

REGULAR COUNCIL MINUTES

Meeting #: C-10/2023
Date: Wednesday, May 17, 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
Teresa Quinlin-Murphy
Jennifer Stirton
Vickie vanRavenswaay
Barbara Wiens
Sarah Leach
Brianna Langohr
William Tigert

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

The Councillor Wink read the land acknowledgement into the record.

Councillor Ker announced the upcoming Fenwick parade.

Councillor Niznik announced June as Seniors month.

3. Approval of the Agenda

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the May 17, 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 Overview of MPAC (Municipal Property Assessment Corporation)

Moved By Councillor Brian Eckhardt

Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive the presentation from Kailie Pyott providing an overview of the Municipal Property Assessment Corporation, 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 Recreation Master Plan, Monteith Brown Planning Consultants

Moved By Councillor Shellee Niznik

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the presentation from Steve Langlois, 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)

6. Adoption of Council Minutes

Moved By Councillor Kevin Ker

Seconded By Councillor John Wink

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

1. C-09/2023 Regular Council - May 3, 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

Mayor Junkin - Lift 8.1.1 Municipal Drain Process (consideration deferred until after the closed-session)

Councillor Olson - Lift 8.1.2 Town Hall Building Update

Councillor Hildebrandt - Lift 8.2.2 Call for Nominations Niagara Region

Councillor Niznik - Lift 8.3.1 Resolution Township of Perry Bill 5

Councillor Olson - Lift 8.3.2 Emergency Management Ontario

8. Consent Agenda Items to be Considered in Block

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT the Consent Agenda items as listed on the May 17, 223 Council Agenda be received and the recommendations contained therein be approved, save and except items 8.1.1, 8.1.2, 8.2.2, 8.3.1 and 8.3.2:

8. Consent Agenda Items to be Considered in Block

8.1 Staff Reports of a Routine Nature for Information or Action

~~8.1.1 Municipal Drain Process, 2023-0117 Planning~~

~~BE IT RESOLVED THAT Council receive Report #2023-0117 Municipal Drain Process, for information.~~

**~~8.1.2 Town Hall Building Addition May Update, 2023-0116-
Public Works~~**

**~~BE IT RESOLVED THAT Council receive Report #2023-0116-
Public Works—Town Hall Building Addition May Update, for
information.~~**

8.2 Action Correspondence of a Routine Nature

**8.2.1 Brain Tumour Foundation of Canada Proclamation
Request for Brain Tumour Awareness Month**

**BE IT RESOLVED THAT the Town of Pelham receive the
proclamation request from Brain Tumour Foundation of
Canada, for information;**

**AND THAT THE Corporation of the Town of Pelham hereby
proclaims May 2023 as Brain Tumour Awareness Month.**

~~8.2.2 Call for Nominations: Niagara Region Committees~~

**~~BE IT RESOLVED THAT Council receive the Call for Nominations
to Committees from the Niagara Region;~~**

**~~AND THAT Council for the Town of Pelham hereby support
Councillor _____ nomination to serve on the _____
Committee.~~**

8.3 Information Correspondence

**~~8.3.1 Township of Perry Resolution: Bill 5 Stopping Harassment
and Abuse by Local Leaders Act~~**

**~~BE IT RESOLVED THAT Council receive the correspondence from
the Township of Perry regarding Bill 5, for information.~~**

**~~8.3.2 Emergency Management Ontario: Town of Pelham
Compliance Results~~**

**~~BE IT RESOLVED THAT Council receive the correspondence from
Emergency Management Ontario regarding the Town of
Pelham's emergency management compliance with the
Emergency Management and Civil Protection Act, for
information.~~**

**8.4 Regional Municipality of Niagara Correspondence for
Information or Action**

8.4.1 Niagara Region Implementation of Red Light Camera

**BE IT RESOLVED THAT Council receive correspondence from
Niagara Region regarding Implementation of Red Light Camera,
for information.**

8.5 Advisory Committee Minutes for Information

8.5.1 Agricultural Advisory Committee March 22, 2023, Minutes

BE IT RESOLVED THAT Council receive the March 22, 2023, Agricultural Advisory Committee Meeting Minutes, 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 Town Hall Building Addition May Update, 2023-0116-Public Works

Council unanimously decided not to proceed with purchasing a fourth clock or logo for the clock tower.

Moved By Councillor Brian Eckhardt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2023-0116-Public Works – Town Hall Building Addition May Update, 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)

9.2 Call for Nominations: Niagara Region Committees

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the Call for Nominations to Committees from the Niagara Region;

AND THAT Council for the Town of Pelham hereby support Councillor Hildebrandt's nomination to serve on the Niagara Road 12 Landfill Site Public Liaison Committee.

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)

9.3 Township of Perry Resolution: Bill 5 Stopping Harassment and Abuse by Local Leaders Act

Moved By Councillor Shellee Niznik
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the correspondence from the Township of Perry regarding Bill 5, for information;

AND WHEREAS municipally elected leaders do not have an appropriate accountability structure when it comes to perpetrating violence and harassment in the workplace;

AND WHEREAS a fundamental, underlying principle of broadening diversity, equity, and inclusion in politics rests on the assumption that the workplace is safe;

AND WHEREAS Bill 5, the Stopping Harassment and Abuse by Local Leaders Act would require members of Council to comply with the workplace violence and harassment policies of the municipality they represent, permit municipalities to direct the Integrity Commissioner to apply to the court to vacate a member's seat for failing to comply with the municipality's workplace violence and harassment policies as well as restrict officials

whose seat has been vacated from seeking immediate subsequent re-election;

AND WHEREAS over 67 municipalities have formally endorsed and communicated public support for Bill 5;

AND WHEREAS Bill 5 would both hold accountable and protect all municipal officials;

NOW THEREFORE BE IT RESOLVED THAT Town of Pelham Council express its support for Bill 5, Stopping Harassment and Abuse by Local Leaders Act;

AND THAT this resolution be circulated to the Hon. Doug Ford, Premier of Ontario, Sam Oosterhoff, MPP and the Association of Municipalities of Ontario.

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)

9.4 Emergency Management Ontario: Town of Pelham Compliance Results

Moved By Councillor Wayne Olson
Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the correspondence from Emergency Management Ontario regarding the Town of Pelham's emergency management compliance with the Emergency Management and Civil Protection Act, 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. Presentation and Consideration of Reports

10.1 Staff Reports Requiring Action

**10.1.1 Becoming a Living Wage Employer, 2023-0047-
Chief Administrator Officer**

Moved By Councillor Kevin Ker

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2023-0047 - Becoming a Living Wage Employer, for information;

AND THAT Council direct staff to develop a Living Wage Policy to be reviewed by Council in August.

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)

**10.1.2 Proposed Changes to Planning Act and
Provincial Planning Statement, 2023-0121-Planning**

Moved By Councillor Shellee Niznik

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council approve Report #2023-0121 – Proposed Changes to *Planning Act* and Provincial Planning Statement;

AND THAT this report be forwarded to the Ministry of Municipal Affairs and Housing as Pelham’s comments on the proposed changes to the *Planning Act* through Bill 97, regulation regarding site plan requirements for residential developments of 10

units or fewer and the draft new Provincial Planning Statement.

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)

10.1.3 Tax Rate By-law, 2023-0120-Corporate Services

Moved By Councillor Wayne Olson

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the Memo 2023-0120 Corporate Services entitled Tax Rate By-Law 2023 , for information;

AND THAT Council consider approving By-law 34-2023, being a Tax Levy By-law for 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)

11. Unfinished Business

12. New Business

13. Presentation and Consideration of By-Laws

Moved By Councillor John Wink

Seconded By Councillor Shellee Niznik

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 33-2023 - Being a By-law to appoint Julia Taylor (Officer No. 872) as a By-law Enforcement Officer, Property Standards Officer, and Provincial Offences Officer for the Corporation of the Town of Pelham.

2. By-law 34-2023 - Being a By-law to set the rates of taxation for the year 2023.

3. By-law 35-2023 - Being a By-law to authorize the execution of Public Event Agreements with four (4) licensed establishments in the Town of Pelham and to repeal By-law 4218(2020).

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 Brian Eckhardt

WHEREAS the strategic use of town lands and a recreation and culture master plan have both been established as actionable components of Pelham's Strategic Plan;

AND WHEREAS Old Pelham Town Hall, located at the corner of Memorial Drive and Canboro Road, is an important, but potentially under-utilized community asset and recreational space owned and operated by the Town of Pelham;

AND WHEREAS Council for the Town of Pelham desires to maximize the utilization of Town facilities for the purpose of culture, activity, and social connection;

NOW THEREFORE BE IT RESOLVED THAT Council direct staff to prepare a report on the current use of the Old Pelham Town Hall and investigate the feasibility of repurposing Old Pelham Town Hall as a cultural centre for purposes such as, but not limited to art gallery, archive, museum, and theatre space;

AND THAT Council direct staff to explore potential grant funding opportunities to support possible re-purposing and include such opportunities within the report;

AND THAT Council direct staff to report back to Council in Q3 of 2023;

AND THAT staff be directed to include in the 2024 budget, funding to engage a consultant to perform a building condition assessment providing estimates on the required capital upgrades to achieve accessibility and zero environmental impact, for Council's consideration.

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 Brian Eckhardt

Seconded By Councillor Bob Hildebrandt

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:

(c) - proposed or pending acquisition of land by the municipality; (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose (1 item - Property located in Ward 2)

Item 2 pursuant to consent originally agenda item 8.1.1

(a) the security of the property of the municipality or local board; (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose in relation to drainage liability concerns.

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 John Wink

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)

Moved By Councillor Wayne Olson

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of May 17, 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)

17. Municipal Drain Process, 2023-0117-Planning

Moved By Councillor Wayne Olson

Seconded By Councillor Bob Hildebrandt

THAT Council request legal advice on the Town's liability regarding the drainage study during the in-camera session of May 17, 2023;

AND that Council defer consideration of report 2023-0117 Municipal Drain Process to after the in-camera session of May 17, 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)

Moved By Councillor Wayne Olson

Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2023-0117 Municipal Drain Process, for information;

THAT staff be directed to invite all landowners within the watershed as identified within the consultants report, to attend a voluntary public meeting at the Meridian Community Centre in July to discuss and review the potential and ramification of a municipal drain;

AND should a petition for a municipal drain initiated by any private property owner, the Town Clerk be directed to sign on behalf of the Corporation as a participatory landowner.

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 Brian Eckhardt

Seconded By Councillor Wayne Olson

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

Being a By-law No. 36-2023 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 17th day of May 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 John Wink

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for June 7, 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