



## **MINUTES**

### **SPECIAL VIRTUAL COUNCIL MEETING**

**Thursday, July 29<sup>th</sup>, 2021**

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

**Staff Present:** Brenda J. Fraser, CAO|Clerk|Treasurer  
Brian Horsman, CBO  
Cindy Filmore, Administrative Services Co-Ordinator

**Town Planners:** Kent Randall and Frances Wilbur

#### **Members of the public**

#### **1. Call the Meeting to Order**

**Res. No. 1/29/07/2021 Liz Stermsek, Mike Rickward**

**BE IT RESOLVED** that the Special Council meeting of the Corporation of the Town of Kearney on Thursday, July 29<sup>th</sup>, 2021 be declared open and called to order at 7:00 p.m.

**CARRIED**

#### **2. Disclosure of Pecuniary Interest and the General Nature Thereof – None noted.**

#### **3. Business**

##### **3.1 Presentation by Town Planners Kent Randall and Frances Wilbur, EcoVue Consulting Services Inc. re:**

##### **3.1.1 Official Plan Amendment – Pt Lot 35, Concession 10, Perry Twp.**

Following introductions and an explanation of the reasons for this meeting, Town Planner Kent Randall began by reading the pre-requisite required to appeal a decision of Council, followed by a brief overview of the purpose of the proposed Official Plan Amendment for the property locally known as White's Farm. This Official Plan amendment initiated by the Town, applies only to the lands presently designated RURAL and is to redesignate Pt Lot 35, Concession 10 in Perry Twp. from Rural to Townsite with the purpose being to facilitate future development of these lands. The Floodplain will not be affected. Key points included were: the proposed uses will be typical of a settlement area; the land has the potential for development; any future development will require a Zoning By-law Amendment; the Zoning By-law Amendment process would require necessary public process and requisite studies; and, this application is only to redesignate the land in the Official Plan, to align with the settlement area. Council will not be making their decision tonight.

##### **3.1.2 Mayor Ballantyne opened the floor for Public Comments**

Comments included the following:

##### **Carol Adamthwaite**

- many people may not understand the difference between the role of the Official Plan and the role of the Zoning By-law which is creating a lot of the concern;
- property would be consistent with the intent of the settlement area;
- ensure the flood plane is protected and remains under the HAZARD LAND designation;
- important to maintain the existing hiking trails within the buffer zone for recreational opportunities.

##### **Jim Skelton**

- request to identify specific future use of this property;
- questioned why doing this now/what doing with the property. Kent Randall responded that the Town requested this amendment as Council saw an opportunity to redesignate the land for future development; that property such as this is typically not owned by the municipality; we are receiving comments and questions; Council will make their decision at a future Council meeting;
- request to reject this application at this point given that there are too many steps.

##### **Amanda White**

- noted points from letter sent June 23, 2021;
- adjacent property owners were not made aware of the amendment application
- comments about transparency and Town business practices;
- request if selling the property, for first right of refusal;
- information was lacking in the special notice creating confusion;
- huge difference is zoned residential versus commercial;
- Northern Heritage Grant funds spent on trails;
- request the land to be protected for future generations.
-

Karen Fraser

- technical difficulties resulting in no comments.

The Public Meeting for the Official Plan Amendment concluded at 7:23 p.m.

**3.1.3 Comprehensive Zoning By-law – Update**

Town Planner Frances Wilbur read the proceedings to appeal a decision of Council followed by providing background information and a brief summary of the most recent two provisions added to the Comprehensive Zoning By-law. S34(12) gives another opportunity to receive public comments. A decision will be made at a future public meeting.

**3.1.4 Mayor Ballantyne opened the floor for Public Comments**

Comments included the following:

Jen Dewar

- thank you to Council and Staff for their effort over the last two years. This update is a huge improvement over the first draft;
- the Schedule's have not been updated (confirmation given that notification will be posted when the Schedules (maps) are updated)
- submitted a written document with concerns regarding shoreline, dual designations and back lot properties. Frances Wilbur commented that they will be responding to all comments received tonight;

Carol Adamthwaite

- zoning of Islands – reasons to not zone RWF;
- reiterate setbacks for shoreline;
- provided written comments;
- overall densities regarding waterbodies;
- comments regarding backlots

Jim Skelton

- appreciate having a professional planner retained
- suggestion to take a step back and pause
- suggest a peer review as this is the people's policy.

Karen Fraser

- suggestion to consider proposal of creating specific, special zones for waterfront properties, subject to specific setbacks so property owners do not have to go through the Zoning By-law Amendment process when making changes;
- request to know who of Council is in attendance. Frances Wilbur confirmed that they have received written comments that will be considered in their update to Council.

Comments from Council included:

Councillor Mike Rickward

- concern regarding the setback changing from 20m to 30m. Kent Randall, Town Planner, noted that it is typical to see non-complying buildings and structures following document updates; this doesn't mean (people) can't reconstruct as long as they are not further encroaching; there is some flexibility built into the Zoning By-law;

Jen Dewar

- part of the problem is the 20m setback contradicts the Official Plan. Kent Randall noted that existing development at 20m would be legal, non-complying; the new draft By-law allows for reconstruction or expansion of existing structures; the 30m setback applies to new development.

Councillor Cheryl Philip

- concern every time an expansion over 20m setback, a Zoning By-law amendment would be needed. That's why looking for dual zoning. Clarification is needed for people at the 20m setback. Kent Randall responded that provisions are in place for future encroachments. As long as not further encroaching, a Zoning By-law Amendment is not needed.

Karen Fraser

- not only financial consideration – been her experience that the Council of the day did not correctly decide on some Zoning By-law Amendments/Minor Variances. There is the matter of expertise used to value the applications.

The Public Meeting for the update to the Town's Comprehensive Zoning By-law concluded at 7:56 p.m.

**3.2 Public Comments – Received after each presentation**

**3.3 Closed Session**

**Res. No. 3.3(a)-(b)/29/07/2021 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 7:56 p.m. for discussion regarding:

- (a) *A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board*
- (b) *Labour relations or employee negotiations – CUPE*

**CARRIED**

**Res. No. 13(c)/29/07/2021 Mike Rickward, 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 8:40 p.m. **CARRIED**

Mayor Ballantyne reported on matters discussed in Closed Session including the following Resolution.

**Res. No. 3.3/29/07/2021 Liz Stermsek, Paul Ziraldo**

**WHEREAS** the Negotiation Team for the CUPE 2019 – 2023 Collective Agreement has reached an agreement with the bargaining unit;

**AND WHEREAS** the Negotiation Team recommends complete acceptance of all of the terms of the Memorandum of Agreement for the renewal Collective Agreement;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney does hereby ratify the Memorandum of Agreement that will form the 2019-2023 Collective Agreement between the Corporation of the Town of Kearney and the Canadian Union of Public Employees and its Local 1813. **CARRIED**

**4. Adjournment**

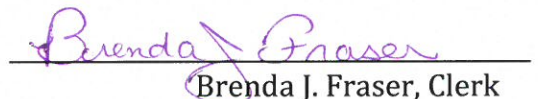
**Res. No. 4/29/07/2021 Mike Rickward, Liz Stermsek**

**BE IT RESOLVED** that the Special Council Meeting of the Corporation of the Town of Kearney adjourn at 8:43 p.m. to meet again at 1:00 p.m. on August 6<sup>th</sup>, 2021 in the Council Chambers, Kearney Ontario. **CARRIED**

**THE CORPORATION OF THE  
TOWN OF KEARNEY**



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk