



The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

REGULAR COUNCIL MEETING

Council Chambers

Friday, February 4th, 2022

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
Leslie Harvie, Communications and Public Relations Coordinator

1. **Call the Meeting to Order**

Res. No. 1/04/02/2022 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney on February 4th, 2022 be declared open and called to order at 1:00 p.m. **CARRIED**

Moment of Silence to honour the memory of Morry VanVliet and to honour the memory of Gary Lane.

2. **Approval of Agenda**

Res. No. 2/04/02/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on February 4th, 2022 be adopted as circulated. **CARRIED**

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

4. **Delegations/Presentations**

(a) **Delegations – Nil**

(b) **Presentations**

(i) **Kent Randall, Planner, EcoVue Consulting Services re: Cannabis Policy Review and Recommendations**

In addition to his Planning Report regarding 'Cannabis Production and Processing', Mr. Randall answered questions from Council with respect to notice requirements, with the following Resolution resulting.

Res. No. 4(b)(i)/04/02/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney shall add Cannabis wording to be included in our Comprehensive Zoning By-law;

AND FURTHER that Council shall hold a Public Meeting in the regard on March 16, 2022.

RECORDED VOTE Requested by: Paul Ziraldo

PHILIP, Cheryl No

RICKWARD, Mike Yes

STERMSEK, Liz Yes

ZIRALDO, Paul No

BALLANTYNE, Carol Yes

CARRIED

5. **Minutes**

(a) **Adoption of Minutes**

Res. No. 5(a)(i)/04/02/2022 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 14th, 2022; and Special Meeting Draft Minutes – January 17th, 2022.**

CARRIED

(b) **Receive Committee Minutes**

- (i) **Kearney Community Centre Building Advisory Committee** – Minutes, January 12th, 2022; Draft Minutes, January 24th, 2022.

Res. No. 5(b)(i)/04/02/2022 Liz Stermsek, Mike Rickward

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** – January 12th, 2022; *Draft Minutes* – January 24th, 2022.

CARRIED

6. **Committee Resolutions for Consideration**

- (a) **Kearney Community Centre Building Advisory Committee re: Recommendation** to complete repairs to KCC kitchen and gym
Discussion under Agenda Item 10(g) Facilities and Buildings.

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

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

9. **Unfinished Business**

- (a) **Jerry Brant, Vice President, Almaguin Community Hatchery Program re: Request** for donation

Discussion of Council resulted in the following Resolution.

Res. No. 9(a)/04/02/2022 Mike Rickward, Liz Stermsek

WHEREAS the Almaguin Community Hatchery Program (ACHP), run by a dedicated group of volunteers, is focused on restoring the Walleye population within the Magnetawan River System of the Almaguin area;

AND WHEREAS a new approach taken, has resulted in the development of a mobile hatchery;

AND WHEREAS the ACHP presently has two micro hatcheries in Almaguin, (one in the Magnetawan Public School and the other in the Almaguin Highlands Secondary School) and would like to introduce an on-line education component which requires technical equipment at an estimated cost of \$10,000.00;

AND WHEREAS a request has been received from the Almaguin Community Hatchery Program, for a donation in the amount of \$500.00 to assist with the purchase of this equipment for the mobile hatchery;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney shall donate \$500.00 to this program.

CARRIED

10. **Reports and By-laws**

(a) **Building**

- (i) **Report re: Building Matters**

Res. No. 10(a)(i)/04/02/2022 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney acknowledges receipt of the report from CBO Brian Horsman regarding various concerns and complaints received from Rate Payers.

CARRIED

(b) **Planning**

- (i) **Report and Resolution re: Request for Encroachment Agreement**

Res. No. 10(b)(i)/04/02/2022 Liz Stermsek, Mike Rickward

WHEREAS a request has been received for an Encroachment Agreement to place a dock on the shore road allowance in front of a private property located at 571 B Island Lake Road;

AND WHEREAS the placement of a dock in this location does not appear to impact adjoining landowners nor public access points;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports in principle, entering into an Encroachment Agreement with the owners of Property Roll No. 4918 030 001 49355 0000;

AND FURTHER all costs to be the responsibility of the applicant.

CARRIED

(c) **Operations**

- (i) **Transfer Station Report** – for the period January 7, 2022 to February 1, 2022 – **Report only.**

- (ii) **Report and Resolution re: Hwy 518 Winter Maintenance**

Res. No. 10(c)(ii)/04/02/2022 Mike Rickward, Liz Stermsek

WHEREAS Council recognizes the need to safeguard the welfare of residents, ratepayers and visitors to the Town of Kearney;

AND WHEREAS one method of ensuring this safety, is to provide a continuous level of maintenance on our road surfaces;

AND WHEREAS Fowler Construction provides the winter maintenance services on Hwy 518 to both the easterly and westerly boundaries of our Town limits, but not within our Town limits;

AND WHEREAS Fowler Construction is willing to provide winter maintenance services through Town, on Hwy 518;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes Staff to enter into an Agreement with Fowler Construction, to provide winter plowing and sanding on Hwy 518 within the Town limits being Pineaire Lane to Cherry Hill Road;

AND FURTHER costs for this service are as follows:

2021 – 2022 \$3,477.58

2022 – 2023 \$5,014.20

2023 – 2024 \$5,114.49

2024 – 2025 \$5,216.78

CARRIED

(iii) **Report and Resolution re: Town Excavator**

Res. No. 10(c)(iii)/04/02/2022 Mike Rickward, Liz Stermsek

WHEREAS Council requested information regarding 'repair versus replacement' of the Town Excavator;

AND WHEREAS Staff have received quotes as follows:

Repair

CAT \$24,756.94

Mactek \$23,559.50 - Aftermarket parts

Mactek \$26,329.18 - Cat parts

Replace

CAT \$164,920.20

CASE \$146,577.00

DOOSAN \$139,495.00

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney determines that we replace the Town excavator with the CAT at \$164,920.20 after trade-in.

CARRIED

(d) Administration

(i) **By-law No. 2022-xx re: To authorize the levying of Interim Tax Rates**

Res. No. 10(d)(i)/04/02/2022 Liz Stermsek, Mike Rickward

By-law No. 2022-02, Being a By-law to Authorize the Levying of Interim Tax Rates, be read a first, second and third time and numbered 2022-02 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation and be engrossed in the By-law Book.

CARRIED

(ii) **By-law No. 2022-xx re: Procedural By-law**

Res. No. 10(d)(ii)/04/02/2022 Liz Stermsek, Mike Rickward

By-law No. 2022-03, Being a By-law to Govern the Calling, Place and Proceedings of Meetings of Council and Committees, be read a first, second and third time and numbered 2022-03 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation and be engrossed in the By-law Book.

CARRIED

(iii) **Resolution re: Late payment penalty**

Res. No. 10(d)(iii)/04/02/2022 Liz Stermsek, Mike Rickward

WHEREAS in 2020 and in 2021, as a result of the COVID-19 Pandemic, Council resolved to keep the tax installment due dates in effect, however no late payment penalty would be applied;

AND WHEREAS the COVID-19 Pandemic restrictions are continuing in 2022;

AND WHEREAS the Province has provided Ontario Municipalities with funding expressly for COVID-19 expenses;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, determines to continue to offer a 0% late payment penalty effective March 1, 2022, on current 2022 outstanding property taxes.

RECORDED VOTE Requested by: Mayor Carol Ballantyne

PHILIP, Cheryl Yes

RICKWARD, Mike Yes

STERMSEK, Liz Yes

ZIRALDO, Paul Yes

BALLANTYNE, Carol No

CARRIED

(iv) **By-law No. 2022-xx re: To appoint a Deputy Clerk**
Res. No. 10(d)(iv)/04/02/2022 Liz Stermsek, Mike Rickward
By-law No. 2022-04, Being a By-law to Appoint a Deputy Clerk, be read a first, second and third time and numbered 2022-04 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation and be engrossed in the By-law Book. **CARRIED**

(v) **By-law No. 2022-xx re: To appoint a Deputy Treasurer**
Res. No. 10(d)(v)/04/02/2022 Liz Stermsek, Mike Rickward
By-law No. 2022-05, Being a By-law to Appoint a Deputy Treasurer, be read a first, second and third time and numbered 2022-05 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation and be engrossed in the By-law Book. **CARRIED**

(vi) **Resolution re: Adopt 2022 Asset Management Plan**
Res. No. 10(d)(vi)/04/02/2022 Liz Stermsek, Mike Rickward
WHEREAS O. Reg 588/17 under the Infrastructure for Jobs and Prosperity Act, 2015, requires every Municipality to prepare an Asset Management Plan on or before July 1, 2022;
AND WHEREAS Council has reviewed the draft Asset Management Plan prepared for the Town of Kearney;
NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney adopts the Asset Management Plan dated January 2022, attached hereto. **CARRIED**

(vii) **By-law Enforcement Officer Report re: 2021 Year in Review – Report only.**

(viii) **By-law No. 2022-xx re: To enter into a Transfer Payment Agreement**
Res. No. 10(d)(viii)/04/02/2022 Liz Stermsek, Mike Rickward
By-law No. 2022-06, Being a By-law to Authorize the execution of an Agreement between the Corporation of the Town of Kearney and Her Majesty the Queen in Right of Ontario as represented by the Minister of Northern Development, Mines, Natural Resources and Forestry, be read a first, second and third time and numbered 2022-06 and that the said By-law be signed by the Mayor and Clerk, sealed with the Seal of the Corporation and be engrossed in the By-law Book. **CARRIED**

(e) Treasury

(i) **Report and Resolution re: Payment Register**
Res. No. 10(e)(i)/04/02/2022 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 #31355 to #31451 in the total amount of \$366,982.54. **CARRIED**

(ii) **Report re: 2021 Council Honouraria & Expenses**
Res. No. 10(e)(ii)/04/02/2022 Mike Rickward, Liz Stermsek
BE IT RESOLVED that the Council of the Corporation of the Town of Kearney has received the annual report for the 2021 Council Honouraria and Expenses, attached hereto. **CARRIED**

(f) Fire and Emergency Services

(i) **Report re: Fire Chief, Fire Department Report for Regular Council Meeting on February 4, 2022 – Report only.**

(g) Facilities and Buildings

(i) **Report and Resolution re: KCC kitchen and gym renovations and alterations**
Res. No. 10(g)(i)/04/02/2022 Liz Stermsek, Mike Rickward
WHEREAS Council has reviewed the information provided by Larocque Elder Architects Inc. detailing the renovations and alterations needed for the Kearney Community Centre kitchen and gymnasium;
AND WHEREAS without this needed construction work, the kitchen and gym will remain closed for public use;
NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports allocating funds to complete the renovations and alterations as follows:

<input type="checkbox"/> Borrow	_____ %
<input checked="" type="checkbox"/> Grants	_____ %
<input checked="" type="checkbox"/> Reserves	_____ %
<input type="checkbox"/> Obligatory Funds	_____ %
<input checked="" type="checkbox"/> Investments	_____ %
<input checked="" type="checkbox"/> Sale of Surplus Lands	_____ %
<input type="checkbox"/> Taxation	_____ %

CARRIED

(h) Council Presentations

(i) **Mayor Ballantyne, discussion re: Public Access to Municipal Buildings**

Mayor Ballantyne noted that the Province is allowing access to buildings at 50% capacity limits meaning that we can now allow bookings at the KCC once again. There was no update regarding yoga classes at this time.

11. Correspondence

(a) Action Items

(i) Township of Adjala-Tosorontio re: Request for support for additional funding to rural municipalities related to major bridge and culvert replacements

Res. No. 11(a)(i)/04/02/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the request from other Ontario Municipalities for the Federal and Provincial Governments to provide more funding to rural municipalities to support infrastructure projects related to major bridge and culvert replacements.;

AND FURTHER that a copy of the Resolution be forwarded to the Premier of Ontario, Provincial Minister of Finance, Federal Finance Minister and AMO.

CARRIED

(ii) Town of Aurora re: Request for support to dissolve the Ontario Land Tribunal

Res. No. 11(a)(ii)/04/02/2022 Mike Rickward, Liz Stermsek

WHEREAS Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy;

AND WHEREAS an Official Plan is developed through months of public consultation to ensure, “that future planning and development will meet the specific needs of (our) community”;

AND WHEREAS our Official Plan includes zoning provisions that encourage development of the “missing middle” or “gentle density” to meet the need for attainable housing in our community;

AND WHEREAS our Official Plan is ultimately approved by the province;

AND WHEREAS it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the Town of Kearney Official Plan;

AND WHEREAS it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the Town of Kearney Official Plan;

AND WHEREAS municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or “OMB”), an unelected, appointed body that is not accountable to the residents of Kearney;

AND WHEREAS the OLT has the authority to make a final decision on planning matters based on a “best planning outcome” and not whether the proposed development is in compliance with municipal Official Plans and Provincial Planning Policy;

AND WHEREAS all decisions—save planning decisions—made by Municipal Council are only subject to appeal by judicial review and such appeals are limited to questions of law and or process;

AND WHEREAS Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans;

AND WHEREAS towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and ultimately futile OLT hearings;

AND WHEREAS lengthy, costly OLT hearings act as a barrier to the development of attainable housing;

NOW THEREFORE BE IT HEREBY RESOLVED that the Council of the Corporation of the Town of Kearney requests the Government of Ontario to dissolve the OLT immediately thereby eliminating one of the most significant sources of red tape delaying the development of more attainable housing in Ontario;

AND FURTHER that a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors’ Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and the Association of Municipalities of Ontario.

DEFEATED

(b) Information Items

(i) Almaguin Highlands Health Centre re: Draft Minutes – January 7, 2022

12. Other Business – Nil

13. Closed Session

Res. No. 13(a)/04/02/2022 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 3:12 p.m. for discussion regarding:

(a) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (x 3)

CARRIED

Res. No. 13(b)/04/02/2022 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 4:20 p.m.

CARRIED

14. Business Arising from Closed Session

Mayor Ballantyne reported on matters discussed in Closed Session.

15. Confirming By-Law

Res. No. 15/04/02/2022 Liz Stermsek, Mike Rickward

By-law No. 2022-07, Being a By-law to confirm the proceedings of Council at its Special Meeting held on January 17th, 2022; and at its Regular Meeting held on February 4th, 2022, be read a first, second and third time and numbered 2022-07 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

16. Adjournment

Res. No. 16/04/02/2022 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 4:22 p.m. to meet again at 1:00 p.m. on February 25th, 2022 in the Council Chambers, Kearney, Ontario.

CARRIED

THE CORPORATION OF THE
TOWN OF KEARNEY



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk