

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 12-2004

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, June 17, 2004 commencing at 7:15 p.m.

ATTENDANCE

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

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner of Corporate Services; Cambray, Commissioner of Planning & Development; Ms. Hepplewhite, Acting Deputy Regional Clerk/Corporate Records Manager; Messrs. Hutchings, Director, Social Assistance & Employment Opportunities; Neville, Commissioner, Public Works; Chief Nicholls, N.R.P.S.; Nicol, Commissioner, Human Resources; Dr. Williams, Medical Officer of Health; Ms. Reilly, Legislative Assistant.

Other Staff: Messrs. Banting, Director, Legal Services; Bowles, Executive Assistant to the Regional Chair; Ms. Fontana, Director, Corporate Health Services and Employee Relations.

CLOSED COMMITTEE OF THE WHOLE

256. Moved by Councillor Mastroianni
Seconded by Councillor Goulbourne

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

257. Moved by Councillor Smeaton
Seconded by Councillor Martin

That this Council do now rise without report.

Carried.

Following Committee of the Whole, Council met in regular session at 7:35 p.m.

REGIONAL CHAIR FOR A DAY

258. Jesse Hale-Tuckwell, as Chair for the Day, called the meeting to order and asked for the Invocation and Singing of 'O Canada'. Jesse is this year's eleventh annual "Regional Chair-for-a-Day", as part of the Region's ongoing participation in the Adopt-a-School Partnership with Kernahan Park Secondary School. Jesse accompanied Regional Chairman Partington to the Corporate and Financial Services Committee meeting and following that meeting, he was given several tours of Regional facilities, including the Welland Water Plant, the Service Centre and Sign Shop, and Niagara Regional Police Headquarters. The Regional Chair presented Jesse with a photo album commemorating the activities he was involved in during his "Chair for a Day" and a Certificate of Recognition. Jesse thanked staff and Council for the opportunity and the mementos presented to him.

259.

CONFLICTS OF INTEREST

Councillor Almas declared an indirect pecuniary interest with respect to Report PWA 105-2004 respecting Facilitation of the Redevelopment of the Domtar Property, as his firm is a participant in this project, 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 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 Leavens declared an indirect pecuniary interest with respect to any matters relating to the Niagara Health System, as his wife is an employee of the Niagara Health System and the Hotel Dieu Hospital, and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Marshall declared an indirect pecuniary interest with respect to any matters relating to the Niagara Health System, as he is an employee of the Niagara Health System, 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 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.

ADOPTION OF THE AGENDA

260. Moved by Councillor Casselman
Seconded by Councillor Eke

That Council Agenda CL 12-2004 be approved and adopted as amended, to move the presentations forward to be heard at this time.

Carried.

PRESENTATIONS

261. Delegation from Province of Phu Yen, Viet Nam

A delegation from the Province of Phu Yen, Viet Nam attended Regional Council in recognition of the Niagara Region and Tuy Hoa, Viet Nam Municipal Partnership Program. Five Vietnamese delegates are visiting Canada from June 5th to 19th, 2004, to meet with staff and politicians from the Niagara Region to learn about municipal governance in Canada and Niagara as well as waste management and environmental practices. The Municipal Partnerships Program is a Human Resources Development program that links Canadian municipalities with municipalities in developing countries. The Program is administered by FCM and is funded by the Canadian International Development Agency.

Councillor Eke introduced the following delegates:

- Mr. Le Van Truc, Phu Yen Province, People's Committee Representative
- Mr. Dao Tan Hoang, Tuy Hoa Town, People's Committee Chairman
- Ms. Nguyen Thi Dinh, Party Committee Representative
- Mr. Huynh Kim Toan, Director of Housing Development and Urban Construction Company, Tuy Hoa
- Ms. Nguyen Thi Thu Thuy, ACVN

The delegation expressed their appreciation to the Niagara Region for partnering with them in this program, the valuable experiences and lessons learned on their trip; and thanked the Regional Chair, Council and staff for hosting their visit.

Kristin Marinacci, Program Officer, and Shelly Desjardins, Program Assistant-Asia, from the Federation of Canadian Municipalities expressed their appreciation to the Region and the Province of Phu Yen, Viet Nam for their participation in this valuable program.

262. 2003 Water for Life Poster Contest Awards

Regional Chairman Peter Partington, together with Ian Neville, Commissioner of Public Works, presented awards to the winners of the Niagara Region's annual Water for Life poster contest. This year's poster contest theme was "Water and Me". Posters were judged in each category (grades three and four; grades four and five; grades seven and eight) based on clarity, message and artistic ability. More than 1350 posters were submitted from about 50 local schools. The

Niagara Children's Water Festival organizing committee selected the top five posters in each category and invited the public to help choose the top two in each category by voting for their favourite poster.

The Winners are:

Winners						
Category	Position	First Name	Last Name	Age	Grade	School
5-6	1	Colton	Proveau	11	6	A.K Wigg School
3-4	1	Evan	Wiens	8	3	Virgil Public School
3-4	2	Ashley	Robson	10	4	F.J Ruthland School
7-8	2	Jennifer	Duong	14	8	Kate S. Durdan
7-8	1	Alex	Louws	13	8	Woodland
5-6	2	Olenka	Iwanicki	11	6	McKay School

The winning artists and runners up will receive \$50 and \$25 respectively.

263. Sustainable Communities Award

Regional Chair Partington, together with Councillor Michael Collins, representative, Federation of Canadian Municipalities, Councillor Gord Harry, Chair, Water Strategy Implementation Committee, and Jack Hellinga, Representative of CH2M HILL, presented Ian Neville, Commissioner of Public Works and Chado Brcic, Director, Wastewater and Water Division, with the FCM-CH2M HILL Sustainable Community Award. This award recognizes excellence in municipal service delivery that has advanced sustainable community development. The Region of Niagara developed the Niagara Water Quality Protection Strategy in partnership with the Niagara Peninsula Conservation Authority and the Ontario Ministry of the Environment to protect water quality in a 2,500 km² area. The region first examined the activities and influences of more than 145 separate watersheds and then created a watershed-wide database. The strategy was then developed with roles and responsibilities clearly laid out, and a long list of actions and priority items were identified. The NWQPS has proven most effective in co-ordinating water management efforts among the region's water agencies and stakeholder groups and has resulted in several best management practices being applied to sensitive environmental areas. The strategy also included a public education program that has increased water efficiency.

264. Ontario Heritage Foundation Awards – Community Recognition Presentation

Regional Chairman Peter Partington, together with Councillors Eke and Redekop, presented the Ontario Heritage Foundation Awards to John Burtniak and Friends of Fort Erie's Creeks. The Foundation's Eighth Annual Heritage Community Recognition Program provides communities the opportunity to recognize individuals and small groups who have made significant contributions to build, cultural, natural and heritage garden preservation. Heritage preservation is driven by the commitment, initiative and energy of volunteers.

265. CERT Awards for Excellence

Betty Staines, Chair, Corporate Employees Recognition Team, together with Carrie Brunet, Chair, Excellence Award Committee, announced that Suzanne McPetrie, Child Care Division, Community Services, was awarded the RENU Award for Overall Excellence. This award was presented to Suzanne for her work with the United Way, Corporate Social Responsibility Team, CERT, and other Regional committees, as well as her performance on the job and her outside activities with organizations such as Habitat for Humanity. The RENU (Regional Employees, Non-Union) award is intended to recognize a well-rounded individual who has made superior contributions under several categories and in several ways to the Corporation and the community. Also presented were "Recognition of Excellence" awards to David Wight from the Public Works Department, and Deanna Barrow, from the Water and Wastewater Division, for their commitment to Leadership. These employees were nominated by their peers for their outstanding contributions to life and work at the Region.

266.

CHAIRMAN'S REMARKS

The Regional Chair provided the following remarks:

- The flowers and plants that grace the Council Chambers this evening are a gift from Creekside Gardens in Jordan. They are a fine example of the quality products available at Niagara's horticultural operations. Marinus Koole (now 82) founded Creekside on the banks of the 15 mile creek in 1952. Many green house operators got their start working with Marinus Koole as he is truly a pioneer in the flower industry. His son, Arie, continues to operate the 250,000 sq ft green house and outdoor growing complex
- On June 7th the Regional Chair met with the Honourable John Gerretsen, Minister of Municipal Affairs and Housing, and spoke to him about the many issues that the Niagara faces including infrastructure and development pressures.
- Over the past few days, Niagara has been playing host to a Vietnamese delegation as part of a Federation of Canadian Municipalities exchange designed to facilitate the flow of ideas between nations and cultures.
- On June 8th, Dr. Williams arranged a meeting to discuss the ability of the Region to react in the event of a terrorist attack or some natural disaster. Dr. James Young, Commissioner of Emergency Management Ontario; Mr. Doug Harrison, Deputy Director of Emergency Management Ontario; and Mr. Bruce Nelson, Critical Infrastructure Programs Manager for Emergency Management Ontario were among the attendees

- On June 8th, the Regional Chair attended the Gala opening of the Niagara Fallsview Casino. It is an impressive example of architectural art, and will no doubt serve to benefit Niagara Falls and the greater-Niagara community as a whole.
- The Regional Chair, together with Mr. Patrick Gedge and Tony Thompson of NETC, had the opportunity on June 9th to tour some of Niagara's greenhouses, commenting on the fantastic horticultural assets here in Niagara. The Chair advised that Council has been invited for a tour of Westbrook Greenhouse Systems in Grimsby for the fall.
- On June 10th, the Corporate Employee Recognition Team held its annual service celebrations. It was an excellent event; one that expresses appreciation for the service and dedication of our employees.
- The Regional Chair announced that Councillor Bruce Timms has been appointed a member of the Board of Directors of the Association of Local Public Health Agencies and as chair of the Public Health Services Committee, will bring an important perspective to the Association on the Region's behalf.
- This past week marked the opening of the Woodlands of Sunset Long-Term Care facility in Welland, and the opening of the new Pelham EMS station. The investment marked by these facilities represents Regional Council's continuing commitment for the short and long-term care of our citizens in all of Niagara's communities.
- The Regional Chair congratulated Brian Hutchings, Director of Social Assistance and Employment Opportunities, on his election as Secretary/Treasurer of the Board of Governors of the Ontario Municipal Social Services Association.
- The Regional Chair held his fourth Community Forum in West Lincoln this past Tuesday evening at the Smithville Train Station, commenting that these forums are valuable as they provide him with an opportunity to meet the citizens of Niagara, and provides them with an opportunity to learn a little bit more about the Region. His next Community Forum meeting will be in St. Catharines on July 6th at St. Thomas' Anglican Church on Ontario Street between 6 and 8pm.

APPROVAL OF MINUTES

267. Report 11-2004

Moved by Councillor Burroughs
Seconded by Councillor Harry

That Report 11-2004, being the minutes of the Proceedings of Council of Thursday, June 3, 2004, be approved and adopted as amended, to note that the conflict for Councillor Bodner, noted in the minutes, should have been recorded as Councillor Leavens' conflict.

Carried.

CORRESPONDENCE

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

Moved by Councillor Bentley
Seconded by Councillor Mastroianni

C6280 Peter Partington, Regional Chairman (June 10, 2004) respecting Resolutions from other Municipalities.

City of Kawartha Lakes (June 3, 2004) resolution, requesting the Minister of Municipal Affairs to stop the Municipal Performance Measurement Program (MPMP)

--Received.

C6281 City of St. Catharines (June 8, 2004) supporting City of Welland's resolution regarding new casino gambling revenues.

--Referred to Corporate and Financial Services Committee.

C6282 John Gerretsen, Minister of Municipal Affairs and Housing (June 9, 2004) respecting scheduled public information sessions to discuss reforms to the Ontario Municipal Board (OMB) and *Planning Acting*.

--Received for information.

C6283 News Release from the Ministry of Municipal Affairs and Housing regarding Legislation to Strengthen Partnership with Ontario's Municipalities.

--Received for information.

C6284 Memorandum to Regional Chairman Partington and Members of Council from Ian Neville, Commissioner of Public Works, June 14, 2004 regarding Potential Implications of Announced Gas Tax Funding by the Province on Proposed Inter-Municipal Transit in Niagara

--Received for information.

C6285 Memorandum to Regional Chairman Partington and Members of Council from Councillor Brian Baty, Chair, Council Organizational Review Committee (June 15, 2004) respecting the Status Report with regard to the committee structure of council.

--Received and referred to the Human Resources Committee.

That Communications C6280 to C6285 be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

COMMITTEE REPORTS

CORPORATE AND FINANCIAL SERVICES COMMITTEE

269. **Development Charges Background Study and Proposed By-law**

Moved by Councillor Martin
Seconded by Councillor Collins

That Report CSD 83-2004 respecting the Development Charges Background Study and Proposed By-law be referred to staff for further report to the Corporate and Financial Services committee meeting of July 14, 2004; and

That having heard presentations from the public, pursuant to Section 12 of the Development Charges Act (1977), regarding the proposed Development Charges By-law;

Regional Council resolved that an additional public meeting will not be necessary to consider the proposed Development Charges By-law.

Carried.

270. Report 15-2004

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report CFS 15-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, June 9, 2004, be approved and adopted.

Moved by Councillor Heit
Seconded by Councillor Collins

That minute item 140, regarding report CSD 84-2004, Initiation of Funding for the SuperBuild Component of the Greater Niagara Circle Route Trails System ZPL9710 Thorold, Port Colborne and Fort Erie Sections, be lifted and dealt with separately by this Council at this time.

Carried.

Moved by Councillor Goulbourne
Seconded by Councillor Saracino

That Report CSD 84-2004, June 9, 2004 (DPD 80-2004) respecting Initiation of Funding for the SuperBuild Component of the Greater Niagara Circle Route Trails System ZPL9710 Thorold, Port Colborne and Fort Erie Sections, be received.

That the remaining 2002, 2003 and 2004 approved capital budget expenditures of \$2,564,500 for ZPL9710, Niagara Circle Route Trails System be approved and initiated with the following financing:

- i. \$1,014,984 Capital Levy Reserve loan, with the understanding that it will eventually be repaid through proceeds of the ongoing Public Fundraising Campaign.
 - ii. \$321,750 Fort Erie contribution.
 - iii. \$613,883 Canada Ontario Infrastructure Program (COIP) funding'
 - iv. \$613,883 Federal Government funding
2. That, based upon the above commitment of all required funds, the Regional Chair be authorized to sign the Funding Agreement with SuperBuild.
 3. That the Regional Clerk be directed to ensure that the appropriate by-laws be prepared for presentation to Regional Council.

Carried.

Upon a vote being taken the Regional Chair, declared the original motion carried.

COMMUNITY SERVICES COMMITTEE

271. Report 10-2004

Moved by Councillor Marshall
Seconded by Councillor Almas

That Report CSC 10-2004, being the minutes of the Community Services Committee meeting of Monday, June 7, 2004, be approved and adopted.

Carried.

HUMAN RESOURCES COMMITTEE

272. Report 5-2004

Moved by Councillor Collins
Seconded by Councillor Leavens

That Report 5-2004, being the minutes of the Human Resources Committee meeting of Tuesday, June 8, 2004, be approved and adopted.

Carried.

273. Appointment Committee for the Position of
Commissioner of the Community Services Department

Moved by Councillor Marshall
Seconded by Councillor Rigby

That an Appointment Committee for the position of Commissioner of the Community Services Department, which is composed of the Regional Chair, the Chair or Vice-Chair of the Community Services Committee and Chair, or Vice-Chair, or duly appointed alternate (John Mastroianni), of the Human Resources Committees, the C.A.O. and the Commissioner of the Human Resources Department, be authorized to proceed with the appointment of the successful candidate for the position.

Carried.

274. Ratification of Collective Agreement CUPE Local 1757
- Public Health Department

Moved by Councillor Collins
Seconded by Councillor Mastroianni

That Report HR 26-2004, regarding the collective agreement between CUPE Local 1757 and the Regional Municipality of Niagara, for the thirty-six month

period of April 1, 2004 – March 31, 2007, be approved as per the June 8, 2004 Memorandum of Settlement; and

That the Regional Chair and Regional Clerk be authorized to execute the collective agreement on behalf of the Regional Municipality of Niagara.

Carried.

PLANNING SERVICES COMMITTEE

275. Report 11-2004

Moved by Councillor Hodgson
Seconded by Councillor Bailey

That Report PS 11-2004, being the minutes of the Planning Services Committee meeting of Wednesday, June 9, 2004, be approved and adopted.

Carried.

PUBLIC HEALTH SERVICES COMMITTEE

276. Report 11-2004

Moved by Councillor Timms
Seconded by Councillor Baty

That Report PHSC 11-2004, being the minutes of the Public Health Services Committee meeting of Monday, June 7, 2004, be approved and adopted.

Carried.

(Refer to staff direction.)

PUBLIC WORKS AND UTILITIES COMMITTEE

277. Report 14-2004

Moved by Councillor Redekop
Seconded by Councillor Goulbourne

That Report PW 14-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, June 8, 2004, be approved and adopted.

Carried.

278. PWA 107-2004

Moved by Councillor Rigby
Seconded by Councillor Burroughs

That Report PWA 107-2004, June 17, 2004, Tender Award for Contract RN 04-15 2004 Hot Mix Resurfacing Program – Part 2, be received.

That Contract RN 04-15, 2004 Hot Mix Resurfacing Program – Part 2, be awarded to the low tenderer, Hard Rock Construction Inc., at its bid price of \$2,134,691.35;

That a contingency allowance in the amount of \$50,000.00 be provided for this contract;

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara, are presented to Regional Council on June 17, 2004;

That project costs be charged against Parent Project ZRC0401/RC0444 and Project ZPL0201/PL0201; and

That a copy of this report be forwarded for information purposes to the Waterfront Regeneration Trust, Town of Lincoln, and the Regional Planning and Development Department.

Carried.

279. PWA 108-2004/CSD 90-2004

Moved by Councillor Rigby
Seconded by Councillor Burroughs

That Report PWA 108-2004/CSD 90-2004, June 17, 2004, respecting Tender Award Contract RN 04-18, Glendale Avenue Bridge (Structure No.089205) Deck Rehabilitation, Regional Road 89 (Glendale Avenue) over the Twelve Mile Creek in the City of St. Catharines, Project ZRC0222, be received.

That approval be given to initiate debenture financing (1 – 10 years) in the amount of \$800,000.00 for the project ZRC0222 (Rehabilitation of Structure No. 089205, Glendale Avenue Bridge over Twelve Mile Creek);

That Debenture financing (1 – 10 years) in the amount of \$150,000.00 be transferred from Project ZRC0401/RC0444, 2004 Hot Mix Program – Part 2 to Project ZRC0222;

That approval be given to increase the gross budget by \$100,000.00 to reflect cost-sharing with the City of St. Catharines;

That Contract RN 04-18, Glendale Avenue Bridge (Structure No. 089205), Deck Rehabilitation, Regional Road 89 (Glendale Avenue) Over the Twelve Mile Creek, in the City of St. Catharines, be awarded to the low tenderer Rankin Construction Inc. (Rankin), at the bid price of \$844,615.00;

That a contingency amount of \$80,000.00 be provided for this contract;

That the engineering agreement with the firm of Ellis Engineering Inc. (EEI) be extended to include contract administration and inspection services, with the engineering fees being calculated on a time plus disbursements basis, estimated at \$50,862.00;

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara are presented to Regional Council on June 17, 2004; and,

That all project costs be charged against Capital Works Project ID No. RC0222, (Rehabilitation of Structure No. 089205, Glendale Avenue Bridge over Twelve Mile Creek).

Carried.

CHIEF ADMINISTRATIVE OFFICER

280. **Regional Clerk Vacancy Extension of Interim Appointments**

Moved by Councillor Smeaton
Seconded by Councillor Harry

That Report CAO 14-2004, June 17, 2004, respecting Regional Clerk Vacancy Extension of Interim Appointments, be received and the recommendations contained therein be approved and adopted.

Carried.

OTHER BUSINESS

280. **Fort Erie Celtic (Highland Games) Festival**

Councillor Martin invited everyone to attend the Fort Erie Celtic (Highland Games) Festival being held in Old Fort Erie this weekend, June 19th and 20th.

BY-LAWS

281. Moved by Councillor Harry
Seconded by Councillor Burroughs

That the following bills be now read and do pass:

Bill 75

A by-law to appoint an Acting Regional Clerk for the Regional Municipality of Niagara.

Bill 76

A by-law to appoint Acting Deputy Clerks for the Regional Municipality of Niagara.

Bill 77

A by-law to establish part of Township Lot 200, in the City of Thorold, as part of Regional Road No. 63 (Chippawa Creek Road).

Bill 78

A by-law to authorize debenture financing (1-5 years) in the amount of \$387,500 for Niagara Regional Police Project ZPO9802, CIMS (Common Integrated Management System).

Bill 79

A by-law to provide for the adoption of Amendment 191 to the Official Plan for the Niagara Planning area to permit a sewer line extension outside the urban area in the Town of Grimsby.

Bill 80

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 17th day of June, 2004.

Carried.

282. Moved by Councillor Hodgson
Seconded by Councillor Bailey

That the following bills be now read and do pass:

Bill 81

A by-law to establish part of Lot 1, Plan CY-190, in the City of St. Catharines as part of Regional Road No. 50 (Glenridge Avenue).

Bill 82

A by-law to establish part of Township Lot 67, in the City of Niagara Falls as part of Regional Road No. 70 (Thorold Townline Road).

Carried.

STAFF DIRECTIONS

Staff was directed to:

- (i) Provide a brief report updating the status of the Smoking By-law with respect to ventilation and compliance for bingo halls. (Refer to minute 276.)

ADJOURNMENT

The Council meeting adjourned at 9:30 p.m.

Peter Partington
Regional Chairman

Gail Reilly
Legislative Assistant

Anne Hepplewhite
Acting Deputy Regional Clerk
/Corporate Records Manager