



The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

REGULAR COUNCIL MEETING

Council Chambers

Friday, August 2nd, 2019

1:00 p.m.

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

Staff Present: Brenda J. Fraser, CAO | Clerk | Treasurer
Linda Moyer, Planning Technician

Regrets: Councillor Cheryl Philip

1. **Call the Meeting to Order**

Res. No. 1/02/08/2019 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney on August 2nd, 2019 be declared open and called to order at 1:01 p.m. **CARRIED**

2. **Approval of Agenda**

Res. No. 2/02/08/2019 Paul Ziraldo, Liz Stermsek

BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on August 2nd, 2019 be adopted as amended.

DEFER 10(h)(i) Councillor Cheryl Philip re: Insurance for Seasonal Residences **CARRIED**

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

4. **Delegations/Presentations**

(a) **Delegations**

- (i) **Rick Parker re: Support for 10(b)(v) Rezoning (1819543 Ontario Ltd.**
Mr. Parker presented his written submission in support of the Wild Connections Animal Conservation proposal.

(b) **Presentations – Nil**

5. **Minutes**

(a) **Adoption of Minutes**

- (i) **Special Meeting, Draft Minutes – June 21, 2019**
(ii) **Regular Meeting, Draft Minutes – June 21, 2019**
(iii) **Public Meeting, Draft Minutes – July 12, 2019 REYNOLDS**
(iv) **Public Meeting, Draft Minutes – July 12, 2019 MARTIN**
(v) **Special Meeting, Draft Minutes – July 19, 2019**

Res. No. 5(a)(i)-(v)/02/08/2019 Mike Rickward, Paul Ziraldo

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 – July 5, 2019**
(ii) **Regular Meeting, Draft Minutes – July 12, 2019**
(iii) **Public Meeting, Draft Minutes – July 12, 2019 REYNOLDS**
(iv) **Public Meeting, Draft Minutes – July 12, 2019 MARTIN**
(v) **Special Meeting, Draft Minutes – July 19, 2019**

CARRIED

(b) **Receive Committee Minutes - Nil**

6. **Committee Resolutions for Consideration**

- (i) **Resolution re: Regatta as a Community Festival**

Res. No. 6(i)/02/08/2019 Paul Ziraldo, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney declares the Kearney Regatta and Music Festival to be a Community Festival;

AND FURTHER that the 2019 Regatta Festival shall be held on Saturday, August 3rd, 2019 and Sunday, August 4th, 2019;

AND FURTHER that all applicable By-laws that the Regatta Festival may be in contravention of (i.e. Noise By-law, Fire Works By-law, Parking By-law) be temporarily suspended for the Festival event;

AND FURTHER that the Main Street of Kearney between Lakeview and Rain Lake Roads be temporarily closed to vehicular traffic during the Regatta weekend event;

AND FURTHER that the Town authorizes the use of Facilities and Public Works Staff, Administration Staff and Summer Students, to assist during the Festival.

CARRIED

(ii) **Resolution re: Waive Fees for Regatta Tents**

Res. No. 6(ii)/02/08/2019 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney shall waive the Building Permit Fees for the Regatta tents.

CARRIED

7. **Public Meetings (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**

(i) **Report and Resolution re: Site Plan Agreement (MCINTYRE)**

Res. No. 10(b)(i)/02/08/2019 Paul Ziraldo, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby approves the site plan agreement for applications B-007/11, B-008/11 & B-009/11 (MCINTYRE) between the Corporation of the Town of Kearney and Darlene McIntyre & Kathryn McIntyre. **CARRIED**

(ii) **By-law No. 2019-xx re: To authorize Lot 10, Concession 9, Township of Proudfoot, (Roll No. 4918 030 004 01000) to be designated as a Site Plan Control Area**

Res. No. 10(b)(ii)/02/08/2019 Paul Ziraldo, Liz Stermsek

By-law No. 2019-35, Being a By-law to authorize Lot 10, Concession 9, Township of Proudfoot, (Roll No. 4918 030 004 01000) to be designated as a Site Plan Control Area, be read a first, second and third time and numbered 2019-35 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

(iii) **By-law No. 2019-xx re: To authorize the signing of a Site Plan Agreement between the Corporation of the Town of Kearney and Darlene Harriette McIntyre and Kathryn Phyllis McIntyre**

Res. No. 10(b)(iii)/02/08/2019 Paul Ziraldo, Liz Stermsek

By-law No. 2019-36, Being a By-law to authorize the signing of a Site Plan Agreement between the Corporation of the Town of Kearney and Darlene Harriette McIntyre and Kathryn Phyllis McIntyre, be read a first, second and third time and numbered 2019-36 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

(iv) **Report and Resolution re: Consent Application B-014/19 (SCHAEFER)**

Res. No. 10(b)(iv)/02/08/2019 Liz Stermsek, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney recommends approval of consent application B-014/19 (SCHAEFER) subject to the following conditions:

THAT a draft reference plan of survey be provided to the Town of Kearney for review prior to registration;

THAT four copies of the reference plan of survey be provided to the Town of Kearney;

THAT if required, one square inch of land has been surveyed and transferred to the Town from the benefitting lands to ensure that the lands merge in title.

CARRIED

(v) **Report and Resolution re: Zoning By-law Amendment RZ-01-19 91819543 Ontario Ltd.)**

Res. No. 10(b)(v)/02/08/2019 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney approves application RZ-01-19 (1819543 Ontario Ltd.) to rezone Part of Lot 34, Concession 11, (1734 Highway 518 E) in the geographic Township of Perry, now in the Town of Kearney from the Rural (RU) Zone and Hazard Lands (HZ) to the Rural Commercial Exception Three (CR-3) Zone and the Hazards Lands Exception Three (HZ-3) Zone to allow for a Zoo/Wildlife Education Centre, accessory uses and structures and a mobile home contingent on a proper Business Plan and Waste Management Plan being submitted and accepted by Council prior to the By-law receiving third reading;

AND FURTHER that specific details be presented to address public safety, i.e. height of fencing, type of fencing, number of fences;

AND FURTHER that the information requested be provided to Council within 90 days from today's date.

Recorded Vote requested by: Councillor Stermsek

PHILIP, Cheryl Absent

RICKWARD, Mike Yes

STERMSEK, Liz No

ZIRALDO, Paul Yes

BALLANTYNE, Carol Yes

CARRIED

(v) **By-law No. 2019-xx re:** To amend Zoning By-law No. 2002-28, as amended, RZ-01-2019 (91819543 Ontario Ltd)

Res. No. 10(b)(v)/02/08/2019 Mike Rickward, Liz Stermsek

By-law No. 2019-37, Being a By-law to amend Zoning By-law No. 2002-28, as amended, (1819543 ONTARIO LTD.), be read a second time.

CARRIED

(c) **Operations**

(i) **Resolution re:** 2019 Equipment Bids

Res. No. 10(c)/02/08/2019 Mike Rickward, Paul Ziraldo

WHEREAS the Town of Kearney placed an advertisement in the Almaguin News requesting Equipment Bid submissions for the 2019 road construction season;

AND WHEREAS bids were received;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes Staff to hire the appropriate contractor from the list(s), with the lowest tendered price, specific to the equipment required, for Public Works road projects.

DEFERRED

(d) **Administration** - Nil

(e) **Treasury**

(i) **Report and Resolution re:** Payment Register

Res. No. 10(e)(i)/02/08/2019 Mike Rickward, Paul Ziraldo

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 #29018 to #29077 in the total amount of \$208,980.83.

CARRIED

(f) **Fire and Emergency Services**

(i) **Report re:** Fire Chief, Fire Department Report for regular Council meeting on August 2, 2019. – **Report only.**

(ii) **Resolution re:** New Fire Fighter

Res. No. 10(f)(ii)/02/08/2019 Mike Rickward, Paul Ziraldo

BE IT RESOLVED that, effective immediately, the Council of the Corporation of the Town of Kearney accepts Joshua DeSilva to the Kearney Fire and Emergency Services Department, as a volunteer firefighter/first responder, subject to the conditions agreed to in the United Food and Commercial Workers Collective Agreement.

CARRIED

(iii) **Report and Resolution re:** Regatta Fireworks

Res. No. 10(f)(iii)/02/08/2019 Mike Rickward, Paul Ziraldo

WHEREAS the Town of Kearney has received a written request submitted by Dean Fritz - Pyroworld, on behalf of the Kearney Regatta Advisory Committee, to hold a Fireworks Display during the Kearney Regatta Festival event;

AND WHEREAS Fire Chief Paul Schaefer has reviewed this application and recommends approval;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in accordance with Section 5 of By-law No. 2018-24 (the By-law Prohibiting Fireworks) approves the setting off of Fireworks from behind the Kearney Fire Hall located at 111 Main Street, Kearney, Ontario, on Sunday, August 4, 2019 (or alternate date of Monday, August 5, 2019).

CARRIED

(g) **Transfer Station - Nil**

(h) **Council Presentations**

(i) Councillor Philip re: Insurance for Seasonal Residences – **DEFERRED**

11. Correspondence

(a) **Action Items**

(i) **City of Stratford re: Opposition to Changes in 2019 Provincial Budget and Planning Act**

Res. No. 11(a)(i)/02/08/2019 Liz Stermsek, Paul Ziraldo

WHEREAS on April 11, 2019, the Provincial government tabled a new budget, some of which represents a significant shift in priorities, with direct implications to municipalities across Ontario; **AND WHEREAS** this shift in priorities will put disproportionate pressure on municipal governments to either fully fund Provincially discontinued programs or partially supplement programs and services at current service levels;

AND WHEREAS Council recognizes that the Government of Ontario announced in May 2019 that it will reverse mid-year cuts to critical services of public health, childcare and ambulance services and requests an opportunity to work collaboratively to find solutions that will work for all partners and protect services prior to drafting 2020 budgets;

AND WHEREAS previous legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support as all parties recognized that local governments should have the authority to uphold their provincially approved Official Plans and community driven planning;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in the spirit of working together for the benefit of all Ontario residents, opposes the upcoming changes to the Planning Act as municipalities were not consulted and afforded an opportunity to provide feedback;

AND FURTHER that this Resolution be forwarded to the City of Stratford and AMO.

CARRIED

(ii) **Township of McKellar re: Municipal Amalgamation**

Res. No. 11(a)(ii)/02/08/2019 Mike Rickward, Paul Ziraldo

WHEREAS there are 444 municipalities in Ontario that are very efficient and well-governed and who respond quickly to ratepayer's needs;

AND WHEREAS in the 1990's the Conservative Government forced many municipalities to amalgamate on the guise they would become more efficient, effective, save money, lower taxes and ultimately reduce the provincial deficit;

AND WHEREAS there has never been a valid evidence-based study that supported these outcomes;

AND WHEREAS forced amalgamation actually accomplished just the opposite: ill feelings, increased animosity and mistrust, job losses, rise in local taxes and an increase in the provincial deficit;

AND WHEREAS there are many positive examples of small rural and northern municipalities working together in a collaborate and cooperative manner via shared agreements that responds to local needs without amalgamation and provincial interference;

AND WHEREAS the Provincial Government has a large deficit due to their own decision-making;

AND WHEREAS the same Conservative Government recently reduced one large regional municipal government by 50%, without consultation;

AND WHEREAS this same Conservative Government is presently reviewing other provincial regional governments through a purported "consultative" approach with a view to reduce or eliminate them;

AND WHEREAS the Provincial Government should investigate all other internal ways of reducing their deficit and becoming more fiscally responsible over time rather than downloading to the one level of government that is the most efficient, has the lowest cost and is closest to the electorate which will not put a dent in the provincial deficit;

AND WHEREAS the Province could look at what other provinces have done to reduce the debt with one singular education system, organizing unorganized municipalities, controlling OPP costs, substantially increase fines, and find a way to collect millions of dollars in unpaid fines and instead, invest in the north to create jobs and stimulate and enhance economic development;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney requests that before the Provincial Government forces amalgamation in any of the 444 municipalities in Ontario, our AMO organization go beyond requesting 'consultation' and 'demand' that the Provincial Government do the following:

- 1) Hold a local referendum letting the citizens decide to amalgamate or not;
- 2) Conduct an evidence-based study to show that amalgamation actually saves costs, jobs, lowers taxes and reduces the provincial deficit;
- 3) Allow those municipalities to work out their own local collaborative agreement that best suit their local needs and to be permitted to do so on their own time line and volition;
- 4) Ensure that there is absolutely no conflict of interest in this consultative process;
- 5) Emphasize the political reality of forcing amalgamation on the many rural and northern

municipalities across Ontario;

AND FURTHER that a copy of this Resolution be forwarded to the Hon. Doug Ford, Premier of Ontario; the Hon. Christine Elliott, Deputy Premier; the Hon. Steve Clark, Minister of Municipal Affairs; the Hon. Andrea Horwath, Leader of the NDP; the Hon. Norm Miller, MPP for Parry Sound Muskoka; AMO; NOMA; ROMA, FONOM and DPSMA. **CARRIED**

(b) **Information Items – Nil**

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 (x 2)

Res. No. 13(a)-(b)/02/08/2019 Paul Ziraldo, Liz Stermsek

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 2:35 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 (x 2) **CARRIED**

Res. No. 13(c)/02/08/2019 Liz Stermsek, Paul Ziraldo

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 4:34 p.m. **CARRIED**

14. **Business Arising from Closed Session**

Mayor Ballantyne reported on matters discussed in Closed Session.

15. **Confirming By-Law**

By-Law 2019-xx being a By-law to confirm the proceedings of Council at its Public Meeting held on July 12th, 2019 (REYNOLDS), at its Public Meeting held on July 12th, 2019 (MARTIN), at its Special Meeting held on July 19, 2019 and at its Regular Meeting held on August 2nd, 2019.

Res. No. 15/02/08/2019 Paul Ziraldo, Liz Stermsek

By-law No. 2019-38, Being a By-law to confirm the proceedings of Council at its Public Meeting held on July 12th, 2019 (REYNOLDS), at its Public Meeting held on July 12th, 2019 (MARTIN), at its Special Meeting held on July 19, 2019 and at its Regular Meeting held on August 2nd, 2019 be read a first, second and third time and numbered 2019-38 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. 16/02/08/2019 Paul Ziraldo, Liz Stermsek

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 4:38 p.m. to meet again at 1:00 p.m. on August 23rd, 2019 in the Council Chambers, Kearney, Ontario. **CARRIED**

**THE CORPORATION OF THE
TOWN OF KEARNEY**



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk