



The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

REGULAR COUNCIL MEETING

Council Chambers

Wednesday, April 27th, 2022

1:00 p.m.

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

Regrets: Councillor Paul Ziraldo

Staff Present: Brenda J. Fraser, CAO|Clerk|Treasurer
Cindy Filmore, Deputy Clerk (Virtual)
Brian Horsman, Chief Building Official
Matt Clouthier, Deputy Chief Building Official
Scott McKay, Public Works Working Foreperson
Paul Schaefer, Fire Chief (Virtual)

1. **Call the Meeting to Order**

Res. No. 1/27/04/2022 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney on April 27th, 2022 be declared open and called to order at 1:00 p.m. **CARRIED**

2. **Approval of Agenda**

Res. No. 2/27/04/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on April 6th, 2022 be adopted as amended.

ADD 10(g)(i) Resolution re: Kearney Community Centre Project CARRIED

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

4. **Delegations/Presentations**

(a) **Delegations**

(i) **Tom Vinkovic re: Safety Concerns experienced during the 2021/2022 Snowmobile Season on Fisher Lake Lane / Woodland Lane** – Discussion only.

(ii) **Councillor Rickward re: Multi-use trail on Road Allowance at the end of Kalio Road**
Council supported the request for the ATV club to improve the unopened road allowance located between Lots 20 & 21 in Concessions 14 & 13, Bethune Township. A Resolution to be passed at the next Regular Meeting of Council.

(b) **Presentations – Nil**

5. **Minutes**

(a) **Adoption of Minutes**

Res. No. 7(a)/27/04/2022 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* – April 6th, 2022

CARRIED

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

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

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

(a) **Planning Report and Public Comments re: Zoning By-law Amendment Application (MacEachren)**

Res. No. 7(a)/27/04/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney receive the report dated April 22, 2022 from EcoVue Consulting Services regarding application RZ-01-22 (MacEachren);

~~AND FURTHER~~ that Council approves the proposed amendment to Zoning By-law 2002-28, which will rezone the property from the Residential Waterfront (RWF) Zone to the Residential Waterfront Exception Sixty (RWF-60) Zone.

CARRIED

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

9. **Unfinished Business** – Nil

10. **Reports and By-laws**

(a) **Building**

- (i) **Brian Horsman, CBO re:** Annual Report on the status of the Building Department

Res. No. 10(a)(i)(a)/27/04/2022 Liz Stermsek, Mike Rickward

WHEREAS we have approval for funding through NOHFC for a Building Inspector Intern;
NOW THEREFORE BE IT RESOVED that the Council of the Corporation of the Town of Kearney supports readvertising for a building inspector to be added to our present Staff.

RECORDED VOTE Requested by: Mayor Ballantyne

PHILIP, Cheryl Yes

RICKWARD, Mike Yes

STERMSEK, Liz Yes

ZIRALDO, Paul Absent

BALLANTYNE, Carol Yes

CARRIED

Res. No. 10(a)(i)(b)/27/04/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney has received information with regard to adding a Permit Clerk position to our Building Department Staff and authorizes our Chief Building Official to proceed with providing a Job Description and a salary range, to be discussed further during 2022 Budget considerations.

CARRIED

(b) **Planning**

- (i) **Report and Resolution re:** Blanket Resolution re Consents

Res. No. 10(b)(i)/27/04/2022 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, as per Section 34 (10.0.0.2) of the Planning Act, shall permit amendments to the new Comprehensive Zoning By-law within the two-year amendment moratorium under Section 34(10.0.0.1) of the Planning Act, provided such amendments are required as a condition of consent approval.

CARRIED

- (ii) **Report and Resolution re:** Consent Application B-023 & B-024 (Fonseca)

Res. No. 10(b)(ii)/27/04/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney recommends approval of Consent to Sever Applications B-023/22 & B-024/22 to the Southeast Parry Sound District Planning Board, subject to the following conditions:

1. An application for a Zoning By-law Amendment that rezones the subject lands from the Rural (RU) Zone to the Rural Residential (RR) Zone is required to recognize the reduced lot area and frontage of the proposed severed lots, if Zoning By-law 2022-20 is in full force and effect at the time of conditional approval of the consent.
2. That prior to the finalization of consent, confirmation that the North Bay Mattawa Conservation Authority has no concerns or objections with regard to sewage disposal systems on the subject lands, shall be provided.
3. Confirmation in writing from the Town of Kearney that 911 Address Numbers to the new lots created have been assigned.
4. A payment-in-lieu of a parkland dedication shall be paid in accordance with Section 51.1 of the Planning Act acceptable to the Town of Kearney in cash or certified cheque.
5. That all Municipal taxes to date shall be paid in full.
6. The applicant provides confirmation from the Town of Kearney Roads Foreman with respect to entrance approval.
7. That all Town fees and disbursements (legal, engineering, planning), if any incurred by the Town with respect to this application shall be paid for by the owner.
8. A draft reference plan of survey be provided to the Town of Kearney for review prior to registration.

9. That the Town be provided with one copy of the Reference Plan of Survey together with a PDF of this Plan. **CARRIED**

(iii) **Report and Resolution re:** Consent Application B-027-22, B-028/22 & B-029/22 (Pateman)

Res. No. 10(b)(iii)/27/04/2022 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney recommends approval of Consent to Sever applications B-027/22, B-028/22 and B-029/22 to the Southeast Parry Sound District Planning Board, with the following conditions for each severance:

1. An application for a Zoning By-law Amendment that rezones the subject lands from the Rural (RU) Zone to the Rural Residential (RR) Zone is required to recognize the reduced lot area and frontage of the proposed severed lots, if Zoning By-law 2022-20 is in full force and effect at the time of conditional approval of the consent.
2. That prior to the finalization of consent, confirmation that the North Bay Mattawa Conservation Authority has no concerns or objections with regard to sewage disposal systems on the subject lands, shall be provided.
3. Confirmation in writing from the Town of Kearney that a 911 Address Number for the new lots created have been assigned.
4. Confirmation in writing from the Town of Kearney that all right-of-ways be named to the Fire Chief's satisfaction.
5. A payment-in-lieu of a parkland dedication shall be paid in accordance with Section 51.1 of the Planning Act acceptable to the Town of Kearney in cash or certified cheque.
6. That all Municipal taxes to date shall be paid in full.
7. The applicant provides confirmation from the Town of Kearney Roads Foreman with respect to entrance approvals.
8. That all Town fees and disbursements (legal, engineering, planning), if any incurred by the Town with respect to this application shall be paid for by the owner.
9. A draft reference plan of survey be provided to the Town of Kearney for review prior to registration.
10. That the Town be provided with one copy of the Reference Plan of Survey together with a PDF of the Plan. **CARRIED**

(c) **Operations**

(i) **Transfer Station Report** – April 1, 2022 to April 24, 2022 – **Report only.**

(ii) **Report re:** Gray Jay Lane
Discussion of Council resulted in direction being given to Staff to seek a legal opinion with regard to the matters identified.

(iii) **Discussion and Resolution re:** Town Pick-Up

Res. No. 10(c)(iii)/27/04/2022 Mike Rickward, Liz Stermsek

WHEREAS in 2006, Council passed a Resolution authorizing the Supervisor/Working Foreman of the Public Works Department to take the Town Pick-up Truck home each night providing the home was within three (3) kilometers of the Public Works garage;

AND WHEREAS the Public Works Working Foreperson is responsible for managing the operations of the roads 24/7, not just during scheduled work shifts;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney authorizes the Public Works Working Foreperson to take the Town Roads Department Pick-up truck to his home at the end of each shift, for efficiencies in performing his job duties;

AND FURTHER that the Council Resolution dated February 1, 2006 is hereby rescinded.

CARRIED

(iv) **Report and Resolution re:** Winter Sand

Res. No. 10(c)(iv)/27/04/2022 Liz Stermsek, Mike Rickward

WHEREAS a Request for Tender for Winter Sand was published March 10th 2022, to aid in obtaining sand for the 2022/23 season;

AND WHEREAS two (2) quotations were received:

1. A. Miron Topsoil Ltd. @ \$13.08 per cu. m (HST incl.)
2. Jeff Maki @ \$21.30 per cu. m (HST incl.)

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby awards the tender to: A. Miron Topsoil Ltd. in the amount of \$13.05 per cu m HST incl.

CARRIED

(d) Administration

(i) Report and Resolution re: Use of Town property for Independent Yoga Class

Res. No. 10(d)(i)/27/04/2022 Mike Rickward, Liz Stermsek

WHEREAS a request for the use of Town property has been received from an individual wishing to provide Fitness Classes (Yoga/Pilates) for a fee;

AND WHEREAS Council supports physical activity and the provision of recreational activities within the Town of Kearney, including local business initiatives;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the use of Lion's Park for the provision of Yoga/Pilates by Agatha Farmer subject to a current certificate of Insurance being provided, naming the Town as an insured party.

CARRIED

(ii) Report re: Copy costs for Town User Groups

Res. No. 10(d)(ii)/27/04/2022 Liz Stermsek, Mike Rickward

WHEREAS requests have been received from the Kearney Legion to provide them, as well as other Town Groups, with a special cost for photocopying;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney shall offer a reduced photocopying rate for our local Service Clubs and Organizations of \$0.10 per copy for black and white copies, and \$0.20 per copy for colour copies;

AND FURTHER our local churches shall be exempt from paying for photocopies;

AND FURTHER this new rate shall be effective immediately and shall also be applied to the 2022 Invoices for the Kearney Legion.

CARRIED

(iii) Report and Resolution re: Internet access

Res. No. 10(d)(iii)/27/04/2022 Mike Rickward, Liz Stermsek

WHEREAS Council has been advised of issues surrounding internet access at the Kearney Community Centre, at the Fire Hall and at the Public Works Office;

AND WHEREAS Council is desirous of a solution that is practical, affordable and aids in supporting internet access to the broader community as well as providing Wi-Fi access in our downtown core;

AND WHEREAS there are now local options available, from StarLink Business and NetSpectrum as well as Bell Canada;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney chooses to engage the services of NetSpectrum as our Internet provider.

CARRIED

(iv) Report and Resolution re: Existing Fitness Classes

Res. No. 10(d)(iv)/27/04/2022 Liz Stermsek, Mike Rickward

WHEREAS Council deems the provision of Fitness Classes for interested participants, to be a benefit to our residents;

AND WHEREAS Council has considered the cost to deliver fitness classes and decided to set the fee at \$10.00 per class, based on past participation, nearby competitive rates and the current lack of grant funding;

AND WHEREAS some participants have expressed concern that attendance may be affected due to affordability;

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

DEFERRED

(v) Resolutions re: Appointment of volunteers to Town Committees

Res. No. 10(d)(v)(a)/27/04/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, hereby appoints the following Volunteers as members of the Regatta Advisory Committee: Lisa Lahn, Chair; Jacqueline Tumber, Co-Chair; Sharon Gallant, Secretary; Shawn Armstrong; Dave Fetterley; Tammy Fetterley; April Fuller; Cheryl Hoeksema; Dorothy Hopson; Teresa Manning; Chris Marolias; Jill Sharer; Ray Sparrock; Justyna Tisseman; and Amanda White.

CARRIED

Res. No. 10(d)(v)(b)/27/04/2022 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, hereby appoints the following Volunteers as members of the Christmas Begins in Kearney Advisory Committee: Shawn Armstrong; and Amanda White.

CARRIED

Res. No. 10(d)(v)(d)/27/04/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, hereby appoints the following Volunteers as members of the Economic Development Advisory Committee: April Fuller; Sean Murdy; and Jill Sharer.

CARRIED

Res. No. 10(d)(v)(e)/27/04/2022 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, hereby appoints Sean Murdy as our Volunteer Public liaison Member on the Joint Waste Management Board for the Municipality's of Kearney and Perry. **CARRIED**

Res. No. 10(d)(v)(f)/27/04/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, hereby appoints Ray Sparrock as a Volunteer on the Kearney Dog Sled Races Advisory Committee. **CARRIED**

Res. No. 10(d)(v)(g)/27/04/2022 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, hereby appoints Donna Metzger as a Volunteer for the 2022 Kearney Children's Baseball season. **CARRIED**

(vi) **Resolution re:** Regatta Festival Road Closure; suspension of By-laws, etc.

Res. No. 10(d)(vi)/27/04/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney declares the Kearney Regatta and Music Festival to be a Community Festival;

AND FURTHER that the 2022 Regatta Festival shall be held on Saturday, July 30th, 2022 and Sunday, July 31st, 2022;

AND FURTHER that all applicable By-laws that the Regatta Festival may be in contravention of (i.e. Noise By-law, Fire Works By-law, Parking By-law) be temporarily suspended for the Festival event;

AND FURTHER that the Main Street of Kearney between Lakeview and Rain Lake Roads be temporarily closed to vehicular traffic during the Regatta weekend event;

AND FURTHER that the Town authorizes the use of Facilities and Public Works Staff, Administration Staff and Summer Students, to assist during the Festival. **CARRIED**

Res. No. 10(d)(vi)(b)/27/04/2022 Liz Stermsek, Mike Rickward

WHEREAS the Town of Kearney has received an Invoice from Pyroworld, to provide a Fireworks Display during the Kearney Regatta Festival event;

AND WHEREAS Fire Chief Paul Schaefer will review the application for approval;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in accordance with Section 5 of By-law No. 2018-24 (the By-law Prohibiting Fireworks) approves the setting off of Fireworks from behind the Kearney Fire Hall located at 111 Main Street, Kearney, Ontario, on Sunday, July 31st, 2022 (or alternate date of Monday, August 1st, 2022);

AND FURTHER the cost of this Fireworks display, be included in the 2022 Budget. **CARRIED**

(e) Treasury

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

Res. No. 10(e)(i)/27/04/2022 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 #31576 to #31639 in the total amount of \$493,663.63. **CARRIED**

(f) Fire and Emergency Services

(i) **Report re:** Fire Chief, Fire Department Report for Regular Council Meeting on April 27, 2022 – **Report only.**

(ii) **Report and Resolution re:** Dry Hydrant

Res. No. 10(f)(ii)/27/04/2022 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney has received the information from Fire Chief Paul Schaefer with regard to installing a Dry Hydrant across from the liquor store on Main Street and supports this installation at an estimated cost of \$500.00. **CARRIED**

(g) Facilities and Buildings

(i) **Resolution re:** Kearney Community Centre Project

Res. No. 10(g)(i)/27/04/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney approves the application to NOHFC for the Kearney Community Centre Rehabilitation Project and confirms their commitment to cover their contribution in the amount of \$1,549,462 along with any cost overruns that may result;

AND FURTHER that Resolution No. 10(g)(i)06/04/2022 is hereby rescinded. **CARRIED**

(h) **Council Presentations**

(i) **Carol Ballantyne**, Discussion and Resolution re: Grass Cutters

Res. No. 10(h)(i)/27/04/2022 Liz Stermsek, Mike Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney directs Staff to advertise for the following summer student positions for the 2022 season: 2 Grass Cutters.

CARRIED

(ii) **Mike Rickward**, Discussion re:

a) Landfill – Long weekends

Discussion of Council resulted in direction to Staff to update the landfill site signage so that all information sources are consistent.

b) Regatta – Ad for swim instructors – Resolution; Map designed by Staff for Regatta flyer;

Res. No. 10(h)(ii)/27/04/2022 Mike Rickward, Liz Stermsek

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney directs Staff to advertise for Life Guards for the 2022 Regatta water sport events.

WITHDRAWN

Staff to create a map identifying local businesses to be circulated with our Regatta flyer.

c) LED light at KCC – light pollution

All agreed research to be completed for adjustments that can be made to our LED sign, so that it dims during dusk to dawn.

d) Town Trails – maintenance schedule

Discussion regarding trails and trail maintenance to occur during 2022 Budget discussions.

11. Correspondence

(a) **Action Items**

(i) **Grey Highlands re: HSt rebate on new homes in Ontario**

Res. No. 11(a)(i)/27/04/2022 Liz Stermsek, Mike Rickward

WHEREAS attainable housing has been a concern of hopeful homeowners for many years;

AND WHEREAS attainable housing is a priority of all levels of government;

AND WHEREAS the Government of Ontario will rebate a portion of the provincial part of HST paid for a house to a maximum of \$24,000 if HST was paid on the land, or \$16,080 if HST was not paid on the land regardless of the fair market value of the house;

AND WHEREAS the Government of Canada will rebate a portion of the federal part of HST paid for a house only if the fair market value is under \$450,000;

AND WHEREAS the average fair market value of a new home in Ontario is well above the \$450,000 threshold;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney requests that the Federal government remove or increase the \$450,000 fair market value threshold to reflect today's housing costs;

AND FURTHER that this Resolution be forwarded to Prime Minister Justin Trudeau, Premier Doug Ford, the Ministry of Municipal Affairs and the Association of Municipalities of Ontario.

CARRIED

(ii) **Lake of Bays re: Floating Accommodations**

Res. No. 11(a)(ii)/27/04/2022 Mike Rickward, Liz Stermsek

WHEREAS floating accommodations have become a growing concern in that they will affect the environment, character, tranquility and the overall enjoyment of our water bodies;

AND WHEREAS regulating these floating accommodations is a priority for our Municipality;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby requests that Transport Canada amend the *Canada Shipping Act 2001* by adding the following to the Act:

- All vessel grey water be discharged into a holding tank and disposed of as per Provincial regulations for new vessels; and
- All floating accommodations are required to conform to all Provincial and Municipal regulations and By-laws;

AND FURTHER that Council hereby requests that the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) amend Ontario Regulation 11/17 to include the following:

- Post signs to restrict floating accommodation/camping on the waters and require a permit from NDMNRF that cannot be granted without the consent of the local municipality;
- Reduce camping from 21 days to 7 days;

- ~~Not permit any camping on the water within 300m of a developed lot or within a narrow water body of 150m; and~~
- Should a municipality have more restrictive By-laws related to camping, that these By-laws would apply;

AND FURTHER that this Resolution be forwarded to the Minister of Transport Canada; the Premier of Ontario; Scott Aitchison, MP; Norm Miller, MPP; NDMNRF; and the Association of Municipalities of Ontario.

CARRIED

(b) Information Items

- (i) **KWEF Newsletter – April 2022 – Information only.**
- (ii) **Ministry of the Solicitor General re: Emergency Preparedness Week 2022; O. Reg 343/22 – Firefighter Certification – Information only.**
- (iii) **Township of Armour re: Almaguin Highlands Health Centre Resolutions – Information only.**

12. Other Business – Nil

13. Closed Session

Res. No. 13(a)/27/04/2022 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 3:49 p.m. for discussion regarding:

(a) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (x2)

CARRIED

Res. No. 13(b)/27/04/2022 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 4:55 p.m.

CARRIED

14. Business Arising from Closed Session

Mayor Ballantyne reported on matters discussed in Closed Session.

15. Confirming By-Law

Res. No. 17/27/04/2022 Liz Stermsek, Mike Rickward

By-law No. 2022-17, Being a By-law to confirm the proceedings of Council at its Regular Meeting held on April 27, 2022 be read a first, second and third time and numbered 2022-17 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. 16/27/04/2022 Mike Rickward, Liz Stermsek


BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 4:57 p.m. to meet again at 1:00 p.m. on Wednesday, May 18, 2022, in the Council Chambers, Kearney, Ontario.

CARRIED

**THE CORPORATION OF THE
TOWN OF KEARNEY**



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk