

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 21-2001

The Municipal Council of the Regional Municipality of Niagara met in Closed Session in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, December 20, 2001, commencing at 6:35 p.m.

ATTENDANCE

Council: Councillors Zimmerman, Regional Chair; Adams, Andreychuk, Badawey, Bailey, Beamer, Bentley, Brickell, Burroughs, Collins, Eke, Forster, Gabriel, Harry, Hildreth, Konkle, Marshall, Martin, McMullan, Nicholson, Partington, Redekop, Rigby, Saracino, Smeaton, Timms.

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner of Corporate Services; Cambray, Commissioner of Planning Services; Atack, Deputy Regional Clerk; Neville, Commissioner of Public Works; Nicol, Commissioner of Human Resources; Ms. Reid, Commissioner of Community Services; Dr. Klooz, Associate Commissioner of Public Health; Mr. Cunnane, Director of Public Safety; Ms. Gilroy, Assistant Clerk.

477.

CONFLICT OF INTEREST

Councillor Beamer declared an indirect pecuniary interest with respect to all matters related to the Land Ambulance Contract, as a family member is employed as a paramedic, and he therefore vacated the Council Chamber, and took no part in the discussion of, or voting, on these matters.

478.

CLOSED SESSION

Moved by Councillor Smeaton
Seconded by Councillor Harry

That this Council do now meet in Closed Committee of the Whole for the purposes of receiving information of a confidential nature relating to legal, personnel and property matters.

Carried

479. Security

Mr. Atack, Deputy Regional Clerk, provided an update on the current security measures at the Regional Headquarters. Mr. Trojan, CAO, advised that a review of these measures will be undertaken and a further report will be provided to Council in the New Year.

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

Moved by Councillor Rigby
Seconded by Councillor Smeaton

That this Council do now rise without report.

Carried.

Following Closed Committee of the Whole, Council met in regular session, commencing at 7:20 p.m. with an Invocation by Councillor Partington and the singing of O' Canada.

481. **ADOPTION OF THE AGENDA**

Moved by Councillor Eke
Seconded by Councillor Saracino

That Council Agenda CL 21-2001, December 20, 2001, be adopted, as presented.

Carried.

482. **CONFLICTS OF INTEREST**

Councillor Beamer declared an indirect pecuniary interest with respect to all matters related to the Land Ambulance Contract, as he has a niece that is employed as a paramedic, and he therefore took no part in the discussion of, or voting, on these matters.

Councillor McMullan declared an indirect pecuniary interest with respect to Minute Item 509, in Report PW 20-2001, Property Matter, City of Niagara Falls, as a family member is a volunteer at the Niagara Recycling Facility, and he therefore took no part in the discussion of, or voting, on this matter.

Councillor Smeaton declared an indirect pecuniary interest with respect to all matters related 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.

483. **CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS**

Regional Chair Zimmerman wished Members of Council and staff a wonderful holiday season.

Regional Chair Debbie Zimmerman was pleased to highlight the celebration held on Tuesday, December 18, 2001, to honour the many achievements of our Regional Councillor T. Roy Adams. At the dinner, Councillor Adams received heartfelt tributes from many in the community for his tireless commitment and dedication to the citizens of the Niagara Region over many years. Councillor Rigby reiterated the Chair's comments, and as he had "loaned" his Mayor's Chain of Office to Councillor Adams at Tuesday's dinner, Regional Chair Zimmerman "loaned" her Regional Chain of Office to him to wear during the Council meeting.

The Chair expressed gratitude to Councillor Konkle for his hot apple cider for the Christmas Open House on December 18. Thanks were also extended to Denis Morris Secondary School Choir for their participation during this event.

ADOPTION OF MINUTES

484. Report 20-2001

Moved by Councillor Konkle
Seconded by Councillor Badawey

That Report 20-2001, being the minutes of the Proceedings of Council of Thursday, December 6, 2001, be approved and adopted.

Carried.

485.

CORRESPONDENCE

Communications were received and dealt with as follows:

C4896 Card of thanks from Dorothy Woodruff, (December 6, 2001) an employee at Sunset Haven/Rapelje Lodge for the kind donation to Rapelje Lodge in memory of her father Gordon Parkhill.

Received.

C4897 Card of thanks from Mel Swart (December 7, 2001) to the Regional Chair, Members of Council and staff for the arrangement of flowers in memory of his wife Thelma Swart.

Received.

C4898 Chris Ross, Chair, Cogeco TV10, Rotary Clubs T.V. Auction Committee, (November 30, 2001) expressing gratitude for the contribution and continued support of this year's successful T.V. Auction.

Received.

C4899 Debbie M. Zimmerman, Regional Chair (December 14, 2001) respecting Resolutions from other Municipalities.

Corporation of the Town of Laurentian Hills resolution petitioning the Provincial Government to amend the Safe Street Act (Bill 8) and allow the Canadian Fire Fighters the right to conduct fundraising campaigns in locations that the general public can support.

Received.

Corporation of the County of Grey resolution that the Province of Ontario reconsider its proposal and invite further consultation from the Municipal sector including the Association for Municipalities of Ontario prior to reintroducing any similar Smart Growth Proposals.

Received.

C4900 Copy of a letter to the Honourable Anne McLellan, Minister of Justice and Attorney General of Canada (December 5, 2001) respecting the Town of Grimsby's resolution supporting and urging the Justice Minister to raise the age of consent for sexual activity to 18 years of age.

Received.

C4901 Town of Pelham resolution requesting the Regional Municipality of Niagara negotiate a contract price per tonne with American Re-Fuels for the diversion of waste through incineration at the earliest possible opportunity.

Received.

- C4902 Card of thanks from Isabel Perdue, an employee of Linhaven Home for the Aged, and family for the kind donation to the Canadian Cancer Society in memory of her mother Mary Connors.
- Received.
- C4903 Mrs. Syl Roach, Chairperson, Denis Morris Catholic School Council (December 3, 2001) urging the Niagara Region to work collaboratively to find a solution for Niagara's students to retain the services of school nurses.
- Received.
- C4904 Copy of a memorandum from Regional Chair Zimmerman to Mayors and Members of Council (December 14, 2001) respecting a proposed resolution opposing the creation of a Ministry-mandated Smart Growth Management Council for Niagara.
- Supported.
- C4905 Dean Iorfida, Clerk, City of Niagara Falls (December 20, 2001) respecting Provincial Initiative to establish Smart Growth Councils and their opposition to this mandate.
- Received.
- C4906 Janet Beckett, Clerk, City of Port Colborne (December 19, 2001) respecting Provincial initiative to proposed Smart Growth Management Councils and their opposition to this mandate.
- Received.
- C4907 Kathryn J. Vout, Clerk, Town of Grimsby, (December 18, 2001) respecting the Proposed Smart Growth Management Councils and their opposition to this mandate.
- Received.

C4908 Town of Pelham resolution respecting the Provincial Government's proposed creation of Smart Growth Management Councils and their opposition to this mandate.

Received.

Moved by Councillor Konkle
Seconded by Councillor Harry

That Communication C4896 to C4908 be received and dealt with as directed by this Council and noted in these minutes.

Carried.

PRESENTATION

486. Certificate of Recognition

Regional Chair Debbie Zimmerman and Councillor Tim Rigby, Mayor, City of St. Catharines, congratulated St. Catharines author Richard Wright for his recent literary awards. The Regional Chair and Councillor Rigby presented Mr. Wright with a Certificate of Recognition for winning both the Giller Literary prize, and the Governor General's Literary Award for Fiction for his 9th novel, Clara Callan. These are two of the most prestigious literary awards in the country. Congratulations Richard!

CORPORATE AND FINANCIAL SERVICES COMMITTEE

487. Report 22-2001

Moved by Councillor Bentley
Seconded by Councillor Hildreth

That Report 22-2001, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, December 12, 2001, be approved and adopted.

Carried.

488. Report 23-2001

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 23-2001, being the minutes of a special meeting of the Corporate and Financial Services Committee meeting of Thursday, December 12, 2001, be approved and adopted.

Carried.

Councillor Martin advised that the Budget Review Committee would be meeting on January 9, 2002, to further review the 2002 Current Budgets to determine if further reductions are possible. The Committee of the Whole meeting to consider the budgets is now tentatively scheduled for January 31, 2002.

COMMUNITY AND HEALTH SERVICES COMMITTEE

489. Report 24-2001

Moved by Councillor Hildreth
Seconded by Councillor Gabriel

That Report 24-2001, being the minutes of the Community and Health Services Committee meeting of Monday, December 10, 2001, be approved and adopted.

Carried.

HUMAN RESOURCES COMMITTEE

490. Report 10-2001

Moved by Councillor Nicholson
Seconded by Councillor Andreychuk

That Report 10-2001, being the minutes of the Human Resources Committee meeting of Tuesday, December 11, 2001, be approved and adopted.

Carried.

PLANNING SERVICES COMMITTEE

491. Report 20-2000

Moved by Councillor Smeaton
Seconded by Councillor Beamer

That Report 20-2001, being the minutes of the Planning Services Committee meeting of Wednesday, December 12, 2001, be approved and adopted.

Carried.

PUBLIC WORKS AND UTILITIES COMMITTEE

492. Report 20-2001

Moved by Councillor Badawey
Seconded by Councillor Redekop

That Report 20-2001, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, December 11, 2001, be approved and adopted.

493. Road Salt Management Assessment Study, Phase 1 – October, 2001

Moved by Councillor Redekop
Seconded by Councillor Badawey

That Minute Item 514, Road Salt Management Assessment Study, Phase 1 – October 2001, be lifted and dealt with separately by this Council at this time.

Carried.

Following some discussion, it was:

Moved by Councillor Redekop
Seconded by Councillor Rigby

That the motion on Minute Item 514, Road Salt Management Assessment Study Phase 1 – October 2001, in Report PW 20-2001, be **amended** to read as follows:

That Report PWA 219-2001, November 27, 2001, respecting the Road Salt Management Assessment Study Phase I – October 2001, be received.

That the report entitled "Road Salt Management Assessment Study – Phase I", prepared by Ecoplans Limited be received and that staff proceed as expeditiously as possible with implementation of the recommendations contained therein;

That no capital expenditures be approved for roads maintenance equipment until the capital budget has been fully reviewed by the Public Works and Utilities Committee.

That a copy of the report be forwarded to the Ecological Environmental Advisory committee for their information.

Carried.

494. Property Matter
City of Niagara Falls

In accordance with the recommendations contained in Minute item 509, Property Matter, City of Niagara Falls, and as outlined in a memorandum from the Regional Clerk, it was:

Moved by Councillor Badawey
Seconded by Councillor Eke

That Regional Council reconsider the decision made at Regional Council on June 7, 2001, which was the recommendation in Minute Item 279, in Report PW 11-2001, May 29, 2001, which read as follows:

“That the Regional Clerk be directed to ensure that the appropriate bylaw is prepared for submission to Regional Council authorizing the Regional Chair and Clerk to execute a lease renewal agreement with Ashak Merani, President of Niacan Ltd., subject to the following terms:

- The lease renewal be for 2 years commencing in October 1, 2002
- The rental rate will be at the amount reported per square foot per annum for the full two-year term.
- The common cost to be at the amount reported per square foot per annum for the two-year term with semi-annual adjustments.
- The Landlord to provide batt insulation to insulate the entire office area ceiling, at no additional cost to the Region.
- All other terms and conditions within the existing lease except for clause 4 (c) (payment of share of repairs), will remain the same.”

Carried by a vote of 2/3 of those Council Members present.

It was then:

Moved by Councillor Badawey
Seconded by Councillor Eke

That the above noted motion on Minute Item 279, in Report PW 11-2001, which was approved by Regional Council on June 7, 2001, be defeated.

That staff be directed to formally advise Niacan Limited that the Region will not require a 2-year lease renewal; and

That staff be directed to negotiate a lease renewal according to the terms outlined in Report PWA 220-2001; and

That a report respecting those negotiations be presented to Committee and Council.

Carried.

Upon a vote being taken, the Regional Chair declared the motion on Report 20-2001, being the minutes of the Public Works and Utilities Committee meeting of Tuesday, December 11, 2001, with an amendment to Minute Item 514, Road Salt Management Assessment Study Phase 1 – October 2001, as noted, was carried.

JOINT COMMITTEE ON MUNICIPAL SERVICES

495. Report 20-2001

With reference to Report 20-2001, there was some discussion with respect to Minute Item 7, Shared Services Initiatives, Report CAO 28-2001. Specifically, the questions related to:

- confirmation that the work of the technical review team for the inter-municipal agreements for road maintenance would include further review of the transfer of roads to local area municipalities, and that the local area municipalities would be authorized to decide the level of maintenance on roads within their jurisdiction
- discussions with respect to placing a “hold” on the purchase of any major road maintenance equipment from the capital budget prior to the completion of the budget process and/or review by the team
- whether the technical review team for risk management should include the pooling of insurance in its discussions

Mr. Trojan, in response to the questions, advised that further discussion on the transfer of roads and the acquisition of road maintenance equipment had been held, and would continue, at the Public Works and Utilities Committee meetings. He also advised that the risk management team’s first task would be to establish risk management practices, and then a review of various services would follow.

Moved by Councillor Bailey
Seconded by Councillor Forster

That Report 2-2001, being the minutes of the Joint Committee on Municipal Services meeting of Wednesday, December 12, 2001, be approved and adopted.
Carried.

(Please refer to Minute Item 493, on Page CL 279 and CL 280.)

CAO REPORT

496. Mr. Trojan updated Council on the SuperBuild applications. He advised that the CAO Technical Advisory Committee is reviewing a list of twenty projects, from which a short list of priority projects will be created. A further report with recommendations will be provided in the New Year.

Mr. Trojan also provided an update on the Council Business Plan, which is making good progress. A further report will be provided in the New Year.

OTHER BUSINESS

497. Niagara Regional Housing Corporation

Councillor Eke advised that the new Niagara Regional Housing Corporation has received approval for incorporation, and Mr. John Lovell has been appointed as the General Manager.

498.

BY-LAWS

Moved by Councillor Marshall
Seconded by Councillor Partington

That Bill 131 to Bill 133 be now read and do pass.

Bill 131

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

Bill 132

A by-law to approve debenture financing (for a term not to exceed 5 years) in the amount of \$1.5 million from the 2001 capital financing budget allocation and \$2.4 million from the 2002 capital financing budget allocation for capital project ZGC0105, Human Resources/Payroll/Time and Attendance System

Bill 133

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 20th day of December, 2001

Carried.

499. Moved by Councillor McMullan
Seconded by Councillor Timms

That Bill 134 and Bill 135 be now read and do pass.

Bill 134

A by-law to authorize the exemption of local official plan amendments in accordance with Amendment No. 137 of the Region of Niagara Official Plan

Bill 135

A by-law to provide that by-laws passed by councils of the area municipalities of the Regional Municipality of Niagara respecting the regulation of traffic do not require the approval of the Regional Council

Carried.

ADJOURNMENT

The Council adjourned at 8:45 p.m.

Debbie M. Zimmerman
Regional Chair

Pam Gilroy
Assistant Clerk and
Supervisor Council Support

Gary Atack
Deputy Clerk and
Corporate Records Manager