REGULAR COUNCIL

MINUTES

Meeting #:	**C-05/2020 - Regular Council**
Date:	**Monday, March 23, 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 (Electronic)** **Bob Hildebrandt (Electronic)** **Ron Kore** **Marianne Stewart** **John Wink (Electronic)**
Staff Present:	**David Cribbs** **Nancy Bozzato** **Bob Lymburner** **Marc MacDonald (Electronic)** **Jason Marr** **Teresa Quinlin** **Vickie vanRavenswaay** **Barbara Wiens** **Holly Willford (Electronic)**
Other:	**T. Nohara, Item 5.2.1**

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1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 6:10 p.m. with apologies for a late start due to a previous meeting.

2. Singing of National Anthem

To officially open the meeting, the Mayor read remarks relating to COVID-19, Novel Coronavirus in place of the National Anthem in this instance.

3. Approval of Agenda

Moved By Ron Kore
Seconded By Lisa Haun

BE IT RESOLVED THAT the agenda for the March 23, 2020 Regular meeting of Council be adopted.

Amendment:
Moved By Marianne Stewart
Seconded By Bob Hildebrandt

THAT the Agenda for March 23, 2020 be amended to include correspondence dated March 20, 2020 from Sullivan Mahoney LLP and Inch Hammond Barristers & Solicitors as part of the Consent Agenda as items 9.5.4 and 9.5.5;

AND that an Item of New Business, Item 13, be added relating to tax and water penalties during the pandemic;

AND that By-law Item 14.4, By-law 4202(2020) be considered immediately following the delegation.

Carried

Moved By Ron Kore
Seconded By Lisa Haun

BE IT RESOLVED THAT the agenda for the March 23, 2020 Regular meeting of Council be adopted, as amended.

Carried

Moved By Lisa Haun
Seconded By Ron Kore

THAT, for future meetings, only matters of a time-sensitive or an urgent nature be presented to Council for consideration and that Committee meetings be postponed during the Novel Coronavirus COVID-19 Pandemic.

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

None

5.2 Delegations

5.2.1 Cannabis Control Committee

Mr. Nohara described the Cannabis Control Committee's significant changes to the proposed odorous industries by-law, which is being presented for Council consideration.

Moved By Mike Ciolfi
Seconded By Ron Kore

BE IT RESOLVED THAT Council receive the delegation by Tim Nohara, Chair, Cannabis Control Committee;

AND THAT Council consider the Committee recommendation to approve the Odorous Industries Nuisance By-law as presented on the agenda for March 23, 2020 at Item #14.

Recorded	**For**	**Against**
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	**7**	**0**

Carried (7 to 0)

5.2.1.1 Consideration of By-law 4202(2020) - Being a by-law to regulate certain matters and nuisances related to odorous industrial facilities.

Moved By John Wink
Seconded By Mike Ciolfi

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-law:

By-law 4202(2020) - Being a by-law to regulate certain matters and nuisances related to odorous industrial facilities.

Recorded	For	Against
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	**7**	**0**

Carried (7 to 0)

Moved By Mike Ciolfi
Seconded By Ron Kore

BE IT RESOLVED THAT Council direct staff to present a report for the proposed mechanism, methodology, process and purchase of technology regarding licensing, regulations, fees and charges for implementation of the odorous industries by-law.

Carried

5.3 Report of Regional Councillor

None

6. Adoption of Minutes

Moved By Marianne Stewart
Seconded By John Wink

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

1.C-04/2020 Regular Council Minutes - March 2, 2020

2. SC-03/2020 Special Council Minutes - February 24, 2020

3. SC-04/2020 Special Council Minutes - March 2, 2020

Carried

7. Business Arising from Council Minutes

None

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

No items were lifted

9. Consent Agenda Items to be Considered in Block

Moved By John Wink
Seconded By Marianne Stewart

BE IT RESOLVED THAT the Consent Agenda items as listed on the March 23rd, 2020 Council Agenda be received and the recommendations contained therein be approved, as applicable.

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9.3 Staff Reports of a Routine Nature for Information or Action

9.3.1 2019 Council and Board Remuneration, 2020-0031-Corporate Services

BE IT RESOLVED THAT Council receive Report #2020-0031 for information.

9.5 Information Correspondence Items

9.5.1 Ministry of Municipal Affairs and Housing - Provincial Policy Statement, 2020

BE IT RESOLVED THAT Council receive, for information, correspondence from the Minister of Municipal Affairs and Housing, introducing the 2020 Provincial Policy Statement that will come into effect May 1, 2020 and supports the More Homes, More Choice: Ontario's Housing Supply Action Plan.

9.5.2 Summerfest Wins Top 100 Festivals in Ontario for Sixth Year In A Row

BE IT RESOLVED that Council receive the media communication regarding 'Summerfest Wins Top 100 Festivals in Ontario for Sixth Year in a Row', for information.

9.5.3 2019/2020 Gas Tax Program Funding Allocation - Ministry of Transportation Ontario

BE IT RESOLVED THAT Council receive, for information, correspondence from the Ministry of Transportation of Ontario regarding the 2019/2020 Gas Tax Program Funding notification for the Town of Pelham.

9.5.4 Sullivan Mahoney LLP Letter re Odourous Industries Nuisance By-law

BE IT RESOLVED THAT Council receive correspondence dated March 20, 2020 from Sullivan Mahoney LLP regarding the draft Odourous Industries Nuisance By-law, for information.

9.5.5 Inch Hammond Barristers & Solicitors Letter re Odourous Industries Nuisance By-law

BE IT RESOLVED THAT Council receive correspondence dated March 20, 2020 from Inch Hammond Barristers & Solicitors regarding the draft Odourous Industries Nuisance By-law, for information.

9.7 Committee Minutes for Information

9.7.1 Cannabis Control Committee Minutes

BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes dated December 11, 2019, January 8, 2020 and January 15, 2020, for information.

9.7.2 Mayors Youth Advisory Council Minutes

BE IT RESOLVED THAT Council receive the Mayors Youth Advisory Council minutes dated December 17, 2019, for information.

9.7.3 Committee of Adjustment Minutes

BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated November 5, 2019, for information.

Carried

10. Items for Separate Consideration, if Any

No items were lifted for separate consideration.

11. Presentation & Consideration of Reports

11.1 Reports from Members of Council:

No reports.

11.2 Staff Reports Requiring Action

11.2.1 Zoning By-law Amendment - 695 Quaker Rd (AM-09-19) Recommendation Report, 2020-0040-Planning

Moved By John Wink
Seconded By Mike Ciolfi

BE IT RESOLVED THAT Council receive Report #2020-0040-Planning for information as it pertains to Zoning By-law Amendment application file No. AM-09-19 – 695 Quaker Road and recommend;

THAT Council approve the By-law, attached hereto as Appendix D, amending the zoning of 695 Quaker Road.

Amendment:
Moved By Ron Kore
Seconded By Mike Ciolfi

THAT Consideration of this report be deferred for consideration following the Novel Coronavirus COVID-19 pandemic.

Carried

11.2.2 2020 Gypsy Moth Aerial Spray Program, 2020-0039-Public Works

Moved By John Wink
Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report # 2020-0039 for information;

AND THAT Council consider amending By-Law No. 4106(2019) to allow for the implementation of an aerial spray program in 2020;

AND THAT the blocks identified in Report # 2020-0039 be aerially sprayed for the Gypsy Moth in 2020;

AND THAT the Town holds two (2) Public Open Houses to communicate the spray blocks and address the concerns of residents with respect to the Gypsy Moth during the month of April.

Carried

11.2.3 The Town of Pelham's Enhanced and Optional Enhanced Waste Collection Services, 2020-0044-Public Works

Moved By Marianne Stewart
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive and approve Report #2020-0044-Public Works and;

AND THAT Council endorse the proposed recommendations from Town staff regarding the Town of Pelham's Enhanced and Optional Enhanced Waste Collection Services for the Niagara Region's new Waste Management Collection Contract.

AND THAT, Niagara Region be advised that the Town of Pelham requests to continue with its current Enhanced Services, as follows:

a. **Two (2) Days-per-Week for Public Space Litter Bin and Public Space Recycling Bin Collection inside Designated Business Areas (DBA) and one**

(1) day-per-week for Public Space Litter Bin and Public Space Recycling Bin Collection outside DBAs, at an annual estimated cost of $18,825.60 (including Net HST);

b. Containerized Garbage Collection at Multi-Residential (MR) Buildings and Municipal Facilities (MF), at an annual estimated cost of $14,195.52 (including Net HST), and

AND THAT, Niagara Region be advised that the Town of Pelham is not interested in the Optional Enhanced Services of:

c. **Bulky Goods Collection at MR buildings with seven (7) or more units and Mixed-Use (MU) properties with one (1) or more residential unit, at an annual estimated cost of $41,009.28 (including Net HST);**

d. In-ground Collection at Municipal Facilities (i.e. Town Hall, the Meridian Community Centre (MCC), and Centennial Park), at an estimated cost of $122.11 (plus HST) per receptacle/stop for crane collection

AND THAT Council endorse the recommendation from Town staff to continue with the Town's existing in-ground collection service provider until further investigation on alternative in-ground collection systems are explored.

Carried

12. Unfinished Business

None

13. Presentation and Consideration of By-Laws

Moved By Ron Kore
Seconded By Mike Ciolfi

THAT consideration of By-law 4209(2020) regarding 695 Quaker Road be deferred for consideration following the Novel Coronavirus COVID-19 pandemic.

Carried

Moved By John Wink
Seconded By Mike Ciolfi

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:

1. By-law 4208(2020) - Being a by-law authorizing the implementation of a 2020 spray program respecting the gypsy moth, and to Repeal and Replace By-law 4106(2019)

~~2. By-law 4209(2020) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Quaker Road, west of Clare Avenue, municipally known as 695 Quaker Road. The Zoning By-law Amendment rezones the lands from the Residential 1 (R1) Zone to a site-specific Residential 2 (R2) and Residential Multiple 1 (RM1-281{H}). Janusz Szymala, Pawel Ryzlak. File No. AM-09-19~~ DEFERRED

3. By-law 4210(2020) - Being a by-law to Authorize the Execution of Grant Funding Agreements between the Town of Pelham and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Municipal Affairs and Housing, Relating to Funding Provided as follows: (1) $49,354.00 – Public Works Operational Review; (2) - $39,534.00 – Savings and Efficiencies Review with the City of Port Colborne, the Townships of Wainfleet and West Lincoln, and the Town of Pelham; and (3) $19,425.00 – Review of Current Information Technology Services with the Township of Wainfleet

~~4. By-law 4202(2020) - Being a by-law to regulate certain matters and nuisances related to odorous industrial facilities.~~ (CONSIDERED SEPARATELY)

5. By-law 4211(2020) - Being a by-law to appoint Jason Longhurst and Andrew McMurtrie as Provincial Offences Officers for the Corporation of the Town of Pelham.

6. By-law 4214(2020) - Being a by-law to authorize the execution of an Agreement with Her Majesty The Queen In Right of the Province of Ontario as represented by the Minister of Transportation for the Province of Ontario - Dedicated Gas Tax Funds 2019-2020, and to Repeal and Replace By-law #4067(2019).

Carried

14. New Business

Consideration of Resolution to waive penalties for non-payment of taxes and water utility bills.

Moved By Mike Ciolfi
Seconded By John Wink

WHEREAS the Town of Pelham, along with the global community, is experiencing a World health Organization declared pandemic being the Novel Coronavirus, COVID-19,

AND WHEREAS the Town of Pelham municipal building is closed to the walk-in public in light of this pandemic;

AND WHEREAS the global economy is experiencing an unprecedented financial impact;

AND WHEREAS the Town of Pelham is desirous to initiate measures to ensure business continuity and to support the well-being of the residents of the Town of Pelham,

NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham waive the Town of Pelham's penalty for non-payment of taxes or any installment for taxes or water/wastewater payments,

AND THAT Council approves of a one-month exemption until April 30th, 2020 at which time a further assessment of the pandemic implications will be reviewed and further recommendations will be made as necessary.

Carried

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

The meeting was recessed and reconvened following the Committee of the Whole meeting.

Moved By Mike Ciolfi
Seconded By John Wink

BE IT RESOLVED THAT Council recess the In Camera portion of the meeting and reconvene immediately following the Committee meeting scheduled for this evening.

Carried

Moved By Mike Ciolfi
Seconded By Marianne Stewart

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

Moved By Bob Hildebrandt
Seconded By Ron Kore

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

Pursuant to the Municipal Act,

Subsection 239(2)(c) proposed or pending acquisition or disposition of land by the municipality or local board; and 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose (1 item);

Subsection 239(2)(e) - litigation or potential litigation (1 item);

Subsection 239(2)(b) - personal matters about an identifiable individual including municipal or local board employees (1 item)

Subsection 239(2)(b) - personal matters about an identifiable individual including municipal or local board employees; and 239(2)(d) labour relations or employee negotiations (1 item)

Carried

19. Rise From In Camera

Moved By Marianne Stewart
Seconded By Bob Hildebrandt

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

Carried

Moved By Ron Kore
Seconded By John Wink

BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of March 23, 2020.

Carried

20. Confirming By-Law

Moved By Lisa Haun
Seconded By Bob Hildebrandt

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

Being a By-law No. 4213(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 23rd day of March, 2020.

Carried

21. Adjournment

Moved By Ron Kore
Seconded By Marianne Stewart

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for April 6, 2020 at 5:30 pm.

Carried

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Mayor: Marvin Junkin

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Town Clerk: Nancy J. Bozzato