

## **REGULAR COUNCIL MINUTES**

**Meeting #:** C-19/2020 - Regular Council  
**Date:** Monday, November 16, 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  
Wayne Olson  
Marianne Stewart  
John Wink

**Regrets** Ron Kore

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

**Other:** Dr. Fearon, Dr. Wells (Item 4.2.1)  
B. Kozjan, Item 4.2.2  
C. Nagy, Item 4.2.3  
Regional Councillor Huson, Item 4.3

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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 5:38 p.m.

### **2. Approval of Agenda**

**Moved By** John Wink

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT the agenda for the November 16, 2020 Regular meeting of Council be adopted.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

**3. Disclosure of Pecuniary Interests and General Nature Thereof**

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

**4. Hearing of Presentation, Delegations, Regional Report**

**4.1 Presentations**

The Mayor noted that Pelham Cares is in the second week of their Food Drive. Secondly, he commended the Royal Canadian Branch 613 on their Remembrance Day ceremonies. Councillor Olson also attended the services and also noted Councillor Huson was in attendance. He acknowledged the great number of volunteers in the community.

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

The Community Emergency Management Co-Ordinator, B. Lymburner provided a COVID-19 update relating to statistics, as well as the recent escalation to the Orange category for the Niagara Region. He reviewed some of the implications of the Section 22 Order by the Medical Officer of Health, and other requirements that are newly required. He suggested that we will move past the education component into an enforcement approach on a Region-wide basis.

**4.1.2 COVID Update - Treasurer**

The Treasurer, T. Quinlin, reported on the Phase Two COVID-19 funding application that has been submitted by the Town, and summarized the expected budgetary shortfalls due to the pandemic. Ms. Quinlin also

highlighted the mitigation measures undertaken by the Town and Library throughout this pandemic period.

**4.1.3 COVID Update - CAO**

The Chief Administrative Officer updated Council with regard to matters relating to enforcement specifically. With regard to the Orange level, he updated Council in relation to the Meridian Community Centre and impacts that could be expected in terms of further escalation, to the Red category.

**Moved By** Marianne Stewart  
**Seconded By** Lisa Haun

**BE IT RESOLVED that Council receive the COVID-19 Up-date presentations from B. Lymburner, Fire Chief and Community Emergency Management Coordinator, T. Quinlin, Treasurer and from D. Cribbs, Chief Administrative Officer, for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**4.2 Delegations**

**4.2.1 Brock University, Dr. Fearon, President and Vice-Chancellor and Dr. Wells, Provost and Vice President Academic**

Dr. Fearon, Dr. Wells and Ms. Krawley presented an information report from Brock University, a copy on file with the Clerk.

**Moved By** Bob Hildebrandt  
**Seconded By** Wayne Olson

**BE IT RESOLVED THAT Council receive the delegation from Dr. Fearon, President and Vice-Chancellor and Dr. Wells, Provost and Vice President Academic of Brock University, for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

**4.2.2 Vanessa Baran and Bobby Kozjan**

Bobby Kozjan presented this perspective on short term rental accommodation and how it has impacted his property, requesting that their operation be grandfathered in to allow it to continue.

**Moved By** Wayne Olson  
**Seconded By** Marianne Stewart

**BE IT RESOLVED that Council receive the presentation by Vanessa Baran and Bobby Kozjan regarding thier short term vacation rental in Pelham for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

**4.2.3 Carol Nagy, Hospice Niagara**

Carol Nagy, Hospice Niagara presented information on the needs of this organization, relating to end of life care and various programs provided through this organization. She requested Council consideration for an \$85,000 donation spread over a term acceptable to the Town of Pelham.

**Moved By** John Wink  
**Seconded By** Lisa Haun

BE IT RESOLVED that Council receive the presentation by Carol Nagy regarding the Hospice Niagara expansion, for information.

**Amendment:**  
**Moved By** Wayne Olson  
**Seconded By** John Wink

**That the motion be amended by adding:**

**AND THAT the Hospice Niagara request for grant funding in the amount of \$85,000 be referred to the 2021 Operating Budget for consideration.**

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

**Moved By** John Wink  
**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council receive the presentation by Carol Nagy regarding the Hospice Niagara expansion, for information;**

**AND THAT the request from Hospice Niagara for grant funding in the amount of \$85,000 be referred to the 2021 Operating Budget for consideration.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**4.3 Report of Regional Councillor**

Regional Councillor Huson presented her November 2020 Regional Update Report and responded to questions of Council.

**Moved By** Bob Hildebrandt  
**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT the November 16, 2020 Report of Regional Councillor Huson be received for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**5. Adoption of Minutes**

**Moved By** John Wink  
**Seconded By** Wayne Olson

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

**1. SC-15/2020 - Special Council Minutes of November 2, 2020; and**

**C-18/2020 - Regular Council Minutes of November 2, 2020**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**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 for separate consideration.

**8. Consent Agenda Items to be Considered in Block**

**Moved By** Bob Hildebrandt  
**Seconded By** Wayne Olson

**BE IT RESOLVED THAT** the Consent Agenda items as listed on the November 16, 2020 Council Agenda be received and the recommendations contained therein be approved, as applicable.

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**8.3 Staff Reports of a Routine Nature for Information or Action**

**8.3.1 Tax Write-Off Under Municipal Act, Section 357 & 358**

**BE IT RESOLVED THAT Council receive the Taxes Written-Off Report from the Corporate Services Department; and THAT Council approve the Taxes Written-Off Report in the amount of \$857.12 as per the Municipal Act, Sections 357 and 358.**

**8.3.2 2020 MarCom Individual Achievement Platinum Award, 2020-0170-Clerks**

**BE IT RESOLVED THAT Council receive Report #2020-0170, Platinum 2020 Communications Individual Achievement Award, for information.**

**8.3.3 Information Report - Comprehensive Zoning By-law Review Public Consultation, 2020-0167-Planning**

**THAT Council receive this Report #2020-0167 for information as it pertains to the proposed public consultation and schedule for the Comprehensive Zoning By-law review and update.**

**8.3.4 Pelham Street North Speed Study Results, 2020-0171-Public Works**

**BE IT RESOLVED THAT Council receive Report #2020-0171, Pelham Street North Speed Study Results, for information.**

**8.3.5 September 2020 Financial Reports, 2020-0165-Corporate Services**

**BE IT RESOLVED THAT Council receive Report #2020-0165, September 2020 Financial Reports, for information.**

**8.5 Information Correspondence Items**

**8.5.1 Ministry of Municipal Affairs - Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

**BE IT RESOLVED THAT Council receive correspondence from the Ministry of Municipal Affairs dated October 14, 2020 regarding Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, for information.**

**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 September 30, 2020, for information.**

**8.7.2 Committee of Adjustment Minutes**

**BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated February 25, 2020, March 3, 2020, July 21, 2020, August 11, 2020 and August 17, 2020, for information.**

**8.7.3 Pelham Finance and Audit Committee**



**BE IT RESOLVED THAT Council receive the Finance and Audit Committee minutes dated September 9, 2020, for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**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:**

**10.1.1 Niagara Federation of Agriculture Annual Regional Meeting**

Councillor Olson provided an update report on the Niagara Federation of Agriculture meeting he attended at the end of October.

**Moved By** Marianne Stewart

**Seconded By** Lisa Haun

**BE IT RESOLVED that Council receive the Councillor Olson's report regarding the Niagara Federation of Agriculture Annual Regional Meeting, for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

**10.1.2 Update on Committees**

Councillor Stewart informed Council that she approached the Library Board regarding the minutes and she advised that their minutes are prepared under their legislative requirements, but the Library offered to keep Council more informed through presentations to Council on a more regular basis.

**Moved By** John Wink  
**Seconded By** Bob Hildebrandt

**BE IT RESOLVED that Council receive the Councillor Stewart's report regarding Committees, most specifically the Library Board, for information.**

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

**10.2 Staff Reports Requiring Action**

**10.2.1 Assumption of Rosewood Estates, 2020-0164-  
Public Works**

**Moved By** Wayne Olson  
**Seconded By** John Wink

**BE IT RESOLVED THAT Council receive Report #2020-0164, Assumption of Rosewood Estates and recommend:**  
  
**THAT Council assume the municipal services in Rosewood Estates subdivision and open the streets within the subdivision as 'public highways' by by-law in accordance with the Subdivision Agreement.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

**10.2.2 Procedure By-law Amendment - Extension of Virtual Meetings of Council and Committees to August 31, 2021, 2020-0160-Clerks**

**Moved By** Bob Hildebrandt

**Seconded By** Lisa Haun

BE IT RESOLVED THAT Council receive Report #2020-0160 proposing an extension of the provision for electronic meetings of Council and Committees;

AND THAT the proposed amendments to the Town of Pelham Procedure By-law as outlined in Appendix 1, be approved, thereby facilitating electronic meeting participation until the end of August, 2021 for Council, Special Council, Committee of Adjustment, Committees of Council and Advisory Committees;

AND THAT Staff be directed to present the necessary by-law to the next Regular Meeting of Council, December 7, 2020.

**Amendment:**

**Moved By** Bob Hildebrandt

**Seconded By** Lisa Haun

That the motion be amended by adding the following paragraph:

AND that the procedural by-law be further amended by adding a provision for proxy voting by Members of Council, and that this be brought before Council for consideration on December 7, 2020.

**Amendment:**  
**Moved By** Bob Hildebrandt  
**Seconded By** Lisa Haun

**That December 7th be replaced with February, 2021**

	<b>For</b>	<b>Against</b>
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>5</b>	<b>1</b>

**Carried (5 to 1)**

**Amendment:**  
**Moved By** Bob Hildebrandt  
**Seconded By** Lisa Haun

**THAT the motion be amended by adding the following paragraph:**

**"AND THAT the procedural by-law be further amended by adding a provision for proxy voting by Members of Council and that this be brought before Council for consideration in February 2021."**

	<b>For</b>	<b>Against</b>
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>5</b>	<b>1</b>

**Carried (5 to 1)**

**Moved By** Bob Hildebrandt  
**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council receive Report #2020-0160 proposing an extension of the provision for electronic meetings of Council and Committees;**

**AND THAT the proposed amendments to the Town of Pelham Procedure By-law as outlined in Appendix 1, be approved, thereby facilitating electronic meeting participation until the end of August, 2021 for Council, Special Council, Committee of Adjustment, Committees of Council and Advisory Committees;**

**AND THAT Staff be directed to present the necessary by-law to the next Regular Meeting of Council, December 7, 2020;**

**AND THAT the procedural by-law be further amended by adding a provision for proxy voting by Members of Council and that this be brought before Council for consideration in February 2021.**

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

**11. Unfinished Business**

None.

**12. New Business**

None.

**13. Presentation and Consideration of By-Laws**

**Moved By** John Wink  
**Seconded By** Wayne Olson

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 4289(2020) - Being a By-law to appoint an Engineer to update the mapping and assessment schedules for the Big Creek Municipal Drain.
2. By-law 4290(2020) - Being a by-law to amend By-law #4068(2019) confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham; And to remove and appoint members to the Committee of Adjustment/ Property Standards Committee (Schedule C); And to remove members from the Pelham Active Transportation Committee (Schedule F); And to remove and appoint members to the Pelham Seniors' Advisory Committee (Schedule G); And to remove members from the appointed Fenceviewers (Schedule I); And to remove and appoint members to the Pelham Summerfest Committee (Schedule N); And to remove and appoint members to the Pelham Public Art Committee (Schedule O); And to appoint a Council representative to the Finance and Audit Committee (Schedule Q).
3. By-law 4291(2020) - Being a by-law to dedicate lands as public highway.

**Amendment:**

**Moved By** Marianne Stewart

**Seconded By** Lisa Haun

**THAT By-law 4290(2020), Schedule Q, be amended to remove the appointment of Councillor Stewart.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

**Moved By** John Wink  
**Seconded By** Wayne Olson

**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 4289(2020) - Being a By-law to appoint an Engineer to update the mapping and assessment schedules for the Big Creek Municipal Drain.**
- 2. By-law 4290(2020) - Being a by-law to amend By-law #4068(2019) confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham; And to remove and appoint members to the Committee of Adjustment/ Property Standards Committee (Schedule C); And to remove members from the Pelham Active Transportation Committee (Schedule F); And to remove and appoint members to the Pelham Seniors’ Advisory Committee (Schedule G); And to remove members from the appointed Fenceviewers (Schedule I); And to remove and appoint members to the Pelham Summerfest Committee (Schedule N); And to remove and appoint members to the Pelham Public Art Committee (Schedule O); And to appoint a Council representative to the Finance and Audit Committee and to remove Councillor Stewart from said Committee (Schedule Q).**
- 3. By-law 4291(2020) - Being a by-law to dedicate lands as public highway, as amended.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**14. Motions and Notices of Motion**

Councillor Hildebrandt will bring a motion to the December 7, 2020 Meeting of Council relating policies and procedures relating to contract transparency.

Councillor Stewart will bring a motion to direct staff to engage the public and inform the public on legacy projects available in the Town.

**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** Bob Hildebrandt  
**Seconded By** Marianne Stewart

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

**Pursuant to Section 239(2)(c) - proposed or pending acquisition or disposition of land by the municipality - File L07-2019-02-S**

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

**18. Rise From In Camera**

**Moved By** Bob Hildebrandt  
**Seconded By** Lisa Haun



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

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

**Moved By** John Wink  
**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council receive Report entitled Unsolicited Request to Purchase Town-Owned Lands between Webber Road and Chantler Road – Korolyk – Report #2020-0156; and**

**THAT Council authorize staff to proceed with investigating the feasibility of the sale of the Town-owned lands, being Parts 8 to 15 and Parts 17 to 20, Plan 59R-9440, to the owners of the property known municipally as 725 Webber Road, to Michael and Julie Korolyk, conditional that the lands merge in title with said property; and**

**THAT staff be directed to obtain an appraisal for the lands and report back to Council when complete so as to determine the fair market value for the sale of such lands, with the cost of the appraisal to be borne by the prospective purchaser.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

19. Confirming By-Law

Moved By John Wink  
Seconded By Lisa Haun

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

Being a By-law No. 4293(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 16th day of November, 2020.

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

20. Adjournment

Moved By Marianne Stewart  
Seconded By John Wink

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for December 7, 2020 at 5:30 pm.

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

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Mayor: Marvin Junkin

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Town Clerk: Nancy J. Bozzato