

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL8-2004

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, April 22, 2004 commencing at 6:35 p.m.

ATTENDANCE

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

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner of Corporate Services; Cambray, Commissioner of Planning & Development; Ms. Gilroy, Acting Regional Clerk; Mr. Nicol, Commissioner, Human Resources; Ms. Reid, Commissioner, Community Services; Mr. Sidawi, Director, Operational Support Services; Dr. Sider, Associate Medical Officer of Health; Ms. Reilly, Legislative Assistant.

Other Staff: Corporate Services: Mr. Banting, Director, Legal Services.
Public Health: Ms. Rix, Manager, Chronic Disease Prevention Division Tobacco Use Prevention Program; Mr. McQueen, Project Manager, Public Safety Division.

CLOSED SESSION

151. Moved by Councillor Burroughs
Seconded by Councillor Bodner

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.

COMMITTEE OF THE WHOLE, RISE AND REPORT

152. Moved by Councillor Collins
Seconded by Councillor Rigby

That this Council do now rise without report.

Carried.

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

ADOPTION OF THE AGENDA

153. Moved by Councillor Collins
Seconded by Councillor Zimmerman

That Council Agenda CL 8-2004 be amended, under Committee Reports, so that Planning Services Committee Report PS 7-2004 be dealt with first.

Carried.

CONFLICTS OF INTEREST

Councillor Bodner declared an indirect pecuniary interest with respect to the matter of DPD 52-2004, April 14, 2004, respecting Information on Zoning By-law Amendment No. 04-26, Fortinos Supermarket, South Service Road (R.R. 40), east of Casablanca Boulevard in the Town of Grimsby, as Loblaws is one of the main suppliers to his business, 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 any matters that deal with wireless communication as he is employed by a wireless communication company 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 Report PHD 16-2004 respecting Impact of Private Club Exemptions with Respect to the Smoking By-law as a family member manages the St. Catharines Club, and she 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 relating to Seniors Homes as he is employed by a Seniors Home, and he therefore took no part in the discussion of, or voting on, these matters.

154.

CHAIRMAN'S REMARKS

Regional Chair Partington commented on the following:

- The Regional Chair thanked Valk Greenhouses of Grimsby for the beautiful hydrangeas that are in the Council Chamber.
- The Chair congratulated those involved in the grand opening of the East Side Trail last Saturday. The trail extends from Port Colborne to Highway 20 in Thorold and was eight long years in the making. He congratulated Councillor Bruce Timms, Chair of the Greater Niagara Circle Route Steering Committee, staff and stakeholders involved in the project.
- The Chair hosted the Greenbelt Task Force in which he and several mayors and Councillor Smeaton made presentations about the needs of Niagara.
- Council held a business planning session with a presentation by Dr. Dick Tindal regarding issues of governance. While some priorities continue from the previous Council's term, the new Council has some decidedly different thoughts about what is needed to be accomplished.
- The Regional Chair announced that Andrew Bowles is joining the Niagara Region on Monday, April 26, as his Executive Assistant. He will be working directly with him and will begin by handling issues surrounding Niagara's Transportation Strategy, which includes inter-municipal transit, the Mid-Peninsula Corridor, the Highway 406 extension and other major projects. He will also deal with Bi-national issues involving tourism, transit, economic development and our border crossings. Another responsibility for the short term will be ambulance dispatch. Andrew has a BA(Honours) in Political Science from the University of Western Ontario and an MA in International Relations from the University of Nottingham in the U.K.

APPROVAL OF MINUTES

155. Report 7-2004

Moved by Councillor Heit
Seconded by Councillor Burroughs

That Report 7-2004, being the minutes of the Proceedings of Council of Thursday, April 1, 2004, be approved and adopted.

Carried.

CORRESPONDENCE

156. The following Communications were received and dealt with as follows:

C6233 Card of thanks from Barry Morgan, an employee of the Corporate Services Department, and family for the kind donation to the Rouge Valley Health System Foundation in memory of his sister, Maureen Maclam.

Received.

C6234 Deb Morton, Executive Director, Regional Municipality of Niagara Police Services Board (March 31, 2004) respecting their resolution regarding Canadian Association of Police Boards Marijuana Grow Operations Report and Recommendations.

Received for Information.

C6235 Le Van Truc, Phu Yen, Vietnam (March 24, 2004) Chairman of People's Committee of Tuy Hoa Town expressing gratitude for choosing Tuy Hoa Town, Phu Yen Province, Vietnam to be the partner of the Municipal Partnerships Approach introduced by the Association of Cities of Vietnam (ACVN).

Received.

C6236 Card of thanks from Lois LaCroix, an employee of the Public Health Department, and family for the kind donation to the Sunset Haven Day Program in memory of her mother, Jean Junkin.

Received.

C6237 Peter Partington, Regional Chairman (April 15, 2004) respecting Resolutions from other Municipalities.

City of Kingston resolution (April 1, 2004) requesting the Province of Ontario not carry out additional download unless they are also willing to assume all direct and indirect costs that municipalities will incur as a result of assuming these programs.

Moved by Councillor Collins
Seconded by Councillor Zimmerman

Received and referred to staff of the Public Health Department for a report on what is the % Provincial funding for the last five years with respect to Provincial versus Property tax funding for services.

C6238 E-mail from Michael Peppard, Coordinator, Conserving Southern Woodlands Project Ontario Nature (FON) – Federation of Ontario Naturalists (April 8, 2004) extending an invitation to members of council to attend Significant Woodlands Workshop April 29, 2004, in the Auditorium, Hamilton Conservation Authority.

Received.

C6239 Brian N. Sinclair, Q.C., Barrister & Solicitor, Brian Sinclair Professional Corporation (April 14, 2004) requesting that consideration of Appeal of Consent Applications BF 53/2004/NF and BF 54/2004/NF Ronald and Karen Lundy, North Side of Lyon's Creek Road, south side of Schisler Road (Regional Road 27) City of Niagara Falls be deferred to the next Council meeting on May 6, 2004.

Moved by Councillor Smeaton
Seconded by Councillor Nicholson

Received and that Report DPD 50-2004 be deferred to the next Council meeting of May 6, 2004.

C6240 Lucille Coleman, Welland, Ontario (April 19, 2004) respecting Regional Planning Report DPD 50-2004 Appeal of Consent Application B53/2004/NF and B54/2004/NF Ronald and Karen Lundy North Side of Lyons Creek Road, South Side of Schisler Road, City of Niagara Falls requesting that Regional Council deal with subject report on April 22, 2004.

Received.

C6241 Memorandum from Corwin T. Cambray, Commissioner of Planning and Development (April 22, 2004) respecting Fortino's Proposal, Casablanca Boulevard/South Service Road, Town of Grimsby.

--Received.

C6242 Michael Kovacevic, Goodman and Carr LLP, Barristers and Solicitors (April 16, 2004) requesting to appear before Regional Council on April 22, respecting Report DPD 52-2004 361 South Service Road, Grimsby, Ontario

--Received.

C6243 E-mail from Pam Gauvin, Seaway Mall, Welland, Ontario (April 16, 2004) respecting Report DPD 51-2004, Official Plan Amendment No. 113, Planned Commercial Centre, Woodlawn Road, west of Highway 406, City of Welland.

--Received.

Moved by Councillor Baty
Seconded by Councillor Timms

That Communications C6233 to C6243 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

PRESENTATION

157. Volunteer Recognition – Years of Service

Regional Chair Partington, together with Councillor Marshall, Vice-Chair, Community Services Committee, presented awards to two outstanding volunteers who have achieved remarkable milestones in service to the seniors of Niagara; Savina Di Tomaso of Welland and Lorraine Leyden of St. Catharines. Savina Di Tomaso served as a member of the Auxiliary at Sunset Haven in Welland for 45 years and Lorraine Leyden was honoured specifically for her fundraising leadership, which is on course to achieving \$225,000 in donations for much needed resident equipment, such as specialized bathing equipment, resident lifts, wheelchairs and electric beds. A number of scheduled events will be held to honour volunteers in celebration of Canada's National Volunteer Appreciation Week April 18 – 24, 2004.

158. Mental Health Week in Canada – Week of May 3, 2004

Ron Wyborn, President, Canadian Mental Health Association, Niagara Branch, attended Council to apprise Council and public of the issues regarding mental health. He provided an overview of CMHA Niagara services and the mental needs of the Niagara Region. The association serves the most seriously mentally ill such as people diagnosed with schizophrenia, chronic depression, bipolar disorder, or borderline personality disorder; people who have been ill for a lengthy period of time; and people who suffer from a series of complex life problems such as poverty, homelessness, involvement in violent relationships, a history of child abuse, incidents of victimization through sexual or physical assault in adulthood, multiple periods of institutionalization, physical illness and sometimes, trouble with the law. The CMHA provide a variety of service including Housing services; Case management; Peer support and drop in programs; Crisis services; employment services and other programs. Mr. Wyborn, requested Council endorse their letter to The Honourable George Smitherman, Minister of Health and Long Term Care, for increased resources in Niagara for people with mental illness.

159. Corporate Employee Recognition Team (CERT)
"Recognition of Excellence" Award Winners

Carrie Brunet, Chair, Excellence Committee, together with Regional Chair Partington and Councillor Nicholson, Chair, Human Resources Committee presented CERT Awards of Excellence to the following persons who were nominated by their peers for their outstanding contributions to life and work at the Region: Gary Ettinger for Customer Service; Suzanne McPetrie and Diane Rhodes for Leadership; Deborah Armstrong for Personal Achievement; and Jake Weaver received the Regional Star. The Corporate Employee Recognition Team congratulates these winners of Excellence Awards and looks forward to further nominations and winners. CERT appreciates the ongoing support of this Committee and Council with our Employee Recognition Initiatives.

160. Report DPD 52-2004
Loblaws Properties Limited
Zoning By-law Amendment Application
361 South Service Road, Grimsby, Ontario

Mr. Steven Zakem, Aird & Berlis, Barristers and Solicitors, representing Loblaws Properties, attended to provide background information on the public meetings and other pertinent information with respect to the Fortinos Supermarket project. Mr. Zakem commented that approximately 100 persons attended the public meeting with the majority of persons in attendance in favour of the project. The only attendees not in favour were the competitors. Mr. Zakem advised that the Grimsby Council approved the project as proposed (106,518 sq. ft. main floor and 18,335 sq. ft. mezzanine) noting that this matter is a local matter, not a matter for the Regional of Niagara and that the report should be received for information purposes only.

161. Report DPD 52-2004
Loblaws Properties Limited
Zoning By-law Amendment Application
361 South Service Road, Grimsby, Ontario

Sharon Brown, JEFS Online – eCompuLab, attended to express the concerns of Grimsby's Downtown Improvement Area and local business owners regarding the impact of the proposed supermarket and its uses on existing businesses in the Central Core Area. Ms. Brown urged Regional Council to not look favourably on this project and to continue to encourage the Town to take appropriate steps to maintain and strengthen the downtown's focus as a commercial centre.

162. Report DPD 52-2004
Loblaws Properties Limited
Zoning By-law Amendment Application
361 South Service Road, Grimsby, Ontario

Michael Kovacevic, Goodman and Carr, Barristers and Solicitors, Council for Sobeys, attended to express their concerns on the size of the proposed project and plans for future expansion potential. The property is subject to Zoning By-law 71-74 and is zoned Service Commercial/Industrial C4. This zone does not permit food stores, department stores or shopping centres. In addition, personal service uses such as medical/dental clinics and banking operations are not permitted uses. Mr. Kovacevic commented that it is their submission that the passing of By-law 04-36 for the development of the project with a 125,000 square foot supermarket with additional, non-supermarket uses and services will have serious detrimental consequences to the economic well being of his client's two stores and the Town's Central Core area. Mr. Kovacevic asked Regional Council to pass the following resolutions:

- That the Town of Grimsby be advised that the enactment of By-law 04-36 was premature;
- That the Ontario Municipal Board be advised that the Regional Municipality of Niagara takes the position that By-law 04-36 was enacted prematurely;
- That Regional Legal and Planning staff be instructed to provide assistance to parties who have appealed By-law 04-36 to the Ontario Municipal Board, with the goal of having the By-law not approved by the Ontario Municipal Board.

163. Report DPD 52-2004
Loblaws Properties Limited
Zoning By-law Amendment Application
361 South Service Road, Grimsby, Ontario

Alderman Nick Andreychuk, Town of Grimsby, attended to provide background information, as to process taken by the Town of Grimsby's Planning Committee and Council. Alderman Andreychuk commented that the Region had an opportunity to appeal the project and did not. He asked that Regional Council not support the recommendations within Report DPD 52-2004 and to receive the report for information only.

COMMITTEE REPORTS

PLANNING SERVICES COMMITTEE

164. Report 7-2004

Moved by Councillor Eke
Seconded by Councillor Smeaton

That Report PS 7-2004, being the minutes of the Planning Services Committee meeting of Wednesday, April 14, 2004, be approved and adopted.

Moved by Councillor Bentley
Seconded by Councillor Martin

That Report DPD 52-2004, Loblaws Properties Limited Zoning By-law Amendment Application 361 South Service Road, Grimsby, Ontario, be lifted and dealt with separately by this Council at this time.

Carried.

Moved by Councillor Bentley
Seconded by Councillor Redekop

That Report DPD 52-2004, April 14, 2004, respecting Loblaws Properties Limited Zoning By-law Amendment Application, 361 South Service Road, Grimsby, Ontario, be received for information.

Carried.

Report DPD 50-2004, April 14, 2004, respecting the Appeal Consent Application, Ronald and Karen Lundy, North side of Lyon's Creek Road, South side of Schisler Road in the City of Niagara Falls, was deferred to the next Council meeting, as per the motion passed regarding correspondence item C6239.

Upon a vote being taken, the original motion, as amended, was carried.

CORPORATE AND FINANCIAL SERVICES COMMITTEE

Conflict of Interest

Councillor Timms declared an indirect pecuniary interest with respect to any matters relating to 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.

165. Report 10-2004

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report CFS 10-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, April 14, 2004, be approved and adopted, save and except for Report 1-2004, minutes of the Audit Committee meeting of April 14, 2004, to be referred to the next Corporate and Financial Services Committee meeting on April 28, 2004.

Carried.

166. Report CSD 67-2004
Applicability of Regional Development Charges
On the Development of Federally Regulated Airports

Moved by Councillor Martin
Seconded by Councillor Burroughs

That Report CSD 67-2004, respecting Applicability of Regional Development Charges on the Development of Federally Regulated Airports, be received.

That the proposed airplane hanger be considered an airport building for purposes of Niagara's Development Charges by-law.

That Regional Development Charges not be levied on airport buildings on Federally Regulated Airports located within the Regional Municipality of Niagara.

That this report be circulated to the Council to the Town of Niagara-on-the-Lake.

Carried.

COMMUNITY SERVICES COMMITTEE

167. Report 7-2004

Moved by Councillor Marshall
Seconded by Councillor Almas

That Report CSC 7-2004, being the minutes of the Community Services Committee meeting of Monday, April 19, 2004, be approved and adopted.

Carried.

HUMAN RESOURCES COMMITTEE

168. Report 3-2004

Moved by Councillor Collins
Seconded by Councillor Leavens

That Report HR 3-2004, being the minutes of the Human Resources Committee meeting of Tuesday, April 13, 2004, be approved and adopted.

Carried.

PUBLIC HEALTH SERVICES COMMITTEE

169. Report 7-2004

Moved by Councillor Timms
Seconded by Councillor Baty

That Report PHSC 7-2004, being the minutes of the Public Health Services Committee meeting of Monday, April 19, 2004, be approved and adopted.

Moved by Councillor Nicholson
Seconded by Councillor Collins

That Report PHD 18-2004, April 19, 2004, respecting City of Niagara Falls Request to Rescind By-law 22-2002, a By-law to Regulate Smoking in Public Places and Workplaces, be lifted and dealt with separately by this Council at this time.

Carried.

Upon a vote being taken, the motion respecting Report PHD 18-2004, as contained in PHSC 7-2004, April 19, 2004 was carried.

Upon a vote being taken, the original motion, respecting Report PHSC 7-2004, April 19, 2004 was carried.

(Refer to staff direction on page CL 97.)

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

Moved by Councillor Zimmerman
Seconded by Councillor Timms

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 April 30, 2004 to May 31, 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

171. Report 10-2004

Moved by Councillor Rigby
Seconded by Councillor Goulbourne

That Report PW 10-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, April 13, 2004, be approved and adopted.

Carried.

OTHER BUSINESS

172. Meeting Notification

Councillor Rigby expressed his disappointment in not being notified of the special meeting of the Smart Growth Committee and that he would like to have arranged to be there if he was notified in time. Councillor Smeaton asked that staff better coordinate meeting notifications.

173. Recognition of Volunteers

Councillor Rigby advised that the City of St. Catharines hosted a dinner for approximately 80 volunteers in recognition of Canada's National Volunteer Appreciation Week April 18 – 24, 2004.

174. “Bridging the Gap” Workshop
Councillor Rigby advised that, together with Councillor Burroughs, they attended a workshop in Oakville titled “Bridging the Gap”. He advised that the Ministry is looking for ways, in amending the Municipal Act, to strengthen the ability of municipalities to carry out their jobs, the way they would like.
175. Acknowledgement of Former Employee
Councillor Bentley wanted to acknowledge an outstanding former Regional employee, Mr. Lyle Killan, who has lead Grimsby’s Jr. C. Hockey Team, Peach Kings, to win the Provincial Jr. C Championship for the second year in a row. Mr. Killan allows all the kids to play and has built a team that loves the game. Councillor Bentley also commented that the Thorold Black Hawks are in the process of attaining Grimsby’s Junior B Team.
176. Communication C6235
Councillor Eke referred to communication C6235 from Le Van Truc, Phu Yen, Vietnam, Chairman of People’s Committee of Tuy Hoa Town expressing gratitude for choosing Tuy Hoa Town, Phu Yen Province, Vietnam to be the partner of the Municipal Partnerships Approach introduced by the Association of Cities of Vietnam. Councillor Eke advised that a report is going to the Public Works & Utilities Committee meeting of May 11, 2004 on this matter.
177. Council Business Plan
Councillor Eke congratulated Chair Partington on hosting Council’s Business Plan, commenting that he was most impressed with Dr. Tindal’s speech on the roles, responsibilities and relationships of Councillors. He commented that there is an opportunity to make significant improvements and efficiencies in the Region and he is looking forward to the process of change.
178. Niagara Region Logo
Councillor Collins commented that he was pleased that the Niagara Region will still retain its same design within the new logo being proposed for the Niagara Region.
179. Tribute to Debbie Zimmerman
Councillor Zimmerman expressed appreciation to members of Council for its tribute to her in honouring her with two awards, Regional Chair’s Early Years Literary award and a CERT award for Customer Service; and for the many letters and flowers she received.

180. World Canals Conference
Councillor Timms apprised Council of the World Canals Conference to be held on June 2-4, 2004 and highlighted some of the activities to take place at the conference.
181. Committee on Restructuring
Councillor Baty advised that the meeting on the Committee on Restructuring will be held on Tuesday at 3:00 p.m.

BY-LAWS

182. Moved by Councillor Hodgson
Seconded by Councillor Bodner

That the following bills be now read and do pass:

Bill 45

A by-law to establish part of Lot 1, Plan M-96, in the Township of West Lincoln as part of Regional Road No. 20 (St. Catharine Street).

Bill 46

A by-law to establish part of Township Lots 31 and 32, in the City of Niagara Falls as part of Regional Road No. 70, (Beechwood Road).

Bill 47

A by-law to establish part of Township Lots 29 and 32, in the City of Niagara Falls as part of Regional Road No. 101, (Mountain Road).

Bill 48

A by-law to authorize debenture financing (1–10 Years) in the amount of \$20,050,000 for Individual Projects in the 2004 Water Capital Program.

Bill 49

A by-law to authorize debenture financing (1–10 Years) in the amount of \$14,542,000 for individual projects in the 2004 Wastewater Capital Program.

Bill 50

A by-law to authorize debenture financing (1–10 years) in the amount of \$10,077,000 for individual projects in the 2004 Roads Capital Program.

Bill 51

A by-law to authorize debenture financing (1–10 years) in the amount of \$321,360 for project ZPLO201, Waterfront Trail Construction in the 2004 Capital Budget.

Bill 52

A by-law to authorize debenture financing (1–10 years) in the amount of \$1,620,000 for Project ZRTO401 and ZRTO402 in the 2004 Roads Capital Program.

Bill 53

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

Carried.

OTHER BUSINESS (continued)

183. Canadian Mental Health Association

Moved by Councillor Redekop
Seconded by Councillor Eke

That Regional Council endorse the Canadian Mental Health Association's letter to The Honourable George Smitherman, Minister of Health and Long Term Care, for increased resources in Niagara for people with mental illness.

Carried.

BY-LAWS (continued)

184. Moved by Councillor Katzman
Seconded by Councillor Saracino

That the following bills be now read and do pass:

Bill 54

A by-law to establish blocks 78 and 79, Plan 59M-320, in the City of Welland as part of Regional Road No. 29 (Lincoln Street).

Bill 55

A by-law to establish Block 7, Plan 30M-328, in the Town of Grimsby as part of Regional Road No. 81 (Main Street West).

Carried.

STAFF DIRECTIONS

Staff was directed to:

- (i) Include a timeframe of 3 months for response in the letter being sent by Council to the Province encouraging the provincial government to enact province-wide smoke-free legislation as soon as possible. (Refer to minute item 169.)

ADJOURNMENT

The Council meeting adjourned at 10:25 p.m.

Peter Partington
Regional Chairman

Gail Reilly
Legislative Assistant

Pam Gilroy
Acting Regional Clerk