

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

CL 3-2019

Thursday, January 17, 2019

Council Chamber

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

Council: Bradley (Regional Chair), Bellows, Butters, Bylsma, Chiocchio, Darte, Disero, Easton, Edgar, Fertich, Foster, Gale, Greenwood, Huson, Insinna, Ip, Jordan, Nicholson, Redekop, Rigby, Sendzik, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Campion, Diodati, Gibson, Junkin, Steele

Staff: H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, J. Garritsen, Labour Relations Manager, D. Gibbs, Director, Legal and Court Services, D. Giles, Director, Community & Long Range Planning, J. Gilston, Legislative Coordinator, T. Harrison, Commissioner/Treasurer, Enterprise Resource Management Services, Dr. Hirji, Medical Officer of Health/Commissioner Public Health, A. Jugley, Commissioner, Community Services, V. Kuhns, Acting Director, Economic Development, F. Meffe, Acting Director, Human Resources, B. Menage, Director, Procurement and Strategic Acquisitions, R. Mostacci, Commissioner, Planning and Development Services, A-M. Norio, Regional Clerk, M. Trennum, Deputy Regional Clerk, R. Tripp, Acting Chief Administrative Officer.

1. CALL TO ORDER

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

2. LAND ACKNOWLEDGMENT STATEMENT

Councillor Darte read out the Land Acknowledgment Statement.

3. MOMENT OF SILENCE

Regional Chair Bradley asked all in attendance to rise for a moment of silence.

4. SINGING OF 'O CANADA'

Regional Chair Bradley asked all in attendance to stand for the singing of 'O Canada'.

5. ADOPTION OF AGENDA

5.1 Addition of Items

Moved by Councillor Foster
Seconded by Councillor Insinna

That in accordance with subsection 2.4 of Niagara Region's Procedural By-law, the rules of procedure, specifically Section 13 of the Procedural By-law, **BE SUSPENDED** to permit Sam Oosterhoff, MPP, to appear before Council as a delegate respecting Bill 66 *Restoring Ontario's Competitiveness Act*.

Carried

Moved by Councillor Bylsma
Seconded by Councillor Insinna

That the Council Agenda CL 03-2019, **BE ADOPTED**, as amended.

Carried

6. DISCLOSURES OF PECUNIARY INTEREST

Councillor Edgar declared a direct pecuniary interest with respect to Report COM 03-2019 (Agenda Item 11.2.7) respecting Bill 66: Restoring Ontario's Competitiveness Act: Legislative Amendments to Home Child Care Program, as his wife an employee of Niagara Region in the Children Services Division.

See Minute Item 11.2.6

7. PRESENTATIONS

There were no presentations.

9. DELEGATIONS

9.1 Bill 66 Restoring Ontario's Competitiveness Act - Planning Implications

9.1.1 Jeff Burch, Member of Provincial Parliament

Jeff Burch, Member of Provincial Parliament, appeared before Council to express concerns with *Bill 66: Restoring Ontario's Competitiveness Act* with respect to Schedule 10 of the Bill which amends the *Planning Act*.

9.1.2 Brody Longmuir, Resident, City of St. Catharines

Brody Longmuir, Resident, City of St. Catharines, appeared before Council to express concerns with *Bill 66: Restoring Ontario's Competitiveness Act* with respect to Schedule 10 of the Bill which amends the *Planning Act* and requested Council to oppose the Bill.

Speaking notes are attached to these minutes as CL-C 06-2019.

9.1.3 Sam Oosterhoff, Member of Provincial Parliament

Sam Oosterhoff, Member of Provincial Parliament, appeared before Council to express his support for Bill 66.

9.2 Vacancy Program Revisions to Ministry of Finance (Minute Item 7.2 of CSC 1-2019 (Agenda Item 12.3))

9.2.1 Miska Balsom, President and CEO, Hugo Chesshire, Director, Policy and Government Relations, Greater Niagara Chamber of Commerce

Miska Balsom, President and CEO, and Hugo Chesshire, Director, Policy and Government Relations, Greater Niagara Chamber of Commerce, appeared before Council to express concerns with respect to the changes proposed to the vacancy program as outlined in Report CSD 3-2019 Vacancy Program Revisions to Ministry of Finance.

Speaking notes are attached to these minutes as CL-C 07-2019.

9.3 Preventing Deaths by Suicide on Public Infrastructure (Minute Item 6.3 of PHSSC 1-2019 (Agenda Item 12.2))

9.3.1 Wendi Duggan, Aimee Christie, Colleen Mayer, Jessi Dent, and Stephanie Farquharson, Niagara United

Wendi Duggan, Aimee Christie, Colleen Mayer, Jessi Dent, and Stephanie Farquharson, Niagara United, appeared before Council in support of the recommendations of Report PHD 03-2019..

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

Hotel Dieu Shaver Health and Rehabilitation Centre

The Regional Chair announced that on January 9, 2019 he joined the Honourable Jean-Yves Duclos, Minister of Families, Children and Social Development, at the Hotel Dieu Shaver Health and Rehabilitation Centre for an announcement from the Government of Canada respecting support for family caregivers with Employment Insurance benefits that are more flexible, inclusive and easier to access.

2019 Budget

Chair Bradley advised that Niagara Region had begun deliberating on the 2019 budget and noted that the capital budget represents a substantial investment in order to facilitate growth and attract new investment in Niagara. The Chair indicated his excitement to tackle these important governance challenges together with council as we look at growth, asset management and funding strategies that will benefit our region.

Big Brothers Big Sisters Bowl for Kids Sake

Regional Chair Bradley advised that on January 15, 2019 he joined Mayor Sendzik in congratulating the Big Brothers Big Sisters for 27 years of their Bowl for Kids Sake campaign, a program which has allowed youth to achieve their goals and enhance their social well-being for many years.

10. ADOPTION OF MINUTES

Moved by Councillor Disero

Seconded by Councillor Zalepa

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

Open Session Minutes CL 19-2018, Thursday, December 13, 2018 (Special)

Open and Closed Session Minutes CL 20-2018, Thursday, December 13, 2018

Open and Closed Session Minutes CL 21-2018, Thursday, December 28, 2018 (Special)

Open Session Minutes CL 1-2019, Thursday, January 10, 2019 (Special)

Carried

11. CORRESPONDENCE

11.1 Receive and/or Refer

Moved by Councillor Ugulini

Seconded by Councillor Jordan

That the following items **BE DEALT WITH** as follows:

CL-C 01-2019 respecting By-laws for Council Consideration at Regional Council meeting being held on January 17, 2019, **BE RECEIVED**; and

CL-C 10-2019 respecting Niagara Region's Comments on Bill 66, Restoring Ontario's Competitiveness Act, 2018, **BE RECEIVED**.

Carried

11.2 For Consideration

11.2.1 CLK 01-2019

Progress Report respecting Implementation of Recommendations from the Ontario Ombudsman Report “Press Pause”

Moved by Councillor Easton
Seconded by Councillor Witteveen

That Report CLK 01-2019, dated January 17, 2019, respecting Progress Report respecting Implementation of Recommendations from the Ontario Ombudsman Report “Press Pause”, **BE RECEIVED** and the following recommendation **BE APPROVED**:

That Report CLK 01-2019 **BE CIRCULATED** to the Ontario Ombudsman for their information.

Carried

11.2.2 CLK 02-2019

Regional Council Ante Room

Moved by Councillor Foster
Seconded by Councillor Whalen

That Report CLK 02-2019, dated January 17, 2019, respecting Regional Council Ante Room, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** the use of the Council Chamber for Standing Committee and Council meetings that are closed to the public; and,
2. That staff **BE DIRECTED** to provide a report outlining options to implement the functionality required to facilitate meetings that are closed to the public in Committee Room 4 for the Regional Council meeting being held on March 28, 2019.

Carried

11.2.3 CL-C 02-2019

Request for Appointment to the Transportation Steering Committee

Moved by Councillor Zalepa

Seconded by Councillor Nicholson

That Correspondence Item CL-C 02-2019, being a memorandum from A.-M. Norio, Regional Clerk, dated January 17, 2019, respecting Councillor Junkin's Request for Appointment to the Transportation Steering Committee, **BE RECEIVED**; and,

That Councillor Junkin **BE APPOINTED** to the Transportation Steering Committee.

Carried

11.2.4 CLK 03-2019

Extension of Integrity Commissioner Contract

Moved by Councillor Ugulini

Seconded by Councillor Edgar

That Report CLK 03-2019, dated January 17, 2019, respecting Extension of Integrity Commissioner Contract, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That an extension to March 31, 2023 of the contract with ADR Chambers Inc. for Integrity Commissioner services (2017-RFP-15) **BE APPROVED**;
2. That the Regional Chair and Regional Clerk **BE AUTHORIZED** to execute an amending agreement with ADR Chambers Inc. for Integrity Commissioner services from April 1, 2019 to March 31, 2023, in a form satisfactory to the Director, Legal and Court Services; and,
3. That the necessary by-law **BE PREPARED** and **PRESENTED** to Council for consideration.

Carried

11.2.5 CL-C 03-2019

Appointment to Southwestern Integrated Fibre Technology (SWIFT) Board

Moved by Councillor Bylsma
Seconded by Councillor Easton

That Correspondence Item CL-C 03-2019, being a memorandum from A.-M. Norio, Regional Clerk, dated January 17, 2019, respecting appointment to Southwestern Integrated Fibre Technology (SWIFT) Board, **BE RECEIVED**; and,

That Councillor Foster **BE APPOINTED** as Niagara Region's representative on the SWIFT Board of Directors.

Carried

11.2.6 CL-C 04-2019

Request for Council resolution supporting 100% Ontario-grown grapes and wine

Moved by Councillor Jordan
Seconded by Councillor Disero

That Correspondence Item CL-C 04-2019, being a letter from M. Oppenlaender, Chair, Grape Growers of Ontario, respecting request for Council resolution supporting 100% Ontario-grown grapes and wine, **BE RECEIVED**; and,

That the Regional Chair **BE DIRECTED** to draft a letter to the Provincial Government and area MPPs in response to the public consultation on the Modernization of Alcohol Sales in support of 100 percent Ontario-grown grapes and wine.

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

That Correspondence Item CL-C 04-2019, being a letter from M. Oppenlaender, Chair, Grape Growers of Ontario, respecting request for Council resolution supporting 100% Ontario-grown grapes and wine, **BE RECEIVED**; and,

That the Regional Chair **BE DIRECTED** to draft a letter to the Provincial Government and area MPPs ***requesting the Provincial Government include in its retail channel regulations specific policies that support and expand growth of 100 percent Ontario grown and produced grapes and wine and Ontario-made craft beer.***

At this time, Councillor Darté declared a direct pecuniary interest with respect to CL-C 04-2019 (Agenda Item 11.2.6) respecting Request for Council Resolution Supporting 100% Ontario-grown grapes and wine, as the resolution, as amended, deals with craft beer and Councillor Darté is the co-owner of a craft brewery.

The Regional Chair called the vote on the motion as amended, as follows:

That Correspondence Item CL-C 04-2019, being a letter from M. Oppenlaender, Chair, Grape Growers of Ontario, respecting request for Council resolution supporting 100% Ontario-grown grapes and wine, **BE RECEIVED**; and,

That the Regional Chair **BE DIRECTED** to draft a letter to the Provincial Government and area MPPs requesting the Provincial Government include in its retail channel regulations specific policies that support and expand growth of 100 percent Ontario grown and produced grapes and wine and Ontario-made craft beer.

Carried

11.2.7 COM 03-2019

Bill 66: *Restoring Ontario's Competitiveness Act*: Legislative Amendments related to Home Child Care Programs

Moved by Councillor Huson
Seconded by Councillor Butters

That Report COM 03-2019, dated January 17, 2019, respecting *Bill 66: Restoring Ontario's Competitiveness Act*: Legislative Amendments related to Home Child Care Programs, **BE RECEIVED** and the following recommendation **BE APPROVED**:

That the Regional Chair **BE DIRECTED** to write a letter to the Ministry of Education containing the recommended changes to Bill 66 as they relate to Home Child Care and to include this report for their consideration.

Carried

12. COMMITTEE REPORTS - OPEN SESSION

12.1 Public Works Committee

Minutes PWC 1-2019, Tuesday, January 8, 2019

Moved by Councillor Rigby
Seconded by Councillor Edgar

That Report PWC 1-2019 being the Open Session minutes of the Public Works Committee meeting held on Tuesday, January 8, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

12.1.1 Minute Item 6.1 respecting Proposed Base Services for Next Collection Contract

The recommendations respecting Proposed Base Services for Next Collection Contract contained in Minute Item 6.1 was considered separately as follows:

That Report PW 3-2019, dated January 8, 2019, respecting Proposed Base Services for Next Collection Contract, **BE RECEIVED** and the following recommendations **BE APPROVED**:

- 1) That, based on the results of the stakeholder engagement process, the Request for Proposals for Niagara Region's next garbage, recycling and organics collection RFP **BE APPROVED** to be issued with the following, subject to final comments from Local Area Municipalities:
 - a) Pricing for the following garbage collection frequency options:

- i) Every-other-week (EOW) garbage collection for all residential properties and for those Industrial, Commercial & Institutional (IC&I) and Mixed-Use (MU) properties located outside Designated Business Areas (DBAs), as a base service (weekly recycling and organics to continue, and current garbage container (bag/can) limits would double for affected sectors, on an EOW basis), and,
 - ii) Status quo – weekly base garbage collection service.
 - b) Establishment of a four (4) item limit per residential unit, per collection, for large item collection at Low-Density Residential (LDR) properties, as a base service.
 - c) Discontinuation and continuation of appliances and scrap metal curbside collection at LDR properties, as a base service.
 - d) Change the weekly garbage container (bag/can) limits for Industrial, Commercial & Institutional (IC&I) and Mixed-Use (MU) properties located inside Designated Business Areas (DBAs) from seven (7) containers to four (4) containers per property, as a base service.
 - e) Change the weekly garbage container limit for MU properties located outside DBAs from six (6) containers to four (4) containers per property, as a base service.
 - f) Mandatory use of clear garbage bags for garbage collection.
- 2) That Report PW 3-2019 and Council's resolutions, along with the Metroline stakeholder consultation report, when finalized, **BE CIRCULATED** to the Local Area Municipalities, for their review, and comments to be provided by February 1, 2019 or no later than February 20, 2019; and,
- 3) That staff **BE DIRECTED** to provide a follow-up report on the position of the Local Area Municipalities on the base and enhanced services to be included in the next garbage, recycling and organics collection contract Request for Proposals.

Moved by Councillor Ip
Seconded by Councillor Butters

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

That any decisions to make changes to waste collection service delivery BE DEFERRED until such time as feedback can be obtained through the Accessibility Advisory Committee with respect to how these service delivery changes might impact communities of people who live with various disabilities.

Carried

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

Carried

12.1.2 Balance of Recommendations from Public Works Committee

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

Carried

12.2 Public Health and Social Services Committee

Minutes PHSSC 1-2019, Tuesday, January 8, 2019

Moved by Councillor Greenwood
Seconded by Councillor Witteveen

That Report PHSSC 1-2019, being the Open Session minutes of the Public Health and Social Services Committee meeting held on Tuesday, January 8, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

12.2.1 Minute Item 6.3 respecting Preventing Deaths by Suicide on Public Infrastructure

The recommendation respecting Preventing Deaths by Suicide on Public Infrastructure contained in Minute Item 6.3 was considered separately as follows:

That Report PHD 03-2019, dated January 8, 2019, respecting Preventing Deaths by Suicide on Public Infrastructure, **BE RECEIVED** and the following recommendations **BE APPROVED**:

- 1) That Regional Council, as the Board of Health, **RESOLVES** that current public discourse around suicide has caused contagion and **REQUESTS** local media and others with a public audience to adhere to the Canadian Psychiatry Association's 2017 "Media Guidelines for Suicide Reporting" to prevent further contagion of suicide;
- 2) That Regional Council as the Board of Health **ENDORSE** the proposed framework for preventing suicides on public infrastructure;
- 3) That Regional Council as the Board of Health **APPROVE** a barrier at the location of multiple recent deaths by suicide and **DIRECT** staff to proceed with planning for such a barrier for installation in 2019, reporting back by spring 2019 with a final recommendation, detailed cost estimates, and incorporation in the 2019 Capital Budget;
- 4) That Regional Council as the Board of Health **DIRECT** staff to develop and report back in spring 2019 with detailed cost-estimates and budget options for:
 - a) Suicide identification/intervention training
 - b) Suicide risk assessment capacity-building
 - c) Support for a Mental Health Hub/Clubhouse in St. Catharines
- 5) That Regional Council **DIRECT** staff to engage with the Ministry of Transportation on opportunities for provincial funding to support possible infrastructure barriers as in recommendation #2; and
- 6) That Regional Council **DIRECT** staff to include consideration of barriers on any future major infrastructure projects, and to include details of their consideration in reports to Council for approval of such projects impact communities of people who live with various disabilities.

Carried

12.2.2 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

12.3 Corporate Services Committee

Minutes CSC 1-2019, Wednesday, January 9, 2019

Moved by Councillor Foster
Seconded by Councillor Whalen

That Report CSC 1-2019 being the Open Session minutes of the Corporate Services Committee meeting held on Wednesday, January 9, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

12.3.1 Minute Item 7.1 respecting Request to Write-Off Outstanding Amounts over \$25,000

The recommendation respecting Request to Write-Off Outstanding Amounts over \$25,000 contained in Minute Item 7.1 was considered separately as follows:

That Report CSD 2-2019, dated January 9, 2019, respecting Request to Write-off Outstanding Amounts over \$25,000, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Write-off of uncollectible accounts receivable totaling \$542,745.00 **BE APPROVED**.

Carried

12.3.2 Balance of the Recommendations from Corporate Services Committee

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

Carried

12.4 Planning and Economic Development Committee

Minutes PEDC 1-2019, Wednesday, January 9, 2019

Moved by Councillor Huson

Seconded by Councillor Ip

That Report PEDC 1-2019 being the Open Session minutes of the Planning and Economic Development Committee meeting held on Wednesday, January 9, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.5 Budget Review Committee of the Whole

Minutes BRCOTW 01-2019, Thursday, January 10, 2019

Moved by Councillor Zalepa

Seconded by Councillor Disero

That Report BRCOTW 1-2019 being the Open Session minutes of the Budget Review Committee of the Whole meeting held on Thursday, January 10, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

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

There were no Chief Administrative Officer Reports.

14. **MOTIONS**

14.1 Procedural By-law Amendment - Moment of Reflection

Moved by Councillor Greenwood

Seconded by Councillor Witteveen

Whereas on May 21, 2015, Regional Council amended Niagara Region Procedural By-law No. 120-2010, as amended, to replace "invocation" with "moment of silence";

Whereas on September 10, 2015, Regional Council referred a motion to replace "moment of silence" with "recitation" to the Procedural By-law Review Committee for consideration;

Whereas the Procedural By-law review was not completed during the last term of Council; and,

Whereas the reading of a secular statement would be a positive start to Regional Council meetings.

NOW THEREFORE BE IT RESOLVED:

That Section 11.1 (b) of the Procedural By-law (Moment of Silence) **BE REPLACED** with “Moment of Reflection”; and,

That a Councillor **BE PROVIDED** a choice of three secular reflections to read at Regional Council meetings during the Moment of Reflection.

Carried

15. NOTICES OF MOTION

There were no notices of motion.

16. OTHER BUSINESS

16.1 Bill 66 Restoring Ontario's Competitiveness Act - Planning Implications

Moved by Councillor Sendzik

Seconded by Councillor Bylsma

WHEREAS Niagara Region is home to environmental and ecologically critical resources including two Great Lakes and the Niagara River, the Niagara Escarpment UNESCO World Biosphere, Ontario's agricultural heartland and international grape and wine industry; and

WHEREAS Niagara Region, the communities of Niagara and the Government of Ontario share the common priorities for economic development, job creation, investment attraction and fostering an environment for economic prosperity.

NOW THEREFORE BE IT RESOLVED:

That Niagara Regional Council **SUPPORTS** the Government of Ontario's goal to reduce regulatory burdens, strengthen Ontario's competitiveness, and make it easier for businesses to locate, expand and create jobs, and **ENCOURAGES** the Government to consult with municipalities to identify ways to streamline the planning and development approvals process and regulations, without eliminating critical environmental protections.

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

That Niagara Regional Council **SUPPORTS** the Government of Ontario's goal to reduce regulatory burdens, strengthen Ontario's competitiveness, and make it easier for businesses to locate, expand and create jobs, **however ENCOURAGES** the Government to consult with municipalities to identify ways to streamline the planning and development approvals process and regulations, ***without eliminating the greenbelt lands and source water protection and*** critical environmental protections.

The Regional Chair called the vote on the motion, as amended, as follows:

WHEREAS Niagara Region is home to environmental and ecologically critical resources including two Great Lakes and the Niagara River, the Niagara Escarpment UNESCO World Biosphere, Ontario's agricultural heartland and international grape and wine industry; and

WHEREAS Niagara Region, the communities of Niagara and the Government of Ontario share the common priorities for economic development, job creation, investment attraction and fostering an environment for economic prosperity.

NOW THEREFORE BE IT RESOLVED:

That Niagara Regional Council **SUPPORTS** the Government of Ontario's goal to reduce regulatory burdens, strengthen Ontario's competitiveness, and make it easier for businesses to locate, expand and create jobs, however **ENCOURAGES** the Government to consult with municipalities to identify ways to streamline the planning and development approvals process and regulations, without eliminating the greenbelt lands and source water protection and critical environmental protections.

Carried

17. MOTION FOR CLOSED SESSION

Council did not resolve into closed session.

18. CLOSED SESSION

Council did not resolve into closed session.

19. REPORT FROM CLOSED SESSION

Council did not resolve into closed session.

19.1 Confidential Memorandum CL-C 9-2019

A Matter of A Proposed or Pending Acquisition of Land - NRH 02-2019
Social Infrastructure Fund Yr-3 Acquisition Apartment Building & Land
2019 Capital Budget Approval

Moved by Councillor Butters
Seconded by Councillor Greenwood

That Confidential Memorandum CL-C 9-2019 respecting A Matter of A
Proposed or Pending Acquisition of Land - NRH 02-2019 Social
Infrastructure Fund Yr-3 Acquisition Apartment Building & Land 2019
Capital Budget Approval, **BE RECEIVED** and Council **CONFIRMS** the
approval of the recommendations contained therein.

Carried

20. BY-LAWS

Moved by Councillor Bylsma
Seconded by Councillor Zalepa

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

Bill 2019-03

A by-law to amend By-law 120-2010, the Procedural By-law.

Bill 2019-04

A by-law to appoint an acting Regional Chair and to repeal By-law 28-2018.

Bill 2019-05

A by-law to stop up and close a portion of Regional Road 27 (Wellandport Road)
in the Township of West Lincoln.

Bill 2019-06

A by-law to amend By-law 02-2016, being a by-law to define the procurement
policies and procedures for The Regional Municipality of Niagara.

Bill 2019-07

A by-law to amend By-law 112-2013, being a Regional by-law to protect children
and vulnerable persons from exposure to outdoor and second-hand smoke.

Bill 2019-08

A by-law to authorized long-term financing (1-30 years) in the amount of
\$2,640,000; Niagara Region Capital Projects.

Bill 2019-09

A by-law to authorize a 2019 interim and waste management special upper-tier levy for The Regional Municipality of Niagara.

Bill 2019-10

A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on January 17, 2019.

Carried

21. ADJOURNMENT

There being no further business, the meeting adjourned at 10:01 p.m.

Jim Bradley
Regional Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Acting Regional Clerk

Presentation by Brody Longmuir, St. Catharines resident
RE: Bill 66, Restoring Ontario's Competitiveness Act, 2018

Summary of Schedule 10 of Bill 66:

- allows for the passage of "Open-for-Business" Bylaws by municipalities
- requires the approval of the Minister of Municipal Affairs and Housing, the Minister may set certain conditions upon the development (no examples are provided)
- "Open-for-Business" Bylaws do not require any public consultation other than notification to the public 30 days after the bylaw is passed
- "Open-for-Business" Bylaws can come into effect within 20 days which means the bylaw can be in effect 10 days before the public is notified that it exists
- "Open-for-Business" Bylaws do not involve upper-tier municipalities including the Niagara Region, therefore, municipalities do not have to coordinate with Regional plans or consult staff
- "Open-for-Business" Bylaws can circumvent legislation including: *the Greenbelt Act (2005)*, the *Places to Grow Act (2005)*, the *Clean Water Act (2006)*, the *Greatlakes Protection Act (2015)* and official regional plans including the Niagara Peninsula Source Protection Plan
- Bill 66 provides no methods of appeal after an "Open-for-Business" Bylaw is approved

Concerns with the Regional Planner's Report

- Planner agreed that local municipalities have all the power (through rezoning) with the backing of the Minister of Municipal Affairs
- Regional planners take a 'backseat' in decision-making process
- Planner's report is overly confident that the Region will continue to play an active role despite not being involved in the decision-making process with local municipalities
- The Regional Planner is promoting Schedule 10 as an opportunity to create jobs especially in the "Niagara Gateway" which impacts lands in Niagara Falls including Thundering Waters and 600 acres of protected grape land from 2015 OMB decision
- other past "Niagara Gateway" land use proposals have recommended strip development along both sides of the QEW engulfing farmland and creating more urban sprawl

Reasons Why Bill 66 is Wrong for the Niagara Region

1. Lack of public consultation in a community which is clearly passionate about environmental protection (ie. NPCA)
2. Lack of regional consultation will, in the long term, cost more to provide necessary services/infrastructure and it excludes Regional staff from the decision-making process
3. Niagara's drinking water is already vulnerable according to the Drinking Water Source Protection Act study conducted in 2018
4. Greenbelt and Great Lakes attract significant amounts of investment and tourism to our Region therefore preserving the environment makes environmental and economic sense
5. Members of the business community have also expressed concerns about Bill 66 including GNCC CEO Mishka Balsom and the impacts it will have on the environment in Niagara outweighing job creation benefits
6. The vagueness of Bill 66 is cause for alarm – no definitions of what criteria the Minister may demand, vague on what developments would be acceptable

7. Planning staff in other Regions have expressed concerns that the *Clean Water Act (2006)* should always apply to all bylaws.

REPORTS

Drinking Water Source Protection Act study

On February 21st, 2018, Jayme Campbell, a special projects supervisor for Niagara Peninsula Conservation Authority, presented evidence at a Niagara Region health committee meeting that natural gas wells lined with wood or corroding metal cause water to be contaminated by hydrogen sulfide - a poisonous and corrosive gas. Campbell found that Niagara has numerous hydrogeological sensitive areas with very little sediment to filter contaminants. Thus, Campbell said “what happens on the land very quickly gets into the aquifers” leading to elevated risks of E. coli contamination. Campbell also said the Region’s water treatment plant intakes were vulnerable especially Port Colbourne’s because of algae in Lake Erie and climate change. He flagged an oil pipeline that crosses the Niagara River close to the water intake for the Niagara Falls treatment plant saying “if that pipeline leaked we’d have two hours before it’d get into the Niagara Falls intake.”

Canadian Environmental Law Association Bill 66 Schedule 10 Legal Analysis

In their legal analysis, CELA raised significant concerns about the Minister of Municipal Affairs and Housing being the individual responsible for reviewing and approving “open-for-business” bylaws. CELA raised concerns about this Ministry that has no particular expertise under the Clean Water Act or drinking water safety in general, and thus cannot be realistically expected to gather and assess the detailed on-the-ground evidence needed to make an informed decision on whether a development poses a significant drinking water threat. Furthermore, the only two conditions prescribed are (a) Ministerial approval and (b) prescribed criteria (if any). These conditions do not have any built-in environmental or public health safeguards.

STATISTICS

An Economic Case for the Greenbelt – According to the Greenbelt Guide for Municipal Candidates

- Over 90% of all Ontario tender fruit production is based in the Niagara Peninsula
- Greenbelt’s natural capital in Niagara is valued at \$281 million
- Municipal tax revenue from the Greenbelt economic activity is \$59 million
- 23,000 jobs are dependent upon the Greenbelt in the Region
- Greenbelt and wetlands contained within naturally provide \$3.2 billion in eco-services each year that would otherwise require infrastructure to replace it
- Greenbelt also contributes \$18 million per year in air quality services through its tree canopy

Motion concerning Bill 66 for Niagara Regional Council Meeting - January 17, 2019

THAT Regional council inform the government of Ontario that it opposes Bill 66 which allows municipalities, with permission of the Minister of Municipal Affairs, to circumvent protective Provincial environmental, water safety and planning Legislation to rezone lands for commercial development without public consultation.



Delegation to Niagara Regional Council, 2019-01-17

Vacant Land Tax Rebate

Good evening Chair Bradley, councillors, staff, and members of the public. My name is Mishka Balsom, and I am President & CEO of the Greater Niagara Chamber of Commerce. With me this evening is Hugo Chesshire, our Director of Policy and Government Relations. On behalf of our members, I would like to thank you for the opportunity to address you tonight on the subject of the vacant land tax rebate.

This rebate was initially introduced in the 1980s when businesses taxes were rolled into property taxes. It was recognized that this would effectively mean a tax increase, so the vacant land rebate was introduced in compensation. Now, it is proposed that the compensation be eliminated, but not the issue it compensated for. The purpose of the program was never to encourage long-term disuse of land, and from our many consultations with developers and landowners and from the consultations the Region has performed, we still do not believe that it does.

Vacant land is an asset to the region. It signals that there is room to grow and expand. An inventory of available land is as important to attracting new industries, new businesses, and new development as a skilled workforce.

One of GNCC's guiding policy principles is that most issues are connected to others and therefore, cannot be addressed in isolation. There are many reasons why land or buildings might be vacant. Some are due to issues with municipal and regional policy, such as road construction, parking availability, or red tape. The rebate is a partial compensation for when these policies make a landlord unable to rent, sell, or develop land. Dealing with these problems, as part of this discussion, might be helpful.

It is argued that the rebate is placing a strain on the tax base – Niagara residents – yet the staff report speaks of reallocating the anticipated revenues elsewhere. We strongly believe that this requires further review.

Eliminating the rebate would encourage landowners to sever excess land and sell it. This discourages businesses from growing in-place, and means that when they are ready to expand, they may leave the region altogether. The rebate offers an incentive for businesses to stay in Niagara and grow in Niagara by encouraging them to retain land for future expansion. We want to encourage businesses to grow here, not to leave.

The staff report also mentions “double-dipping,” wherein property owners receive reduced assessments from MPAC and then a second break in the form of the rebate. Our members in the development and landowning business have all told us that this does not happen, and that actually obtaining a reduced assessment from MPAC is nearly impossible. Keeping land empty is still a cost to landlords and no one is interested in keeping land empty to merely qualify for a 30% rebate on their property taxes.

The report has drawn attention to the municipalities around us that have ended this rebate. It is our understanding that the vast majority have not. It is important to note that our economic situation is not always directly comparable to the regions around us. Niagara has a higher-than-average unemployment rate and slower economic growth when compared to Hamilton or the GTA. A recent independent economic comparison revealed that almost all of Niagara’s recent economic growth is attributable to rising real estate prices. It is also worth noting that that fact, by itself, is increasing the property tax levy, quite apart from the rebate question.

Economic history and forecasts also show that a potential downturn in our economy must be imminent. This is not a factor that this government can control, but it is one that we can anticipate and plan for. Anticipating a downturn cannot include placing further burdens on our business community.

Industrial growth in Niagara is starting to pick up again after a long period of stagnation. Commercial growth has leveled off, and the outlook for offices is bleak. The five landmark buildings in downtown St. Catharines, for example, have vacancy rates averaging over 35%. This has nothing to do with tax rebates, but with shortages of long-term parking, with the economy, with road construction, and other factors that are often heavily impacted by government policy, and none of which will be addressed by ending the rebate.

On behalf of our members, we encourage Niagara to do as 390 out of the 444 municipalities in Ontario have done and leave this program alone. It was introduced for good reason, and that reason has not changed.

On behalf of the business community we represent, I hope that you will recognize that the reasons for the vacant land tax rebate are unchanged, that the reasons to continue it are as valid as when the program started, and that you will continue this program.

Thank you.

The Greater Niagara Chamber of Commerce is the largest business organization in Niagara and the third-largest Chamber of Commerce in Ontario, with 1,600 members representing 50,000 employees. More information on the GNCC is available at gncc.ca.

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