

**Meeting #:** C-09/2019 - Regular Council  
**Date:** Tuesday, May 21, 2019  
**Time:** 6:30 PM  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present:** Marvin Junkin  
Mike Ciolfi  
Lisa Haun  
Bob Hildebrandt  
Ron Kore  
Marianne Stewart  
John Wink

**Staff Present:** Nancy Bozzato  
Bob Lymburner  
Marc MacDonald  
Jason Marr  
Teresa Quinlin  
Barbara Wiens  
Holly Willford

**Others Present** C. Shedden  
Scheduled Presenters and Delegations  
Interested Citizens

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**1. Call to Order and Declaration of Quorum**

Noting that a quorum was present, the Mayor called the meeting to order at approximately 6:30 pm.

**2. Singing of National Anthem**

The National Anthem was sung by those present to officially open the meeting.

**3. Approval of Agenda**

**Moved By** Marianne Stewart  
**Seconded By** John Wink

BE IT RESOLVED THAT the agenda for the May 21st, 2019 Regular meeting of Council be adopted

**Amendment:**

**Moved By** John Wink

**Seconded By** Mike Ciolfi

**THAT the Agenda for the May 21st, 2019 Regular Meeting of Council be amended adding an item to the Agenda immediately following item No. 4, to consider a matter under Section 239 (2) of the Municipal Act, as follows:**

**(e) - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality; and**

**(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

**Carried**

**Amendment:**

**Moved By** John Wink

**Seconded By** Mike Ciolfi

**THAT the Agenda for the May 21st, 2019 Regular Meeting of Council be amended adding Recommendation Report Regarding Amendment to Interim Control By-law 4046 (2018) 770 Foss Road (File No. AM-01-19) from the Policy and Priorities Meeting to Regular Council as Item 12.1**

**Carried**

**Amendment:**

**Moved By** John Wink

**Seconded By** Ron Kore

**THAT the Agenda for the May 21st, 2019 Regular Meeting of Council be amended adding an item to 11.1.1 Mayor Junkin Report regarding Pelham Appointment to Niagara Peninsula Conservation Authority.**

**Carried**

**Moved By** John Wink

**Seconded By** Lisa Haun

**THAT the staff report listed at Item 11.2.1 be considered immediately following Item 5.2.2**

**Carried**

**Moved By** John Wink

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT the agenda for the May 21st, 2019 Regular meeting of Council be adopted, As Amended.**

**Carried**

**4. Disclosure of Pecuniary Interests and General Nature Thereof**

None (See item 6).

**5. Resolution to Move in Camera**

**Moved By** Bob Hildebrandt

**Seconded By** John Wink

**BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:**

**239 (2) (e) - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality; and**

**239 (2) (f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

**Carried**

**6. Rise From In Camera**

**Moved By** John Wink

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With Report**

**Carried**

Following the Rise With Report motion, the following declarations were made:

Councillors Ciolfi, Hildebrandt and Stewart: "I have been advised that there is a perception I have a conflict regarding the report, Item 12.1 (corrected), so out of an abundance of caution I choose to recuse myself from the debate on this matter."

**7. Hearing of Presentation, Delegations, Regional Report**

**7.1 Tax Write-Off Under Municipal Act, Section 357 & 358**

No one in the gallery addressed this item.

**Moved By** John Wink  
**Seconded By** Ron Kore

**BE IT RESOLVED THAT Council receive the Taxes Written-Off Report from the Corporate Services Department; and THAT Council approve the Taxes Written-Off Report in the amount of \$360.02 as per the Municipal Act, Sections 357 and 358.**

**Carried**

## **7.2 Presentations**

### **7.2.1 Peninsula West Power Inc. and Niagara Peninsula Energy Corporation**

Mr. Brian Walker, President and Secretary, Peninsula West Management, provided a synopsis of the Peninsula West Power Corporation, explaining the history of the energy corporation. He noted that the current directors serve on a rotation basis by appointment.

**Moved By** Bob Hildebrandt  
**Seconded By** John Wink

**BE IT RESOLVED THAT Council receive the presentation by Brian Walker regarding Peninsula West Power Inc. for information.**

**Carried**

### **7.2.2 Bienenstock Natural Playgrounds**

Mr. Adam Bienenstock, Bienenstock Natural Playgrounds, provided information relating to the proposed playgrounds for the Wieland Heights and Lookout subdivisions. He outlined the extensive consultative process undertaken for these projects and fielded questions by Council. A copy of the presentation is available through the Clerk.

**Moved By** John Wink  
**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT Council receive the presentation by Bienenstock Natural Playgrounds, for information.**

**Carried**

## **7.3 Wieland Heights Park and Lookout Park Developments**

**Moved By** Ron Kore  
**Seconded By** Lisa Haun

BE IT RESOLVED THAT Council receive Weiland Heights Park and Lookout Park Developments report;

AND THAT Council endorse the final Park concept plans, as presented by Bienenstock Natural Playgrounds at the May 21, 2019, Council meeting

**Amendment:**

**Moved By** Mike Ciolfi

**Seconded By** John Wink

**THAT the motion be amended as follows:**

**THAT the Lookout Park feature be put on hold at the present time to allow Council further discussion.**

**Carried**

**Moved By** Mike Ciolfi

**Seconded By** John Wink

**BE IT RESOLVED THAT Council receive Weiland Heights Park and Lookout Park Developments report;**

**AND THAT Council endorse the final Park concept plans, as presented by Bienenstock Natural Playgrounds at the May 21, 2019, Council meeting;**

**AND THAT the Lookout Park feature be put on hold at the present time to allow Council further discussion.**

**Carried**

## **7.5 Report of Regional Councillor**

Regional Councillor Huson presented a synopsis of her May 21, 2019 report. A copy of the report and slides is available through the Clerk. She indicated an interest to stay on the Niagara Peninsula Conservation Authority Board as Pelham's designate.

The agenda was re-ordered to consider the Mayor's Report immediately following the Regional Report.

**Moved By** Lisa Haun

**Seconded By** Mike Ciolfi

**BE IT RESOLVED THAT the May 21st, 2019 report submitted by Regional Councillor Huson, be received for information.**

**Carried**

## **7.6 Mayor Junkin's Report**

The Mayor provided a synopsis of the Regional discussion relating to the appointment process for the Niagara Peninsula Conservation Authority Board. The Mayor and Regional Councillor Huson responded to questions by Council and debate ensued regarding the best approach to make a recommendation to the Regional Council in this regard.

**Moved By** Mike Ciolfi

**Seconded By** John Wink

BE IT RESOLVED THAT Council receive Mayor Junkin's May 21, 2019 Report; and

THAT The Town of Pelham accept applications from Pelham citizens for consideration to appointment to the Niagara Peninsula Conservation Authority Board, with applicants encouraged to provide information to demonstrate competencies aligned with the evaluation matrix as contained in Regional Clerk's Correspondence CL-C 39-2019, with an application submission deadline to the Town Clerk by 12:00 p.m. June 21, 2019; and

THAT the applications be presented to Pelham Council at their regular meeting scheduled for July 15, 2019, to ensure an appointment recommendation is provided to the Regional Clerk in compliance with the July 31, 2019 deadline; and

THAT the Regional Clerk be so advised.

**Amendment:**

**Moved By** Ron Kore

**Seconded By** John Wink

**THAT the motion be amended to remove paragraph two and three and insert 'THAT Regional Councillor Huson be appointed to the NPCA as Pelham's representative.**

**Carried**

**Moved By** Mike Ciolfi

**Seconded By** Ron Kore

**BE IT RESOLVED THAT Council receive Mayor Junkin's May 21, 2019 Report; and**

**THAT Regional Councillor Huson be appointed to the NPCA as Pelham's representative; and**

**THAT the Regional Clerk be so advised**

**Carried**

**8. Adoption of Minutes**

**Moved By** Ron Kore

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT** the following minutes be adopted as printed, circulated and read:

- 1. C-08/2019 Council Minutes of May 6, 2019**
- 2. SC-18/2019 - Special Council Minutes of May 6, 2019**
- 3. SC-19/2019 Special Council Minutes May 13, 2019**

**Carried**

**10. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration**

No items were lifted for separate consideration.

**11. Consent Agenda Items to be Considered in Block**

**Moved By** Mike Cioffi

**Seconded By** John Wink

**BE IT RESOLVED THAT** the following Consent Agenda items be received and the recommendations contained therein be approved, as applicable:

**9.1 Presentation of Recommendations Arising from COW or P&P, for Council Approval**

**BE IT RESOLVED THAT COUNCIL HEREBY** approves the Recommendations Resulting from the following:

- 1. COW-04/2019 - Committee of the Whole Minutes, May 6, 2019**
- 2. PAC-01/2019 - Pelham Audit Committee Minutes May 13, 2019**
- 3. PCOW-04/2019 Public Meeting Minutes May 13, 2019**

**9.2 Minutes Approval – Committee**

**BE IT RESOLVED THAT** Council receive the following minutes, for information:

- 1. COW-04/2019 Committee of the Whole Minutes - May 6, 2019**
- 2. PCOW-04/2019P Public Meeting Minutes - May 13, 2019**

### **9.3 Staff Reports of a Routine Nature for Information or Action**

#### **9.3.1 Planning Services and Functions in Niagara Memorandum of Understanding (MOU)**

**BE IT RESOLVED THAT Council receive and endorse this report of the Planning Services and Functions in Niagara Memorandum of Understanding; and**

**THAT Council directs the Interim CAO to sign the MOU and return a copy back to the Region of Niagara.**

### **9.5 Information Correspondence Items**

#### **9.5.1 Thank You Letter - Kore Family**

**BE IT RESOLVED THAT Council receive the thank you letter from the Kore family.**

#### **9.5.2 Letter from the Pelham Public Library Board re: Suspending CEO Recruitment**

**BE IT RESOLVED THAT Council receive a letter from the Pelham Public Library Board dated May 2, 2019, regarding the suspension of recruitment of a CEO, for information.**

#### **9.5.3 Region of Niagara - Public Notice Advertisement for the Pelham Elevated Tank Class Municipal Environmental Assessment and Enhanced Conceptual Design**

**BE IT RESOLVED THAT Council receive, for information, the Public Notice Advertisement for the Pelham Elevated Tank Class Municipal Environmental Assessment and Enhanced Conceptual Design.**

#### **9.5.4 Municipal Correspondence**

**BE IT RESOLVED THAT Council receive the following municipal correspondence, for information:**

- 1. Letter from the Township of Mulmur regarding Aggregate Resources;**
- 2. Letter from the Town of Mono regarding Ontario Municipal Partnership Fund;**
- 3. Letters from the Town of Hanover and Townships of Mulmur and McKeller regarding Cuts to Ontario Library Services;**



4. **Letter from the Minister Clark, Niagara-on-the-lake, and Town of Aurora regarding More Homes, More Choice: Ontario's Housing Supply Action Plan**

#### **9.7 Committee Minutes for Information**

**BE IT RESOLVED THAT Council receive the following Committee minutes for information:**

1. **Pelham Public Library Board Minutes - March 27th, 2019;**
2. **Pelham Active Transportation Committee Minutes - March 19th, 2019**

**Carried**

#### **12. Items for Separate Consideration, if Any**

Not applicable.

#### **13. Presentation & Consideration of Reports**

##### **13.1 Reports from Members of Council:**

The Mayor's report was considered earlier on the agenda.

##### **13.2 Staff Reports Requiring Action**

###### **13.2.1 Niagara Investment in Culture Grant 2019**

**Moved By** Ron Kore

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council receive the concept sheet How might we update Council on our application for the NIC grant, and the recommendations contained therein be approved as follows:**

**THAT the Mayor and Town Clerk sign the letter of agreement from the Niagara Region attached to this report in order to secure the funding**

**THAT staff report to Council on the success of the Program at the end of 2019**

**Carried**

###### **13.2.2 2019 Gypsy Moth Cost Funding Strategies and Cost Recovery Options**

**Moved By** Ron Kore

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council receive the Update Report, Gypsy Moth Cost Recovery Options; and**

**THAT staff be directed to recover the cost of aerial spraying of private properties within the identified urban spray areas in response to the Gypsy Moth infestation by evenly distributing the cost to spray private property to all affected property owners in accordance with Alternative 1; and**

**THAT staff be directed to issue an invoice for the cost of aerial spraying to the 2019 for all properties within the identified urban spray areas.**

**Carried**

#### **14. Unfinished Business**

##### **14.1 Recommendation Report Regarding Amendment to Interim Control By-law 4046 (2018) 770 Foss Road (File No. AM-01-19)**

Councillors Ciolfi, Hildebrandt and Stewart vacated the Chamber at this point, as noted in Agenda Item 4. They did not participate in the deliberation or discussion on the matter. The Councillors returned to the Chamber following the vote on this item.

**Moved By** Lisa Haun

**Seconded By** John Wink

BE IT RESOLVED THAT Council receives this Department of Community Planning and Development Report as it pertains to File No. AM-01-19 regarding 770 Foss Road;

AND THAT Council consider approval of the by-law, attached hereto as Appendix E, amending By-law No. 1118 (1987) to require site plan control for greenhouses.

AND THAT Council directs staff to prepare a by-law, authorizing the Mayor and Clerk to execute a Site Plan Agreement with Leviathan Cannabis Group Inc. for 770 Foss Road.

AND THAT Council directs staff to amend the Interim Control By-law 4046 (2018) to permit a cannabis production facility at 770 Foss Road.

AND THAT Council directs staff to prepare an amendment to the Town's nuisance by-law or a standalone cannabis by-law which would authorize the Town to issue fines to licensed cannabis producers relating to odour and light.

The motion was divided and each paragraph voted separately, with the results as follows:

**Moved By** Lisa Haun  
**Seconded By** John Wink

**BE IT RESOLVED THAT Council receives this Department of Community Planning and Development Report as it pertains to File No. AM-01-19 regarding 770 Foss Road;**  
**AND THAT Council consider approval of the by-law, attached hereto as Appendix E, amending By-law No. 1118 (1987) to require site plan control for greenhouses.**

**Carried**

**Moved By** Lisa Haun  
**Seconded By** John Wink

**BE IT RESOLVED THAT Council directs staff to prepare a by-law, authorizing the Mayor and Clerk to execute a Site Plan Agreement with Leviathan Cannabis Group Inc. for 770 Foss Road.**

**Defeated**

**Moved By** Lisa Haun  
**Seconded By** John Wink

**BE IT RESOLVED THAT Council directs staff to amend the Interim Control By-law 4046 (2018) to permit a cannabis production facility at 770 Foss Road.**

**Defeated**

**Moved By** Lisa Haun  
**Seconded By** John Wink

**BE IT RESOLVED THAT Council directs staff to prepare an amendment to the Town’s nuisance by-law or a standalone cannabis by-law which would authorize the Town to issue fines to licensed cannabis producers relating to odour and light.**

**Carried**

**15. New Business**

None

## **16. Presentation and Consideration of By-Laws**

**Moved By** John Wink

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:**

**1. By-law 4107(2019) - Being a by-law to govern the proceedings of the Town of Pelham council, its Committees, the conduct of its members and the calling of meetings and to repeal and replace By-law #3427(2013) as amended - First and Second Reading.**

**2. By-law 4111(2019) - Being a by-law to amend By-law #3357(2013) being a by-law to protect important environmental and heritage features from unnecessary degradation and damage, to encourage long-term conservation of Productive Agricultural Lands, and to prevent the Importation of waste, hazardous materials and contaminated fill into the Town.**

**3. By-law 4112(2019) - Being a by-law to amend By-law #4068(2019) confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham;**  
**- And to appoint members to the Meridian Community Centre Hospitality Committee (Schedule 'M');**  
**- And to appoint members to the Summerfest Committee (Schedule 'N');**  
**- And to add Schedule 'R' to appoint members to the Utility Sustainability Advisory Committee;**  
**- And to add Schedule 'S' to appoint members to the Cannabis Control Committee.**

**4. By-law 4113(2019) - Being a by-law to amend By-law #2437(2002), being a by-law for the temporary closure of Orchard Hill Road in the Town of Pelham.**

**5. By-law 4114(2019) - Being a by-law to set the rates of taxation for the year 2019.**

**6. By-law 4115(2019) - Being a by-law to declare the Town-owned lands described in Schedules "A" and "B" attached to and forming part of this By-law, surplus to the needs of the Municipality and therefore available for disposition (Part of Summersides Boulevard)**

**7. By-law 4116(2019) - Being a by-law to appoint Mr. Craig Genesse and Mr. Greg Young as Municipal Weed Inspectors for the Corporation of the Town of Pelham, and to Repeal By-law #3592(2015)**

**8. By-law 4117(2019) - Being a By-law to amend By-law No. 1118 (1987) to require site plan control for greenhouses within the Town of Pelham.**

**Carried**

**17. Motions and Notices of Motion: None**

**18. Matters for Committee of the Whole or Policy and Priorities Committee: None**

**19. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee: None**

**20. Confirming By-Law**

**Moved By** John Wink

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:**

**Being a By-law No. 4118 (2019) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 21st day of May, 2019.**

**Carried**

**21. Adjournment**

**Moved By** Mike Ciolfi

**Seconded By** Ron Kore

**BE IT RESOLVED THAT this Regular Meeting of May 21st, 2019 be adjourned until the next regular meeting scheduled for June 3rd, 2019 at 6:30 pm.**

**Carried**

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Mayor: Marvin Junkin

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Town Clerk: Nancy J. Bozzato