

REGULAR COUNCIL MINUTES

Meeting #: C-05/2022 - Regular Council
Date: Monday, March 7, 2022
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin
Councillor Lisa Haun
Councillor Bob Hildebrandt
Councillor Ron Kore
Councillor Wayne Olson
Councillor Marianne Stewart
Councillor John Wink

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin-Murphy
Vickie vanRavenswaay
Barbara Wiens
Holly Willford
Sarah Leach
Ryan Cook

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.

1.1 Land Recognition Statement

Mayor Junkin read the Land Recognition Statement into the record.

2. Approval of Agenda

Moved By Councillor John Wink

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the agenda for the March 7, 2022 Regular meeting of Council be adopted.

Amendment: Moved By Councillor John Wink

Seconded By Councillor Bob Hildebrandt

THAT the agenda be amended to:

- **Move item 14.1 Twelve Mile Creek Motion after item 4.2.1 Niagara Chapter Trout Unlimited Canada Delegation.**

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

Motion as Amended: Moved By Councillor Wayne Olson
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT the agenda for the March 7, 2022 Regular meeting of Council be adopted, as amended.

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

The Fire Chief had technical difficulties therefore Mr. David Cribbs, CAO delivered the presentation on his behalf.

4.1.2 COVID-19 Pandemic Update – CAO

Mr. Cribbs, CAO, provided Council an up-date with respect to COVID-19 on behalf with Chief Lymburner and himself. Mr. Cribbs advised the Town is no longer meet weekly as an Emergency Control Committee however stated the Emergency Control Group will continue to meet weekly.

Moved By Councillor Ron Kore
Seconded By Councillor Bob Hildebrandt

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

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

THAT the motion be amended to include:
AND THAT Council direct staff to survey local municipalities to determine the current status of other municipal mask mandates and corporate policies relating to COVID-19;
AND THAT staff report back to Council, in open and/or closed session reports, as the subject matter and materials deem appropriate by April 4, 2022.

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

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

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

AND THAT Council direct staff to survey local municipalities to determine the current status of other municipal mask mandates and corporate policies relating to COVID-19;

AND THAT staff report back to Council, in open and/or closed session reports, as the subject matter and materials deem appropriate by April 4, 2022.

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

4.2 Delegations

4.2.1 Niagara Chapter of Trout Unlimited Canada

Mr. Edell, President, and Mr. Green, Secretary, of Niagara Chapter of Trout Unlimited Canada provided Council a presentation with respect to the twelve mile creek and the Rice Road storm water management pond. A copy of the presentation is on file with the Clerk.

Mr. Edell and Mr. Green answered various questions of Council.

Moved By Councillor John Wink
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the delegation from Dennis Edell and Brian Green of Niagara Chapter of Trout Unlimited Canada, for information.

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

Councillor John Wink	X	
Results	7	0
		Carried (7 to 0)

4.3 Motions and Notices of Motion

4.3.1 Councillor Wink - Twelve Mile Creek

Moved By Councillor John Wink
Seconded By Councillor Bob Hildebrandt

WHEREAS the Twelve Mile Creek is a significant environmental asset to the Town of Pelham and neighboring communities;

AND WHEREAS Council directed staff on April 19, 2021 to issue a Request for Proposal (“RFP”) to undertake a design/building initiative for erosion mitigation and the rehabilitation of the Headwaters of the Twelve Mile Creek;

AND WHEREAS on July 26, 2021, Council approved \$70,000 to complete the engineering and detailed design for the project;

AND WHEREAS the design and completion of the project to identify, remediate and resolve the erosion taking place at the storm water outlet from the storm water management facility located at Rice Road and Highway 20 will ensure that the negative impacts to the Twelve Mile Creek and adjacent properties due to erosion is mitigated;

AND WHEREAS staff were not able to award the detailed engineering assignment for the erosion mitigation and rehabilitation project due to the budget restriction of \$70,000;

AND WHEREAS Niagara Chapter Trout Unlimited Canada has expressed interest in leading the project in partnership with the Niagara Peninsula Conservation Authority, the Town of Pelham, and private stakeholders;

AND WHEREAS Niagara Chapter Trout Unlimited Canada has engaged the services of Waters Edge Environmental Solutions Team to provide the required engineering services and detailed design at a total value not exceeding \$70,000;

NOW THEREFORE BE IT RESOLVED THAT Town of Pelham Council support the procurement of engineering services by Niagara Chapter Trout Unlimited Canada in the amount not to exceed \$70,000 to complete the review and design engineering plan to identify and evaluate the best practice to address the erosion problem present at the Headwaters of the Twelve Mile Creek;

AND THAT staff be authorized and directed to provide funds from the Roads Reserve.

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

4.4 Report of Regional Councillor

5. Adoption of Minutes

Councillor Wink advised of a typographical error within the minutes of Regular Council for February 22, 2022. The Clerk confirmed she would amend the said minutes as necessary.

Moved By Councillor Marianne Stewart

Seconded By Councillor Ron Kore

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

1. SC-02/2022 - Special Council - February 22, 2022

2. RC-04/2022 - Regular Council - February 22, 2022, as amended.

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

Seconded By Councillor John Wink

BE IT RESOLVED THAT the Consent Agenda items as listed on the March 7, 2022 Council Agenda be received and the recommendations contained therein be approved:

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-01/2022 - February 14, 2022 - Special Committee of the Whole, Public Meeting Under the Planning Act

8.2. Minutes Approval - Committee

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

1. PCOW-01/2022 - February 14, 2022 - Special Committee of the Whole, Public Meeting Under the Planning Act

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

8.3.1. Memo re: Amended Cost Sharing Agreement with the Niagara Region

BE IT RESOLVED THAT Council receive the Memo regarding the Amended Cost Sharing Agreement with the Niagara Region from the Director of Public Works, for information.

8.3.2. 2021 Council and Board Remuneration, 2022-0052-Corporate Services

BE IT RESOLVED THAT Council receive Report # 2022-0052 – 2021 Statement of Council and Board Remuneration, for information

8.3.3. Recommendation Report for Zoning By-law Amendment - 30, 54, 64, 66 and 68 Philmori Boulevard, 2022-0058-Planning

BE IT RESOLVED THAT Council receive Report #2022-58 – Recommendation Report for Zoning By-law Amendment 30, 54, 64, 66 & 68 Philmori Boulevard for information as it pertains to File No. AM-10-21;

AND THAT Council direct Planning staff to prepare the by-law for approval of the Zoning By-law Amendment for Council's consideration.

8.3.4. Zoning By-law Amendment (AM-09-2021) 1553 Pelham Street - Recommendation Report, 2022-0063-Planning

BE IT RESOLVED THAT Council receive Report #2022- 063 – Recommendation Report for Application AM-09-2021, 1553 Pelham Street Zoning By-law Amendment, for information; and

THAT Council direct Planning staff to prepare the By-law for approval of the Zoning By-law amendment application AM-09-2021 to amend the zoning from R2 (Residential 2) to R3-Exception-H (Residential 3 with Holding Provision) for Council's consideration.

8.3.5. Town of Pelham Draft Comprehensive Zoning By-law - Status Update and Information Report, 2022-0054-Planning

BE IT RESOLVED THAT Council receive Report 2022-0054, Town of Pelham Draft Comprehensive Zoning By-law – Status Update and Information Report, for information.

8.5. Information Correspondence Items

8.5.1. Niagara Region Correspondence

8.5.1.1. Violence and Harassment of Politicians and Public Servants

BE IT RESOLVED THAT Council receive correspondence from the Niagara Region regarding Violence and Harassment of Politicians and Public Servants, for information.

8.5.1.2. Evaluation of 2019 and 2020 Niagara Prosperity Initiative Projects

BE IT RESOLVED THAT Council receive correspondence from the Niagara Region regarding Evaluation of 2019 and 2020 Niagara Prosperity Initiative Projects, for information.

8.5.1.3. Consolidated Transportation System By-law 2021-96

BE IT RESOLVED THAT Council receive correspondence from the Niagara Region regarding Consolidated Transportation System By-law 2021-96, for information.

8.5.2. Wally Braun Correspondence re: Development Charges

BE IT RESOLVED THAT Council receive correspondence from Wally Braun with respect to development charges, for information.

8.6. Regional Municipality of Niagara - Action Items

8.6.1. Invitation from the Region of Niagara - Regional Council Indigenous Education Training Session

BE IT RESOLVED THAT the Council Members of the Town of Pelham be permitted to attend and participate electronically in the Special Regional Council meeting being held on March 31, 2022, at 6:00 p.m. to receive indigenous education and training in closed session in accordance with Subsection 239(3.1) of the Municipal Act, 2001;

AND THAT the Council of the Town of Pelham confirm that this session is for training and education purposes only and no direction will be issued for staff and no decisions or motions will be made that advance the business or decision-making of the Council of the Town of Pelham;

AND THAT the Council of the Town of Pelham waive the Rules of Procedure to adopt Niagara Region Procedural By-law 120-2010, as amended, for the purpose and duration of the Special Regional Council meeting being held on March 31, 2022;

AND THAT the Council of the Town of Pelham authorize the delegation of the duties of the Clerk to the Regional Clerk for the purpose and duration of the Special Regional Council meeting in accordance with subsection 228(4) of the Municipal Act, 2001;

AND THAT Regional Chair Jim Bradley be appointed as the presiding officer for the purpose and duration of the Special Regional Council Meeting; and

THAT the Clerk be directed to provide a copy of this resolution to the Regional Clerk so that it may be included as part of the Minutes of the Special Regional Council Meeting.

8.7. Committee Minutes for Information

8.7.1. Pelham Active Transportation Committee

BE IT RESOLVED THAT Council receive the Pelham Active Transportation Committee minutes dated January 18, 2022, for information.

8.7.2. Pelham Finance and Audit Committee

BE IT RESOLVED THAT Council receive the Pelham Finance and Audit Committee minutes dated November 24, 2021, for information.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor 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 2022 LDD Moth Management Program, 2022-0057-Public Works

Moved By Councillor Wayne Olson
Seconded By Councillor Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2022-0057 - 2022 LDD Moth Management Program, for information;
AND THAT the blocks identified in Report #2022-0057 be aerially sprayed for the LDD Moth in 2022;
AND THAT Council consider repealing and replacing By-Law No. 4334(2021) with By-law No. 4433(2022) to allow for the implementation of an aerial spray program in 2022;
AND THAT Council approve the use of Zimmer Air Services to conduct the 2022 aerial spray program.

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

10.2.2 Proposed 2022 Municipal Grant Allocation, 2022-0062-Recreation

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Lisa Haun

BE IT RESOLVED THAT Council receive Report #2022-0062 – Proposed 2022 Municipal Grant Allocation, for information;
AND THAT Council approve the 2022 Municipal Grant allocations of \$11,900 waived facility fees; \$30,100 cash allocations; and \$5,416 estimated in-kind labor requests, as outlined in the 2022 Municipal Grant allocation summary.

	For	Against
Mayor Marvin Junkin	X	

Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor 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 Councillor John Wink
Seconded By Councillor Bob Hildebrandt

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 4430(2022) - Being a by-law to remove the Holding (H) Provision executed by By-law No. 3868 (2017) for the lands located on the south side of Welland Road east of Church Street; municipally known as 788 Welland Road. Lume Investments Inc. File No. AM-07-18.
- 2. By-law 4431(2022) - Being a By-Law To Amend By-Law 4023(2018), as amended, Respecting Development Charges.
- 3. By-law 4432(2022) - Being a By-law to authorize the Mayor and Clerk to enter into an Agreement with the Corporation of the Town of Lincoln in order to establish a Union Public Library.
- 4. By-law 4433(2022) - Being a by-law authorizing the implementation of a 2022 spray program respecting the LDD moth, and to Repeal and Replace By-Law 4334(2021).
- 5. By-law 4434(2022) - Being a By-Law to amend By-law 4423(2022), Authorizing the Mayor and Clerk to enter into a Cost Sharing Agreement with the Regional Municipality of Niagara for the Quaker Road Reconstruction Project, by Repealing and Replacing Schedule "A" with Schedule "A" appended hereto.

For Against

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

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

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

16. Resolution to Move in Camera

Moved By Councillor John Wink
Seconded By Councillor Wayne Olson

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

(b) personal matters about an identifiable individual and (d) - labour relations or employee negotiations (1 Item - Committee Appointment)

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; (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; (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; (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 - Procurement Process)

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	

Councillor Bob Hildebrandt	X
Councillor Ron Kore	X
Councillor Wayne Olson	X
Councillor Marianne Stewart	X
Councillor John Wink	X

Results **7** **0**

Carried (7 to 0)

17. Rise From In Camera

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Lisa Haun

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

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

Carried (7 to 0)

Moved By Councillor John Wink

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the Pelham Summerfest Committee application from Paul DeDivitiis;

AND THAT Council hereby appoint Paul DeDivitiis to the Pelham Summerfest Committee;

AND THAT the appointment By-Law be presented at the next Regular Meeting of Council being March 21, 2022.

	For	Against
Mayor Marvin Junkin	X	

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

Moved By Councillor Wayne Olson

Seconded By Councillor 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 March 7, 2022.

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

18. Confirming By-Law

Moved By Councillor Ron Kore

Seconded By Councillor Marianne Stewart

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

Being a By-law No. 4435(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 07th day of March, 2022.

	For	Against
Mayor Marvin Junkin	X	

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

19. Adjournment

The meeting was adjourned at 7:18pm.

Moved By Councillor Lisa Haun
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for March 21, 2022 at 5:30 pm.

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

 Mayor: Marvin Junkin

 Town Clerk: Holly Willford

