

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

**CL 20-2020  
Thursday, October 22, 2020  
Council Chamber / Video Conference  
Niagara Region Headquarters, Campbell West  
Sir Isaac Brock Way, Thorold ON**

Council Members Present in the Council Chamber:	Bradley (Regional Chair), Insinna
Council Members Present via Video Conference:	Butters, Bylsma, Campion, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa
Absent/Regrets:	Bellows, Chiocchio
Staff Present in the Council Chamber:	R. Donnelly, Client & Support Advisor, M. Lewis, Client & Support Advisor, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer
Staff Present via Video Conference:	D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Deputy Treasurer/Director, Financial Management & Planning, D. Gibbs, Director, Legal & Court Services, L. Gigliotti, Associate Director, Employee Services, D. Giles, Director, Community & Long Range Planning, T. Harrison, Treasurer/Commissioner, Corporate Services, S. Hendrie, Chief Information Officer, Dr. M. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, K. Lutz, Deputy Chief/Associate Director, Emergency Medical Services, F. Meffe, Director, Human Resources, D. Morreale, Director, Development Approvals, R. Mostacci, Commissioner, Planning & Development Services, D. Rurak, Director, Asset Management Office, K. Smith, Chief/Director, Emergency Medical Services, M. Steele, Associate Director, Reporting and Analysis, M. Trennum, Deputy Regional Clerk, B. Wilson, Legal Counsel, D. Woiceshyn, Chief Executive Officer, Niagara Regional Housing, N. Wolfe, Director, Construction, Energy, and Facilities Management, B. Zvaniga, Interim Commissioner, Public Works

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1. **CALL TO ORDER**

Regional Chair Bradley called the meeting to order at 6:38 p.m.

2. **ADOPTION OF AGENDA**

2.1 **Addition of Items**

Moved by Councillor Butters  
Seconded by Councillor Heit

That Danielle Romanuk **BE PERMITTED** to appear before Council as a delegate respecting the motion to amend the Face Covering By-law.

**Carried**

2.2 **Changes in Order of Items**

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

Moved by Councillor Ugolini  
Seconded by Councillor Steele

That Council Agenda CL 20-2020, **BE ADOPTED**, as amended.

**Carried**

3. **DISCLOSURES OF PECUNIARY INTEREST**

Councillor Huson declared an indirect pecuniary interest with respect to the portion of the Corporate Services Committee minutes CSC 9-2020 (Agenda Item 9.4) concerning Confidential Report CSD 64-2020 (Minute Item 6.0) respecting Canada Summer Games - Transition Update as Brock University is party to the Transition Agreement and she has an employment relationship with Brock University.

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 respecting Proposed Amendment to By-law 2020-46 Mandatory Face Covering By-law (Agenda Item 11.2)

6.1.1 Danielle Romanuk, Resident, City of St. Catharines

Danielle Romanuk, resident, City of St. Catharines, appeared before Council in opposition to the motion and requested Council conduct a regional survey to assess public opinion on the matter.

**7. ADOPTION OF MINUTES**

Moved by Councillor Gibson  
Seconded by Councillor Heit

That the following minutes of Regional Council **BE ADOPTED**:

Open and Closed Session Minutes CL 16-2020, Thursday, September 17, 2020  
(Special Meeting)

Open Session Minutes CL 17-2020, Thursday, September 17, 2020 (Regular Meeting)

Open and Closed Session Minutes CL 18-2020, Thursday, September 24, 2020  
(Special Meeting)

**Carried**

**8. CORRESPONDENCE**

8.1 Receive and/or Refer

8.1.1 CHR 5-2020

Acting Chief Administrative Officer (CAO) Performance Appraisal Process and Recruitment Next Steps

Moved by Councillor Sendzik  
Seconded by Councillor Rigby

That Correspondence Item CHR 5-2020, being a memorandum from Regional Chair Bradley, dated October 22, 2020, respecting Acting Chief Administrative Office (CAO) Performance Appraisal Process and Recruitment Next Steps, **BE RECEIVED** for information.

**Carried**

**Councillor Information Request(s):**

Council members requested a report respecting recommendations for next steps regarding the Chief Administrative Officer recruitment process for the Regional Council meeting being held on Thursday, November 19, 2020.

8.2 For Consideration

8.2.1 CSD 63-2020

2020 COVID-19 Cash Flow Update Report - October

Moved by Councillor Fertich  
Seconded by Councillor Whalen

That Report CSD 63-2020, dated October 22, 2020, respecting COVID-19 Cash Flow Update Report - October, **BE RECEIVED** for information.

**Carried**

8.2.2 CSD 69-2020

COVID-19 Financial Impact Update

Moved by Councillor Steele  
Seconded by Councillor Zalepa

That Report CSD 69-2020, dated October 22, 2020, respecting COVID-19 Financial Impact Update, **BE RECEIVED** and the following recommendation **BE APPROVED:**

That staff **BE DIRECTED** to complete the Safe Restart Agreement Phase 2 reporting template to request additional 2020 provincial funding.

**Carried**

**9. COMMITTEE REPORTS - OPEN SESSION**

9.1 Committee of the Whole

Minutes COTW 4-2020, Thursday, September 24, 2020

Moved by Councillor Diodati

Seconded by Councillor Greenwood

That Report COTW 4-2020 being the Open Session minutes of the Committee of the Whole meeting held on Thursday, September 24, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

**Carried**

9.2 Public Works Committee

Minutes PWC 9-2020, Tuesday, October 13, 2020

Moved by Councillor Rigby

Seconded by Councillor Edgar

That Report PWC 9-2020 being the Open Session minutes of the Public Works Committee meeting held on Tuesday, October 13, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

**Carried**

9.3 Public Health and Social Services Committee

Minutes PHSSC 9-2020, Tuesday, October 13, 2020

Moved by Councillor Greenwood

Seconded by Councillor Gibson

That Report PHSSC 9-2020 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, October 13, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

9.3.1 Minute Item 5.2 respecting referral of Motion - Decriminalization of Personal Possession of Illicit Drugs

The motion contained in Minute Item 5.2 was considered separately as follows:

That Correspondence Item PHD-C 9-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated October 13, 2020, respecting Referral of Motion – Decriminalization of Personal Possession of Illicit Drugs, **BE RECEIVED** for information; and

1. That the federal government **BE URGED** to convene a task force, comprised of people who use drugs, family members, and policy, research and program experts in the areas of public health, human rights, substance use, mental health, and criminal justice, to explore options for the legal regulation of all drugs in Canada, based on a public health approach;
2. That the task force **BE URGED** to scale up prevention, harm reduction, and treatment services and to explore the decriminalization of the possession of all drugs for personal use; and
3. That this motion **BE CIRCULATED** to Minister of Health, Patty Hajdu, Minister of Justice and Attorney General of Canada, David Lametti, the Canadian Association of Chiefs of Police, Deputy Premier and Minister of Health, Christine Elliott, Attorney General, Doug Downey, Niagara's MPs and MPPs, Niagara's 12 local area municipalities, Niagara Regional Police Service, the Association of Municipalities of Ontario, and the Association of Local Public Health Agencies.

The following friendly *amendment* was accepted by the Regional Chair, and the mover and seconder of the motion:

3. That this motion **BE CIRCULATED** to Minister of Health, Patty Hajdu, Minister of Justice and Attorney General of Canada, David Lametti, the Canadian Association of Chiefs of Police, Deputy Premier and Minister of Health, Christine Elliott, Attorney General, Doug Downey, Niagara's MPs and MPPs, Niagara's 12 local area municipalities, Niagara Regional Police Service, the Association of Municipalities of Ontario, **FCM**, and the Association of Local Public Health Agencies.

The Regional Chair called the vote on the motion, as amended.

Clause 1 of the motion was considered separately as follows:

1. That the federal government **BE URGED** to convene a task force, comprised of people who use drugs, family members, and policy, research and program experts in the areas of public health, human rights, substance use, mental health, and criminal justice, to explore options for the legal regulation of all drugs in Canada, based on a public health approach;

Recorded Vote:

Yes (16): Butters, Campion, Darte, Easton, Edgar, Gale, Heit, Huson, Ip, Jordan, Redekop, Rigby, Sendzik, Steele, Ugulini, Witteveen.

No (13): Bylsma, Diodati, Disero, Fertich, Foster, Gibson, Greenwood, Insinna, Junkin, Nicholson, Villella, Whalen, Zalepa.

**Carried**

Clause 2 of the motion was considered separately as follows:

2. That the task force **BE URGED** to scale up prevention, harm reduction, and treatment services and to explore the decriminalization of the possession of all drugs for personal use.

Recorded Vote:

Yes (15): Butters, Campion, Darte, Easton, Edgar, Gale, Heit, Huson, Ip, Jordan, Redekop, Sendzik, Ugulini, Witteveen, Zalepa.

No (14): Bylsma, Diodati, Disero, Fertich, Foster, Gibson, Greenwood, Insinna, Junkin, Nicholson, Rigby, Steele, Villella, Whalen.

**Carried**

The Regional Chair called the vote on the balance of the motion and declared it,

**Carried**

9.3.2 Balance of the recommendations from 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**

9.4 Corporate Services Committee

Minutes CSC 9-2020, Wednesday, October 14, 2020

Moved by Councillor Foster  
Seconded by Councillor Whalen

That Report CSC 9-2020 being the Open Session minutes of the Corporate Services Committee meeting held on Wednesday, October 14, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

**Carried**

9.5 Planning and Economic Development Committee

Minutes PEDC 8-2020, Wednesday, October 14, 2020

Moved by Councillor Darté  
Seconded by Councillor Huson

That Report PEDC 8-2020 being the Open Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, October 14, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Moved by Councillor Butters  
Seconded by Councillor Witteveen

That the Tree and Forest Conservation by-law enforcement advisory committee **BE REINSTATED** as noted in Report PDS 16-2020.

Moved by Councillor Rigby  
Seconded by Councillor Insinna

That the motion respecting the tree and forest by-law advisory committee, **BE REFERRED** to the Planning and Economic Development Committee being held on Monday, November 9, 2020.

**Carried**

The Regional Chair called the vote on the Planning and Economic Development Committee Minutes and declared it,

**Carried**



**Councillor Information Request(s):**

Provide information respecting options for a Woodland By-law advisory committee. Councillor Huson.

Provide information respecting the current tree canopy and the Region's comparator municipalities with respect to the canopy percentage. Councillor Huson.

9.6 Budget Review Committee of the Whole

Minutes BRCOTW 2-2020, Thursday, October 15, 2020

Moved by Councillor Zalepa  
Seconded by Councillor Whalen

That Report BRCOTW 2-2020 being the Open Session minutes of the Budget Review Committee of the Whole meeting held on Thursday, October 15, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

**Carried**

10. **CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)**

10.1 CAO 20-2020

Recruitment of Commissioner Planning and Development Services

Moved by Councillor Greenwood  
Seconded by Councillor Heit

That Memorandum CAO 20-2020, dated October 22, 2020, respecting Recruitment of Commissioner Planning and Development Services, **BE RECEIVED** for information.

**Carried**

11. **MOTIONS**

11.1 Miller's Creek Marina/Resort Development

Moved by Councillor Redekop  
Seconded by Councillor Gale

Whereas the Niagara Parks Commission ("NPC") has considered options for the operation or closing of its marina on the Niagara River in Fort Erie, near Miller's Creek;

Whereas in 2005, the NPC agreed to work with the Town of Fort Erie to permit the Fort Erie Economic Development & Tourism Corporation (“EDTC”) to undertake a Request for Proposals process for the expansion and enhancement of the marina and potential development of the lands between the Niagara Parkway and Cairns Crescent (“the adjacent lands”);

Whereas as a result of the cooperative efforts of the NPC, Town of Fort Erie and the EDTC, submissions were received for expansion and enhancement of the marina and the development of a resort on the adjacent lands;

Whereas since 2012, the NPC has embarked on a number of processes with a view to proceed with a marina/resort development at the Miller’s Creek Marina, including consultations with the Town of Fort Erie and Niagara Region;

Whereas the NPC’s most recent initiative resulted at the end of August 2017 in no proponent submitting a response to the NPC’s Request for Proposals for development at the marina;

Whereas the NPC continues to be committed to marina enhancements and development on the adjacent lands;

Whereas the Council of the Region of Niagara understands that there remains developer interest in proceeding to develop the marina and adjacent lands at Miller’s Creek Marina.

NOW THEREFORE BE IT RESOLVED:

1. That the Council of the Region of Niagara **REITERATES** its continuing support for the expansion and enhancement of the marina and a resort development on the adjacent lands at the Niagara Park Commission’s Miller’s Creek Marina;
2. That Council **URGES** the Niagara Parks Commission to continue its discussions with the Province of Ontario regarding the transfer of a portion of the adjacent lands to facilitate redevelopment of the marina and development of a resort;
3. That Council **REQUESTS** the Niagara Parks Commission to review the realignment of the Niagara Parkway to allow for the development of the marina and resort development;
4. That Council **REQUESTS** that the Niagara Parks Commission work with the Town of Fort Erie and the Region of Niagara in the preparation and circulation of a public Request or Call for Proposals (RFP) that maintains the integrity of the mandate of the Niagara Parks Commission;

5. That a copy of this resolution **BE FORWARDED** to the Chair of the Niagara Parks Commission for action;
6. That a copy of this resolution **BE FORWARDED** to the Premier of the Province of Ontario, the Minister of Tourism, Culture and Sport, the Minister of Infrastructure, the Chair of the Region of Niagara, local area MPPs, and the Honourable Tony Baldinelli, MP; and
7. That a copy of this resolution **BE CIRCULATED** to the Councils of the local municipalities in Niagara for their support.

Moved by Councillor Foster  
Seconded by Councillor Villella

That the motion **BE REFERRED** to the Planning and Economic Development Committee for staff to provide a report on the matter.

**Carried**

11.2 Proposed Amendment to By-law 2020-46 Mandatory Face Covering By-law

Moved by Councillor Nicholson  
Seconded by Councillor Diodati

Whereas on July 23, 2020, Regional Council passed By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic;

Whereas residents of Niagara Region have expressed concern that the by-law is not applicable to the common areas of residential apartment buildings or condominiums.

NOW THEREFORE BE IT RESOLVED:

That By-law 2020-46 **BE AMENDED** to include that common areas of residential apartment buildings and condominiums are an enclosed public place where the wearing of face coverings is required in accordance with the By-law.

Moved by Councillor Whalen  
Seconded by Councillor Ugolini

That the question **BE CALLED**.

**Carried**

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

**Carried**

**12. NOTICES OF MOTION**

**12.1 Liquid Bio-solids Procurement Process**

Councillor Gale advised that he would be bringing forward a motion to the next Council meeting respecting the liquid bio-solids procurement process.

**13. OTHER BUSINESS**

**13.1 Educating the Public on Face Covering Exemptions**

Councillor Butters requested staff make educational material available to the community, respecting the exemptions from wearing a face covering in a public location in accordance with By-law No. 2020-46, for posting in the common areas of hotels, motels, other short term accommodations, and residential apartment buildings and condominiums.

**14. CLOSED SESSION**

Council did not resolve into closed session.

**15. BUSINESS ARISING FROM CLOSED SESSION**

**15.1 Confidential CL-C 100-2020**

A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality - Niagara Regional Housing Acquisition of Property in the City of St. Catharines (Confidential Report NRH 13-2020)

Moved by Councillor Witteveen  
Seconded by Councillor Heit

That Confidential Correspondence Item CL-C 100-2020, being a memorandum from A.-M. Norio, Regional Clerk, dated October 22, 2020, respecting A Matter of a Proposed or Pending Acquisition or Disposition of Land by the Municipality - Niagara Regional Housing Acquisition of Property in the City of St. Catharines (Confidential Report NRH 13-2020), **BE RECEIVED** and the recommendation contained therein **BE APPROVED**.

**Carried**

**16. BY-LAWS**

Moved by Councillor Ugolini  
Seconded by Councillor Fertich

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

Bill 2020-72

A by-law to accept, assume and dedicate Block 30, plan 59M-477 and Blocks 8 and 9, Plan 59M-472, in the City of Welland as part of regional Road No. 29 (Webber Road).

Bill 2020-73

A by-law to accept, assume and dedicate Block 10, Plan 59M-472, in the City of Welland as part of Regional Road No. 36 (South Pelham Road).

Bill 2020-74

A by-law to accept, assume and dedicate Part of Lots 71 and 110 and part of Warren St East, Plan 530 and Part Block H, Plan 525, in the Town of Fort Erie as part of Regional Road No. 124 (Central Avenue).

Bill 2020-75

A by-law to authorize the borrowing upon amortizing debentures in the principal amount of \$5,000,000.00 for a capital work of the Corporation of the City of Port Colborne.

Bill 2020-76

A by-law to authorize the borrowing upon amortizing debentures in the principal amount of \$1,401,512.29 for a capital work of the Corporation of the Town of Niagara-on-the-Lake.

Bill 2020-77

A by-law to authorize the borrowing upon amortizing debentures in the principal amount of \$8,400,000.00 for a capital work of the Corporation of the City of Niagara Falls.

Bill 2020-78

A by-law to authorize the borrowing upon serial debentures in the aggregate principal amount of \$1,756,100.00 for capital works of the Corporation of the Town of Lincoln.

Bill 2020-80

A by-law to amend By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic.

Bill 2020-81

A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on October 22, 2020.

**Carried**

**17. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:57 p.m.

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Jim Bradley  
Regional Chair

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Matthew Trennum  
Deputy Regional Clerk

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Ann-Marie Norio  
Regional Clerk