



The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

REGULAR COUNCIL MEETING

Council Chambers

Friday, February 19th, 2021

1:00 p.m.

Council Members Present: Mayor Carol Ballantyne
Councillors: Cheryl Philip (Virtual), Mike Rickward, Liz Stermsek and Paul Ziraldo (Virtual)

Staff Present: Brenda J. Fraser, CAO|Clerk|Treasurer
Keven Beaucage, Deputy Clerk, Deputy Treasurer
Ross Gattozzi, Operations Manager (Virtual)

1. **Call the Meeting to Order**

Res. No. 1/19/02/2021 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney on February 19th, 2021 be declared open and called to order at 1:04 p.m. **CARRIED**

Moment of Silence to honour the memory of Wally Tarasick.

2. **Approval of Agenda**

Res. No. 2/19/02/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on January 29th, 2021 be adopted as circulated. **CARRIED**

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

4. **Delegations/Presentations**

(a) **Delegations**

- (i) **Yasmin Rosh re:** Recreational Vehicles use of a portion of D-trail
Ms. Rosh and Mr. Vinkovic approached Council to request re-routing a portion of OFSC D-trail away from Fisher Lake Lane and Woodland Lane. Council discussion noted that the OFSC would be the entity that Ms. Rosh should approach.

(b) **Presentations** – Nil

5. **Minutes**

(a) **Adoption of Minutes**

Res. No. 5(a)(i)-(ii)/19/02/2021 Liz Stermsek, 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) **Regular Meeting**, Draft Minutes – January 29th, 2021
(ii) **Special Meeting**, Draft Minutes – February 11th, 2021

CARRIED

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

6. **Committee Resolutions for Consideration** - Nil

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**

- (i) **Report re:** Building Activity for 2020

Res. No. 10(a)/19/02/2021 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney has received the Building Activity Report for 2020, attached hereto. **CARRIED**

(b) Planning

- (i) **By-law No. 2021-xx re:** To authorize signing of a Consent Agreement (LANGMAID)

Res. No. 10(b)(i)/19/02/2021 Mike Rickward, Liz Stermsek

By-law No. 2021-06, Being a By-law to authorize the signing of an Agreement between the Corporation of the Town of Kearney and Bruce Langmaid and Pauline Langmaid, be read a first, second and third time and numbered 2021-06 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**

- (ii) **Report and Resolution re:** Shore Road Allowance Application (OGSTON)

Res. No. 10(b)(ii)/19/02/2021 Liz Stermsek, Mike Rickward

WHEREAS an application to purchase the Shore Road Allowance in front of their property at 409 West Bay Road has been received from Mr. and Mrs. Ogston; **AND WHEREAS** a portion of their structure encroaches on the adjacent shore road allowance;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the circulation of this application. **CARRIED**

- (iii) **Report and Resolution re:** Short Term Rentals

Res. No. 10(b)(iii)/19/02/2021 Mike Rickward, Liz Stermsek

WHEREAS Staff have received a proposed work plan from our Planning Consultant, to undertake a study to address short term rentals in the Town of Kearney;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney accepts the proposal, attached hereto, submitted by J. Kent Randall, Principal Planner, EcoVue Consulting Services to undertake a study, including recommendations, with regard to how to best regulate short term rentals in the Town of Kearney, at a maximum upset limit of \$4,150.00 plus HST and disbursements. **CARRIED**

- (iv) **Report and Resolution re:** Regulation of Cannabis Operations

Res. No. 10(b)(iv)/19/02/2021 Mike Rickward, Liz Stermsek

WHEREAS Staff have received a proposed work plan from our Planning Consultant, to undertake a study to address cannabis operations in the Town of Kearney;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney accepts the proposal, attached hereto, submitted by J. Kent Randall, Principal Planner, EcoVue Consulting Services to undertake a study, including recommendations, with regard to how to best regulate cannabis operations in the Town of Kearney, at a maximum upset limit of \$6,860.00 plus HST and disbursements. **CARRIED**

- (v) **Report and Resolution re:** Consent Applications B-037/20 & B-038/20 (FRIEDLAND)

Res. No. 10(b)(v)/19/02/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney recommends that consent application B-037/20 & B-038/20 (FREIDLAND) be approved, subject to the following conditions:

That payment in lieu of a parkland dedication be paid in accordance with Section 51.1 of the Planning Act;

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

That four copies of the final reference plan of survey, together with one digital copy, be provided to the Town of Kearney;;

That confirmation be received from the Operations Manager that there are no concerns with respect to access to the proposed lots;

That the Applicant enter into an Agreement with the Town of Kearney, to be registered on title, regarding the construction, maintenance and liability of the private road accessing the 2 severed lots;

That, at the applicant's expense, the 30 cm (1 ft.) reserve located along the boundary of Riverside Drive be removed or permission to cross the reserve granted in order to provide access to the new lots;

That the subject lands be rezoned to a Residential Waterfront Exception Zone or that the applicant has entered into a site plan control agreement with the Town to require that all buildings and sewage disposal systems are setback from the water a minimum of 30 metres (100 ft.) and that a 30 metre vegetative buffer is maintained with the exception of limited shoreline structures and pervious pathway to access the water.

CARRIED

(vi) **Report and Resolution re:** Consent Applications B-033/20, B-034/20 & B-035/20 (ALGONQUIN HEIGHTS DEVELOPMENT CORPORATION)

Res. No. 10(b)(vi)/19/02/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney recommends that consent application B-033/20, B-034/20 & B-035/20 (ALGONQUIN HEIGHTS DEVELOPMENT CORPORATION) be approved, subject to the following conditions:

That payment in lieu of a parkland dedication be paid in accordance with Section 51.1 of the Planning Act;

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

That four copies of the final reference plan of survey, together with one digital copy, be provided to the Town of Kearney;

That confirmation be received from the Operations Manager that there are no concerns with respect to access to the proposed lots.

CARRIED

(c) **Operations**

(i) **Transfer Station Report** – for the period January 22, 2021 TO February 16, 2021 – **Report only.**

(ii) **Report and Resolution re:** Echo Ridge Culvert replacement

Res. No. 10(c)(ii)/19/02/2021 Mike Rickward, Liz Stermsek

WHEREAS Council has received requests to provide winter maintenance on West Bay Road beyond the West Bay Road Bridge;

AND WHEREAS engineering reports on file, note that the portion of West Bay Road beyond the bridge does not meet safety standards to allow for winter maintenance;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney determines

that West Bay Road beyond the Bridge shall remain summer maintenance only at this time;

AND FURTHER Council requests that Staff investigate a cost to upgrade this Road to allow for winter maintenance.

RECORDED VOTE Requested by: Mayor Ballantyne

PHILIP, Cheryl Yes

RICKWARD, Mike Yes

STERMSEK, Liz Yes

ZIRALDO, Paul Yes

BALLANTYNE, Carol Yes

CARRIED

(d) **Administration**

(i) **Report and By-law re:** CTAF Funding

Res. No. 10(d)(i)/19/02/2021 Mike Rickward, Liz Stermsek

By-law No. 2021-07 Being a By-law to authorize the signing of an Agreement between the Corporation of the Town of Kearney and Blue Sky Net, be read a first, second and third time and numbered 2021-07 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

(e) **Treasury**

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

Res. No. 10(e)(i)/19/02/2021 Mike Rickward, Liz Stermsek

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 #30460 to #30555 in the total amount of 531,478.51.

CARRIED

(f) **Fire and Emergency Services**

(i) **Report re:** Fire Chief, Fire Department Report for Regular Council Meeting on February 19, 2021 – **Report only.**

(ii) **Report and Resolution re:** New Volunteer Firefighter

Res. No. 10(f)(ii)/19/02/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that, effective immediately, the Council of the Corporation of the Town of Kearney accepts Matthew Bruce-Sharp 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

(g) Facilities and Buildings

(i) Report and Resolution re: KCC Electronic Sign

Res. No. 10(g)(i)/19/02/2021 Mike Rickward, Liz Stermsek

WHEREAS the existing electronic sign at the Kearney Community Centre is becoming obsolete;

AND WHEREAS this sign allows the Town to disseminate information to the public;

AND WHEREAS Staff have obtained three quotes for a two-sided replacement sign, as follows:

1)	Pro Led	\$20,000.00
2)	National Neon	\$47,086.00
3)	Green Tek	\$13,100.00

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney accepts the quote from Green Tek in the amount of \$13,100.00 plus HST.

CARRIED

(h) Council Presentations

(i) Mayor Ballantyne, discussion re: Public Access to Town Office;

Discussion of Council resulted in the decision for Municipal Buildings to continue to remain closed to the public at this time.

11. Correspondence

(a) Action Items

(i) Municipality of West Grey re: Schedule 8 of the Provincial Budget Bill 229, Protect, Support and Recover from COVID-19 Act

Res. No. 11(a)(i)/19/02/2021 Mike Rickward, Liz Stermsek

WHEREAS the Ontario Government proposes amendments to the Crown Forest Sustainability Act in Schedule 8 of the Provincial Budget Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020;

AND WHEREAS the Crown Forest Sustainability Act applies to almost two thirds of Ontario's land base which amounts to over 70 million hectares of land that is habitat for many species at risk;

AND WHEREAS Bill 229 schedule 8 amends the Crown Forest Sustainability Act in order to exempt all forestry operations from mandatory consideration of species at risk protection and recovery as mandated by the Endangered Species Act;

AND WHEREAS Bill 229 schedule 8 removes the ability to issue orders in circumstances when there is imminent danger to a species at risk;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney requests the Province of Ontario repeal schedule 8 of Bill 229;

AND FURTHER a copy of this Resolution be forwarded to Premier Ford, MPP Norm Miller and the Association of Municipalities of Ontario.

CARRIED

(ii) Township of Augusta, Township of Baldwin, Township of Terrace Bay, Town of Parry Sound re: Ontario Fire College closure

Res. No. 11(a)(ii)/19/02/2021 Mike Rickward, Liz Stermsek

WHEREAS the Ontario Fire College has been in existence since 1949;

AND WHEREAS the Ontario Fire College is one of the primary sources of certified training for Ontario Firefighters;

AND WHEREAS the Ontario Fire College has built a reputation of integrity, credibility and reliability in providing some of the best training to our Fire Services within the Province of Ontario;

AND WHEREAS the Ontario Fire College has been used to train and certify both Volunteer, Part-time and Career Firefighters throughout Ontario;

AND WHEREAS the Ontario Fire College gives Ontario Firefighters another option other than Regional Training Centers to obtain National Fire Protection Association (NFPA) certifications;

AND WHEREAS the Ontario Fire College is the most cost-effective method to certify Firefighters to NFPA Standards in Ontario;

AND WHEREAS the Ontario Government enacted and revoked O. Reg. 379/18: Firefighter Certification in 2018;

AND WHEREAS when the Ontario Government revoked O.Reg.379/18: Firefighter Certification, it was made known by the Office of the Solicitor General that the Act would be amended and brought back in the future;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney requests that the Province of Ontario reverse their decision to close the Ontario Fire College as the OFC is one of the best and most cost-effective methods for

municipalities to train their Firefighters which assists us in protecting our residents;
AND FURTHER a copy of this Resolution be forwarded to Premier Ford, MPP Norm Miller, the Ontario Solicitor General, the Ontario Fire Marshal, and the Association of Municipalities of Ontario. **CARRIED**

(iii) **Township of Asphodel-Norwood re:** Community Safety & Well-Being Plan-Extension request

Res. No. 11(a)(iii)/19/02/2021 Mike Rickward, Liz Stermsek

WHEREAS the Police Services Act, 1990, was amended on January 1, 2019 to mandate every municipality in Ontario to prepare and adopt a community Safety and Well-Being (CSWB) Plan;

AND WHEREAS the Ministry of Municipal Affairs and Housing introduced the Municipal Emergency Act, 2020 to assist municipal governments and local boards during the COVID-19 emergency;

AND WHEREAS the protective measures municipalities have put in place to protect their communities, Councillors and Staff members include eliminating face-to-face meetings, closing municipal offices and directing Staff to work from home;

AND WHEREAS Bill 189, Coronavirus (COVID-19) Support and Protection Act, 2020 was passed to amend various Acts to support municipal, policing and community partners during the pandemic;

AND WHEREAS, while these measures are imperative and necessary, they impose undue hardship on municipalities to meet provincial deadlines such as the completion and adoption of a Community Safety & Well-Being (CSWB) Plan, prior to July 1, 2021;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney requests the Solicitor General review the imposed deadline for municipalities to complete and adopt a Community Safety & Well-Being (CSWB) Plan;

AND FURTHER that local governments be consulted during this review, in order to address the unique challenges facing individual regions. **CARRIED**

(iv) **Guelph/Eramosa Township re:** Advocacy for Reform – MFIPPA Legislation

Res. No. 11(a)(iv)/19/02/2021 Mike Rickward, Liz Stermsek

WHEREAS the *Municipal Freedom of Information and Protection of Privacy Act* R.S.O. 1990 (*MFIPPA*) dates back 30 years;

AND WHEREAS municipalities practice and continue to promote, open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly and each Municipal Clerk is responsible for records and information management programs as prescribed by the *Municipal Act, 2001*;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of Staff and members of Municipal Councils, and unreasonably affects the operations of the municipality;

AND WHEREAS the Act fails to recognize how multiple requests from an individual, shortage of Staff resources or the expense of producing a record due to its size, number or physical location, does not allow for time extensions to deliver requests, and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information and launch litigation against institutions where other remedies exist;

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney requests that the Ministry of Government and Consumer Services review the MFIPPA and consider recommendations as follows:

- 1) That MFIPPA assign the Municipal Clerk or designate, to be the Head under the Act;
- 2) That MFIPPA be updated to address current and emerging technologies;
- 3) That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
- 4) That the threshold for frivolous and/or vexatious actions be reviewed and take into consideration, the community and available resources in which it is applied;
- 5) That the frivolous and/or vexatious threshold also consider the anonymity of requesters, their abusive nature and language in requests, to ensure protection from harassment as provided for in the Occupational Health and Safety Act;
- 6) That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
- 7) That administrative practices implied or required under the Act, including those of the IPC, be reviewed and modernized; and
- 8) That the integrity of the Act be maintained to protect personal privacy and transparent governments.

CARRIED

(v) **City of St. Catharines re: Development Approval Requirements for Landfills Res. No. 11(a)(v)/19/02/2021 Mike Rickward, Liz Stermsek**

WHEREAS Schedule 6 of Bill 197, COVID-19 Economic Recovery Act, 2020 considers amendments to the Environmental Assessment Act relating to municipal autonomy and the principle that municipalities can veto a development outside their municipal boundary in an adjacent municipality;

AND WHEREAS Bill 197 empowers multiple municipalities to 'veto' development of a landfilling site within a 3.5 km zone inside the boundary of an adjacent municipality; **AND WHEREAS** Bill 197 establishes a dangerous precedent that could be expanded to other types of development;

AND WHEREAS Bill 197 compromises municipal autonomy and the authority of municipal Councils to make informed decisions in the best interest of their communities and municipal taxpayers;

AND WHEREAS amendments in Schedule 6 could cause conflict in the effective management of landfill sites, put significant pressure on existing landfill capacity, and threaten the economic activity associated with these sites;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney requests that the Government of Ontario (Ministry of the Environment, Conservation and Parks) amend Bill 197, COVID-19 Economic Recovery Act, 2020, to eliminate the development approval requirement provisions from adjacent municipalities and the 'host' municipality be empowered to render final approval for landfills within their jurisdiction;

AND FURTHER that a copy of this resolution be forwarded to Premier Doug Ford, Jeff Yurek, Minister of Environment, Conservation and Parks; Steve Clark, Minister of Municipal Affairs and Housing; Norm Miller, MPP for Parry Sound Muskoka; and the Association of Municipalities of Ontario.

CARRIED

(vi) **Township of McMurrich Monteith re: Fire Training Agreement**

Res. No. 11(a)(vi)/19/02/2021 Mike Rickward, Liz Stermsek

WHEREAS the Township of McMurrich/Monteith has requested the following changes to the wording of the shared Fire Training Agreement:

- 1) That the funding model be discussed within 3 months of signing;
- 2) That the proposed allowance for the Trainer, be submitted via invoice and not as an automatic payment; and
- 3) That all cost increases be decided by unanimous vote of all participating municipalities;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports adding these changes to the wording of the shared Fire Training Agreement.

DEFEATED

(vii) **Bell Canada re: Request for letter of support for improved connectivity (i)**

Res. No. 11(a)(vii)/19/02/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes Staff to forward a letter of support to Bell Canada for their application for funding to improve Bell connectivity in our community.

CARRIED

(b) **Information Items**

- (i) **Almaguin Highlands Health Centre re:** Draft Minutes – February 5, 2021-
For information only.
- (ii) **District of Parry Sound Social Services Administration Board re:**
Honorariums and Expenses received by our Representative Board
Members; Monthly Report – February 2021 - **For information only.**
- (iii) **Kearney Watershed Environmental Foundation re:** February 2021
Newsletter - **For information only.**

12. **Other Business – Nil**

13. **Closed Session - Nil**

14. **Business Arising from Closed Session - Nil**

15. **Confirming By-Law**

Res. No. 15/19/02/2021 Mike Rickward, Liz Stermsek

By-law No. 2021-08, Being a By-law to confirm the proceedings of Council at its Special Meeting held on February 11, 2021 and at its Regular Meeting held on February 19th, 2021, be read a first, second and third time and numbered 2021-08 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. 16/19/02/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 2:56 p.m. to meet again at 1:00 p.m. on March 12, 2021 in the Council Chambers, Kearney, Ontario. **CARRIED**

**THE CORPORATION OF THE
TOWN OF KEARNEY**



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk