

## **REGULAR COUNCIL MINUTES**

**Meeting #:** C-22/2023  
**Date:** Wednesday, December 6, 2023  
**Time:** 9:00 AM  
**Location:** Town of Pelham Municipal Office - Council  
Chambers  
20 Pelham Town Square, Fonthill

**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  
Jodi Legros  
William Tigert  
Ryan Cook

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**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. National Anthem**

**3. Land Recognition Statement**

Councillor Niznik to read the land acknowledgment into the record.

**4. Approval of the Agenda**

**Moved By** Councillor Wayne Olson

**Seconded By** Councillor Bob Hildebrandt

**BE IT RESOLVED THAT the agenda for the December 06, 2023, Regular meeting of Council be adopted, amended as noted:**

**That Item previously numbered as 9.3.1 in the consent agenda be lifted and considered immediately following the presentation on Stormwater management, and renumbered as 6.2.2;**

**And Item previously numbered as 11.2.2 Gas Hedging Agreement , 2023-0263, be moved to follow 2023 Town of Pelham Holiday Cards, and renumbered 6.3**

**Carried**

**5. Disclosure of Pecuniary Interests and General Nature Thereof**

No conflicts were declared.

**6. Hearing of Presentation, Delegations, Regional Report**

**6.1 Delegations**

**6.1.1 Hospice Niagara**

**Moved By** Councillor Wayne Olson

**Seconded By** Councillor Kevin Ker

**BE IT RESOLVED THAT Council receive the delegation from Carol Nagy, Executive Director of Hospice Niagara, regarding an update on Hospice Palliative Care, for information.**

**Carried**

**6.1.2 Wayne Robins re: Redecan Odour**

**Moved By** Councillor Shellee Niznik

**Seconded By** Councillor Brian Eckhardt

**BE IT RESOLVED THAT Council receive the delegation from Wayne Robins regarding the impact of Redecan's Odour emission, for information.**

**Carried**

**6.1.3 Judy Johnson re: Redecan Odour**

**Moved By** Councillor John Wink

**Seconded By** Councillor Bob Hildebrandt

**BE IT RESOLVED THAT Council receive the delegation from Judy Johnson regarding the impact of Redecan's Odour emission, for information.**

**Carried**

## **6.2 Presentations**

### **6.2.1 Storm Water Management Pond Assessment Report**

**Moved By** Councillor Kevin Ker

**Seconded By** Councillor Wayne Olson

**BE IT RESOLVED THAT Council receive the Storm Water Management Pond Assessment Report Presentation by Adam Spargo, Senior Project Manager, Matrix Solutions Inc., for information.**

**Carried**

### **6.2.2 Stormwater Management Facility Needs Program Report, 2023-0257-Public Works**

**Moved By** Councillor John Wink

**Seconded By** Councillor Kevin Ker

**BE IT RESOLVED THAT Council receive Report #2023-0257 Stormwater Management Facility Needs Program, for information;**

**Carried**

### **6.2.3 2023 Town of Pelham Holiday Cards**

Mr. Ryan Cook, Manager of Public Works, presented to Council the 2023 winners of the Town of Pelham's Holiday Cards.

**Moved By** Councillor Shellee Niznik

**Seconded By** Councillor Brian Eckhardt

**BE IT RESOLVED THAT Council receive the 2023 Town of Pelham Holiday Card presentation from Ryan Cook.**

**Carried**

## **6.3 Gas Hedging Agreement, 2023-0263-Corporate Services**

**Moved By** Councillor Bob Hildebrandt

**Seconded By** Councillor Kevin Ker

**BE IT RESOLVED THAT Council receive Report # 2023-0263 - Gas Hedging Agreement, for information;**

**AND THAT Council approve the Town of Pelham entering into a Gas Hedging agreement with Local Authority Services (LAS) effective January 1, 2024.**

**Carried**

**6.4 Tax Write-Off Under Municipal Act, Section 357 & 358**

No one appeared or submitted written comments.

**Moved By** Councillor Wayne Olson

**Seconded By** Councillor John Wink

**BE IT RESOLVED THAT Council receive the Taxes Written-Off Report from the Corporate Services Department; and**

**THAT Council approve the Taxes Written-Off Report in the amount of \$6495.87 as per the Municipal Act, Sections 357 and 358.**

**Carried**

**7. Adoption of Council Minutes**

**Moved By** Councillor Brian Eckhardt

**Seconded By** Councillor Bob Hildebrandt

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

**1. C-21/2023 - Regular Council Meeting - November 15, 2023**

**Carried**

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

**9. Consent Agenda Items to be Considered in Block**

**Moved By** Councillor John Wink

**Seconded By** Councillor Brian Eckhardt

**BE IT RESOLVED THAT the Consent Agenda items as listed on the December 06, 2023 Council Agenda be received and the recommendations contained therein be approved:**

**9. Consent Agenda Items to be Considered in Block**

## **9.1 Presentation of Recommendations Arising from Committee of Council, for Council Approval**

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

- 1. PCOW-10/2023 - Public Meeting under the Planning Act - November 8, 2023**

## **9.2 Minutes Approval - Committee of Council**

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

**PCOW-10/2023 - Public Meeting under the Planning Act - November 8, 2023**

## **9.3 Staff Reports of a Routine Nature for Information or Action**

### **9.3.1 Stormwater Management Facility Needs Program Report, 2023-0257-Public Works**

**BE IT RESOLVED THAT Council receive Report #2023-0257 Stormwater Management Facility Needs Program, for information;**

### **9.3.2 Installation of Services to the Fonthill Platform Tennis Club, 2023-0266-Public Works**

**BE IT RESOLVED THAT Council receive Report #2023-0266 Installation of Water and Sewer Services to the Fonthill Platform Tennis Club, for information.**

### **9.3.3 Cemetery Operations Update, 2023-0259-Public Works**

**BE IT RESOLVED THAT Council receive Report #2023-0259 Cemetery Operations Update, for information.**

### **9.3.4 Front Row Sport LTD Lease Agreement, 2023-0269-Recreation**

**BE IT RESOLVED THAT Council receive the Memo 2023-0269-Recreation entitled Front Row Sports LTD Lease Agreement for Meridian Community Centre (MCC) Pro Shop, for information.**

## **9.4 Information Correspondence**

### **9.4.1 Royal Canadian Legion Remembrance**

**BE IT RESOLVED that Council receive thank-you correspondence from Royal Canadian Legion regarding remembrance poppies, for information.**

## **9.5 Regional Municipality of Niagara Correspondence for Information or Action**

### **9.5.1 Niagara Transit Commission - OnDemand Service Statistics (Jan-Aug 2023)**

**BE IT RESOLVED THAT Council receive the memorandum from the Niagara Transit Commission regarding the Niagara Region**

**Transit (NRT) OnDemand Service Statistics from January to August 31, 2023, for information.**

**9.5.2 PDS 37-2023 Niagara Region Unbuilt Housing Supply Update**

**BE IT RESOLVED THAT Council receive report PDS 37-2023 Niagara Region Unbuilt Housing Supply Update, for information.**

**9.6 Advisory Committee Minutes for Information**

**9.6.1 Pelham Finance and Audit Committee - May 23, 2023**

**BE IT RESOLVED THAT Council receive the Finance and Audit Committee meeting minutes dated May 23, 2023, for information.**

**Carried**

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

**11. Presentation and Consideration of Reports**

**11.1 Members of Council Reports**

**11.1.1 Councillor Hildebrandt - Update re Niagara Region Waste Committee**

**Moved By** Councillor Brian Eckhardt

**Seconded By** Councillor Wayne Olson

**BE IT RESOLVED THAT Council receive the update from Councillor Hildebrandt regarding the Niagara Region Waste Committee, for information.**

**Carried**

**11.2 Staff Reports Requiring Action**

**11.2.1 Review of Capital Financing Using Debt, Reserves and In-Year Cash, 2023-0256-Corporate Services**

**Moved By** Councillor Kevin Ker

**Seconded By** Councillor Wayne Olson

**BE IT RESOLVED THAT Council receive Report # 2023-0256 - Review of Capital Financing Using Debt, Reserves and In-Year Cash, for information;**

**AND THAT Council direct staff to update the Summary of Reserves and Reserve Funds Target Balance in Q3 of 2024;**

**AND THAT Council direct staff to bring back S400-07 Capital Financing and Debt Management Policy (Debt Policy) in Q3 of 2024, with an updated phase-in for the internal limit of debt in conjunction with new target levels for reserves;**

**AND THAT Council approve the capital funding strategy for new debt needs to relate to strategic investments or growth funding by development charges. Reserves (pay as you go) will be utilized for current asset renewal with the current tax base maintaining the existing level of service.**

**Carried**

**11.2.2 MCC Elevators Oil Coolers Installation, 2023-0268-Corporate Services**

**Moved By** Councillor Shellee Niznik

**Seconded By** Councillor Bob Hildebrandt

**BE IT RESOLVED THAT Council receive Memo 2023-0268 entitled MCC Elevators Oil Coolers Installation, for information;**

**AND THAT Council approve the supply and installation of two Elevator Oil Coolers in the machine room of the MCC, in the amount of \$43,452, including net of HST, to be funded from the 2023 in-year surplus.**

**Carried**

**11.2.3 HONK paid parking, 2023-0247-Corporate Services**

This item was withdrawn from the agenda.

**11.2.4 Administrative Penalty System Improvements to Promote By-law Compliance and Facilitate Enforcement, 2023-0270-Town Solicitor**

**Moved By** Councillor Shellee Niznik

**Seconded By** Councillor Brian Eckhardt

**BE IT RESOLVED THAT Council receive Report #2023-0270 - Administrative Penalty System Improvements to Promote By-law Compliance and Facilitate Enforcement, for information;**

**AND THAT Council approve, in principle, proposed By-law No. 68-2023, being the Administrative Penalty Process By-law for Non-Parking By-laws;**

**AND THAT Council approve, in principle, proposed By-law No. 69-2023, being the Administrative Penalty Process By-law for Traffic and Parking By-laws;**

**AND THAT Council approve, in principle, proposed By-law No. 70-2023, being the Administrative Penalty System Consequential Amendment By-law;**

**AND THAT Council direct that the proposed By-laws be presented to Council for consideration at the next regular meeting of Council.**

**Carried**

**11.2.5 Recommendation Report – Housekeeping Zoning By-law Amendment, 2023-0261-Planning**

**Moved By** Councillor John Wink

**Seconded By** Councillor Brian Eckhardt

**BE IT RESOLVED THAT Council receive Recommendation Report #2023-0261 - Housekeeping Zoning By-law Amendment, for information;**

**AND THAT Council defer consideration of the housekeeping zoning by-law amendment, to facilitate further consultation on changes brought forward following the public meeting in Q1 of 2024.**

**Carried**

**12. Unfinished Business**

**13. New Business**

**14. Presentation and Consideration of By-Laws**

**Moved By** Councillor Shellee Niznik

**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 66-2023 - Being a By-law to exempt Block 168 on Plan 59M-505, municipally known as 68, 70, 72, 74, and 76 William Street, from Part Lot Control. Saffron Meadows Phase 3 (Mountainview Building Group). File No. PLC-02-2023**

**2. By-law 67-2023 - Being a By-law to exempt Block 170 on Plan 59M-505, municipally known as 178, 180, 182, and 184 Klager Avenue, from Part Lot Control. Saffron Meadows Phase 3 (Mountainview Building Group). File No. PLC-03-2023**

**Carried**

**15. Motions and Notices of Motion**

**15.1 Mayor Junkin - Sidewalk Connection along Canboro Road**

**Moved By** Mayor Marvin Junkin

**Seconded By** Councillor Wayne Olson

**WHEREAS Council for the Town of Pelham supports pedestrian safety and is dedicated to enhancing walkability and active transportation throughout the Town;**

**AND WHEREAS the existing sidewalk along Canboro Road between the Villages of Fonthill, Ridgeville, and Fenwick is not continuous;**

**NOW THEREFORE BE IT RESOLVED THAT Council direct staff to prepare a report addressing the cost and feasibility of connecting the sidewalks along Canboro Road between the Villages of Fonthill, Ridgeville, and Fenwick;**

**AND THAT Council directs staff to report back to Council in Q2 of 2024.**

**Carried**

**16. Resolution to Move In Camera**

**Moved By** Councillor John Wink

**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 & CAO Performance Review)**

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

**Carried**

## **17. Rise From In Camera**

### **17.1 Procedural Motion to extend Council Meeting**

**Moved By** Councillor Wayne Olson

**Seconded By** Councillor Shellee Niznik

**THAT the Rules of Procedure as contained in the Town of Pelham Procedural By-law, be suspended;**

**AND THAT the specified meeting curfew time of 1:00 p.m. be and is hereby waived;**

**AND THAT the remainder of the business listed on the agenda for this meeting continue to be considered until all matter have been concluded.**

**Carried**

### **17.2 Direction from In Camera**

**Moved By** Councillor John Wink

**Seconded By** Councillor Bob Hildebrandt

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

**AND THAT the Manager of People Services and Town Solicitor be and is hereby authorized to undertake the directions provided during the In Camera meeting of December 06, 2023;**

**AND THAT Council nominate Thom Hounsell to the Niagara Transit Commission Public Advisory Commission.**

**Carried**

## **18. Confirming By-Law**

**Moved By** Councillor Brian Eckhardt

**Seconded By** Councillor Shellee Niznik

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

**Being a By-law No. 72-2023 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 6th day of December, 2023.**

**Carried**

**19. Adjournment**

**Moved By** Councillor Bob Hildebrandt

**Seconded By** Councillor Shellee Niznik

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

**Carried**

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Mayor: Marvin Junkin

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Town Clerk: William Tigert