

REGULAR COUNCIL MINUTES

Meeting #: C-07/2021 - Regular Council
Date: Monday, April 19, 2021
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
Wayne Olson
Marianne Stewart
John Wink

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin
Vickie vanRavenswaay
Barbara Wiens
Holly Willford
Sarah Leach
Brianna Langohr
Derek Young

1. Call to Order and Declaration of Quorum

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

2. Approval of Agenda

Councillor Olson called a point of order. Councillor Olson stated Councillor Haun receives an honorarium for sitting on the Airport Commission and therefore stated he believes Councillor Haun may wish to consult with the Integrity Commissioner prior to proceeding with item 14.4 of the agenda, being a motion regarding the Niagara Central Dorothy Rungeling Airport and Niagara District Airport.

In response, Councillor Haun indicated she would withdraw her motion and seek advice from the Integrity Commissioner.

Moved By Bob Hildebrandt
Seconded By John Wink

BE IT RESOLVED THAT the agenda for the April 19th, 2021 Regular meeting of Council be adopted, as circulated.

Amendment:

Moved By Wayne Olson
Seconded By John Wink

THAT the agenda be amended to move item 14.2, being a Motion regarding Erosion Mitigation before item 10.2.1 being staff report No. 2021-0048- Public Works.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

Main Motion as Amended:

Moved By Bob Hildebrandt
Seconded By John Wink

BE IT RESOLVED THAT the agenda for the April 19th, 2021 Regular meeting of Council be adopted, as amended.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 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

4.1.1 COVID-19 Pandemic Update - CEMC

Fire Chief and Community Emergency Management Co-Ordinator presented updated information as it relates to the ongoing worldwide pandemic, COVID-19.

Moved By Ron Kore

Seconded By Marianne Stewart

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	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

4.1.2 COVID-19 Pandemic Update - CAO

Mr. David Cribbs, CAO, stated Town staff have posted signs at playgrounds stating equipment is not disinfected and social distancing is required at all times.

Moved By Lisa Haun

Seconded By Marianne Stewart

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

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

4.2 Delegations

4.3 Report of Regional Councillor

Regional Councillor Huson provided Council an update with respect to the Niagara Peninsula Conservation Authority, economic development and EMS services. A Copy of the said presentation is on file with the Clerk.

Moved By Wayne Olson

Seconded By John Wink

BE IT RESOLVED THAT the April 19th, 2021 report submitted by Regional Councillor Huson, be received for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

5. Adoption of Minutes

Moved By Lisa Haun
Seconded By Wayne Olson

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

- 1. SC-06-2021 - Special Council Minutes - March 29, 2021; and
- 2. C-06/2021 - Regular Council Minutes - April 6, 2021

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

- 6. Business Arising from Council Minutes
- 7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration
- 8. Consent Agenda Items to be Considered in Block

Moved By Marianne Stewart
Seconded By John Wink

BE IT RESOLVED THAT the Consent Agenda items as listed on the April 19, 2021 Council Agenda be received and the recommendations contained therein be approved, as applicable:

- 8.3 Staff Reports of a Routine Nature for Information or Action
 - 8.3.1 Q1 2021 Clerks COW Report, 2021-0037-Clerks
BE IT RESOLVED THAT the Q1/2021 Clerk’s Report be received for information.
 - 8.3.2 Q1 2021 Corporate Services COW Report, 2021-0057-Corporate Services

BE IT RESOLVED THAT the Q1/2021 Corporate Services Department Report be received for information.

8.3.3 Q1 2021 COW Report - Recreation Culture and Wellness, 2021-0073-Recreation

BE IT RESOLVED THAT the Q1/2021 Recreation, Culture and Wellness Department Report 2021-0073-Recreation be received for information.

8.3.4 Q1 2021 COW Report -Planning and Development, 2021-0074-Planning

BE IT RESOLVED THAT the Q1/2021 Community Planning and Development Department Report be received for information.

8.3.5 Q1 2021 COW Report -Public Works, 2021-0075-Public Works

BE IT RESOLVED THAT the Q1/2021 Public Works Department Report be received for information.

8.3.6 Q1 2021 COW Report - Fire and By-Law 2021-0076-Public Works

BE IT RESOLVED THAT the Q1/2021 Fire and By-law Enforcement Department Report be received for information.

8.5 Information Correspondence Items

8.5.1 Pelham Public Library Year-End Report 2020

BE IT RESOLVED THAT Council receive the Pelham Public Library Year-End Report 2020, for information.

8.7 Committee Minutes for Information

8.7.1 Pelham Public Library Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Public Library Committee Minutes for the February 24, 2021 meeting for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

9. Items for Separate Consideration, if Any

10. Presentation & Consideration of Reports

10.1 Reports from Members of Council:

10.2 Staff Reports Requiring Action

10.2.1 Motion Re: Request for Erosion Mitigation - Headwaters of Twelve Mile Creek

Mayor Junkin vacated the Chair to present this motion. Deputy Mayor Stewart presided.

Moved By Marvin Junkin

Seconded By Wayne Olson

WHEREAS an erosion condition present at the Headwaters of the Twelve Mile Creek has been deemed critical by experts in fish and fish habitat;

AND WHEREAS there is significant potential for increased damage to said Headwaters as a result of heavy rains;

AND WHEREAS Council for the Town of Pelham is desirous to expeditiously move forward to find solutions to resolve this erosion problem;

AND WHEREAS the Treasurer for the Town of Pelham has provided assurance that funds are available in the Roads Reserve in the amount of \$60,000 to \$70,000, being an estimated cost to remediate erosion problems;

NOW THEREFORE BE IT RESOLVED that Council direct staff to issue a Request for Proposals to undertake a Design/Build initiative to determine an optimal solution to identify, remediate and resolve the erosion problems at the Headwaters of the Twelve Mile Creek, immediately north of Regional Road 20 (Highway 20);

AND THAT as the Town moves forward with said repairs, Staff be further directed to contact the Regional Municipality of Niagara, Upper Canada Consultants, Trout Unlimited and the Niagara Peninsula Conservation Authority to seek contributions toward the cost of said repairs, in consideration of the paramount environmental significance of the erosion;

AND THAT Staff provide regular update reports to Council on the project.

	For	Against
Marvin Junkin	X	
Lisa Haun		X
Bob Hildebrandt		X
Ron Kore	X	

Wayne Olson	X	
Marianne Stewart		X
John Wink	X	
Results	4	3

Carried (4 to 3)

10.2.2 Operation of the Rice Road and Hwy 20 Storm Water Management Pond in East Fonthill, 2021-0048-Public Works

Moved By Bob Hildebrandt
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive Report #2021-0048, Operation of the Rice Road and Highway 20 Storm Water Management Pond in East Fonthill, for information;

AND THAT Council authorize Staff to complete further engineering studies including an updated erosion survey of the outlet of the Storm Water Management Pond at an estimated value of \$7,950 (plus HST);

AND THAT Council direct Staff to fund the additional erosion study from the 2021 Capital Account RD-04-21 (Engineering);

AND THAT Council direct Staff to prepare a report regarding the findings of the Engineering Analysis including recommendations.

Amendment:
Moved By Bob Hildebrandt
Seconded By John Wink

THAT the motion be amended to strike the last three paragraphs of the main motion.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

Main Motion as Amended:

Moved By Bob Hildebrandt

Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive Report #2021-0048, Operation of the Rice Road and Highway 20 Storm Water Management Pond in East Fonthill, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

10.2.3 Options for Pride Week Celebrations, 2021-0071-Public Works

Moved By John Wink

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2021-0071, Options for Recognizing Pride Week Celebrations in the Town of Pelham, for information;

AND THAT Council direct Staff to proceed with the implementation of Council's preferred alternative for the Pride celebrations scheduled for June of 2021.

Amendment:

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

THAT the motion be amended to include Councils preferred alternative, being number 1 Perform a Pride Flag Raising in support of Pride week.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	

Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

Amendment:

Moved By John Wink

Seconded By Wayne Olson

THAT the motion be amended to include an additional Council preferred alternative, being number 2 Purchase and place Pride benches at select locations in the Town, provided monies are available through the Town's budget or donations.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

Main Motion as Amended:

Moved By John Wink

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2021-0071, Options for Recognizing Pride Week Celebrations in the Town of Pelham, for information;

AND THAT Council direct Staff to proceed with the implementation of Council's preferred alternative for the Pride celebrations scheduled for June of 2021, being:

- **Number 1 Perform a Pride Flag Raising in support of Pride week; and**
- **Number 2 Purchase and place Pride benches at select locations in the Town, provided monies are available through the Town’s budget or donations.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

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

Moved By Ron Kore
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 #4338(2021) - Being a by-law to appoint an Emergency Management Control Group for the Town of Pelham, and to Repeal and Replace By-law #3874(2017);**
- 2. By-law #4339(2021) - Being a by-law to amend By-law No. 4299(2020) to establish 2021 Fees and Charges to be collected by the Corporation of the Town of Pelham; And to amend Schedule “1”, Recreation & Culture Services.**
- 3. By-law #4340(2021) - 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 Transportation Relating to**

Funding Provided as follows: \$58,854 Dedicated Gas Tax Funds for Public Transportation Program 2020-2021

4. By-law #4341(2021) - Being a by-law to adopt the estimates for the Town of Pelham for its own operations for the year 2021

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

14. Motions and Notices of Motion

14.1 Motion Re: Request to Region of Niagara to Delay Official Plan Update

Moved By Marianne Stewart

Seconded By Lisa Haun

Referred from April 6, 2021

WHEREAS the Province of Ontario, through the Planning Act, requires that the Region of Niagara conduct a municipal comprehensive review (MCR) of its Official Plan whereby decisions must be made as to how all of the population and employment growth is to be accommodated in the local municipalities for the years 2031 to 2051;

AND WHEREAS since June 2019 the Province has amended a number of Provincial Statutes and policies that impact how municipalities plan for growth including the following:

- The Provincial Policy Statement,**
- A Place to Grow: The Growth Plan for the Greater Golden Horseshoe,**
- The Development Charges Act,**
- The Planning Act,**
- The Environmental Assessment Act, and**
- The Conservation Authorities Act;**

AND WHEREAS these significant Provincial changes include:

- **reduced density targets in new greenfield development from 80 persons and jobs per hectare to 50 persons and jobs per hectare,**
- **reduced intensification targets from 60% beyond 2031 to 50%,**
- **setting minimum population and employment growth forecasts that can be exceeded subject to Provincial approval,**
- **extended the planning horizon from 2041 to the year 2051,**
- **introduced market demand as a consideration in determining the housing mix, and**
- **revisions to how municipalities fund growth;**

AND WHEREAS these Provincial changes signal an abrupt shift from the emphasis on creating compact and complete communities to a planning regime that facilitates lower density and car dependent communities;

AND WHEREAS several Regions throughout Ontario have declared climate change emergencies and must consider the role of land use planning in their strategies to reduce their greenhouse gas emissions;

AND WHEREAS these Provincial changes create pressure to convert more class 1, 2 and 3 farmland in to urban uses than would otherwise be necessary which is contrary to Niagara's Official Plan as it relates to the protection of the agricultural system in Niagara;

AND WHEREAS ensuring that Ontarians have access to healthy safe food in the future requires thoughtful consideration of the long term impact of converting thousands of acres of prime agricultural lands in the Greater Golden Horseshoe to urban uses;

AND WHEREAS the change of the planning horizon to 2051 by the Province means that future municipal councils and the public will have little power to change decisions where they will grow after 2031 to the 2051 planning horizon;

AND WHEREAS in the rural areas internet service is often poor, making it difficult for rural residents to participate in zoom calls;

AND WHEREAS Niagara Region has adopted a public engagement initiative for the Niagara Official Plan review that includes public surveys, stakeholder input, direct public input and a Planning Advisory Committee;

AND WHEREAS the current pandemic is making effective, in person public consultation impossible at a time when robust,

informed public consultation is needed more than ever;

AND WHEREAS the nature of work has evolved in response to the pandemic which may cause long term changes to the assumptions underlying the province's Land Needs Assessment.

NOW THEREFORE BE IT RESOLVED THAT Pelham Council request the Niagara Regional Chair to write to request the Province to allow the Region to delay its final report on its Official Plan Review until proper, in person, informed consultation with the public has been conducted on the growth concepts and the preferred growth concept;

AND FURTHER THAT the Province be requested to allow the new Regional Official Plan which identifies non-discretionary components of a Regional Urban Structure that support local plans and priorities inside the current urban boundaries, exempt from the requirement for in-person consultation with the public;

AND FURTHER THAT the Province be requested to suspend the timetable for municipal conformity to the Growth Plan and the Provincial Policy Statement to ensure that the public can fully participate in the process of planning their communities for the growth planning period covering 2031 to 2051;

AND FURTHER THAT the Province suspend the deadlines it has set for conformity until the Land Needs Assessment Framework can be revisited to adjust to the significant changes to the nature of work that are reducing office space and parking space needs.

AND FURTHER THAT this resolution be circulated to Premier Doug Ford, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, Niagara’s Local Municipalities, the Association of Municipalities of Ontario, the leaders of the Provincial opposition parties, Niagara’s MPP’s, and the Greater Golden Horseshoe municipalities.

	For	Against
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson		X
Marianne Stewart	X	

John Wink	X	
Results	5	2
Carried (5 to 2)		

14.2 Motion Re: Solar Generators at the Meridian Community Centre and Other Municipal Structures

Moved By Wayne Olson
Seconded By John Wink

WHEREAS Council for the Town of Pelham wishes to explore the potential of retrofitting solar generators at the Meridian Community Centre and all municipal structures as a power source;

AND WHEREAS Council is aware that a two ice-rink facility with solar generators is operated within Komoka within Middlesex Centre;

AND WHEREAS Council believes solar generators at the Meridian Community Centre and other municipal structures may result in cost-savings while supporting the strategic goal of supporting financial sustainability;

NOW THEREFORE BE IT RESOLVED that Council direct Staff to investigate the potential of retrofitting solar generators at the Meridian Community Centre and other municipal structures as a power source and report back to Council with the fourth quarter.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

14.3 Motion Re: Rescind Previous Decision - Transfer of Operating Authority Niagara Central Dorothy Rungeling Airport and Niagara District Airport

Councillor Haun withdrew her motion.

- 15. **Matters for Committee of the Whole or Policy and Priorities Committee**
- 16. **Matters Arising Out of Committee of the Whole or Policy and Priorities Committee**
- 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:

Section 239(2)(k): a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (1 item)

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

- 18. **Rise From In Camera**

Moved By John Wink
Seconded By Wayne Olson

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With No Report.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	

Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

Moved By Ron Kore

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of April 19, 2021.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

19. Confirming By-Law

Moved By Wayne Olson

Seconded By Ron Kore

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

Being a By-law No. 4343(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 19th day of April, 2021.

	For	Against
Marvin Junkin	X	

Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

20. Adjournment

Moved By Ron Kore
Seconded By John Wink

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for May 3, 2021 at 5:30 pm.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

Mayor: Marvin Junkin

Acting Town Clerk: Holly Willford