

REGULAR COUNCIL MINUTES

Meeting #: C-18/2020 Regular Council
Date: Monday, November 2, 2020
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin
Lisa Haun
Wayne Olson
Marianne Stewart
John Wink

Regrets Bob Hildebrandt
Ron Kore

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

Other: T. Nohara

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:32 p.m.

2. Approval of Agenda

Moved By Wayne Olson
Seconded By John Wink

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

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0

Carried (5 to 0)

3. Disclosure of Pecuniary Interests and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

The Mayor announced the Ontario Hockey Association declaration of the Pelham Panthers Bantam BB Hockey Championship; informed that the Town of Pelham Bandshell Committee received a substantial donation from Enbridge Gas of Ontario toward the Peace Park project; expressed Council condolences on the recent passing of Councillor Hildebrandt's mother this past week; and announced the upcoming Pelham Cares Food Drive. The Food Drive announcement was augmented by Councillor Olson.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 COVID-19 Update - Community Emergency Management Co-Ordinator

Fire Chief, Community Emergency Management Co-Ordinator, provided an update on COVID-related information. He cautioned the community against having fires in the community centre parking lot, noting that changes will be laid if this behaviour continues. He provided an update to the statistical information related to the pandemic.

Moved By Marianne Stewart
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.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0

Carried (5 to 0)

4.1.2 COVID-19 Update - Chief Administrative Officer

No Report

4.2 Delegations

4.2.1 Tim Nohara, Cannabis Control Committee Chair

Mr. Nohara provided an update on the Cannabis Control Committee work, summarizing the 2020 work and their work plan moving forward, as included on the agenda.

Moved By Lisa Haun

Seconded By Wayne Olson

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

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0

Carried (5 to 0)

4.3 Report of Regional Councillor

No Regional Councillor Report.

5. 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-17/2020 - Regular Council Minutes of October 19, 2020

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

6. Business Arising from Council Minutes
- None
7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration
- No items lifted.
8. Consent Agenda Items to be Considered in Block
- Moved By Wayne Olson
- Seconded By Lisa Haun

BE IT RESOLVED THAT the Consent Agenda items as listed on the November 2, 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-05/2020 Public Meeting Under Planning Act - October 13, 2020

8.2 Minutes Approval – Committee

8.2.1 PCOW-05/2020 Public Meeting Under Planning Act - October 13, 2020

BE IT RESOLVED THAT Council receive the PCOW-05/2020 Public Meeting Under Planning Act - October 13, 2020 for information.

8.5 Information Correspondence Items

8.5.1 NPCA 2019 Annual Report

BE IT RESOLVED THAT Council receive the 2019 NPCA Annual Report, for information.

City of Thorold Resolution - Cannabis Legal Fees

BE IT RESOLVED THAT Council receive the resolution from the City of Thorold dated October 22, 2020 regarding Cannabis Legal Fees, for information.

Enbridge Gas Inc. - 2021 Federal Carbon Pricing Program - Notice of Application

BE IT RESOLVED THAT Council receive the Notice of Application from the Ontario Energy Board dated October 14, 2020, for information.

Committee Minutes for Information

BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes dated July 22, 2020, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

9. Items for Separate Consideration, if Any

None

10. Presentation & Consideration of Reports

10.1 Reports from Members of Council:

The Mayor provided a report at the outset of the meeting relating to various announcements.

10.2 Staff Reports Requiring Action

10.2.1 2020 Bridge and Culvert Inspection Program and Rehabilitation and Replacement Needs, 2020-0157-Public Works

Moved By John Wink
Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2020-0157 for information purposes.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

11. Unfinished Business

None

12. New Business

None

13. Presentation and Consideration of By-Laws

No by-laws were submitted for consideration.

14. Motions and Notices of Motion

Councillor Stewart Chaired the meeting for Item 14.3.

Moved By Marianne Stewart
Seconded By Lisa Haun

WHEREAS Council for the Town of Pelham wishes to explore the potential of requiring that development proponents be mandated to engage the surrounding neighbourhood of their proposed development area in a pre-application public meeting prior to submitting development proposals to the Town for consideration and approval;
AND WHEREAS Council is aware that the City of Burlington has adopted a process to successfully mandate this process;

AND WHEREAS Council believes this process will serve to build community confidence in a development proposal whereby developers and community stakeholders would have an opportunity to engage with each other with a view toward working together for the betterment of all;

AND WHEREAS it is believed that this will result in cost-savings for developers in that it will demonstrate that community concerns have been taken into consideration prior to the formal application process beginning;

NOW THEREFORE BE IT RESOLVED that Council direct Staff to engage with the City of Burlington to investigate the pre-application public meeting process the City has enacted and report back to Council on how the Town of Pelham might adopt a similar model to benefit the growing community of Pelham.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

Moved By Lisa Haun
Seconded By Marianne Stewart

BE IT RESOLVED THAT Council for the Town of Pelham approve the creation of a short-term working group for the Councillor Ciolfi Dedication project. The specific purpose of this working group is to assess and make recommendations for alterations and enhancements to the second floor bar/serverly area at the Meridian Community Centre. This Working Group will be provided with an initial budget from the Ciolfi family memorial fund and fundraising through community donations;

AND THAT Council appoint myself, Councillor Lisa Haun to Chair said working group;

AND FURTHER THAT Council appoint Vickie van Ravenswaay, Director of Recreation, Culture and Wellness as staff liaison to the working group;

AND FURTHER THAT Council appoints Michelle Ciolfi, Patricia Shannon Chair of the Hospitality Committee and Ward One Councillor Stewart as working group members;

AND FURTHER THAT should other members of Council be interested and willing to participate, to indicate such interest at this time, recognizing that a maximum of three Members of Council would be appointed to ensure compliance with quorum restrictions;

AND FURTHER THAT Council direct a report back with recommendations by January 2021

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

Moved By Marvin Junkin
Seconded By Wayne Olson

WHEREAS the Town of Pelham contains the headwaters of two branches of the Twelve Mile Creek, which is the last remaining year-round cold water stream in the Region of Niagara,

AND WHEREAS the Twelve Mile Creek is a habitat for Brook Trout;

AND WHEREAS Council for the Town of Pelham is committed to working with the environment;

AND WHEREAS Members of Trout Unlimited, an organization that the Town has a Memorandum of Understanding with, have brought to this Council’s attention that the Stormwater Management Pond located at the southwest corner of Rice Road and Regional Road 20 is not operating as designed,

AND WHEREAS two defects in the Stormwater Management Pond cited are:

Firstly, the water outflowing from the pond is causing severe erosion on the north side of Regional Road 20; and

Secondly, the water flowing from the pond is at an unacceptable

temperature when it enters the stream flowing to the Twelve Mile Creek, as determined by sensors placed by Trout unlimited;

AND WHEREAS the erosion is causing significant sediment problems further downstream, which is negatively impacting the fish habitat;

AND WHEREAS, as the Town continues to develop the land area draining into this Stormwater Management Pond, the runoff into the pond will continue to escalate, discouraging more water into the stream in what is obviously an unsatisfactory manner;

NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham does hereby instruct the appropriate Town staff, in consultation with any Regional Niagara officials and any engineering firms that planned and designed this Stormwater Management Pond, to conduct a technical review of all aspects of the pond, including but not restricted to:

- 1. Determining the total land area draining into the pond and determining whether the pond is properly sized to accommodate the water being received;
- 2. Determining what mechanisms are in place to slow the outflow and investigating why are they not working;
- 3. Recommending what further steps can be taken to reduce the temperature of the outflowing waters;

AND FURTHER THAT before the report is brought to Council, all technical information be provided to Trout Unlimited for their review and comment.

Amendment:

Moved By Marvin Junkin

Seconded By Wayne Olson

That the Motion be amended by striking the final paragraph, which reads: "and further that before the report is brought to Council, all technical information be provided to Trout Unlimited for their review and comment."

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

Moved By Marvin Junkin
Seconded By Wayne Olson

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AND WHEREAS the Twelve Mile Creek is a habitat for Brook Trout;

AND WHEREAS Council for the Town of Pelham is committed to working with the environment;

AND WHEREAS Members of Trout Unlimited, an organization that the Town has a Memorandum of Understanding with, have brought to this Council's attention that the Stormwater Management Pond located at the southwest corner of Rice Road and Regional Road 20 is not operating as designed,

AND WHEREAS two defects in the Stormwater Management Pond cited are:

Firstly, the water outflowing from the pond is causing severe erosion on the north side of Regional Road 20; and

Secondly, the water flowing from the pond is at an unacceptable temperature when it enters the stream flowing to the Twelve Mile Creek, as determined by sensors placed by Trout unlimited;

AND WHEREAS the erosion is causing significant sediment problems further downstream, which is negatively impacting the fish habitat;

AND WHEREAS, as the Town continues to develop the land area draining into this Stormwater Management Pond, the runoff into the pond will continue to escalate, discouraging more water into the stream in what is obviously an unsatisfactory manner;

NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham does hereby instruct the appropriate Town staff, in consultation with any Regional Niagara officials and any engineering firms that planned and designed this Stormwater Management Pond, to conduct a technical review of all aspects of the pond, including but not restricted to:

- 1. Determining the total land area draining into the pond and determining whether the pond is properly sized to accommodate the water being received;**
- 2. Determining what mechanisms are in place to slow the outflow and investigating why are they not working;**
- 3. Recommending what further steps can be taken to reduce the temperature of the outflowing waters;**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0

Carried (5 to 0)

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

Moved By John Wink

Seconded By Wayne Olson

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider various matters under Section 239 (2) of the Municipal Act, as follows:

Item 1: Section 239(2)(b) personal matters about an identifiable individual; 239(2)(i) - a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; 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 (1 item)

Item 2: Section 239(2)(b) personal matters about an identifiable individual - various items.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0

Carried (5 to 0)

18. Rise From In Camera

Moved By Wayne Olson

Seconded By Marianne Stewart

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

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0

Carried (5 to 0)

Moved By John Wink

Seconded By Wayne Olson

BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of November 2, 2020.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	

Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

Moved By Wayne Olson
Seconded By John Wink

BE IT RESOLVED THAT Diego Lopez be appointed to the Town of Pelham Summerfest Committee Advisory Committee
AND THAT the Clerk be directed to prepare the necessary By-law amendments.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

Moved By Marianne Stewart
Seconded By Lisa Haun

BE IT RESOLVED THAT Catherine Carr be appointed to the Town of Pelham Public Art Advisory Committee;
AND THAT the Clerk be directed to prepare the necessary By-law amendments.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	

Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

Moved By John Wink
Seconded By Wayne Olson

BE IT RESOLVED THAT Brenda Stan be appointed to the Town of Pelham Committee of Adjustment;

AND THAT the Clerk be directed to prepare the necessary By-law amendments.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

Moved By John Wink
Seconded By Marianne Stewart

BE IT RESOLVED THAT Councillor Olson be and is hereby appointed to the Audit and Finance Advisory Committee, effective immediately.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 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. 4288(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 02nd day of November, 2020.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

20. Adjournment

Moved By Wayne Olson
Seconded By Marianne Stewart

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for November 16, 2020 at 5:30 pm.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	5	0
Carried (5 to 0)		

Mayor: Marvin Junkin

Town Clerk: Nancy J. Bozzato