

**THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF COUNCIL
OPEN SESSION**

CL 4-2021

Thursday, February 25, 2021

Council Chamber/Video Conference

**Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Council Members Present in the Council Chamber: Bradley (Regional Chair), Insinna

Council Members Present via Video Conference: Bellows, Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Easton

Staff Present in the Council Chamber: D. Barnhart, Executive Officer to the Regional Chair, R. Donnelly, Client & Support Advisor, T. Harrison, Commissioner/Treasurer, Corporate Services, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Staff Present via Video Conference: C. Cousins, Director, Homelessness and Community Engagement, D. Gibbs, Director, Legal & Court Services, D. Giles, Acting Commissioner, Planning & Development Services, Dr. M. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, F. Meffe, Director, Human Resources, G. Spezza, Director, Economic Development, D. Woiceshyn, Chief Executive Director, Niagara Regional Housing, B. Zvaniga, Interim Commissioner, Public Works

Others Present via Video Conference: B. Fordy, Deputy Chief, Niagara Regional Police Service

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:34 p.m.

2. ADOPTION OF AGENDA

2.1 Addition of Items

There were no items added to the agenda.

2.2 Changes in Order of Items

There were no changes in the order of items on the agenda.

Moved by Councillor Bellows

Seconded by Councillor Ugulini

That Council Agenda CL 4-2021, **BE ADOPTED.**

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

See Minute Item 9.7.2.

4. PRESENTATIONS

There were no presentations.

5. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS

The Regional Chair provided an update respecting activities within the Region and the efforts of Niagara Region with respect to the COVID-19 pandemic.

6. DELEGATIONS

6.1 Motion from Councillor Insinna respecting Homelessness, Mental Health and Addiction (Agenda Item 9.5 - Minutes PHSSC 2-2021, Minute Item 5.1)

6.1.1 Wayne Campbell, Resident, City of Niagara Falls

The delegation request from Wayne Campbell was withdrawn.

7. ADOPTION OF MINUTES

Minutes CL 1-2021, Thursday, January 21, 2021 (Regular Meeting)
Minutes CL 2-2021, Thursday, January 28, 2021 (Special Meeting)

Moved by Councillor Campion
Seconded by Councillor Steele

That Minutes CL 1-2021 being the Open and Closed Session minutes of the Regional Council meeting held on Thursday, January 21, 2021, and Minutes CL 2-2021 being the Open and Closed Session minutes of the Special Regional Council meeting held on Thursday, January 28, 2021, **BE ADOPTED**.

Carried

8. CORRESPONDENCE

8.1 Receive and/or Refer

8.1.1 CL-C 11-2021

Correspondence from Jeff Burch, MPP, respecting Ramsar Designation.

Moved by Councillor Chiocchio
Seconded by Councillor Foster

That Correspondence Item CL-C 11-2021 being Correspondence from Jeff Burch, MPP, respecting Ramsar Designation, **BE RECEIVED**.

Carried

8.2 For Consideration

8.2.1 CL-C 12-2021

Request for Capital Budget Adjustment from the Niagara Police Services Board respecting P25 Voice Radio System Expansion Capital Project

Moved by Councillor Steele
Seconded by Councillor Gibson

That Correspondence Item CL-C 12-2021, being a letter from D. Reid, Executive Director, Niagara Regional Police Services Board, dated February 22, 2021, respecting Request for Capital Budget Adjustment from the Niagara Police Services Board respecting P25 Voice Radio System Expansion Capital Project, **BE RECEIVED**; and

That a capital budget adjustment in the amount of \$2,402,810 gross and \$0 net **BE APPROVED** and **INITIATED** for the P25 Voice Radio System Expansion Project and that it be funded through Other External Funding in the amount of \$2,402,810.

Carried

9. COMMITTEE REPORTS - OPEN SESSION

9.1 Budget Review Committee of the Whole

Minutes BRCOTW 2-2021, Thursday, January 21, 2021

Moved by Councillor Zalepa
Seconded by Councillor Whalen

That Minutes BRCOTW 2-2021 being the Open Session minutes of the Budget Review Committee of the Whole meeting held on Thursday, January 21, 2021, **BE ADOPTED**.

Carried

9.2 Chief Administrative Officer Recruitment Committee

Minutes CAORC 2-2021, Tuesday, January 26, 2021

Moved by Councillor Witteveen
Seconded by Councillor Huson

That Minutes CAORC 2-2021 being the Open Session minutes of the Chief Administrative Officer Recruitment Committee meeting held on Tuesday, January 26, 2021, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.3 Audit Committee

Minutes AC 1-2021, Monday, February 8, 2021

Moved by Councillor Rigby
Seconded by Councillor Whalen

That Minutes AC 1-2021 being the Open Session minutes of the Audit Committee meeting held on February 8, 2021, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.4 Public Works Committee

Minutes PWC 2-2021, Tuesday, February 16, 2021

Moved by Councillor Rigby
Seconded by Councillor Fertich

That Minutes PWC 2-2021 being the Open Session minutes of the Public Works Committee meeting held on Tuesday, February 16, 2021, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.5 Public Health and Social Services Committee

Minutes PHSSC 2-2021, Tuesday, February 16, 2021

Moved by Councillor Chiocchio
Seconded by Councillor Greenwood

That Minutes PHSSC 2-2021 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, February 16, 2021, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

9.5.1 Minute Item 5.1 respecting Motion from Councillor Insinna respecting Homelessness, Mental Health and Addiction in Niagara

The motion contained in Minute Item 5.1 was considered separately as follows:

1. That Niagara Region Council officially **ACKNOWLEDGE** that a significant crisis exists in Niagara in regard to the prevalence of chronic homelessness and the lack of affordable housing that far surpasses the Region's ability to meet the vision dictated in its 10-year Housing and Homelessness Action Plan (HHAP);
2. That the Regional Chair **BE DIRECTED** to send advocacy letters directly to the appropriate Federal and Provincial ministries outlining Niagara's current situation and requesting additional funding be provided to ensure Niagara can meet the vision outlined in its housing action plan;
3. That the Regional Chair **BE DIRECTED** to advocate to the Minister of Municipal Affairs and Housing and the Minister of Families, Children and Social Development for the required operational funding for the planned supportive and bridge housing initiatives;

4. That Regional staff **BE DIRECTED**, in alignment with the planned review of Council's strategic priorities, to produce a report specifically highlighting the progress being made and critical gaps in regard to services related to mental health, addictions and wellbeing;
5. That Regional staff **BE DIRECTED** to continue providing Regional Council updates on the HHAP and Built for Zero initiatives; and
6. That Regional staff **BE DIRECTED** to request an update from the Overdose Prevention and Education Network of Niagara (OPENN) regarding the current status of the actions being taken to address addiction related issues in Niagara.

Moved by Councillor Diodati
Seconded by Councillor Bylsma

That the motion **BE AMENDED** to add the following clause:

That the motion BE CIRCULATED to all of the members of the Association of Municipalities of Ontario (AMO).

Carried

The Regional Chair called the vote on the motion as amended and declared it,

Carried

9.5.2 Balance of the recommendations of Public Health and Social Services Committee

The Regional Chair called the vote on the balance of the recommendations from the Public Health and Social Services Committee and declared it,

Carried

9.6 Corporate Services Committee

Minutes CSC 2-2021, Wednesday, February 17, 2021

Moved by Councillor Foster

Seconded by Councillor Whalen

That Minutes CSC 2-2021 being the Open Session minutes of the Corporate Services Committee meeting held on Wednesday, February 17, 2021, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.7 Planning and Economic Development Committee

Minutes PEDC 2-2021, Wednesday, February 17, 2021

Moved by Councillor Huson

Seconded by Councillor Witteveen

That Minutes PEDC 2-2021 being the Open and Closed Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, February 17, 2021, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

9.7.1 Minute Item 9.1 respecting A Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2) of the Municipal Act, 2001 - Implications of a Ramsar Designation on the Niagara River

The motion contained in Minute Item 9.1 was considered separately as follows:

1. That Confidential Report PDS 2-2021, dated February 17, 2021, respecting A Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2) of the Municipal Act, 2001 - Implications of a Ramsar Designation on the Niagara River, **BE RECEIVED**; and
2. That the Planning and Economic Development Committee **RECOMMEND** that Confidential Report PDS 2-2021 including Appendix 1 authored by Willms & Shier dated January 18, 2021, respecting Implications of a Ramsar Designation on the Niagara River, be released publicly subject to Council approval.

Moved by Councillor Huson
Seconded by Councillor Sendzik

That the motion **BE AMENDED** to add the following clause:

That the Regional Municipality of Niagara ENDORSE the nomination of the Niagara River as a Wetland of International Importance (Ramsar Site).

Moved by Councillor Foster
Seconded by Councillor Campion

That the amendment respecting the endorsement of the Ramsar designation **BE REFERRED** to the Planning and Economic Development Committee meeting being held on March 10, 2021.

Carried

The Regional Chair called the vote on the motion contained in Minute Item 9.1 as follows:

1. That Confidential Report PDS 2-2021, dated February 17, 2021, respecting A Matter of Advice that is Subject to Solicitor-Client privilege under s. 239(2) of the Municipal Act, 2001 - Implications of a Ramsar Designation on the Niagara River, **BE RECEIVED**; and
2. That the Planning and Economic Development Committee **RECOMMEND** that Confidential Report PDS 2-2021 including Appendix 1 authored by Willms & Shier dated January 18, 2021, respecting Implications of a Ramsar Designation on the Niagara River, be released publicly subject to Council approval.

Carried

9.7.2 Minute Item 5.4 respecting Motion from Councillor Sendzik respecting Support for the Wine Sector

The motion contained in Minute Item 5.4 was considered separately as follows:

1. That Niagara Region **CALLS** on the Province of Ontario to create a level playing field and to provide Ontario's entrepreneurial wine industry with opportunities to invest more into innovation and job creation while providing consumer choice and convenience for the purchase of Ontario wines;

2. That the Province **BE URGED** undertake the following:
 - Eliminate the 6.1% tax applied to VQA (100% Ontario-grown) wines on sales in the 2021 Budget;
 - Enable Ontario wines to offer direct delivery, with margin, to grocery stores;
 - Establish long-term VQA wine support programs at the LCBO that would increase shelf space for VQA wines;
 - Eliminate import taxes on 100% Ontario VQA wines;
 - Continue working towards more equitable inter-provincial trade on wines; and
3. That this motion **BE CIRCULATED** to municipalities in Niagara, Prince Edward County and Lake Erie North Shore and to the Premier, Minister of Finance and Minister of Agriculture, Food and Rural Affairs, Grape Growers of Ontario, Wine Council of Ontario, the local MPs and MPPs.

Councillor Heit declared an indirect pecuniary interest with respect to Minute Item 5.4 (Correspondence Item PDS-C 10-2021), as his daughter is employed by the Liquor Control Board of Ontario (LCBO).

Moved by Councillor Disero
Seconded by Councillor Foster

That the motion **BE AMENDED** to read as follows:

1. That Niagara Region **CALLS** on the Province of Ontario to create a level playing field and to provide Ontario's entrepreneurial wine industry with opportunities to invest more into innovation and job creation while providing consumer choice and convenience for the purchase of Ontario wines;
2. That the Province **BE URGED** undertake the following:
 - Eliminate the 6.1% tax applied to VQA **and 100% Ontario-grown** wines on sales in the 2021 Budget;
 - Enable Ontario wines to offer direct delivery, with margin, to grocery stores;
 - Establish long-term VQA wine support programs at the LCBO that would increase shelf space for VQA wines;
 - Eliminate import taxes on 100% Ontario VQA wines;

- Continue working towards more equitable inter-provincial trade on wines; and
- 3. That this motion **BE CIRCULATED** to municipalities in Niagara, Prince Edward County and Lake Erie North Shore and to the Premier, Minister of Finance and Minister of Agriculture, Food and Rural Affairs, Grape Growers of Ontario, Wine Council of Ontario, the local MPs and MPPs.

Carried

The Regional Chair called the vote on the motion as amended and declared it,

Carried

- 9.7.3 Balance of the recommendations from Planning and Economic Development Committee

The Regional Chair called the vote on the balance of the recommendations from the Planning and Economic Development Committee and declared it,

Carried

9.8 Chief Administrative Officer Recruitment Committee

Minutes CAORC 3-2021, Tuesday, February 23, 2021

Moved by Councillor Redekop
Seconded by Councillor Foster

That Minutes CAORC 3-2021 being the Open and Closed Session minutes of the Chief Administrative Officer Recruitment Committee meeting held on Tuesday, February 23, 2021, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

10. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

There were no Chief Administrative Officer reports.

11. MOTIONS

11.1 Bill 197, COVID-19 Economic Recovery Act, 2020

Moved by Councillor Sendzik
Seconded by Councillor Foster

WHEREAS Schedule 6 of Bill 197, COVID-19 Economic Recovery Act, 2020, considers amendments to the Environmental Assessment Act relating to municipal autonomy and the principle that municipalities can veto a development outside their municipal boundary in an adjacent municipality;

WHEREAS Bill 197 empowers multiple municipalities to 'veto' development of a landfilling site within a 3.5 km zone inside the boundary of an adjacent municipality;

WHEREAS Bill 197 establishes a dangerous precedent that could be expanded to other types of development;

WHEREAS Bill 197 compromises municipal autonomy and the authority of municipal councils to make informed decisions in the best interest of their communities and municipal taxpayers; and

WHEREAS amendments in Schedule 6 could cause conflict in the effective management of landfill sites, put significant pressure on existing landfill capacity, and threaten the economic activity associated with these sites.

NOW THEREFORE BE IT RESOLVED:

1. That while the Region of Niagara supports the Act's open-for-business approach, the municipality **CALLS** upon the Government of Ontario (Ministry of the Environment, Conservation & Parks (MOECP) to amend Bill 197, COVID-19 Economic Recovery Act, 2020, to eliminate the development approval requirement provisions from adjacent municipalities and that the 'host' municipality be empowered to render final approval for landfills within their jurisdiction;
2. That a copy of this motion **BE FORWARDED** to Premier Doug Ford, Jeff Yurek, Minister of Environment, Conservation and Parks, Steve Clark, Minister of Municipal Affairs and Housing, local M.P.P.s., and the Association of Ontario Municipalities (AMO) and;

3. That a copy of this resolution **BE FORWARDED** to all Ontario municipalities with a request for supporting motions to be passed by respective Councils and copies of the supporting motion be forwarded to Premier Doug Ford, Jeff Yurek, Minister of Environment, Conservation and Parks, Steve Clark, Minister of Municipal Affairs and Housing, local Members of Provincial Parliament, and the Association of Ontario Municipalities (AMO).

Carried

12. NOTICES OF MOTION

Councillor Butters advised that she would be bringing forward a motion to the next Council meeting respecting a request for revisions to the Municipal Act, 2001, to address serious misconduct by municipal Councillors.

13. OTHER BUSINESS

13.1 Business Licensing

Councillor Rigby requested information respecting the licensing of various businesses and occupations that Niagara Region took over responsibility for from the Niagara Regional Police.

14. CLOSED SESSION

Moved by Councillor Whalen
Seconded by Councillor Witteveen

That this Council **DO NOW MOVE** into Closed Session for the purposes of receiving information of a confidential nature respecting:

A Matter respecting Personal Matters about an Identifiable Individual under s. 239(2) of the Municipal Act, 2001 - Acting Chief Administrative Officer 2020 Performance Appraisal.

Carried

Council resolved into closed session at 8:42 p.m.

15. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 9:28 p.m. with the following individuals in attendance:

Council Members Present in the Council Chamber: Bradley (Regional Chair), Insinna

Council Members Present via Video Conference: Bellows, Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Disero, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Easton

Staff Present in the Council Chamber: D. Barnhart, Executive Officer to the Regional Chair, R. Donnelly, Client & Support Advisor, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Staff Present via Video Conference: D. Giles, Acting Commissioner, Planning & Development Services, F. Meffe, Director, Human Resources, G. Spezza, Director, Economic Development, D. Woiceshyn, Chief Executive Director, Niagara Regional Housing, B. Zvaniga, Interim Commissioner, Public Works

15.1 Confidential CL-C 13-2021

A Matter of a Proposed or Pending Acquisition or Disposition of Land by Niagara Region - Niagara Regional Housing Acquisition of Property (Confidential Report NRH 4-2021)

Moved by Councillor Insinna
Seconded by Councillor Zalepa

That Confidential CL-C 13-2021, being a memorandum from A.-M. Norio, Regional Clerk, dated February 25, 2021, respecting A Matter of a Proposed or Pending Acquisition or Disposition of Land by Niagara Region - Niagara Regional Housing Acquisition of Property (Confidential Report NRH 4-2021), **BE RECEIVED** and the recommendation contained therein **BE APPROVED**.

Carried

15.2 Acting Chief Administrative Officer 2020 Performance Appraisal

A Matter respecting Personal Matters about an Identifiable Individual under s. 239(2) of the Municipal Act, 2001 - Acting Chief Administrative Officer 2020 Performance Appraisal

Moved by Councillor Zalepa
Seconded by Councillor Heit

That the Acting Chief Administrative Officer 2020 Performance Appraisal
BE APPROVED.

Carried

16. **BY-LAWS**

Moved by Councillor Butters
Seconded by Councillor Nicholson

That the following Bills **BE NOW READ** and **DO PASS**:

Bill 2021-12

A by-law to appoint by-law enforcement officers for the purpose of enforcing By-law No. 2020-79 being the Woodland Conservation By-law.

Bill 2021-13

A by-law to amend By-law 89-2000 to provide for the regulation of traffic on Regional highways (speed limit reduction Regional Road 70 (Thorold Townline Road) in the City of Thorold).

Bill 2021-14

A by-law to amend By-law 89-2000 to provide for the regulation of traffic on Regional highways (parking prohibition Regional Road 81 (King Street) in the Town of Lincoln).

Bill 2021-15

A by-law to appoint by-law enforcement officers for the purpose of enforcing the Sewer Use By-law No. 27-2014 as amended, and to repeal By-law 2019-93.

Bill 2021-16

A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on February 25, 2021.

Carried

17. ADJOURNMENT

There being no further business, the meeting adjourned at 9:33 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk