

REGULAR COUNCIL MINUTES

Meeting #: C-07/2023
Date: Wednesday, April 5, 2023
Time: 9:00 AM
Location: Meridian Community Centre - Accursi A and B
100 Meridian Way
Fonthill, ON
L0S 1E6

Members Present: Mayor Marvin Junkin
Councillor Bob Hildebrandt
Councillor Wayne Olson
Councillor John Wink
Councillor Kevin Ker
Councillor Shellee Niznik
Councillor Brian Eckhardt

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Jennifer Stirton
Vickie vanRavenswaay
Barbara Wiens
Sarah Leach
William Tigert
Usama Seraj
Lucas Smith

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 9:00 am.

2. Land Recognition Statement

Councillor Hildebrandt read the land acknowledgement into the record.

3. Approval of the Agenda

Moved By Councillor John Wink
Seconded By Councillor Kevin Ker

**BE IT RESOLVED THAT the agenda for the April 5, 2023,
Regular meeting of Council be adopted, as circulated.**

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

4. Disclosure of Pecuniary Interests and General Nature Thereof

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

5. Hearing of Presentation, Delegations, Regional Report

5.1 Delegations

5.1.1 Wayne Liebau - 2024 Eclipse

Moved By Councillor Wayne Olson

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive the delegation from Wayne Liebau regarding the 2024 Eclipse, for information.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

5.2 Presentations

5.2.1 Draft Town of Pelham 2023-2027 Strategic Plan

Mr. David Cribbs, Chief Administrative Officer presented the draft 2023-2027 Strategic Plan. Council reinforced that the plan is dynamic and expressed the need for a feedback system to assess progress.

Moved By Councillor Shellee Niznik

Seconded By Councillor Wayne Olson

THAT the value "inclusive" be amended to state "inclusivity".

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Moved By Councillor Brian Eckhardt
Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive the presentation from David Cribbs, Chief Administrative Officer entitled Draft Town of Pelham 2023-2027 Strategic Plan, for information;

AND THAT Council endorse and adopt the 2023-2027 Strategic Plan, as presented, and as amended;

AND THAT the Chief Administrative Officer be and is hereby directed to take the necessary steps to implement the Strategic Plan.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

5.2.2 2023-2027 Strategic Plan Action Item Reporting Metrics

Mr. David Cribbs, Chief Administrative Officer, presented the action items under each of the five (5) strategic plan priorities.

Moved By Councillor Kevin Ker
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive the presentation from David Cribbs, Chief Administrative Officer entitled 2023-2027 Strategic Plan Action Item Reporting Metric, for information.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

6. Adoption of Council Minutes

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Kevin Ker

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

1. C-06/2023 - Regular Council Meeting - March 22, 2023

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

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

Councillor Hildebrandt indicated he would like to lift item 8.3.4.
Councillor Niznik indicated she would like to lift item 8.3.5.

8. Consent Agenda Items to be Considered in Block

Moved By Councillor Shellee Niznik

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT the Consent Agenda items as listed on the April 5, 2023, Council Agenda be received and the recommendations contained therein be approved, save and except 8.3.4 and 8.3.5:

8.1 Presentation of Recommendations Arising from Committee of Council, for Council Approval

8.2 Minutes Approval - Committee of Council

8.3 Staff Reports of a Routine Nature for Information or Action

8.3.1 LED Conversion Program Phase 1 Update, 2023-0092-Public Works

BE IT RESOLVED THAT Council receive Report #2023-0092 – Update on the LED Streetlight Replacement Project, for information.

8.3.2 Town Hall Building Addition March Update, 2023-0082-Public Works

BE IT RESOLVED THAT Council receive Report #2023-0082-Public Works – Town Hall Building Addition March Update, for information.

8.3.3 Official Plan Review and Update, 2023-0091-Planning

BE IT RESOLVED THAT Council receive the Memo – Official Plan Review and Update, for information.

~~8.3.4 Single Source for Architect for Centennial Park Accessible Universal Washroom Addition, 2023-0084-Corporate Services~~

~~BE IT RESOLVED THAT Council receive Report #2023-0084—
Single Source Architect for Centennial Park Accessible
Universal Washroom Addition to Concession, for information.~~

~~8.3.5 Single Sourcing—Ward Boundary and Council
Composition Update and Selection Process for Deputy Mayor,
2023-0090 Clerks~~

~~BE IT RESOLVED THAT Council receive Report #2023-0090—
Single Sourcing—Ward Boundary and Council Composition
Update and Selection Process for Deputy Mayor, for
information.~~

8.4 Action Correspondence of a Routine Nature

8.4.1 Canadian Viral Hepatitis Elimination Day - March 11, 2023

BE IT RESOLVED THAT the Corporation of the Town of Pelham hereby proclaim March 11, 2023, as Canadian Viral Hepatitis Elimination Day.

8.5 Information Correspondence

8.5.1 Town of Lincoln Council Resolution re: Ontario School Board Elections

BE IT RESOLVED that Council receive the resolution from the Town of Lincoln regarding Ontario School Board Elections, for information.

8.5.2 Ombudsman Open Meetings Guide for Municipalities

BE IT RESOLVED THAT Council receive correspondence and Open Meetings Guide for Municipalities from Ombudsman Ontario, for information.

8.6 Regional Municipality of Niagara Correspondence for Information or Action

8.6.1 Illegal Dumping 2022 Year End Summary and Updates

BE IT RESOLVED that Council receive correspondence dated March 28, 2023, from the Niagara Region regarding Illegal Dumping 2022 Year End Summary and Update, for information.

8.6.2 2022 Niagara Region Employment Inventory Results

BE IT RESOLVED that Council receive correspondence dated March 28, 2023, from the Niagara Region regarding 2022 Niagara Region Employment Inventory Results, for information.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

9. Consent Agenda Item(s) Lifted for Separate Consideration if any

9.1 Single Source for Architect for Centennial Park Accessible Universal Washroom Addition, 2023-0084-Corporate Services

Councillor Hildebrandt indicated a competitive bidding process is appropriate for this item.

Main Motion

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2023-0084 - Single Source Architect for Centennial Park Accessible Universal Washroom Addition to Concession, for information.

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

That the motion be amended to add:

AND THAT Council understands staff's recommendation has been presented to expedite the undertaking of the project, ensuring that the funding is not jeopardized, due to the tight time constraints established by the funding provider;

AND THAT Council acknowledges, in some circumstances, single sourcing can be an effective and efficient tool for the Town to utilize. However, as elected stewards of the ratepayers, it is also important to ensure, that financial expenditures need to represent the best available value for the taxpayers;

AND THAT a competitive bidding process on Municipal projects is a healthy exercise that helps balance the need for effective service delivery, while ensuring the wise use of fiscal resources;

AND THAT Council directs staff to seek out competitive alternatives for this project by using the tools available to the Town under its Purchasing Policy options; other than single sourcing for the Architectural services on the Accessible Universal Washroom and Concession facilities in Centennial Park.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Motion as Amended:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2023-0084 - Single Source Architect for Centennial Park Accessible Universal Washroom and Addition to Concession, for information;

AND THAT Council understands staff's recommendation has been presented to expedite the undertaking of the project, ensuring that the funding is not jeopardized, due to the tight time constraints established by the funding provider;

AND THAT Council acknowledges, in some circumstances, single sourcing can be an effective and efficient tool for the Town to utilize. However, as elected stewards of the ratepayers, it is also important to ensure, that financial expenditures need to represent the best available value for the taxpayers;

AND THAT a competitive bidding process on Municipal projects is a healthy exercise that helps balance the need for effective service delivery, while ensuring the wise use of fiscal resources;

AND THAT Council directs staff to seek out competitive alternatives for this project by using the tools available to the Town under its Purchasing Policy options; other than single sourcing for the Architectural services on the Accessible Universal Washroom and Concession facilities in Centennial Park.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

9.2 Single Sourcing - Ward Boundary and Council Composition Update and Selection Process for Deputy Mayor, 2023-0090-Clerks

Councillor Niznik indicated a competitive bidding process is appropriate for this item.

Main Motion

Moved By Councillor Shellee Niznik

Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT Council receive Report #2023-0090 – Single Sourcing – Ward Boundary and Council Composition Update and Selection Process for Deputy Mayor, for information.

Amendment:

Moved By Councillor Shellee Niznik

Seconded By Councillor Kevin Ker

That the motion be amended to add:

AND THAT Council understands staff’s recommendation has been presented to Council with the following rationale: That Watson and Associates completed the last review of the ward boundaries in 2013; Watson and Associates provided the budget estimates approved in the 2023 Town Budget; and that there are few other firms with the knowledge and experience in undertaking such a project;

AND THAT Council recently approved a procurement policy that allows for sole and single sourcing under specific circumstances; however, Council prefers a competitive bidding process on this project;

AND THAT Council directs staff to seek out competitive alternatives for this project by using the tools available to the Town under its Purchasing Policy options; other than single sourcing for selection of a firm to undertake the ward boundary review and selection process for a Deputy Mayor.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Motion as Amended:

Moved By Councillor Shellee Niznik

Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT Council receive Report #2023-0090 – Single Sourcing – Ward Boundary and Council Composition Update and Selection Process for Deputy Mayor, for information.

AND THAT Council understands staff’s recommendation has been presented to Council with the following rationale: That Watson and Associates completed the last review of the ward boundaries in 2013; Watson and Associates provided the budget estimates approved in the 2023 Town Budget; and that there are few other firms with the knowledge and experience in undertaking such a project;

AND THAT Council recently approved a procurement policy that allows for sole and single sourcing under specific circumstances; however, Council prefers a competitive bidding process on this project;

AND THAT Council directs staff to seek out competitive alternatives for this project by using the tools available to the Town under its Purchasing Policy options; other than single sourcing for selection of a firm to undertake the ward boundary review and selection process for a Deputy Mayor.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

10. Presentation and Consideration of Reports

10.1 Members of Council Reports

10.2 Staff Reports Requiring Action

10.2.1 JP Niagara Tulip Experience Date Night Event - 2023 Designation of Municipal Significance, 2023-0080-Clerks

Moved By Councillor John Wink
Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2023-0080 – JP Niagara Experience 2023 Date Night Event – Designation of Municipal Significance, for information.

AND THAT Council designate the JP Niagara Experience 2023 Date Night Event, to be held from 7:00 pm to 10:00 pm on May 11, 2023, and May 18, 2023, at 1934 Centre Street, as a Municipally Significant Event.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

10.2.2 Recommendation Report - Draft Plan of Subdivision and Zoning By-law Amendment, Kunda Park Phase 4, 2023-0089-Planning

Moved By Councillor Kevin Ker

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2023-89 for information as it pertains to File Nos. 26T19-020-02 & AM-03-2020;

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 Draft Plan of Subdivision, attached as Appendix A, subject to the conditions in Appendix B.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

10.2.3 Quaker Road Reconstruction Project Update, 2023-0083-Public Works

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2023-0083-Public Works – Quaker Road Reconstruction Project Update and Pelham St Phase 4 Project, for information;

AND THAT Council approve the deferral of the following projects to 2024: RD 13-23 Quaker Rd Reconstruction (\$2,100,000); WTR 01-23 Quaker Rd-Watermain (\$800,000) and WST 06-23 Quaker Rd- Wastewater (\$1,050,000) as summarized on Appendix 1;

AND THAT Council approve in 2023 the Pelham Street Phase 4 Reconstruction Road Project # 300649 for \$3,436,000 and Pelham St Phase 4 Watermain Project # 700286 for \$685,000, to be funded as follows: \$595,000 Roads Reserve, \$644,000 by the Water Reserve, \$41,000 by the Wastewater Reserve, \$791,000 by Ontario Community Infrastructure Fund (OCIF), \$1,200,000 ICIP Northern and Rural Grant and \$850,000 by Development Charges Revenue as summarized on Appendix 1;

AND THAT Council approve the change in funding for RD 09-23 Road Rehabilitation project # 300643 in 2023 from \$163,171 Roads Reserve and \$836,829 OCIF grant to \$630,171 Roads Reserve, \$324,000 from the Canada Community Benefit Fund (CCBF) and \$45,829 OCIF as summarized on Appendix 1.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

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

Moved By Councillor Wayne Olson

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law 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-law:

1. By-law 24-2023 - Being a By-law to authorize the execution of a subdivision agreement with Lally Homes Ltd. and the Corporation of the Town of Pelham – Emerald Trail Subdivision. Lally Homes Ltd. and the Corporation of the Town of Pelham. File No. 26T19-01-2021

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

14. Motions and Notices of Motion

14.1 Notice of Motion - Councillor Olson

Councillor Olson introduced his motion for April 19, 2023. The Councillor expressed desire to extend the pandemic exemption of temporary pop-up patios in parking lots and an ease of restrictions for food trucks.

15. Resolution to Move In Camera

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

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, including municipal employees and (d) - labour relations or employee negotiations - 2 items (Consideration of Appointments to Advisory Committees and External Boards)

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

16. Rise From In Camera

Moved By Councillor Kevin Ker

Seconded By Councillor Brian Eckhardt

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

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

17. Appointments to Advisory Committees and External Boards

Moved By Councillor Wayne Olson
Seconded By Councillor John Wink

BE IT RESOLVED THAT Council appoint the following individuals to the Pelham Active Transportation Committee:

- 1. Brian Baty**
- 2. Frank Adamson**
- 3. Lori Lehne**
- 4. Patrick O'Hara**
- 5. Rhys Evans**
- 6. Council Representative: Councillor Eckhardt**

AND THAT Council direct the Town Clerk to prepare and present the necessary appointment by-law at the following Regular Meeting of Council.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Moved By Councillor Shellee Niznik
Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council appoint the following individuals to the Pelham Cultural Advisory Committee:

- 1. Matthew Mocha**
- 2. Stephanie Jones**
- 3. Yvonne Van Lankveld**
- 4. Tammy Van Den Brink**
- 5. Council Representative: Councillor Niznik**

AND THAT Council direct the Town Clerk to prepare and present the necessary appointment by-law at the following Regular Meeting of Council.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

18. Confirming By-Law

Moved By Councillor John Wink
Seconded By Councillor 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. 25-2023 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 05th day of April 2023.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

19. Adjournment

The meeting was adjourned at 12:43 pm.

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for April 19, 2023, at 9:00 am.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Mayor: Marvin Junkin

Town Clerk: William Tigert