The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

REGULAR COUNCIL MEETING
Council Chambers
Friday, May 31st, 2019
1:00 p.m.

Council Members Present: Mayor Carol Ballantyne
Councillors: Mike Rickward; Liz Stermsek; and Paul Ziraldo

Staff Present: Brenda J. Fraser, Chief Administrative Officer|Clerk|Treasurer
Keven Beaucage, Deputy Clerk, Deputy Treasurer
Brian Horsman, Chief Building Official
Linda Moyer, Planning Technician
Marjorie Robinson, Financial Consultant

Regrets: Councillor Cheryl Philip

1. **Call the Meeting to Order**

Res. No. 1/31/05/2019 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney on May 31st, 2019 be declared open and called to order at 1:00 p.m. **CARRIED**

2. **Approval of Agenda**

Res. No. 2/31/05/2019 Paul Ziraldo, Mike Rickward

BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on May 31st, 2019 be adopted as amended.

ADD	10(d)(ix)	By-law No. 2019-xx re: To provide for the Adoption of the 2019 Budget
ADD	10(c)(i)	2 to 3 Ton Truck purchase
ADD	10(c)(ii)	Water Tank purchase

CARRIED

3. **Declaration of Pecuniary Interest and the General Nature Thereof** – None Noted

4. **Delegations/Presentations**

(a) Delegations

(i) **Judy Kleinhuis CPA, CA, Grant Thornton LLP re**: Draft Consolidated Financial Statements; Report to Council – Audit Results
Mrs. Kleinhuis provided additional comments to the *draft* 2018 Consolidated Financial Statements.

(ii) **Bryan Pearce re**: Road Allowance
Mr. Pearce reiterated his concern with the environmental sensitivity of the area, expressed disappointment that the Town reconsidered selling this road allowance to him, but has installed gates at the entrance. Mr. Pearce also questioned future plans for the road allowance.

Mayor Ballantyne commented that the Procedural By-law allows for four delegations, however, in special circumstances, the Mayor or presiding officer, may extend the number of delegates (By-law No. 2015-30 - Section 10.5).

(iii) **Michelle Ainsworth re**: "Wild Connection" facility concerns
Ms. Ainsworth presented points for Councils' consideration that included: The change in public attitudes about wildlife in captivity; Public safety and animal welfare standards; No meaningful regulation of zoos or roadside animal attractions; Liability issues; Regulation of expansion of the facility; the hazardous environment, and lack of information about the proposed facility to make an informed decision.

(iv) **Rob Laidlaw re**: Wild Connections animal facility information
Mr. Laidlaw handed members of Council some pictures. He presented information regarding: Municipal responsibilities including oversight and control; Ontario's wildlife in captivity laws; Human safety; and, correction to misinformation.

(v) **Julie Woodyer re**: Wild Connections
Ms. Woodyer, representing World Animal Protection and Animal Alliance of Canada, addressed: Lack of regulations in Ontario to manage problems associated with roadside zoos; Ontario Ministry of Natural Resources and Forestry having no jurisdiction over exotic animals; OSPCA having relinquished their enforcement powers; Wild animals escaping, resulting in injuries and deaths to persons; The problems of exotic animals being located prior to proper zoning and the struggle to have them removed; Difficulties in controlling the number of animals; The lack of substance and in some cases inaccurate information submitted with the application; Approval from the Ontario Ministry of Natural Resources and Forestry would not be considered until after the facility was fully built; and, the entire burden would be left for the Town, for ensuring public safety and animal welfare.

(vi) **Howard Smith re**: Possibility of a roadside zoo
Mr. Smith, managing director of Aspen Valley Wildlife Sanctuary in Rosseau spoke in opposition to the proposal as follows: the proposed enclosures being too small; Knowledge of the cost of buildings and fencing as a result of his position; Growing opposition to have animals for entertainment; animals should be in their natural setting, not as pets; Animals rescued from Road Side Zoos and other exploited animals being taken to the Aspen Valley Sanctuary, which encompasses 470 acres of natural habitat; Aspen Valley tries to provide enclosures that meet the animals' needs; Aspen Valley does not breed, sell, trade or show animals; Aspen Valley does run guided tours to educate the public about wild life is all about; and the exotic pet trade is uncontrolled.

(vii) **Mike McIntosh re**: Wild Connections
Mr. McIntosh handed out two pamphlets that provided information about his business "Bear With Us". Mr. McIntosh clarified that he has legal rights to the name "Bear With Us" and that he will address the use of this name by others. He noted that: Misinformation follows bears; People take advantage of these animals; Roadside Zoos are generally not big enough; He has devoted his life to looking after 'human/bear conflicts (nuisance bears); Bears are not mean by nature and are social animals; and the cost of liability insurance if a facility is open to the public.

(b) Presentations – Nil

5. Minutes

(a) Adoption of Minutes

(i) **Special Meeting,** Draft Minutes – May 10, 2019
(ii) **Regular Meeting,** Draft Minutes – May 10, 2019
(ii) **Public Meeting,** Draft Minutes – May 10, 2019

Res. No. 5(a)(i)-(iii)/31/05/2019 Paul Ziraldo, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney approves the Minutes of the Council Meeting(s) as follows:

(i) **Special Meeting,** Draft Minutes – May 10, 2019
(ii) **Regular Meeting,** Draft Minutes – May 10, 2019
(iii) **Public Meeting,** Draft Minutes – May 10, 2019 **CARRIED**

(b) Receive Committee Minutes

(i) Kearney Community Centre Committee, Minutes – April 8, 2019

Res. No. 5(b)(i)/31/05/2019 Liz Stermsek, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney receive the following Advisory Committee Minutes:

(i) **Kearney Community Centre Committee,** Minutes – April 8, 2019 **CARRIED**

6. Committee Resolutions for Consideration - Nil

7. Public Hearings (Pursuant to the *Planning Act*) - Nil

8. Public Meetings (Pursuant to the *Municipal Act*) - Nil

9. Unfinished Business – Nil

10. Reports and By-laws

(a) Building - Nil

(b) Planning

Res. No. 10(b)(i)/31/05/2019 Paul Ziraldo, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the request to amend the Conditions of Approval for Consent Applications B-016/18, B-017/18, B-018/18 & B-019/18 (ZANE BROS. & SONS LTD.) by deleting Condition No. 14 and modifying Condition No. 13 to implement setbacks and te 30 metre vegetative buffer through the Site Plan Agreement. **CARRIED**

(ii) **Estimates re:** Scoped Environmental Assessment – Zoning By-law Amendment RZ-07-18 (HEISE)

Council received three estimates with regard to obtaining a scoped Environment Assessment in conjunction with this application and determined that these estimates be shared with the Applicant and Sand Lake Property Owners Association for consensus on which of these to pay the fee to pursue this report.

(c) Operations

(i) **Resolution re:** 2 to 3 Ton Truck purchase

Res. No. 10(c)(i)/31/05/2019 Paul Ziraldo, Mike Rickward

WHEREAS the Corporation of the Town of Kearney requested tenders for the provision of a 2 to 3 Ton Truck to include a Plow, Plow Package and Tow Package;

AND WHEREAS tenders were received as follows:

1) Bickley Ford Huntsville

AND WHEREAS Bickley Ford submitted the only tender for an acceptable model;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby awards the 2 to 3 Ton Truck Tender to Bickley Ford – Huntsville for the purchase and deliver of a 2 to 3 Ton Truck at the tendered cost of $90,995.90 plus taxes;

AND FURTHER Council authorizes the purchase of an extended warranty, if available. **CARRIED**

(ii) **Resolution re:** Water Tank purchase

Res. No. 10(c)(ii)/31/05/2019 Liz Stermsek, Paul Ziraldo

WHEREAS the Corporation of the Town of Kearney requested tenders for the provision of a Water Tank;

AND WHEREAS tenders were received as follows:

1) RMES Equipment for Solutions

AND WHEREAS RMES submitted the only tender for an acceptable model;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby awards the Water Tank Tender to RMES Equipment for Solutions at the tendered cost of $30,500.00 plus taxes. **CARRIED**

(d) Administration

(i) **By-law No. 2019-xx re:** Appoint CAO Clerk-Treasurer

Res. No. 10(d)(i)/31/05/2019 Paul Ziraldo, Mike Rickward

By-law No. 2019-24, Being a By-law to appoint a Chief Administrative Officer | Clerk | Treasurer for the Corporation of the Town of Kearney, be read a first, second and third time and numbered 2019-24 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and be engrossed in the By-law Book. **CARRIED**

(ii) **By-law No. 2019-xx re:** Appoint a Municipal By-law Enforcement Officer, a Canine Control Officer and a Property Standards Officer

Res. No. 10(d)(ii)/31/05/2019 Paul Ziraldo, Mike Rickward

By-law No. 2019-25, Being a By-law to appoint a Municipal By-law Enforcement Officer, a Canine Control Officer and a Property Standards Officer for the Corporation of the Town of Kearney, be read a first, second and third time and numbered 2019-25 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and be engrossed in the By-law Book. **CARRIED**

(iii) **Resolution re:** To appoint a member to the Economic Development Committee

Res. No. 10(d)(iii)/31/05/2019 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby appoints Sheila Crowe as a member for the Economic Development Advisory Committee. **CARRIED**

(iv) **Resolution re:** To appoint a member to the Parks, Trails and Recreation Committee

Res. No. 10(d)(iv)/31/05/2019 Liz Stermsek, Paul Ziraldo
BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby appoints Ian Goodwin as a member for the Parks, Trails and Recreation Advisory Committee. **CARRIED**

(v) **Resolution re**: Rescind Resolution regarding options to purchase road allowance
Res. No. 10(d)(v)/31/05/2019 Paul Ziraldo, Mike Rickward
WHEREAS in May of 2018, the Council considered accepting an alternate method of valuation for the purchase of road allowances;
AND WHEREAS Council has reconsidered that decision;
NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby rescinds Resolution 10(b)(ii)/18/05/2018 with regard to considering an alternate method of valuation for the purchase of road allowances;
AND FURTHER Council reaffirms that requests to purchase Road Allowances/Shore Road Allowances shall be in accordance with the fees and costs pertaining to Road Allowance Closings as determined by the By-law to Establish Fees or Charges for Services or Activities Provided or Done by the Corporation of the Town of Kearney. **CARRIED**

(vi) **Resolution re**: Approval of Strategic Asset Management Policy
Res. No. 10(d)(vi)/31/05/2019 Paul Ziraldo, Mike Rickward
WHEREAS the Regulation for Municipal Asset Management Planning under the Infrastructure for Jobs and Prosperity Act, 2015, requires every municipality to prepare its first Strategic Asset Management Policy by July 1, 2019;
AND WHEREAS Council has reviewed the draft Strategic Asset Management Policy prepared for the Town of Kearney;
NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney adopts the Strategic Asset Management Policy dated May 31, 2019, attached hereto. **CARRIED**

(vii) **Resolution re**: O. Reg 284/09
Res. No. 10(d)(vii)/31/05/2019 Paul Ziraldo, Liz Stermsek
WHEREAS generally accepted accounting principles for local governments established by the Public Sector Accounting Board (PSAB) of the Chartered Professional Accountants of Canada require municipalities to capitalize and amortize tangible capital assets, and to accrue liabilities related to post-employment and solid waste landfill closure and post-closure expenses;
AND WHEREAS Ontario Regulation 284/09 states that a municipality may exclude these expenses from budgeted amounts for which revenue must be raised;
AND WHEREAS if excluded, Ontario Regulation 284/09 requires Councils, prior to approving a municipal budget, to adopt a report that shows the impact of fully covering these expenses;
NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney approves the report entitled "Municipal Act, 2001 Ontario Regulation 284/09, 2019 Budget", attached hereto. **CARRIED**

(viii) **By-law No. 2019-xx re**: To enter into an Agreement with Bell Mobility for a Corporate Account
Res. No. 10(d)(viii)/31/05/2019 Mike Rickward, Liz Stermsek
By-law No. 2019-26, Being a By-law to authorize the signing of an Agreement for the Provision of Wireless Personal Communications between the Corporation of the Town of Kearney and Wireless Personal Communications Inc., be read a first, second and third time and numbered 2019-26 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and be engrossed in the By-law Book. **CARRIED**

(ix) **By-law No. 2019-xx re**: To Provide for the Adoption of the 2019 Budget
Res. No. 10(d)(ix)/31/05/2019 Liz Stermsek, Paul Ziraldo
By-law No. 2019-27, Being a By-law to Provide for the Adoption of the 2019 Budget, be read a first, second and third time and numbered 2019-27 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and be engrossed in the By-law Book. **CARRIED**

(e) Treasury

(i) **Report and Resolution re**: Payment Register
Res. No. 10(e)(i)/31/05/2019 Paul Ziraldo, Mike Rickward
BE IT RESOLVED that the Council of the Corporation of the Town of Kearney has received the 'List of Accounts' and has no objections to be noted with regard to Cheques #28846 to #28888 in the total amount of $89,273.34. **CARRIED**

(f) Fire and Emergency Services

(i) **Report re**: Acting Fire Chief, Fire Department Report for regular Council meeting on May 31, 2019. – **Report only.**

(g) **Transfer Station**

(i) **Report re:** April/May 2019 – **Report only.**

(h) **Council Presentations** - Nil

11. **Correspondence**

(a) **Action Items**

(i) **Resolution re:** Women's Own Resource Centre request for financial contribution

Res. No. 11(a)(i)/31/05/2019 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in accordance with the request from Women's Own Resource Centre, shall donate _____ To support new and continuing initiatives in 2019/20. **DEFERRED**

(ii) **Resolution re:** Request for support of Resolution pertaining to Government of Ontario E-learning

Res. No. 11(a)(ii)/31/05/2019 Paul Ziraldo, Liz Stermsek

WHEREAS the Government of Ontario is proposing education adjustments;

AND WHEREAS the Government of Ontario announced that secondary school students will be required to take four (4) out of the thirty (30) high school credits as online courses;

AND WHEREAS thirty (30) credits are required for an Ontario High School Diploma, the government is not providing rural Ontario with the same broadband access as the rest of the Province;

AND WHEREAS throughout much of rural and northern Ontario, broad-band service is lacking, making e-learning impossible and may set our students up for a two-tier education system due to the lack of internet access;

AND WHEREAS online e-learning will disproportionately affect students with special needs who may need more attention from their teachers, and students in low-income families who may not have access to a laptop and internet at home to do their online course work;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney respectfully requests the Premier of Ontario to reconsider these online courses until rural Ontario students can be given the same opportunity to access the internet as the urban students;

AND FURTHER BE IT RESOLVED that this Resolution be circulated to Ontario Premier Doug Ford, Minister of Education Lisa M. Thompson, MPP of Parry Sound Muskoka Norm Miller, AMO and ROMA. **CARRIED**

(iii) **Resolution re:** Re-establishment of combined OGRA / ROMA conference

Res. No. 11(a)(iii)/31/05/2019 Paul Ziraldo, Mike Rickward

WHEREAS during the Annual General Meeting (AGM) at the 2019 Ontario Good Roads Association (OGRA) conference, a resolution was passed regarding the re-establishment of an annual combined conference for both OGRA and the Rural Ontario Municipal Association (ROMA);

AND WHEREAS it makes great sense for the OGRA & ROMA conferences to be returned to a combined conference effort each February, not only financially for municipalities but also for availability for participation of members of Council and Staff;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the original resolution passed at the OGRA AGM to re-establish a combined OGRA & ROMA conference;

AND FURTHER that a copy of this Resolution be forwarded to the ROMA Board of Directors and OGRA Board of Directors outlining our support for a collaborative OGRA ROMA annual combined conference. **CARRIED**

(iv) **Resolution re:** Bill 108

Res. No. 11(a)(iv)/31/05/2019 Mike Rickward, Paul Ziraldo

WHEREAS the legislation that abolished the Ontario Municipal Board (OMB) and replaced it with the Local Planning Appeal Tribunal (LPAT0 received unanimous – all party support;

AND WHEREAS all Parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning;

AND WHEREAS Bill 108 will once again allow an unelected, unaccountable body to make decisions on how our communities evolve and grow;

AND WHEREAS on August 21, 2018 Minister Clark once again signed the Memorandum of Understanding (MOU) with the Association of Municipalities of Ontario which recognizes that "Public policy issues are complex and thus require coordinated responses..." and that the Municipal Act, 2001 provides that the Province of Ontario endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest";

AND WHEREAS the MOU sets out that "Ontario is committed to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact;
AND WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997;
NOW THEREFORE BE IT HEREBY RESOLVED that the Town of Kearney opposes Bill 108 which, in its current state will have negative consequences on community building and proper planning;
AND BE IT FURTHER RESOLVED that the Town of Kearney call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved;
AND BE IT FURTHER RESOLVED that a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, the Honourable John Fraser, Leader of the Ontario Liberal Party; the Honourable Mike Schreiner, Leader of the Green Party of Ontario; Norm Miller, MPP for Parry Sound Muskoka; and, the Association of Municipalities of Ontario.

(v) **Resolution re:** Town of Mono – Ontario Municipal Partnership Fund support

Res. No. 11(a)/31/05/2019 Liz Stermsek, Paul Ziraldo
BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the Town of Mono in their recommendation to the Honourable Victor Fedeli, Minister of Finance, that the Ontario Municipal Partnership Fund be maintained at not less than its current funding level.
CARRIED

(vi) **Kearney Community Centre Committee re: Use of Styrofoam**
Council received correspondence from the Kearney Community Centre Committee requesting Council consider passing a By-law to prohibit the use of Styrofoam in the Kearney Community Centre. Our Joint Waste Management Committee is in the process of updating our recycling program which will include discussion of Styrofoam products. Further discussion to occur.

(b) Information Items

(i) **Burk's Falls and District Food Bank re:** Card of Thanks

(ii) **North Bay Parry Sound District Health Unit re**: Public Health Transformation Update - Memo

(iii) **Anne and Alan Wells re**: Grass Lake Road Unopened Road Allowance – Comment to Council

12. Other Business - Nil

13. Closed Session
Council will enter into a Closed Session for discussion regarding:

(a) A proposed or pending acquisition or disposition of land by the municipality or local board

(b) Labour relations or employee negotiations

Res. No. 13(a)-(b)/31/05/2019 Paul Ziraldo, Mike Rickward
BE IT RESOLVED that in accordance with Section 239, (1), (2), (3) and (3.1) of the Municipal Act, c. 25, S.O. 2001, as amended, the Council for the Corporation of the Town of Kearney will convene in Closed Session at 3:22 p.m. for discussion regarding:

(a) A proposed or pending acquisition or disposition of land by the municipality or local board

(b) Labour relations or employee negotiations
CARRIED

Res. No. 13(c)/31/05/2019 Paul Ziraldo, Liz Stermsek
BE IT RESOLVED that the Council of the Corporation of the Town of Kearney reconvene in Open Session and report on matters discussed in Closed Session. Closed Session adjourned at 4:58 p.m.
CARRIED

Mayor Ballantyne reported on matters discussed in Closed Session.

14. Business Arising from Closed Session – Nil

15. Confirming By-Law

By-Law 2019-xx being a By-law to confirm the proceedings of Council at its Public Meeting held on May 10th, 2019, at its Special Meeting held on May 31st, 2019 and at its Regular Meeting held on May 31st, 2019.

Res. No. 15/31/05/2019 Mike Rickward, Liz Stermsek

By-law No. 2019-28, Being a By-law to confirm the proceedings of Council at its Public Meeting held on May 10th, 2019, at its Special Meeting held on May 31st, 2019 and at its Regular Meeting held on May 31st, 2019 be read a first, second and third time and numbered 2019-28 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and engrossed in the By-law Book. **CARRIED**

16. Adjournment

Res. No. 16/31/05/2019 Liz Stermsek, Paul Ziraldo

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 5:00 p.m. to meet again at 9:00 a.m. on June 21st, 2019 in the Council Chambers, Kearney, Ontario. **CARRIED**

THE CORPORATION OF THE
TOWN OF KEARNEY

C Ballantyne

Carol Ballantyne, Mayor

Brenda J. Fraser

Brenda J. Fraser, Clerk