

## REGULAR COUNCIL MINUTES

**Meeting #:** C-04/2024  
**Date:** Wednesday, February 21, 2024  
**Time:** 9:00 AM  
**Location:** Town of Pelham Municipal Office - Council  
Chambers  
20 Pelham Town Square, Fonthill

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

**Staff Present:** David Cribbs  
Bob Lymburner  
Jason Marr  
Teresa Quinlin-Murphy  
Jennifer Stirton  
Vickie vanRavenswaay  
Barbara Wiens  
Sarah Leach  
William Tigert  
Ryan Cook  
Usama Seraj (Part-time)

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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 Hildebrandt read the land acknowledgment into the record.

### 4. Approval of the Agenda

**Moved By** Bob Hildebrandt  
**Seconded By** Wayne Olson

**BE IT RESOLVED THAT the agenda for the February 21, 2024, 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. Public Meeting Under the Development Charges Act**

**Moved By** Kevin Ker

**Seconded By** Wayne Olson

**BE IT RESOLVED THAT Council do now adjourn its meeting to sit as Committee of the Whole to facilitate a Public Meeting Under the Development Charges Act.**

**Carried**

**6.1 Opening Remarks**

**6.2 Overview by Watson & Associates Economists Ltd.**

Mr. Byron Tan presented information regarding the 2023 Development Charges Study.

A copy of the background study and draft by-law have been published in accordance with the Act and is available on the municipal website or through the Clerk.

**6.3 Public Input**

Stephen Kaiser stated he was representing Kaiser & Associates, Niagara Innovative Living, and Mountainview Building Group. Mr. Kaiser endorsed the written correspondence on the agenda. He identified the adverse impact of development charges (DCs) on housing affordability and provided comparisons to neighbouring municipalities.

Mr. Kaiser expressed concern about the lack of consultation, stating it was a flaw in the procedure. Mr. Kaiser requested consideration of a more reasonable DC rate which is collectively supported by the development community. Mr. Kaiser indicated that some aspects of the by-law need to be either discussed further, amended, or removed.

John Langendoen stated he was representing the Pelham Greenhouse Growers Group. Regarding discretionary exemptions, Mr. Langendoen asked for confirmation that greenhouses are exempt under the "farm building" classification.

The Clerk closed the public meeting.

## **6.4 Committee Input**

The Consultant, Byron Tan, clarified the phase-in process and alternative revenue sources. Mr. Tan stated that development charges (DCs) are imposed at the time of building permit application unless there is a payment agreement in place.

Barbara Wiens, Director of Community Planning and Development, clarified that the existing farm building exemption is proposed to be carried forward.

Councillor Niznik framed the impact of DCs on one building permit for a residential single-detached dwelling. Councillor Niznik identified that new infrastructure is required to accommodate new development and expressed that the increase appeared reasonable.

Councillor Ker stated it was not in his interest to place the financial burden of growth on the existing ratepayer. He expressed support for the proposal and suggested it may be positive in moving development forward. Councillor Ker stated that at this time, it is unknown what rates other municipalities will approve.

Mayor Junkin asked if staff agreed there was a lack of consultation and asked if the by-law consideration date could be moved to allow for further discussion. Treasurer, Teresa Quinlin-Murphy stated that the timeline complies with legislative requirements and previous Town guidelines. Mr. Tan identified that the background study and draft by-law have been posted on the Town's website for three months.

Chief Administrative Officer, David Cribbs acknowledged the public commentary while noting that the Town had met the statutory deadlines. Mr. Cribbs suggested that Council consider where they would like to position Pelham in the Region and who should pay for growth. Mr. Cribbs advised that if Council is not comfortable with the proposal, they could direct it back to staff for further analysis.

Councillor Hildebrandt expressed that growth should pay for growth and indicated support for the proposed DCs.

Councillor Eckhardt expressed disappointment in the lack of consultation and asked the implication of by-law deferral. Ms. Quinlin-Murphy stated there is no penalty for deferral and reiterated that the background study and draft by-law had been published for 60 days.

Mayor Junkin stated he was not in support of the proposed DCs as they were too high.

## **6.5 Presentation of Resolutions**

**Moved By** John Wink

**THAT Committee recommend Council receive the Development Charges By-law Overview presentation by Watson and Associates Economists Ltd.;**

**AND THAT Committee recommend Council receive the Pelham Study, dated December 20, 2023, prepared by Watson & Associates Economists Ltd.;**

**AND THAT Committee recommend Council direct staff proceed with the preparation of a Development Charges By-law for consideration by Council on March 6, 2024.**

**Carried**

**Moved By** Bob Hildebrandt

**THAT Committee receive the written correspondence as listed on the agenda;**

**AND THAT Committee receive the verbal presentations made by the public.**

**Carried**

**7. Rise from Committee**

**Moved By** Brian Eckhardt

**THAT Committee rise from Committee of the Whole, Public Meeting under the Development Charges Act and reconvene as Council.**

**Carried**

**8. Adoption of Council Minutes**

**Moved By** John Wink

**Seconded By** Kevin Ker

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

**1. SC-01/2024 - Special Council Meeting - Muzzle Order Appeal Hearing - January 31, 2024**

**2. C-03/2024 - Regular Council Meeting - February 7, 2024**

**Carried**

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

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

**Moved By** Wayne Olson

**Seconded By** Brian Eckhardt

**BE IT RESOLVED THAT the Consent Agenda items as listed on the February 21, 2024, Council Agenda be received and the recommendations contained therein be approved:**

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

**10.1 Presentation of Recommendations Arising from Committee of Council, for Council Approval**

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

**C-03/2024 - Committee of the Whole - Water and Wastewater Budget - February 7, 2024**

**10.2 Staff Reports of a Routine Nature for Information or Action**

**10.2.1 Centennial Washrooms Construction Update 2, 2024-0049-Public Works**

**BE IT RESOLVED THAT Council receive Report #0049- Public Works- Centennial Park Update 2, for information.**

**10.2.2 2023 Pelham Water Distribution System Summary Report, 2024-0024-Public Works**

**BE IT RESOLVED THAT Council receive Report #2024-0024 Pelham Water Distribution System Summary Report, for information.**

**10.3 Information Correspondence**

**10.3.1 Township of Greater Madawaska - Tax Credit for Volunteer Firefighters**

**BE IT RESOLVED THAT Council receive the motion from the Township of Madawaska regarding support for Bill C-310 and Amendments to Subsections 118.06 (2) & 118.07 (2) of the Income Tax Act (Tax Credit for Volunteer Firefighters), for information.**

**10.4 Advisory Committee Minutes for Information**

**10.4.1 Agricultural Advisory Committee Minutes - October 25, 2024**

**BE IT RESOLVED THAT Council receive the Agricultural Advisory Committee minutes dated October 25, 2023, for information.**

**10.4.2 Committee of Adjustment Minutes - December 4, 2023**

**BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated December 4, 2023, for information.**

**Carried**

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

**12. Resolution to Move In Camera**

**Moved By** Shellee Niznik

**Seconded By** John Wink

**BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:**

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

**Carried**

**13. Rise From In Camera**

**Moved By** Brian Eckhardt

**Seconded By** Kevin Ker

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

**Carried**

**14. Presentation and Consideration of Reports**

**14.1 Members of Council Reports**

**14.2 Staff Reports Requiring Action**

**14.2.1 2024 RCW Town of Pelham User Fees and Charges Amendment, 2024-0052-Recreation**

The Director of Recreation, Culture, and Wellness, Vickie vanRavenswaay advised a more fulsome report on RCW fees will be brought to Council for consideration prior to the presentation of the 2025 User Fees and Charges.

**Moved By** Wayne Olson

**Seconded By** Kevin Ker

**BE IT RESOLVED THAT Council receive the Memo # 2024-0052 entitled Town of Pelham 2024 RCW User Fees and Charges Amendment, for information;**

**AND THAT Council direct staff to prepare an amendment to the Town's Fees and Charges By-law to include the Centennial Park Tennis and Pickle Ball Court key fob deposit fee of \$50.00 fee, remove the Senior Membership fee of \$50.00, and amend the Summer Ice Season Date to April 1 – August 1.**

**Carried**

**14.2.2 Recommendation Report - Applications for Official Plan and Zoning By-law Amendment - 1389 Effingham Street, 2024-0048-Planning**

**Moved By** John Wink

**Seconded By** Bob Hildebrandt

**THAT Council receives Report #2024-48 for information as it pertains to File Nos. OP-AM-02-2023 & AM-05-2023;**

**AND THAT Council directs Planning staff to prepare the necessary Official Plan and Zoning By-law amendments for Council consideration at the next Regular Meeting of Council.**

**Carried**

**14.2.3 Recommendation Report - Housekeeping Zoning By-law Amendment, 2024-0044-Planning**

**Moved By** Brian Eckhardt

**Seconded By** Shellee Niznik

**BE IT RESOLVED THAT Council receive Report #2024-0044 Recommendation Report – Housekeeping Zoning By-law Amendment, for information;**

**AND THAT Council direct Planning staff to prepare the necessary By-law for Council's consideration in accordance with the summary attached as Appendix A.**

**Carried**

**14.2.4 2024 Water and Wastewater Budgets, 2024-0038-Corporate Services**

**Moved By** Kevin Ker  
**Seconded By** Brian Eckhardt

**BE IT RESOLVED THAT Council receive Report # 2024-0038- 2024 Water and Wastewater Budgets, for information;**

**AND THAT Council approve the recommendations from Committee of the Whole meeting on February 7, 2024 for Council to approve the 2024 Water and Wastewater Budget, increasing the water rate by 6.5% and the wastewater rate by 9.5%.**

**Carried**

**14.2.5 Ice Rink Optimization , 2023-0264-Corporate Services**

**Moved By** Wayne Olson  
**Seconded By** Bob Hildebrandt

**BE IT RESOLVED THAT Council receive Report #2023-0264 – MCC Ice Rink Optimization;**

**AND THAT Council endorse Option #1 Status Quo: Remove Ice from the Accipiter Arena for 4 months April to July.**

**Carried**

- 15. Unfinished Business**
- 16. New Business**
- 17. Presentation and Consideration of By-Laws**

**Moved By** Kevin Ker  
**Seconded By** John Wink

**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 08-2024 - Being a by-law to appoint the Niagara Society for the Prevention of Cruelty to Animals and Humane Society Animal Services Officers to enforce Town of Pelham Animal By-laws.**



**2. By-law 03-2024 - Being a By-law to regulate the operation of cemeteries by the Corporation of the Town of Pelham and to repeal By-law No. 3012(2019).**

**3. By-law 09-2024 - Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 61 port Robinson Road, legally described as PLAN 25 PT LOT 17 NP717, Town of Pelham, Regional Municipality of Niagara, from the Residential Development (RD) zone to the site-specific Residential 2-157 (R2-157) zone. File No. AM-10-2023.**

**4. By-law 10-2024 - Being a By-law to Deem Part of a Registered Plan of Subdivision Not to be a Registered Plan of Subdivision. 801 Canboro Road.**

**5. By-law 11-2024 - Being a By-law to exempt Blocks 136, 140, 146, Part Block 160, 59M-505 designated as Parts 1 to 6, both inclusive, 59R-17872, Part Block 163, 59M-505 designated as Parts 1 to 6, both inclusive, 59R-17918, 165, 166, 167, 169 on Plan 59M-505, municipally known as 58, 60, 76, 78, 89, 91, 93, 95, 97, 99, 101, 103, 105, 112, and 114 Acacia Road, 44, 46, 48, 50, and 52 Samuel Avenue, 25, 27, 29, 31, and 33 Saffron Way, 170, 172, 174, and 176 Klager Avenue, and 78, 80, 82, and 84 William Street, from Part Lot Control. Saffron Meadows Phase 3 (Mountainview Building Group). File No. PLC-01-2024**

**Carried**

## **18. Motions and Notices of Motion**

Councillor Eckhardt provided a notice of motion regarding his intent to request deferral of consideration of the Development Charge By-law until the Regular Meeting of March 27, 2024.

## **19. Resolution to Move In Camera**

**Moved By** Brian Eckhardt

**Seconded By** Shellee Niznik

**BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:**

**(c) a proposed or pending acquisition or disposition of land by the municipality or local board - 1 Item (Property located in Ward 1)**

**(b) personal matters about an identifiable individual, including municipal or local board employees; (d) labour relations or employee negotiations; (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose - 2 items (Non-Union)**

**Carried**

**20. Rise From In Camera**

**Moved By** John Wink  
**Seconded By** Bob Hildebrandt

**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 February 21, 2024.**

**Carried**

**21. Confirming By-Law**

**Moved By** Shellee Niznik  
**Seconded By** 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. 12-2024 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 21st day of February, 2024.**

**Carried**

**22. Adjournment**

**Moved By** Brian Eckhardt  
**Seconded By** Bob Hildebrandt

**BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for March 06, 2024, at 9:00 a.m.**

**Carried**

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Mayor: Marvin Junkin

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Town Clerk: William Tigert