

REGULAR COUNCIL MINUTES

Meeting #: C-14/2021 Regular Council
Date: Tuesday, September 7, 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
 Jason Marr
 Teresa Quinlin
 Vickie vanRavenswaay
 Holly Willford
 Sarah Leach

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:55pm.

2. Approval of Agenda

Moved By John Wink

Seconded By Wayne Olson

BE IT RESOLVED THAT the agenda for the September 7, 2021 Regular meeting of Council be adopted.

Amendment: **Moved By** Lisa Haun

Seconded By Ron Kore

**THAT the agenda be amended to add an item as item 14.1
 Notice of Motion from Councillor Haun.**

	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 Lisa Haun
Seconded By Marianne Stewart

BE IT RESOLVED THAT the agenda for the September 7th, 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

3.1 Marvin Junkin - Integrity Commissioner Review Report - IC-12626-0221

The Mayor declared a conflict with respect to item 8.5.1 on the consent agenda, subsequently lifted to item 9.1.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 COVID-19 Pandemic Update - CEMC

On behalf of the Fire Chief and Community Emergency Management Co-Coordinator, Mr. David Cribbs, CAO presented updated information as it relates to the ongoing worldwide pandemic, COVID-19.

Moved By Marianne Stewart
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from D. Cribbs, CAO on behalf of B. Lymburner, Fire Chief and Community Emergency Management Co-Coordinator, 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 Hall was official open as of September 7th to the public. Mr. Cribbs was asked if the Town will be considering a mandatory vaccination policy and he confirmed the Town will be considering this.

Moved By Marianne Stewart
Seconded By Lisa Haun

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 presentation with respect to the Niagara Region's staff vaccination policy, Regional Chair's Youth Advisory Panel and the regional incentive review. A copy of the presentation is on file with the Clerk.

Moved By Wayne Olson

Seconded By Lisa Haun

BE IT RESOLVED THAT the September 7, 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 Bob Hildebrandt

Seconded By John Wink

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

1. SC-13/2021 - Special Council - August 23, 2021; and

2. RC-13/2021 - Regular Council - August 23, 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**

Councillor Kore requested item 8.5.1 be lifted for discussion.

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

Moved By Wayne Olson

Seconded By Ron Kore

BE IT RESOLVED THAT the Consent Agenda items as listed on the September 7, 2021 Council Agenda be received and the recommendations contained therein be approved, save and except item 8.5.1:

8.4. Action Correspondence of a Routine Nature

8.4.1. HIV/AIDS Awareness Week and Flag Raising - November 23rd - December 1, 2021

BE IT RESOLVED that the Corporation of the Town of Pelham hereby proclaim November 23rd, 2021 to December 1, 2021 as HIV/AIDS Awareness Week;

AND THAT approve the flag raising request for Positive Living Niagara for the week of November 23rd, 2021 to December 1, 2021.

8.5. Information Correspondence Items

~~8.5.1. Integrity Commissioner Review Report - IC 12626-0221~~

~~BE IT RESOLVED THAT Council receive for information the Integrity Commissioner correspondence, File IC-12626-0221. (lifted)~~

8.5.2. Christine Kreutzer Comments re: Kunda Park Development Traffic Study

BE IT RESOLVED THAT Council receive correspondence from Christine Kreutzer regarding the Kunda Park Development Traffic Study, for information.

8.5.3. Bill Heska Comments re: Kunda Park and Forest Park Subdivision Traffic Proposal

BE IT RESOLVED THAT Council receive correspondence from Bill Heska regarding the Kunda Park and Forest Park Subdivision Traffic Proposal, for information.

9. **Items for Separate Consideration, if Any**

- 9.1 **Integrity Commissioner Review Report - IC-12626-0221**

Marvin Junkin declared a conflict on this item. (The Mayor declared a conflict with respect to item 8.5.1 on the consent agenda,

subsequently lifted to item 9.1.)

Moved By Wayne Olson

Seconded By Ron Kore

BE IT RESOLVED THAT Council receive for information the Integrity Commissioner correspondence, File IC-12626-0221.

Moved By Ron Kore

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council defer consideration of this matter until the Town of Pelham receives the final costs associated with this matter and receives further information from the Integrity Commissioner with respect to this matter.

	For	Against
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. Presentation & Consideration of Reports

10.1 Reports from Members of Council:

10.1.1 Councillor Stewart

Councillor Stewart wished Ms. Nancy Ward a happy belated birthday and congratulated her on her “50 for 50” self-challenge and library fundraiser. Councillor Stewart indicated Ms. Ward raised approximately \$11,500.00 for new shelving for the library. Councillor Stewart encouraged those interested in donating to this cause donate through Canada Helps or at either local library branch.

Moved By Lisa Haun

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive Councillor Stewart's verbal presentation with respect to Nancy Ward's Fundraising Achievement for the Library, 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 Staff Reports Requiring Action

10.2.1 Detailed Design Assignment for Pelham Street Phase 3 and 4 and for Effingham Road between Hwy 20 and Tice Rd, 2021-0151-Public Works

Moved By John Wink

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2021-0151 – Detailed Design Assignment for Pelham Street Reconstruction Phase 3 & 4 and for Effingham Road between Hwy 20 and Tice Road;

AND THAT Council APPROVE the award of the Pelham Street Reconstruction detailed design engineering assignment to Associated Engineering Inc. (AE) in the amount of \$160,840 plus applicable taxes;

AND THAT Council APPROVE the award of the Effingham Road Reconstruction Detailed Design engineering assignment to Kerry T Howe Ltd. (KTH) in the amount of \$53,570 plus applicable taxes;

AND THAT Council APPROVE funding the budget shortfall form Public Works Project RD 16-21 and RD 18-21 from the Road Capital Reserve Account in the amount of \$29,410 plus applicable taxes.

	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)

**10.2.2 Modernization Grants Transfer Payment Agreements
Approval, 2021-0152-Corporate Services**

Moved By Ron Kore

Seconded By Wayne Olson

BE IT RESOLVED THAT Council receive Report #2021-0152-Corporate Services – Modernization Grants Transfer Payments for Approval;

AND THAT Council approve the four Modernization grants transfer payment agreements, along with their respective by-laws, for the Mayor and Clerk’s signature.

	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 Delegation of Powers and Duties - Administrative
Authority By-law Update, 2021-0153-Clerks**

Moved By Lisa Haun

Seconded By John Wink

BE IT RESOLVED THAT Council receive Report #2021-0153 – Clerks – Delegation of Powers and Duties – Administrative Authority By-Law Update;

AND THAT Council consider the draft amendments to the Administrative Authority By-Law to delegate additional authority to various municipal staff positions;

AND THAT the Clerk be directed to present the By-law for Council approval at the next regular meeting.

Amendment: Moved By Bob Hildebrandt

Seconded By Ron Kore

BE IT RESOLVED THAT Council amend the proposed Appendix A – Recommended Additional Delegation of Powers and Duties as follows:

Schedule A – CAO

- **To strike \$50,000.00 and replace with \$10,000.00 for each dollar amount listed in Appendix A**

	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 Bob Hildebrandt
Seconded By Ron Kore

BE IT RESOLVED THAT Council amend the proposed Appendix A – Recommended Additional Delegation of Powers and Duties as follows:

Schedule D – Director, Community Planning and Development

- **To strike in full both additions listed in Appendix A**

	For	Against
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	1
Carried (6 to 1)		

Main Motion as Amended: Moved By Lisa Haun
Seconded By John Wink

BE IT RESOLVED THAT Council receive Report #2021-0153 – Clerks – Delegation of Powers and Duties – Administrative Authority By-Law Update;

AND THAT Council consider the draft amendments to the Administrative Authority By-Law to delegate additional authority to various municipal staff positions;

AND THAT the Clerk be directed to present the By-law for Council approval at the next regular meeting, 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)		

10.2.4 National Day for Truth and Reconciliation, 2021-0150- Chief Administrator Officer

Moved By Wayne Olson
Seconded By John Wink

WHEREAS the Truth and Reconciliation Commission released its final report on June 2, 2015, which included 94 Calls to Action to redress the legacy of residential schools and advance the process of Canadian reconciliation;

AND WHEREAS the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRC’s Calls to Action;

AND WHEREAS all Canadians and all orders of government have a role to play in reconciliation;

AND WHEREAS Recommendation #80 of the Truth and Reconciliation Commission called upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process;

AND WHEREAS the Federal Government has announced September 30th, 2021, as the first National Day for Truth and Reconciliation (National Orange Shirt Day) and a federal statutory holiday;

BE IT RESOLVED THAT Pelham Town Council receive Report #2021-0150 – National Day for Truth and Reconciliation for information;

AND BE IT FURTHER RESOLVED THAT Pelham Town Council does hereby commit to recognizing September 30th as the National Day for Truth and Reconciliation (National Orange Shirt Day) in the Town of Pelham wherein focus shall be placed on sharing the stories of residential school survivors, their families, and communities;

AND BE IT FURTHER RESOLVED THAT the Town of Pelham raise the orange “Every Child Matters” flag, with appropriate ceremony when/where possible, at town facilities to recognize the National Day for Truth and Reconciliation every year on September 30th;

AND BE IT FURTHER RESOLVED THAT Council approve the one-time expenditure of up to \$12,000 for education and training of Town staff, volunteers, elected officials and committee members on the history, legacy and significance of the residential school system upon Canada’s First Nations population, with funds to be taken from the Human Resources Opportunities and Contingencies Reserve.

AND BE IT FURTHER RESOLVED THAT the Town of Pelham begin commencing Council, Council of the Whole and Committee of Adjustment meetings with a land acknowledgment, effective September 20, 2021;

AND FURTHER THAT Town Hall be (open/closed) _____ on September 30, 2021 and every year thereafter.

Amendment: Moved By Lisa Haun
Seconded By Wayne Olson

THAT the motion be amended to include the word 'open' in the final paragraph of the 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	5	2
Carried (5 to 2)		

Main Motion as Amended: Moved By Lisa Haun
Seconded By Wayne Olson

WHEREAS the Truth and Reconciliation Commission released its final report on June 2, 2015, which included 94 Calls to Action to redress the legacy of residential schools and advance the process of Canadian reconciliation;

AND WHEREAS the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRC's Calls to Action;

AND WHEREAS all Canadians and all orders of government have a role to play in reconciliation;

AND WHEREAS Recommendation #80 of the Truth and Reconciliation Commission called upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process;

AND WHEREAS the Federal Government has announced September 30th, 2021, as the first National Day for Truth and Reconciliation (National Orange Shirt Day) and a federal statutory holiday;

BE IT RESOLVED THAT Pelham Town Council receive Report #2021-0150 – National Day for Truth and Reconciliation for information;

AND BE IT FURTHER RESOLVED THAT Pelham Town Council does hereby commit to recognizing September 30th as the National Day for Truth and Reconciliation (National Orange Shirt Day) in the Town of Pelham wherein focus shall be placed on sharing the stories of residential school survivors, their families, and communities;

AND BE IT FURTHER RESOLVED THAT the Town of Pelham raise the orange "Every Child Matters" flag, with appropriate ceremony when/where possible, at town facilities to recognize the National Day for Truth and Reconciliation every year on September 30th;

AND BE IT FURTHER RESOLVED THAT Council approve the one-time expenditure of up to \$12,000 for education and training of Town staff, volunteers, elected officials and committee members on the history, legacy and significance of the residential school system upon Canada's First Nations population, with funds to be taken from the Human Resources Opportunities and Contingencies Reserve.

AND BE IT FURTHER RESOLVED THAT the Town of Pelham begin commencing Council, Council of the Whole and Committee of Adjustment meetings with a land acknowledgment, effective September 20, 2021;

AND FURTHER THAT Town Hall be open on September 30, 2021 and every year thereafter.

	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)

11. Unfinished Business

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

11.2 Consent Agenda - August 23, 2021

Moved By Marianne Stewart
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the Consent Agenda items, deferred from August 23, 2021, as listed on the September 7, 2021 Council Agenda be received and the recommendations contained therein be approved:

11.2.1. Staff Reports of a Routine Nature for Information or Action

11.2.1.1. June 2021 Financial Reports, 2021-0143-Corporate Services

BE IT RESOLVED THAT Council receive Report #2021-0143-Corporate Services, June 2021 Financial Reports, for information.

11.2.1.2. 2021 LDD Moth Program Summary Report, 2021-0135-Public Works

BE IT RESOLVED THAT Council receive Report #2021-0115 – 2021 LDD Moth Program Summary Report, for information.

11.2.1.3. Information Regarding Niagara Region's Proposed Elevated Water Tank in the Town of Pelham, 2021-0145-Public Works

BE IT RESOLVED THAT Council receive Report #2021-0145 – Information Update on Niagara Region’s Proposed Elevated Water Tank in the Town of Pelham, for information.

11.2.1.4. Update on Foss Road and Church Street Sanitary Sewer Replacement Projects, 2021-0144-Public Works

BE IT RESOLVED THAT Council receive Report #2021-0144 - Budget Estimate Update for Foss Road and Church Street Sanitary Sewer Upgrades, for information.

11.2.1.5. Data Sharing Agreement with Region of Niagara, 2021-0141-Planning

BE IT RESOLVED THAT Council receive Report #2021-0141 – Data Sharing Agreement with the Region of Niagara;

AND THAT Council authorize the Town Clerk to sign the Amendment to the Data License and Reciprocity Agreement with the Region of Niagara.

11.2.1.6. Execution of Subdivision Agreement for Saffron Meadows 3 (Phase 2) - File no. 26T19-02-18, 2021-0136-Planning

BE IT RESOLVED THAT Council receive Report #2021-136 – Execution of Subdivision Agreement – Phase 2 of Saffron Meadows 3 (26T19-02-18);

AND THAT Council direct staff to prepare the By-laws to authorize execution of the Subdivision Agreement for final approval of Phase 2 of the Saffron Meadows 3 Subdivision.

11.2.1.7. Recommendation Report for Revision to Draft Plan of Subdivision and Zoning By-law Amendment - 155 Port Robinson Road, 2021-0138-Planning

BE IT RESOLVED THAT Council receives Report #2021-138 for information as it pertains to File Nos. 26T19-01-19 & AM-02-21 relating to 155 Port Robinson Road;

AND THAT Council directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment for Council’s consideration.

AND THAT Council approves the revision to the Draft Plan of Subdivision, attached as Appendix A, subject to the revised approved conditions of draft plan approval, attached as Appendix B.

11.2.1.8. Information Report - Comprehensive Zoning By-law Update, 2021-0137-Planning

BE IT RESOLVED THAT Council receive Report #2021-0137 – Comprehensive Zoning By-law: What We Heard, for information.

11.2.2. Information Correspondence Items

11.2.2.1. Correspondence re: Draft Plan of Subdivision and Zoning By-law Amendment Forest Park and Kunda Park

BE IT RESOLVED THAT Council receive correspondence from Turkstra Mazza and RVA Associates Ltd regarding the Draft Plan of Subdivision and Zoning By-law Amendment for Forest Park and Kunda Park, for information.

11.2.2.2. Tim Henley's Comments re Single Dwelling Unit By-Law

BE IT RESOLVED THAT Council receive correspondence from Tim Henley regarding the proposed Single Dwelling Unit By-Law, for information.

11.2.2.3. Minister of Heritage, Sport, Tourism and Culture Letter re 2021 Reconnect Festival and Event Program

BE IT RESOLVED THAT Council receive the letter from the Minister of Heritage, Sport, Tourism and Culture Letter with respect to 2021 Reconnect Festival and Event Program funding, for information.

11.2.2.4. Niagara Region - PDS 29-2021 Northwest Welland Secondary Plan (OPA 29)

BE IT RESOLVED THAT Council receive correspondence from the Niagara Region regarding the Northwest Welland Secondary Plan Amendment 29, for information.

11.2.2.5. Niagara Region - 16 Days of Activism Against Gender-Based Violence

BE IT RESOLVED THAT Council receive correspondence from Niagara Region regarding 16 Days of Activism Against Gender-Based Violence, for information.

11.2.2.6. Niagara Region Notice of Public Information Center No. 2 - Pelham Elevated Tank Municipal Class Environmental Assessment and Enhanced Conceptual Design

BE IT RESOLVED THAT Council receive the Niagara Region Notice of Public Information Center No. 2, Pelham Elevated Tank Municipal Class Environmental Assessment and Enhanced Conceptual Design, for information.

11.2.2.7. 2020 NPCA Water Quality Summary Report

BE IT RESOLVED THAT Council receive correspondence from Niagara Peninsula Conservation Authority regarding 2020 NPCA Water Quality Summary Report, for information.

11.2.2.8. NPCA Meeting Highlights

BE IT RESOLVED THAT Council receive the Niagara Peninsula Conservation Authority Meeting Highlights dated June 18, 2021 and July 16, 2021, for information.

11.2.2.9. NPCA Advancing the Use of Native Pollinator Plant Species to Promote Pollinator Habitats

BE IT RESOLVED THAT Council receive correspondence from Niagara Peninsula Conservation Authority regarding Advancing the Use of Native Pollinator Plant Species to Promote Pollinator Habitats, for information.

11.2.2.10. NPCA Compliance & Enforcement 2021 Q2 Statistics Report

BE IT RESOLVED THAT Council receive correspondence from Niagara Peninsula Conservation Authority regarding Compliance & Enforcement 2021 Q2 Statistics Report, 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)		

11.3 Items for Separate Consideration, if Any

11.4 Reports from Members of Council:

11.4.1 Councillor Haun

Councillor Haun stated she was pleased to share NCDRA’s local chapter of COPA 149 announced a new flight training bursary of \$1,500.00 each year. Councillor Haun indicated an application for this bursary may be found at the airports website. Councillor Haun further advised if any residents wish to donate towards the bursary program they may do so through COPA 149 or the Town of Pelham.

Moved By John Wink
Seconded By Ron Kore

BE IT RESOLVED Council receive the verbal presentation from Councillor Haun with respect to COPA 149 new Flight Training Bursary at the (NCDRA), 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)		

11.5 Staff Reports Requiring Action

11.5.1 Integrity Commissioner, 2021-0133-Clerks

Councillor Olson requested the motion be divided.

Moved By Marianne Stewart

Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive Report #2021-0133 – Clerks - Integrity Commissioner Update;

AND THAT Council direct staff to update The Town’s Fees and Charges By-Law to include an Integrity Commissioner Complaint Filing fee of:

\$100.00 for infrequent complainants (two or fewer complaints filed per term of Council) and \$300.00 for frequent complainants (more than two complaints filed per term of Council);

AND THAT Council authorize an exemption to said filing fees if the complaint relates to alleged physical or sexual harassment, any complaint relating to alleged criminal behavior or any complaint filed by a Town of Pelham staff person;

AND THAT Council authorize the full reimbursement of said filing fee if contravention of the Code of Conduct is found by the Integrity Commissioner;

AND THAT Council authorize and grants the CAO, Town Solicitor and Town Clerk the authority, individually in their sole discretion, to waive any of the said filing fees which they deem to be appropriate;

AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:

1. Integrity Commissioner Complaint Filing Fees and exemptions;
2. That requests from members of Council for advice from the Integrity Commissioner be drafted by the Town Solicitor, CAO or Town Clerk according to the preference of the member;
3. Annual Activities Reports to include summary of advice given;

4. Council to receive Final Reports for matters the Integrity Commissioner deems to be frivolous, vexatious or not made in good faith or that there are no grounds or insufficient grounds for an investigation; and
5. Council, the Member and Complainant to receive the same Final Report from the Integrity Commissioner (requiring only one version of a final report);

AND THAT Council direct staff to proceed with The Town’s Request for Proposals / procurement process to award Integrity Commissioner Services for The Town commencing April 1, 2022.

Moved By Wayne Olson
Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report #2021-0133 – Clerks - Integrity Commissioner Update

	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 Wayne Olson
Seconded By Ron Kore

AND THAT Council direct staff to update The Town’s Fees and Charges By-Law to include an Integrity Commissioner Complaint Filing fee of:

\$100.00 for infrequent complainants (two or fewer complaints filed per term of Council) and \$300.00 for frequent complainants (more than two complaints filed per term of Council).

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

THAT the motion be amended to strike "\$100.00 for infrequent complainants (two or fewer complaints filed per term of Council)" and replace with "\$0.00 for first time complainants and \$100.00 for infrequent complainants (second complaint filed per term of Council)

	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 Wayne Olson
Seconded By Ron Kore

AND THAT Council direct staff to update The Town’s Fees and Charges By-Law to include an Integrity Commissioner Complaint Filing fee of:

\$0.00 for first time complainants and \$100.00 for infrequent complainants (second complaint filed per term of Council) and \$300.00 for frequent complainants (more than two complaints filed per term of Council).

	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 Wayne Olson
Seconded By Ron Kore

AND THAT Council authorize an exemption to said filing fees if the complaint relates to alleged physical or sexual harassment, any complaint relating to alleged criminal behavior or any complaint filed by a Town of Pelham staff person.

	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 Wayne Olson
Seconded By Ron Kore

AND THAT Council authorize the full reimbursement of said filing fee if contravention of the Code of Conduct is found by the Integrity Commissioner.

	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 Wayne Olson
Seconded By Ron Kore

AND THAT Council authorize and grants the CAO, Town Solicitor and Town Clerk the authority, individually in their sole discretion, to waive any of the said filing fees which they deem to be appropriate.

	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 Wayne Olson
Seconded By Ron Kore

AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:

1. Integrity Commissioner Complaint Filing Fees and exemptions;

	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 Wayne Olson
Seconded By Ron Kore

AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:

2. That requests from members of Council for advice from the Integrity Commissioner be drafted by the Town Solicitor, CAO or Town Clerk according to the preference of the member;

	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 Wayne Olson
Seconded By Ron Kore

AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:

3. Annual Activities Reports to include summary of advice given;

	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 Wayne Olson
Seconded By Ron Kore

AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:

4. Council to receive Final Reports for matters the Integrity Commissioner deems to be frivolous, vexatious or not made in good faith or that there are no grounds or insufficient grounds for an investigation;

	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)

Moved By Wayne Olson
Seconded By Ron Kore

AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:

5. Council, the Member and Complainant to receive the same Final Report from the Integrity Commissioner (requiring only one version of a final 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	4	3
		Carried (4 to 3)

Moved By Wayne Olson
Seconded By Ron Kore

AND THAT Council direct staff to proceed with The Town’s Request for Proposals / procurement process to award Integrity Commissioner Services for The Town commencing April 1, 2022.

	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)		

11.5.2 Chief Administrative Officer Annual Performance Review , 2021-0134-Chief Administrator Officer

Moved By Bob Hildebrandt
Seconded By Wayne Olson

BE IT RESOLVED THAT Council receive Report #2021-0134 – Chief Administrative Officer Performance Review Policy;

AND THAT Council approve the Chief Administrative Officer Performance Review Policy No. S600-14 and the associated CAO Performance Evaluation Review Form.

Moved By Bob Hildebrandt
Seconded By Lisa Haun

THAT report 2021-0134 – Chief Administrative Office Annual Performance Review be referred back to staff;

AND THAT staff provide Council with multiple CAO Performance and Evaluation policies and templates for Councils consideration.

	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)		

11.5.3 New Corporate Services Department Fees, 2021-0131-Corporate Services

Moved By Wayne Olson
Seconded By Lisa Haun

**BE IT RESOLVED THAT Council receive Report #2021-0131-
New Corporate Services Department Fees;**

**AND THAT Council approve the following Corporate Services
Department fees, effective October 1, 2021, be included in the
Town of Pelham User Fees and Charges By-Law:**

\$40.00 for new roll creation, and

\$40.00 for ownership change;

**AND THAT Council direct staff to amend the Fees and Charges
By-law to reflect these new fees.**

	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)

11.6 Motion - Unflood Ontario

Moved By Wayne Olson
Seconded By John Wink

WHEREAS the Town of Pelham Council has identified combating climate change by use of best practices and community education as a strategic priority;

AND WHEREAS Unflood Ontario is an organization dedicated to using natural infrastructure to reduce flooding, lessen water pollution and prepare Ontario for climate change;

AND WHEREAS the Town of Pelham is affected by severe weather events, Great Lake spill over affects, and urban runoff;

AND WHEREAS the Town of Pelham Council wishes to explore the potential opportunity of joining Unflood Ontario as a member and using natural infrastructure to reduce flooding, lessening water pollution and preparing for climate change;

NOW THEREFORE BE IT RESOLVED that Council direct staff to investigate the potential opportunity of joining Unflood Ontario as a member, the benefits related to said membership and to report back to Council by September 20, 2021.

Amendment: Moved By John Wink
Seconded By Wayne Olson

THAT the motion be amended to strike "September 20, 2021" and insert "within the fourth quarter (target November 15, 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	5	2
Carried (5 to 2)		

Main Motion as Amended: Moved By Wayne Olson
Seconded By John Wink

WHEREAS the Town of Pelham Council has identified combating climate change by use of best practices and community education as a strategic priority;

AND WHEREAS Unflood Ontario is an organization dedicated to using natural infrastructure to reduce flooding, lessen water pollution and prepare Ontario for climate change;

AND WHEREAS the Town of Pelham is affected by severe weather events, Great Lake spill over affects, and urban runoff;

AND WHEREAS the Town of Pelham Council wishes to explore the potential opportunity of joining Unflood Ontario as a member and using natural infrastructure to reduce flooding, lessening water pollution and preparing for climate change;

NOW THEREFORE BE IT RESOLVED that Council direct staff to investigate the potential opportunity of joining Unflood Ontario as a member, the benefits related to said membership and to report back to Council within the fourth quarter (target November 15, 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	5	2
		Carried (5 to 2)

Moved By John Wink

Seconded By Ron Kore

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.

	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)

11.7 Presentation and Consideration of By-Laws

Councillor Hildebrandt requested the motion be divided to consider By-Law 4371(2021) separately.

Moved By Ron Kore

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:

1. 4368(2021) - Being a By-law to amend Zoning By-law 1136(1987), as amended with respect to second dwelling units in the Town of Pelham. Town of Pelham. File No. AM-04-2020
2. 4369(2021) - Being a by-law to adopt an Amendment to the Official Plan for the Town of Pelham Planning Area. Amendment No. 12 Implementation of Second Dwelling Units
3. 4371(2021) - 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 Pelham Beautification Committee (Schedule E); And to appoint members to the Pelham Seniors Advisory Committee (Schedule G); And to appoint members to the Pelham Public Art Committee (Schedule O).
4. 4372(2021) - Being a by-law to Authorize the Execution of Rural Economic Development Program Grant Funding Agreement between the Town of Pelham and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Agriculture, Food and Rural Affairs to Funding Provided as follows: \$15,000 for wayfinding signage for the Rural Economic Development Program (RED)
5. 4373(2021) - Being a by-law to authorize the Mayor and Clerk to enter into a Transfer Payment Agreement with Her Majesty the Queen in Right of the Province of Ontario, as represented by the Minister of Infrastructure for the Province of Ontario, for the purposes of implementation of the Investing in Canada Infrastructure Program (ICIP): Community, Culture and Recreation Stream.
6. 4374(2021) - Being a by-law to authorize the execution of an Encroachment Agreement for the lands located at 1471 Pelham Street. McGill Turpel Family Holdings. File No. D16-01-21

Moved By Ron Kore

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:

- 1. 4368(2021) - Being a By-law to amend Zoning By-law 1136(1987), as amended with respect to second dwelling units in the Town of Pelham. Town of Pelham. File No. AM-04-2020**
- 2. 4369(2021) - Being a by-law to adopt an Amendment to the Official Plan for the Town of Pelham Planning Area. Amendment No. 12 Implementation of Second Dwelling Units**
- 4. 4372(2021) - Being a by-law to Authorize the Execution of Rural Economic Development Program Grant Funding Agreement between the Town of Pelham and Her Majesty the Queen in Right of Ontario, as represented by the Minister of**

Agriculture, Food and Rural Affairs to Funding Provided as follows: \$15,000 for wayfinding signage for the Rural Economic Development Program (RED)

5. 4373(2021) - Being a by-law to authorize the Mayor and Clerk to enter into a Transfer Payment Agreement with Her Majesty the Queen in Right of the Province of Ontario, as represented by the Minister of Infrastructure for the Province of Ontario, for the purposes of implementation of the Investing in Canada Infrastructure Program (ICIP): Community, Culture and Recreation Stream.

6. 4374(2021) - Being a by-law to authorize the execution of an Encroachment Agreement for the lands located at 1471 Pelham Street. McGill Turpel Family Holdings. File No. D16-01-21

	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 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:

3. 4371(2021) - 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 Pelham Beautification Committee (Schedule E); And to appoint members to the Pelham Seniors Advisory Committee (Schedule G); And to appoint members to the Pelham Public Art Committee (Schedule O).

Amendment: **Moved By** Bob Hildebrandt

Seconded By Marianne Stewart

THAT the motion be amended to strike the words “And to appoint members to the Pelham Public Art Committee (Schedule O)” as Council wishes to consider these appointments at the next Regular Council Meeting, being September 20, 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)		

Main Motion as Amended: Moved By Ron Kore
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:

3. 4371(2021) - 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 Pelham Beautification Committee (Schedule E); And to appoint members to the Pelham Seniors Advisory Committee (Schedule G).

	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

12. New Business

13. Presentation and Consideration of By-Laws

Moved By Lisa Haun

Seconded By John Wink

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. 4378(2021) - Being a by-law to amend Zoning By-law 1136 (1987), as amended by By-law 4133 (2019), for lands located at the northwest corner of Port Robinson Road and Lametti Drive, legally described as Part of Thorold Township, Lot 166; Part 2 of Plan 59R-13156 and Part 2 of Plan 59R-15596, Town of Pelham, Regional Municipality of Niagara, to add a site specific regulation to the Residential Multiple 1 (RM1-295) zone. Quartek Group Inc. File No. AM-02-21

2. 4379(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 Municipal Affairs and Housing Relating to Funding Provided as follows: i. Up to \$40,000 for the Modernization Grant Phase 2 for the Town of Pelham Web-Based Services Review

3. 4380(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 Municipal Affairs and Housing Relating to Funding Provided as follows: i. Up to \$143,505 for the Modernization Grant Phase 2 for the Town of Pelham Corporate Services Function Review

4. 4381(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 Municipal Affairs and Housing Relating to Funding Provided as follows: i. Up to \$60,000 for the Modernization Grant Phase 2 for the Town of Pelham and Town of Lincoln Joint Public Library Merger Review

5. 4382(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 Municipal Affairs and Housing Relating to Funding Provided as follows: i. Up to \$60,000 for the

Modernization Grant Phase 2 for the Town of Pelham Digitizing Human Resources Performance Management System Review

	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 Notice of Motion - Councillor Haun

Councillor Huan indicated she would bring a motion to support a City of Welland's motion with respect to the Niagara Central Dorothy Rungeling Airport.

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

18. Rise From In Camera

19. Confirming By-Law

Moved By Lisa Haun

Seconded By Bob Hildebrandt

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

Being a By-law No. 4384(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 7th day of September, 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 John Wink
Seconded By Wayne Olson

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for September 20th, 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

Town Clerk: Holly Willford