

REGULAR COUNCIL MINUTES

Meeting #: C-12/2020 Regular Council
Date: Monday, July 27, 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: Nancy Bozzato
Bob Lymburner
Jason Marr
Teresa Quinlin
Barbara Wiens
Holly Willford

Other: Tim Nohara, Item 4.2.1

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. Participation in the meeting was electronic for all persons save and except the Mayor and Clerk.

2. Approval of Agenda

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

BE IT RESOLVED THAT the agenda for the July 27, 2020 Regular meeting of Council be adopted.

Amendment:

Moved By Bob Hildebrandt

Seconded By Lisa Haun

THAT the agenda be amended as follows:

- **Move Agenda Item 4.2.1 to be considered as the first item of business, prior to Item 4.1.1;**
- **That the by-laws under consideration be divided so that Council can consider proposed By-laws 426292020) and 4263(2020) immediately thereafter.**

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 Marianne Stewart

BE IT RESOLVED THAT the agenda for the July 27, 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 Marianne Stewart - Motions and Notices of Motion

The Councillor sews a number of face masks for donation to various community members, friends and family as well as selling a small number of masks to offset the costs of materials and as such, has disclosed a direct pecuniary interest. She will not participate in this particular item and has removed herself as the mover.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 Cannabis Control Committee

The Chair of the Cannabis Control Committee presented the Committee's position on the proposed Site Plan Control by-law and he reviewed the amendments being proposed.

Moved By Lisa Haun

Seconded By Marianne Stewart

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

THAT Council receive the proposed amended Site Plan Control By-law and that Council consider approving the said amended By-law.

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)		

4.1.2 Consideration of By-laws 4262(2020) and 4263(2020)

Moved By Lisa Haun
Seconded By Marianne Stewart

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:

By-law 4262(2020) - Being a by-law to amend By-law No. 1118(1987) to require site plan control in the Town of Pelham;

By-law 4263(2020) - Being a by-law to amend By-law No. 4202(2020) known as the Town of Pelham Odorous Industries Nuisance By-law to incorporate an Administrative Monetary Penalty System (AMPS) in regard to Offences and Penalties.

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)		

4.1.3 COVID-19 Update - Community Emergency Management Coordinator

The Community Emergency Management Coordinator provided an overall COVID-19 update.

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)		

4.1.4 COVID-19 Update - Projected Financial Impacts, 2020-0095-Corporate Services

The Director of Corporate Services/Treasurer, T. Quinlin provided an update on the projected financial implications directly related to COVID-19. She noted financing initiatives to all 444 Ontario Municipalities, noting that there has not yet been a formula for disbursement. With no funding from upper levels, there would be a tax increase of over 4%.

Moved By John Wink
Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report # 2020-0095 Corporate Services 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 Delegations

4.3 Report of Regional Councillor

No report.

5. Adoption of Minutes

Moved By John Wink

Seconded By Lisa Haun

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

1. SC-12/2020 Special Council Minutes July 13, 2020

2. C-12a - Regular Council July 13, 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 raised.

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

No items were lifted for separate consideration. Members of Council were provided the opportunity to comment on each specific item.

8. Consent Agenda Items to be Considered in Block

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

BE IT RESOLVED THAT the Consent Agenda items as listed on the July 27th, 2020 Council Agenda be received and the recommendations contained therein be approved, as applicable.

8.1 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. PCOW-03/2020 Public Meeting Under Planning Act - July 13, 2020

8.2 Minutes Approval – Committee

8.2.1 PCOW-03/2020 Public Meeting Under Planning Act - July 13, 2020

BE IT RESOLVED THAT Council receive the PCOW-03/2020 Public Meeting Under Planning Act - July 13, 2020 for information.

8.3 Staff Reports of a Routine Nature for Information or Action

8.3.1 Clerk's Department Monthly Report, 2020-0062-Clerks

BE IT RESOLVED Council receives Clerk's Department Monthly Report, 2020-0062 for information; and

THAT Council receives the Clerk's Declaration of Emergency pursuant to Section 53, Municipal Elections Act, 1996, for information.

8.3.2 Corporate Services Monthly Report, 2020-0107-Corporate Services

BE IT RESOLVED Council receives Corporate Services Monthly Report, 2020-0107 for information.

8.3.3 Community Planning & Development Monthly Report, 2020-0106-Planning

BE IT RESOLVED Council receives Community Planning and Development Monthly Report, 2020-0106 for information.

8.3.4 Fire & By-Law Services Monthly Report, 2020-0110-Fire Dept

BE IT RESOLVED Council receives Fire and By-Law Services Monthly Report, 2020-0106 for information.

8.3.5 Public Works Monthly Report, 2020-0111-Public Works

BE IT RESOLVED Council receives Public Works Monthly Report, 2020-0111 for information.

8.3.6 Recreation, Culture & Wellness Monthly Report, 2020-0112-Recreation

BE IT RESOLVED Council receives Recreation, Culture & Wellness Monthly Report, 2020-0112 for information.

8.3.7 May 2020 Financial Reports, 2020-0094-Corporate Services

BE IT RESOLVED THAT Council receive Report #2020-0094-Corporate Services for information.

8.3.8 2019 Town of Pelham Annual Report

BE IT RESOLVED THAT Council receive for information the 2019 Town of Pelham Annual Report for the fiscal year ended December 31, 2019.

8.5 Information Correspondence Items

8.5.1 Root and Bone - Request for Parking Penalty Exemptions

BE IT RESOLVED THAT Council receive the July 14, 2020 correspondence received from G. Copland, Root and Bone Restaurant, expressing concerns about parking along Pelham Street particularly during the pandemic period, COVID-19.

8.7 Committee Minutes for Information

8.7.1 Cannabis Control Committee

BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes dated June 10, 2020, for information.

8.7.2 Pelham Finance and Audit Committee

BE IT RESOLVED THAT Council receive the Pelham Finance and Audit Committee meeting minutes dated May 7, 2020, 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)

9. Items for Separate Consideration, if Any

None

10. Presentation & Consideration of Reports

10.1 Reports from Members of Council:

No reports.

10.2 Staff Reports Requiring Action

**10.2.1 Recommendation Report for Site Plan
Application - 103 Overholt Road, 2020-0103-
Planning**

Moved By Ron Kore
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive Report #2020-103 for information as it pertains to application File SP-01-20 for 103 Overholt Road; and

THAT Council consider approval of the By-law, attached hereto as Appendix A, authorizing the Mayor and Clerk to enter into the Site Plan

Agreement with Iggy’s Farm Ltd. on behalf of the Town.

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 Assumption of Weiland Heights Subdivision, 2020-0104-Public Works

Moved By Bob Hildebrandt
Seconded By John Wink

BE IT RESOLVED THAT Council receive Report #2020-0104; and

THAT Council authorize the Town of Pelham to assume the municipal services in Weiland Heights subdivisions and open the street within the subdivision as a ‘public highway’ by by-law in accordance with the Subdivision Agreement.

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)

10.2.3 Update on Sulphur Springs Road Design Build Project, 2020-0109-Public Works

Moved By Lisa Haun
Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report #2020-0109; and

THAT Council approve the award of the Sulphur Springs Road Reconstruction Design Build project to

Duffin Contracting Inc. in the amount of \$636,745 (excluding HST); and

THAT Council approve a contingency amount of \$60,000 (excluding HST) for the Sulphur Springs Road Reconstruction Design Build Project; and

THAT Council direct staff to bring forward \$146,745 (excluding HST) for the additional funding required to complete the Sulphur Springs Road Reconstruction Project as part of the 2021 Capital Budget.

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 Health and Safety Policy Review, 2020-0038-
Chief Administrator Officer**

Moved By Marianne Stewart
Seconded By John Wink

BE IT RESOLVED THAT Council receive Report #2020-0038;

AND THAT Council approve the highlighted revisions to the Ergonomics and Workplace MSDs Policy #S600-06;

AND THAT Council approve the following new policies: Personal Protective Equipment Policy, Hot Work Policy, and the Health and Safety Continuous Improvement Policy.

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)

11. Unfinished Business

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

Moved By Marianne Stewart
Seconded By Ron Kore

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.

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)

12. New Business

None.

13. Presentation and Consideration of By-Laws

Moved By Lisa Haun
Seconded By Marianne Stewart

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:

By-law 4261(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}).

~~By-law 4262(2020) - Being a by-law to amend By-law No. 1118 (1987) to require site plan control in the Town of Pelham. (Lifted: See Agenda Item 4.1.2)~~

~~By-law 4263 (2020) – Being a by-law to amend by-law No. 4202(2020) known as the Town of Pelham Odorous Industries Nuisance By-law to incorporate an Administrative Monetary Penalty System (AMPS) in regard to Offences and Penalties (Lifted: See Agenda Item 4.1.2)~~

By-law 4264(2020) - Being a by-law to authorize the execution of a site plan agreement for the lands municipally known as 103 Overholt Road, legally described as Part Lot 2 Concession 6 Pelham as in R0524835 Lying South of Hydro Lands; S/T AA68048; Part Lot 2 Concession 6 Pelham as in R0524835 Lying North of Hydro Lands; Pelham, Iggy's Farm Ltd. File SP-01-20.

By-law 4265(2020) - Being a by-law to assume the subdivision known as Weiland Heights Subdivision and to designate the streets as shown on Registered Plan 59M-399 as public highways and to name the street accordingly, Abbott Place and Kline Crescent.

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)

14. Motions and Notices of Motion

Councillor Stewart vacated the meeting at this point due to the disclosed pecuniary interest. She did not participate in the discussion or voting on the matter.

Moved By Bob Hildebrandt

Seconded By Lisa Haun

WHEREAS the spread of novel coronavirus COVID-19 has been declared a pandemic by the World Health Organization, the Town of Pelham declared a state of emergency, and the province remains under emergency orders due to the health risks to Ontario residents arising from COVID-19; and

WHEREAS COVID-19 continues to be present within the town, and is a disease that is readily communicable from person to person, even with minimal or no signs of symptoms or illness, and carrying a risk of serious complications such as pneumonia or respiratory failure, and may result in death; and

WHEREAS there is a growing body of evidence on the effectiveness of masks and face coverings to act as a barrier to prevent the spread of

COVID-19; and

WHEREAS wearing masks and face coverings may act as a visual cue that public health measures, including maintaining a physical distance from others, are still required, that the COVID-19 Pandemic is ongoing and that resurgence of local disease activity remains an ongoing threat; and

WHEREAS the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) or as current, of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

WHEREAS physical distancing is difficult to maintain in enclosed spaces open to the public and health authorities at the Federal, Provincial, and Regional level have recommended that persons wear face coverings in public where physical distancing cannot be maintained;

THEREFORE BE IT RESOLVED that Council for the Town of Pelham consider the enactment of a temporary by-law requiring individuals or organizations that are responsible for the operation of a facility or businesses which have enclosed spaces open to the public to ensure no member of the public is permitted entry unless wearing a mask or face covering to help limit the spread of COVID-19; and

BE IT FURTHER RESOLVED that the by-law provide that masks or face coverings must be worn, unless it is reasonably required to temporarily remove the covering for services provided by the establishment or while actively engaging in an athletic or fitness activity during physical activity, and exemptions may be accommodated if:

- The person is under three years of age.
- The person has an underlying medical condition which inhibits their ability to wear a mask or face covering.
- Wearing a face covering would inhibit the person's ability to breathe in any way.
- The person is unable to place or remove a mask or face covering without assistance.
- Employees and agents of the person responsible for the establishment are within an area designated for them and not for public access, or within or behind a physical barrier; and

BE IT FURTHER RESOLVED that the by-law provide that employees working with members of the public in an enclosed space must also wear a mask or face covering, unless they are in an area not for public access or within or behind a physical barrier, or they meet one of the exemptions; and

BE IT FURTHER RESOLVED that the by-law also apply to Town of

Pelham facilities open to the public such as community centres, libraries and public transit; and

BE IT FURTHER RESOLVED that the by-law be in force for a temporary period of time, effective upon enactment and continuing for two month intervals whereupon Council will review the by-law to determine if extensions are necessary; and

BE IT FURTHER RESOLVED that staff be directed to prepare the necessary by-law for consideration by Council at their next Regular Meeting.

Amendment:

Moved By John Wink

Seconded By Bob Hildebrandt

THAT the motion be amended to ensure the Town's by-law to be presented at the future meeting mirrors the recently enacted Regional Niagara by-law, specifically that the age requirement be amended to replace three (3) years old with five (5) years old.

Recorded	For	Against
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart		
John Wink	X	
Results	4	1
Carried (4 to 1)		

Moved By Bob Hildebrandt

Seconded By Lisa Haun

WHEREAS the spread of novel coronavirus COVID-19 has been declared a pandemic by the World Health Organization, the Town of Pelham declared a state of emergency, and the province remains under emergency orders due to the health risks to Ontario residents arising from COVID-19; and

WHEREAS COVID-19 continues to be present within the town, and is a disease that is readily communicable from person to person, even with minimal or no signs of symptoms or illness, and carrying a risk of serious complications such as pneumonia or respiratory failure, and may result in death; and

WHEREAS there is a growing body of evidence on the effectiveness of masks and face coverings to act as a barrier to prevent the spread of COVID-19; and

WHEREAS wearing masks and face coverings may act as a

visual cue that public health measures, including maintaining a physical distance from others, are still required, that the COVID-19 Pandemic is ongoing and that resurgence of local disease activity remains an ongoing threat; and

WHEREAS the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) or as current, of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

WHEREAS physical distancing is difficult to maintain in enclosed spaces open to the public and health authorities at the Federal, Provincial, and Regional level have recommended that persons wear face coverings in public where physical distancing cannot be maintained;

THEREFORE BE IT RESOLVED that Council for the Town of Pelham consider the enactment of a temporary by-law requiring individuals or organizations that are responsible for the operation of a facility or businesses which have enclosed spaces open to the public to ensure no member of the public is permitted entry unless wearing a mask or face covering to help limit the spread of COVID-19; and

BE IT FURTHER RESOLVED that the by-law provide that masks or face coverings must be worn, unless it is reasonably required to temporarily remove the covering for services provided by the establishment or while actively engaging in an athletic or fitness activity during physical activity, and exemptions may be accommodated if:

- **The person is under five years of age.**
- **The person has an underlying medical condition which inhibits their ability to wear a mask or face covering.**
- **Wearing a face covering would inhibit the person's ability to breathe in any way.**
- **The person is unable to place or remove a mask or face covering without assistance.**
- **Employees and agents of the person responsible for the establishment are within an area designated for them and not for public access, or within or behind a physical barrier; and**

BE IT FURTHER RESOLVED that the by-law provide that employees working with members of the public in an enclosed space must also wear a mask or face covering, unless they are in an area not for public access or within or behind a physical barrier, or they meet one of the exemptions; and

BE IT FURTHER RESOLVED that the by-law also apply to Town of Pelham facilities open to the public such as community centres, libraries and public transit; and

BE IT FURTHER RESOLVED that the by-law be in force for a temporary period of time, effective upon enactment and continuing for two month intervals whereupon Council will review the by-law to determine if extensions are necessary; and

BE IT FURTHER RESOLVED that staff be directed to prepare the necessary by-law for consideration by Council at their next Regular Meeting.

Recorded	For	Against
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart		
John Wink	X	
Results	4	1
Carried (4 to 1)		

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

None.

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

None.

17. Resolution to Move in Camera

No scheduled closed session.

18. Rise From In Camera

Not applicable.

19. Confirming By-Law

Councillor Stewart rejoined the meeting at this point.

Moved By Ron Kore
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. 4266(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 27th day of July, 2020.

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)

20. Adjournment

Moved By Bob Hildebrandt
Seconded By Lisa Haun

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for August 10, 2020 at 5:30 pm.

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)

Mayor: Marvin Junkin

Town Clerk: Nancy J. Bozzato