

Regular Council AGENDA

Doors will be open to the public at 5:15 p.m.

If you require any accommodations for a disability in order to attend and participate in meetings or events, please contact the Office of the Clerk at 905-892-2607 ext. 315 or 320. All cell phones, pagers, radios, etc. shall be switched off, set to non-audible, or muted upon entry to the Council Chamber. Taping and/or recording of meetings shall only be permitted in accordance with the Procedure By-law and rules of decorum apply to observers.

Regular Meeting of Council Agenda

C-13/2019 - Regular Council

Monday, August 12, 2019

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. Call to Order and Declaration of Quorum
2. Singing of National Anthem
3. Approval of Agenda
4. Disclosure of Pecuniary Interests and General Nature Thereof
5. Hearing of Presentation, Delegations, Regional Report

5.1 Presentations

Remarks by Mayor re Bob Giles (Fire Fighter 50 Years)

- 5.1.1 Recognition of 25 Year Employment Milestone - Sally Jaeger

5.1.2 East Fonthill Overview

Ron Palmer, The Planning Partnership

5.2 Delegations

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5.3 Report of Regional Councillor

6. Adoption of Minutes

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

9. Consent Agenda Items to be Considered in Block

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

9.2 Minutes Approval - Committee

9.3 Staff Reports of a Routine Nature for Information or Action

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9.4 Action Correspondence of a Routine Nature

9.5 Information Correspondence Items

9.5.1 The College of Physician and Surgeon's (CPSO) 2020 Council Award Honouring Outstanding Physicians 24 - 26

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9.6 Regional Municipality of Niagara - Action Items

9.7 Committee Minutes for Information

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9.7.2 Pelham Audit Committee Minutes - May 13, 2019 34 - 40

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June 26, 2019

July 3, 2019

10. Items for Separate Consideration, if Any

11. Presentation & Consideration of Reports

11.1 Reports from Members of Council:

11.2 Staff Reports Requiring Action

11.2.1 2019 Town of Pelham Gypsy Moth Infestation Update - 49 - 52
2019-0049-Public Works, 2019-0049-Public Works

11.2.2 Additional Funding to Complete Haist Street Watermain 53 - 56
Replacement - 2019-0048-Public Works, 2019-0048-
Public Works

12. Unfinished Business

Referred from July 15, 2019:

12.1 Recommendation Report for Zoning By-law Amendment 57 - 91
Application – Parts 1, 8-11 and 16-19, Plan 59R-16208 (File
No. AM-06-19), 2019-0012-Planning

13. New Business

14. Presentation and Consideration of By-Laws 92 - 110

By-law 4136(2019) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Highway 20, east of Wellspring Way, Parts 1, 8-11 and 16-19, Plan 59R-16208, Town of Pelham, Regional Municipality of Niagara, by amending regulations of the EF-MU2 (East Fonthill Mixed Use 2) zone. Town of

By-law 4140 (2019) - Being a by-law to accept one foot reserves being Parts 28 and 29, Plan 59R-16486 and Block 136, Plan 59M-434 pursuant to the subdivision agreement for River Estates Phase 2

By-law 4141(2019) - Being a by-law to appoint David Methot as a Building Inspector and Acting Chief Building Official for the Corporation of the Town of Pelham.

By-law 4142(2019) - Being a by-law to appoint Members to the Town of Pelham Emergency Management Program Committee and to name the committee Chair; and to Repeal and Replace By-law #3859(2017).

By-law 4143 (2019) - Being a by-law to provide for the Indemnity and Defence of Employees of The Corporation of the Town of Pelham Against Liability Incurred While Acting on Behalf of the Municipality

By-law 4144(2019) - Being a by-law to provide for the Indemnity and Defence of Members of Council of The Corporation of the Town of Pelham Against Liability Incurred While Acting on Behalf of the Municipality

15. Motions and Notices of Motion

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

Moved by: Councillor Wink

Seconded by: Councillor Kore

BE IT RESOLVED that Staff be directed to provide a report regarding the Woonerf lands. The detailed report shall include:

1. Information on the concept of the Woonerf lands that was previously approved by Council;
2. The purpose of the subject lands (Woonerf lands);
3. Is there a Community need for the Woonerf lands concept; and

4. Provide Council with alternative options for the subject lands.

AND THAT Staff be directed to provide the detailed report by September 3, 2019

16. Matters for Committee of the Whole or Policy and Priorities Committee
17. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee
18. Resolution to Move in Camera
19. Rise From In Camera
20. Confirming By-Law 111 - 111
21. Adjournment


REQUEST TO APPEAR BEFORE COUNCIL FOR THE TOWN OF PELHAM

 NAME: Oscar Weiland & Geoff Howe

 ADDRESS: 1625 Haist St.

 POSTAL CODE: LOS 1E0

 TELEPHONE #: 905 892-3744

 E-MAIL ADDRESS: ~~OWeiland@gmail.com~~ oscarjillweiland@gmail.com

The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs:

☐ Laptop ☐ Speaker ☐ Internet Connection

 PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION:
 Regular Council: 1st and 3rd Monday of the month; 5:30 p.m. (except summer schedule)

 DATE: Aug. 12 / 19

Please identify the desired action of Council that you are seeking on this issue:

Get rid of the "Chicane" on Haist St.

I have never spoken on this issue before. Key points of my deputation are as follows:

(Written presentation must accompany the request)

- Chicane poses a driving hazard & endangers public safety
- causes traffic congestions
- portrays neg. image - devalues prop. - owners want it removed
- impedes traffic for snow plows, RV's, farm equip. - const. machinery etc.

In accordance with the Procedure By-law, Requests to Appear before Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.

All requests must include a copy of the presentation materials as detailed in the deputation protocol. Failure to provide the required information on time will result in a deferral or denial. Delegations are limited to ten (10) minutes.

I have read and understand the deputation protocol included with this form; and, that the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas and on the Town's website.

I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to NJBozzato@pelham.ca in accordance with the deadlines outlined above.

Oscar Weiland
 Signature

June 13 / 19
 Date

To Pelham Town Council:

It is time to "Chuck this Chicane"

After more than 3 years of traffic study, consultant's reports, engineer's statistics and many meetings to evaluate its usefulness, effectiveness and its acceptance by the area residents, this pilot project called the "chicane" has run its course.

Reducing a well-travelled busy 2 lane rd. into a very narrow pass through, one vehicle at a time in both directions poses a serious driving hazard and endangers public safety. Due to the number of serious complaints by local residents, I decided to talk to some of my neighbours and started a "chicane survey". After visiting over 100 home owners of the former Area 1 urban boundary expansion area, including Haist St., Brewerton Boulevard, Kline, Abbott Place, Buckley Terrace, Philmori Drive, etc., 96% of the owners express their disapproval and definitely want the "chicane" removed. The majority of the residents said, "low-rise speed bumps, and a 3-way stop at Haist St. and Brewerton Boulevard, with increased police surveillance, would be the most sensible, effective and economic way to implement traffic calming measures." As the new housing development reaches conclusion, the amount of traffic on Haist St. has increased considerably and the need for a complete, 2 lane road way is an absolute necessity. The removal of this "chicane" would leave a positive impact, not only on the owners living nearby, but on all of the residents of Area 1.

Thank you for considering our request.

Sincerely,

Oscar Weiland

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

MEMO TO: Mayor Junkin and Council

FROM: Barbara Wiens, Director of Community Planning and Development

SUBJECT: Short Term Vacation Rentals

DATE: July 29, 2019

Mayor and Council,

Due to the scheduling of the public open house on the budget for September 9th and the public meeting for cannabis related matters on September 10th, the public meeting for short term vacation related matters will be delayed. These two matters are a priority for Council and it is important that sufficient time be provided to Council and the public to address the budget and cannabis related matters.

Staff recognize that the proposed policies and regulations for short term vacation rentals are also a priority for Council and staff endeavours to manage the time when priority matters are placed on the Council agenda. In discussions with CAO and Clerk regarding Council's schedule, matters to be dealt with by Council and staff availability, it has been concluded that the public meeting regarding short term vacation rentals will be scheduled for November 12th, 2019. Staff had intended that the public meeting for short term vacation related matters would be on the September 9th, 2019, however given the priority of the budget and cannabis related matters, this matter will be rescheduled to the November public meeting.



Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

MEMO

DATE: August 12th, 2019
TO: Members of Council
CC: David Cribbs, CAO
FROM: Jason Marr, Director, Public Works & Utilities
RE: Update on the 2019 Fall Transit Service

Council will recall that the Town of Pelham was awarded a \$500,000 grant from the Ontario Ministry of Transportation, under the Community Transportation Grant Program, to augment and improve the existing transit service currently being offered. Staff are of the opinion that it is essential to expand the service for September 3, 2019 so as to allow students at either Niagara College or Brock University to utilize the transit service in time for the commencement of the school year.

Council may be aware that negotiations had been underway with the current service provider, Sharp Bus Lines, for the potential provision of a second bus to double the existing fleet. Recently, those discussions failed to achieve a financially feasible resolution. As a result, quick action is required to ensure that the service expansion can occur on the first day of the school year. Unfortunately, due to a confluence of factors administration is not able to initiate an RFP process that can meet this deadline. As such, and barring Council objection, staff intend to award a short-term service contract to Coventry Transportation (also known as Central Taxi) which is currently providing service to the City of Thorold under the administration of the City of St. Catharines Transit Authority. The intention would be to enter into a month-by-month contract that would go no later than December, 2019.

In the interim, staff will take the necessary steps to issue an RFP for the provision of transit services to last until the completion of the funding agreement of March, 2023.

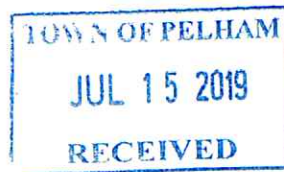
As a practical matter, the Town of Pelham will have two local service providers and will be able to assess their relative quality and service level during this transitional period.

The proposed month-to-month contract would have a price of \$74.50 per hour for the provision of an accessible bus, with a uniformed driver and would include the cost of fuel. The current service provider (Sharp Bus Lines) supplies a similar service to the Town of Pelham at an hourly cost of \$60.13 per hour.

The exact details of the agreement with Coventry Transportation have not been finalized at time-of-writing and will be provided in a verbal update at the Council meeting of August 12, 2019. Based on the fall bus schedule which is currently being formulated it is estimated that the cost of the monthly contracted service would be \$18,000 per month based on 55 hours of operation (5 days per week Monday through Friday).

From the Department of





THE
COLLEGE
OF
PHYSICIANS
AND
SURGEONS
OF
ONTARIO

July 8, 2019

TO MAYOR, CITY CLERK AND COUNCILLORS:

**Nominate an Outstanding Ontario Physician in Your Community
The College of Physicians and Surgeons of Ontario Council Award**



Did You Know?

***Over the last four years,
the Council Award has
been presented to four
physicians nominated by
their local city council?***

The College of Physicians and Surgeons (CPSO) is now accepting nominations for the **2020 Council Award**. The Council Award honours outstanding Ontario physicians who have demonstrated excellence and embody a vision of the “ideal physician”.

The criteria for selecting a physician for the Council Award are outlined in the enclosed nomination form. The criteria are based upon eight “physician roles” that reflect society’s expectations of what is needed to practise modern medicine.

Through the award, the College honours Ontario physicians whose performance in each of these roles is outstanding, recognizing that individual physicians will demonstrate more extensive expertise in some roles than in others.

If you know of a physician who meets the selection criteria, please nominate him or her for the Council Award.

The deadline for receipt of nominations is September 30, 2019 at 5:00 p.m.

For further information, please contact the Council Awards Program at 416-967-2600 or 1-800-268-7096 extension 257 or cpsoaward@cpso.on.ca.



The Council Award honours outstanding Ontario physicians who have demonstrated excellence and come closest to meeting society's vision of an "ideal physician."

Four awards are presented each year, in the following categories: Academic Specialty, Community Specialty, Academic Family Practice and Community Family Practice.

CRITERIA

The criteria for selecting a physician for the Council Award is based on the eight physician roles identified as the essential qualities needed to practise modern medicine:

- medical expert/clinical decision maker
- health advocate
- communicator
- learner
- collaborator
- scientist/scholar
- gatekeeper/resource manager
- person & professional

The Council Award recognizes physicians whose performance in these roles is outstanding, recognizing that they may demonstrate more extensive expertise in some roles than in others. Details on the elements of each role are outlined on the CPSO's award webpage.

ELIGIBILITY FOR NOMINATION

Anyone may nominate a physician for the Council Award. To be eligible for nomination, a physician must be licensed in Ontario and be in good standing with the College. Previous nominees who were unsuccessful are eligible. Former recipients of the Council Award or the Excellence in Quality Management of Medical Care Award are not eligible for nomination. Council Members and staff of the College and members of their immediate families are also not eligible.

NOMINATION INSTRUCTIONS

1. Complete the **nomination form**.
2. Provide a **detailed nominator's statement** describing how the nominee has demonstrated overall excellence and contributed to the profession. *You are encouraged to include pertinent supporting materials such as testimonials, reports, media articles, CVs, etc.*
3. Find a **seconder** for the nomination who will provide a written testimonial about the nominee's accomplishments.
4. The completed Council Award nomination package (including nominator's statement, supporting material and seconder's statement) can be emailed to cpsoaward@cpso.on.ca or mailed to the following address:

The Council Award,
c/o Communications Department
College of Physicians and Surgeons of Ontario
80 College Street, Toronto, Ontario, M5G 2E2

For more information, please contact:

Call: 416-967-2600 or 1-800-268-7096, ext. 257

E-mail: cpsoaward@cpso.on.ca

Additional information and nomination forms are available at:

www.cpso.on.ca/council-award

CHECKLIST:

- ☐ NOMINATION FORM
- ☐ NOMINATOR'S STATEMENT
- ☐ SECONDER'S STATEMENT
- ☐ SUPPORTING DOCUMENTS (OPTIONAL)
- ☐ NOMINEE'S CV (OPTIONAL)

The deadline for the nominations is Monday, **September 30, 2019** at 5:00 p.m.

NOMINATION FORM

Please provide Nominator and Seconder
Statements and any additional information
in support of your nomination



NOMINEE

FIRST NAME: _____ LAST NAME: _____

NOMINEE'S ADDRESS: _____

EMAIL ADDRESS: _____ TELEPHONE: _____

DATE AND PLACE OF BIRTH: _____

DEGREES EARNED (DEGREE, SCHOOL, YEAR): _____

SPECIALTY, IF ANY: _____

TYPE OF PRACTICE: _____

FACULTY APPOINTMENTS, IF ANY: _____

PREVIOUS HONOURS AND AWARDS: _____

If you need more space, please attach additional pages.

NOMINATOR

FIRST NAME: _____ LAST NAME: _____

ADDRESS: _____

E-MAIL ADDRESS: _____ TELEPHONE NUMBER: _____

PLEASE INDICATE YOUR RELATIONSHIP TO THE NOMINEE: _____

SECONDER (must be provided)

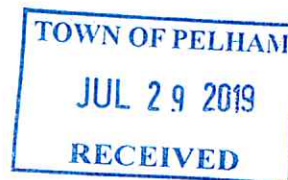
FIRST NAME: _____ LAST NAME: _____

ADDRESS: _____

E-MAIL ADDRESS: _____ TELEPHONE NUMBER: _____



July 24, 2019



Ministry of Natural Resources and Forestry
Office of the Minister
Room 6630, Whitney Block
99 Wellesley Street West
Toronto, ON M7A 1W3

Minister Yakabuski,

At the July 17, 2019 Full Authority meeting of the Niagara Peninsula Conservation Authority (NPCA) Board, a motion was passed (attached) that a letter be sent to the Province by the Board of Directors, indicating its stance on Provincially Significant Wetlands (PSW's) in relation to the Thundering Waters (now known as Riverfront Community) development.

As you are aware, wetlands are widely recognized as an important part of the ecosystem and are among the most productive and biologically diverse habitats in the world. They play a multi-dimensional role in the hydrologic cycle acting as a source for flood attenuation, ground water recharge and the improvement of water quality. Wetlands are an incredible source of biodiversity, offering a multitude of habitats for plants, birds, reptiles, amphibians, fish and other species and have potential to play a significant role in climate change adaptation and mitigation strategies.

With the ever-evolving pressures of development expanding on our landscapes, wetlands continue to be threatened and removed. These losses could have substantial long-term impacts in our community.

While the Board of the NPCA does realize the Province designates and delineates Provincially Significant Wetlands, the NPCA Board of Directors is supportive of these designations and delineations, expanding wetland designations and delineations and is supportive of not removing any wetlands that have been designated as PSW.

With respect to the Thundering Waters (Riverfront Community) development, the NPCA Board supports the current PSW boundaries on the properties involved and requests that these boundaries not have their PSW designation removed. It is our opinion that the PSW's on this site, along with PSW's throughout our watershed should be protected and allowed to remain in a natural state.

Sincerely,

Dave Bylsma
Chair
Niagara Peninsula Conservation Authority

- C. Participating and local municipalities
Conservation Ontario
GR (CAN) Investments Co. Ltd.



DATE: Wednesday, July 17, 2019

RESOLUTION NO. FA-161-19


Moved by: Board Member B. Clark

Seconded by: Board Member B. Johnson

1. **THAT** a letter to the Minister of Natural Resources and Forestry copied to local area municipalities be prepared by the Niagara Peninsula Conservation Authority Board of Directors to endorse the current designation of the Provincially Significant Wetlands within the Thundering Waters properties.
2. **AND THAT** the relevant policy revisions be presented to the Board for discussion.

CARRIED



Dave Bylsma
Chair

Grant Bivol
Interim Clerk



TOWN OF PELHAM PUBLIC LIBRARY

LIBRARY BOARD MEETING MINUTES

OUR MISSION: The mission of the Town of Pelham Public Library is to engage, encourage and enrich our community in its pursuit of life-time learning as the cultural and informational heart of Pelham.

MINUTES OF MAY 22, 2019

Location: Pelham Public Library, Festival Room, Fonthill Branch

Present: Tim Wright (Chair), Councillor Marianne Stewart, Greg Lewis, Gwendoline MacDougall, Catherine McPherson, Nicole Nolan, Gail Pepper, Madison Smith

Staff: Amy Guilmette (Acting CEO), Jo-Anne Teeuwsen (Acting Deputy CEO, minutes)

Regrets: Donald Brown

1. Call to Order

- The meeting was called to order at 5:00 p.m. by T. Wright

2. Approval of the Agenda

- The following amendments were added to the agenda:
 - 3.1 In camera session under Conflict of Interest for discussion of matters about an identifiable individual
 - 6.2 Letter to the Ministry of Tourism, Culture and Sport regarding cuts to SOLS
 - 9.1 Draft copy of the Hiring/Personnel Committee minutes of May 2, 2019
 - 9.2 Draft copy of the Finance Committee minutes of May 2, 2019
 - 10.2 In camera session for discussion of matters about an identifiable individual
- Moved by G. MacDougall, seconded by N. Nolan
That the agenda for the meeting of May 22, 2019 be approved as amended and the reports and correspondence listed on the agenda be received for discussion/action. CARRIED.

3. Conflict of Interest Declarations

- None

3.1 Resolution to Move to Closed Session

- Moved by C. McPherson seconded by G. MacDougall



TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

That the Board now move into closed session at 5:03 p.m. for reasons permitted under the Public Libraries Act re: discussion of matters about an identifiable individual. **CARRIED.**

- Moved by M. Smith, seconded by G. Pepper

That the Board rises from closed session at 5:05 p.m. with report. **CARRIED.**

- Moved by G. Pepper seconded by C. McPherson

That the Board welcome back Greg Lewis as a Pelham Library Board member in full standing following his 3 month leave of absence that began February 27, 2019. **CARRIED.**

4. Guest Speaker - Tim McAvoy, Consulting Group (insurance coverage)

- The Board received an overview of insurance coverage for Board members, Library volunteers, and the Library collection.

5. Approval of the Minutes

5.1 Minutes of the Library Board Meeting of April 24, 2019

- Moved by C. McPherson, seconded by M. Smith
That the minutes of the Library Board meeting of April 24, 2019 be approved as presented. **CARRIED.**

6. Business Arising from the Minutes

6.1 Options for new operating hours

- Moved by N. Nolan, seconded by G. MacDougall
That due to a frozen budget revenue allocation for 2019, the Board endorses the implementation of Option #1 from the material as presented by the Acting CEO for operating hours to begin on July 1, 2019; and operating hours are to be reviewed as part of the 2020 budget preparation. **CARRIED.**

6.2 Letter to the Ministry of Tourism, Culture and Sport regarding cuts to SOLS

- Moved by G. Lewis, seconded by G. MacDougall
That the letter to the Minister of Tourism, Culture, and Sport be approved as amended. **CARRIED.**

7. Library Reports



TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

7.1 Manager's Report

- A. Guilmette reported that the provincial interlibrary loan software may be available again in June for libraries to place requests from each other. Pelham will wait to learn more about what will be offered as well as potential costs before making a recommendation to the Board.
- Moved by N. Nolan, seconded by C. McPherson
That the April 2019 Manager's Report be received. CARRIED.

8. Finances

8.1 April 30, 2019 Consolidated Financial Report

- Moved by G. Pepper, seconded by G. Lewis
That the April 30, 2019 Consolidated Financial Report be received. CARRIED.

8.2 2019 Library Operating Budget Broken Down by Department

- A. Guilmette presented a report comparing the 2019 budget breakdown to the 2018 budget and 2018 actuals and identified two areas of greatest risk: Provincial Grant for Internet Connectivity, and Repair/Maintenance costs for the two buildings.

8.3 April 2019 Charitable Account Summary

- Moved by M. Smith, seconded by C. McPherson
That the April 2019 Charitable Account Summary be received. CARRIED.

8.4 Purchase of 3D printer/makerspace equipment from charitable funds

- Moved by N. Nolan, seconded by M. Stewart
That the Board approves the use of \$5,000 in charitable funds from the Maple Acre Furnishings Campaign Fund to purchase makerspace equipment for the Maple Acre Branch. CARRIED.

9. Library Board Reports

9.1 Personnel (Hiring) Committee Report – T. Wright

- The Hiring Committee had suspended the CEO search in late April pending the outcome of Regional Governance Review and the committee had requested that the Acting CEO submit an interim staffing plan to the Board.



TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

9.2 Finance Committee Report – T. Wright

- The Finance Committee had requested that the Acting CEO present a breakdown of what makes up the 2019 consolidated budget report to the Board.

9.3 Councillor's Report – M. Stewart

- Nothing to report.

9.4 Maple Acre Friends' Report – M. Smith

- The Friends' BBQ will be held on May 24. There will be an opportunity to donate to the Library makerspace. Those who donate will have a chance to win one of two pies.

9.5 Town of Pelham Seniors' Advisory Committee Report

- No report given.

9.6 Pelham Art Festival Report – G. Lewis

- The 2019 Pelham Art Festival was very successful. The display boards are now stored at the Community Centre so next year's set up will be easier.
- The Library will request to make a presentation at the next PAF meeting.
- Moved by G. Lewis, seconded by M. Stewart
That the Personnel (Hiring) Committee report, the Finance Committee report, the Councillor's report, the Maple Acre Friends' report, and the Pelham Art Festival report be received. CARRIED.

10. New and Other Business

10.1 Memo: Library shutdown during winter holidays to reduce operating expenses

- Moved by C. McPherson, seconded by M. Stewart
That the Board approve the Library shut down for the first week of September, 2020. CARRIED.

10.2 Resolution to Move to Closed Session

- Moved by G. Pepper, seconded by N. Nolan
That the Board now move into closed session at 6:51 p.m. for reasons permitted under the Public Libraries Act re: discussion of matters about an identifiable individual. CARRIED.



TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

- Moved by M. Smith, seconded by N. Nolan

That the Board rises from closed session at 6:58 p.m. with report. CARRIED.

- Moved by C. McPherson, seconded by G. Pepper

That the Board approves the interim staffing plan as presented. CARRIED.

11. Items for information

11.1 Evergreen Conference Report 2019 – J. Teeuwsen

11.2 Bill 108 Proposed Changes to Development Charges Act – Watson & Associates Ltd.

- Pending the municipal review, discussion about Fonthill branch renovations will be added to the Board agenda in Fall, 2019.

- Moved by G. Lewis, seconded by M. Smith

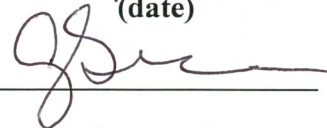
That Jo-Anne Teeuwsen's Evergreen Conference report and the Bill 108 Proposed Changes to Development Charges Act by Watson & Associates be accepted for information. CARRIED.

12 Adjournment

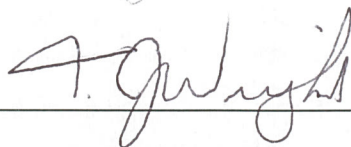
- Moved by G. Lewis, seconded by N. Nolan

That the Library Board meeting of May 22, 2019 be adjourned at 7:06 p.m. CARRIED.

The foregoing minutes were approved by the Town of Pelham Public Library Board on

July 4, 2019
(date)


Amy Guilmette, Secretary



Tim Wright, Chair

**Pelham Audit Committee****Minutes**

Meeting #: PAC-01/2019
Date: Monday, May 13, 2019
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present John Wink, Chair
Mike Ciolfi
Lisa Haun
Bob Hildebrandt
Marianne Stewart
Ron Kore
Michael Cottenden
Bill Crumm

Staff Present Teresa Quinlin
Charlotte Tunikaitis
Holly Willford

Other Trever Ferguson and other interested parties

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Deputy Clerk called the meeting to order at approximately 4:00 p.m.

The Deputy Clerk called for nominations for the Committee Chair three times. Councillor John Wink was nominated and accepted the position.

Moved By Bob Hildebrandt

THAT Councillor John Wink be appointed as Chair of the Pelham Audit Committee.

Carried

2. Approval of Agenda

Moved By Marianne Stewart

THAT the agenda for the May 13th, 2019 regular meeting of the Pelham Audit Committee be adopted

_____ As circulated _____ As Amended:

Amendment:

Moved By Lisa Haun

THAT the Agenda be amended to add an additional item under New Business to review the Committee's Terms of Reference regarding membership.

Carried

Moved By Marianne Stewart

THAT the agenda for the May 13th, 2019 regular meeting of the Pelham Audit Committee be adopted, as Amended.

Carried

3. Declaration of Pecuniary Interest and General Nature

None.

4. Approval of Minutes

None.

5. Business Arising From Minutes

None.

6. New Business

6.1 Report on Audited Financial Statements

Trevor Ferguson, Auditor from Deloitte, made a presentation in regards to the Deloitte Audit Results, a copy of which is available upon request in the Clerks office.

The presentation, included but was not limited to, an overall review of the audit process and a summary of the results.

The Committee Members requested further information in regards to the threshold of materiality and the length of time it took to conduct the audit.

Mr. Ferguson indicated that the audit materiality is set at 5% and if any transgressions above 5% were discovered he would have brought that information forward to the Committee's attention.

Mr. Ferguson indicated Deloitte was on site for approximately two weeks at year end and an additional three days after year end.

Moved By Bob Hildebrandt

THAT the Pelham Audit Committee receive the 2018 Deloitte Report, for information.

Carried

6.2 Review of the Financial Statements

Trevor Ferguson, Auditor from Deloitte, made a presentation in regards to the 2018 Pelham Financial Statements, a copy of which is available upon request in the Clerks office.

The presentation, included but was not limited to, a high level overview of the Town of Pelham 2018 Financial Statements. Mr. Ferguson also answered questions from the Members of Committee.

Chair Wink stated that as the Financial Statements are prepared by the Town's management, if there are specific questions staff could be asked. Mr. Ferguson agreed and Teresa Quinlin, Treasurer and Interim CAO indicated she would be able to answer questions.

Committee Members requested clarification regarding the Town's capital assets. Ms. Quinlin directed Committee Members to the Management Summary Notes, and indicated the real property assets of East Fonthill and the 1120 Haist Street Arena lands reflect 'book value' denominations.

Councillor Hildebrandt requested clarification regarding tax collection receivables. Ms. Quinlin indicated the tax collection receivables is lower than the previous year as the tax clerk has implemented follow-up practices to increase timely payments.

Members of the Committee requested more information in regards to the financing of the Meridian Community Centre ('MCC') and future financing plans. Ms. Quinlin indicated the construction loan regarding the MCC has been extended to April 2020. She stated the majority of the debt was planned to be paid off by the sale of Town owned land.

The Members of the Committee requested information regarding the Town's bank balance, cash flows, line of credit, reserve funds and obligatory reserve funds. Ms. Quinlin and Charlotte Tunikaitis, Deputy Treasurer provided the Town's current bank balance, line of credit balance, explained the importance of the monthly cash flow reports and the financial health of the reserve funds.

Committee Member's requested information regarding how the Town determines if an expense is part of the Capital or Operating Budget. Ms. Tunikaitis provided clarification by stating if an expense is considered a betterment the expense falls under the Capital budget, however if the expense is routine it would be operational.

Ms. Quinlin was asked about the future financial health of the Town by the Members of Committee and how the Town would be able to pay for any emergencies. Ms. Quinlin stated in regards to the financial outlook of the Town there are still unknowns, citing the potential sale of 1120 Haist Street. She stressed the importance of the sale and how the proceeds would be used. In a case of emergency Ms. Quinlin indicated the Town has a line of credit if the cash was not available.

Members of Committee asked Ms. Quinlin when and how the reserves would be replenished. Ms. Quinlin indicated the money for replenishing the reserves would come from development within the next 3 to 5 years.

Councillor Stewart asked if the surplus from the Community Planning and Development Department could be used for debt repayment. Ms. Tunikaitis indicated both the Planning Department and Water and Wastewater have surplus reserve funds which are separate and the Town would not be able to be use for debt repayment.

Councillor Haun indicated the Town has a partial ownership in an electrical utility company and stated this Committee should consider selling the Town owned share.

Moved By Bob Hildebrandt

THAT the Pelham Audit Committee receive the 2018 Pelham Financial Statements, and

THAT the Committee hereby recommends that the Statements be submitted to Council for approval.

Carried

6.3 Review of Terms of Reference

Councillor Wink, Councillor Kore, and Councillor Stewart indicated their interest in being members of the Committee.

Moved By Lisa Haun

THAT Committee recommend to council to amend the Pelham Audit Committee Terms of Reference membership from all members of Council to three (3) members of Council

Carried

7. Management Summary of Financial Statements

Ms. Quinlin was requested to provide information in regards to the remaining outstanding donations for the MCC. Ms. Quinlin indicated in 2018 the Town received approximately \$600,000.00 in donations towards the MCC. She stated the longest donation commitment is for twenty-five (25) years, however the majority are committed for ten years (10).

Moved By Mike Ciolfi

THAT the Pelham Audit Committee receive the Management Summary of the Financial Statements as presented by the Treasurer, Teresa Quinlin.

Carried

7.1 Questions to Auditor or Treasurer

Moved By Bob Hildebrandt

THAT the next portion of the meeting be closed to the public in order to consider the following:

239 (2) (b) - personal matters about an identifiable individual, including municipal employees; and

239 (2) (j) - a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

Carried

Moved By Bob Hildebrandt

THAT Committee adjourn the In Camera Session and that Council do now Rise: Without Report

Carried

Moved By Lisa Haun

THAT the Pelham Audit Committee receive the evening questions to and answers from the Auditor and Treasurer, for information.

Carried

8. Approval for Appointment of Auditors for 2019

Moved By Ron Kore

THAT the Pelham Audit Committee recommend that Council appoint Deloitte as Auditors for the calendar year of 2019.

Carried

9. Unfinished Business

None.

10. Next Meeting

Moved By Mike Cioffi

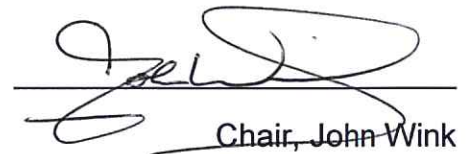
THAT the Pelham Audit Committee hereby set its next regular meeting on a date to be determined by the Clerk's Office.

11. Adjournment

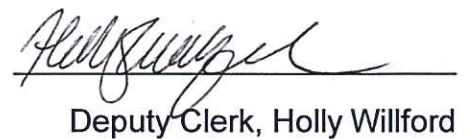
Moved By Mike Cioffi

THAT this Regular Meeting of the Pelham Audit Committee be adjourned.

Carried



Chair, John Wink



Deputy Clerk, Holly Willford

Cannabis Control Committee
Town of Pelham

Meeting Agenda
Wednesday, June 26th, 2019
5:00 p.m.

Fire Station #1 - 177 Highway 20 W, Fonthill

PRESENT: Mike Cioffi, Councillor - Town of Pelham
Tim Nohara (**Chair**)
Carla Baxter
Jim Jeffs
Jim Steele
Bill Heska
Louis Damm
Barbara Wiens, Director, Community Planning & Development - Town of Pelham
Shannon Larocque, Senior Planner, Community Planning & Development - Town of Pelham
Teresa Quinlin, Interim CAO, Treasurer and Director of Corporate Services - Town of Pelham
Jodi Legros, Administrative Assistant, Community Planning & Development - Town of Pelham (**Secretary**)

OTHER: Callum Shedden, External Legal Counsel - Daniel & Partners
Interested Citizens

REGRETS: John Langendoen

1. **Declaration of Quorum**

Chair declared quorum at 5:10 pm.

2. **Approve Agenda**

Members were in agreement to the agenda.

Carried.

3. **Approve Meeting Minutes of June 19, 2019**

Discussion on the minutes of meeting of June 19, 2019. Members requested amendments and same were agreed to by all members.

Moved by C. Baxter, seconded by J. Jeffs that the minutes of June 19, 2019 be approved, as amended.

Carried.

4. Discussion with Callum Shedden, Solicitor

The meeting focused on the discussion with Callum Shedden. Members were given the opportunity to ask legal counsel questions during this meeting.

While there was plenty of discussion and comments from all parties around the questions and answers, for clarity, the minutes attempt to capture the key questions and answers provided directly from our Solicitor.

Question 1

We are planning to ask you some legal questions concerning planning which would be of a general nature at this time and therefore speaking in camera would not be necessary; however, should we wish to discuss particular amendments to our zoning by-laws or official plan, we would go in camera at that time. Are you comfortable with this approach?

Answer 1 C. Shedden: Yes

Question 2 :

The time may come when the committee will need to ask for legal advice concerning particular proposed amendments to our zoning by-laws or official plan. If the committee sought that advice from you, would there be any conflicts of interest with you also being the Town's lawyer?

Answer 2 C. Shedden: No

Question 3 :

Is there case law in which a cannabis production facility has sued a municipality and won, because the municipality passed bylaws that would essentially prohibit large scale cannabis production outdoors or in greenhouses in the municipality?

Answer 3 C. Shedden:

No. There is not a lot out there.

The precedent Court of Appeal case dealt with the prohibition of adult entertainment (Hookah Bars) in Toronto which was overturned because Hookah Bars were legal and Toronto did not provide adequate planning justification for the prohibition. (T. Nohara asked for a copy of the decision which will be provided through B. Wiens.)

An Ottawa cannabis setback case was brought before the Normal Farm Practices and Protection Board (NFPPB). A recent decision is not a lot of help. It is being appealed to the Courts. It will be two years before we get any guidance from the Court on this. (T. Nohara asked for a copy of the NFPPB decision which will be provided through B. Wiens.)

As a general principle, official plans and zoning by-laws by their nature limit or restrict legal land uses. The key to withstanding a legal challenge to the Courts is that you have to have good planning justification for the restrictions. You can't just restrict because you don't want someone there. You should expect that restrictions on Cannabis use will be challenged.

Question 4 :

Will existing cannabis producers be allowed to expand through a minor variance permitted by a Committee of Adjustment?

Answer 4 C. Shedden:

Council can require any proposed cannabis expansion to come before Council by way of a zoning by-law amendment, however there are also provisions in the Planning Act that allow Committee of Adjustments to deal with expansions of legal non-conforming uses.

Question 5 :

If a cannabis producer wanted to sue the Town in response to Council passing or not passing a proposed by-law amendment, does the producer have to first appeal the decision to the Local Planning and Appeal Tribunal (LPAT) before filing a suit against the Town with the Ontario Court?

- a. On what basis can the developer by-pass LPAT?
- b. Have any cannabis producers appealed any such Council decision to LPAT yet?
- c. Have any cannabis producers filed a law suit against the Town for any action taken by the Town or Council with respect to existing or proposed cannabis operations in the Town?

Answer 5 C. Shedden:

- a. Invalid by-laws
- b. No
- c. No

Question 6

Are you aware of any cannabis odour or light by-laws or fines applied by a municipality to a cannabis producer which have been appealed to the NFPPB?

Answer 6 C. Shedden: Yes. The Township of Beckwith.

(T. Nohara asked for a copy of the NFPPB decision/documents which will be provided through B. Wiens.)

Question 7

With reference to a regulatory framework being developed by the committee to guide our work, could you review the chart and comment on which items might be applicable to existing cannabis production facilities (CPFs) and which ones are only applicable to new cannabis production facilities?

Answer 7 C. Shedden:

The water and environmental impacts are not within the mandate of the NFPPB and could be used to increase pressure on existing CPFs.

Requiring a business licence is problematic because the federal government already has extensive licencing requirements that impose two direct requirements on the CPF to obtain municipal approval (the second being the issuance of a permit to build the facility on the lands) and further requirements to not emit obnoxious odours and to comply with all municipal by-laws.

Question 8

Can you please confirm that an appeal of an odour by-law or an enforcement under such a by-law to the NFPPB is heard on a case by case basis, and is specific to a particular farmer at a particular location?

Answer 8 C. Shedden

That is correct. NFPPB decisions do not set precedent like those provided by the Courts however decisions are informative and are used to test against similar applications, inform the development of standards and by-laws and are relied upon in case law.

NFPPB and LPAT decisions can be appealed to the Courts on a question of law.

Question 9

Aren't all by-laws, other than an interim control by-law appealable?

Answer 9 C. Shedden

Yes.

An extension to interim control by-law is also appealable to LPAT. However, LPAT is currently running approximately 1 year behind in scheduling hearings.

Question 10

If the Town puts a site plan agreement in place with a CPF, can they then appeal the agreement's enforcement provisions to the NFPPB, or will the site plan agreement take precedence?

Answer 10 C. Shedden

The site plan agreement will take precedence. It is a contract. By agreeing to it, the CPF is agreeing that the underlying by-laws are valid.

Additional Information:

The following additional information was provided by C. Shedden in response to a variety of discussion topics:

- Smaller municipalities often require peer review of site plans proposed by applicants seeking a building permit. Peer review could be considered for odour, noise, traffic and light mitigation measures. Costs associated with peer review could be paid for by the applicant.
- With regards to limiting future cannabis production facilities to industrial areas only, good planning justification would need to be provided.

5. **Adjournment:**

Moved by C. Baxter, seconded by J. Steele that the meeting be adjourned.

Carried.

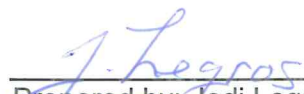
The meeting adjourned at approximately 7:20 p.m.

Next meeting: July 3, 2019 at 5:00 p.m. at Fire Station #1, 177 Highway 20 W.

Signed by:



Edited By _____
Tim Nohara (Chair)



Prepared by: Jodi Legros, Administrative Assistant
Community Planning & Development-Town of Pelham

**Cannabis Control Committee
Town of Pelham**

**Meeting Agenda
Wednesday, July 3th, 2019
5:00 p.m.
Fire Station #1 - 177 Highway 20 W, Fonthill**

PRESENT: Tim Nohara (**Chair**)
Jim Jeffs
Jim Steele
Bill Heska
Louis Damm
John Langendoen
Barbara Wiens, Director, Community Planning & Development - Town of Pelham
Jodi Legros, Administrative Assistant, Community Planning & Development - Town of Pelham (**Secretary**)

REGRETS: Mike Ciolfi, Councillor - Town of Pelham
Carla Baxter
Shannon Larocque, Senior Planner, Community Planning & Development - Town of Pelham
Teresa Quinlin, Interim CAO, Treasurer and Director of Corporate Services - Town of Pelham

1. Declaration of Quorum

Chair declared quorum at 5:07 pm.

2. Approve Agenda

An update was requested regarding facility tours and B. Wiens advised that the two facilities are open to a tour. She will discuss with each and inform members in the next couple of weeks.

Moved by J. Steele, seconded by J. Jeffs that the agenda of July 3rd be approved.

Carried.

3. Approve Minutes Meeting of June 26, 2019

T. Nohara would like to include his notes.

Moved by J. Langendoen, seconded by J. Steele that the approval of the June 26th minutes be deferred to the next meeting date of July 10, 2019.

Carried.

4. Council Presentation Update

T. Nohara reviewed the presentation with members.

B. Wiens informed members they will see a memo included on the council agenda after the presentation relating to the Resolution being requested by the Committee.

B. Wiens confirmed she is not aware of extensions being requested more than once however any extension is subject to appeal, whereby the initial amendment is not.

Moved by J. Langendoen, seconded by J. Steele that the presentation to council be approved.

Carried.

5. Regulatory Framework

J. Jeffs inquired if there were stand-alone items that could be completed. B. Wiens confirmed that a Public Meeting would be taking place on July 8, 2019 to amend the Development Charge By-Law to exclude cannabis production facilities from farm buildings, whereby cannabis production facilities would be required to pay development charges at the building permit stage. B. Wiens also noted that the Site Plan Control By-Law has been updated to include greenhouses. B. Wiens to send a site plan control checklist to members.

T. Nohara reviewed proposed regulatory framework. T. Nohara noted that he and B. Heska are meeting with Mr. Phil Girard on July 4th. A topic of discussion will include how to measure odour. B. Wiens suggested P. Girard be invited to speak at a meeting.

T. Nohara suggested that members break into research groups to conduct research on the components of the regulatory framework (ie. legal planning, cannabis definition, odour measure/monitoring, financial costs, benefits to community, etc). The following research topics and members assigned to topics as follows:

Research Topic	Committee Member
a) Cannabis production facility definition, type of operation and impacts on odour, light, environmental, water	Louis Damm
b) Cannabis production facilities odour mitigation best practices	Louis Damm
c) Monitoring odour and light best practices	Bill Heska Tim Nohara
d) Financial costs to the community, include human safety and security, traffic and noise	Jim Steele Carla Baxter Teresa Quinlin
e) Perceived property value loss	Jim Steele Carla Baxter
f) Harmonious farm practice co-existence	Louis Damm John Langendoen
g) Unintended consequences on agriculture	John Langendoen
h) Official Plan policy and legal	Tim Nohara Barb Wiens Shannon Larocque
i) Benefits to the Community	Jim Jeffs
j) By-laws from other communities	Jim Jeffs

Members need time to research and perhaps discuss with others who have an expertise in a particular field before making recommendations to council. T. Nohara to send a list to members of the breakdown.

6. **Adjournment:**

Moved by J. Langendoen, seconded by J. Jeffs that the meeting be adjourned.

Carried.

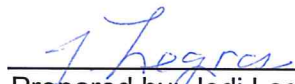
The meeting adjourned at approximately 7:13 p.m.

Next meeting: July 10, 2019 at 5:00 p.m. at Fire Station #1, 177 Highway 20 W.

Signed by:



Tim Nohara (Chair)



Prepared by: Jodi Legros, Administrative Assistant
Community Planning & Development-Town of Pelham

Monday, August 12, 2019

Subject: Additional Budget Request for 2019/2020
Gypsy Moth Program Coordination

Recommendation:

BE IT RESOLVED THAT Council receive Report #2019-0049; and

THAT Council approve additional expenditures of \$21,550 to retain a forestry consultant for the purposes of completing fall infestation surveys, and coordination of the 2020 Gypsy Moth control program if required; and

THAT Council approve a 2019 Operating Budget adjustment to increase Supplemental tax revenue by \$25,000 and increase Beautification contracted services by \$25,000 with a net budget impact of \$0.

Background:

In response to the Gypsy Moth infestation in 2019 the Town of Pelham partnered with a local forestry consultant to coordinate two aerial applications of the biological insecticide Foray® 48B. To develop the spray program, infestation surveys were completed in April of 2019 under tight timelines in order to receive authorization and permits from Transport Canada and the Ministry of the Environment, Conservation and Parks (MECP), as well as coordination with the aerial spray provider. In all, the Town of Pelham sprayed 161.2 acres of public and private property within the urban boundary at a total cost of \$89,388.82+hst. Post spray surveys conducted in all areas that received aerial application have shown a reduction in caterpillars by 90% and tree defoliation (with some exceptions) of less than 20% which is considered very good to excellent, especially due to the initially severe Gypsy Moth infestation numbers. Without the spray program in place both public and private properties could have experienced greater than 80% defoliation by the caterpillars leading to the potential loss of large mature trees that would have long term impacts on the health of our urban forest.

Analysis:

Because little can be done to entirely halt the spread of Gypsy Moths, the Town of Pelham must continue to focus on the suppression of outbreak populations to protect our urban forest and canopy. While the aerial spray program was effective in reducing caterpillars and tree defoliation inside the spray zones, areas that received no control measures have experienced an increase in caterpillar and moth activity as the infestation has spread. Large numbers of Gypsy Moth caterpillars and moths have been reported in all areas throughout Pelham. Although there is some evidence to suggest the population has been affected by the Nucleopolyhedrosis virus (NPV) which indicates the population is unhealthy it is difficult to plan and budget effectively for next year without performing egg mass and infestation surveys this fall. Staff are currently working to develop an Integrated Pest Management and Urban Forestry Policy to be better positioned to respond to future infestations, however these should be considered long term goals as full implementation can take many years and will not assist in the current infestation. Performing infestation surveys in the fall will provide council and staff sufficient time to plan, coordinate, and communicate the control program in 2020 more efficiently.

Financial Considerations:

In April of 2019 an operation budget of \$25,000 was approved to control the Gypsy Moth infestation. The coordination of the rural and urban control program had a cost of \$9,972 and the cost of spraying municipal properties was \$11,578 for a total of \$21,550+hst. The remaining \$3,450 is not sufficient to perform infestation surveys and prepare and develop a budget for the control of gypsy moths in time for 2020 budget consideration. Staff are requesting additional funds of \$21,550 to accommodate the tendering of consultation services through the competitive bid process to complete fall infestation surveys, public open houses, spray zone development, and spray budget estimation for consideration in the 2020 budget process. The additional expenditure of \$25,000 would result in an unfavourable budget variance within the Beautification department – contracted services (expenditures would exceed 2019 approved budget). As of July 2019, Supplemental Tax Revenue has exceeded budget by over \$25,000 (a favourable budget variance). Supplemental tax revenue is predominantly a result of growth assessments received from MPAC during the year. This



excess revenue can offset the additional expenditures resulting from the gypsy moth control program. Staff recommend a 2019 Operating Budget adjustment to increase budgeted Supplemental Tax Revenue by \$25,000 and increase Beautification contracted services by \$25,000, resulting in a net budget impact of \$0.

Alternatives Reviewed:

The “do nothing” option was considered however the consequences of doing nothing have many environmental and social impacts including: increases in soil and stream temperature, increased run-off, reduction in air and water quality, loss of aesthetic value, enjoyment of property as well as increase costs to property owners for gypsy moth treatment, tree removal and replacement of dead or damaged trees and shrubs.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The urban forest and rural woodlots are vital to increasing the quality of life within the Town of Pelham and are assets that set us apart from neighboring municipalities.

Other Pertinent Reports/Attachments:

N/A

Consultation:

City of Burlington – Urban Forestry

City of Hamilton – Forest Health

Forestry Canada

Legal Consultation, If Applicable:

N/A

Prepared and Recommended by:

From the Department of



Jason Marr, Director of Public Works

Approved and Submitted by:

David Cribbs, Chief Administrative Officer



Monday, August 12, 2019

Subject: Additional Funds to Complete Haist Street Watermain Replacement

Recommendation:

BE IT RESOLVED THAT Council receive Report #2019-0048; and

THAT Council approve a budget adjustment for WTR 01-19 to a total budget of \$644,750, financed with OCIF grant funding of \$162,226 and the water reserve of \$482,524.

Background:

The design of the Haist Street Watermain Replacement project was completed by Associated Engineering in 2018. The deteriorating condition of the existing cast iron watermain and an insufficient number of fire hydrants along Haist Street south of Welland Avenue has prompted the need for replacement. The project has been tendered, and two bid submissions were received. Both submissions came in over the \$675,900.00 budget.

As most watermain breaks, leaks, and other maintenance related issues typically occur with cast iron, the Town is working on replacing a portion of the cast iron watermain infrastructure each year. The length of watermain identified in this project contributes significantly to reducing the amount of cast iron watermain left within the Town. Replacing it will resolve the reoccurring maintenance issues along Haist Street south of Welland Avenue.

Analysis:

When the budget for this project was initially estimated, it was assumed the new watermain would be relocated west of the existing watermain, within the ditch along the west side of Haist Street. Constructing the watermain in the soft ground of a ditch alleviates the costs of excavating and restoring the road, which entails significant costs.

After Associated Engineering was retained to complete the detailed design for this project, it was discovered that relocating the watermain in a new alignment along the ditch was not feasible. A minimum of one (1) meter clearance from the existing watermain is required for construction of the new main. The option to align the new watermain to the west of the existing main would require the placement of the new watermain below the invert of the ditch. Among other maintenance related issues, this would put the elevation of the new watermain below the existing sanitary sewer on Haist Street, which is not standard practice for typical design. Typically, standard practice involves placing sanitary sewers as the deepest infrastructure within a right-of-way. Should any breaks or leaks occur within the sanitary sewer, contamination will not occur within the water distribution system. In addition, placing the new watermain at a significant depth could cause conflicts with water services and sanitary laterals.

Due to the above reasons, it was decided that the best course of action was to place the new watermain on a new alignment to the east of the existing main within the travelled portion of the road. This results in additional costs for road restoration; however, it provides the most cost effective solution and is endorsed by our water operations department from a future servicing perspective. The total cost estimated by Associated Engineering for completing the works excluding H.S.T. was \$778,033. The lowest bid submission, by Peters Construction Group was \$761,780 excluding H.S.T. This compliant bid was below the Engineer’s estimate by \$16,253. Further to this, additional funds are required to complete necessary geotechnical works throughout construction including compaction testing and sampling, as well as the Geotechnical Report that was prepared during the design phase of the project. Contract Administration and full-time inspection will be completed in-house, and as such, engineering liaison services may be required from Associated Engineering during the execution of the project.

Financial Considerations:

In order to ensure the watermain replacement project is completed, Public Works requests the approval to move forward with this project, with provision of transferring funds from the Water Reserve to cover the additional costs:

<u>Approved Budget</u>	
RD 11-17	\$111,150.00
WTR 01-19	\$519,750.00
WST 02-19	\$45,000.00
Total Budget Amount	\$675,900.00



Estimated Total Project Costs

Construction Contract	\$761,780.00
Geotechnical Services	\$20,000.00
Contract Liaison	\$5,000.00
Non-rebated H.S.T. (1.76%)	\$14,120.00
Total Estimated Cost	\$800,900.00

Total Additional Budget Request **\$125,000.00**

The Town receives funding under the Ontario Community Infrastructure Fund (OCIF) each year. At the time of budget preparation, the amount of OCIF funding to be received in 2019 was unknown, and the Town budgeted the same amount of grant revenue that was received in the prior year. For 2019, the projects designated for OCIF funding were RD 11-17 Haist: Welland to Beckett for \$111,150 and RD 12-19 Road Rehabilitation for \$183,054; a total of \$294,204.

Since that time, the Town has received its 2019 OCIF allocation notice and will receive \$456,430 for 2019; an excess of \$162,226.

Therefore, it is requested that we increase the budget for WTR 01-19 by \$125,000 and apply \$162,226 in OCIF funding. The adjusted budget for WTR 01-19 will be \$644,750, financed by OCIF grant funding of \$162,226 and reserves of \$482,524. The budgets will remain unchanged for RD 11-17 at \$111,150 funded by OCIF and WST 02-19 at \$45,000 funded by the wastewater reserve.

Alternatives Reviewed:

Associated Engineering and Town staff explored the option of locating the new watermain below the existing ditch to the west. The additional costs to adjust existing service laterals to the properties, as well as the additional maintenance costs were determined to be greater than the proposed design. In addition, by placing the watermain in the ditch to the west of the existing main would require placement of the new main below the existing sanitary sewer. This would have resulted in increased costs for sanitary lateral replacements disturbed during construction and is not considered as a best practice as watermains are generally install above sanitary sewers to protect against damage and water quality issues.



Strategic Plan Relationship: Risk Management

The Town of Pelham is committed to providing a safe consistent supply of drinking water to the citizens of Pelham. By replacing damaged and aging infrastructure it mitigates future servicing and water quality impacts and aligns the Town with its commitment to providing safe drinking water to its residents.

Other Pertinent Reports/Attachments:

Not Applicable

Consultation:

Not Applicable

Legal Consultation, If Applicable:

Not Applicable

Prepared and Recommended by:

Jason Marr, Director of Public Works

Approved and Submitted by:

David Cribbs, Chief Administrative Officer



Recommendation Report for Parts 1, 8-11 and 16-19, Plan 59R-16208 (File No. AM-06-19)

Executive Summary:

The purpose of this report is to provide Council with a recommendation regarding an application to amend the Town's Zoning By-law by amending the provisions of the EF-MU2 zone by reducing the gross leasable floor area for retail commercial uses to 100m², permitting a maximum of two drive-through facilities and increasing the build-within zone to 9.69 to 16.57 metres for two buildings and reducing the landscape buffer to 1.5 metres next to the storm water management pond.

Location:

The property is located on the south side of Highway 20, east of Wellspring Way and west of the stormwater management pond that abuts Rice Road. The property is legally described as Parts 1, 8-11 and 16-19, Plan 59R-16208, Geographic Township of Thorold, Town of Pelham, Regional Municipality of Niagara (refer to Figure 1).

Figure 1: Location of the Property



Recommendation Report for Zoning By-law Amendment Application – Parts 1, 8-11 and 16-19,
Plan 59R-16208 (File No. AM-06-19)
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The uses permitted under the current East Fonthill Mixed Use – 2 (EF-MU2) Zone include commercial, professional, medical and/or government offices; retail commercial uses including retail stores, restaurants and personal services; hotels and tourist accommodations; conference and convention centres; cultural and entertainment uses; private and public institutional uses; townhouses and apartment buildings; housing for seniors and/or special needs housing; child care facilities; parks and urban squares; public uses and utilities; public art installations; and active transportation and transit facilities.

Policy Review:

Planning Act

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

Provincial Policy Statement, 2014

The subject parcel is designated as being within a Settlement Area according to the Provincial Policy Statement, 2014 (PPS, 2014).

PPS, 2014, provides policy direction on matters of provincial interest related to land use planning and development in Ontario.

It is recognized that the province’s long-term prosperity, environmental health, and social well-being depends on wisely managing change. Efficient land use and development patterns will achieve healthy, livable, and resilient communities that will protect the environment and public health and safety, and will facilitate economic growth.

Policy 1.1.1 outlines how healthy, livable and safe communities are sustained.

Recommendation Report for Zoning By-law Amendment Application – Parts 1, 8-11 and 16-19,
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Settlement Areas shall be the focus of growth, and new development, in designated growth areas, should have a compact form and a mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities (Policies 1.1.3.1, 1.1.3.2 (a), and 1.1.3.6). Development should provide for an appropriate range and mix of housing types, employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs and densities to minimize the cost of housing, and facilitate compact form, while maintaining appropriate levels of public health and safety (Policies 1.1.1(b), 1.4.3). Healthy, active communities meet the needs of pedestrians by fostering and facilitating active transportation and ensuring community connectivity (Policy 1.5.1). In addition, development shall efficiently use and optimize existing municipal sewage and water services; and stormwater management shall promote best practices and low impact development (Policies 1.6.6.1 and 1.6.6.7).

The proposed zoning change will facilitate a mix of commercial and employment uses while making use of existing infrastructure. Pedestrian, active transportation and stormwater management considerations will be further reviewed as part of a future Site Plan Approval Application. Based on this information, the proposed zoning change is consistent with the Provincial Policy Statement.

Greenbelt Plan, 2017

The subject parcel is located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan, 2017

The subject parcel is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan for the Greater Golden Horseshoe, 2019 took effect on May 16, 2019.

The subject parcel is identified as being within a Designated Greenfield Area according to the Growth Plan for the Greater Golden Horseshoe.

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The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.7.1 requires new development in designated greenfield areas to be planned, designated and zoned to support complete communities, support active transportation and encourage the integration and sustainability of transit services.

Policy 2.2.7.2 requires a minimum density target of 50 residents and jobs per hectare.

Policy 2.2.1.4 supports the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses and convenient access to local stores, services and public service facilities; improve social equity and overall quality of life for people of all ages, abilities and incomes; provide a diverse range and mix of housing options, including second units and affordable housing; expand convenient access to a range of transportation options including active transportation, public service facilities, co-located and integrated in community hubs, an appropriate supply of safe, publicly accessible open spaces, parks, trails and other recreational facilities and healthy, local and affordable food options including urban agriculture; ensure the development of high quality compact built form, an attractive and vibrant public realm through site design and urban design standards; mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions and contribute toward the achievement of low carbon communities and integrate green infrastructure and low impact development.

The proposed zoning change will permit some modifications to the existing permitted uses (addition of drive-throughs) and changes to specific regulations (gross leasable floor area, planting strip, setbacks). The zoning permits a range of commercial uses which will provide services to nearby residents as well as the travelling public. Site design, active transportation and transit considerations will be reviewed as part of a future Site Plan application. The applicant will also be required to provide a Planning Justification Report with a future Site Plan application which addresses the minimum density requirement in Policy 2.2.7.2. The proposed zoning change is consistent with the Growth Plan for the Greater Golden Horseshoe.

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Regional Official Plan, consolidated August 2015

The subject land is located within the Urban Area Boundary of the Town of Pelham and is designated as Greenfield Area in the Regional Official Plan.

Designated Greenfield Areas will: accommodate a range of land uses; make a significant contribution to the growth of the respective urban area as a complete community; provide opportunities for integrated, mixed land uses; create street patterns that are fine grain and in grid pattern; support transit and active transportation within the area and to adjacent areas; ensure that greenfield development is sequential, orderly, and contiguous with existing built-up areas; and, ensure that the provision of municipal servicing is in accordance with the water and wastewater servicing master plans (Policy 4.C.5.1).

The Region will require a minimum combined gross density target of 50 people and jobs per hectare across all designated greenfield areas.

The proposed zoning change diversifies the mix of commercial uses permitted in the EF-MU2 zone, adding to a complete community. The East Fonthill Secondary Plan area has been designed with a fine grain grid pattern, is contiguous with existing built-up areas and serviced in accordance with the servicing master plan. As discussed above, a future Site Plan Application will have to address transit and active transportation as well as the density target. Based on this analysis, the proposed zoning change conforms to the Region's Official Plan.

Town of Pelham Official Plan, 2014

The portion of the property that the application pertains to is located within the East Fonthill Secondary Plan Area with a Greenfield Overlay and is designated EF – Mixed Use in the Town's Official Plan, 2014.

Permitted uses in the EF- Mixed Use designation are commercial, professional and/or government offices; research and data processing facilities; retail commercial uses including retail stores, restaurants and personal services, with Gross Leasable Floor Areas greater than 150 square metres. Retail commercial uses with a Gross Leasable Floor Area of between 100 and 150 square metres may be considered by the Town, subject to an analysis that indicates that the proposed use will not have a detrimental impact on any existing uses within the historic commercial core of Fonthill, to the satisfaction of Council (B1.7.8.3.1(b)(iii)); space extensive retail uses such as automotive related

Recommendation Report for Zoning By-law Amendment Application – Parts 1, 8-11 and 16-19,
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products, large and bulky goods such as furniture and appliances, home improvement materials, supermarkets, hardware and nursery or garden supply products; hotels and tourist attractions; conference centres; cultural, recreational and entertainment uses; public and private institutional uses; live-work units; townhouses and apartment buildings; accessory apartments and/or secondary suites; housing for seniors and/or special needs housing; child care facilities; parking facilities at-grade and/or in structure; cycling facilities; parks and parkettes; and public uses and public and private utilities.

In an effort to address Policy B1.7.8.3.1(b)(iii), Planning staff undertook a review of the historic commercial core of Fonthill (Community Improvement Project Area) to determine how many commercial spaces were available for sale and lease on June 25, 2019. Planning staff walked the area looking for signs indicating that properties were for sale and/or lease as well as searched the Niagara Association of Realtors listings online. No signs nor listings were present for available properties within this area. Planning staff note that there are some commercial buildings along Highway 20, near the intersection with Pelham Street that appear to be vacant (AE Honey Jeweller, Frontier Gun & Sport, former Chambers Insurance). Assuming the commercial units in these buildings were available for rent, assessment records indicate that only two units fall between the 100–150 square metres in floor area at this time. It is likely that property owners would undertake renovations to the existing buildings prior to leasing them which would reduce or enlarge the commercial floor areas and is therefore, difficult to predict. Based on the lack of available commercial units for lease, the limited number of units between 100-150 square metres and the likelihood that units will be reconfigured to different floor areas outside of the 100-150 square metre floor area range in the future to accommodate specific tenants, Planning staff conclude that adding some additional leasable units between 100-150 square metres in leasable floor area would not have a detrimental impact on the historic Downtown.

Policy B1.7.8.3.1(a) encourages buildings within the EF-Mixed Use designation to accommodate an array of uses with high activity uses that animate the streetscape and encourage foot traffic, such as retail uses at-grade and/or along Arterial and Collector Road frontage, with uses such as offices, recreational, cultural and residential uses on second floors and/or behind the street related façade. Planning staff note that this Policy have expressed the desire for development as outlined in the policy to the potential purchaser. Details development plans have not been provided at this time and will be reviewed further at the time of Site Plan approval. Planning staff note that this policy “encourages” these uses but does not mandate them.

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Policy B1.7.8.1(b) outlines intentions for the EF-Mixed Use area including ensuring a vibrant, inviting and appealing atmosphere that will attract residents and new businesses, encourage walking and cycling and resonate with visitors a positive image of Fonthill; facilitate the development of a major new shopping destination; ensure development is comprehensively planned to ensure that the impacts of servicing, access, loading and parking can be adequately addressed; ensure the required minimum density of 50 persons and jobs combined per gross hectare is achieved within the Commercial/Employment Centre; and ensure that leading-edge telecommunication services are in place through discussions with telecommunications providers to attract knowledge-based industries and support the technological advancement and growth of existing businesses.

Planning staff will evaluate the future Site Plan Application with respect to items outlined in B1.7.8.1(b). The proposed zoning change relating to minimum leasable floor areas, setbacks and the planting strip do not hamper the ability to address urban design, servicing, parking and densities.

Policy B1.7.8.2(a) requires that a Site Master Plan be prepared within the Commercial/Employment Centre which identifies road, block and land use plans, streetscape and open space plans, urban design and architectural control guidelines, servicing and environmental impacts where required by the Official Plan. Planning staff advise that a Site Master Plan was prepared by the Planning Partnership on behalf of the Town in January 2015 for the Mixed use Centre that the lands are part of. This Site Master Plan was approved by Council.

Policies B1.7.8.2(c) indicates that prior to considering an application for Zoning By-law Amendment and/or Site Plan approval, Council shall be satisfied that adequate parking for automobiles and bicycles and loading facilities are provided on site; buildings located at entrance points to the Fonthill Urban Area or at the intersection of any Collector Main Street and Highway 20 are designed to provide or maintain a desirable gateway to the community; new or redeveloping uses incorporate landscaping to enhance the site and surrounding areas; outdoor storage areas, where permitted are substantially screened from view from passing traffic; and all options respecting shared access from the road are reviewed and implemented where feasible.

In response to this Policy, Planning staff advise that adequate parking is able to be accommodated to serve future uses on this site. Parking deficiencies at the Meridian Community Centre are being reviewed by the Town separately and can be resolved without involving this site. Town and Regional

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staff will be carefully reviewing urban design, landscaping and access considerations as part of a future Site Plan approval. The current zoning change does not impede the ability of the Town to review the items contained in this policy as part of the future Site Plan approval.

Policy B1.7.8.2(d) indicates that parking can be reduced and shared parking considered due to the mixed use nature of the area and sets minimum and maximum parking standards. Planning staff note that no changes are proposed to the minimum or maximum parking standards as a result of the proposed zoning change. Future development of the property will be required to comply with the current standards.

Policy B1.7.8.3.2(a) requires that lands in the EF-Mixed Use are required to achieve a minimum density of 50 persons and jobs per hectare. A planning justification report which analyzes the proposed development with respect to the density requirements is necessary as part of a future Site Plan approval application. The proposed zoning change does not affect the requirement for the development to meet the density target.

Policy B1.7.8.3.2(b) requires that residential development be developed at densities ranging from a minimum of 35 units per net hectare up to 160 units per net hectare. Planning staff note that the EF-Mixed Use designation applies to a large portion of land of which different portions are subject to purchase and sales agreements for different proposed uses. Future residential uses in the EF-Mixed Use designation will be subject to this policy and required to demonstrate conformity. The proposed zoning change does not affect the ability to meet this policy for future residential development.

Policy B1.7.8.3.2(c) requires a minimum building height of 2 storeys or 6.0 metres in the EF-Mixed Use designation and a maximum of the lesser of 10 storeys or 35 metres.

The proposed zoning change does not request to change the minimum building height and therefore future development must comply with Policy B1.7.8.3.2(c).

The property is also designated Highly Vulnerable Aquifer on Schedule B1. Policy C5.3 indicates to minimize risks posed by land uses on vulnerable groundwater areas, the following uses are prohibited on lands identified as Vulnerable Groundwater Area/Highly Vulnerable Aquifers:

- Generation and storage of hazardous waste or liquid industrial waste;
- New waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;

Recommendation Report for Zoning By-law Amendment Application – Parts 1, 8-11 and 16-19,
Plan 59R-16208 (File No. AM-06-19)
July 15, 2019

- Underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and,
- Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Ontario Regulation 347 of the Revised Regulations of Ontario, 1990, or its successor.

For Committee's information, none of the prohibited uses, outlined in Policy C5.3, are proposed for the subject parcel.

Based on this analysis, it is Planning staff's opinion that the proposed zoning change conforms to the Town's Official Plan.

Zoning By-law 1136 (1987), as amended

The portion of the property subject to the zoning by-law amendment is zoned EF-MU2 which permits a multi-use recreational facility, including cultural, recreational and entertainment uses; commercial, professional, medical and/or government offices; retail commercial uses including retail stores, restaurants and personal services with gross leasable floor areas greater than 150m² and less than 1000 m² per business; hotels and tourist accommodations; conference and convention centres; public and private institutional uses; townhouses and apartment buildings; housing for seniors and/or special needs housing; child care facilities; parks and urban squares; public uses and public and private utilities; public art installations; and public roads, active transportation facilities and transit facilities.

The zoning by-law amendment application seeks approval to amend the EF-MU2 zone by reducing the gross leasable floor area for retail commercial uses to 100 m², permitting a maximum of two drive-through facilities and increasing the build-within zone to 9.69 to 16.57 metres for two buildings and reducing the landscape buffer to 1.5 metres next to the storm water management pond.

Table 1: Requested Zoning By-law Amendment

	Current EF-MU2 Zone	Proposed EF-MU2 Zone
1.0(a) Permitted Uses		
(ii)	Retail commercial uses including retail stores, restaurants and personal	Retail commercial uses including retail stores, restaurants and personal

Recommendation Report for Zoning By-law Amendment Application – Parts 1, 8-11 and 16-19,
Plan 59R-16208 (File No. AM-06-19)
July 15, 2019

	Current EF-MU2 Zone	Proposed EF-MU2 Zone
	services with Gross Leasable Floor Areas greater than 150 m ² (1,614.6ft ²) and less than 1000m ² (10,763.9 ft ²)	services with Gross Leasable Floor Areas greater than 100 m ² (1,614.6ft ²) and less than 1000m ² (10,763.9 ft ²)
2.0 Development Regulations		
(a)	No drive-through facilities of any kind are permitted in the EF-MU2 zone.	A maximum of 2 drive-through facilities of any kind are permitted in the EF-MU2 zone.
(d)(ii)	Where a building abuts or is adjacent to Street C or Rice Road (Regional Road 54), the front façade and main front wall of the building shall be developed within the 0.0 to 3.0 m (0.0 to 9.8 ft) Build-Within Zone.	Where a building abuts or is adjacent to Street C or Rice Road (Regional Road 54), the front façade and main front wall of the building shall be developed within the 0.0 to 3.0 m (0.0 9.8 ft) Build-Within Zone. Buildings which abut the storm sewer easement may have a Build-Within Zone of 9.69 to 16.57 m (31.8 to 54.4 ft)
(d)(iii)	Where a building abuts, or is adjacent to an EF-SWM Zone, it shall be set back from the boundary of the EF-SWM Zone a minimum of 3.0 m (9.8 ft). A landscape buffer shall be included within the requirement development setback.	Where a building abuts, or is adjacent to an EF-SWM Zone, it shall be set back from the boundary of the EF-SWM Zone a minimum of 1.5 m (4.9 ft). A landscape buffer shall be included within the required development setback.

The purpose of the change to increase the build-within zones for two structures along Highway 20 is due to the presence of an existing storm sewer easement on which no structures are permitted.

Recommendation Report for Zoning By-law Amendment Application – Parts 1, 8-11 and 16-19,
Plan 59R-16208 (File No. AM-06-19)
July 15, 2019

The proposed zoning change will conform to the policies of the Official Plan. The zone standards will allow for efficient development while permitting detailed design matters to be addressed through the future Site Plan Agreement.

Agency Comments:

On May 17, 2019 a public meeting notice was circulated to external agencies and internal departments regarding the proposed applications. The following comments have been received as of the date of writing of this report (Appendix A):

Enbridge	No objection
Building	No comment
Canada Post	No comments or conditions
Region of Niagara	Not opposed provided that a Stage 4 archaeological assessment for Location 2 (AgGt-198) is completed.

Public Comments:

On May 17, 2019 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, public notice signs were posted facing Highway 20, Rice Road, Meridian Way and Wellspring Way. A public meeting was held on June 10, 2019 and the minutes are included as part of Council's agenda. The following comments have been received at the time of writing of this report:

Craig Larmour	References a number of Official Plan policies and requests clarification (full version in Appendix B).
Kim Duffin	Enquired as to why the Town is the applicant for the proposed zoning change.

Recommendation Report for Zoning By-law Amendment Application – Parts 1, 8-11 and 16-19,
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July 15, 2019

Bernie Law

Concerns about traffic turning left onto Highway 20 from the proposed driveway.

Staff Comments:

In response to Regional comments which indicated that further archaeological assessment was required on the site, Planning staff advise that the archaeological work was completed and cleared by the Ministry of Tourism, Culture and Sport (MTCS) in 2014. Copies of the report and Ministry clearance letter have been provided to the Region for their information.

Planning staff have addressed comments raised by Craig Larmour relating to specific Official Plan policies under the Town of Pelham Official Plan section above. Mr. Larmour also enquired as to why drive-through facilities are currently prohibited in the EF-MU2 zone and now being proposed. When the Secondary Plan was initially approved, the intention was for drive-through uses to be limited to the EF-MU1 zone. Two drive-throughs were constructed in this area (existing commercial plaza). The addition of permission for two drive-throughs being proposed in the EF-MU2 zone as part of the zoning by-law amendment is a condition of a purchase and sales agreement with the Town. The business model of the potential purchaser is such that the ability to construct two drive-throughs is necessary.

Responses were provided at the public meeting to Kim Duffin and Bernie Law. It was clarified that the Town is the applicant of the proposed zoning by-law amendment due to it being a condition of a purchase and sale agreement and that the proposed driveway will only permit traffic to turn right and that left turns will be prohibited by a median on Highway 20 (Regional Road 20).

As noted, a separate application for site plan approval will be made for the proposed commercial development and accordingly a separate report will be presented to Council for its consideration on the site plan at a later date, once the application is received and the review completed.

Based on the policy analysis and discussion in this report, it is Planning staff's opinion that the application for zoning by-law amendment is consistent with the Provincial Policy Statement, conforms to Provincial and Regional plans, will conform to the Town's Official Plan, and East Fonthill Secondary Plan and applies good planning principles. Further, no changes are proposed that would affect the ability to review matters related to urban design, densities, parking, active transportation, etc. through a future

Recommendation Report for Zoning By-law Amendment Application – Parts 1, 8-11 and 16-19,
Plan 59R-16208 (File No. AM-06-19)
July 15, 2019

Site Plan approval application. Therefore, staff recommend that Council approve the proposed zoning by-law amendment.

Prepared by: Shannon Larocque, MCIP, RPP, Senior Planner

Reviewed by: Barbara Wiens, MCIP, RPP, Director of Community Planning and Development

Attachments

Appendix A Agency Comments
Appendix B Public Comments
Appendix C Zoning By-law Amendment

Alternatives:

Council could choose not to approve the zoning change, however if Council chose to do this, the sale of the lands would not be realized as the proposed zoning by-law amendment was a condition of the purchase and sale agreement.

Recommendation:

THAT, Council receives this Department of Community Planning and Development report for information as it pertains to File No. AM-06-19 relating to Parts 1, 8-11 and 16-19, Plan 59R-16208;

AND THAT, Council approve the By-law, attached hereto as Appendix C, amending provision of the East Fonthill Mixed Use 2 (EF-MU2) zone.



ZONING BY-LAW AMMENDMENT COMMENTS

Date: June 7, 2019

Re: AM-06-19

The building department offers the following comment,

- No comment

Respectfully,
Belinda Menard, Dipl.T.
Building Intake/Plans Examiner



VIA EMAIL ONLY

June 5, 2019

File: D.18.06.ZA-19-080

Ms. Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

Dear Ms. Larocque:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment
Town File No.: AM-06-19
Owner: Town of Pelham
Address: Wellspring Way and Highway 20 (Parts 1, 8 Plan 59R-16208)
Town of Pelham**

Regional Planning and Development Services staff has reviewed the above noted application submitted by the Town of Pelham for a Zoning By-law Amendment for lands legally described as Parts 1 and 8 on Plan 59R-16208. The application was received by Regional staff on May 17, 2019 and a pre-consultation meeting was held for the proposal on April 4, 2019 with staff from the Town and Region.

The proposal requests an amendment to the Town of Pelham Consolidated Zoning By-law No. 1136 to modify site-specific requirements in the East Fonthill Mixed – Use 2 Zone (EF-MU2). Specifically, the amendment proposes to reduce the gross leasable floor area for retail commercial uses to 100 sq.m, permit a maximum of two drive-through facilities, increase the build-within zone to 9.69 metres and 16.57 for two buildings, and reduce the landscape buffer to 1.5 metres adjacent to the storm water management pond. The purpose of the application is to facilitate a future commercial development; a conceptual site plan prepared by Petroff Partnership Architects, dated May 7, 2019 was submitted with the application, which indicates the the site will consist of 6 buildings (three are proposed for restaurant uses).

As outlined below, Regional staff is generally supportive of the proposed development and provides the following comments from a Provincial and Regional perspective to assist the Town in considering the application.

Provincial and Regional Policies

The Provincial Policy Statement (PPS) designates the subject lands as within a Settlement Area. The PPS directs growth to settlement areas and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan for the Greater Golden Horseshoe (Growth Plan) identifies the subject property as being located within a Designated Greenfield Area. Provincial policies provide that Designated Greenfield Areas that are limited by scale or configuration should be planned to make a significant contribution to the growth of the respective urban area as a complete community.

The subject property is located within the Urban (Designated Greenfield) Area for the Town of Pelham in the Regional Official Plan (ROP). According to the ROP, these areas are to be planned as compact, complete communities, which accommodate a full range of residential, commercial, institutional, recreational, and employment uses, subject to the availability of adequate municipal services and infrastructure.

Together, the PPS, Growth Plan and ROP contain policies that promote economic development by providing for an appropriate mix and range of employment uses that include industrial, commercial and institutional uses. The proposed Zoning By-law Amendment will facilitate a future commercial development, which will provide for a range of uses on the subject property, including three restaurants. The proposed amendment will allow the subject lands, which are currently vacant, to be used more efficiently by facilitating a development that makes use of municipal servicing and infrastructure. In addition, the proposed development will contribute to a variety of employment options, which may aid the Town in achieving the overall 50 people and jobs per hectare target for Designated Greenfield Areas. We note, however, that no information has been provided indicating the anticipated number of jobs the proposed development would generate. In accordance with the Town's Official Plan, the Town is responsible for ensuring the greenfield density target is achieved across all Designated Greenfield Areas.

Archaeological Resources

The PPS states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. During the pre-consultation stage, the subject property was identified as having high archaeological potential as three registered archaeological sites are located on the property and five registered archaeological sites are located within 300 metres.

Regional staff notes that several archaeological investigations have been conducted for the subject property as part of the East Fonthill Secondary Plan and Village of East Fonthill Subdivision. A Stage 1 Archaeological Assessment (dated July 2007) was prepared by Mayer Heritage Consultants Inc., which recommended that a Stage 2 Archaeological Assessment be prepared for any properties located within the East

Fonthill Secondary Plan area. Subsequently, a Stage 2 Archaeological Assessment (dated June 2014) and Stage 3 Archaeological Assessment (dated August 19, 2014) were completed by Golder Associates Ltd. The Stage 3 Archaeological Assessment was conducted for two identified locations on the subject property (Location 1: AgGt-198 and Location 2: AgGt-198) and concluded that Location 1 had been sufficiently assessed, however, Location 2 should be subject to a Stage 4 Archaeological Assessment. In a letter dated September 25, 2014, the Ministry of Tourism, Culture and Sport (MTCS) indicated that the fieldwork and reporting for the Stage 2 archaeological assessment were consistent with the 2011 Standards and Guidelines for Consultant Archaeologists.

In the Regional and Provincial review comments (dated August 28, 2014) provided for Village of East Fonthill (Phase 1) Draft Plan of Subdivision, Official Plan Amendment (OPA-01/14) and Zoning By-law Amendment (AM-04/14), Regional staff noted that Golder Associates Ltd. was finalizing a Stage 4 archaeological assessment for a portion of the property. Regional staff note that as of the date of this letter, the Region has not been circulated on a Stage 4 archaeological assessment for Location 2 (AgGt-198). The archaeological assessment must be completed and submitted to MTCS for review. In addition, the Region has not received a letter from MTCS acknowledging the archaeological work completed for the Stage 3 Archaeological Assessment (dated August 19, 2014).

As such, Regional staff request that a Stage 4 archaeological assessment be completed for Location 2 (AgGt-198) prior to any site alteration or development activity on the subject property to satisfy Provincial requirements with respect to cultural heritage and archaeological resources. This requirement can be satisfied through one of the following methods:

1. Prior to the approval of the Zoning By-law Amendment application;
2. Through the use of a Holding (H) provision in the Zoning By-law; or,
3. As part of a subsequent subdivision/condominium/site plan approval process for the subject lands.

Urban Design

Since the subject property has frontage along Regional Road 20, Regional Urban Design staff were circulated on the submitted Zoning By-law Amendment application for review and comment. The following urban design comments are provided to ensure that relevant policies and interests are met. Please note that through the future planning applications, urban design review fees will be collected to confirm that the below comments/ recommendations are reflected.

Urban Design Guidelines

Regional staff request that the applicant identify how the proposed development responds to the East Fonthill Secondary Plan and the associated urban design guidelines.

Highway 20 (Regional Road 20) Streetscape

Regional staff note that at the subsequent planning approval stages, streetscape and landscape architectural plans will be required. These plans should detail the design of the interface of the development with respect to the Regional Road and intersection. The East Fonthill Urban Design Guidelines describe Highway 20 (Regional Road 20) as a “Majestic Alee”, as it is the gateway into the Town of Pelham from neighbouring municipalities. Design elements envisioned for this gateway include: a double row of deciduous trees along Highway 20 (1 row of street trees and 1 row of trees on private lands), a 3.6m wide urban trail, planter/seat walls with shrubs and perennials plus pedestrian scaled lighting.

Wellspring Way Streetscape (At intersection with Highway 20)

Regional Urban Design staff note that Wellspring Way is considered to be the main street leading into the mixed-use centre. Given this, the urban design guidelines envision trees in hard surfaces, street furnishings, landscape bump-outs and upgraded pedestrian crossings.

Building Siting

With respect to the design of the proposed commercial development as noted at the pre-consultation meeting for the site plan application, Regional Urban Design staff request that Building 5 and 6 be reoriented to front onto Regional Road 20 with the drive-through facilities remaining internal to the site.

Built Form

Regional staff note that at the subsequent planning approval stages, building façade elevations will be required. The design of the building shall be guided and informed by local and regional urban design guidelines. Regional staff recommend that Buildings 3 and 4 include active entrances fronting on to the Regional Road. Over time, this may encourage businesses to spill out along the frontage, which will animate the streetscape.

Additional Considerations

Regional staff provide the following additional suggestions to be considered at the subsequent planning approval stages. With respect to garbage and loading areas, these areas should be identified for each building and should not be visible from the Regional

Road. Should garbage enclosures be proposed, construction details will be required for review and comment. With respect to accessible parking, Regional staff note that each building should provide accessible parking spaces that do not require the crossing of a drive aisle (refer to Buildings 2 and 6 as examples). Lastly, with respect to the internal pedestrian network, Regional staff suggest that the width of the landscape islands be increased where pedestrian sidewalks are proposed. These islands should be wide enough to accommodate a sidewalk and deciduous trees.

Regional Road Allowance

Regional staff note that there is an existing one foot reserve along Block 19 on Regional Road 20. Staff will provide detailed comments on the process to lift the easement during the site plan process, to facilitate the right-in, right-out entrance along Regional Road 20.

Regional Permit Requirement

Regional Construction Encroachment & Entrance Permit

Prior to any construction or entrance construction taking place within the Regional Road Allowance, a Regional Construction Encroachment and Entrance Permit must be obtained from the Transportation Services Division, Public Works Department. Applications can be made through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

As part of the site plan process, detailed plans for the median on Highway 20 are to be provided.

Regional Sign Permit Requirements

All private signs are to be located on the owner's lands. Please note that the placement of any sign, notice or advertising device within 20 metres of the centerline of Regional Road 20 will require a Regional Sign permit. Additional requirements of any sign include that:

- The sign maintain a 1 metre setback from the regional property line;
- The sign is required to be 5 metres from a driveway and 8 metres from an intersection; and
- Billboard signs require a 10 metre setback from the regional property line.

Permit applications can be made through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Regional Sanitary

The Region of Niagara has a Sewer Use By-law which requires owner/occupants of commercial, institutional or industrial premises to install and maintain a suitable maintenance access point (manhole) to allow observation, sampling and flow measurement of sewage effluent from the proposed development. Further, every manhole installed must be located on the property of the owner as close to the property line as possible.

The By-law also requires every owner or operator of a property where food is cooked, processed or prepared, or where sand, grit, oil, grease, etc. may enter the sewer, to install an interceptor to prevent these substances from entering the sewer system. The full requirements of this By-law are available on the Region's website at the following location:

<http://www.regional.niagara.on.ca/living/sewage/sewage-bylaw.aspx>

Should the developer/owner or occupant have any questions or wish to discuss these matters, please contact: Jason Oatley, B.Sc, C.Chem, Manager, Quality & Compliance Wastewater at 905-980-6000 extension 3758.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,
- 4 garbage containers per property

Due to the number of units proposed on-site, Regional staff note that it is unlikely that the waste collection limits will be met. Therefore, waste collection will be the responsibility of the owner through a private contractor and not Regional Municipality of Niagara.

Notwithstanding the above comments, the subject site remains eligible for Regional recycling and organics collection subject to the above-noted specifications.

Protection of Survey Evidence

Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate

from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Conclusion

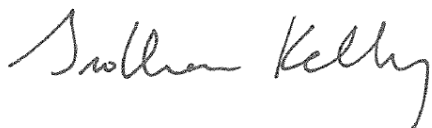
Based on the analysis provided above, Regional Planning and Development Services is not opposed to the proposed Zoning By-law Amendment provided that any local requirements are satisfied and a Stage 4 archaeological assessment for Location 2 (AgGt-198) is completed. The requirement can be addressed through one of the following methods:

1. Prior to the approval of the Zoning By-law Amendment application;
2. Through the inclusion of a Holding (H) provision in the amending By-law. A letter from MTCS acknowledging the findings of the Stage 4 archaeological assessment is required before the Holding (H) provision can be removed; or,
3. As part of a subsequent subdivision/condominium/site plan approval process.

Should you have any questions related to the above comments or would like a hard copy of the comments, please feel free to contact me at 905-980-6000 ext. 3396 or Pat Busnello, MCIP, RPP, Manager, Development Planning at 905-980-6000 ext. 3379.

Please send a copy of the staff report from the Town and notice of Council's decision on this application.

Best regards,



Siobhan Kelly
Planning and Development Student

cc: Ms. A. Alderman, Development Planner, Niagara Region
Mr. P. Busnello, MCIP, RPP, Manager Development Planning, Niagara Region
Ms. J. van der Laan de Vries, Urban Designer, Niagara Region
Mr. T. Boyle, Development Approvals Technician, Niagara Region

June 3, 2019

Community Planning & Development
20 Pelham Town Square
Fonthill, Ontario, L0S 1E0

Re: Zoning By-law Amendment - Parts 1 & 8, Plan 59R-16208

Dear Shannon,

Canada Post Corporation has no comments or conditions regarding the proposed zoning by-law amendment.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding this decision, I can be reached at 226-268-5914.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer

May 23, 2019

Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON L0S 1E0

Dear Shannon,

Re: Zoning By-law Amendment
East Fonthill
Parts 1 & 8, Plan 59R-16208
Town of Pelham
File No.: AM-06-19

Enbridge Gas Inc. does not object to the proposed application(s).

Enbridge Gas Inc. reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in black ink that reads 'Alice Coleman'.

Alice Coleman
Municipal Planning Coordinator
Long Range Distribution Planning

ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com
Safety. Integrity. Respect.

VIA EMAIL ONLY

June 5, 2019

File: D.18.06.ZA-19-080

Ms. Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

Dear Ms. Larocque:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment
Town File No.: AM-06-19
Owner: Town of Pelham
Address: Wellspring Way and Highway 20 (Parts 1, 8 Plan 59R-16208)
Town of Pelham**

Regional Planning and Development Services staff has reviewed the above noted application submitted by the Town of Pelham for a Zoning By-law Amendment for lands legally described as Parts 1 and 8 on Plan 59R-16208. The application was received by Regional staff on May 17, 2019 and a pre-consultation meeting was held for the proposal on April 4, 2019 with staff from the Town and Region.

The proposal requests an amendment to the Town of Pelham Consolidated Zoning By-law No. 1136 to modify site-specific requirements in the East Fonthill Mixed – Use 2 Zone (EF-MU2). Specifically, the amendment proposes to reduce the gross leasable floor area for retail commercial uses to 100 sq.m, permit a maximum of two drive-through facilities, increase the build-within zone to 9.69 metres and 16.57 for two buildings, and reduce the landscape buffer to 1.5 metres adjacent to the storm water management pond. The purpose of the application is to facilitate a future commercial development; a conceptual site plan prepared by Petroff Partnership Architects, dated May 7, 2019 was submitted with the application, which indicates the the site will consist of 6 buildings (three are proposed for restaurant uses).

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Provincial and Regional Policies

The Provincial Policy Statement (PPS) designates the subject lands as within a Settlement Area. The PPS directs growth to settlement areas and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan for the Greater Golden Horseshoe (Growth Plan) identifies the subject property as being located within a Designated Greenfield Area. Provincial policies provide that Designated Greenfield Areas that are limited by scale or configuration should be planned to make a significant contribution to the growth of the respective urban area as a complete community.

The subject property is located within the Urban (Designated Greenfield) Area for the Town of Pelham in the Regional Official Plan (ROP). According to the ROP, these areas are to be planned as compact, complete communities, which accommodate a full range of residential, commercial, institutional, recreational, and employment uses, subject to the availability of adequate municipal services and infrastructure.

Together, the PPS, Growth Plan and ROP contain policies that promote economic development by providing for an appropriate mix and range of employment uses that include industrial, commercial and institutional uses. The proposed Zoning By-law Amendment will facilitate a future commercial development, which will provide for a range of uses on the subject property, including three restaurants. The proposed amendment will allow the subject lands, which are currently vacant, to be used more efficiently by facilitating a development that makes use of municipal servicing and infrastructure. In addition, the proposed development will contribute to a variety of employment options, which may aid the Town in achieving the overall 50 people and jobs per hectare target for Designated Greenfield Areas. We note, however, that no information has been provided indicating the anticipated number of jobs the proposed development would generate. In accordance with the Town's Official Plan, the Town is responsible for ensuring the greenfield density target is achieved across all Designated Greenfield Areas.

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Regional staff notes that several archaeological investigations have been conducted for the subject property as part of the East Fonthill Secondary Plan and Village of East Fonthill Subdivision. A Stage 1 Archaeological Assessment (dated July 2007) was prepared by Mayer Heritage Consultants Inc., which recommended that a Stage 2 Archaeological Assessment be prepared for any properties located within the East

Fonthill Secondary Plan area. Subsequently, a Stage 2 Archaeological Assessment (dated June 2014) and Stage 3 Archaeological Assessment (dated August 19, 2014) were completed by Golder Associates Ltd. The Stage 3 Archaeological Assessment was conducted for two identified locations on the subject property (Location 1: AgGt-198 and Location 2: AgGt-198) and concluded that Location 1 had been sufficiently assessed, however, Location 2 should be subject to a Stage 4 Archaeological Assessment. In a letter dated September 25, 2014, the Ministry of Tourism, Culture and Sport (MTCS) indicated that the fieldwork and reporting for the Stage 2 archaeological assessment were consistent with the 2011 Standards and Guidelines for Consultant Archaeologists.

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As such, Regional staff request that a Stage 4 archaeological assessment be completed for Location 2 (AgGt-198) prior to any site alteration or development activity on the subject property to satisfy Provincial requirements with respect to cultural heritage and archaeological resources. This requirement can be satisfied through one of the following methods:

1. Prior to the approval of the Zoning By-law Amendment application;
2. Through the use of a Holding (H) provision in the Zoning By-law; or,
3. As part of a subsequent subdivision/condominium/site plan approval process for the subject lands.

Urban Design

Since the subject property has frontage along Regional Road 20, Regional Urban Design staff were circulated on the submitted Zoning By-law Amendment application for review and comment. The following urban design comments are provided to ensure that relevant policies and interests are met. Please note that through the future planning applications, urban design review fees will be collected to confirm that the below comments/ recommendations are reflected.

Urban Design Guidelines

Regional staff request that the applicant identify how the proposed development responds to the East Fonthill Secondary Plan and the associated urban design guidelines.

Highway 20 (Regional Road 20) Streetscape

Regional staff note that at the subsequent planning approval stages, streetscape and landscape architectural plans will be required. These plans should detail the design of the interface of the development with respect to the Regional Road and intersection. The East Fonthill Urban Design Guidelines describe Highway 20 (Regional Road 20) as a “Majestic Alee”, as it is the gateway into the Town of Pelham from neighbouring municipalities. Design elements envisioned for this gateway include: a double row of deciduous trees along Highway 20 (1 row of street trees and 1 row of trees on private lands), a 3.6m wide urban trail, planter/seat walls with shrubs and perennials plus pedestrian scaled lighting.

Wellspring Way Streetscape (At intersection with Highway 20)

Regional Urban Design staff note that Wellspring Way is considered to be the main street leading into the mixed-use centre. Given this, the urban design guidelines envision trees in hard surfaces, street furnishings, landscape bump-outs and upgraded pedestrian crossings.

Building Siting

With respect to the design of the proposed commercial development as noted at the pre-consultation meeting for the site plan application, Regional Urban Design staff request that Building 5 and 6 be reoriented to front onto Regional Road 20 with the drive-through facilities remaining internal to the site.

Built Form

Regional staff note that at the subsequent planning approval stages, building façade elevations will be required. The design of the building shall be guided and informed by local and regional urban design guidelines. Regional staff recommend that Buildings 3 and 4 include active entrances fronting on to the Regional Road. Over time, this may encourage businesses to spill out along the frontage, which will animate the streetscape.

Additional Considerations

Regional staff provide the following additional suggestions to be considered at the subsequent planning approval stages. With respect to garbage and loading areas, these areas should be identified for each building and should not be visible from the Regional

Road. Should garbage enclosures be proposed, construction details will be required for review and comment. With respect to accessible parking, Regional staff note that each building should provide accessible parking spaces that do not require the crossing of a drive aisle (refer to Buildings 2 and 6 as examples). Lastly, with respect to the internal pedestrian network, Regional staff suggest that the width of the landscape islands be increased where pedestrian sidewalks are proposed. These islands should be wide enough to accommodate a sidewalk and deciduous trees.

Regional Road Allowance

Regional staff note that there is an existing one foot reserve along Block 19 on Regional Road 20. Staff will provide detailed comments on the process to lift the easement during the site plan process, to facilitate the right-in, right-out entrance along Regional Road 20.

Regional Permit Requirement

Regional Construction Encroachment & Entrance Permit

Prior to any construction or entrance construction taking place within the Regional Road Allowance, a Regional Construction Encroachment and Entrance Permit must be obtained from the Transportation Services Division, Public Works Department. Applications can be made through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

As part of the site plan process, detailed plans for the median on Highway 20 are to be provided.

Regional Sign Permit Requirements

All private signs are to be located on the owner's lands. Please note that the placement of any sign, notice or advertising device within 20 metres of the centerline of Regional Road 20 will require a Regional Sign permit. Additional requirements of any sign include that:

- The sign maintain a 1 metre setback from the regional property line;
- The sign is required to be 5 metres from a driveway and 8 metres from an intersection; and
- Billboard signs require a 10 metre setback from the regional property line.

Permit applications can be made through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Regional Sanitary

The Region of Niagara has a Sewer Use By-law which requires owner/occupants of commercial, institutional or industrial premises to install and maintain a suitable maintenance access point (manhole) to allow observation, sampling and flow measurement of sewage effluent from the proposed development. Further, every manhole installed must be located on the property of the owner as close to the property line as possible.

The By-law also requires every owner or operator of a property where food is cooked, processed or prepared, or where sand, grit, oil, grease, etc. may enter the sewer, to install an interceptor to prevent these substances from entering the sewer system. The full requirements of this By-law are available on the Region's website at the following location:

<http://www.regional.niagara.on.ca/living/sewage/sewage-bylaw.aspx>

Should the developer/owner or occupant have any questions or wish to discuss these matters, please contact: Jason Oatley, B.Sc, C.Chem, Manager, Quality & Compliance Wastewater at 905-980-6000 extension 3758.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,
- 4 garbage containers per property

Due to the number of units proposed on-site, Regional staff note that it is unlikely that the waste collection limits will be met. Therefore, waste collection will be the responsibility of the owner through a private contractor and not Regional Municipality of Niagara.

Notwithstanding the above comments, the subject site remains eligible for Regional recycling and organics collection subject to the above-noted specifications.

Protection of Survey Evidence

Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate

from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Conclusion

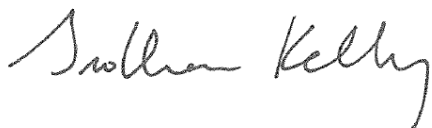
Based on the analysis provided above, Regional Planning and Development Services is not opposed to the proposed Zoning By-law Amendment provided that any local requirements are satisfied and a Stage 4 archaeological assessment for Location 2 (AgGt-198) is completed. The requirement can be addressed through one of the following methods:

1. Prior to the approval of the Zoning By-law Amendment application;
2. Through the inclusion of a Holding (H) provision in the amending By-law. A letter from MTCS acknowledging the findings of the Stage 4 archaeological assessment is required before the Holding (H) provision can be removed; or,
3. As part of a subsequent subdivision/condominium/site plan approval process.

Should you have any questions related to the above comments or would like a hard copy of the comments, please feel free to contact me at 905-980-6000 ext. 3396 or Pat Busnello, MCIP, RPP, Manager, Development Planning at 905-980-6000 ext. 3379.

Please send a copy of the staff report from the Town and notice of Council's decision on this application.

Best regards,



Siobhan Kelly
Planning and Development Student

cc: Ms. A. Alderman, Development Planner, Niagara Region
Mr. P. Busnello, MCIP, RPP, Manager Development Planning, Niagara Region
Ms. J. van der Laan de Vries, Urban Designer, Niagara Region
Mr. T. Boyle, Development Approvals Technician, Niagara Region

Shannon Larocque

From: Barbara Wiens
Sent: Monday, June 10, 2019 5:46 PM
To: Shannon Larocque
Subject: FW: File AM-06-19

Fyi....



Barbara Wiens, MCIP, RPP
Director
Community Planning & Development

e: bwuens@pelham.ca
p: 905.892.2607 x316
pelham.ca

20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

From: Nancy Bozzato
Sent: Monday, June 10, 2019 5:25 PM
To: Barbara Wiens
Cc: Holly Willford
Subject: Fwd: File AM-06-19

Correspondence for this evening
Nan

Sent from my iPhone

Begin forwarded message:

From: craig larmour <[REDACTED]>
Date: June 10, 2019 at 5:01:48 PM EDT
To: <mjunkin@pelham.ca>, <mcioffi@pelham.ca>, <mstewart@pelham.ca>, <rkore@pelham.ca>, John Wink <jwink@pelham.ca>, Lisa Haun <lhaun@pelham.ca>, <bhildebrandt@pelham.ca>
Cc: Nancy Bozzato <nbozzato@pelham.ca>
Subject: File AM-06-19

June 10, 2019

Mayor Junkin and Members of Council
Town of Pelham

20 Pelham Town Square
Fonthill, ON L0S 1E0

RE: File No. AM-06-19

Thank you for the opportunity to provide input on this application. Unfortunately, I am unable to attend tonight's meeting, please accept these comments/questions in my absence.

Is this application initiated by the Town or by a developer?

Has the Town created a Site Master Plan as referenced in policy B1.7.8.2(a) of the Official Plan?

Understanding the deficiency in parking with the Meridian Community Centre, has the Town addressed the requirements of policy B1.7.8.2(c)i) and B1.7.8.2(d)?

How will the Town ensure that policy B1.7.8.3.1a) will be implemented to ensure the development of *"high activity uses that animate the streetscape and encourage foot traffic, such as retail uses, are encouraged at-grade and/or along the Arterial and Collector Road frontages, with uses such as offices, recreational, cultural and residential uses on second floors and above and/or behind the street-related facade."*?

Has the Town prepared the analysis required by policy B1.7.8.3.1(b) to determine if the proposed development will, *"...have a detrimental impact on any existing use within the historic commercial core of Fonthill..."*?

Is there any impact on the overall density requirements as provided under policy B1.7.8.3.2a) and b)?

Does the Zoning By-law Amendment propose any change to the building height requirements of policy B1.7.8.3.2c)?

Why does the EF-MU2 Zone currently prohibit drive-through facilities and why is the Town proposing to allow same?

Please provide me with notice of the scheduling any further Committee and/or Council consideration, any subsequent reports being considered by any subsequent reports being considered by Committee and/or Council, as well as any decision rendered by Council.

Thank you in advance,

Craig Larmour



APPENDIX C

THE CORPORATION OF THE TOWN OF PELHAM

BY-LAW NO. (2019)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Highway 20, east of Wellspring Way, Parts 1, 8-11 and 16-19, Plan 59R-16208, Town of Pelham, Regional Municipality of Niagara, by amending regulations of the EF-MU2 (East Fonthill Mixed Use 2) zone.

Town of Pelham

File No. AM-06-19

WHEREAS, Section 34 of the Planning Act, RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

WHEREAS, the Council of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

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

1. **THAT** the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 1.0(a)(ii) and replacing it with:

Retail commercial uses including retail stores, restaurants and personal services with Gross Leasable Floor Areas greater than 100 m² (1076.39 ft²) and less than 1,000 m² (10,763.9 ft²) per business;

2. **THAT** the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 2.0(a) and replacing it with:

A maximum of two drive-through facilities of any kind are permitted in the EF-MU2 zone.

3. **THAT** the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 2.0(d)(i) and replacing it with:

Where a building abuts or is adjacent to Street C or Rice Road (Regional Road 54), the front façade and main front wall of the building shall be developed within the 0.0 to 3.0 m(0.0 9.8 ft) Build-Within Zone. Buildings which abut the storm sewer easement may have a Build-Within Zone of 9.69 to 16.57 m (31.8 to 54.4 ft).

APPENDIX C

4. THAT the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 2.0(d)(iii) and replacing it with:

Where a building abuts, or is adjacent to an EF-SWM Zone, it shall be set back from the boundary of the EF-SWM Zone a minimum of 1.5 m (4.9 ft). A landscape buffer shall be included within the required development setback.

5. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS

15th DAY OF JULY, 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW NO. 4136(2019)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Highway 20, east of Wellspring Way, Parts 1, 8-11 and 16-19, Plan 59R-16208, Town of Pelham, Regional Municipality of Niagara, by amending regulations of the EF-MU2 (East Fonthill Mixed Use 2) zone.

Town of Pelham

File No. AM-06-19

WHEREAS, Section 34 of the Planning Act, RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

WHEREAS, the Council of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

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

1. **THAT** the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 1.0(a)(ii) and replacing it with:

Retail commercial uses including retail stores, restaurants and personal services with Gross Leasable Floor Areas greater than 100 m² (1076.39 ft²) and less than 1,000 m² (10,763.9 ft²) per business;

2. **THAT** the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 2.0(a) and replacing it with:

A maximum of two drive-through facilities of any kind are permitted in the EF-MU2 zone.

3. **THAT** the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 2.0(d)(i) and replacing it with:

Where a building abuts or is adjacent to Street C or Rice Road (Regional Road 54), the front façade and main front wall of the building shall be developed within the 0.0 to 3.0 m(0.0 9.8 ft) Build-Within Zone. Buildings which abut the storm sewer easement may have a Build-Within Zone of 9.69 to 16.57 m (31.8 to 54.4 ft).

4. **THAT** the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 2.0(d)(iii) and replacing it with:

Where a building abuts, or is adjacent to an EF-SWM Zone, it shall be set back from the boundary of the EF-SWM Zone a minimum of 1.5 m (4.9 ft). A landscape buffer shall be included within the required development setback.

- 5. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS

15th DAY OF JULY, 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 4140 (2019)

Being a by-law to accept one foot reserves being Parts 28 and 29, Plan 59R-16486 and Block 136, Plan 59M-434 pursuant to the subdivision agreement for River Estates Phase 2.

File No. 26T19-01-2018

WHEREAS the Corporation of the Town of Pelham deems it expedient to acquire the lands hereinafter described pursuant to the provisions of the Municipal Act, 2001, such lands being required for the purposes of the Corporation of the Town of Pelham;

AND WHEREAS, the developer of River Estates Phase 2 has met the obligations of the subdivision agreement;

AND WHEREAS, the River Estates subdivision has been registered;

NOW THEREFORE the Municipal Council of the Town of Pelham hereby enacts as follows:

1. The lands described as Parts 28 and 29, Plan 59R-16486 and Block 136, Plan 59M-434 are hereby accepted as a public highways known as Klager Avenue, Susan Drive and Moody Street.
2. All By-laws presently in force with respect to highways and streets shall apply to the said highway created under this By-law.

ENACTED, SIGNED AND SEALED THIS
12th DAY OF AUGUST, 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. 4141 (2019)

Being a by-law to appoint David Methot as a Building Inspector and Acting Chief Building Official for the Corporation of the Town of Pelham.

WHEREAS, authority is granted pursuant to Section 3(2) of the Building Code Act, S.O. 1992, c.23, as amended, to municipal councils to appoint such inspectors as are necessary for the enforcement of the Building Code Act in the areas in which the municipality has jurisdictions;

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

- (1) That David Methot is hereby appointed as a Building Inspector and Acting Chief Building Official for the Corporation of the Town of Pelham;
- (2) That the Building Inspector and Acting Chief Building Official shall be responsible for the enforcement of the Building Code Act. S.O. 1992, c.23 as amended, and the regulations thereunder;
- (3) That this by-law shall come into force and take effect on August 13, 2019.

ENACTED, SIGNED AND SEALED THIS
12th DAY OF AUGUST, 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW NO. 4142(2019)

**Being a by-law to appoint Members to the Town of Pelham Emergency
Management Program Committee and to name the Committee Chair; and
To Repeal and Replace By-law #3859(2017).**

WHEREAS Ontario Regulation 380/04, s.11, pursuant to the Emergency Management and Civil Protection Act, requires that every municipality have an Emergency Management Program Committee composed of the municipality's emergency management program co-ordinator, a senior municipal official appointed by the council, and such members who are involved in emergency management; and

WHEREAS the council is also required to appoint one of the members of the Committee to be the Chair of the Committee; and

WHEREAS it shall be the responsibility of the committee to advise the council on the development and implementation of the municipality's emergency management program; and

WHEREAS the roles and responsibilities of the emergency management program committee are set out in the O.Reg. 380/04:

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

- (1) THAT the following individuals be and are hereby the Fire Chief, Robert Lymburner, the Chief Administrative Officer, David Cribbs, the Director of Community Planning and Development, Barbara Wiens, the Town Clerk, Nancy Bozzato, and the Manager of Works and Utilities, Ryan Cook, be and are hereby appointed to the Town of Pelham Emergency Management Program Committee; and
- (2) THAT the Fire Chief be and is hereby named as the Chair of said Committee.
- (3) THAT By-law # 3859(2017) be and is hereby Repealed.

ENACTED, SIGNED & SEALED THIS
12th DAY OF AUGUST, 2019

MARVIN JUNKIN, MAYOR

NANCY J. BOZZATO, TOWN CLERK

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW NO 4143 (2019)

**Being a by-law to provide for the Indemnity and
Defence of Employees of The Corporation of the
Town of Pelham Against Liability Incurred While
Acting on Behalf of the Municipality**

WHEREAS Section 279 of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, states Council may pass By-Laws for paying any damages or costs awarded against any of the employees or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees including while acting in the performance of any statutory duty or for paying any sum required in connection with the settlement of an action or other proceeding and for assuming the cost of defending any such person in such an action or other proceeding;

**NOW THEREFORE COUNCIL OF THE CORPORATION OF THE
TOWN OF PELHAM ENACTS AS FOLLOWS:**

DEFINITIONS

1. In this By-Law unless contrary intention appears:
 - (a) "Action" or "Proceeding" means an action or proceeding referred to in Section 5, but does not include an action or proceeding referred to in Section 3;
 - (b) "CAO" means the Chief Administrative Officer or the Acting Chief Administrative Officer of The Corporation of the Town of Pelham;
 - (c) "Clerk" means the Town Clerk or their designate;
 - (d) "Corporation" means The Corporation of the Town of Pelham;
 - (e) "Council" means the Council of the Corporation;
 - (f) "Employee" means any salaried officer, or any other person in the employment of the Corporation or of a Local Board thereof and shall, for the purposes of this By-Law only, include volunteers that provide services on behalf of the Corporation of a Local Board, acting under the direction of a person employed by the Corporation, thereof without remuneration, exclusive of reimbursement of expenses or honoraria;
- and

- (g) “Local Board” means any board, commission, committee, body or local authority established by the Corporation to exercise any power or authority with respect to any of the affairs or purposes of the Corporation, including the Pelham Library Board, but shall not include any boards established by the Regional Municipality of Niagara or a school board or conservation authority.

FORMER EMPLOYEES

2. This By-Law applies to any person who was an Employee at the time the cause of action or other proceeding arose, but who prior to judgment or other settlement of the action or proceeding has ceased to be an employee.

EXCLUDED ACTIONS AND PROCEEDINGS

3. This By-Law does not apply to:
- (a) an action or proceeding where the legal proceeding related to an employee grievance or to disciplinary action taken by the Corporation as an employer;
 - (b) an action or proceeding resulting from any dishonest, gross negligence, malicious, willful misconduct or reckless violation of any law, duty, contract, or obligation, fraudulent or criminal act committed by the Employee;
 - (c) an action or proceeding resulting from an Employee gaining a personal profit or advantage to which he or she was not legally entitled;
 - (d) an action or proceeding involving sexual misconduct;
 - (e) an action or proceeding commenced under the *Highway Traffic Act*, R.S.O. 1990, c H.8, as amended, the *Criminal Code*, R.S.C. 1985, c. C46, as amended, the *Controlled Drugs and Substances Act*, S.C. 1996, as amended, or municipal parking and traffic by-laws, unless the CAO determines that Sections 5 (a) or 5(b) of this By-Law apply;
 - (f) an action or proceeding commenced by the Corporation against the Employee.

IF CAO IS EMPLOYEE

4. If the Employee seeking relief is the current CAO, Council shall designate one of the Clerk, the Treasurer or the Human Resource Coordinator to carry out the duties under this By-law assigned to the CAO; however, any decisions that the CAO would make under the By-law are to be made by Council.

INDEMNIFICATION

5. The Corporation shall indemnify an Employee, their heirs and legal representatives in the manner and to the extent provided by Section 6, in respect of any civil, criminal or administrative action or proceeding by a third party for acts or omissions arising out of the scope of the Employee's authority or within the course of the Employee's employment or office, including acting in the performance of any statutory duty, if in the opinion of the CAO:
 - (a) he or she acted honestly and in good faith with a view to the best interests of the Council or the Corporation;
 - (b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the Employee had reasonable grounds for believing their conduct to have been lawful.

MANNER OF INDEMNIFICATION

6. The Corporation shall indemnify a person referred to in Section 5 by:
 - (a) assuming the cost of defending such person in an action or proceeding;
 - (b) paying any damages or costs, including a monetary penalty, awarded against such person as a result of an action or proceeding;
 - (c) paying, either by direct payment or by reimbursement, any expenses reasonably incurred by such person as a result of an action or proceeding; and,
 - (d) paying any sum required in connection with the settlement of an action or proceeding;

to the extent that such costs, damages, expenses or sums are not assumed, paid or reimbursed under any provision of the Corporation's insurance for the benefit and protection of such person against any liability incurred by him or her.

APPEALS

7. Where an Employee who received indemnification as set out in Section 6 of this By-Law seeks to appeal a judgement in an action or proceeding, the Corporation shall have sole discretion to determine whether indemnification shall be extended by the Corporation for the purposes of the appeal. If an Employee pursues an appeal without indemnification by the Corporation and is successful in that appeal, the Corporation shall have the sole discretion to determine whether the Employee will be indemnified for his or her legal costs.
8. In exercising discretion under Section 7, Council shall consider the factors set out in Section 5.

PERSONS SERVED WITH PROCESS

9. Where a person referred to in Section 5 is served with any process issued out of or authorized by any court, administrative tribunal or other administrative, investigative or quasi-judicial body, whether or not the Employee is named a party, in connection with any action or proceeding, the Employee shall:
 - (a) unless he or she is a Director, forthwith deliver the process or a copy thereof to the Director of the department for which the Employee works, who in turn shall deliver a copy thereof to the CAO; or,
 - (b) if he or she is a Director, deliver the process or a copy thereof to the CAO;
 - (c) if he or she is the CAO, deliver the process or a copy thereof to the Clerk and inform Council;

- (d) in the event the Employee fails to give such notice or deliver such documents to the CAO within 30 days of receipt of such notice or such document, no indemnity will be provided to the Employee pursuant to this By-law, absent extenuating circumstances.

LAWYER RETAINED BY CORPORATION'S INSURERS

- 10. Notwithstanding any other provision of this By-Law to the contrary, any lawyer retained by the Corporation's insurers from time to time to defend the Corporation in any action or proceeding may represent a person referred to in Section 5 with respect to that action or proceeding unless the Corporation advises such person otherwise.

TOWN'S RIGHT TO SELECT LAWYER

- 11. The Corporation shall have the right to select and retain the lawyer to represent a person referred to in Section 5 and the CAO shall:
 - (a) advise such person of the lawyer representing him or her;
 - and
 - (b) advise the Council of the disposition of the matter.
- 12. The CAO shall have the right to approve any settlement of any Action or Proceeding.

DUTY TO CO-OPERATE

- 13. A person referred to in Section 5 involved in any Action or Proceeding shall co-operate fully with the Corporation and any lawyer retained by the Corporation to defend such action or proceeding, shall make available to such lawyer all information and documents relevant to the matter as are within the knowledge, possession or control of such person, and shall attend at all proceedings when requested to do so by such lawyer.

FAILURE TO COMPLY WITH BY-LAW

14. If a person referred to in Section 5 fails or refuses to comply with the provisions of this By-Law, the Corporation shall not be liable to assume or pay any of the costs, damages, expenses, or sums mentioned in Sections 6 or 7 of this By-Law.

CONFLICT

15. The Corporation typically maintains a policy of insurance for both the Corporation and its Council, officers, and employees and the provisions of this By-Law are intended to supplement the protection provided by such policies of insurance. In the event of conflict between this By-Law and the terms of any such policy of insurance in place from time to time, the terms of such policy or policies of insurance shall prevail.

EXECUTIVE ACTS AUTHORIZED

16. The CAO and Clerk are hereby authorized and directed to do all the things necessary, including executing any necessary documents under the seal of the Corporation, to give effect to this By-Law according to its true intent and meaning.

REIMBURSEMENT

17. Where the Employee has been so indemnified by the Corporation, the amount of the indemnification shall be reduced by the amount of any costs or damages recovered and where indemnification has been paid, any costs or damages recovered shall first be paid to the Corporation up to the amount of the indemnification.

PARAGRAPHS

18. Paragraph titles are for guidance in locating paragraphs only and are not to be relied on for interpretation of the By-Law.

TITLE

19. The short title of this By-Law is the "Employee Indemnification By-Law".

SEVERABILITY

20. If any section or sections of this By-Law or parts thereof be found by any court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-Law shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found and this By-Law shall be enacted as such.

REPEALS

21. This By-Law supersedes any corresponding By-Laws of the Corporation which, through inadvertence, might not have been repealed.

COMMENCEMENT

22. This By-law shall be effective as of the date it is passed by Council and shall apply to any action or proceeding commenced on or after the effective date, regardless of the date of the alleged act or omission.

READ, ENACTED, SIGNED AND SEALED THIS 12th DAY OF August, 2019

Mayor, Marvin Junkin

Nancy J. Bozzato, Town Clerk

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW NO 4144 (2019)

**Being a by-law to provide for the Indemnity and
Defence of Members of Council of The
Corporation of the Town of Pelham Against
Liability Incurred While Acting on Behalf of the
Municipality**

WHEREAS by Section 279 of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, Council may pass By-Laws for paying any damages or costs awarded against any members of the Council or expenses incurred by them as a result of any action or other proceeding, except a proceeding brought under the *Municipal Conflict of Interest Act*, R.S.O. 1990, c M.50, as amended, arising out of acts or omissions done or made by them in their capacity as members or officers of the municipality or the local board, including while acting in the performance of any statutory duty or for paying any sum required in connection with the settlement of an action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding;

**NOW THEREFORE COUNCIL OF THE CORPORATION OF THE
TOWN OF PELHAM ENACTS AS FOLLOWS:**

DEFINITIONS

1. In this By-Law unless contrary intention appears:
 - (a) “Action” or “Proceeding” means an action or proceeding referred to in Section 4, but does not include an action or proceeding referred to in Section 3;
 - (b) “CAO” means the Chief Administrative Officer or the Acting Chief Administrative Officer of The Corporation of the Town of Pelham;
 - (c) “Clerk” means the Town Clerk or their designate;
 - (d) “Corporation” means The Corporation of the Town of Pelham;
 - (e) “Council” means the Council of the Corporation;

- (f) “Member of Council” means an elected member of Council or an appointed member of Council pursuant to Section 263 (1) (a) of the *Municipal Act*, 2001, S.O. 2001, c 25, as amended.

FORMER MEMBERS OF COUNCIL

2. This By-Law applies to a person who was a Member of Council at the time the cause of action or other proceeding arose, but who prior to judgment or other settlement of the action or proceeding has ceased to be a Member of Council.

EXCLUDED ACTIONS AND PROCEEDINGS

3. This By-Law does not apply to an action or proceeding:
- (a) under the *Municipal Conflict of Interest Act*, as amended;
 - (b) under the *Municipal Elections Act*, as amended, if the Member of Council has been found to have committed bribery or a corrupt practice;
 - (c) under the *Criminal Code* if the Member of Council has been found to have contravened Sections 122, 123, 124, or 125 of the Code R.S.C. 1985, c. 46, as amended;
 - (d) for libel or slander if the defamation has been proven against the Member of Council and the Member of Council has been found to have used the occasion for some purpose other than that for which qualified privilege is accorded by law;
 - (e) resulting from any dishonest, gross negligence, malicious, willful misconduct or reckless violation of any law, duty, contract, or obligation, fraudulent or criminal act committed by the Member of Council;
 - (f) involving sexual misconduct;
 - (g) an action or proceeding commenced under the *Highway Traffic Act*, R.S.O. 1990, c H.8, the *Controlled Drugs and Substances Act*, S.C. 1996, as amended, or municipal parking and traffic by-laws.
 - (h) an action or proceeding commenced by the Corporation against the Member of Council.

INDEMNIFICATION

4. The Corporation shall indemnify a Member of Council and their heirs and legal representatives in the manner and to the extent provided by Section 5, in respect of any civil, criminal or administrative action or proceeding by a third party for acts or omissions arising out of the scope of the Member of Council's authority or within the course of the Member of Council's employment or office, including acting in the performance of any statutory duty, if:
 - (a) the Member of Council acted honestly and in good faith with a view to the best interests of the Council or the Corporation; and
 - (b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the Member of Council had reasonable grounds for believing their conduct was lawful;
 - (c) a request for indemnification is made to the CAO or Clerk in writing; and
 - (d) the request is made in a timely fashion, typically less than 30 days.

MANNER OF INDEMINIFCATION

5. The Corporation shall indemnify a person referred to in Section 4 by:
 - (a) assuming the cost of defending such person in an action or proceeding;
 - (b) paying any damages or costs, including a monetary penalty, awarded against such person as a result of an action or proceeding;
 - (c) paying, either by direct payment or by reimbursement, any expenses reasonably incurred by such person as a result of an action or proceeding; and,
 - (d) paying any sum required in connection with the proceeding;to the extent that such costs, damages, expenses or sums are not assumed, paid or reimbursed under any provision of the Corporation's insurance for the benefit and protection of such person against any liability incurred by them.

APPEALS

6. Where a Member of Council who received indemnification as set out in Section 4 of this By-Law seeks to appeal a judgement in an action or proceeding, the Council shall have sole discretion to determine whether indemnification shall be extended by the Corporation for the purposes of the appeal. If a Member of Council pursues an appeal without indemnification by the Corporation and is successful in that appeal, the Council shall have the sole discretion to determine whether the Member of Council will be indemnified for his or her legal costs.
7. In exercising discretion under Section 6, the Council shall consider the factors set out in Section 4.

PERSONS SERVED WITH PROCESS

8. Where a person referred to in Section 4 is served with any process issued out of or authorized by any court, administrative tribunal or other administrative, investigative, or quasi-judicial body, whether or not the Member of Council is named a party, in connection with any action or proceeding, the Member of Council shall deliver the process or a copy thereof to the CAO and/or Clerk.

LAWYER RETAINED BY CORPORATION'S INSURERS

9. Notwithstanding any other provision of this By-Law to the contrary, any lawyer retained by the Corporation's insurers from time to time to defend the Corporation in any action or proceeding may represent a person referred to in Section 4 with respect to that action or proceeding unless the Corporation advises such person otherwise.

TOWN'S RIGHT TO SELECT LAWYER

10. The Corporation shall have the right to select and retain the lawyer to represent a person referred to in Section 4 and the CAO shall:
 - (a) advise such person of the lawyer representing him or her;
and
 - (b) advise the Council of the disposition of the matter.
11. Council shall have the right to approve any settlement of any Action or Proceeding.

DUTY TO CO-OPERATE

12. A person referred to in Section 4 involved in any Action or Proceeding shall co-operate fully with the Corporation and any lawyer retained by the Corporation to defend such action or proceeding, shall make available to such lawyer all information and documents relevant to the matter as are within the knowledge, possession or control of such person, and shall attend at all proceedings when requested to do so by such lawyer.

FAILURE TO COMPLY WITH BY-LAW

13. If a person referred to in Section 4 fails or refuses to comply with the provisions of this By-Law, the Corporation shall not be liable to assume or pay any of the costs, damages, expenses, or sums mentioned in Sections 5 or 6 of this By-Law.

CONFLICT

14. The Corporation typically maintains a policy of insurance for both the Corporation and its Council, officers, and employees and the provisions of this By-Law are intended to supplement the protection provided by such policies of insurance. In the event of conflict between this By-Law and the terms of any such policy of insurance in place from time to time, the terms of such policy or policies of insurance shall prevail.

COUNCIL DISCRETION TO EXTEND COVERAGE

15. The express provisions of this By-law shall not limit or preclude Council from exercising its otherwise existing discretion to extend indemnification of the nature set out in Sections 4 in circumstances deemed appropriate by the Council.

EXECUTIVE ACTS AUTHORIZED

16. The CAO and Clerk are hereby authorized and directed to do all the things necessary, including executing any necessary documents under the seal of the Corporation, to give effect to this By-Law according to its true intent and meaning.

REIMBURSEMENT

17. Where the Member of Council has been so indemnified by the Corporation, the amount of the indemnification shall be reduced by the amount of any costs or damages recovered and where indemnification has been paid, any costs or damages recovered shall first be paid to the Corporation up to the amount of the indemnification.

PARAGRAPHS

18. Paragraph titles are for guidance in locating paragraphs only and are not to be relied on for interpretation of the By-Law.

TITLE

19. The short title of this By-Law is the "Council Indemnification By-Law".

SEVERABILITY

20. If any section or sections of this By-Law or parts thereof be found by any court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-Law shall be deemed to be separate and

independent therefrom and continue in full force and effect unless and until similarly found and this By-Law shall be enacted as such.

REPEALS

21. This By-Law supersedes any corresponding By-Laws of the Corporation which, through inadvertence, might not have been repealed.

COMMENCEMENT

22. This By-law shall be effective as of the date it is passed by Council and shall apply to any action or proceeding commenced on or after the effective date, regardless of the date of the alleged act or omission.

READ, ENACTED, SIGNED AND SEALED THIS 12th DAY OF August, 2019

Mayor, Marvin Junkin

Nancy J. Bozzato, Town Clerk

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4146(2019)

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 12th day of August 2019.

WHEREAS Section 5 (3) of the Municipal Act, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

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

- (1) (a) The actions of the Council at its meeting held on the 12th day of August, 2019, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.
 (b) The above-mentioned actions shall not include:
 - (I) any actions required by law to be taken by resolution, or
 - (II) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
- (2) The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
- (3) Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.
- (4) THAT this by-law shall come into force on the day upon which it is passed.

READ, ENACTED, SIGNED AND SEALED

THIS 12th DAY OF August, 2019 A.D.

MAYOR MARVIN JUNKIN

TOWN CLERK, NANCY J. BOZZATO