



The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

REGULAR COUNCIL MEETING

Council Chambers

Friday, December 10th, 2021

1:00 p.m.

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

Staff Present: Brenda J. Fraser, CAO|Clerk|Treasurer
Brian Horsman, Chief Building Official
Matt Clouthier, Deputy Chief Building Official
Scott McKay, Public Works Foreman (virtual)

1. **Call the Meeting to Order**

Res. No. 1/10/12/2021 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney on December 10th, 2021 be declared open and called to order at 1:01 p.m. **CARRIED**

Moment of Silence to honour the memory of Brenda Hobbs, and a moment of silence to honour the memories of By-law Enforcement Officer Chris Fraser, his wife Emily Fraser and their daughter Kelly Fraser.

2. **Approval of Agenda**

Res. No. 2/10/12/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on December 10th, 2021 be adopted as circulated. **CARRIED**

3. **Declaration of Pecuniary Interest and the General Nature Thereof**

Councillor Rickward declared a pecuniary interest with regard to: Cheque #31301, the reason being – Family Business.

4. **Delegations/Presentations - Nil**

5. **Minutes**

(a) **Adoption of Minutes**

Res. No. 5(a)(i)/10/12/2021 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 – November 19th, 2021; Special Meeting draft Minutes – November 22nd, 2021** **CARRIED**

(b) **Receive Committee Minutes**

Res. No. 5(b)(i)/10/12/2021 Mike Rickward, Liz Stermsek

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

- (i) **Kearney Community Centre Building Advisory Committee re: Minutes – December 1st, 2021** **CARRIED**

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

7. **Public Meetings (Pursuant to the Planning Act)**

(a) **Report and Resolution re: Amendment to Zoning By-law No. 2002-28, as amended RZ-02-21 (GASKELL)**

Res. No. 7(a)/10/12/2021 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney receives the report dated December 3, 2021 from EcoVue Consulting Services regarding application RZ-02-21 (GASKELL);

AND FURTHER that Council supports the application to amend Comprehensive By-law No. 2002-28 which will have the effect of rezoning the subject property to the Residential Waterfront Exception Zone Fifty-eight (RWF-58) to recognize minimum waterfront setbacks of 1.0 metre, 7.4 metres and 5.9 metres. **CARRIED**

(b) **Report and Resolution re:** To amend Zoning By-law No. 2002-28, as amended, RZ-05-2021 (SLOAN)

Res. No. 7(b)/10/12/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney receives the report dated November 10, 2021 from EcoVue Consulting Services regarding application RZ-05-21 (SLOAN);

AND FURTHER that Council supports the application to amend Comprehensive By-law No. 2002-28 which will have the effect of rezoning the subject property from the Residential Waterfront Zone (RWF) to the Residential Waterfront Exception Fifty-nine (RWF-59) Zone. **CARRIED**

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

9. Unfinished Business

Res. No. 9(a)/10/12/2021 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in response to the request from the Village of Burk's Falls, authorizes payment in the amount of **\$606.81** to support a physiotherapist relocating to Burk's Falls and opening a practice in the Burk's Falls Medical Building.

Recorded Vote: Requested by Mayor Ballantyne

PHILIP, Cheryl	No
RICKWARD, Mike	Yes
STERMSEK, Liz	Yes
ZIRALDO, Paul	No
BALLANTYNE, Carol, Mayor	Yes

CARRIED

10. Reports and By-laws

(a) **Building - Nil**

(b) **Planning**

(i) **By-law No. 2021-xx re:** To amend Zoning By-law No. 2002-28, as amended, RZ-02-2021 (GASKELL)

Res. No. 10(b)(i)/10/12/2021 Liz Stermsek, Mike Rickward

By-law No. 2021-47, Being a By-law to amend By-law No. 2002-28, as amended, Part Lot 13, Concession 3 Proudfoot; Part Lot 15 and 16 42R21460, Town of Kearney, be read a first, second and third time and numbered 2021-47 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) **By-law No. 2021-xx re:** To amend Zoning By-law No. 2002-28, as amended, RZ-05-2021 (SLOAN)

Res. No. 10(b)(ii)/10/12/2021 Mike Rickward, Liz Stermsek

By-law No. 2021-48, Being a By-law to amend By-law No. 2002-28, as amended, Part Lot 14, Concession 4 Proudfoot, Town of Kearney, be read a first, second and third time and numbered 2021-48 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. 2021-xx re:** Comprehensive Zoning By-law

Res. No. 10(b)(iii)/10/12/2021 Liz Stermsek, Mike Rickward

By-law No. 2021-21, Being a By-law to adopt By-law No. 2021-21, being the Comprehensive Zoning By-law for the Town of Kearney, be read a first time and numbered 2021-21 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**

(c) **Operations**

(i) **Transfer Station Report** – for the period November 19, 2021 to November 30, 2021 – **Report only.**

(d) **Administration**

(i) **Resolution re:** Authorization to purchase turkeys as Christmas gift for Staff

Res. No. 10(d)(i)/10/12/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes the purchase of a Turkey for each member of Kearney Staff, as a Christmas Gift. If turkeys are not available, vouchers for \$45.00 will be given to each employee. **CARRIED**

(ii) **Resolution re:** Office Christmas closure dates

Res. No. 10(d)(ii)/10/12/2021 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes the closure of the Town Office from December 24, 2021 at 8:30 a.m. to January 4, 2022 at 8:30 a.m., inclusive, in order that Staff may enjoy the Christmas holiday with family and friends.

CARRIED

(iii) **Resolution re:** 2022 Council meeting dates

Res. No. 10(d)(iii)(a)/10/12/2021 Paul Ziraldo, Cheryl Philip

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney change our Regular Meeting date from Fridays to Wednesdays.

Recorded Vote: Requested by Deputy Mayor Stermsek

PHILIP, Cheryl Yes

RICKWARD, Mike Yes

STERMSEK, Liz No

ZIRALDO, Paul Yes

BALLANTYNE, Carol, Mayor No

CARRIED

Res. No. 10(d)(iii)(b)/10/12/2021 Mike Rickward, Liz Stermsek

WHEREAS Section 238 (2) of the Municipal Act, S.O. 2001, as amended, states that "Every council and local board shall pass a Procedure By-law for governing the calling, place and proceedings of meetings";

AND WHEREAS Section 5.2.1 of By-law No 2020-41, the Procedure By-law for the Town of Kearney, states "Regular Meetings of Council shall be held in the Council Chambers, at 8 Main Street, Kearney, every three weeks on Fridays;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby gives notice that the Regular Council Meetings shall be held on the following dates in 2022: January 14; February 4; February 25.

CARRIED

(iv) **Resolution re:** Authorization for Council meeting absences

Res. No. 10(d)(iv)/10/12/2021 Liz Stermsek, Mike Rickward

WHEREAS Section 20(2) of By-law No. 2020-41 being a By-law to Govern the Calling, Place and Proceedings of Meetings of Council and Committees states "That no member shall be absent from the meetings of the Council, Standing or Advisory Committees for three (3) consecutive meetings without being authorized to do so by a resolution of the Council entered upon the minutes;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in accordance with the Procedural By-law, hereby authorizes the absences of Deputy Mayor Liz Stermsek.

CARRIED

(v) **Resolution re:** Support for DSSAB member

Res. No. 10(d)(v)/10/12/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the nomination of Delynne Patterson, Councillor in the Township of Ryerson, for the position of District Social Services Administration Board member representing Area 4.

CARRIED

(vi) **BY-LAW No. 2021-xx re:** Automotive Materials Services Agreement

Res. No. 10(d)(vi)/10/12/2021 Liz Stermsek, Mike Rickward

By-law No. 2021-49, Being a By-law to authorize the signing of an Agreement between the Corporation of the Town of Kearney and Automotive Materials Stewardship Inc., be read a first, second and third time and numbered 2021-49 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

(vii) **By-law No. 2021-xx re:** Product Care Association of Canada Amending Agreement No. 2

Res. No. 10(d)(vii)/10/12/2021 Mike Rickward, Liz Stermsek

By-law No. 2021-50, Being a By-law to authorize the signing of an amending Agreement No. 2 between the Corporation of the Town of Kearney and product Care Association of Canada, be read a first, second and third time and numbered 2021-50 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

(viii) **Resolution re:** Cyber and Technology Insurance coverage

Res. No. 10(d)(viii)/10/12/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of accepts the Proposal from Coalition Insurance Solutions Canada Inc. for Cyber and Technology Insurance from in the amount of \$6,475.00.

CARRIED

(e) **Treasury**

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

Res. No. 10(e)(i)/10/12/2021 Liz Stermsek, 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 #31241 to #31309 in the total amount of \$938,546.15. **CARRIED**

(ii) **Resolution re: Strategic Asset Management Policy**

Res. No. 10(e)(ii)/10/12/2021 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney adopts the Strategic Asset Management Policy dated December 10, 2021, attached hereto; **AND FURTHER**, the Strategic Asset Management Policy dated May 31, 2019 is hereby rescinded. **DEFERRED**

(iii) **Resolution re: Tangible Capital Asset Policy**

Res. No. 10(e)(iii)/10/12/2021 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney adopts the Tangible Capital Asset Policy attached hereto; **AND FURTHER**, all previous Tangible Capital Asset Policies are hereby rescinded. **DEFERRED**

(f) **Fire and Emergency Services**

(i) **Report re: Fire Chief, Fire Department Report for Regular Council Meeting on December 10, 2021 – Report only.**

Res. No. 10(f)(i)(a)/10/12/2021 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes the Fire Chief to proceed with the purchase of required SCBA's and to proceed in upgrades to the current fill station at a total cost of \$128,396.83, in accordance with the Quotation attached hereto. **DEFERRED**

Res. No. 10(f)(i)(b)/10/12/2021 Mike Rickward, Liz Stermsek

WHEREAS the Corporation of the Town of Kearney requested tenders for a new pumper/tanker;

AND WHEREAS the tender closed on November 17, 2021, and only one tender was received, as follows:

1. Carrier Centers Emergency Vehicles \$502,785.00 + HST
2. Nil
3. Nil

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney awards the tender to Carrier Centers Emergency Vehicle in the amount of \$502,785.00 + HST. **CARRIED**

(ii) **Resolution re: Fire Department Santa Clause Parade**

Res. No. 10(f)(ii)/10/12/2021 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes the use of the Fire Department vehicles for the Fire Association Santa Clause Parade on December 18, 2021. **CARRIED**

(g) **Facilities and Buildings - Nil**

(h) **Council Presentations**

(i) **Mayor Ballantyne, discussion re: Public Access to Municipal Buildings; KCC Bookings; Staff compliment**

Discussion of Council included positive comments from user groups regarding access to the building; affirmation that use of the KCC was always through bookings; and, a report listing the number of Staff in neighboring municipalities.

11. **Correspondence**

(a) **Action Items**

(i) **Anglican Diocese of Algoma re: Transfer of Cemetery**

Res. No. 11(a)(i)/10/12/2021 Mike Rickward, Liz Stermsek

WHEREAS the Corporation of the Town of Kearney has received a request from the property co-ordinator for the Incorporated Synod of the Diocese of Algoma (shown in our records as Anglican Diocese of Algoma) to transfer their inactive cemetery to the Town of Kearney; **NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney **DEFERRED**

(ii) **Near North Crime Stoppers re: Request for annual donation**

Res. No. 11(a)(ii)/10/12/2021 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in accordance

with the request from Near North Crime Stoppers, shall make request at budget time.

CARRIED

(iii) **Municipality of Mattice-Val Cote re: MPAC Assessment update**

Res. No. 11(a)(iii)/10/12/2021 Mike Rickward, Liz Stermsek

WHEREAS the government of Ontario recently announced the continued postponement of the province-wide assessment update for the 2022 and 2023 taxation years;

AND WHEREAS this means that property values will continue to be based on the January 1, 2016 valuation date until at least 2024;

AND WHEREAS Municipalities are aware of the important increase in property values throughout the province and in their own jurisdiction;

AND WHEREAS the continued postponement of property valuation translates into a significant loss of taxation revenue for Municipalities;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney urges the government of Ontario to reconsider its decision and to direct MPAC to proceed with a province-wide assessment update in order for Ontario Municipalities to be able to collect property taxes based upon actual property values;

AND FURTHER that a copy of the resolution be forwarded to the Premier of Ontario, MPAC and AMO.

Recorded Vote: Requested by Councillor Paul Ziraldo

PHILIP, Cheryl No

RICKWARD, Mike No

STERMSEK, Liz No

ZIRALDO, Paul No

BALLANTYNE, Carol, Mayor No

DEFEATED

(iv) **City of St. Catharines re: National Childcare Program**

Res. No. 11(a)(iv)/10/12/2021 Liz Stermsek, Mike Rickward

WHEREAS the province of Ontario has the most expensive childcare in the country, presenting a financial hardship for many families and a barrier for women's full economic participation;

AND WHEREAS the \$34 billion early learning and childcare spending commitment announced this year by the federal government will bring transformative change to childcare by lowering parent fees and expanding the supply of regulated not-for-profit and public childcare in the country;

AND WHEREAS the federal government has already reached childcare agreement with BC, Nova Scotia, Manitoba, Saskatchewan, Yukon Territory, PEI, Newfoundland and Labrador and Quebec;

AND WHEREAS the provisions of each agreement vary to some degree, but the majority of the jurisdictions have agreed to use the federal funds to:

- a) lower parent fees by 50 % by the end of 2022 and to \$10 a day, by 2025-26 or sooner;
- b) improve the wages and working conditions of early childhood educators; and
- c) publicly fund the expansion of non-profit and public childcare;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney requests that the provincial government take the necessary steps to work with the federal government on a bilateral agreement to ensure the new national childcare program be made available to Ontarians and that it focuses on increased access, affordability, quality and responsiveness, all of which are essential to the COVID-19 pandemic response;

AND FURTHER that staff actively monitor federal developments and engage in provincial and regional discussions;

AND FURTHER that this resolution be circulated to DSSAB and AMO.

CARRIED

(v) **City of Kitchener re: Conversion Therapy**

Res. No. 11(a)(v)/10/12/2021 Mike Rickward, Liz Stermsek

WHEREAS conversion practices or conversion 'therapy' (also known as 'reparative therapy', 'reintegrative therapy' or aversion therapy) include any treatment, practice, or sustained effort that has the intended effect of denying, repressing, discouraging or changing a person's non-heterosexual sexual orientation, noncisgender gender identity or gender expression, or any behaviours associated with a gender other than the person's sex assigned at birth;

AND WHEREAS all such practices are unscientific, dangerous and proven to cause harm to their victims;

AND WHEREAS such practices are opposed by more than 50 professional associations, including the Canadian Association of Social Workers, Canadian Psychiatric Association, Canadian Professional Association for Transgender Health, Canadian Psychological Association, College of Registered Psychotherapists of Ontario, as well as the United Nations and World Health Organization;

AND WHEREAS Bill C-6-2020, An Act to Amend the Criminal Code (Conversion Therapy) which

proposed five conversion therapy related offences, was an historic piece of legislation preceded by decades of advocacy by conversion practice survivors, that progressed to the second reading stage in the Senate before dying on the order paper when an election was called in August 2021;

AND WHEREAS several cities across Canada have adopted By-laws to prohibit conversion practices or are in the process of doing so, including the City of Kingston and the City of Thunder Bay in Ontario;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney formally denounces conversion practices and supports action being taken to prohibit conversion practices against all persons, regardless of age;

AND FURTHER that Council requests our country explore ways to support conversion therapy survivors and those at risk;

AND FURTHER that a copy of the resolution be forwarded to the Right Honourable Prime Minister of Canada urging the creation of a new bill within the first 100 days of their mandate which will include a 'no consent' provision to protect Canadians of all ages. **WITHDRAWN**

(vi) **City of Kitchener re: Review of Ontario Fire Code**

Res. No. 11(a)(vi)/10/12/2021 Liz Stermseck, Mike Rickward

WHEREAS the Government of Ontario, in December 1975, enacted the Ontario Building Code for the purpose of regulating the construction of new, safe buildings within the Province of Ontario;

AND WHEREAS the Government of Ontario, in November 1981, enacted the Ontario Fire Code for the purpose of maintaining the life safety systems of all building within the Province of Ontario;

AND WHEREAS the Government of Ontario, in November 1983, began the process of amending the Ontario Fire Code to include Retrofit provisions, for the purpose of providing a minimum level of life safety for those existing buildings which had not been built under the provisions of any version of the Ontario Building Code;

AND WHEREAS the Government of Ontario, in October 1992, amended the Ontario Fire Code Retrofit provisions, for the purpose of providing a minimum level of life safety to building classed as low rise residential (9.5);

AND WHEREAS October 2021 marks twenty-nine (29) years since the requirements outlined by Retrofit 9.5 have been substantially updated;

AND WHEREAS this lack of currently appropriate standards for self-closing devices on suite doors and positive latching on exit stairwell doors has led to significant serious injuries, deaths, long term dislodgement of residents and significant unnecessary insurance loss due to allowed building deficiencies;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney urges the Government of Ontario to direct the Ontario Fire Marshal's Office – Technical Services: to undertake an immediate review of that portion of the Ontario Fire Code known as Retrofit Section 9.5; to, as expeditiously as possible, amend the Ontario Fire Code Sentence 9.5.2.8(1) to require self closing devices on all suite closures (doors) within low rise residential buildings; and to, as expeditiously as possible, amend the Ontario Fire Code Sentence 9.5.3.3(3) to require that closures (doors) entering exit stairwells be equipped with both self-closing devices and positive latching;

AND FURTHER that a copy of the resolution be forwarded to the Honourable Premier of Ontario, the Minister of Municipal Affairs and Housing and AMO. **CARRIED**

(vii) **Frank Heran re: Request to use/alter unopened road allowance**

Res. No. 11(a)(vii)/10/12/2021 Mike Rickward, Liz Stermseck

WHEREAS the Council of the Corporation of the Town of Kearney has received a request from Frank Heran to upgrade two unmaintained roads, being Maple Ridge Crescent and Golf Course Crescent;

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

(b) Information Items

- (i) **FoodCycler and Impact Canada – Municipal Solutions Program re: Canada's Food Waste Reduction Challenge - For Information only.**
- (ii) **Kearney Watershed Environmental Foundation re: November 2021 Newsletter - For Information only.**
- (iii) **Ministry of the Solicitor General re: Mobile Live Fire Training Unit For Information only.**

13. Closed Session

Res. No. 13(a)-(c)/10/12/2021 Mike Rickward, 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 3:14 p.m. for discussion regarding:

- (a) *Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board*
 - (b) *labour relations or employee negotiations*
 - (c) *a proposed or pending acquisition or disposition of land by the municipality or local board*
- CARRIED**

Res. No. 13(d)/10/12/2021 Liz Stermsek, Mike Rickward

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 4:30 p.m. **CARRIED**

14. Business Arising from Closed Session

Mayor Ballantyne reported on matters discussed in Closed Session.

15. Confirming By-Law

Res. No. 15/10/12/2021 Liz Stermsek, Mike Rickward

By-law No. 2021-51, Being a By-law to confirm the proceedings of Council at its Special Meeting held on November 22nd, 2021; at its Special Meeting held on December 3rd, 2021; and at its Regular Meeting held on December 10th, 2021, be read a first, second and third time and numbered 2021-51 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. 16/10/12/2021 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 4:32 p.m. to meet again at 1:00 p.m. on December 13th, 2021 in the Council Chambers, Kearney, Ontario. **CARRIED**

THE CORPORATION OF THE
TOWN OF KEARNEY



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk

