

The Corporation of the Town of Kearney
REGULAR COUNCIL MEETING MINUTES
Council Chambers
Thursday, September 5, 2024 – 6:00 p.m.

Council Members Present: Mayor: Cheryl Philip
Deputy Mayor: Michael Rickward
Councillors: Keven Beaucage, Heather Pateman and Jill Sharer

Staff Present: Nicole Gourlay, Clerk Administrator (CA)
Cindy Filmore, Deputy Clerk (DC)
Paul Audette, Public Works Superintendent (PWS)
The DC and PWS were present for the public portions of the meeting.
The CA was present for the entirety of the meeting.

A Moment of Silence was held to honour the memories of Carolyn Demeulenaere, Mark Demain and Peter Nidenoff

1. **Call the Meeting to Order**
The meeting was called to order at 6:01 p.m.
2. **Approval of Agenda**
Resolution 2024- 265
Moved by: Councillor Pateman; Seconded by: Councillor Sharer
BE IT RESOLVED that the Council of the Corporation of the Town of Kearney adopts the Agenda of September 5, 2024 as amended on September 4th and further amended at the table to add: to include the nomination of Catherine Hare as 2024 Senior Achievement Award Recipient.
CARRIED
3. **Disclosure of Interest**
None were noted.
4. **Delegations/Presentations**
4.1 Public Meeting – Planning Act – ZBLA RZ-02-24 (Friedland)
Resolution 2024-266
Moved by: Councillor Beaucage; Seconded by: Councillor Sharer
BE IT RESOLVED that the Public Meeting of Council pursuant to Section 34(12), (13), (14) of the Planning Act, R.S.O. 1990, cP.13 as amended held Thursday, September 5, 2024 be called to order at 6:07 p.m.
CARRIED

The Mayor explained the Public meeting process.

Jessica Rae Reid, the Planning Consultant, explained the purpose and effect of the proposed ZBLA.

Council members were invited to provide input or ask questions. Deputy Mayor Rickward expressed the reasoning behind the ZBLA. Councillor Beaucage inquired about the former Open Space zoning.

The applicant and the public were invited to provide input or ask questions. The applicant's planner, Stefan Szczerbak spoke to the ZBLA and the former Open Space zoning and commented on the purpose and effect of the proposed ZBLA

The applicant expressed thanks for the opportunity for the Public Meeting.

No public comments were received on the application, nor did any members of the public speak to the application during the public meeting.

Resolution 2024-267

Moved by: Deputy Mayor Rickward, Seconded by: Councillor Beaucage

BE IT RESOLVED that the Public Meeting of Council pursuant to Section 34 (12),(13), (14) of the Planning Act, R.S.O. 1990, c.P. 13 as amended held Thursday, September 5, 2024 be adjourned at 6:20 pm.

CARRIED

4.2 Auditors Report and Presentation 2023 Year End

Resolution 2024-268

Moved by: Councillor Pateman; Seconded by: Deputy Mayor Rickward

BE IT RESOLVED THAT the Council of the Corporation of the Town of Kearney thanks Judy Klienhuys of Grant Thornton for her presentation of the 2023 Audit Report for the Town of Kearney and approve the draft audit report as presented.

CARRIED

5. Consent List

Discussion took place regarding some items on the Payment Register

Resolution 2024-269

Moved by: Deputy Mayor Rickward; Seconded by: Councillor Beaucage

BE IT RESOLVED that the Consent List from the Regular Council Meeting of Thursday, September 5, 2024 be accepted and that all Recommendations contained therein be adopted as Resolutions of Council.

CARRIED

6. Items Referred from the Consent List

7. Items for Discussion

7.1 Planners Report to Council RZ05-23 - 218 Emsdale Lake Rd. (Waffle)

Resolution 2024- 270

Moved by: Councillor Beaucage ; Seconded by: Deputy Mayor Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney receives and accepts the report from EcoVue Consulting Services regarding RZ05-23 Waffle (LT 1 Con 8, Bethune, Town of Kearney);AND FURTHER THAT based on the information Staff have received from the applicants, their planner and our planning consultants, the applicant's consultant has not provided a sufficient response to our peer-review consultants review of the EIS, which do not outline the mitigations measures necessary to ensure protection of the shoreline/fish habitat from the new/proposed building site; AND FURTHER THAT the Council of the Corporation of the Town of Kearney hereby agrees to establish a Holding provision on the above application RZ 05-23 Waffle until such time that peer review comments related to natural heritage, particularly the reduced water yard setback and fish habitat, have been resolved.

CARRIED

7.2 DRAFT By-law to Assume Block 9, Plan 42M-647 on Riverside Drive

Resolution 2024- 271

Moved by: Councillor Pateman; Seconded by: Councillor Sharer

WHEREAS the *Municipal Act, 2001*, Section 31, permits the council of every municipality to pass by-laws for establishing and laying out highways; AND WHEREAS the Corporation of the Town of Kearney is the owner of a one-foot reserve which is described as Block 9, Plan 42M-647; NOW THEREFORE BE IT RESOLVED THAT it is deemed expedient to establish Block 9, Plan 42M- 647 as a public highway; AND FURTHER THAT the Council of The Corporation of the Town of Kearney hereby approves in principle the passing of a by-law to establish Block 9, Plan 42M-647 as a public highway which will take place later in this meeting.

CARRIED

7.3 DRAFT Consent Agreement – Friedland (Riverside Drive)

Resolution 2024-272

Moved by: Councillor Beaucage; Seconded by Councillor Sharer

BE IT RESOLVED that the Owner (Friedland) obtained, from the Southeast Parry Sound District Planning Board (Files B-002/24 & B-003/24) conditional approval of consent to sever the subject lands (the "Severance Approval") into two severed lots and one retained lot has requested a deferral of the signing of the Consent Agreement.

CARRIED

**7.4 DRAFT Agreement with AMO – Municipal Funding Agreement CCBF
Resolution 2024-273**

Moved by: Councillor Beaucage; Seconded by: Deputy Mayor Rickward
WHEREAS the Government of Canada, the Government of Ontario, the Association of Municipalities of Ontario (AMO) and the City of Toronto are signatories to the Administrative Agreement on the Canada Community Building Fund, effective April 1, 2024 (the “Administrative Agreement”), which governs the transfer and use of the Canada Community Building Fund (“CCBF”) in Ontario; AND WHEREAS AMO is responsible for the administration of CCBF funding made available to all Municipalities in Ontario – except the City of Toronto – under the Administrative Agreement; AND FURTHER THAT the Corporation of the Town of Kearney supports entering into this Agreement to access CCBF funding;
NOW THEREFORE BE IT RESOLVED that a by-law to authorize the execution of the consent agreement be passed later in the meeting.
CARRIED

**7.5 SR2024-56 Paving Overage Echo Ridge Road & Chetwynd Road
Resolution 2024-274**

Moved by: Councillor Sharer; Seconded by: Deputy Mayor Rickward
BE IT RESOLVED that the Council of the Corporation of the Town of Kearney receives and accepts SR2024-56 regarding the tender overage for paving on Chetwynd Road and Echo Ridge Road; AND FURTHER THAT Council approves payment of \$42,740.00 to Fowler Construction inclusive of HST which is in excess of the capital budget and approved Tender amount.
CARRIED

**7.6 Memo re: MOU with Almaguin District Snowmobile Club
Resolution 2024-275**

Moved by: Councillor Beaucage; Seconded by: Councillor Pateman
WHEREAS the Almaguin District Snowmobile Club has requested permission from the Town of Kearney to utilize and maintain designated road allowances for snowmobile trails within the Town; AND WHEREAS the Almaguin District Snowmobile Club is seen as a beneficial member of the community; AND WHEREAS the Almaguin District Snowmobile Club (ADSC) has presented a memorandum of understanding which includes the requisite insurance policy information as well as outlining the provision of trail signage and mapping of said trails; NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby directs Staff to bring back a draft by-law to enter into the MOU with ADSC with input from the Town’s Municipal Solicitor to ensure both the Town and the ADSC are covered; AND FURTHER THAT this agreement be in effect for 10 years.
CARRIED

**7.7 Volunteer Application for Library Board – Tracy Peters
Resolution 2024-276**

Moved by: Councillor Sharer; Seconded by: Councillor Pateman
WHEREAS the Council of the Corporation of the Town of Kearney has received an application from Tracy Peters to join the Kearney Library Board; NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney approves the application pending approval of the Kearney Library Board
CARRIED

**7.8 District of Parry Sound Municipal Association Fall 2024 Meeting
Resolution 2024-277**

Moved by: Councillor Beaucage; Seconded by: Councillor Sharer
BE IT RESOLVED the Council of the Corporation of the Town of Kearney has received the District of Parry Sound Municipal Association notice and application for the annual Fall Meeting; AND WHEREAS this meeting has been set to take place on Friday, September 27, 2024 in Point au Baril, ON; AND WHEREAS the cost to attend the meeting is set at \$50 per delegate plus mileage; NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Kearney will have Keven Beaucage, Heather Pateman, Cheryl Philip and 1 other Staff Member represent the Town of Kearney at said meeting.
CARRIED

**7.9 DRAFT Agreement – Cindy Leggett
Resolution 2024-278**

Moved by: Deputy Mayor Rickward; Seconded by: Councillor Sharer
WHEREAS the Council of the Corporation of the Town of Kearney has received a DRAFT by-law and DRAFT agreement with Cindy Leggett to provide instruction for Country Fusion Fitness classes to the Town of Kearney; AND WHEREAS Council wishes to support the Recreation Committee in this endeavour; NOW THEREFORE BE IT RESOLVED THAT the Council of the

Corporation of the Town of Kearney supports in principle the signing of this Agreement; AND FURTHER THAT a by-law to authorize the execution of the agreement be passed later in the meeting.
CARRIED

7.10 DRAFT RFP Official Plan, Strategic Plan Review & Resolution 2024-279

Moved by: Councillor Beaucage; Seconded by: Deputy Mayor Rickward
WHEREAS the Council of the Corporation has directed Staff to develop a Request for Proposal to complete a Strategic Plan, Official Plan and subsequent Zoning By-law update; AND WHEREAS in order to complete these updates a Request for Proposal is required to be issued as per the Town of Kearney Procurement By-law; AND WHEREAS Staff have prepared the requisite RFP for Council's review; NOW THEREFORE BE IT RESOLVED that Council receives and accepts the proposed RFP for the provision of consulting services for the update and development of a Corporate Strategic Plan, Official Plan and Zoning By-law; AND FURTHER directs Staff to move forward with issuing the RFP as provided in the agenda package, item 7.10.
CARRIED

7.11 DRAFT By-law to Appoint Municipal Freedom of Information Coordinator Resolution 2024-280

Moved by: Councillor Beaucage; Seconded by: Deputy Mayor Rickward
WHEREAS Section 3(1) of the *Municipal Freedom of Information and Protection of Privacy Act, RSO 1990 Chapter M. 56* as amended provides that the members of the council of a municipality may by by-law designate from among themselves an individual or a committee of the council to act as the head of the municipality for the purposes of this Act; AND WHEREAS the Council of the Municipal Corporation of the Town of Kearney deems it expedient to delegate such powers and duties of the head for the purposes of the Municipal Freedom of Information and Protection of Privacy Act to the Clerk;
AND WHEREAS in the absence of the Clerk, it is deemed expedient that the Deputy Clerk shall exercise the delegated powers and duties of the head for the purposes of the Municipal Freedom of Information and Protection of Privacy Act if the request does not include confidential information that the Deputy Clerk would not normally be privy to; NOW THEREFORE BE RESOLVED the Council of the Municipal Corporation of the Town of Kearney approves the passing of a By-law to authorize the appointment of the Clerk as the Head of the Municipality for the purposes of the MFIPP Act in principle, which will take place later in this meeting.
CARRIED

7.12 Memo re White's Farm Trail Maintenance and Rental of Equipment Resolution 2024-281

Moved by: Councillor Beaucage; Seconded by: Councillor Sharer
BE IT RESOLVED that the Council of the Corporation of the Town of Kearney receives and accepts the memo regarding White's Farm Trail Maintenance and Rental of Equipment from the Public Works Superintendent; AND FURTHER THAT Staff be authorized to rent equipment to complete the work required on White's Farm Trail up to \$6,000 + HST; AND FURTHER THAT this expense be paid for from the Parkland Dedication Reserve.
CARRIED

8. Other Business

8.1 Notice of Motion – Changes to the September 8, 2024, Town Hall Agenda Resolution 2024-282

Moved by: Councillor Beaucage; Seconded by: Deputy Mayor Rickward
WHEREAS the Town hosted the first Town Hall meeting on August 20, 2024; AND WHEREAS the items on the agenda were decided by the Public through public polling and the time allotted was not used in its entirety as Staff and Council thought, based on the volume of votes for said agenda items; AND WHEREAS the voting for the agenda items and Public Notice for both the August 20th and September 8th Town Hall Meetings were to be the same; AND WHEREAS Council members have heard from members of the Public that the inclusion of waste management and the current fees for tipping is an item many would like to have added to the September 8th Town Hall Meeting; AND WHEREAS Staff have previously advised Council that under legislation any items discussed at a Town Hall meeting require notice within the agenda; AND WHEREAS Staff have previously advised Council that under legislation any items discussed at a Town Hall meeting require notice within the agenda; AND WHEREAS members of Council have received requests and feel it appropriate to have an open forum at the end of the Town Hall Meeting on September 8th; BE IT RESOLVED that Council direct Staff to allow Public to come to microphone to ask individual questions, then return to microphone for further questions and to further add Waste Management matters to the agenda if time permits.
CARRIED

8.2 Notice of Motion – Sand Lake Boat Ramp Completion

Resolution 2024-283

Moved by: Councillor Beaucage; Seconded by: Deputy Mayor Rickward

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney directs Staff to return to Council with costs & time factors and to request a Special Council Meeting to address the steps required to complete the Sand Lake Boat Ramp project in 2024 and within budget.
CARRIED

Resolution 2024-284

Moved by: Councillor Beaucage; Seconded by: Deputy Mayor Rickward

BE IT RESOLVED THAT the Council of the Corporation of the Town of Kearney requests a report from Staff regarding process on recouping costs associated with demolition of buildings.
CARRIED

9. **Correspondence for Information**

Resolution 2024-285

Moved by: Councillor Beaucage; Seconded by: Councillor Pateman

BE IT RESOLVED THAT the Council of the Corporation of the Town of Kearney supports the Kearney Seniors Club nomination for the Ontario Senior Achievement Award; AND FURTHER THAT Council nominates Catherine Hare for the 2024 year.
CARRIED

Resolution 2024- 286

Moved by: Councillor Pateman; Seconded by: Councillor Sharer

BE IT RESOLVED that Council receives the September 5th Correspondence list.
CARRIED

10. **By-laws**

Resolution 2024- 287

Moved by: Councillor Beaucage; Seconded by: Deputy Mayor Rickward

BE IT RESOLVED the following by-laws be read a first, second and third time, be passed by the Council of the Corporation of the Town of Kearney signed by the Mayor and Clerk, sealed with the seal of the Corporation and engrossed in the by-law book: 10.1 By-law 2024-35 to Enter into Agreement with AMO – Municipal Funding Agreement CCBF; 10.2 By-law 2024-36 to Assume Block 9 Plan 42M-647 on Riverside; ~~10.3 By-law 2024-37 to Enter into a Consent Agreement Friedland (Riverside Drive)~~; 10.4 By-law 2024-38 to Enter into an Agreement with Cindy Leggett – Country Fusion Fitness; 10.5 By-law 2024-39 to Appoint Municipal Freedom of Information Coordinator; 10.6 By-law 2024-40 ZBLA RZ05-23 – 218 Emsdale Lake Rd (Waffle)
CARRIED

11. **Closed Session**

Resolution 2024- 288

Moved by: Councillor Sharer; Seconded by: Councillor Pateman

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney moves into closed session at 8:48 pm under Section 239(2) of the Municipal Act, under the following subsections:

(2)(b) Personal Matters about an Identifiable Individual; (2)(d) Labour Relations or Employee Negotiations; (3.1) Council Training.

CARRIED

Resolution 2024-289

Moved by: Deputy Mayor Rickward; Seconded by: Councillor Sharer

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney reconvenes in Open Session at 10:10 pm
CARRIED

Resolution 2024-290

Moved by: Deputy Mayor Rickward; Seconded by: Councillor Pateman

BE IT RESOLVED THAT in relation to curfew the Council of the Corporation of the Town of Kearney directs staff to note that Council has gone past the 4-hour curfew.
CARRIED

12. **Confirming By-law**

Resolution 2024- 291

Moved by: Councillor Pateman; Seconded by: Councillor Beaucage

BE IT RESOLVED that By-law 2024-41 being a by-law to Confirm the Proceedings of the Special Council Meetings of August 12 and 20 and the Regular Meeting of Council on September 5, 2024, be read a first, second and a third time, passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation, and engrossed in the by-law book.
CARRIED

13. **Adjournment**

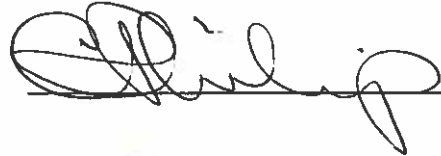
Resolution 2024-292

Moved by: Councillor Pateman; Seconded by: Councillor Beaucage

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 10:12 pm to meet again at 1 pm on September 8, 2024 in the Council Chambers, Kearney, Ontario

CARRIED

**THE CORPORATION OF THE
TOWN OF KEARNEY**



Mayor



Clerk