

**THE REGIONAL MUNICIPALITY OF NIAGARA**

**PROCEEDINGS OF COUNCIL**

**REPORT CL 9-2006**

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The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, July 6, 2006 commencing at 6:30 p.m.

**ATTENDANCE**

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

Staff: Messrs. Hutchings, Acting Chief Administrative Officer; Cambray, Commissioner, Planning and Development; Nicol, Commissioner, Human Resources; Brcic, Acting Commissioner of Public Works; Bergsma, Commissioner of Corporate Services; Dr. Williams, Medical Officer of Health; Ms. Gilroy, Regional Clerk; Ms. Pilon, Deputy Clerk.

Staff

(Part-Time): Ms. Coppola, Manager, Healthy Eating.

**CLOSED COMMITTEE OF THE WHOLE**

242. Moved by Councillor Bailey  
Seconded by Councillor Katzman

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**

243. Moved by Councillor Rigby  
Seconded by Councillor Brock

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'.

### **CONFLICTS OF INTEREST**

244. 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.

### **ADOPTION OF THE AGENDA**

245. Moved by Councillor Angelone  
Seconded by Councillor Collins

That the Council Agenda CL 9-2006 be adopted as presented.

Carried.

### **PRESENTATIONS**

246. **Final Report & Recommendations of the Regional Chairman's Leadership Round Table on Obesity Prevention:  
Our Community Strategy for a Healthy, Active Niagara**

Regional Chair Partington recounted how Regional Council had, for 2004-2006, recognized that rising rates of overweight and obesity were impacting on the health of Niagara residents and decided to make obesity prevention one of Niagara's strategic priorities.

Following the release of Ontario's Chief Medical Officer of Health, Dr. Sheela Basrur's report *Healthy Weights, Healthy Lives*, a group of community leaders and champions representing different sectors considered how they might collectively take action to improve the health of Niagarans; the Leadership Round Table (LRT) was then formed.

Regional Chair Partington thanked members of the Leadership Round Table for their commitment over the past year, during the planning phase, noting that they were instrumental in getting the Niagara Region to where it is today and they will continue to provide leadership and guidance as Niagara Region begins to implement the initiatives and recommendations outlined in the final report distributed to members of Regional Council.

Councillor Timms, Co-Chair, Public Health and Social Services Committee; Mr. Corlett, Dean for Faculty of Applied Health Sciences, Brock University and Ms. Coppola, Manager, Healthy Eating provided the Committee with an overview of the final report, highlighting the following:

- Prevalence of Overweight in Central West Population is Aged 20-64 (1990, 1996 and 2001)
- Body Mass Index Distribution of Niagara Residents, 2001-2003
- Key Milestones
- Logo Development and Key Messages
- Vision
- Strategy Components – Focus Areas: Physical Activity; Healthy Eating and Community Design
- Strategy Components – Key Enablers: Leadership and Lead Organizations; Social Marketing and Behaviour Change and Policy and Environmental Supports
- Strategic Initiatives:
  - Physical Activity – Niagara TREKZONE Challenge; Expanded physical activity options for children/youth and Adoption of Physical Activity Policies
  - Healthy Eating – FOODZONE Campaign; Eat Smart! Challenge and Adoption of Nutrition Policies
  - Community Design – Active Transportation Plans; Improved signage and infrastructure for trails and Expand and integrated trail networks
- Active and Visible Leadership from Community through Community Champions and Partners

247.

### **CHAIRMAN'S REMARKS**

Regional Chair Partington advised Regional Council that the Canadian Urban Institute has extended an invitation to travel to Zakarpattya region in the Ukraine following their delegation's visit in April. The purpose of the visit is to build partnerships between Niagara and Zakarpattya and to share Niagara's experiences in strategic planning, economic development and public engagement. The preliminary visit will hopefully lead to along term, mutually beneficial relationship between Niagara Zakarpattya.

Regional Chair Partington on behalf of Regional Council congratulated Councillor Marshall on his early retirement from Niagara Health System. Councillor Marshall served the Niagara community for 34 years as a psychotherapist in the Outpatient Mental Health Department at Welland Hospital.

Regional Chair Partington thanked Foliera of Beamsville for the flowers on display in Council Chambers.

**APPROVAL OF MINUTES**

248. Report 8-2006

Moved by Councillor Bodner  
Seconded by Councillor Hodgson

That Report 8-2006, being the minutes of the Regional Council meeting of Thursday, June 15, 2006, be approved and adopted.

Carried.

**CORRESPONDENCE**

249. Moved by Councillor Harry  
Seconded by Councillor Burroughs

That Communications C6787 to C6792, be received:

C6787 Card of thanks from Jackie and Edna Smith and family, for the kind donation to Heart and Stroke Foundation in memory of Fred Smith an employee of the Public Works Department.

C6788 Letter to the Honourable Dalton McGuinty, Premier of Ontario from the Regional Chair, (June 27, 2006) expressing appreciation on behalf of Niagara Regional Council and the citizens of Niagara for the recent Provincial commitments to fund up to 90 per cent of eligible costs related to the construction of the new Niagara Health System site in St. Catharines and the new West Lincoln Memorial Hospital site in Grimsby.

C6789 Letter to Colonel Bernard L. Nehring from the Regional Chair (June 21, 2006) offering congratulations on the renaming of Hwy. 405 to the General Brock Parkway.

C6790 A letter from the Minister of the Environment to the Minister of Transportation (June 9, 2006) respecting the Ministry of the Environment's approval of the Terms of Reference for the preparation of an environmental assessment for the Niagara to GTA Corridor.

C6791 A letter from Linda McAusland, Manager, Ministry of Transportation (June 28, 2006) respecting the approval of the Terms of Reference for the preparation of an environmental assessment for the Niagara to GTA Corridor and the steps the Ministry will be taking to move the process forward.

C6792 A memorandum from Sarah Pennisi, Director, Social Assistance and Employment Opportunities (July 4, 2006) respecting the additional information requested by the Public Health and Social Services Committee on the Emergency Energy Fund (Report COM 40-2006, June 27, 2006).

Carried.

250. Moved by Councillor Brock  
Seconded by Councillor Hildreth

That the resolution from the City of Thorold (Correspondence Item C6793) respecting the Abitibi – Northland Cogeneration Project, be supported.

Carried.

### **COMMITTEE REPORTS**

#### **JOINT REPORTS**

251. Tender Award  
Contract RN 06-17  
Road and Municipal Service Improvements on  
Regional Road 19 (Gilmore Road)  
From Concession Road to Niagara Boulevard  
Town of Fort Erie Project ZRC0533/RC0533  
**PWA 128-2006 / CSD 90-2006**

Moved by Councillor Rigby  
Seconded by Councillor Smeaton

That Report PWA 128-2006 / CSD 90-2006, dated July 6, 2006, respecting the Tender Award Contract RN 06-17, Road and Municipal Service Improvements on Regional Road 19 (Gilmore Road) From Concession Road to Niagara Boulevard in the Town of Fort Erie Project ZRC0533/RC0533, be received.

That subject to the confirmation of cost-sharing by the Town of Fort Erie, Contract RN 06-17, Road and Municipal Service Improvements on Regional Road 19 (Gilmore Road) from Concession Road to Niagara Boulevard, in the Town of Fort Erie, be awarded to the low tenderer Nexterra Substructure Incorporated, at the bid price of \$3,995,902.50.

That approval be given to increase the gross budget for project ZRC0533/RC0533 Reconstruction of Regional Road 19 (Gilmore Road) from Thompson Road to Niagara Boulevard, Phase 1, in the Town of Fort Erie in the amount of \$2,537,735 to reflect the cost sharing with the Town of Fort Erie;

That approval be given to initiate financing in the amount of \$2,390,000 gross and \$1,300,000 net for Project ZRC0533/RC0533 Reconstruction of Regional Road 19 (Gilmore Road) from Thompson Road to Niagara Boulevard, Phase 1, in the Town of Fort Erie.

That financing consisting of \$1,300,000 Long Term Financing (1-10 years), \$190,000 Town of Fort Erie Cost Sharing and \$900,000 Gas Tax Revenue be approved as included in the 2006 Roads Capital Budget.

That a contingency amount of \$400,000.00 be provided for this project.

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 July 6, 2006;

And Further, That all project costs be charged against Capital Works Project ZRC0433/RC0533 (Reconstruction of Regional Road 19 (Gilmore Road), from Thompson Road to Niagara Boulevard, Phase 1, in the Town of Fort Erie.

Carried.

### **PLANNING AND PUBLIC WORKS COMMITTEE**

252. Report 10-2006

Moved by Councillor Rigby  
Seconded by Councillor Smeaton

That Report 10-2006 being the minutes of the Planning and Public Works Committee meeting of Wednesday, June 28, 2006, be approved and adopted.

Carried.

(Refer to Staff Directions)

**CORPORATE SERVICES COMMITTEE**

253. Report 9-2006

Moved by Councillor Collins  
Seconded by Councillor Martin

That Report 9-2006 being the minutes of the Corporate Services Committee meeting of Wednesday, June 28, 2006, be approved and adopted.

Carried.

254. 2006 Debenture Issue Details  
**CSD 102-2006**

Moved by Councillor Martin  
Seconded by Councillor Collins

That Report CSD 102-2006, dated July 6, 2006, respecting the 2006 Debenture Issue Details, be received for information.

Carried.

**PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE**

255. Report 9-2006

Moved by Councillor Hildreth  
Seconded by Councillor Marshall

That Report 9-2006 being the minutes of the Public Health and Social Services Committee meeting of Tuesday, June 27, 2006, be approved and adopted.

Moved by Councillor Baty  
Seconded by Councillor Collins

That Minute Item #142 of Report 9-2006, June 27, 2006, Public Health and Social Services Committee minutes, Report PHD 53-2006/CSD 85-2006 respecting the 2006 Ontario Tobacco Strategy Budget, be lifted and dealt with by this Council at this time.

Carried.

256. 2006 Ontario Tobacco Strategy Budget  
**PHD 53-2006/CSD 85-2006**

Upon a vote being taken the original motion respecting Report PHD 53-2006/CSD 85-2006, was defeated.

Moved by Councillor Baty  
Seconded by Councillor Eke

That Report PHD 53-2006/ CSD 85-2006, June 28, 2006, respecting the 2006 Ontario Tobacco Strategy Budget, be received for information; and

That the \$161,495 Region share of tobacco enforcement program budget be applied to the tax rate stabilization fund to reduce the tax levy.

Carried.

Upon a vote being taken, the Regional Chair declared the original motion as **amended** on Report 9-2006, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, June 27, 2006, was carried.

**CORPORATE SERVICES COMMITTEE (Continued)**

257. Regional Council was advised that Minute Item # 169 of Report 9-2006, June 28, 2006, Corporate Services Committee minutes, Report PHD 53-2006/CSD 85-2006 respecting the 2006 Ontario Tobacco Strategy Budget would be amended to reflect the action taken by Regional Council during the deliberations on the minutes of the Public Health and Social Services Committee meeting of Tuesday, June 27, 2006.

**ACCOMMODATION STEERING COMMITTEE**

258. Moved by Councillor Leavens  
Seconded by Councillor Collins

That Report 6-2006, being the minutes of the Accommodation Steering Committee meeting of Friday, May 19, 2006, be approved and adopted.

Carried.

259. Moved by Councillor Leavens  
Seconded by Councillor Collins

That Report 7-2006, being the minutes of the Accommodation Steering Committee meeting of Friday, June 9, 2006, be approved and adopted.

Carried.

### **NOTICE OF MOTION**

260. Councillor Eke gave notice that he would bring forward a motion at the next Regional Council meeting respecting ongoing support for AMO's long standing position with regards to Ontario's property assessment and property tax system, particularly, the over \$3 billion in municipal property taxes being used to subsidize social programs.

Councillor Bentley noted that the motion should reflect a reduction of the costs associated with the cancellation of property reassessments until 2008.

### **OTHER BUSINESS**

261. The Great Lakes and St. Lawrence Cities Initiative – Update

Councillor Rigby advised Regional Council that he is pleased with the progress and the difference The Great Lakes and St. Lawrence Cities Initiative is making. Councillor Rigby noted that they will be reviewing the fee structures as requested.

262. Councillor Rigby Receives the Tim Rigby Award!

Regional Council congratulated Councillor Rigby on receiving the Tim Rigby Award by The Great Lakes and St. Lawrence Cities Initiative, an organization of mayors and other local officials advocating for programs to improve the resources that are essential to the vitality of our cities and communities, for his outstanding contribution to the preservation of the Great Lakes and St. Lawrence River. The Tim Rigby Award will recognize an individual on an annual basis for their outstanding contribution to the preservation of the Great Lakes and St. Lawrence River.

263. Book Depot's Big Book Sale

Councillor Brock advised Regional Council of the Book Depot's Big Book Sale taking place from July 7th to July 15th, 2006, at the Thorold Frank Doherty Community Arena, where you can buy a Box of Books for \$29.95. Book Depot will donate 15% of total sales to the City of Thorold Seniors and Junior Programs.

264. Car Show and Town Cryer Competition – July 15<sup>th</sup> and 16<sup>th</sup>, 2006

Councillor Brock invited everyone to the City of Thorold's Business Improvement Area Car Show and Town Cryer Competition taking place on July 15<sup>th</sup> and 16<sup>th</sup>, 2006.

265. Thorold Craft Show, July 15<sup>th</sup> and 16<sup>th</sup>, 2006

Councillor Brock invited everyone to come out and enjoy over one hundred juried Artists/Artisans from across the Country - Watercolours, Oils, Pottery, Jewellery, Floral Designs, Clothing for both Adults & Children, Photography, Woodwork, Garden Decor, Kites, Edible Art, plus much much more! at the Thorold Craft Show on July 15<sup>th</sup> and 16<sup>th</sup>.

266. Thank you!

Councillor Brock thanked Councillor Angelone for sponsoring the "Little Miss Italia In Festa contest" and Councillor Timms for the work he did at the Italia In Festa event that took place last weekend in the City of Thorold.

267. Classic Car Show, Saturday, July 8, 2006

Councillor Collins invited everyone to come to downtown St. Catharines from 11am to 4pm on July 8<sup>th</sup> and take a trip down memory lane. There will be over 150 fantastic classic and custom cars parked along St. Paul Street. Check out the low-rider hop-off competition at 3pm and swing by the skateboarding area for demonstrations going on throughout the day.

268. Ridgeway Summer Festival, Saturday and Sunday, July 8 and 9, 2006

Councillor Martin invited everyone to the Ridgeway Summer Festival taking place on July 8<sup>th</sup> and 9<sup>th</sup> in downtown Ridgeway. There is a Lions Club Pancake breakfast at the Entertainment tent both days and the Ridgeway/Crystal Beach Kinsmen Club's Annual Street Dance and Party on Saturday. Plenty of crafters, local historical shops and Antiques for your browsing pleasure along with wildlife displays and a Car Show from 9:00 am - 5:00 pm on Sunday. Musical Entertainment, demonstrations, Clowns, Horse Show, Buskers, Auction 1:00 pm to 3:00 pm Saturday with the Screaming Black Cadillacs providing the musical entertainment for the street dance.

269. Tea for Mr. and Mrs. Ziff (Former Regional and Town Councillor)

Councillor Martin advised Regional Council that a tea will be held on July 10<sup>th</sup> from 3:30 p.m. to 5:30 p.m. at the Fort Erie Town Hall for Mr. and Mrs. Ziff (former Regional and Town Councillor) who are leaving Fort Erie and moving to Toronto to be with family.

270. Paper Fibre Biosolids

Moved by Councillor Bodner  
Seconded by Councillor Leavens

WHEREAS the building of sound berms from paper fibre biosolids (PFB's) mixed with mineral soils is a practice that is presently exempt from Ministry of the Environment (MOE) control in the Province of Ontario;

AND WHEREAS a number of rural communities throughout Ontario have experienced the construction of sound berms composed of these PFB's and mineral soils (Sound Sorb);

AND WHEREAS there is no conclusive scientific data about the long term environmental impact or health risks of the leachate emanating from these berms;

AND WHEREAS an expert panel commissioned by the Government of Ontario delivered its recommendations to the MOE with respect to the use of Sound-Sorb in berms some eighteen months ago (Report of the Experts Panel on Sound-Sorb, January 31, 2005);

AND WHEREAS the MOE has failed to act on most of the recommendations of its own expert panel;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF REGIONAL MUNICIPALITY OF NIAGARA SUPPORTS THE TOWN OF PELHAM RESOLUTION DEMANDING that the Minister of the Environment moves forthwith to implement all of the recommendations of its own expert panel;

AND FURTHER BE IT RESOLVED THAT the MOE declare a moratorium on the construction of any new berms from the material known as Sound-Sorb until such time as the "expert panel's" recommendations are implemented!

THAT the area municipalities support the resolution;

AND THAT the Regional Chair arrange a meeting with the Minister of the Environment to discuss this issue further.

Carried.

271. Thank You!

Councillor Harry thanked everyone who participated in the 4<sup>th</sup> Annual Mayor's Charity Golf Tournament which raised \$16,000 for the Niagara Peninsula Children's Centre.

**BY-LAWS**

272. Moved by Councillor Hodgson  
Seconded by Councillor Bodner

That the following bills be now read and do pass:

**Bill 54**

A By-Law To Establish Block 49, Plan 59m-348, In The Town Of Pelham As Part Of Regional Road No. 20 (Highway 20).

**Bill 55**

A By-law To Authorize The Borrowing Upon Instalment Debentures In The Aggregate Principal Amount Of \$43,140,000 (3 Year Instalment Debentures In The Principal Amount Of \$3,398,200, 5 Year Instalment Debentures In The Principal Amount Of \$1,545,096 And 10 Year Instalment Debentures In The Principal Amount Of \$38,196,704) For The Purposes Of The Regional Municipality Of Niagara

**Bill 56**

A By-law To Authorize The Borrowing Upon 10 Year Instalment Debentures In The Aggregate Principal Amount Of \$23,365,000 (3 year Instalment Debentures in the Principal Amount of \$800,000, 5 year Instalment Debentures in the Principal Amount of \$1,306,000 and 10 year Instalment Debentures in the Principal Amount of \$21,259,000) For The Purposes Of The Cities Of Niagara Falls, St. Catharines, Welland, Port Colborne and Thorold ( \$296,000 of which may be raised by the issue of refinancing debentures for the City of Port Colborne and \$795,000 of which may be raised by the issue of refinancing debentures for the City of Thorold)

**Bill 57**

A By-law To Authorize The Borrowing of the Aggregate of the Principal Amounts Authorized By By-law Numbers 55-2006 and 56-2006 In The Aggregate Principal Amount of \$66,505,000 (3 year Instalment Debentures in the Principal Amount of \$4,198,200, 5 year Instalment Debentures in the Principal Amount of \$2,851,096 and 10 year Instalment Debentures in the Principal Amount of \$59,455,704) and the Issuing of One Series Of Instalment Debentures Therefor (\$296,000 of which may be raised by the issue of refinancing debentures for the City of Port Colborne and \$795,000 of which may be raised by the issue of refinancing debentures for the City of Thorold)

**Bill 58**

A By-law To Authorize The Borrowing Upon 20 Year Amortizing Debentures In The Principal Amount Of \$12,100,000 For The Purposes Of The Regional Municipality Of Niagara

Bill 59

A By-law To Authorize The Borrowing Upon 20 Year Amortizing Debentures In The Aggregate Principal Amount Of \$12,900,000 For The Purposes Of The Cities Of Niagara Falls and Thorold

Bill 60

A By-law To Authorize The Borrowing Of The Aggregate Of Principal Amounts Authorized By By-law Numbers 58-2006 and 59-2006 In The Aggregate Principal Amount Of \$25,000,000 And The Issuing Of One Series Of Amortizing Debentures

Bill 61

A By-Law To Adopt, Ratify And Confirm The Actions Of The Regional Council At Its Meeting Held On The 6<sup>th</sup> of July, 2006.

Carried.

273. Moved by Councillor Casselman  
Seconded by Councillor Saracino

That the following bills be now read and do pass:

Bill 62

A By-Law to Establish Part of Lot 19, Concession 4, in the Town of Lincoln as Part of Regional Road 81 (King Street)

Bill 63

A By-Law to Authorize Long-Term Financing (1-10 Years) in the Amount of \$190,000 for Project ZRC0533, Reconstruction of Regional Road #19 (Gilmore Road) Thompson Road to Niagara Blvd in the Town of Fort Erie

Carried.

**STAFF DIRECTIONS**

Staff were requested to:

- Councillor Burroughs reiterated his request for information (as per the Staff Directions within the minutes) respecting Hauled Sewage Program Update – PWP 48-2006 - for staff to report on how many residents in the Region have been affected by the increase; number of holding tanks in the Region and how much income the Niagara Region has gained through the increase. (Refers to Minute Item # 254)

**ADJOURNMENT**

The Council meeting adjourned at 8:30 p.m.

Peter Partington  
Regional Chairman

Janet Pilon  
Deputy Clerk

Pam Gilroy  
Regional Clerk