

**THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF COUNCIL
MINUTES**

CL 14-2022

Thursday, July 21, 2022

Council Chamber

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

Council Members Present in the Council Chamber:	Bradley (Regional Chair), Butters, Easton, Fertich, Foster, Gibson, Greenwood, Heit, Huson, Ip, Siscoe, Whalen, Zalepa
Council Members Present via Video Conference:	Britton, Bylsma, Campion, Chiocchio, Diodati, Disero, Edgar, Insinna, Junkin, Nicholson, Redekop, Rigby, Sendzik, Ugulini, Villella, Witteveen
Absent/Regrets:	Gale, Jordan, Steele
Staff Present in the Council Chamber:	D. Barnhart, Chief of Staff, Governance, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, C. Cousins, Director, Homelessness and Community Engagement, E. Fabiani, Client & Support Advisor, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, Dr. M. M. Hirji, Acting Medical Officer of Health, A.-M. Norio, Regional Clerk, M. Sergi, Commissioner, Planning & Development Services, G. Spezza, Director, Economic Development, R. Tripp, Chief Administrative Officer, B. Zvaniga, Commissioner, Public Works
Staff Present via Video Conference:	R. Ferron, Acting Chief/Director, Emergency Medical Services, J. Garritsen, Associate Director, Labour & Employee Relations & Employee Health, Dr. A. Kasmani, Associate Medical Officer of Health, P. Kennah, Labour Relations Manager, K. Lotimer, Legislative Coordinator, M. Mako, Commander, Mobile Integrated Health, B. Menage, Director, Procurement & Strategic Acquisitions, M. Richardson, Program Specialist, Security, M. Robinson, Director, GO Implementation Office, K. Scholtens, Manager, Business Development & Expedited Services, B. Wilson, Legal Counsel, D. Woiceshyn, Director, Housing Services, S. Wood, Legal Counsel, N. Wolfe, Director, Construction, Energy & Facilities
Others Present via Video Conference:	D. Abbs, Manager, Watson & Associates, M.E. Bench, External Legal Counsel, Dentons LLP, R. Groves, External Legal Counsel, Dentons LLP, J. Hagar, Human Resources Consultant, Transit, G. Scandlan, Managing Partner, Watson & Associates

1. **CALL TO ORDER**

Regional Chair Bradley called the meeting to order at 6:32 p.m.

2. **LAND ACKNOWLEDGMENT STATEMENT**

Councillor Siscoe read the Land Acknowledgment Statement.

3. **ADOPTION OF AGENDA**

3.1 **Addition of Items**

Moved by Councillor Huson
Seconded by Councillor Ip

That Shawn Rapone, Owner, CMI Heavy Industry, and Vice-Chair of the Niagara Industrial Association, and Rodney Gill, Goodmans LLP, **BE PERMITTED** to appear before Council as individual delegates respecting Regional Development Charges By-law.

Carried

3.2 **Changes in Order of Items**

A request was made to deal with Closed Session Minutes CSC 7-2022 prior to consideration of Closed Session Minutes PWC 6-2022. There being no objections, it was therefore:

Moved by Councillor Foster
Seconded by Councillor Butters

That Council Agenda CL 14-2021, **BE ADOPTED**, as amended.

Carried

4. **DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

5. **PRESENTATIONS**

There were no presentations.

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

The Regional Chair provided an update respecting activities within the Region.

6.1 Niagara Climate Change Summit - Summit Overview

Daryl Barnhart, Chief of Staff, Governance, provided an overview of the Niagara Climate Change Summit that was held on Tuesday, June 28, 2022, at Brock University.

7. **DELEGATIONS**

7.1 Regional Development Charges By-law (Minute Item 5.4, Minutes CSC 7-2022 (Agenda Item 10.4))

7.1.1 Shawn Rapone, CMI Heavy Industries, on behalf of Niagara Industrial Association

Shawn Rapone, owner, CMI Heavy Industries and Vice Chair of Niagara Industrial Association, appeared before Council on behalf of Niagara Industrial Association, to request that Council consider not supporting the implementation of industrial development charges as provided in Bill 2022-58.

7.2 2022 Development Charges By-law Update (Agenda Item 9.1.2)

7.2.1 Rodney Gill, Goodmans LLP, on behalf of Downing Street Brownfield Partners and Downing Street (Artisan Ridge) Inc.

Rodney Gill, Goodmans LLP, appeared before Council on behalf of Downing Street Brownfield Partners and Downing Street (Artisan Ridge) Inc., to request that Niagara Region extend and/or grandfather the RDC Brownfield Reduction Program for projects like the Artisan Ridge Project.

8. **ADOPTION OF MINUTES**

Council Minutes CL 12-2022, Thursday, June 23, 2022 (Regular Meeting)

Council Minutes CL 13-2022, Thursday June 30, 2022 (Special Meeting)

Moved by Councillor Whalen

Seconded by Councillor Heit

That Minutes CL 12-2022 being the Open Session minutes of the Regional Council meeting held on Thursday, June 23, 2022, and Minutes CL 13-2022 being the Open Session minutes of the Special Regional Council meeting held on Thursday, June 30, 2022, **BE ADOPTED.**

Carried

9. **CORRESPONDENCE**

9.1 **Receive and/or Refer**

Moved by Councillor Bylsma
Seconded by Councillor Gibson

That the following items **BE RECEIVED** for information:

- CL-C 106-2022 A memorandum from K. Ashbridge, Supervisor Waste Management Collection & Diversion Operations, dated July 21, 2022, respecting Amendment to By-law No. 2022-32, being a By-law to Regulate the Use of the Waste Management System for The Regional Municipality of Niagara.
- CL-C 107-2022 A memorandum from B. Hutchings, Senior Tax & Revenue Analyst, dated July 21, 2022, respecting 2022 Development Charges By-law Update.
- CL-C 108-2022 A memorandum from A.-M. Norio, Regional Clerk, dated July 21, 2022, respecting Notice of Procedural By-law Amendment.
- CL-C 109-2022 A letter from P.J. Harrington, Aird & Berlis LLP, dated July 18, 2022, respecting 2022 Development Charges By-law Update (Agenda Item No. 9.1.2 - CL-C 107-2022).
- CL-C 110-2022 A letter from T. Collins, President, LANDx Developments Ltd., dated July 20, 2022, on behalf of Cytec Lands, respecting Proposed Changes to RDC Brownfield Reduction Program.
- CL-C 111-2022 A letter from T. Collins, President, LANDx Developments Ltd., dated July 20, 2022, on behalf of Downing Street (Artisan Ridge), respecting Proposed Changes to RDC Brownfield Reduction Program.
- CL-C 112-2022 A memorandum from A.-M. Norio, Regional Clerk, dated July 21, 2022, respecting Appointment of Deputy Regional Clerk.

Carried

9.2 **For Consideration**

There were no items for consideration.

10. COMMITTEE REPORTS - OPEN SESSION

10.1 Procedural By-law Review Committee

Minutes PBLRC 4-2022, Monday, July 4, 2022

Moved by Councillor Edgar
Seconded by Councillor Ip

That Minutes PBLRC 4-2022 being the Open Session minutes of the Procedural By-law Review Committee meeting held on Monday, July 4, 2022, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

10.1.1 Minute Item 5.1 Respecting Referral of Correspondence Item PBLRC-C 10-2022 – Procedural By-law Amendments

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

That Correspondence Item PBLRC-C 11-2022, being a memorandum from A.-M. Norio, Regional Clerk, dated July 4, 2022, respecting Referral of Correspondence Item PBLRC-C 10-2022 – Procedural By-law Amendments, **BE RECEIVED**; and

That the following amendments to the Procedural By-law **BE APPROVED**:

1. The addition of the following definitions to Section 1.1:

“Delegation”: means information provided to a Committee or Council in person, or over video conference, by an individual or group, on an issue already on an agenda of Committee or Council, or which is within the jurisdiction and mandate of Committee or Council to take action on.

“Presentation”: means information presented to Committee or Council in person, or over video conference, by an individual or group, on an issue which typically does not require any action to be taken by Committee or Council and or a presentation by staff related to an item on an agenda.

2. The following wording be added to Sections 11 and 22:

Items or matters will not be added to the agenda of a Standing Committee or Council after publication unless directed by the Regional Chair/Committee Chair and/or Chief Administrative Officer (CAO) in consultation with the Regional Clerk, and only if

the urgent nature of the matter requires a decision prior to the next Council or Committee meeting.

3. Section 11.3 be amended to read as follows:

All reports, notices, motions and any other material to be included in the agenda for a regular Council meeting shall be delivered in writing or electronically to the Clerk by 9:00 a.m. on the Friday preceding the regular Council meeting. The deadline for the submission of matters permitted for inclusion in the addendum to the Council agenda shall be 9:00 a.m. the day before the Council meeting.

4. Section 13.2 be amended to read as follows:

It is Council's preference that all delegations be made to the appropriate Standing Committee. Nevertheless, delegations shall be permitted to appear at regular Council meetings with respect to items on the regular Council agenda provided a written request is made to the Clerk by 9:00 a.m. on Tuesday prior to the meeting. Delegations appearing before a Standing Committee can only appear as a delegation at Council to present new information, subject to the approval of the Regional Chair in consultation with the CAO and/or Clerk. Speaking notes and/or presentation materials must be provided for review by the Regional Clerk (and appropriate staff) to ensure only new information is being provided at the time of the delegation request.

5. Section 13.3 be amended to read as follows:

Any person wishing to submit a written communication regarding a Standing Committee recommendation for inclusion in the Council agenda may do so by filing a written communication with the Clerk by 9:00 a.m. on the Friday prior to the Council meeting. Written submissions for inclusion in the Addendum to the Council agenda must be filed with the Clerk by 9:00 a.m. the day before the Council meeting.

6. Section 13.4 be amended to read as follows:

Written notice to the Clerk from a delegation shall include the person's name, address, telephone number and a detailed brief of their presentation including the reason(s) for the delegation, the specific nature of their presentation including presentation materials and/or speaking notes and the request/direction the presenter is seeking from the Standing Committee or Council

and if applicable, the name, address and telephone number of any person(s) or organization which they represent. The brief will for part of the official record of the proceedings of Committee or Council and therefore will be considered to be a public document.

7. Section 13.5 be amended to read as follows:

In the case of extenuating circumstances, a Standing Committee may, by a Majority vote permit a person to appear as delegation who does not appear on the agenda. A written request must be made to the Clerk by 9:00 a.m. the day before Standing Committee meeting to request a delegation under this section that contains the person's name, address, telephone number, and a detailed brief of their presentation including the reason(s) for the delegation, the specific nature of their presentation including presentation materials and/or speaking notes and the request/direction the presenter is seeking from the Standing Committee. If the delegation request does not relate to a matter already on the agenda it must pertain to an emergent matter.

8. Section 13.6 be amended to read as follows:

Delegations and presentations shall be limited to a presentation of not more than ten (10) minutes at Standing Committee and five (5) minutes at Council, unless otherwise determined by the Committee Chair/Co-Chair or Regional Chair. A delegation of not more than five (5) persons, representing a group or organization, shall be limited to two (2) speakers, permitted to speak not more than ten (10) minutes in total at Standing Committee and five (5) minutes at Council. Only new information is be presented by successive speakers of such delegation. Delegations shall confine their remarks to the business stated in their request.

9. The following wording be added to Section 13:

13.13 A request to appear before Council or Committee shall not be permitted regarding any of the following:

- (a) a matter that is under litigation between the Delegate or a client of he Delegate and the Region, including matters before administrative tribunals;

- (b) a matter that is under investigation by either the Ombudsman, Integrity Commissioner or pursuant to the Region's Whistleblower Policy;
 - (c) appeals by vendors or service providers who were not the successful proponents for awards of contract by the Region;
 - (d) during a Committee or Council Education Session, Training or Workshop;
 - (e) for the sole purpose of generating publicity for an event or to promote a business;
 - (f) in exceptional circumstances, notwithstanding Sections 13.1, 13.2, and 13.5, where the CAO, Clerk and Legal Counsel determine, in consultation with the Regional Chair/Committee Chair, acting reasonably, that a person requesting to be a delegate at a meeting is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the Region's jurisdiction, or otherwise misuse the privilege of addressing Committee or Council.
10. The following wording be added to Section 13:
- 13.14 The Clerk may refuse to add a delegation to the agenda when, in the opinion of the Clerk, in consultation with the Committee Chair/Co-Chair or Regional Chair and CAO, the subject matter of the presentation is beyond the jurisdiction of the Region, does not relate to an agenda item or does not provide new information in the case of a delegation that has already appeared at Committee. In the event the person requesting to appear as a delegation is dissatisfied with the ruling of the Clerk, the person may appeal the decision. In the event of an appeal, the Clerk shall include the request and rationale for refusing the request on the applicable agenda for a determination by Committee or Council. Committee or Council may refuse, by majority vote, to hear a delegation, when in the opinion of Committee or Council, the subject matter is beyond the jurisdiction of the Region or does not relate to an agenda item or does not provide new information in the case of a delegation that has already appeared at Committee.

11. The following wording be added to Section 13:

13.15 Members of Council may only ask questions of clarification of a delegation for a maximum of five (5) minutes and shall hold all statements and debate until a motion has been duly moved and seconded.

12. The following wording be added to Section 13:

13.16 The Chair may curtail any delegation, any questions of a delegation or a member of Council during a delegation, for disorder or any other breach of this by-law, and if the Chair rules that the delegation is concluded, the person or persons appearing shall immediately withdraw from the meeting.

13. The following wording be added to Section 13:

13.17 Delegations regarding items not already on an agenda are requested to contact Regional staff to determine whether or not the matter may be appropriate for inclusion on a future agenda or if the matter can be resolved without an appearance before Committee or Council.

14. The following wording be added to Section 13:

13.18 Delegations shall observe proper decorum and shall not:

- a) speak disrespectfully to, or of any person;
- b) use offensive words;
- c) speak on any subject other than the subject for which they have received approval to address Committee or Council;
- d) disobey the rules of procedure or a decision of the Presiding Officer or of Committee or Council;
- e) enter into a cross debate with other delegations, administrative staff, Members of Council or the Chair;
- f) speak disrespectfully or to the integrity or conduct of any individual including a member of staff, Council, local board or committee, and any such concerns shall be referred to the CAO, the Chair or the appropriate Committee for consideration;

- g) reflect upon the motives of Members who may have voted for or against a particular motion;
- h) reflect upon the motives of staff in giving advice to Council; and
- i) direct enquiries to other members of Council or to staff.

Moved by Councillor Britton
Seconded by Councillor Villella

That the motion **BE AMENDED** to remove Section 13.13 (f) as follows:

~~(f) in exceptional circumstances, notwithstanding Sections 13.1, 13.2, and 13.5, where the CAO, Clerk and Legal Counsel determine, in consultation with the Regional Chair/Committee Chair, acting reasonably, that a person requesting to be a delegate at a meeting is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the Region's jurisdiction, or otherwise misuse the privilege of addressing Committee or Council.~~

Recorded Vote:

Yes (14): Britton, Butters, Bylsma, Campion, Chiocchio, Diodati, Disero, Junkin, Nicholson, Redekop, Ugolini, Villella, Whalen, Zalepa.

No (14): Easton, Edgar, Fertich, Foster, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Rigby, Sendzik, Siscoe, Witteveen.

The vote resulted in a tie. The Regional Chair voted against the amendment; therefore the vote was declared,

Defeated

The following friendly **amendment** was accepted by the Regional Chair and the mover and seconder of the motion so that 13.13 (f) reads as follows:

- (f) in exceptional circumstances, notwithstanding Sections 13.1, 13.2, and 13.5, where the CAO, Clerk and Legal Counsel determine, in consultation with the Regional Chair/Committee Chair, acting reasonably, that a person requesting to be a delegate at a meeting is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the Region's jurisdiction, or otherwise misuse the ~~privilege~~ **opportunity** of addressing Committee or Council.

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

Carried

10.1.2 Balance of the Recommendations from the Procedural By-law Review Committee

The Regional Chair called the vote on the balance of the recommendations from the Procedural By-law Review Committee and declared it,

Carried

10.2 Public Works Committee

Minutes PWC 6-2022, Tuesday, July 12, 2022

Moved by Councillor Rigby
Seconded by Councillor Fertich

That Minutes PWC 6-2022 being the Open Session minutes of the Public Works Committee meeting held on Tuesday, July 12, 2022, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**, save and except Minute Item 9.2.

Carried

10.3 Public Health and Social Services Committee

Minutes PHSSC 7-2022, Tuesday, July 12, 2022

Moved by Councillor Butters
Seconded by Councillor Whalen

That Minutes PHSSC 7-2022 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, July 12, 2022, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

10.4 Corporate Services Committee

Minutes CSC 7-2022, Wednesday, July 13, 2022

Moved by Councillor Foster
Seconded by Councillor Whalen

That Minutes CSC 7-2022 being the Open Session minutes of the Corporate Services Committee meeting held on Wednesday, July 13, 2022, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**, save and except Minute Item 9.1.

10.4.1 Minute Item 5.2 Respecting Brownfield Development Charges Reduction Program Grandfathering Provision

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

That Report CSD 34-2022, dated July 13, 2022, respecting Brownfield Development Charges Reduction Program Grandfathering Provision, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That brownfield remediation costs **BE GRANTED** to developers in accordance with the Incentives Policy as approved by Council rather than through an extension of the current Brownfield Reduction Program in the DC By-law.

Recorded Vote:

Yes (10): Butters, Bylsma, Foster, Heit, Insinna, Ip, Junkin, Redekop, Witteveen, Zalepa.

No (17): Britton, Campion, Chiocchio, Diodati, Disero, Easton, Fertich, Gibson, Greenwood, Huson, Nicholson, Rigby, Sendzik, Siscoe, Ugulini, Villella, Whalen.

Defeated

Moved by Councillor Whalen

Seconded by Councillor Greenwood

That staff **BE DIRECTED** to require developments that have invested in excess of \$1 million (subject to staff verification) before August 31, 2022 (expiry of the current by-law) and who obtain a building permit within five years (August 31, 2027) to be eligible for a transition provision of a DC reduction in the amount of remediation costs incurred to the end of the 2022 (the reduction received by developers would be net against the RDCs payable at the rate in effect when a building permit is pulled.

Moved by Councillor Sendzik

Seconded by Councillor Redekop

That the motion **BE REFERRED** to the Corporate Services Committee meeting being held on August 10, 2022.

Recorded Vote:

Yes (23): Butters, Bylsma, Campion, Chiocchio, Diodati, Disero, Easton, Fertich, Foster, Gibson, Heit, Huson, Insinna, Ip, Junkin, Redekop, Sendzik, Siscoe, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (3): Britton, Greenwood, Nicholson.

Carried

10.4.2 Minute Item 5.3 Respecting Niagara Peninsula Conservation Authority (NPCA) Board Representation

The motion contained in Minute Item 5.3 was considered separately as follows:

That Report CLK 4-2022, dated July 13, 2022, respecting Niagara Peninsula Conservation Authority (NPCA) Board Representation, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** Niagara Region representation on the Niagara Peninsula Conservation Authority Board to be six (6) members;
2. That the six (6) members **BE COMPRISED** of four (4) Regional Councillors and two (2) members of the public;
3. That the four (4) Regional Councillors **BE APPOINTED** for the term of Council at the Council meeting held the week following the inaugural meeting of Council and the appointments **BE CONDUCTED** in the same manner as appointments for other agencies, boards and commissions of the Niagara Region;
4. That the public member representatives **BE SELECTED** using the criteria outlined in the skills matrix attached as Appendix 1 to Report CLK 4-2022 and conducted in a manner similar to the selection of the Community Member for the Niagara Regional Police Services Board;
5. That the selection panel for the public member representatives **BE COMPRISED** of the four (4) members of Regional Council that are appointed by Regional Council to the NPCA Board and two additional members of Council appointed at the Council meeting held the week following the inaugural meeting and appointed in the same manner as the appointments for Committees;
6. That this report **BE CIRCULATED** to the City of Hamilton and Haldimand County requesting their Councils pass resolutions agreeing to the number of members for appointment from Niagara Region to the Niagara Peninsula Conservation Authority Board;

7. That upon receipt of resolutions from the City of Hamilton and Haldimand County regarding the number of members for appointment, staff **BE AUTHORIZED** to proceed with the execution of an agreement in a form satisfactory to the Director of Legal and Court Services to be provided to the Niagara Peninsula Conservation Authority; and
8. That this report **BE PROVIDED** to the Niagara Peninsula Conservation Authority for information.

Moved by Councillor Redekop
Seconded by Councillor Heit

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

1. That Regional Council **APPROVE** Niagara Region representation on the Niagara Peninsula Conservation Authority Board to be **eight (8)** members;
2. That the **eight (8)** members **BE COMPRISED** of **six (6)** Regional Councillors and two (2) members of the public.

Recorded Vote:

Yes (13): Britton, Bylsma, Campion, Chiocchio, Diodati, Disero, Fertich, Greenwood, Heit, Nicholson, Redekop, Ugolini, Villella.

No (14): Butters, Easton, Foster, Gibson, Huson, Insinna, Ip, Junkin, Rigby, Sendzik, Siscoe, Whalen, Witteveen, Zalepa.

The vote was announced at the meeting to have resulted in a tie (in error). The Regional Chair voted in favour of the amendment; therefore the vote was declared,

Carried*

* See memo CL-C XX-2022, August 25, 2022.*

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

That Report CLK 4-2022, dated July 13, 2022, respecting Niagara Peninsula Conservation Authority (NPCA) Board Representation, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** Niagara Region representation on the Niagara Peninsula Conservation Authority Board to be eight (8) members;

2. That the eight (8) members **BE COMPRISED** of six (6) Regional Councillors and two (2) members of the public;
3. That the six (6) Regional Councillors **BE APPOINTED** for the term of Council at the Council meeting held the week following the inaugural meeting of Council and the appointments **BE CONDUCTED** in the same manner as appointments for other agencies, boards and commissions of the Niagara Region;
4. That the public member representatives **BE SELECTED** using the criteria outlined in the skills matrix attached as Appendix 1 to Report CLK 4-2022 and conducted in a manner similar to the selection of the Community Member for the Niagara Regional Police Services Board;
5. That the selection panel for the public member representatives **BE COMPRISED** of the six (6) members of Regional Council that are appointed by Regional Council to the NPCA Board and two additional members of Council appointed at the Council meeting held the week following the inaugural meeting and appointed in the same manner as the appointments for Committees;
6. That this report **BE CIRCULATED** to the City of Hamilton and Haldimand County requesting their Councils pass resolutions agreeing to the number of members for appointment from Niagara Region to the Niagara Peninsula Conservation Authority Board;
7. That upon receipt of resolutions from the City of Hamilton and Haldimand County regarding the number of members for appointment, staff **BE AUTHORIZED** to proceed with the execution of an agreement in a form satisfactory to the Director of Legal and Court Services to be provided to the Niagara Peninsula Conservation Authority; and
8. That this report **BE PROVIDED** to the Niagara Peninsula Conservation Authority for information.

Carried

10.4.3 Minute Item 5.4 Respecting Recommendations for Consideration from the Regional Development Charges Policy Task Force meeting held on June 30, 2022

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

That Correspondence Item CSC-C 18-2022, being a memorandum from A.-M. Norio, Regional Clerk, dated July 13, 2022, respecting Recommendations for Consideration from the Regional Development Charges Task Force meeting held on June 30, 2022, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the draft Regional Development Charge By-law **INCLUDE** an exemption for on-farm accommodations used for agricultural purposes, from paying development charges; and
2. That the draft Regional Development Charge By-law **INCLUDE** an exemption for that portion of a place of worship which is used exclusively as a place of worship for religious services and any reception and meeting areas used in connection with, or integral to the worship space as defined below:

“place of worship” means any building or part thereof that is owned by a religious organization that is exempt from taxation as a place of worship pursuant to the Assessment Act, R.S.O. 1990, c. A.31, as amended.

Moved by Councillor Sendzik
Seconded by Councillor Siscoe

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

3. That the draft DC By-law INCLUDE the following:

If application is made for a building permit from September 1, 2022, onwards in respect of a parcel of land upon which a building/structure existed between January 1, 2010, and the date of application but ceased to exist at the date of application, then the amount of development charge payable shall be the excess of the development charges for the building/structure constructed, less the development charges for building/structure demolished or destroyed. This calculation is based on the development charge rates as of the date the charges are calculated and payable for the new building/structure.

- 4. That staff BE DIRECTED to include the following in the Niagara Region Incentives Policy:**
- a. That the application of DC charges for industrial expansions BE COLLECTED upon granting of occupancy permit; and**
 - b. That the current Brownfield RDC Reduction Program BE EXTENDED for large scale (10ha+) brownfield redevelopments for five years at which time progress on the project will be review and extended if appropriate as determined by staff and Council.**

Moved by Councillor Butters
Seconded by Councillor Zalepa

That Correspondence Item CSC-C 18-2022 respecting Recommendations for Consideration from the Regional Development Charges Policy Task Force meeting held on June 30, 2022, and the proposed amendment, **BE REFERRED** to the Corporate Services Committee meeting being held on August 10, 2022.

Carried

10.4.4 Balance of the Recommendations from the Corporate Services Committee

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

Carried

10.5 Planning and Economic Development Committee

Minutes PEDC 6-2022, Wednesday, July 13, 2022

Moved by Councillor Huson
Seconded by Councillor Witteveen

That Minutes PEDC 6-2022 being the Open Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, July 13, 2022, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

11. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

11.1 CAO 8-2022

Moving Transit Forward: Update on Municipal Transfer Agreements

Moved by Councillor Sendzik

Seconded by Councillor Gibson

That Report CAO 8-2022, dated July 21, 2022, respecting Moving Transit Forward: Update on Municipal Transfer Agreements, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That all Regional transit assets and agreements related to inter-municipal transit **BE TRANSFERRED** from the Region to the Niagara Transit Commission (NTC) through the Municipal Transfer Agreement to be entered into between the Region, the Cities of St. Catharines, Niagara Falls, Welland and the NTC;
2. That the Region **AUTHORIZES** the transfer of any transit facility buildings owned by the Cities of St. Catharines, Niagara Falls, Welland, respectively that are designated for transfer within the Municipal Transfer Agreement, to the Region, on such terms and conditions as may be negotiated by the Chief Administrative Officer and in a form satisfactory to the Director of Legal and Court Services;
3. That the Chief Administrative Officer **BE AUTHORIZED** to complete negotiations as outlined in this report necessary to finalize:
 - (a) the Municipal Transfer Agreement with the Cities of St. Catharines, Niagara Falls and Welland; and the NTC, to affect the transfer of transit assets, projects "in flight" for future assets, related debt, reserves, provincial funding and funding agreement responsibilities, contracts and personnel, including any amendments and documents required to reflect updates to schedules to be completed prior to closing December 31, 2022;
 - (b) any ancillary agreements or documents as may be required to implement the transfer (including but not limited to leases, licences, agreements related to the WEGO service, the assignment of material transit contracts, and any agreements required to address either the transfer of new capital projects "in flight" or the resulting assets upon completion as further described in this report);
4. That the Regional Chair and Clerk **BE AUTHORIZED** to execute the agreements and documents identified in Recommendation 3, on behalf of the Region, in a form satisfactory to the Director of Legal and Court Services;

5. That the Regional Chair and Clerk **BE AUTHORIZED** to execute a Municipal Transfer Agreement on behalf of the Region with the Town of Fort Erie, the Region and the NTC to effect the transfer of the Town's transit assets, related debt and contracts effective December 31, 2022, including any ancillary agreements and documents required to implement the transfer (including licenses or assignments of contract); upon terms and conditions to be negotiated by the CAO as noted in this report, and in a form satisfactory to the Director of Legal and Court Services;
6. That the NTC **BE DIRECTED** to review all material transit contracts transferred to the NTC to ensure that they are brought into compliance with the Region's Procurement By-law at the earliest opportunity (including that no further extensions of existing transit contracts will be permitted unless such extensions comply with the Procurement By-law);
7. That, as it relates to the proposed transfer of projects "in flight" pursuant to the Municipal Transfer Agreement:
 - (a) Regional Council **APPROVES** the assignment of any applicable ICIP funding agreements from the Cities of St. Catharines, Niagara Falls, Welland to the Region for projects that are to be completed by the NTC in accordance with the terms of the Municipal Transfer Agreement, subject to the necessary provincial consents; and **AUTHORIZES** the Regional Chair and Clerk to execute any documents required to effect such assignment;
 - (b) Regional Council **APPROVES** the proposed transfer of previously LAM-approved capital projects "in flight", as set out in Appendix "3", to the NTC capital budget, subject to the ongoing negotiations of the MTA agreement to finalize the list of projects "in flight" that are to be transferred to the NTC and address shared responsibilities for the management, administration and funding of those projects;
8. That following execution of the agreements and documents identified in Recommendation 3, staff **BE AUTHORIZED** to take all necessary steps to transfer liability for existing debentures issued by the Cities of St. Catharines, Niagara Falls, Welland in respect of transit projects and assets being transferred to the NTC and Region; and
9. That staff **BE DIRECTED** to provide a copy of this report to the NTC for information purposes.

Carried

12. MOTIONS

12.1 Active Transportation and Migrant Workers

Moved by Councillor Ip
Seconded by Councillor Easton

Whereas approximately 4,000 seasonal workers from Mexico, Central America, and the Caribbean spend up to eight months a year living and labouring in Niagara, forming the backbone of Niagara's billion-dollar agricultural industry;

Whereas the population of these farmworkers is significant, being roughly equal in number to the population of people aged 20 to 65 who live in the township of Wainfleet;

Whereas seasonal agricultural workers are not only our constituents, work colleagues, neighbours, and friends, they have inherent rights and freedoms to travel freely and safely in this community that must be recognized and supported;

Whereas migrant workers face numerous transportation barriers that restrict their freedom, including but not limited to low wages, lack of access to various modes of transportation, discrimination, poor transit availability, long working hours that force travel after dark, and housing and workplaces in rural settings that are isolated and along rural roads that do not have dedicated space for pedestrians or cyclists to separate them from vehicle traffic; and

Whereas most migrant farm workers are vulnerable road users who walk or use bicycles as their primary modes of transportation and are at statistically higher risk of injury and death on Niagara's roads.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Region **DEMONSTRATE** leadership in addressing migrant workers' historic and ongoing exclusions by supporting their rights to safe mobility in and around Niagara;
2. That Niagara Region **ESTABLISH** policies and protocols that ensure migrant workers are included in consultations related to transportation plans, as well as other Regional initiatives that affect them, and that barriers to consultation, such as language, work hours, and lack of transportation be recognized and addressed;
3. That Niagara Region **ADOPT** policies to improve the participation, mobility and safety of migrant workers;

4. That Niagara Region **LEVERAGE** its data on farm businesses and migrant worker residences, garnered by virtue of its agreement with the federal government through the Seasonal Agricultural Workers Program, for consultation and transportation planning purposes;
5. That Niagara Region and the 12 Local Area Municipalities **CONTINUE** to work together on implementing active transportation initiatives that link both regional and municipal roads, as identified in Transportation's Bikeways Master Plan in the Transportation Master Plan, to allow for a continuous network for all road users; and
6. That this motion **BE CIRCULATED** to all local area municipalities in Niagara and the Counties of Essex and Norfolk.

Moved by Councillor Witteveen
Seconded by Councillor Whalen

That the motion respecting Active Transportation and Migrant Workers, **BE REFERRED** to the Agricultural Policy and Action Committee for comment.

Carried

13. NOTICES OF MOTION

Councillor Huson advised that she would be bringing forward a motion to the next Council meeting respecting reliable electricity supply and growth planning.

14. OTHER BUSINESS

14.1 Opioid Update

Councillor Redekop requested an update respecting the opioid crisis to be circulated to members of Council.

15. CLOSED SESSION

Moved by Councillor Gibson
Seconded by Councillor Greenwood

That Council **DO NOW MOVE** into closed session for the purposes of receiving information of a confidential nature respecting:

A Matter Regarding a Proposed Disposition of Lands by the Municipality and A Matter of Commercial Information, which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 - 2021-RFP-

209 Disposition or Lease of Niagara Region owned Material Recycling Facility (MRF) and Provision of Recycling Processing Services;

A Matter of Legal Advice Subject to Solicitor-Client Privilege pursuant to Section 239(2)(f) of the Municipal Act: Moving Transit Forward – Update regarding Legal considerations related to negotiation of employment matters in the Municipal Transfer Agreement; and

A Matter of Legal Advice Subject to Solicitor-Client Privilege pursuant to Section 239(2)(f) of the Municipal Act in respect of Report CSD 36-2022

Carried

Council resolved into closed session at 9:49 p.m.

16. BUSINESS ARISING FROM CLOSED SESSION

During closed session, Council suspended the rules of procedure to extend this meeting's curfew until all items of business were completed.

Council reconvened in open session at 11:06 p.m. with the following individuals in attendance:

Council Members present in the Council Chamber:	Bradley (Regional Chair), Butters, Easton, Foster, Gibson, Greenwood, Heit, Huson, Ip, Siscoe, Whalen, Zalepa
Council Members present via Video Conference:	Britton, Campion, Chiochio, Disero, Fertich, Insinna, Nicholson, Redekop, Sendzik, Ugulini, Villella, Witteveen
Absent/Regrets:	Bylsma, Diodati, Edgar, Gale, Jordan, Junkin, Rigby, Steele
Staff Present in the Council Chamber:	H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, A.-M. Norio, Regional Clerk, R. Tripp, Chief Administrative Officer
Staff Present via Video Conference:	D. Barnhart, Chief of Staff, Governance, K. Lotimer, Legislative Coordinator, B. Menage, Director, Procurement & Strategic Acquisitions, B. Wilson, Legal Counsel
Others Present via Video Conference:	M.E. Bench, External Legal Counsel, Dentons LLP, R. Groves, External Legal Counsel, Dentons LLP

16.1 Confidential CSD 36-2022

A Matter Regarding a Proposed Disposition of Lands by the Municipality and A Matter of Commercial Information, which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 - 2021-RFP-209 Disposition or Lease of Niagara Region owned Material Recycling Facility (MRF) and Provision of Recycling Processing Services

Moved by Councillor Butters
Seconded by Councillor Zalepa

That Confidential Report CSD 36-2022, dated July 13, 2022, respecting A Matter Regarding a Proposed Disposition of Lands by the Municipality and A Matter of Commercial Information, which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, under s. 239(2) of the Municipal Act, 2001 - 2021-RFP-209 Disposition or Lease of Niagara Region owned Material Recycling Facility (MRF) and Provision of Recycling Processing Services, **BE RECEIVED**; and

That staff **PROCEED** as directed in closed session.

Recorded Vote:

Yes (14): Butters, Disero, Foster, Gibson, Greenwood, Heit, Huson, Ip, Nicholson, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (7): Britton, Campion, Chiocchio, Insinna, Redekop, Sendzik, Siscoe.

Carried

16.2 Committee Reports - Closed Session

Closed Session Minutes CSC 7-2022, July 13, 2022
Closed Session Minutes PWC 6-2022, July 12, 2022

Moved by Councillor Foster
Seconded by Councillor Gibson

That Closed Session Minutes CSC 7-2022, July 13, 2022, and Closed Session Minutes PWC 6-2022, July 12, 2022, **BE ADOPTED**.

Carried

16.3 Confidential CAO 9-2022

A Matter of Legal Advice Subject to Solicitor-Client Privilege pursuant to Section 239(2)(f) of the Municipal Act, 2001: Moving Transit Forward – Update regarding Legal considerations related to negotiation of employment matters in the Municipal Transfer Agreement

Moved by Councillor Ip
Seconded by Councillor Huson

That Confidential Report CAO 9-2022, dated July 21, 2022, respecting A Matter of Legal Advice Subject to Solicitor-Client Privilege pursuant to Section 239(2)(f) of the Municipal Act, 2001: Moving Transit Forward – Update regarding Legal considerations related to negotiation of employment matters in the Municipal Transfer Agreement, **BE RECEIVED**; and

That staff **PROCEED** as directed in closed session.

Carried

16.4 Confidential CL-C 105-2022

A Matter of Legal Advice Subject to Solicitor-Client Privilege pursuant to Section 239 (2)(f) of the Municipal Act, 2001, in respect of Confidential Report CSD 36-2022

Moved by Councillor Whalen
Seconded by Councillor Siscoe

That Confidential Memorandum CL-C 105-2022, dated July 21, 2022, respecting A Matter of Legal Advice Subject to Solicitor-Client Privilege pursuant to Section 239 (2) (f) of the Municipal Act, 2001, in respect of Confidential Report CSD 36-2022, **BE RECEIVED** for information.

Carried

17. **BY-LAWS**

Based on Council's decision to refer Minute Item 5.4 of Minutes CSC 7-2022, Bill 2022-58 was not considered.

Moved by Councillor Zalepa
Seconded by Councillor Greenwood

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

Bill 2022-50

A by-law to expropriate lands required for municipal purposes (6811 Reixinger Road, City of Niagara Falls).

Bill 2022-51

A by-law to authorize the borrowing upon instalment debentures in the aggregate principal amount of \$30,768,000.00 (5 year instalment debentures in the principal amount of \$608,000.00 and 10 year instalment debentures in the aggregate principal amount of \$30,160,000.00) for capital works of the Cities of St. Catharines and Welland.

Bill 2022-52

A by-law to authorize the borrowing upon 10 year instalment debentures in the aggregate principal amount of \$15,138,000.00 for capital works of The Regional Municipality of Niagara.

Bill 2022-53

A by-law to authorize the borrowing upon instalment debentures in the aggregate of the principal amounts authorized by By-law No. 2022-51 and By-law No. 2022-52 in the principal amount of \$45,906,000.00 (5 year instalment debentures in the principal amount of \$608,000.00 and 10 year instalment debentures in the aggregate principal amount of \$45,298,000.00) and for the issuing of one series of instalment debentures therefor.

Bill 2022-54

A by-law to amend By-law 89-2000 To Provide for the Regulation of Traffic on Regional Highways (Speed Reduction Regional Road 73 Fly Road in the Town of Lincoln).

Bill 2022-55

A by-law to amend By-law 89-2000 To Provide for the Regulation of Traffic On Regional Highways (Speed Reduction Regional Road 81 King Street, in the Town of Lincoln).

Bill 2022-56

A by-law to amend By-law 89-2000 To Provide for the Regulation of Traffic on Regional Highways (Speed Reduction Regional Road 116 Stevensville Road in the Town of Fort Erie).

Bill 2022-57

A by-law to amend By-law 89-2000 To Provide for the Regulation of Traffic on Regional Highways (All Way Stop Designation) Regional Road 14 (Thirty Road) at Young Street in the Township of West Lincoln.

Bill 2022-59

A by-law to appoint By-law Enforcement Officers for the purpose of enforcing the Waste Management By-law for The Regional Municipality of Niagara.

Bill 2022-60

A by-law to amend By-law No. 2022-32, being a by-law to regulate the use of the Waste Management System for The Regional Municipality of Niagara.

Bill 2022-61

A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on July 21, 2022.

Carried

18. ADJOURNMENT

There being no further business, the meeting adjourned at 11:14 p.m.

Jim Bradley
Regional Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk