



The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

REGULAR COUNCIL MEETING

Council Chambers

Friday, April 23rd, 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
Brian Horsman, Chief Building Official
Ross Gattozzi, Operations Manager (Virtual)
Paul Schaefer, Fire Chief

1. **Call the Meeting to Order**

Res. No. 1/23/04/2021 Paul Ziraldo, Liz Stermsek

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney on April 23rd, 2021 be declared open and called to order at 1:00 p.m. **CARRIED**

Moment of Silence to honour the memory of Prince Philip, Duke of Edinburgh.

2. **Approval of Agenda**

Res. No. 2/23/04/2021 Liz Stermsek, Paul Ziraldo

BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on April 1st, 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:** Follow up to the Recreational Vehicles use of a portion of D-Trail presentation

Ms. Rosh provided a written summary of her presentation from our February meeting with regard to the request for a portion of D-trail to be re-routed.

(ii) **Rob Taylor re:** Food Truck Proposal

Council was in agreement, in principle, for Mr. Taylor to locate his outdoor dining business in Kearney, subject to compliance with all laws/By-laws.

(b) **Presentations – Nil**

5. **Minutes**

(a) **Adoption of Minutes**

Res. No. 5(a)(i)/23/04/2021 Cheryl Philip, Liz Stermsek

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 – April 1st, 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 and Resolution re: Annual Investment Report

Res. No. 10(a)(i)/23/04/2021 Liz Stermseck, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney has received the Annual Report on Building Permit Fees, attached hereto;

AND FURTHER Council directs Staff to:

- 1) (a) Revise Schedule 'B' to By-law No. 2020-15 to increase Construction Cost Guidelines as shown on the attached revised schedule;
- 1) (b) Revise Special Inspections category under Cost Guidelines by adding to the end of the sentence "*OR to determine the status of Dormant Files*";
- 2) No changes to Schedule 'B' to By-law 2020-15;
- 3) Change the Cost Guidelines by increasing the Base Cost to \$200.00, non-refundable, plus \$17.00 per thousand;
- 4) Revise Schedule 'D' of By-law No. 2020-15 by changing sentence 2 to read "Application filed, 50% refund maximum where plans have been reviewed and/or permit is issued;
- 5) Revise Schedule 'D' of By-law No 2020-15 by adding sentence "(3) Application deemed to be abandoned*, 50% refund maximum". *Abandoned means where an incomplete application remains incomplete for 3 months (90 days) without any attempt to complete the application. **DEFERRED**

(ii) Verbal report and Resolution re: Request to build garage prior to principle dwelling

Res. No. 10(a)(ii)/23/04/2021 Mike Rickward, Liz Stermseck

WHEREAS Council has received a request for approval to build a garage on their property at Lot 62, Plan 277, Bethune Township, 74 Lawson Drive;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney determines that Council will support the Applicant applying for both the main dwelling and accessory building together in order to start construction of a garage first, subject to Building Code requirements for completing both buildings. **CARRIED**

(iii) Shared Service Agreement with Magnetawan Report: Report only.

(b) Planning - Nil

(c) Operations

- (i) Transfer Station Report – for the period April 2, 2021 to April 20, 2021 – Report only.**

(d) Administration

(i) Report and Resolution re: Annual Investment Report

Res. No. 10(d)(i)/23/04/2021 Liz Stermseck, Paul Ziraldo

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in accordance with By-law No. 2015-55 (Municipal Investment Policy), acknowledges receipt of the Annual Investment Report, attached hereto, for the year ending December 31, 2020. **CARRIED**

(ii) Resolution re: Preparation of Surveys

Res. No. 10(d)(ii)/23/04/2021 Cheryl Philip, Liz Stermseck

WHEREAS Council has requested that a survey be completed for the Kearney Community Centre property located at 8 Main Street;

AND WHEREAS a quote has been provided by our Engineer of Record;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney accepts the quote provided by Jason Kelsall, OLS, Project Surveyor, Tulloch Engineering, to prepare a Plan of Survey for the Kearney Community Centre property, in the amount of \$4,600.00 plus HST;

AND FURTHER that Council shall defer discussion regarding the preparation of a sketch of the Granny White's Farm property. **CARRIED**

(iii) **By-law No. 2021-xx re:** To enter into a Shared Services Agreement for By-law Enforcement

Res. No. 10(d)(iii)/23/04/2021 Paul Ziraldo, Liz Stermsek

By-law No. 2021-15, Being a By-law to enter into an Agreement for the shared services of a By-law Enforcement Officer between the Town of Kearney and the Municipality of Magnetawan, be read a first and second time and numbered 2021-15. **CARRIED**

(e) Treasury

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

Res. No. 10(e)(i)/23/04/2021 Liz Stermsek, Cheryl Philip

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 #30633 to #30669 in the total amount of \$209,478.31. **CARRIED**

(ii) **Resolution re:** Purchase of KWEF water testing instrument

Res. No. 10(e)(ii)/23/04/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes the purchase of:

- one (1) YSI ProSolo Handheld Display in the amount of \$1,165.00 + HST; plus
- one (1) YSI ODO/T Probe/cable Assembly (for ProSolo), 20m cable, in the amount of \$1,097.00 + HST; plus
- Estimated Freight in the amount of \$45.00 + HST

CARRIED

(f) Fire and Emergency Services

(i) **Report re:** Fire Chief, Fire Department Report for Regular Council Meeting on April 23, 2021 – **Report only.**

(ii) **Resolution re:** Purchase of Bunker gear and helmets

Res. No. 10(f)(ii)/23/04/2021 Paul Ziraldo, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes the purchase of five (5) new Bunker Suits (two replacement and three new) in the amount of \$13,044.00 plus refundable HST. **CARRIED**

(iii) **Resolutions re:** New Firefighter (x3)

Res. No. 10(f)(iii)/23/04/2021 Cheryl Philip, Liz Stermsek

BE IT RESOLVED that, effective immediately, the Council of the Corporation of the Town of Kearney accepts Jacob Middaugh, William Jessop and Joseph Hunt to the Kearney Fire and Emergency Services Department, as volunteer firefighters/first responders, subject to the conditions agreed to in the United Food and Commercial Workers Collective Agreement. **CARRIED**

(g) Facilities and Buildings

(i) **Resolution re:** Request to be a member on the Kearney Community Centre Building Committee

Res. No. 10(g)(i)/23/04/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney appoints Jim Maclean as a member from the public, on the Kearney Community Centre Building Committee. **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) **Town of Caledon, request for support re:** Ontario Fire College Closure; Support for 988, a 3-Digit Suicide and Crisis Prevention Hotline

Res. No. 11(a)(i)(a)/23/04/2021 Paul Ziraldo, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the request for the Province to consider recognizing the Ontario Association of Fire Chiefs as the principle stakeholder to guide, direct, develop and deliver the long-term 'Modernization of Fire Services Training in Ontario'. **CARRIED**

Res. No. 11(a)(i)(b)/23/04/2021 Liz Stermsek, Cheryl Philip

WHEREAS the Federal government has passed a motion to adopt 988, a National three-digit suicide and crisis hotline;

AND WHEREAS the ongoing COVID-19 pandemic has increased the demand for suicide prevention services by 200%;

AND WHEREAS existing suicide prevention hotlines require the user to remember a 10-digit number and go through directories or be placed on hold;

AND WHEREAS in 2022 the United States will have in place a notional 988 crisis hotline;

AND WHEREAS Council recognizes that it is a significant and important initiative to ensure critical barriers are removed to those in a crisis and seeking help;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney endorses this 988 crisis line initiative;

AND FURTHER that this Resolution be forwarded to Norm Miller, MPP Parry Sound-Muskoka.

CARRIED

(ii) **City of Sarnia, request for support re: Colour Coded Capacity Limits**

Res. No. 11(a)(ii)(b)/23/04/2021 Paul Ziraldo, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the City of Sarnia Council in strongly advocating the Province of Ontario to adjust the capacity limits for dining, restaurants, sporting and recreational facilities, places of worship, event centers and all retail/small businesses as part of the colour coded system.

CARRIED

(iii) **Township of Muskoka Lakes, request for support re: Decibel Coalition**

Res. No. 11(a)(iii)(b)/23/04/2021 Liz Stermsek, Mike Rickward

WHEREAS Safe Quiet Lakes has established the national "Decibel Coalition" of like-minded stakeholders called "the Decibel Coalition";

AND WHEREAS the objective of the Decibel Coalition is to have the Transport Canada Small Vessel Regulation SOR-2010-91 enhanced by the Federal Government/Transport Canada to include decibel limits on the amount of noise from boat motors and to have provisions made for effective and easy enforcement procedures;

AND WHEREAS the key to success of the Decibel Coalition is being able to share with various levels of government and their agencies the use of the municipal logos and names in their communications;

AND WHEREAS excessive noise from boat motor noise on our waterways is a pervasive, persistent and growing problem in the Town of Kearney;

AND WHEREAS the jurisdiction of Canadian waterways is with the Federal Government and as such, municipalities cannot make By-laws for our lakes and rivers;

AND WHEREAS the current legislation requires boat motors to have a working muffler but has no performance requirements for sound emissions measured in decibel limits;

AND WHEREAS police are reluctant to lay charges with regard to the muffler law;

AND WHEREAS Transport Canada has recently opened the opportunity to discuss and receive comments on possible options for changes to the Small Vessels Regulation with regard to boat muffler and sound emissions;

AND WHEREAS Council would welcome the enactment of these improved regulations in the interests of our community;

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

- 1) Officially and publicly joining as a member of the Decibel Coalition;
- 2) Allowing the Decibel Coalition to use the Town name and logo and to reference the Town's membership in any of their communications with other levels of government,

government agencies and committees, other Decibel Coalition members and promotion of the Decibel Coalition's objectives in social media and the press, subject to the prior approval of the Town; and,

- 3) Communicating about the Decibel Coalition with the Community and encouraging their support of the Decibel Coalition.

DEFEATED

(iv) **City of Kitchener, request for support re: Planning Act Timelines**

Res. No. 11(a)(iv)(b)/23/04/2021 Paul Ziraldo, Liz Stermsek

WHEREAS the Town of Kearney, like many Ontario municipalities, is experiencing growth;

AND WHEREAS Council supports removing red tape and improving public engagement;

AND WHEREAS the Province of Ontario's Planning Act provides a legislative framework for processing development applications including established timeframes which permit applicants to appeal to the Local Planning Appeal Tribunal if a Council fails to make a decision within a prescribed timeline;

AND WHEREAS the passing of Bill 108 in 2019 reduced the timelines for processing

development applications before they can be appealed to the Local Planning Appeal Tribunal (LPAT) for a non-decision from those outlined in Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017, as follows:

- From seven months (210 days) to four months (120 days) for Official Plan amendments;
- From five months (150 days) to three months (90 days) for Zoning By-law amendments; and
- From six months (180 days) to four months (120 days) for Plans of Subdivision

AND WHEREAS the shortened timeframes create unreasonable pressures on municipalities even outside the context of navigating Town business in a global pandemic, and resulting in reduced opportunities for meaningful public engagement and limited time for the public to provide written submissions on a development application;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney urges the Province of Ontario to review and reconsider the current timelines established for review of Planning Act applications before an appeal is permitted to the Local Planning Appeal Tribunal and to return to the timelines that were in effect under Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017;

AND FURTHER that a copy of the Resolution be forwarded to the Ontario Minister of Municipal Affairs and Housing; to our local MP and MPP; and to the Association of Municipalities of Ontario.

CARRIED

(b) Information Items

- (i) **District Social Services Administration Board re: Five Year Strategic Plan – For information only.**
- (ii) **Kearney Watershed Environmental Foundation re: April 2021 Newsletter - For information only.**

12. Other Business – Nil

13. Closed Session

Res. No. 13(a)(c)/23/04/2021 Liz Stermsek, 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 2:33 p.m. for discussion regarding:

- (a) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose (x2)
- (b) Labour relations or employee negotiations
- (c) Information explicitly supplied in confidence to the municipality by Canada, a province or territory or a Crown agency of any of them

CARRIED

Res. No. 13(d)/23/04/2021 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 5:00 p.m.

CARRIED

14. Business Arising from Closed Session

Res. No. 14(i)/23/04/2021 Paul Ziraldo, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney does hereby go past the 4 hour curfew.

CARRIED

Res. No. 14(ii)/23/04/2021 Liz Stermsek, Cheryl Philip

WHEREAS Council has proposed to proceed with the development of a parking lot at the south access to Island Lake;

AND WHEREAS Council intends to recover the cost of this project by means of a Fees and Charges By-law;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes Staff to circulate to all Island Lake water access property owners, a Notice of Intention to Pass a Fees and Charges By-law, for cost recovery of this development project.

CARRIED

15. Confirming By-Law

Res. No. 15/23/04/2021 Liz Stermsek, Paul Ziraldo

By-law No. 2021-16, Being a By-law to confirm the proceedings of Council at its Special Meeting held on April 23rd, 2021, be read a first, second and third time and numbered 2021-16 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. 16/23/04/2021 **Mike Rickward, Liz Stermsek**

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 5:03 p.m. to meet again at 1:00 p.m. on May 14, 2021 in the Council Chambers, Kearney, Ontario.

CARRIED

**THE CORPORATION OF THE
TOWN OF KEARNEY**



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk