

REGULAR COUNCIL MINUTES

Meeting #: C-08/2023
Date: Wednesday, April 19, 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
Teresa Quinlin-Murphy
Jennifer Stirton
Vickie vanRavenswaay
Barbara Wiens
Sarah Leach
William Tigert
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 9 am.

2. Land Recognition Statement

The Mayor read the land acknowledgement into the record.

3. Approval of the Agenda

Moved By Councillor Brian Eckhardt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the April 19, 2023 Regular meeting of Council be adopted, as circulated.

Motion as Amended:

Moved By Councillor Brian Eckhardt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the April 19, 2023 Regular meeting of Council be adopted with the addendum of items 5.1.3.1 and 5.1.4, as amended.

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 Town of Pelham Recreation Master Plan, Monteith Brown Planning Consultants

Mr. Steve Langois, Principal Planner at Monteith Brown Planning Consultants presented the draft Town of Pelham Recreation Master Plan.

Moved By Councillor John Wink

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive the presentation from Steve Langois, Principal Planner at Monteith Brown Planning Consultants regarding the Town of Pelham Recreation Master Plan, 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)

5.1.2 Town of Pelham Drainage Study for the Farr, Webber and River Road Area, AHYDTECH Geomorphics Ltd.

This was a timed item for 11:00 am.

Dr. Bahar, Managing Director and Glenn Switzer, Senior Engineer of AHYDTECH Geomorphics Ltd presented the Town of Pelham drainage study for the Farr, Webber and River Road Area.

Moved By Councillor Kevin Ker
Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive the Town of Pelham Drainage Study for the Farr, Webber and River Road Area presentation from Dr. Bahar and Glenn Switzer of AHYDTECH Geomorphics Ltd, 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)

5.1.3 John and Joyce Sonneveld re: Town of Pelham Drainage Study for the Farr, Webber and River Road Area

This was a timed item for 11:00 am, following the drainage consultant presentation.

John and Joyce Sonneveld discussed existing drainage issues on Farr and Webber Road.

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the delegation from John and Joyce Sonneveld regarding the Town of Pelham Drainage Study for the Farr, Webber and River Road Area.

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)

5.1.4 Ian McTaggart re: Town of Pelham Drainage Study for the Farr, Webber and River Road Area

This was a timed item for 11:00 am, following the drainage consultant presentation.

Mr. Ian McTaggart discussed existing drainage issues on Farr and Webber Road.

Moved By Councillor Shellee Niznik
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the delegation from Ian McTaggart regarding the Town of Pelham Drainage Study for the Farr, Webber and River Road Area.

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 Kevin Ker

Seconded By Councillor Brian Eckhardt

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

1. C-07/2023- Regular Council Meeting - April 5 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

8. Consent Agenda Items to be Considered in Block

Moved By Councillor John Wink

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the Consent Agenda items as listed on the April 19, 2023 Council Agenda be received and the recommendations contained therein be approved:

8.1 Staff Reports of a Routine Nature for Information or Action

8.1.1 Q1 2023 Fire and By-law Department Quarterly Report, 2023-0102-Fire Dept

BE IT RESOLVED THAT the Q1/2023 Fire and By-law Enforcement Department Report be received for information.

8.1.2 Q1 2023 Public Works Department Quarterly Report, 2023-0101-Public Works

BE IT RESOLVED THAT the Q1/2023 Public Works Department Report be received for information.

8.1.3 Q1 2023 Clerk's Office Quarterly Report, 2023-0073-Clerks

BE IT RESOLVED THAT the Q1/2023 Clerk's Report be received for information.

8.1.4 Q1 2023 Corporate Service Department Quarterly Report, 2023-0051-Corporate Services

BE IT RESOLVED THAT the Q1/2023 Corporate Services Department Report be received for information.

8.1.5 Q1 2023 RCW Quarterly Report, 2023-0104-Recreation

BE IT RESOLVED THAT the Q1 2023 Recreation, Culture and Wellness Department Report be received for information.

8.1.6 Q1 2023 Planning and Development Quarterly Report, 2023-0095-Planning

BE IT RESOLVED THAT the Q1/2023 Community Planning and Development Department Report be received for information.

8.2 Action Correspondence of a Routine Nature

8.3 Information Correspondence

8.3.1 City of Thorold Thank You Letter to Town of Pelham Fire Department

BE IT RESOLVED THAT Council receive the thank you letter dated March 30, 2023 from the City of Thorold to the Pelham Fire Department, 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

10. Presentation and Consideration of Reports

10.1 Members of Council Reports

10.1.1 Councillor Olson - Welland Pelham Chamber of Commerce

Councillor Olson provided a verbal update on the Welland Pelham Chamber of Commerce.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT Council receive the verbal update from Councillor Olson regarding the Welland Pelham Chamber of Commerce, 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)

10.2 Staff Reports Requiring Action

10.2.1 Drainage Study Farr, River and Webber Road , 2023-0097-Planning

This was a timed item for 11:00 am, following the drainage presentations.

Moved By Councillor Shellee Niznik

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2023-0097 – Drainage Study for Farr, River, and Webber Road Area, for information;

AND THAT Staff be directed to investigate the feasibility of dredging the roadside ditches and culverts along Farr and River Road within Public Works 2023 Operating Budget and/or the 2023 roadside ditching program;

AND THAT Staff continues to participate in discussions with the developers on the east and west sides of River Road to identify potential long-term, comprehensive drainage and stormwater solutions.

Amendment:

Moved By Councillor Wayne Olson

Seconded By Councillor John Wink

That the motion be amended to add:

THAT staff be directed to produce a report with specific advice, recommendations and options on how we might proceed with a municipal drain to cover the study area.

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 Wayne Olson

Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2023-0097 – Drainage Study for Farr, River, and Webber Road Area, for information;

AND THAT Staff be directed to investigate the feasibility of dredging the roadside ditches and culverts along Farr and River Road within Public Works 2023 Operating Budget and/or the 2023 roadside ditching program;

AND THAT Staff continues to participate in discussions with the developers on the east and west sides of River Road to identify potential long-term, comprehensive drainage and stormwater solutions;

AND THAT staff be directed to produce a report with specific advice, recommendations and options on how we might proceed with a municipal drain to cover the study area.

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 Lease Agreement with Fonthill Platform Tennis Club, 2023-0105-Town Solicitor

Moved By Councillor Kevin Ker

Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2023-0105 – Lease Agreement with Fonthill Platform Tennis Club, for information;

AND THAT Council approve the proposed lease agreement between the Town of Pelham and Fonthill Platform Tennis Club;

AND THAT Council approve the by-law authorizing the Town of Pelham to enter into the said lease

agreement and further authorizing the Mayor and the Town Clerk to sign the lease agreement.

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 Pelham Summerfest 2023, 2023-0098-Recreation

Moved By Councillor John Wink

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2023-0098 – Pelham Summerfest 2023, for information;

AND THAT the Clerk be authorized to make an application for a Special Occasion Permit for Pelham Summerfest on Thursday, July 13, 2023, Friday, July 14, 2023, Saturday, July 15, 2023 and Sunday July 16, 2023;

AND THAT staff be directed to bring the necessary festival licensing by-laws for Council's consideration at the next regular meeting of Council;

AND THAT Council authorize a variance to the Town of Pelham Bylaw

No. 4454(2022), being a By-law to regulate and control noise in the Town of Pelham for the purpose of facilitating the Summerfest musical venues being conducted as part of the event from 4:00 pm Friday, July 14, 2023, until 1:00 am on Sunday, July 16, 2023;

AND THAT Council authorize the following road closures:

Pelham Town Square from the rear entrance to the Fonthill Plaza to 60 m west from 4:00 pm Thursday, July 13, 2023 to 10:00 pm of the same day;

Pelham Town Square entrance off Pelham Street from 7:00 am

Friday, July 14, 2023 to noon, Monday, July 17, 2023;

Pelham Street from Regional Road #20 (Hwy 20) to the south

property line of 1419 Pelham Street from 7:00 am Friday, July 14, 2023 to 12:00 pm on Sunday, July 16, 2023;

Pelham Street from the south property line of 1419 Pelham Street to College Street from 7:00 am Saturday, July 15, 2023, to 6:00 pm on the same day;

Pelham Town Square from 150 m west of Station Street to its

termination at the Fonthill Plaza entrance from 7:00 am Sunday, July 16, 2023 to 5:00 pm of the same day.

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)

10.2.4 2023 Review of Delegation of Powers and Duties - Administrative Authority By-Law Update , 2023-0093-Clerks

Moved By Councillor Wayne Olson

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2023-0093 – 2023 Review of Delegation of Powers and Duties – Administrative Authority By-law Update, for information;

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.

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)

10.2.5 2023 Updated Code of Conduct for Elected and Appointed Officials, 2023-0099-Clerks

Moved By Councillor Kevin Ker
Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2023-99 - 2023 Updated Code of Conduct for Elected and Appointed Officials Policy and a Complaint Protocol, for information;

AND THAT Council adopt Policy S201-15, Code of Conduct for Elected and Appointed Officials, as revised;

AND THAT Council adopt Policy S201-16, being a Complaint Protocol for use under Policy S201-15 for Elected and Appointed Officials and Municipal Conflict of Interest Complaints.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Against (1): Councillor Wayne Olson

Carried (6 to 1)

10.2.6 Sidewalk Patio Encroachment Policy Update and New Approval Framework for Temporary Outdoor Patios, 2023-0094-Clerks

Moved By Councillor Bob Hildebrandt
Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2023-0094 Sidewalk Patio Encroachment Policy Update and New Approval Framework for Temporary Outdoor Patios, for information;

AND THAT Council approve Policy No. S201-04 – Temporary Outdoor Patio on Municipal or Private Property, as revised;

AND THAT Council direct staff to prepare an amendment to the Town's Fees and Charges By-law to include an annual Temporary Outdoor Patio on Municipal Property Permit fee of \$150.00.

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 Brian Eckhardt

Seconded By Councillor Kevin Ker

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 26-2023 - Being a By-law to amend Zoning By-law 4481(2022), as amended, for lands located south of Port Robinson Road, east of Stella Street and west of the Steve Bauer Trail, legally described as Part of Lot 173, Geographic Township of Thorold, Now in the Town of Pelham, Regional Municipality of Niagara, from the Residential One (R1) and Environmental Protection (EP1) Zones to the site specific Residential Two – 156 (R2-156), Environmental Protection 1 (EP1) and Open Space (OS) zones. File No. AM-03-2020.

2. By-law 27-2023 - Being a By-law to Authorize the Execution of a Lease Agreement with Fonthill Platform Tennis Club for the lands and clubhouse facility at 1120 Haist Street.

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 Councillor Olson

Moved By Councillor Wayne Olson

Seconded By Councillor Bob Hildebrandt

WHEREAS the Town of Pelham supports local businesses and the local economy which contribute to community development and growth;

AND WHEREAS emerging from the COVID-19 pandemic, supporting business resilience and growth is critical for Ontario's economic recovery;

AND WHEREAS businesses are still facing challenges in repaying funding received from repayable government support programs and navigating business operation in the absence of support programs;

AND WHEREAS the special exemption provided by Council on June 15, 2020, to waive a maximum of six (6) parking space requirements for restaurants to operate pop-up parking lot patios was initially to provide relief to those businesses facing occupancy restrictions during the COVID-19 pandemic in 2020;

AND WHEREAS the permission of temporary pop-up restaurant patios situated in parking lots does not comply with the Town Zoning By-law;

AND WHEREAS Council provided two extensions to the special exemptions to permit temporary pop-up restaurant patios in parking lots in 2021 and 2022;

AND WHEREAS Council deems the economic recovery of restaurants and mobile food services to be still impacted by poor economic conditions;

NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham permit the temporary waiving of a maximum of six (6) parking spaces for restaurants to allow 'pop-up' parking lot patios for the remainder of 2023;

AND THAT food trucks/refreshment vehicles be and are hereby permitted to operate within the Specialty Agricultural and Agricultural Zones for the remainder of 2023, pending the acquisition of an Itinerant Sellers Licence.

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)

15. Resolution to Move In Camera

Moved By Councillor Shellee Niznik

Seconded By Councillor John Wink

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 - 1 item (Consideration of Appointments to Advisory Committees)

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 Bob Hildebrandt

Seconded By Councillor Wayne Olson

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

Moved By Councillor Shellee Niznik

Seconded By Councillor John Wink

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

1. Thom Hounsell

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 Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

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

Being a By-law No. 28-2023 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, 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

Moved By Councillor Kevin Ker
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for May 3, 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