

REGULAR COUNCIL MINUTES

Meeting #: C-16/2023
Date: Wednesday, September 6, 2023
Time: 9:00 AM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

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

Regrets: Mayor Marvin Junkin

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin-Murphy
Jennifer Stirton
Vickie vanRavenswaay
Barbara Wiens
Sarah Leach
William Tigert
Ryan Cook

1. Call to Order and Declaration of Quorum

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

2. National Anthem

3. Land Recognition Statement

The Councillor Hildebrandt read the land acknowledgement into the record.

4. Approval of the Agenda

Moved By Councillor Shellee Niznik

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the September 6, 2023 Regular meeting of Council be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interests and General Nature Thereof

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

6. Hearing of Presentation, Delegations, Regional Report

6.1 Delegations

6.1.1 Tim Nohara - Status of Work of the Cannabis Control Committee and Next Steps for Redecan Community Liaison Committee

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the delegation from Tim Nohara regarding the Status of Work of the Cannabis Control Committee and Next Steps for Redecan Community Liaison Committee, for information.

Carried

7. Resolution to Move In Camera

Moved By Councillor Kevin Ker

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:

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose - 1 item (Redecan Compliance)

Carried

8. Rise from In Camera

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

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

AND THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of September 6, 2023.

Carried

9. Staff Report For Action

9.1 Status of Work of the Cannabis Control Committee and Implications of Proceeding with Redecan Cannabis Liaison Committee, 2023-0202-Planning

Councillor Hildebrandt requested to divide the motion.

Councillor Hildebrandt requested a recorded vote.

Moved By Councillor Brian Eckhardt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2023-0201, for information.

For (6): Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (6 to 0)

Moved By Councillor Brian Eckhardt

Seconded By Councillor Shellee Niznik

THAT Staff be directed to include for consideration in the 2024 budget an allocation of \$25,000 for professional odour consulting services associated with the establishment of the Redecan Cannabis Liaison Committee beginning in 2024.

For (6): Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (6 to 0)

Moved By Councillor Brian Eckhardt

Seconded By Councillor Shellee Niznik

THAT the Redecan Cannabis Liaison Committee be considered as a Working Group in accordance with the Town committee structure.

For (5): Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Against (1): Councillor Bob Hildebrandt

Carried (5 to 1)

Moved By Councillor Brian Eckhardt
Seconded By Councillor Shellee Niznik

THAT the upon the 2024 budget approval for professional odour consulting services, staff be directed to advertise for resident volunteers, retain the services of a qualified professional engineer to represent the Town on this Committee, obtain an appointee from Redecan to be a member of the Committee and the Redecan Liaison Committee is established and operational.

For (6): Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (6 to 0)

Moved By Councillor Brian Eckhardt
Seconded By Councillor Shellee Niznik

THAT Council direct the Director of Community Planning and Development and the Fire Chief to communicate with the new ownership of Redecan and report back to Council on those discussions in Q4 of 2023.

For (6): Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (6 to 0)

10. Adoption of Council Minutes

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Wayne Olson

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

1. C-15/2023 - Regular Council Meeting - August 16, 2023

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

12. Consent Agenda Items to be Considered in Block

Moved By Councillor Wayne Olson

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT the Consent Agenda items as listed on the September 6, 2023 Council Agenda be received and the recommendations contained therein be approved:

12. Consent Agenda Items to be Considered in Block

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

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from the following:

PCOW-07/2023 - Public Meeting under the Planning Act - August 9, 2023

12.2 Minutes Approval - Committee of Council

12.2.1 PCOW-07/2023 - Public Meeting under the Planning Act - August 9, 2023

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

PCOW-07/2023 - Public Meeting under the Planning Act - August 9, 2023

12.3 Staff Reports of a Routine Nature for Information or Action

12.3.1 Donation of Rotary Arches, 2023-0197-Town Solicitor

BE IT RESOLVED THAT Council receive Report #2023-0197 Town Solicitor, Donation of Rotary/Pelham Summerfest Arches to Town of Pelham, for information.

12.3.2 June 2023 Financial Report, 2023-0175-Corporate Services

BE IT RESOLVED THAT Council receive Report #2023-0175-Corporate Services, June 2023 Financial Reports, for information.

12.4 Regional Municipality of Niagara Correspondence for Information or Action

12.4.1 Notice of Study Completion - Pelham Elevated Tank Municipal Class Environmental Assessment and Enhanced Conceptual Design

BE IT RESOLVED THAT Council receive the Notice of Study Completion from the Niagara Region regarding the Pelham Elevated Tank Municipal Class Environmental Assessment and Enhanced Conceptual Design, for information.

12.5 Information Correspondence

12.5.1 Letter from the Lincoln Pelham Public Library re: Feasibility/Planning Study

BE IT RESOLVED THAT Council receive the Letter dated August 25, 2023, from the Lincoln Pelham Public Library regarding a Feasibility/Planning Study, for information.

12.6 Advisory Committee Minutes for Information

12.6.1 Committee of Adjustment Meeting Minutes - June 5, 2023

BE IT RESOLVED that Council receive the June 5, 2023, Committee of Adjustment Meeting Minutes, for information.

Carried

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

14. 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:

(b) - personal matters about an identifiable individual, including municipal employees - 2 items (Consideration of Appointments to Advisory Committees)

(d) labour relations or employee negotiations - 1 item (CUPE 1287)

Carried

15. Rise From In Camera

Moved By Councillor Kevin Ker

Seconded By Councillor Wayne Olson

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

AND THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of September 6, 2023.

Carried

16. Appointments to Advisory Committees

Moved By Councillor Kevin Ker

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council appoint the following individuals to the Environmental and Climate Adaptation Advisory Committee:

1. Mike Jones

2. Jackie Oblak

3. Natalie Seniuk

4. Michael Hoch

Council representative: Councillor Wayne Olson

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

17. Presentation and Consideration of Reports

17.1 Members of Council Reports

17.1.1 Councillor Olson - Presentation and Update on Niagara Regional Transit

Moved By Councillor Shellee Niznik

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the presentation from Councillor Olson regarding an Update on Niagara Regional Transit, for information.

Carried

17.2 Staff Reports Requiring Action

17.2.1 Proposed Increase to Public Works Staffing Compliment, 2023-0163-Public Works

Moved By Councillor Kevin Ker

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2023-0163 – Proposed Increase to Public Works Staffing Compliment, for information;

AND THAT Council approve the establishment and hiring of one full-time roads division operator with a target goal of starting this position in January 2024, as outlined in this report;

AND THAT Council approve the increase in hours for the Maintenance Assistant from a part-time 24 hours per week position to a full-time position working 40 hours per week starting this January 2024 and dependent upon satisfactory negotiation with CUPE Local 1287 regarding work schedule;

AND THAT Council refer the proposed Beautification arborist position, to the 2025 budget deliberations;

AND THAT Council refer the proposed water/wastewater and engineering position to the 2026 budget deliberations.

Carried

17.2.2 2023 Sidewalk Cutting Pilot Program , 2023-0178-Public Works

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2023-0178-2023 Sidewalk Cutting Pilot Program, for information.

AND THAT Council approves retaining Safe Sidewalks Canada as a sole source contract in the amount of \$20,000 (plus applicable taxes) in accordance with the Town's procurement policy S402-00.

AND THAT Council approves the cost for the Sidewalk Cutting Pilot Program to be funded through the capital account for the 2023 Concrete Repair and Replacement Program.

Carried

17.2.3 Planning Services Agreement with the Region of Niagara, 2023-0196-Planning

Moved By Councillor Shellee Niznik

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2023-0196 Planning Services Agreement with the Region of Niagara, for information;

AND THAT Council approve the Planning Services Agreement with the Region of Niagara and the Clerk be directed to sign the Agreement on behalf of the Town.

Carried

17.2.4 Recommendation Report - Application for Zoning By-law Amendment - 1039 Church Street, 2023-0186-Planning

Moved By Councillor Brian Eckhardt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2023-186, Recommendation Report – Application for Zoning By-law Amendment – 1039 Church Street, for information;

AND THAT Council directs Planning staff to prepare the necessary Zoning By-law amendment for Council consideration at the next Regular Meeting of Council.

Carried

17.2.5 Recommendation Report for Applications for Official Plan and Zoning By-law Amendment - 550 Webber Road, 2023-0203-Planning

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2023-203, Recommendation Report – Application for Official Plan and Zoning By-law Amendment – 550 Webber Road, for information;

AND THAT Council directs Planning staff to prepare the necessary Zoning By-law amendment for Council consideration at the next Regular Meeting of Council.

Carried

17.2.6 Council Vacancy Policy, 2023-0188-Clerks

Moved By Councillor Kevin Ker

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2023-0188 Council Vacancy Policy, for information;

AND THAT Council adopt the attached Council Vacancy Policy to be utilized in the event of a vacancy occurring on Council, whereby Council would fill vacancies by appointment when applicable pursuant to the policy.

Carried

18. Unfinished Business

19. New Business

20. Presentation and Consideration of By-Laws

Moved By Councillor Kevin Ker

Seconded By Councillor Bob Hildebrandt

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 48-2023 - Being a By-law to regulate signs in the Town of Pelham and to repeal By-law No. 4199(2020)

2. By-law 49-2023 - Being a by-law to amend By-law 29-2023, confirming various appointments to Advisory Committees of the Town of Pelham for the 2022-2026 Term of Council and to appoint and appoint Member(s) to the Pelham Active Transportation Committee.

Carried

21. Motions and Notices of Motion

21.1 Deputy Mayor Wink Motion re: Speed on Haist Street

A friendly amendment was applied to the motion to amend the report back date to November 1, 2023.

Moved By Councillor John Wink

Seconded By Councillor Brian Eckhardt

WHEREAS Council for the Town of Pelham is committed to the safety of the community;

AND WHEREAS Council for the Town of Pelham is concerned the narrow roadway, hidden driveways, reduced visibility due to hills and speed of vehicular traffic on Haist Street has the capacity to create a potential safety hazard to walkers, cyclists, and children;

AND WHEREAS Council for the Town of Pelham desires to mitigate this potential hazard by regulating the speed of vehicular traffic on Haist Street, particularly north of Brewerton Boulevard, and to consider various potential traffic calming methods for this purpose;

NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham direct staff to investigate the installation of speed signage and a possible speed reduction from 50 km/h to 40 km/h with flashing lights to regulate and reduce the speed of vehicular traffic on Haist Street, particularly between Brewerton Boulevard and Metler Road;

AND THAT Council direct staff to report back by November 1, 2023.

Carried

22. Confirming By-Law

Moved By Councillor Shellee Niznik
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. 50-2023 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 06th day of September, 2023.

Carried

23. Adjournment

Moved By Councillor Wayne Olson
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for September 20, 2023 at 9:00 am.

Carried

Deputy Mayor: John Wink

Town Clerk: William Tigert