

REGULAR COUNCIL MINUTES

Meeting #: C-11/2020 - Regular Council
Date: Monday, June 15, 2020
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

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

Staff Present: David Cribbs
Nancy Bozzato
Bob Lymburner
Jason Marr
Teresa Quinlin
Vickie vanRavenswaay
Barbara Wiens
Holly Willford

Other: T. Nohara, Item 4.2
N. McDonald, Item 4.2
R. Cook, Manager, Public Works

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 pm. All attendance, save and except the Mayor and Clerk was through electronic means.

2. Approval of Agenda

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

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED THAT the agenda for the June 15th, 2020 Regular meeting of Council be adopted.

Amendment:

Moved By Bob Hildebrandt

Seconded By Lisa Haun

THAT the Agenda for the June 15, 2020 Regular Meeting of Council be amended as follows:

That Agenda Item 4.2.1, Cannabis Control Committee, be considered prior to Agenda Item 4.1.1; and

That Agenda items 12.1 and 12.2 be considered immediately following Agenda Item 17, and that Item 12.2 be considered first.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED THAT the agenda for the June 15th, 2020 Regular meeting of Council be adopted, as amended.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

3. Disclosure of Pecuniary Interests and General Nature Thereof

3.1 Ron Kore - ADR Chambers Integrity Commissioner Office

Councillor Kore disclosed a personal pecuniary interest regarding this item.

3.2 Ron Kore - Report from Ombudsman of Ontario

Councillor Kore disclosed a personal pecuniary interest regarding this item.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Delegations

4.1.1 Cannabis Control Committee

Mr. Nohara and Mr. McDonald outlined the ongoing work of the Cannabis Control Committee and proposed Zoning and Official Plan Amendments. Mr. McDonald advised that the Niagara Region is close to indicating it will exempt the Official Plan Amendment from its approval, based on the document he will be presenting. While there will be minor changes still to come, he will present the work undertaken thus far. A more detailed report explaining the changes will be provided in the near future.

Mr. McDonald reviewed in detail the changes that have been made thus far to the Official Plan Amendment being proposed.

Moved By Marianne Stewart

Seconded By Lisa Haun

BE IT RESOLVED that Council received the delegation from Tim Nohara, Chair of the Cannabis Control Committee and Nick McDonald, Meridian Planning Consultants, for information.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

4.2 Presentations

4.2.1 COVID-19

**4.2.1.1 COVID-19 Update from Community
Emergency Management Co-Ordinator**

B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator provided an update on the COVID-19 pandemic. He provided statistical information and advised that the Province intends to extend the Emergency Declaration, although the duration is unknown. The Niagara Region will proceed to Phase 2 reopening on Friday, June 19th.

Moved By Ron Kore
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator, for information.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

4.2.1.2 Update re Programming and Aquatics

The Director, Recreation, Culture and Wellness updated Council on various programs and events including the first Farmers' Market of the season, the proposed Summer Camp programs, aquatics, etc.

Moved By Marianne Stewart
Seconded By Lisa Haun

BE IT RESOLVED that Council receive the Up-date re Programming and Aquatics presentation from V.

vanRavenswaay, Director of Recreation, Culture and Wellness for information.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

4.2.1.3 Building Permit Activity Amid COVID-19

The Director of Community Planning and Development provided an overview of the activities specifically related to building permit issuance and inspections which have continued throughout the pandemic period thus far.

Moved By John Wink
Seconded By Marianne Stewart

BE IT RESOLVED that Council receive the Building Permit Activity Amid COVID-19 presentation from B. Wiens, Director of Community Planning and Development for information.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

4.2.1.4 Corporate Administration COVID-19 Update

D. Cribbs, Chief Administrative Officer advised that staff continues to work on the reopening plans and procedures.

Moved By Bob Hildebrandt
Seconded By Ron Kore

BE IT RESOLVED that Council receive the COVID-19 Up-date presentation from D. Cribbs, Chief Administrative Officer, for information.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

4.3 Report of Regional Councillor

4.3.1 Regional Councillor Huson June 2020 Report

Regional Councillor Huson presented the June 15, 2020 report.

Moved By Bob Hildebrandt
Seconded By Ron Kore

BE IT RESOLVED THAT the June 15, 2020 report submitted by Regional Councillor Huson, be received for information.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

5. Adoption of Minutes

Moved By Lisa Haun
Seconded By John Wink

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

- 1. C-10/2020 Regular Council Minutes - June 1, 2020**

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

6. Business Arising from Council Minutes

None

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

No items were lifted.

8. Consent Agenda Items to be Considered in Block

Moved By Marianne Stewart

Seconded By Ron Kore

BE IT RESOLVED THAT the Consent Agenda items as listed on the June 15th, 2020 Council Agenda be received and the recommendations contained therein be approved, as applicable.

 8.4 Action Correspondence of a Routine Nature

8.4.1 Chief Administrative Officer Re: Timelines and Meeting Considerations re Cannabis

BE IT RESOLVED THAT Council receive the June 15, 2020 Memo from David Cribbs, Chief Administrative Officer regarding timelines and meeting considerations re Cannabis;

AND THAT Council hereby Suspends the Rules of the Procedural By-law so as to direct the Clerk to schedule the July 13, 2020 Meeting of Council having a start time of 6:30 p.m.;

8.7 Committee Minutes for Information

8.7.1 Cannabis Control Committee Minutes

BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes, dated May 13, 2020 and May 20, 2020 for information.

Recorded	For	Against
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Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

9. Items for Separate Consideration, if Any

Not applicable.

10. Presentation & Consideration of Reports

10.1 Reports from Members of Council:

No report.

10.2 Staff Reports Requiring Action

10.2.1 2020 By-Election Timeline and Draft Proposed Pandemic Procedures, 2020-0082-Clerks

Moved By Lisa Haun

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2020-0082; and

THAT Council consider endorsement of the 2020 Ward One By-Election By-law establishing the Ward One 2020 By-Election date as Tuesday, September 15, 2020.

Amendment:

Moved By Ron Kore

Seconded By Bob Hildebrandt

THAT the report be received as amended, as outlined by the Clerk.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

Moved By Lisa Haun

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2020-0082, as amended; and

THAT Council consider endorsement of the 2020 Ward One By-Election By-law establishing the Ward One 2020 By-Election date as Tuesday, September 15, 2020.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

10.2.2 2021 Budget Schedule, 2020-0084-Corporate Services

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2020-0084-Corporate Services; and

THAT Council approve the 2021 Budget Schedule.

Amendment:

Moved By John Wink

Seconded By Bob Hildebrandt

THAT staff be directed to include an Audit Committee review within the 2021 Budget Schedule and that the schedule be recirculated to Council.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

Amendment:

BE IT RESOLVED THAT Council receive Report #2020-0084-Corporate Services; and

THAT Staff be directed to include an Audit Committee Review in the 2021 Budget Schedule and that the schedule be recirculated to Council; and

THAT the 2021 Budget Schedule be approved as amended.

10.2.3 Outdoor Restaurant Patios , 2020-0089-Planning

Moved By John Wink
Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report #2020-089; and

THAT Council support the temporary waiving of two parking space requirements for restaurants to allow ‘pop-up’ parking lot patios to be used in parking areas during the pandemic in order to support the local restaurant businesses.

Amendment:
Moved By Ron Kore
Seconded By Lisa Haun

THAT the motion be amended by striking "of two" and replacing with the words: "to a maximum of six (6)".

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

Moved By John Wink
Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report #2020-089; and

THAT Council support the temporary waiving to a maximum of six (6) parking space requirements for restaurants to allow ‘pop-up’ parking lot patios to be used in parking areas during the pandemic in order to support the local restaurant businesses.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

**10.2.4 Neighbourhood Traffic Management Policy
S801-02, 2020-0085-Public Works**

Moved By Ron Kore
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2020-0085;
AND THAT Council approve the revised policy S801-02 for Neighbourhood Traffic Management.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

**10.2.5 Steve Bauer Trail Hard Surfacing between 1106
Line Avenue and Port Robinson Road, 2020-0080-
Public Works**

Moved By Lisa Haun
Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2020-0080 for information; and THAT Council approve the Steve Bauer Trail Hard Surfacing project to proceed in 2020 as part of the 2020 Road Base Repair Program.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt		X
Ron Kore		X
Marianne Stewart		X
John Wink	X	
Results	3	3
		Defeated (3 to 3)

- 11. Unfinished Business**
- 12. Presentation and Consideration of By-Laws**

On a request by Councillor Hildebrandt, the motion was divided to consider proposed by-law 4248(2020) separately.

Moved By Bob Hildebrandt
Seconded By Ron Kore

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

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

By-law 4244(2020) - Being a by-law to appoint Ashley Nero (Officer #451) as By-law Enforcement Officer, Property Standards Officer, and Provincial Offences Officer for the Corporation of the Town of Pelham.

2. By-law 4245(2020) - Being a by-law to amend by-law No. 4221(2020) known as the Administrative Penalty Process By-law for Non-Parking Related Offences

3. By-law 4246(2020) - Being a by-law to require a By-Election to fill the vacancy for the office of Councillor, Ward One, in the Town of Pelham for the remainder of the 2018-2022 Term of Council.

~~4. By law 4248(2020), as amended—Being a by law to amend by law no. 4202(2020) known as the Town of Pelham Odorous Industries~~

~~Nuisance By-law to increase the minimum fine amount in the case of a first conviction and to incorporate an Administrative Municipal Penalty System (AMPS) in regard to Offences and Penalties. (Motion Divided; Considered Separately)~~

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

Moved By Bob Hildebrandt
Seconded By Ron Kore

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 4248(2020), as amended - Being a by-law to amend by-law no. 4202(2020) known as the Town of Pelham Odorous Industries Nuisance By-law to increase the minimum fine amount in the case of a first conviction and to incorporate an Administrative Municipal Penalty System (AMPS) in regard to Offences and Penalties.

Moved By Bob Hildebrandt
Seconded By Lisa Haun

THAT Consideration of proposed By-law 4248(2020) be referred to the July 27, 2020 Regular Meeting of Council.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0

Carried (6 to 0)

13. Motions and Notices of Motion

None

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

None

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

None

16. Resolution to Move in Camera

Moved By Marianne Stewart

Seconded By John Wink

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

Pursuant to Municipal Act, Section 239(2):

(b) - personal matters about an identifiable individual, including municipal or local board employees - COVID-19;

(j) - financial information that belongs to the municipality or local board and has monetary value or potential monetary value (1 item)

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

17. Rise From In Camera

Moved By Lisa Haun

Seconded By Marianne Stewart

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

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

Moved By Bob Hildebrandt
Seconded By Lisa Haun

BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of June 15, 2020.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

18. New Business

18.1 Report from Ombudsman of Ontario

Councillor Kore vacated the meeting at this point, due to the disclosed pecuniary interest.

Mayor Junkin read a statement regarding Agenda Items 12.1 and 12.2 and thereafter vacated the Chair and the Chamber at this point in the meeting.

Deputy Mayor Councillor Hildebrandt assumed the Chair for the remainder of the meeting.

Deputy Mayor Hildebrandt read into the meeting a statement by Councillor Kore, who had removed himself from the meeting due to a disclosed personal conflict of interest.

Moved By Marianne Stewart
Seconded By John Wink

BE IT RESOLVED that Council receive the Report from the Ombudsman of Ontario dated June 2020, for information.

Recorded	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		
Marianne Stewart	X	
John Wink	X	
Results	4	0
		Carried (4 to 0)

Moved By Marianne Stewart
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.

Recorded	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		
Marianne Stewart	X	
John Wink	X	
Results	4	0
		Carried (4 to 0)

18.2 ADR Chambers Integrity Commissioner Office

Ron Kore declared a conflict on this item. (Councillor Kore disclosed a personal pecuniary interest regarding this item.)

Mayor Junkin remained removed from the Chamber as noted previously. Councillor Kore remained removed from the Chamber as noted previously.

Members of Council provided statements regarding the report.

Moved By Lisa Haun
Seconded By John Wink

BE IT RESOLVED that Council receive ADR Chambers Integrity Commissioner Office's Close Out Letter and Final Report dated June 1, 2020, for information.

Recorded	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		
Marianne Stewart	X	
John Wink	X	
Results	4	0
Carried (4 to 0)		

Moved By Lisa Haun
Seconded By Marianne Stewart

THAT Council hereby recommends a 45 day suspension of remuneration for the Mayor and that a letter of reprimand be issued to the Mayor in this instance.

Recorded	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		
Marianne Stewart	X	
John Wink	X	
Results	4	0
Carried (4 to 0)		

- 19. Confirming By-Law**
- Moved By** Lisa Haun
Seconded By John Wink

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

Being a By-law No. 4248(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 15th day of June, 2020.

Recorded	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Marianne Stewart	X	
John Wink	X	
Results	4	0
		Carried (4 to 0)

20. **Adjournment**

Moved By Lisa Haun
Seconded By Marianne Stewart

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for July 13, 2020 at 5:30 pm.

Recorded	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Marianne Stewart	X	
John Wink	X	
Results	4	0
		Carried (4 to 0)

Mayor: Marvin Junkin

Town Clerk: Nancy J. Bozzato