

REGULAR COUNCIL MINUTES

Meeting #: C-04/2020 - Regular Council
Date: Monday, March 2, 2020
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

Other: Delegations and 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 5:49 pm, the Mayor noting a late start due to a closed session meeting running late, with apologies.

2. Singing of National Anthem

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

3. Approval of Agenda

Moved By Marianne Stewart

Seconded By John Wink

BE IT RESOLVED THAT the agenda for the March 2, 2020 Regular meeting of Council be adopted.

Amendment:

Moved By Mike Ciolfi

Seconded By Marianne Stewart

THAT the Agenda be amended by adding the Cannabis Control Committee as a Delegation under Agenda Item 5.2.4;

AND THAT the Rules of Procedure as contained in the Town of Pelham Procedural By-law, Section 18(ii)(d) be suspended to permit a fourth delegation to address Council, whereas the By-law stipulates a maximum of three.

Carried

Amendment:

Moved By John Wink

Seconded By Marianne Stewart

BE IT RESOLVED THAT the agenda for the March 2, 2020 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. Hearing of Presentation, Delegations, Regional Report

5.1 Presentations

Councillor Wink announced that the Pelham Summerfest Event has once again, in the sixth straight year, voted one of the Top 100 Festivals in Ontario. He noted that over 2000 festivals are held in Ontario, and this award provides a strong tribute to the Town in acknowledging this achievement.

5.2 Delegations

5.2.1 Request for Development and Implementation of Outdoor Lighting Policy

Wayne Liebau presented information regarding the development of an outdoor lighting policy.

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED that Council receive the delegation by Wayne Liebau requesting development of an outdoor lighting policy, for information. Carried

5.2.2 Outline of Concerns Regarding 42 Emmett Street

Cari Pupo addressed Council regarding her concerns relating the property known as 42 Emmett Street.

Moved By Ron Kore

Seconded By Mike Ciolfi

BE IT RESOLVED that Council receive the delegation by Cari Pupo regarding her concerns relating to the property known as 42 Emmett Street, for information.

Carried

5.2.3 BioForest 2019 Population Surveys and 2020 Defoliation Forecasts - Gypsy Moth

Allison Craig, Manager, Urban Forest Health Services, BioForest presented information regarding the 2019 Gypsy Moth Population Surveys and the 2020 Defoliation Forecasts.

Moved By Ron Kore

Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive for information the presentation by Allison Craig, Manager, Urban Forest Health Services, BioForest regarding the 2019 Gypsy Moth Population Surveys and the 2020 Defoliation Forecasts.

Carried

5.2.4 Cannabis Control Committee

Tim Nohara provided the Cannabis Control Committee's position on whether or not to hold another public meeting relating to cannabis-related by-laws. It is their opinion that it is premature for Council to make a determination as to whether or not a second public meeting be convened. Mr. Nohara was requested to provide his presentation to the Clerk.

Moved By Mike Ciolfi

Seconded By Lisa Haun

BE IT RESOLVED THAT Staff be directed to develop a Dark Skies Policy and/or Dark Skies By-law to be provided to Council for review by the end of May, 2020.

Carried

Moved By Lisa Haun

Seconded By Ron Kore

BE IT RESOLVED THAT Council authorize additional legal spending relating to the Cannabis Control Committee and the Chief Administrative Officer be directed to utilize any available budgetary resources from the approved Planning budget prior to using any new monies for such legal expenses not included in the 2020 Budget, such authority not to exceed \$30,000.

Carried

Moved By Mike Ciolfi

Seconded By Lisa Haun

BE IT RESOLVED that Council receive the delegation by Tim Nohara, Chair of the Cannabis Control Committee for information.

Carried

5.3 Report of Regional Councillor

Regional Councillor Huson presented her March 2nd Report. She also highlighted the Niagara Peninsula Conservation Authority Comfort Maple Legacy Project.

Moved By Mike Ciolfi

Seconded By Lisa Haun

BE IT RESOLVED THAT the March 2, 2020 report submitted by Regional Councillor Huson, be received for information.

Carried

6. Adoption of Minutes

Moved By Ron Kore

Seconded By Lisa Haun

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

1.C-03-2020 Regular Council Minutes February 18, 2020

2. SC-02/2020 Special Council Minutes February 18, 2020

Carried

7. Business Arising from Council Minutes

None

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

The following Items were lifted for separate consideration:

Item 9.1.2 - PCOW-01/2020 Recommendations

Item 9.4.1 - Autism Ontario, World Autism Awareness Day

Item 9.5.1 - Niagara Federation of Agriculture

9. Consent Agenda Items to be Considered in Block

Moved By Lisa Haun

Seconded By John Wink

BE IT RESOLVED THAT the Consent Agenda items as listed on the March 2nd, 2020 Council Agenda be received and the recommendations contained therein be approved, as applicable.

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

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

1. COW-02/2020 - Committee of the Whole Minutes - February 18, 2020

~~2. PCOW-01/2020 - Public Meeting Under Planning Act - February 10, 2020 (lifted)~~

9.2 Minutes Approval – Committee

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

1. COW-02/2020 - Committee of the Whole Minutes - February 18, 2020

2. PCOW-01/2020 - Public Meeting Under Planning Act - February 10, 2020

9.4 Action Correspondence of a Routine Nature

~~9.4.1 Autism Ontario, World Autism Awareness Day – Proclamation Request~~

~~BE IT RESOLVED THAT Council receive the delegation submitted by Autism Ontario; and~~

~~THAT Council proclaim April 2, 2020 as World Autism Awareness Day. (lifted)~~

9.5 Information Correspondence Items

~~9.5.1 Niagara Federation of Agriculture – Request for Support of Bill 156, Security from Trespass and Protecting Food Safety Act~~

~~BE IT RESOLVED THAT Council receive the correspondence from the Niagara Federation of Agriculture regarding Bill 156, Security from Trespass and Protecting Food Safety Act, for information. (lifted)~~

9.5.2 Niagara Regional Housing Fourth Quarter Report

BE IT RESOLVED THAT Council receive the fourth quarter report from Niagara Regional Housing, dated February 14th, 2020 , for information.

9.7 Committee Minutes for Information

9.7.1 Pelham Public Library Board Minutes

BE IT RESOLVED THAT Council receive the Pelham Library Board special and regular meeting minutes from January 22, 2020; for information.

9.7.2 Summerfest Committee Minutes

BE IT RESOLVED THAT Council receive the Summerfest Committee minutes dated January 29, 2020, for information.

9.7.3 MCC Hospitality Committee Minutes

BE IT RESOLVED THAT Council receive the MCC Hospitality Committee minutes dated January 8, 2020, for information.

9.7.4 MCC User Group Minutes

BE IT RESOLVED THAT Council receive the MCC User Group minutes dated January 16, 2020, for information.

9.7.5 Pelham Seniors Advisory Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Seniors Advisory Committee minutes dated November 21, 2019, December 18, 2019 and January 16, 2020, for information.

9.7.6 Pelham Public Art Advisory Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Public Art Advisory Committee minutes dated January 15, 2020, for information.

9.7.7 Committee of Adjustment Minutes

BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated December 3, 2019, January 14, 2020 and January 28, 2020, for information.

Carried

10. Items for Separate Consideration, if Any

10.1 PCOW Recommendations from February 10, 2020

Moved By Lisa Haun

Seconded By John Wink

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

PCOW-01/2020 - Public Meeting Under Planning Act - February 10, 2020

Moved By Bob Hildebrandt

Seconded By John Wink

THAT PCOW-01/2020 Recommendation #5 be amended by adding the following staff direction:

AND THAT Staff be directed to provide Council with a report outlining the proposed overall development plans for the consolidated lands.

Amendment:

Moved By Lisa Haun

Seconded By Ron Kore

THAT the motion be further amended by adding the following:

THAT staff provide a report to examine front-loading all development charges so that the Town will assume less/reduced financial risk/burden associated with development but rather developers assume a greater share of the financial burden.

Carried

Amendment:

Moved By Bob Hildebrandt

Seconded By John Wink

THAT PCOW-01/2020 Recommendation #5 be amended by adding the following staff direction:

"AND THAT Staff be directed to provide Council with a report outlining the proposed overall development plans for the consolidated lands; and

THAT Staff provide a report to examine front-loading all development charges so that the Town will assume less/reduced financial risk/burden associated with development but rather developers assume a greater share of the financial burden."

Carried

Moved By Lisa Haun

Seconded By John Wink

BE IT RESOLVED THAT COUNCIL HEREBY approves the Recommendations resulting from PCOW-01/2020, with recommendation #5 as amended.

Carried

10.2 Autism Ontario, World Autism Awareness Day - Proclamation Request

Moved By Lisa Haun

Seconded By John Wink

BE IT RESOLVED THAT Council receive the delegation submitted by Autism Ontario; and

THAT Council proclaim April 2, 2020 as World Autism Awareness Day.

Carried

10.3 Niagara Federation of Agriculture - Request for Support of Bill 156, Security from Trespass and Protecting Food Safety Act

Moved By Lisa Haun

Seconded By John Wink

BE IT RESOLVED THAT Council receive the correspondence from the Niagara Federation of Agriculture regarding Bill 156, Security from Trespass and Protecting Food Safety Act, for information.

Carried

11. Presentation & Consideration of Reports

11.1 Reports from Members of Council:

11.2 Staff Reports Requiring Action

11.2.1 Proposed Town Solicitor Shared Services Agreement, 2020-0032-Chief Administrator Officer

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED THAT Council receive Report #2020-0032;

AND THAT Council approve the creation of a part-time Town Solicitor position in conjunction with the Township of Wainfleet and the Town of Fort Erie;

AND THAT the Chief Administrative Officer and Human Resources Coordinator be directed to initiate the recruitment process.

Carried

**11.2.2 Procedural Planning Issue regarding Cannabis,
2020-0026-Chief Administrator Officer**

Councillor Ciolfi made a motion to defer consideration on this matter, which did not obtain a second.

Moved By Marianne Stewart

Seconded By John Wink

THAT COUNCIL receive Report #2020-0026, Procedural Planning Issue Regarding Cannabis;

AND THAT Council direct Staff to proceed in accordance with the legal advice received from Aird and Berlis, LLP in this regard.

Amendment:

Moved By Marianne Stewart

Seconded By John Wink

THAT the motion be amended by removing the last paragraph.

Defeated

Moved By Marianne Stewart

Seconded By John Wink

**THAT COUNCIL receive Report #2020-0026,
Procedural Planning Issue Regarding Cannabis;**

**AND THAT Council direct Staff to proceed in
accordance with the legal advice received from Aird
and Berlis, LLP in this regard.**

Defeated

Moved By Bob Hildebrandt

Seconded By John Wink

**THAT the Rules of Procedure as contained in the
Town of Pelham Procedural By-law, be suspended;**

**AND THAT the specified meeting curfew time of 9:00
p.m. be and is hereby waived;**

**AND THAT the remainder of the business listed on
the agenda for this meeting continue to be
considered until all matter have been concluded.**

Carried

11.2.3 2019 Gypsy Moth Monitoring Program Report and 2020 Gypsy Moth Management Program, 2020-0021-Public Works

Councillor Kore requested that each residence (household) be billed \$50 for gypsy moth spraying, however no second was obtained.

Moved By Marianne Stewart

Seconded By John Wink

THAT Council receive Report # 2020-0021 2019 Gypsy Moth Monitoring Report and 2020 Gypsy Moth Management Program Report for information; and

THAT Council approve the extension of Contract No. 2019-PW-19 to Lallemand Inc/Bioforest to include the services required to develop and administer an aerial spray and public volunteer program, estimated at \$35,000.00 + HST; and

THAT Council approve the use of Zimmer Air Services to conduct the 2020 aerial spray program; and

THAT Council direct staff to conduct a gypsy moth aerial spray program as described in Option 2, utilizing the approved budget of \$150,000.

Carried

12. Unfinished Business

None

13. New Business

None

14. Presentation and Consideration of By-Laws

There were no by-laws presented.

15. Motions and Notices of Motion

None

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

None

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

None

18. Resolution to Move in Camera

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED THAT the Closed Session Item, 18.1 In Camera Report, and the Policy and Priorities Committee meeting scheduled for March 2nd, 2020 be postponed, to be rescheduled at a date to be determined by the Clerk.

Carried

19. Rise From In Camera

20. Confirming By-Law

Moved By Lisa Haun

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. 4207(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 2nd day of March, 2020.

Carried

21. Adjournment

Moved By Lisa Haun

Seconded By Mike Ciolfi

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for March 23, 2020 at 5:30 pm.

Carried

Mayor: Marvin Junkin

Town Clerk: Nancy J. Bozzato