



The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

MINUTES

REGULAR COUNCIL MEETING

Council Chambers

Wednesday, September 21st, 2022

1:00 p.m.

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

Staff Present: Cindy Filmore, Deputy Clerk
Leslie Harvie, Deputy Treasurer
Brian Horsman, Chief Building Official
Matt Clouthier, Deputy Chief Building Official

1. **Call the Meeting to Order**

Res. No. 1/21/09/2022 Paul Ziraldo, Mike Rickward

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney on September 21st, 2022 be declared open and called to order at 1:00 p.m. **CARRIED**

Moment of Silence to honour the memory of Her Majesty Queen Elizabeth II.

2. **Approval of Agenda**

Res. No. 2/21/09/2022 Mike Rickward, Cheryl Philip

BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney on September 21st, 2022 be adopted as amended.

ADD 10(e)(ii) Resolution re: GIC Investments **CARRIED**

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

4. **Delegations/Presentations**

(a) **Delegations**

(i) **Kevin Kujala, OLS, KPK Surveying Inc. re:** Consent Files B052-22; B-053-22; and B-054-22

Mr. Kujala approached Council to request Council reconsider two conditions of consent. Our Town Planner to provide wording for Council consideration.

(ii) **Gerald Wiseman re:** Concerns about current value assessments not being accurate

Mr. Wiseman provided Council with his research of MPAC valuations versus MLS valuations.

(iii) **Brett Hutnik/Ognjen Kosco re:** Building Permit Penalty 140 Dallaire Lane
Mr. Hutnick attended Council to request the Building Permit penalty fees be waived. Discussion of Council resulted in the following resolution.

Res. No. 4(a)(iii)/21/09/2022 Mike Rickward, Cheryl Philip

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby waives the penalty fees on the building Permit for 140 Dallaire Lane. **CARRIED**

(b) **Presentations** – Nil

5. **Minutes**

(a) **Adoption of Minutes**

Res. No. 5(a)(i)/21/09/2022 Mike Rickward, Cheryl Philip

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 – August 31st, 2022 **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 - Nil

(b) Planning

(i) **Report and Resolution re:** Shore Road Allowance Application (Alexanian)
Res. No. 10(b)(i)/21/09/2022 Paul Ziraldo, Mike Rickward
WHEREAS a request to purchase a portion of the adjacent Shore Road Allowance in front of their property has been received from the property owner;
AND WHEREAS this request does not appear to impact adjoining land owners nor municipal access points;
NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby supports the ability of Susan Alexanian to file an application to purchase Shore Road Allowance. **CARRIED**

(c) Operations

(i) **Transfer Station Report re:** Update to August 30th, 2022 – **Report only.**

(d) Administration

(i) **Discussion and Resolution re:** Request from Kearney Legion to borrow KCC chairs for all candidates meeting

Res. No. 10(d)(i)/21/09/2022 Cheryl Philip, Mike Rickward
WHEREAS the Kearney Community Centre is currently under renovation where historically, an ‘all Candidates meeting’ would be held;
AND WHEREAS a request has been received for the Kearney Legion to borrow chairs from the Kearney Community Centre for a ‘Candidates Meet and Greet’ event;
NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney shall loan chairs to the legion for the all candidates meeting. **CARRIED**

(e) Treasury

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

Res. No. 10(e)(i)/21/09/2022 Cheryl Philip, Mike Rickward
BE IT RESOLVED that the Council of the Corporation of the Town of Kearney has received the ‘List of Accounts’ for Cheques #31996 to #32021 in the total amount of \$204,711.46. **CARRIED**

(ii) **Resolution re:** GIC Investment’s

Res. No. 10(e)(ii)/21/09/2022 Mike Rickward, Cheryl Philip
WHEREAS the Town has investment GIC’s maturing at the end of September;
AND WHEREAS our Financial Consultant, in conjunction with Treasury Staff have discussed options;
NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney directs that the maturing GIC investments be deposited into the General Operating Account. **CARRIED**

(f) Fire and Emergency Services

(i) **Report re:** Fire Chief, Fire Department Report for Regular Council Meeting on September 21, 2022 – **Report only.**

(ii) **Resolution re:** New Firefighter

Res. No. 10(f)(ii)/21/09/2022 Paul Ziraldo, Mike Rickward
BE IT RESOLVED that, effective immediately, the Council of the Corporation of the Town of Kearney accepts Matt Stead to the Kearney Fire and Emergency Services Department, as a volunteer firefighter/first responder, subject to the conditions agreed to in the United Food and Commercial Workers Collective Agreement. **CARRIED**

(iii) **Information and Resolution re:** Tanker 314

Res. No. 10(f)(iii)/21/09/2022 Mike Rickward, Cheryl Philip
BE IT RESOLVED that the Council of the Corporation of the Town of Kearney acknowledges receipt of the correspondence from Fire Chief Schaefer with regard to repairs needed for Tanker 314. **CARRIED**

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

(h) **Council Presentations**

(i) **Councillor Philip re:** Sand Lake Boat Ramp; Cashman Creek bridge approach
Council noted the current status of the above infrastructure and discussed possib

11. Correspondence

(a) **Action Items**

(i) **Village of Burks Falls re:** Commitment from Muskoka Algonquin Healthcare
Res. No. 11(a)(i)/21/09/2022 Paul Ziraldo, Mike Rickward

WHEREAS Council has received a request from the Village of Burk's Falls, to support their Resolution No. 2022-266, attached hereto, in which they are requesting a commitment from Muskoka Algonquin Healthcare (MAHC) to indefinitely continue the services at the Almaguin Highlands Health Centre;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the Village of Burk's Falls Resolution No. 2022-266 as circulated;

AND FURTHER that this Resolution be forwarded to MAHC and all Almaguin municipalities.

CARRIED

(ii) **Town of Kingsville re:** Opposition to Bill 3, Strong Mayors, Building Homes Act, 2022

Res. No. 11(a)(ii)/21/09/2022 Paul Ziraldo, Mike Rickward

WHEREAS the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

AND WHEREAS this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

AND WHEREAS this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

AND WHEREAS this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer (CAO);

AND WHEREAS these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

AND WHEREAS these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the Town of Kingsville in their opposition to Bill 3, Strong Mayors, Building Homes Act, 2022 and petitions the Government of Ontario that:

1. These changes to the Municipal Act, 2001, are unnecessary and will negatively affect the Town of Kearney;
2. If the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. The Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. If the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the *Planning Act* and funding of more affordable housing;

AND FURTHER that this Resolution be forwarded to the Premier of Ontario, the Minister of Municipal Affairs and Housing; the "Standing Committee on Heritage, Infrastructure and Cultural Policy", Parry Sound Muskoka MPP and the Association of Municipalities of Ontario.

CARRIED

(b) **Information Items**

(i) **Kearney Watershed Environmental Foundation – September 2022 Newsletter – Newsletter only.**

12. Other Business – Nil

13. Closed Session

Res. No. 13(a)/21/09/2022 Cheryl Philip, 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 2:37 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)/21/09/2022 Paul Ziraldo, 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 3:39 p.m.

CARRIED

14. Business Arising from Closed Session

Mayor Ballantyne reported on matters discussed in Closed Session.

15. Confirming By-Law

Res. No. 15/21/09/2022 Mike Rickward, Paul Ziraldo

By-law No. 2022-33, Being a By-law to confirm the proceedings of Council at its Regular Meeting held on September 21st, 2022 be read a first, second and third time and numbered 2022-33 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. 16/21/09/2022 Mike Rickward, Cheryl Philip

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 3:42 p.m. to meet again at 1:00 p.m. on Wednesday, October 12, 2022, in the Council Chambers, Kearney, Ontario.

CARRIED

THE CORPORATION OF THE
TOWN OF KEARNEY



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk