

**THE REGIONAL MUNICIPALITY OF NIAGARA**

**PROCEEDINGS OF COUNCIL**

**REPORT CL 18-2008**

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The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, November 27, 2008 commencing at 6:35 p.m.

These are the individuals who were in attendance during the Closed Session of the Regional Council meeting:

**ATTENDANCE**

Council: Regional Chair Partington; Councillors Augustyn, Badawey, Baty; Bentley; Burroughs; Bylsma; Casselman; Collins; Cordiner; D'Angela; Forster; Gabriel; Goulbourne; Greenwood; Heit; Henderson; Hodgson; Katzman; Lepp; Marshall; Martin; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms; Trombetta; Zimmerman.

Staff: Messrs. Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Planning and Development; Hutchings, Commissioner, Community Services; Brothers, Commissioner, Public Works; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Clerk; Ms. Reilly, Legislative Assistant.

Staff  
(Other): Messrs. Kyne, Director, Legal Services; Roberts, Executive Officer to the Regional Chair.

**CALL TO ORDER**

486. Regional Chair Partington called the meeting to order at 6:35 p.m.

**CLOSED SESSION**

487. Moved by Councillor Heit  
Seconded by Councillor Burroughs

That this Council do now move into Closed Session for the purposes of receiving information and dealing with a Matter of Solicitor-Client Advice.

Carried.

488. A Matter of Solicitor-Client Advice

Moved by Councillor Zimmerman  
Seconded by Councillor Burroughs

That the Director of Legal Services be authorized to proceed as recommended.

Carried.

**CLOSED SESSION, RISE AND REPORT**

489. Moved by Councillor Trombetta  
Seconded by Councillor McMullan

That this Committee do now rise with report.

Carried.

These are the individuals who were in attendance during the Open Session of the Regional Council meeting:

**ATTENDANCE**

Council: Regional Chair Partington; Councillors Augustyn, Badawey, Baty; Bentley; Burroughs; Bylsma; Casselman; Collins; Cordiner; D'Angela; Forster; Gabriel; Goulbourne; Greenwood; Heit; Henderson; Hodgson; Katzman; Lepp; Marshall; Martin; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms; Trombetta; Zimmerman.

Staff: Messrs. Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Planning and Development; Hutchings, Commissioner, Community Services; Brothers, Commissioner, Public Works; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Clerk; Ms. Reilly, Legislative Assistant.

Staff  
(Other): Messrs. Kyne, Director, Legal Services; Roberts, Executive Officer to the Regional Chair.

Council met in regular session, commencing at 7:05 p.m. with an Invocation by Councillor Bylsma followed by the singing of 'O Canada'.

**ADOPTION OF THE AGENDA**

490. Moved by Councillor D'Angela  
Seconded by Councillor Greenwood

That the Council Agenda CL 18-2008 be approved and adopted as presented.

Carried.

491. Continuation of the Budget Review Committee of the Whole Meeting

Moved by Councillor Martin  
Seconded by Councillor Katzman

That the Budget Review Committee of the Whole that was recessed at 6:05 p.m. this evening, which was to be reconvened after the presentations, be adjourned and reconvened at 4:00 p.m. on December 4, 2008 at the Budget Review Committee of the Whole meeting.

Carried.

**CONFLICTS OF INTEREST**

492. Councillor Collins declared an indirect pecuniary interest with respect to any matters that deal with the Niagara Polices Services Board, as a family member is an employee of the Police Services, and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Goulbourne declared an indirect pecuniary interest with respect to the Niagara College's presentation, as he is employed by Niagara College, and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Zimmerman declared a conflict with respect to Minute Item 359 in the Integrated Community Planning and Public Works, November 19, 2008 minutes dealing with Report DPD 52-2008 Proposed Regional Policy Plan Amendment 3-2008, Wine Country Policies as she is employed by the Grape Growers of Ontario and therefore took no part in the discussion of, or voting on, this matter.

**PRESENTATIONS**

493. The Crisis in Manufacturing

Messrs. Wayne Gates, President, CAW Local 199 and Bill Murningham, Research, CAW noted that citizens expect best value for money; a fair process; their government to be frugal; buy only what is needed and to obtain quality for it's money.

Mr. Murningham noted that even before the current financial crisis, Canada is in the midst of a manufacturing sector crisis (unfair trade, dollar and lack of policy); more than 200,000 good jobs gone under Harper's 1<sup>st</sup> term, getting worse every day in every sector: high tech, labour intensive and resource based manufacturing and some communities are seeing manufacturing being literally wiped out. (St. Catharines – Niagara 25% or 6,300 jobs).

Mr. Murningham also noted that what is happening in Niagara is not an isolated event, and gave examples of where it is happening in other area around the country. He gave examples of purchasing policies around the world that mandate a percentage of local content and the Ontario Chamber of Commerce in February of this year wrote a strong letter to the Minister of Finance for Canadian content.

Mr. Murningham requested that Council support the resolution contained in C7154 and C7164 in light of the new information the CAW has brought to the attention of Council. Council referred the resolution and the documentation received at Council to Purchasing for the preparation of a further report to the Corporate Services Committee.

Mr. Murningham requested that Regional Council support the following motion in light of the new information the CAW has brought to the attention of Council:

WHEREAS citizens expect their governments to spend wisely, invest in their communities and recognize that the creation of healthy communities, good jobs and a strong economy are the responsibility of all levels of government; and

WHEREAS Canada's manufacturing sector is critical to the economy: it is highly productive, generates the highest value-added, accounts for two-thirds of our nation's total exports and funds three-quarters of all private sector research; and

WHEREAS unbalanced global trade and the uncontrolled surge in the Canadian dollar have resulted in downsizing, layoffs, bankruptcies, plant closures, and the relocation of production to off-shore locations and within North America; and

WHEREAS Canada has lost 350,000 good manufacturing jobs over the past five years, 190 every day, and the pace of job loss is accelerating across the entire range of manufacturing activity, including: high-technology, resource-based and labour-intensive industries; and

WHEREAS the loss of good manufacturing jobs has devastated workers, their families and entire communities from coast to coast, and severely limits quality job prospects for our children and grandchildren; and

WHEREAS governments the world over, including those of our main trading partners, clearly understand the benefits of domestic purchasing rules including: the direct and spin-off employment created, taxes generated, and the environmental benefits of local sourcing; and

WHEREAS international trade agreements signed by Canada specifically allow for domestic purchasing rules, including NAFTA and the WTO Agreement on Government Procurement; and

WHEREAS there is urgent need for the largest investments in municipal infrastructure in more than a generation, recently estimated by the Federation of Canadian Municipalities to total \$123 billion just for the maintenance of existing infrastructure, and a further \$115 billion to meet needs of our growing communities; and

WHEREAS the Canadian Manufacturers and Exporters have called on the federal and provincial governments to introduce Canadian content rules; the Ontario Chamber of Commerce has called upon the Ontario government to introduce Canadian content rules; and a private members bill, M-183, calling for Canadian content rules has been introduced for debate in federal parliament.

Therefore, be it resolved that Niagara's Regional Council will work to keep good jobs in our communities by;

Adopting a "Buy Canadian" policy for municipal purchases which includes:

- requiring a minimum of 50% Canadian content and domestic final assembly in the purchase of public transit vehicles;
- requiring the purchase of goods and services with the highest possible level of Canadian content;
- requiring potential vendors to identify the source of goods and services, and the overall level of Canadian content, as part of the tendering process;
- reporting annually to Council on the level of Canadian content in municipal purchases; and
- Identifying opportunities to enhance the level of Canadian content in future purchases.

Calling on the federal, provincial and territorial governments to immediately enact "Buy Canadian" legislation applying to direct public purchases, and to grants and other funding provided to municipal governments.

Following a lengthy discussion, it was:

Moved by Councillor Burroughs  
Seconded by Councillor D'Angela

That the resolution and the documentation received at Council be referred to Purchasing for the preparation of a further report to the Corporate Services Committee.

Carried.

494. Anatomy of Efforts to Save and Re-Develop the Thoroughbred Horse Racing Industry in Fort Erie

Mr. Jim Thibert, General Manager, Fort Erie Economic Development & Tourism Corporation provided Regional Council with an anatomy of the efforts made by the Fort Erie Economic Development & Tourism Corporation to manage the Fort Erie Race Track issue beginning in May of 2005.

The Fort Erie Economic Development & Tourism Corporation has put this effort forward because of the job losses incurred by the Niagara Region since 2001 to date, a total of 8,412 jobs have been lost due to the plant closures in Niagara Region. The potential job losses at the Fort Erie Race Track of 1,398 would be the single largest closure in Niagara's recent (2001-2008) history. In the case of the worst case scenario, combined with the negative economic impact/loss if track closed and the \$300 million project was terminated would be a loss of \$1,281,484,570 and 6,887 jobs would be affected.

Encourage HBPA to pool resources and commit to 85 race days at \$150K per day; support Nordic's \$300 million project and housing component; support Province in finding Horse Racing Industry fix; as site revenues increase, the Town's 3.125% average commit half to assisting Nordic market new development (i.e. EDTC Gaming Industry Committee/Marketing Campaign; and become the southern gateway to Niagara Falls and Niagara Region.

Mr. Thibert requested that the Regional Council support Fort Erie by encouraging the Province to take the lead to make this happen.

Moved by Councillor Rigby  
Seconded by Councillor Bentley

That the presentation respecting the Anatomy of Efforts to Save and Re-Develop the Thoroughbred Horse Racing Industry in Fort Erie, be received; and

That Regional Council supports the Town of Fort Erie and the Fort Erie Economic Development Corporation in their application to the Province for funding of this project.

Carried.

495. Niagara College: Building Futures

Dr. Dan Patterson, President, Niagara College and Mr. Sean Kennedy, Vice President, Student & Community Relations noted that Niagara College's Building Futures Plan will be a catalyst for Niagara's economic development, growth and transition, aligned with the Region's Plan: *Niagara's prosperity depends on the strength of its people and on its capacity to produce and attract skilled graduates* – Economic Strategy, Niagara Region.

Following the College's 40<sup>th</sup> Anniversary in 2007-08, the \$50 million Building Futures Master Plan will transform the Welland Campus and enhance the Niagara-on-the-Lake Campus to prepare for the next 40 years.

Dr. Patterson requested that Regional Council support \$1.5 - \$2 million over the next decade to ensure successful completion of the Building Futures Master Plan.

Moved by Councillor Augustyn  
Seconded by Councillor Burroughs

That Regional Council receive the presentation by Dr. Dan Patterson, President, Niagara College and Ms. Anna Olson, Co-Chair of the Building Futures Campaign;

That Regional Council direct staff to work with Niagara College to come forward with a recommendation early in 2009 on how to invest in the Building Futures Project similar to the investment that the Region recently made to Brock University; and

That the funding be related to the P.I.L.s (Payment in Lieu) received by the Niagara Region.

Carried.

(Refer to Councillor Information Requests)

**REGIONAL CHAIR'S REPORT**

496. Standing Committee Structure  
Updated Terms of Reference  
**CHR 1-2008**

Councillor Rigby noted that a paragraph in the Public Works Committee Terms of Reference should also be included in the Integrated Community Planning Committee Terms of Reference, as follows:

- ❖ Providing advice, coordination and oversight for the mandates, mechanisms and work carried out by various public committees and sub-committees appointed by the Region and determining the appropriate alignment of these public bodies, as determined from time to time.

Moved by Councillor Rigby  
Seconded by Councillor Smeaton

That Report CHR 1-2008 (November 27, 2008) respecting the Standing Committee Structure – Updated Terms of Reference, be received **as amended**;

That, for the balance of this term, the current Standing Committee schedule be maintained with three (3) committees;

That the agendas for the Public Works and Integrated Community Planning Committee, be separated and reports presented in “block” separately for each department;

That, **beginning the next term of Council**, the Integrated Community Planning Standing Committee be established as a separate committee with its own Terms of Reference;

That, for the balance of this term, the current Co-Chair positions, be maintained;

That the committee structure and Co-Chair positions be maintained;

That the committee structure and Co-Chair positions be reviewed in the last year of the term (i.e. 2010), and the recommendations made; and

That the Terms of Reference be supported and referred to the respective Standing Committees for approval.

Carried.

### **REGIONAL CHAIR’S REMARKS**

497. Regional Chair Partington noted that Minister Jim Bradley and M.P.P. Kim Craitor recently held an event in the Regional Atrium to present Niagara Region with its funds from the Invest in Ontario Fund. Niagara Region received \$20, 156, 951 and Niagara’s 12 municipalities collectively received an additional 20 million dollars. These funds can be used to build bridges, roads and other needed improvements. This funding will assist in creating jobs and getting Niagara’s economy moving forward. Investments in infrastructure also provide for a strong foundation so that Niagara can continue to attract and retain investment.

The Regional Chair invited Council members and staff to join himself and Mike Trojan in the Atrium on Tuesday December 16<sup>th</sup> from 10 am to 11 am for the annual Chairman’s and CAO’s Holiday Coffee Break.

Regional Chair Partington thanked Andy Vander Hoeven of Vander Hoeven Greenhouses Ltd of St. Catharines for the plants that adorned the Council Chamber noting that the plants will be donated to Linhaven.

**APPROVAL OF MINUTES**

498. Report CL 17-2008

Moved by Councillor Trombetta  
Seconded by Councillor Lepp

That Report CL 17-2008, being the minutes of the Proceedings of Council of Thursday, November 6, 2008, be approved and adopted.

Carried.

**CORRESPONDENCE**

499. Moved by Councillor Henderson  
Seconded by Councillor Burroughs

That Communications C7150 to C7160 and C7162 to C7172, be dealt with as noted in the Council Agenda and Addendum ***as amended***, which reads as follows:

C7150 A letter from Dr. Ihor Ostash, Ambassador of Ukraine to Canada (October 21, 2008) respecting a visit from a delegation from the Ukraine to discuss a new regional project between the Ukrainian region of Bakhchiasaray (the Crimean Autonomous Republic) and the Niagara Region giving them twin sister status with main cities based in cities of Bakhchiasaray and St. Catharines along with an invitation to Niagara Region to visit the Ukraine.

***Received and referred to the Chair's office for a response.***

C7151 A letter from Minister Dwight Duncan, Ministry of Finance and Ministry of Revenue; Minister Jim Watson, Ministry of Municipal Affairs and Housing and Minister George Smitherman, Ministry of Energy and Infrastructure, Deputy Premier (November 10, 2008) respecting the Premier announcement that the 2007-08 Public Accounts had been finalized and that, under the *Investing in Ontario Act, 2008*, Niagara Region would be receiving additional capital grants this year in the amount of \$20,156,951 on November 12, 2008.

***Received.***

C7152 A letter from the Ontario Property and Environmental Rights Alliance (November 12, 2008) to all Municipal Councils in Ontario respecting Linking Endangered Species and Municipal Drainage Legislation.

*Received.*

C7153 A letter from Cheryl Miclette, Town Clerk, Town of Pelham (November 4, 2008) advising Regional Council that they will advertising for a community minded citizen to represent the Town of Pelham on the Niagara 2015 Pan American Games Steering Committee and that the name of the nominee will be forwarded to the Regional Clerk's Office on or before January 1, 2009.

*Received and referred to the Niagara 2015 Pan American Games Steering Committee.*

C7154 A copy of the motion the CAW requested Council's support for at the May 22, 2008 Regional Council, which was received and referred to staff for review and comment and a copy of Staff Report PWA 97-2008, an Information Report on Local Preference Purchasing.

*Received and referred to the CAW presentation.*

C7155 Card of thanks from Kelly McNeil an employee of the Community Services Department, for the kind donation to Ability Niagara in memory of her father James "Jim" B. McNeil.

*Received.*

C7156 A letter from Deb Morton, Executive Director (November 17, 2008) respecting the Niagara Police Services Board, Grant – Federal Government's Police Officers Recruitment Fund.

*Received.*

C7157 Additional emails received regarding the Retail Business Holidays Act.

*Received and referred to the discussion on the Retail Business Holidays Act report listed under Corporate Services Committee.*

C7158 A letter from Mike Milinkovich, Mayor, Township of Black River-Matheson (November 7, 2008) respecting the formation of a Head of Councils Association of Ontario (HCAO), an organization that will stand up for us, speak for us, lobby for us and offer the legal protection that has become essential.

*Received.*

C7159 A letter from Maria Mauro, Director of Finance, City of Thorold (November 17, 2008) urging the Region of Niagara to file an application for the servicing of Highway 20, as part of the Building Canada Fund Major Infrastructure Component.

*Received and referred to the Public Works Department.*

C7160 A letter from Regional Councillor Bruce Timms to Patricia Butcher, Chairperson, Government Relations Committee, Niagara Association of Realtors (November 18, 2008) respecting the designation of the Old Welland Canals as a National Historic Site.

*Received.*

C7162 A memorandum from Regional Councillor Mike Collins (November 27, 2008) respecting the Retail Business Holidays Act Applications reports CSD 143-2008, CSD 119-2008, CSD 120-2008, CSD 121-2008 and correspondence CSC 60-2008, CSC 61-2008 and C7157

*Received and referred to Committee Reports: Corporate Services Committee*

C7163 A letter from Councillor Smeaton (November 21, 2008) requesting Regional Council's endorsement for his appointment to the Board of Directors for the Niagara Convention and Civic Centre.

*Received and Councillor Smeaton advised Regional Council that he would like to withdraw his name from the competition.*

C7164 Documents that will be referred to, during the CAW's presentation: Full text of their legal opinion; a backgrounder on the issue and legal opinion; a comprehensive article in the influential U.S.-based "WTO Reporter" magazine; an article entitled "CAW union calls for government buy-Canadian laws" and the resolution they will be asking Regional Council to support following their presentation.

*Received and referred to the CAW's presentation.*

- C7165 Additional emails received regarding the Retail Business Holidays Act.  
  
*Received and referred to the discussion on the Retail Business Holidays Act report listed under Corporate Services Committee.*
- C7166 A letter from Gary Clement, Chair, Royal Canadian Legion (H.T. Church) Branch 24 (November 22, 2008) thanking the Regional Chair for participating in their annual Remembrance Day Parade and Services.  
  
*Received*
- C7167 Card of thanks from Donna Weber an employee of the Public Health Department, for the kind donation to Canadian Cancer Society in memory of her father Giuseppe "Joe" D'Amico.  
  
*Received*
- C7168 Card of thanks from Eric Marshall an employee of the Public Works Department, for the kind donation to Crohn's & Colitis Foundation of Canada in memory of his mother Janette Marshall.  
  
*Received.*
- C7169 Card of thanks from the Howard Thomas, for the kind donation to Nanaimo Regional Hospital in memory of his wife Jacqueline Thomas a retired employee of the Public Health Department.  
  
*Received*
- C7170 Card of thanks from Ken Brothers, Commissioner of the Public Works Department, for the beautiful flowers in memory of his father James Alfred Brothers.  
  
*Received*
- C7171 A letter from Debbie Zimmerman, Chair, MPAC Board of Directors (November 17, 2008) respecting an update on Municipal Property Assessment Corporation (MPAC) Activities.  
  
*Received.*

C7172 An e-mail from Walter Sendzik, Executive Vice President and General Manager, St. Catharines – Thorold Chamber of Commerce (November 27, 2008) respecting the Chamber's resolution in support of the Region urging the Province to proclaim the amendment to the Retail Business Holidays Act to allow the Region a consideration of opting out to allow a full consultative process for the matter related to Tourist Designation Areas in Niagara.

*Received and referred to the discussion on the Retail Business Holidays Act report listed under Corporate Services Committee.*

Carried.

500. Moved by Councillor Augustyn  
Seconded by Councillor Collins

That Communication C7161, a memo from Janet Pilon, Deputy Clerk (November 27, 2008) respecting the appointment of a Regional representative on the Niagara Convention and Civic Centre Board of Directors, be received.

Carried.

The Regional Chair, called for nominations for the position as Niagara Region's representative on the Niagara Convention and Civic Centre Board of Directors.

Moved by Councillor Rigby  
Seconded by Councillor Hodgson

That Councillor Badawey be nominated for the position as Niagara Region's representative on the Niagara Convention and Civic Centre Board of Directors.

Carried.

The Regional Chair called a second and third time for nominations.

Moved by Councillor Puttick  
Seconded by Councillor Burroughs

That nominations for the position as Niagara Region's representative on the Niagara Convention and Civic Centre Board of Directors, be closed.

Carried.

There being no other nominations, the Regional Chair, with the agreement of Councillor Badawey, declared him for the position as Niagara Region's representative on the Niagara Convention and Civic Centre Board of Directors.

**AGENCIES, BOARDS AND COMMISSIONS**

501. Police Long Term Accommodation Committee Update  
**CSD 161-2008**

Moved by Councillor Baty  
Seconded by Councillor Cordiner

That Report CSD 161-2008, (November 27, 2008) respecting the Police Long Term Accommodation Committee Update, be received;

That Regional Council reconfirm its commitment to providing adequate and effective police services in accordance with the needs of the Regional Municipality of Niagara;

That all uninitiated funding previously approved by Regional Council (including all conditionally approved capital funding) for the Police Long Term Accommodation Plan, remain in the capital program for this purpose but remain uninitiated, pending completion of the Region's due diligence and value for money review;

That the Niagara Police Services Board be advised to notify and include Niagara Region representatives in all discussions regarding potential partnership arrangements for Niagara Police Service Board and Niagara Regional Police Service facilities;

That, on request from the Niagara Police Services Board, Niagara Region staff assist the Niagara Regional Police Service in developing and implementing a contingency plan to respond to identified health and safety concerns association with police facilities pending the final implementation of the Police Long Term Accommodation Plan; and

That a copy of this report be forwarded to the Niagara Police Services Board for its information.

Carried.

(Refer to Councillor Information Requests)

**COMMITTEE REPORTS**

**JOINT REPORTS**

502. Tender Award 2008-T-125 (RN 08-25)  
Retaining Wall Replacement  
Regional Road 20 (Old Highway 20)  
Between Church Hill Street and Canboro Road  
In the Town of Pelham  
**PWA 125-2008 / CSD 156-2008**

Moved by Councillor D'Angela  
Seconded by Councillor Greenwood

That Report PWA 125-2008 / CSD 156-2008 (November 27, 2008) respecting the Tender Award 2008-T-125 (RN 08-25) Retaining Wall Replacement, Regional Road 20 (Old Highway 20) between Church Hill Street and Canboro Road in the Town of Pelham, be received;

That Tender 2008-T-125 (RN 08-25), Retaining Wall Replacement, Regional Road 20 (Old Highway 20) between Church Hill Street and Canboro Road in the Town of Pelham, be awarded to the low tenderer, Rankin Construction Inc., at the bid price of \$182,296;

That a contingency allowance in the amount of \$25,000 be provided for this contract;

That Capital Levy Financing in the amount of \$100,000 gross and net be approved for Project ZGG0802 Emergency Capital Levy Program included in the 2008 Capital Budget and transferred to Project RC0842 Retaining Wall Replacement on Regional Road 20;

That the consulting firm of Kerry T. Howe Limited be retained to provide occasional site inspections as required, with the fees being calculated on a time plus disbursements basis;

That the Regional Clerk be directed to ensure that the necessary by-laws, included the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara, are presented to Regional Council on November 27, 2008; and

That all project costs be charged against Project RC0842.

Carried.

**BUDGET REVIEW COMMITTEE OF THE WHOLE**

503. Report 4-2009 Budget

Moved by Councillor Hodgson  
Seconded by Councillor Greenwood

That Report 4-2009, being the minutes of the Budget Review Committee of the Whole meeting of Thursday, November 20, 2008, be approved and adopted.

Carried.

504. Moved by Councillor Martin  
Seconded by Councillor Rigby

That the decisions made at the Budget Review Committee of the Whole meeting of Thursday, November 27, 2008, be approved and adopted.

Carried.

**INTEGRATED COMMUNITY PLANNING AND PUBLIC WORKS COMMITTEE**

505. Report 15-2008

Moved by Councillor Smeaton  
Seconded by Councillor Rigby

That Report 15-2008, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Wednesday, November 19, 2008, be approved and adopted.

Carried.

(Refer to Councillor Information Requests)

**CORPORATE SERVICES COMMITTEE**

506. Report 15-2008

Moved by Councillor Martin  
Seconded by Councillor Collins

That Report 15-2008, being the minutes of the Corporate Services Committee meeting of Wednesday, November 19, 2008, be approved and adopted.

Carried.

507. Retail Business Holidays Act (RBHA)  
Response to Additional Questions  
**CSD 143-2008**

Moved by Councillor Lepp  
Seconded by Councillor Trombetta

That Report CSD 143-2008, November 19, 2008, respecting Retail Business Holidays Act (RBHA) Responses to Additional Questions, be received for information.

Carried.

508. Moved by Councillor Badawey  
Seconded by Councillor Marshall

That Regional Council urge the provincial government to proclaim section 1.2 (1) of the Act which would allow Regional Council to consider a by-law to “opt out” of the Act, **and**

***That a consultative process take place across the Niagara Region.***

Upon a recorded vote being requested, the Council was divided on the motion as follows:

Voting for the Motion:

Councillor Badawey	Councillor Katzman	
Councillor Bentley	Councillor Lepp	
Councillor Burroughs	Councillor Marshall	
Councillor Casselman	Councillor Martin	
Councillor Heit	Councillor Rigby	
Councillor Henderson	Councillor Trombetta	(13)
Councillor Hodgson		

Voting against the Motion:

Councillor Augustyn	Councillor Greenwood	
Councillor Baty	Councillor McMullan	
Councillor Bylsma	Councillor Puttick	
Councillor Collins	Councillor Salci	
Councillor Cordiner	Councillor Saracino	
Councillor D'Angela	Councillor Smeaton	
Councillor Forster	Councillor Timms	
Councillor Gabriel	Councillor Zimmerman	(16)

Upon the recorded vote being taken, the Regional Chair declared the motion defeated.

509. Application for Exemption under the Retail Business Holidays Act  
A & P Food Store, 3770 Montrose Road, Niagara Falls  
**CSD 119-2008**

Moved by Councillor Salci  
Seconded by Councillor Goulbourne

That Report CSD 119-2008, September 4, 2008, respecting Application for Exemption under the Retail Business Holidays Act A & P Food Store, 3770 Montrose Road, Niagara Falls, be received; and

That the exemption be approved to permit the business known locally as A & P Food Store to be open on Family Day, New Years Day, Good Friday and Easter Sunday for the maintenance or development of tourism; and

That the Regional Clerk be directed to ensure that the appropriate by-law is prepared for presentation to Regional Council.

Upon a recorded vote being requested, the Council was divided on the motion as follows:

Voting for the Motion:

Councillor Bentley	Councillor Lepp	
Councillor Cordiner	Councillor Martin	
Councillor Goulbourne	Councillor Puttick	
Councillor Heit	Councillor Salci	
Councillor Katzman	Councillor Trombetta	(10)

Voting against the Motion:

Councillor Augustyn	Councillor Greenwood	
Councillor Badawey	Councillor Henderson	
Councillor Baty	Councillor Hodgson	
Councillor Burroughs	Councillor Marshall	
Councillor Bylsma	Councillor McMullan	
Councillor Casselman	Councillor Rigby	
Councillor Collins	Councillor Saracino	
Councillor D'Angela	Councillor Smeaton	
Councillor Forster	Councillor Timms	
Councillor Gabriel	Councillor Zimmerman	(20)

Upon the recorded vote being taken, the Regional Chair declared the motion defeated.

510. Application for Exemption under the Retail Business Holidays Act  
Home Depot Canada Inc., 7190 Morrison Street, Niagara Falls  
**CSD 120-2008**

Moved by Councillor Bentley  
Seconded by Councillor Henderson

That report CSD 120-2008, September 4, 2008, respecting Application for Exemption under the Retail Business Holidays Act Home Depot Canada Inc., 7190 Morrison Street, Niagara Falls, be received; and

That the exemption be approved to permit the business known locally as Home Depot to be open on Family Day, Canada Day, Victoria Day, Easter Sunday and any other holidays as may be proclaimed in the future by the Lieutenant Governor from 7:00 a.m. – 5:00 p.m. for the maintenance or development of tourism; and

That the Regional Clerk be directed to ensure that the appropriate by-law is prepared for presentation to Regional Council.

Defeated.

511. Application for Exemption under the Retail Business Holidays Act  
Value Village, 6278 Lundy's Lane, Niagara Falls  
**CSD 121-2008**

Moved by Councillor Puttick  
Seconded by Councillor Heit

That Report CSD 121-2008, September 4, 2008, respecting Application for Exemption under the Retail Business Holidays Act Value Village, 6278 Lundy's Lane, Niagara Falls, be received; and

That the exemption be approved to permit the business known locally as Value Village to be open on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 10:00 a.m. – 6:00 p.m. for the maintenance or development of tourism; and

That the Regional Clerk be directed to ensure that the appropriate by-law is prepared for presentation to Regional Council.

Defeated.

512. Moved by Councillor Smeaton  
Seconded by Councillor Rigby

That Correspondence Items CSC 60-2008 and CSC 61-2008, letters and emails regarding the Retail Business Holidays Act, be received.

Carried.

**PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE**

513. Moved by Councillor Casselman  
Seconded by Councillor Trombetta

That Report 13-2008, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, November 18, 2008, be approved and adopted.

Carried.

**COUNCIL ORGANIZATION REVIEW COMMITTEE**

514. Report 7-2008

Moved by Councillor Baty  
Seconded by Councillor Heit

That Report 7-2008, being the minutes of the Council Organization Review Committee meeting of Tuesday, September 30 2008, be received and the recommendations contained therein, be approved.

Carried.

**STANDING COMMITTEE CO-CHAIRS INTERIM IMPLEMENTATION  
TEAM FOR THE ESTABLISHMENT OF A NEW STANDING COMMITTEE**

515. Thursday, October 30, 2008

Moved by Councillor Collins  
Seconded by Councillor Martin

That the minutes of the Standing Committee Co-Chairs Interim Implementation Team for the Establishment of a New Standing Committee meeting of Thursday, October 30, 2008, be received.

Carried.

**NIAGARA REGION COMMUNICATIONS ADVISORY PANEL**

516. Report RNCAP 3-2008

Moved by Councillor Marshall  
Seconded by Councillor Goulbourne

That Report RNCAP 3-2008, being the minutes of the Niagara Region Communications Advisory Panel meeting of Tuesday, November 18, 2008, be received.

Carried.

**CHIEF ADMINISTRATIVE OFFICER'S REPORT**

517. Council Business Planning Session  
Niagara Economic Development Corporation  
**CAO 12-2008**

Moved by Councillor Goulbourne  
Seconded by Councillor McMullan

That Report CAO 12-2008 (November 27, 2008) respecting the Council Business Planning Session, Niagara Economic Development Corporation, be received for information; and

That Regional Council reaffirm the existing arrangement between Niagara Region and the Niagara Economic Development Corporation, with direction to the Region's Chief Administrative Officer and the Chief Executive Officer of Niagara Economic Development Corporation to undertake the development of an action plan to address priority issues discussed at the November 13<sup>th</sup> Council Business Planning Session; and

That this report be circulated to the area municipalities for information.

Carried.

**OTHER BUSINESS**

518. Infrastructure Funding

Councillor Burroughs inquired as to how the \$20 million from the Province for infrastructure funding will be spent. Mr. Brothers advised that a report will be going to the Integrated Community Planning and Public Works Committee meeting with recommendations on how the monies could be allocated and that it will be Committee and Council's decision.

519. South Service Road, Town of Grimsby - Official Opening

Regional Council was advised that the Official Opening of the South Service Road in the Town of Grimsby, will take place on December 5, 2008.

Councillor Zimmerman extended her appreciation to staff for their work in bringing this project to completion.

520. Curling for Kids

Councillor Greenwood advised Regional Council of the Curling for Kids event that will be taking place on February 7, 2009.

**BY-LAWS**

521. Moved by Councillor Gabriel  
Seconded by Councillor Zimmerman

That the following Bills be now read and do pass:

**Bill 117**

A By-Law to Amend By-Law No. 95-2008 being a By-Law to Regulate the Use of the Solid Waste Management System for the Regional Municipality of Niagara.

**Bill 118**

A By-Law to Appoint an Acting Regional Clerk for The Regional Municipality of Niagara

Carried.

522. Moved by Councillor Heit  
Seconded by Councillor Burroughs

That the following Bills be now read and do pass:

**Bill 120**

A By-Law to Accept, Assume and Dedicate Part of Township Lot 156, in the City of Niagara Falls as Part of Regional Road No. 98 (Montrose Road)

**Bill 121**

A By-Law to Accept, Assume and Dedicate Part of Township Lot 70, in the City of Niagara Falls as Part of Regional Road No. 57 (Thorold Stone Road)

**Bill 122**

A By-Law to Authorise the Region's Acceptance of Funding for an Offload Nurse from the MOHLTC

Carried.

**CONFIRMING BY-LAW**

523. Moved by Councillor Timms  
Seconded by Councillor Katzman

That the following Bill be now read and do pass:

**Bill 119**

A By-law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting held on the 27<sup>th</sup> of November, 2008.

Carried.

**COUNCILLOR INFORMATION REQUESTS**

Staff was requested to:

- include the report respecting the investment that the Region recently made to Brock University (Refers to Minute Item 495) Councillor Casselman
- advise Council of what has transpired regarding the Niagara Regional Police Services health & safety concerns. (Refers to Minute Item 501) Councillor Rigby
- advise Council of the original conditions that were set on the Capital Budget funds and the status of those conditions at this time. (Refers to Minute Item 501) Councillor Casselman
- circulate Report DPD 52-2008 to the Grape Growers of Ontario. (Refers to Minute Item 505) Councillor Gabriel

**ADJOURNMENT**

The Council meeting adjourned at 10:55 p.m.

Peter Partington  
Regional Chair

Gail Reilly  
Legislative Assistant

Janet Pilon  
Deputy Clerk