

Meeting #: C-12/2019 - Regular Council
Date: Monday, July 15, 2019
Time: 5:30 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: David Cribbs
Nancy Bozzato
Bob Lymburner
Marc MacDonald
Jason Marr
Teresa Quinlin
Vickie vanRavenswaay
Barbara Wiens
Holly Willford

Others Present Members of the Fonthill Volunteer Fire Fighters Association (Item 5.1.1)
Mr. T. Nohara, Item 5.2.2
Mr. W. Heikoop, Item 5.2.1
Interested Citizens
Media

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 p.m.

2. Singing of National Anthem

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

3. Approval of Agenda

Moved By Bob Hildebrandt

Seconded By Mike Ciolfi

BE IT RESOLVED THAT the agenda for the July 15th, 2019 Regular meeting of Council be adopted.

Amendment:

Moved By Bob Hildebrandt

Seconded By Mike Ciolfi

THAT the Agenda be amended to move item 11.2.16 (Memo re: Request for Extension of Interim Control By-law) after item 5.2.2 (Delegation of Tim Nohara); and

THAT #18 be considered as the first item of business, being the closed session matters as noted on the Agenda.

Carried

Moved By Bob Hildebrandt

Seconded By Mike Ciolfi

BE IT RESOLVED THAT the agenda for the July 15th, 2019 Regular meeting of Council be adopted, as amended.

Carried

4. Disclosure of Pecuniary Interests and General Nature Thereof

There were no pecuniary interests disclosed by any of the Members present.

5. In Camera Session

Pursuant to the agenda amendment, Council moved into closed session under the following provisions of the Municipal Act

1. Section 239(2) (a) security of property of the municipality;
2. Section 239(2)(b) personal matters about an identifiable individual, including municipal employees; and
3. Section 239(2)(d) labour relations or employee negotiations.

Council rose with no report to continue the remainder of the agenda.

6. Hearing of Presentation, Delegations, Regional Report

6.1 Presentations

6.1.1 Fonthill Volunteer Fire Association

Councillor Hildebrandt vacated the Chamber for a personal matter.

Prior to the presentations, the Mayor acknowledged Mike Hurley of the Pelham Minor Basketball Association who was recently named "Coach of the Year" by the Ontario Basketball Association.

Further, he acknowledged three young Pelham residents, Aeron McQuillin, Bailey Campbell and Billy Tabett, who assisted a stranded motorist recently, an act of good Samaritans. He congratulated them for their actions.

Presentation by Fonthill Volunteer Fire Association:

Lieutenant Yvon Audette presented a cheque to Council on behalf of the Fonthill Volunteer Fire Fighters Association, being monies raised from of their recent fundraising initiatives. The Association was thanked for their efforts and support of the community.

6.2 Delegations

6.2.1 Jennifer Vida, Upper Canada Consultants and Tom Richardson, Sullivan Mahoney LLP

Mr. Martin Heikoop appeared on behalf of J. Vida and T. Richardson and indicated that they support the staff report on this matter and he noted he would be available to respond to any questions. No formal presentation was given.

6.2.2 Tim Nohara, Chair, Cannabis Control Committee

Mr. T. Nohara, Chair of the Cannabis Control Committee, presented a report by this Committee seeking Council's endorsement to extend the Interim Control By-law relating to cannabis.

Councillor Hildebrandt returned to the Chamber at 6:45 p.m.

Moved By Lisa Haun

Seconded By Ron Kore

BE IT RESOLVED THAT Council receive the presentation by Tim Nohara, Chair, Cannabis Control Committee, for information.

Carried

6.3 Memo re: Request for Extension of Interim Control By-law

Moved By John Wink

Seconded By Marianne Stewart

WHEREAS, Interim Control By-Law 4046 (2018) ("ICBL") was approved on October 15, 2018 and remains in effect until 11:59 pm local time on October 15, 2019 unless otherwise extended in accordance with the provisions of the Planning Act, R.S.O., c.P. 13, as amended;

AND WHEREAS, the purpose of the ICBL is to provide the Town with the time to undertake the review of its land use planning policies and regulations pertaining to cannabis related land uses and to develop appropriate policies and regulations to manage and control cannabis related uses before considering any further cannabis production expansion in the Town of Pelham;

AND WHEREAS, municipal elections were held in the Town of Pelham on October 22, 2018 and a new Council of the Town of Pelham was sworn in on December 1, 2018;

AND WHEREAS, Council of the Town of Pelham passed a resolution on February 4, 2019 for the creation of a Cannabis Control Committee ("CCC") tasked to assist with the development of appropriate land use policies, regulations and procedures for better managing the impacts of cannabis producers in the Town of Pelham;

AND WHEREAS, the first meeting of the CCC took place on May 29, 2019 following the drafting and approval by Council of the CCC's terms of reference, the advertising for and collection of applications for membership on the CCC, the review, selection and approval of applicants by Council, and the preparation by Staff for the CCC's first meeting;

AND WHEREAS, after giving consideration to (i) the research needed to develop appropriate land use policies, regulations and procedures for better managing the impacts of cannabis producers in the Town of Pelham; (ii) the timelines required for seeking stakeholder comments, providing notice and holding public meetings, and bringing resolutions, including those concerning amendments to the Town's Official Plan 2014 and its Comprehensive Zoning By-Law 1136 (1987), to Council for deliberation and approval; and (iii) the reduced availability of planning department staff and Council due to summer vacations and planned fall vacations; the CCC has determined that it is not possible for it, staff and Council to complete their priority work of developing and bringing into effect the desired cannabis controls prior to the current expiry of the ICBL;

AND WHEREAS the CCC has determined that it is necessary and appropriate for Council to amend the ICBL by extending it by one

year to 11:59 pm local time on October 15, 2020 in order to provide the necessary time to complete the important work for which the ICBL was put in place and the CCC was created;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:

Paragraph 5 of Interim Control By-Law 4046 (2018) shall be amended as follows:

5. This Bylaw shall come into effect and force immediately upon its passing by Council and shall be in effect until 11:59 pm local time on October 15, 2020.

Moved By Mike Ciolfi
Seconded By John Wink

THAT Consideration of Agenda Item 11.2.16, being a memo to Request and Extension of the Interim Control By-law 4046(2018) be postponed; and

THAT Staff be directed to take the necessary actions to convene public meetings in order for Council to make a decision on the Cannabis Interim Control By-law by September 23, 2019.

Carried

6.4 Report of Regional Councillor

Regional Councillor Huson was not present.

7. Adoption of Minutes

Moved By Mike Ciolfi
Seconded By Marianne Stewart

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

- 1. C-11/2019 - Regular Council - June 17, 2019**
- 2. SC-22/2019 - Special Council - June 12, 2019**
- 3. SC-23/2019 - Special Council - June 10, 2019**
- 4. SC-24/2019 - Special Council - June 13, 2019**
- 5. SC-25/2019 - Special Council - June 24, 2019**
- 6. SC-26/2019 - Special Council - June 25, 2019**

Carried

8. Business Arising from Council Minutes

None

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

No items were lifted for separate consideration.

10. Consent Agenda Items to be Considered in Block

The Mayor, through questions to Council representatives, highlighted the work of the various Advisory Committees.

Moved By John Wink

Seconded By Marianne Stewart

BE IT RESOLVED THAT the Consent Agenda items as listed on the July 15th, 2019 Council Agenda be received and the recommendations contained therein be approved, as applicable.

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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. P&P-05/2019 Policy and Priorities Committee Minutes June 17, 2019
2. PCOW-04/2019 - Public Meeting Minutes June 10, 2019

9.2 Minutes Approval

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

1. P&P-05/2019P Policy and Priorities Committee Minutes June 17, 2019
2. PCOW-04/2019 - Public Meeting Minutes June 10, 2019

9.6 Regional Municipality of Niagara - Action Items

9.6.1 Amendment to By-law to Protect Children and Vulnerable Persons from Exposure to Outdoor Second-Hand Smoke

BE IT RESOLVED THAT Council for the Town of Pelham consents to the passage of By-law No. 2019-52 of The Regional Municipality of Niagara, being a by-law to amend By-law 112-2013 - A Regional By-

law to Protect Children and Vulnerable Persons from Exposure to Outdoor Second-hand Smoke.

9.7 Committee Minutes for Information

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

1. Pelham Library Board Minutes - April 24, 2019
2. Joint Accessibility Advisory Committee Minutes April 11, 2019 and the Awareness Checklist
3. Cannabis Control Committee - May 29, 2019, June 5, 2019 and June 19, 2019
4. Pelham Public Art Advisory Committee - May 23, 2019
5. Community Beautification Committee - May 29, 2019
6. Pelham Summerfest Committee - May 22, 2019 and June 5, 2019;
7. MCC User Group Committee - May 28, 2019;
8. Pelham Seniors Advisory Committee - March 12, 2019, April 25, 2019 and May 23, 2019;
9. MCC Hospitality Committee - March 6, 2019, April 11, 2019, April 30, 2019, May 14, 2019 and June 11, 2019.

Carried

11. Items for Separate Consideration, if Any

No items were lifted for separate consideration.

12. Presentation & Consideration of Reports

12.1 Reports from Members of Council:

12.1.1 Councillor Hildebrandt - Niagara Road 12 Landfill Citizen's Liaison Committee

Councillor Hildebrandt presented his report on the Niagara Road 12 Landfill Citizen's Liaison Committee. He also noted that the Region is working on the backlog of waste removal from Pelham.

Moved By Mike Ciolfi

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council RECEIVE FOR INFORMATION the Niagara Road 12 Landfill Citizen's Liaison Committee Report of June 2019 submitted by Councillor Hildebrandt.

Carried

12.2 Staff Reports Requiring Action

12.2.1 2020 Budget Schedule, 2019-0019-Corporate Services

Moved By Lisa Haun

Seconded By Ron Kore

BE IT RESOLVED THAT Council approves the 2020 Budget Schedule.

Carried

12.2.2 Emily Project Report 2019 - 2019-0010-Fire Department.

Moved By John Wink

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report 2019-0010-Fire Dept; and

THAT Council Endorses the Emily Project and authorizes staff to add rural 911 signage to the current 911 sign program.

Carried

12.2.3 Lookout Park Playground Equipment Survey Update - 2019-0017-Recreation, 2019-0017-Recreation

Moved By Mike Ciolfi

Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report RCW 2019-00017; and

THAT Council direct staff to proceed with the Request for Proposal to provide and install a fully accessible metal/plastic activity structure with conventional features i.e. climbers; slides; swing set including engineered compacted wood fiber surface for a total cost of up to \$95,000.00.

Carried

12.2.4 Municipal Alcohol Management Policy S 100-01 Amendment - 2019-0016-Recreation, 2019-0016-Recreation

Moved By Mike Ciolfi
Seconded By John Wink

BE IT RESOLVED THAT Council receive Report RCW 2019-00016; and

THAT Council approve the amendments to Municipal Alcohol Management Policy S100-01, as presented.

Moved By Ron Kore
Seconded By Mike Ciolfi

THAT consideration of report 2019-0016 - Recreation - Municipal Alcohol Management Policy S100-01 Amendment be postponed until the Policy and Priorities Committee scheduled for September 3rd, 2019.

12.2.5 Report on the Implementation of Traffic Controls at Station St and Summersides Blvd - 2019-0027-Public Works, 2019-0027-Public Works

Moved By Ron Kore
Seconded By Mike Ciolfi

BE IT RESOLVED THAT Council receive Report # 2019-0027-Public Works; and

THAT Council approve an all-way stop at Station Street and Summersides Boulevard.

Carried

12.2.6 Report regarding the Paving of the Steve Bauer Trail - 2019-0044-Public Works, 2019-0044-Public Works

Moved By Bob Hildebrandt
Seconded By John Wink

BE IT RESOLVED THAT Council receive Report #2019-0033-Public Works; and

THAT Council remove the red circle from this project and allow it to proceed.

Defeated

12.2.7 Report Regarding the Rehabilitation of Sulphur Springs Drive - 2019-0031-Public Works, 2019-0031-Public Works

Moved By Marianne Stewart

Seconded By John Wink

BE IT RESOLVED THAT Council receive Report # 2019-0031-Public Works; and

THAT Council approve Public Works' recommendation to proceed with fully rehabilitating Site 1 in 2019.

Moved By Mike Cioffi

Seconded By Ron Kore

THAT Report 2019-0031-Public Works, Rehabilitation of Sulphur Springs Drive, be referred back to staff; and

THAT Staff be directed to present a report to a future Council meeting setting out the steps required to enter into a Municipal Class Environmental Study Schedule B process, including a formal public engagement component, to determine the best possible solution for this road.

Carried

12.2.8 Development Agreement for 1334 Pelham Street (File No. DA-01-19) Council Report, 2019-0025-Public Works

The meeting was recessed at this point on the agenda, 9:00 p.m., to be reconvened at a later date to conclude the agenda.

The meeting reconvened on Wednesday, July 17, 2019 at 4:30.

Moved By Ron Kore

Seconded By Lisa Haun

BE IT RESOLVED THAT the July 15, 2019 Council Meeting be now reconvened.

Carried

Moved By Lisa Haun

Seconded By Marianne Stewart

BE IT RESOLVED THAT the Unfinished Agenda Items from the July 15th, 2019 Council Agenda, noted above, be referred for consideration at the next regular Council meeting, scheduled for Monday, August 12th, 2019

- 11.2.8 - Report 2019-0025-Public Works
- 11.2.9 - Report 2019-0026-Public Works
- 11.2.10 - Report 2019-0032-Public Works
- 11.2.11 - Report re Martin's Nest Development
- 11.2.12 - Report 2019-0013-Planning
- 11.2.13 - Report 2019-0012-Planning
- 11.2.14 - Report 2019-0030-Planning
- 11.2.15 - Report 2019-0029-Planning
- Presentation and Consideration of By-laws 4130(2019), 4133(2019), 4134(2019), 4135(2019) and 4139(2019)
- Notice of Motion - Woonerf Lands
- Agenda item 18(2) - Closed Session

Amendment:

Moved By Ron Kore

Seconded By Lisa Haun

That the motion be amended as follows:

THAT all staff reports be referred to the Committee of the Whole Meeting Scheduled for September 17, 2019, save and except Item 11.2.13; and

THAT the by-laws be referred to the Regular Council meeting scheduled for October 7, 2019, save and except 4136(2019).

Amendment:

Moved By Ron Kore

Seconded By Mike Ciolfi

THAT the following amendment be approved:

THAT all staff reports be referred to the Policy and Priorities Committee meeting scheduled for September 3, 2019, save and except Agenda Item 11.2.13, Report 2019-012-Planning; and

THAT the by-laws be referred to the Regular Council meeting scheduled for September 16, 2019, save and except 4136(2019).

Carried

Moved By Lisa Haun

Seconded By Marianne Stewart

BE IT RESOLVED THAT the Unfinished Agenda Items from the July 15th, 2019 Council Agenda, be referred for consideration at the next regular Council meeting, scheduled for Monday, August 12th, 2019

- **11.2.13 - Report 2019-0012-Planning**
- **By-law 4136(2019)**
- **Notice of Motion - Woonerf Lands**
- **Agenda item 18(2) - Closed Session**

AND that the following staff reports be referred to the Policy and Priorities Committee meeting scheduled for September 3, 2019:

- **11.2.8 - Report 2019-0025-Public Works**
- **11.2.9 - Report 2019-0026-Public Works**
- **11.2.10 - Report 2019-0032-Public Works**
- **11.2.11 - Report re Martin's Nest Development**
- **11.2.12 - Report 2019-0013-Planning**
- **11.2.14 - Report 2019-0030-Planning**
- **11.2.15 - Report 2019-0029-Planning**

AND THAT the following by-laws be then presented to the Regular Council meeting scheduled for September 16, 2019:

- **Presentation and Consideration of By-laws 4130(2019), 4133(2019), 4134(2019), 4135(2019) an 4139(2019).**

Carried

Report 2029-0025-Public Works was referred to September 3, 2019 Committee.

12.2.9 Additional Funding Request for Pavement Condition Indexing - 2019-0026-Public Works, 2019-0026-Public Works

Report referred to September 3, 2019 Committee.

12.2.10 Report on Completing the Sanitary Sewer Improvements at Station St and Summersides Blvd - 2019-0032-Public Works, 2019-0032-Public Works

Report referred to September 3, 2019 Committee.

12.2.11 Recommendation Report for Draft Plan of Subdivision (Martin's Nest) and Zoning By-law Amendment Applications (File Nos. 26T19-01-2019 & AM-02-19), 2019-0011-Planning

Report referred to September 3, 2019 Committee.

12.2.12 Recommendation Report for Zoning By-law Amendment and Site Plan Control Applications - 1440 Pelham Street (File no. AM-05-19 and SP-05-17), 2019-0013-Planning

Report referred to September 3, 2019 Committee.

12.2.13 Recommendation Report for Zoning By-law Amendment Application – Parts 1, 8-11 and 16-19, Plan 59R-16208 (File No. AM-06-19), 2019-0012-Planning

Report referred to August 12, 2019 Council.

12.2.14 Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment Application (26T19-02-18; OP-AM-03-18; & AM-04-18) – Recommendation Report, 2019-0030-Planning

Report referred to September 3, 2019 Committee.

12.2.15 Affordable Housing Proposal by R. Hummel, 2019-0029-Planning

Report referred to September 3, 2019 Committee.

13. Unfinished Business

None

14. New Business

None

15. Presentation and Consideration of By-Laws

Consideration of By-laws has been deferred to September 16, 2019 as per previous motion.

16. Motions and Notices of Motion

**16.1 Town of Pelham Report – Detailing the Woonerf Lands
(Meridian Way/ Wellspring Way)**

Consideration of the motion referred to August 12, 2019.

17. Matters for Committee of the Whole or Policy and Priorities Committee

None

18. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee

None

19. Rise From In Camera

none

20. Confirming By-Law

Considered at Reconvened Meeting July 17, 2019.

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. 4137(2019) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 15th day of July, 2019 (reconvened July 17, 2019).

Carried

21. Adjournment

Moved By Mike Ciolfi

Seconded By John Wink

BE IT RESOLVED THAT this Regular Meeting of July 15th be adjourned until the next regular meeting scheduled for August 12th, 2019 at 5:30 pm.

Carried

Mayor: Marvin Junkin

Town Clerk: Nancy J. Bozzato