by Councillor Smeaton  
Seconded by Councillor Eke

That Report PS 3-2004, being the minutes of the Planning Services Committee meeting of Wednesday, February 12, 2004, be approved and adopted.

Carried.

(Refer to Staff Directions)

**CHIEF ADMINISTRATIVE OFFICER'S REPORT**

80. Response to Questions Raised on Region's Role  
In Planning for Hospitals in Niagara  
**CAO 4-2004**

Mr. Trojan, Chief Administrative Officer, provided an overview of Report CAO 4-2004, which was provided in response to a request for more information on the role of the Region with respect to planning for Hospitals in Niagara.

Moved by Councillor Casselman  
Seconded by Councillor Rigby

That Report CAO 4-2004, Response to Questions Raised on Region's Role in Planning for Hospitals in Niagara, be received for information.

Carried.

**PLANNING SERVICES COMMITTEE (Continued)**

81. Appointment of the Region's  
Spokesperson to the Niagara Health System

Council, then had for consideration the motion from Minute Item # 38, Appointment of a Regional Spokesperson to the Niagara Health System in Report PS 2-2004, January 28, 2004, which was referred to staff at the February 5, 2004 Regional Council meeting.

Moved by Councillor Timms  
Seconded by Councillor Katzman

That Councillor Smeaton Chair of the Planning Services Committee be appointed as the Region's interim spokesperson to the Niagara Health System to address ongoing planning issues of concern with respect to the proposed Hospital Redevelopment Site, until such time that the Regional Chair can clear his conflict of interest and represent the Region on the Niagara Health System's Board of Directors.

Lost.

Upon a vote being taken, the Acting Regional Chair declared the original motion in Report 2-2004, being the minutes of the Planning Services Committee meeting of Wednesday, January 28, 2004, "That Councillor Smeaton, Chair of the Planning Services Committee be appointed as the Region's spokesperson to the Niagara Health System to address ongoing planning issues of concern with respect to the proposed Hospital Redevelopment Site", was carried.

**PUBLIC HEALTH SERVICES COMMITTEE**

82. Report 3-2004

Moved by Councillor Timms  
Seconded by Councillor Baty

That Report PHSC 3-2004, being the minutes of the Public Health Services Committee meeting of Monday, February 9, 2004, be approved and adopted.

Carried.

Moved by Councillor Timms  
Seconded by Councillor Baty

That Councillor Almas be appointed as a member of the Public Health Services Committee.

Carried.

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

**CORPORATE AND FINANCIAL SERVICES COMMITTEE**

83. Report 5-2004

Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report CFS 5-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, February 11, 2004, be approved and adopted.

Carried.

**COMMUNITY SERVICES COMMITTEE**

84. Report 3-2004

Moved by Councillor Marshall  
Seconded by Councillor Almas

That Report CSC 3-2004, being the minutes of the Community Services Committee meeting of Monday, February 9, 2004, be approved and adopted.

Carried.

**PUBLIC WORKS AND UTILITIES COMMITTEE**

85. Report 5-2004

Moved by Councillor Redekop  
Seconded by Councillor Rigby

That Report PW 5-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, February 10, 2004, be approved and adopted.

Carried.

**BY-LAWS**

86. Moved by Councillor Katzman  
Seconded by Councillor Timms

That the following bills be now read and do pass:

Bill 14

A by-law to provide for the regulation of traffic on Regional Highways in the City of Welland.

Bill 15

A by-law to authorize debenture financing (not exceeding 10 years) in the amount of \$734,000 for Project ZRC9817, Rehabilitation of Regional Road 98 (Montrose Road) at Preakness Street, Stage 2A, in the City of Niagara Falls.

Bill 16

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 19<sup>th</sup> day of February, 2004.

Carried.

87. Moved by Councillor Leavens  
Seconded by Councillor Collins

That the following bills be now read and do pass:

Bill 17

A by-law to authorize debenture financing in the amount of \$10,500,000 for the funding of the City of Welland's New Civic Centre.

Bill 18

A by-law to authorize the submission of an application to the Ontario Municipal Economic Infrastructure Financing Authority ("OMEIFA") for financing certain ongoing Capital Works. The Regional Municipality of Niagara (The "Municipality"); to authorize temporary borrowing from OMEIFA to meet expenditures in connection with such works; and to authorize long term borrowing for such works through the issue of Debentures to OMEIFA.

Bill 19

A by-law to authorize the submission of an application to the Ontario Municipal Economic Infrastructure Financing Authority ("OMEIFA") for financing certain Capital Works of the Corporation of the Town of Fort Erie; and to authorize long term borrowing for such works through the issue of Debentures to OMEIFA.

Bill 20

A by-law to authorize the submission of an application to the Ontario Municipal Economic Infrastructure Financing Authority ("OMEIFA") for financing certain Capital Works of the Corporation of the Town of Niagara-On-The-Lake; and to authorize long term borrowing for such works through the issue of Debentures to OMEIFA.

Bill 21

A by-law to authorize the submission of an application to the Ontario Municipal Economic Infrastructure Financing Authority ("OMEIFA") for financing certain capital works of the Corporation of the Town of Pelham; and to authorize long term borrowing for such works through the issue of Debentures of OMEIFA.

Bill 22

A by-law to authorize the submission of an application to the Ontario Municipal Economic Infrastructure Financing Authority ("OMEIFA") for financing certain capital works of the Corporation of the City of Welland; and to authorize long term borrowing for such works through the issue of Debenture to OMEIFA.

Carried.

**STAFF DIRECTIONS**

Staff was asked to:

- Prepare a further report on the possibility of using a TIF for the Heritage Restoration and Improvement Incentive Programs. (Refer to Minute Item 80)

**ADJOURNMENT**

The Council meeting adjourned at 9:03 p.m.

Peter Partington  
Regional Chairman

Janet Pilon  
Legislative Assistant

Pam Gilroy  
Acting Regional Clerk