

# THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

## Regular Meeting of Council French River Visitor Centre – Ward 2

May 18, 2016

7:00 P.M.

**PRESENT: MAYOR:** Virginia Rook

**COUNCILLORS:** Eileen Lewis Pierre Paquette Debbie Burant  
Jim Rook Nancy Wirtz

**ABSENT:** Nil

**DISCLOSURE:** Nil

**STAFF:** Clerk-Treasurer - Candy Beauvais  
Deputy Clerk-Treasurer – Gilles Legault  
Public Works Superintendent – Steve Butlin

**MEMBERS OF PUBLIC:** 5

**GUESTS:** Nil

**DELEGATIONS:** Nil

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Mayor Rook called meeting to order at 7:00 P.M.

**16-184 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the minutes of the Regular Meeting of Council held April 13<sup>th</sup>, 2016 at 7:00 PM, the Public Meeting of Council held May 3<sup>rd</sup>, 2016 at 6:00 PM, and the Special Meeting of Council held May 3<sup>rd</sup>, 2016 at 6:30 PM be adopted as circulated.

**CARRIED**

**16-185 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** Disbursement Sheet #2016-04 covering the expenditures for the period ending April 30<sup>th</sup>, 2016 in the following amounts:

General Expenses - \$ 359,714.68  
Payroll Expenses - \$ 47,829.35

are hereby approved for payment.

**CARRIED**

**16-186 BY PIERRE PAQUETTE – NANCY WIRTZ**

**WHEREAS** human trafficking is a heinous crime that has been referred to as modern day slavery; and

**WHEREAS** traffickers recruit, transport, harbour and control the girl next door for sexual exploitation or forced labour; and

**WHEREAS** it is one of the fastest growing crimes that starts and stays in Canada, targeting victims – 90 percent of which are Canadian-born and predominantly female, averaging the age of 14; and

**WHEREAS** Ontario is a major hub of human trafficking in Canada, and victims are lured, manipulated and coerced, often over the internet from every part of Ontario; and

**WHEREAS** human trafficking is in our neighbourhoods and our communities;

**THEREFORE BE IT RESOLVED** that the Council of the Municipality of Killarney support Bill 158, *Saving the Girl Next Door Act, 2016*, support Laurie Scott's motion for a multi-jurisdictional and coordinated task force of law enforcement agencies, Crown prosecutors, judges, victims' services and frontline agencies; and that a copy of this resolution be forwarded to all Members of Provincial Parliament.

**CARRIED**

**16-187 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney acknowledge the petition from Paul Malcew to lease land at the airport for the purpose of building an airplane hangar.

**FURTHER THAT** Council direct staff to investigate the proposal and associated requirements.

**CARRIED**

**16-188 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney support the resolution passed by the Town of Amherstburg at their meeting held on April 25, 2016 supporting Bill 180, *Workers Day of Mourning Act, 2016*.

**FURTHER THAT** a copy of this resolution be forwarded to the Association of Municipalities Ontario (AMO).

**CARRIED**

**16-189 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney support the resolution passed by the Township of South Frontenac at their meeting held on April 19, 2016 regarding large renewable procurement initiatives. Whereby calling on the Provincial Government to set regulations where there is no willing municipal host and no community benefit agreement in place for such initiatives.

**FURTHER THAT** a copy of this resolution be forwarded to Premier Wynne, the Leaders of the Opposition, Local MPPs, the IESO and the Association of Municipalities Ontario (AMO).

**CARRIED**

**16-190 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney support the resolution passed by the Township of South Frontenac at their meeting held on April 19, 2016 supporting the resolution passed by the Township of Georgian Bay requesting the implementation of legislation that would provide authorities with the ability to enforce the "No Wake" restriction on Ontario's navigable waters.

**FURTHER THAT** a copy of this resolution be forwarded to the Township of South Frontenac, the Township of Georgian Bay and the Minister of Transport Marc Garneau.

**CARRIED**

**16-191 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney support the resolution passed by the Municipality of South Dundas at their meeting held on April 19, 2016 requesting the Provincial Government to reconsider the suspension of the Rural Economic Development Program (RED) into the Jobs & Prosperity Fund.

**FURTHER THAT** a copy of this resolution be forwarded to Premier Wynne and the Minister of Agriculture, Food & Rural Affairs.

**CARRIED**

**16-192 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney support the resolution passed by the Township of Warwick at their meeting held on April 11, 2016 supporting the Municipality of Bluewater’s resolution regarding physician recruitment.

**FURTHER THAT** the Council of the Municipality of Killarney hereby requests that the Minister of Health and Long Term Care reinstate incentives for physicians to practice in rural areas of Ontario, and that the Minister return to the table with Ontario’s doctors and work together through mediation-arbitration to reach a fair deal that protects the quality, patient-focused care Ontario families deserve;

**FURTHER THAT** a copy of this resolution be forwarded to Premier Wynne, the federal and provincial Ministers of Health, and the Ontario College of Physicians and Surgeons.

**CARRIED**

**16-193 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney support the resolution passed by the Municipality of Dutton Dunwich at their meeting held on April 13, 2016 requesting changes to the IESO process.

**FURTHER THAT** a copy of this resolution be forwarded to the Chair of the Board & President of IESO, the Minister of Energy, our MPP’s, the Association of Municipalities Ontario (AMO) and Invenergy.

**CARRIED**

**16-194 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney has no objection to the Consent Application from Jonathan Speigel – Sudbury East Planning Board File No. B/02/15/KL received by the Board on January 15, 2015.

**CARRIED**

**16-195 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney grants The Pines Inn an exemption to the noise by-law until 1:00 AM on the following dates:

*Friday, July 1, 2016*  
*Friday, July 22, 2016*  
*Saturday, August 13, 2016*

*Saturday, July 16, 2016*  
*Saturday, July 30, 2016*  
*Saturday, August 27, 2016*

**FURTHER THAT** it is understood that this exemption may be rescinded if complaints are received from the community or if the 1:00 AM curfew is not adhered to.

**CARRIED**

**16-196 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney acknowledge the twenty-four (24) emails from various ratepayers regarding their individual concerns regarding area rating.

**CARRIED**

**16-197 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Council direct staff to investigate the cost of having a study which will look into the feasibility of the implementation of an area rating system for the Municipality of Killarney.

**FURTHER THAT** two Public Information nights be setup, one in Ward 1 & one in Ward 2, and MPAC representatives be present to address questions.

**CARRIED**

**16-198 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney acknowledge the email from Camp Dore regarding their concerns involving the Key River Landfill Site.

**FURTHER THAT** the dump hours be changed from Saturdays to Sundays 2:00 P.M. to 6:00 P.M.

**CARRIED**

**16-199 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney acknowledge the letter from Killarney Mountain Lodge dated May 5, 2016 regarding the unopened Road Allowance on Bay Street between Channel Street and Commissioner Street.

**FURTHER THAT** the Municipality convey the footbridge to KML as per the proposal from Holden Rhodes dated May 5, 2016. Final details to be determined by our legal counsel.

**CARRIED**

**16-200 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney support the Association of Municipalities Ontario (AMO) in their endeavour to collect donations for the Fort McMurray Disaster and donate \$ 500.00 to this cause.

**CARRIED**

**16-201 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney support the resolution passed by Niagara Region at their meeting held on April 28, 2016 regarding Lyme Disease.

**FURTHER THAT** the Council of the Municipality of Killarney hereby requests both the Province of Ontario and the Government of Canada to increase funding for research aimed to enhance the testing for Lyme Disease and determine better treatment for long term outcomes of Lyme Disease;

**FURTHER THAT** a copy of this resolution be forwarded to Premier Wynne, the Minister of Health and local MPPs.

**CARRIED**

**16-202 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney acknowledge the email dated May 9, 2016 from Holden Rhodes on behalf of the Killarney Mountain Lodge requesting a temporary entrance at St. Paul Street East.

**FURTHER THAT** the Municipality has no objection to this proposal provided KML adheres to the following requirements:

- be responsible for all costs associated with this temporary access;
- install “overhead wire” signs;
- that street speed limits be adhered to as this is a school zone at 40 km/hr;
- that the Municipal Public Works Department oversee the culvert installation.

**CARRIED**

**16-203 BY PIERRE PAQUETTE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the Municipality of Killarney has no objection to the Application of Consent from Mary Rome and Marlene Rome – Sudbury East Planning Board File No. B/09/16/KL received by the Board on May 11, 2016.

**CARRIED**

**16-204 BY NANCY WIRTZ – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the report from the Public Works Department for the month of April 2016 be accepted and filed.

**CARRIED**

**16-205 BY NANCY WIRTZ – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the report from the Financial Department for the month of April 2016 be accepted and filed.

**CARRIED**

**16-206 BY NANCY WIRTZ – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the report from the Building Department for the month of April 2016 be accepted and filed.

**CARRIED**

**16-207 BY NANCY WIRTZ – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the minutes of the Killarney Community Centre Board Meetings held April 11<sup>th</sup> and May 4<sup>th</sup>, 2016 be accepted and filed.

**CARRIED**

**16-208 BY NANCY WIRTZ – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** Council has no objections to the modification of fitness centre hours as proposed by the Killarney Community Centre Board dated May 11<sup>th</sup>, 2016.

**CARRIED**

**16-209 BY NANCY WIRTZ – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the minutes of the Killarney Health Centre Board Meeting held April 28<sup>th</sup>, 2016 be accepted and filed.

**CARRIED**

**16-210 BY NANCY WIRTZ – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the minutes of the Airport Committee Meeting held April 9<sup>th</sup>, 2016 be accepted and filed.

**CARRIED**

**16-211 BY NANCY WIRTZ – PIERRE PAQUETTE**

**WHEREAS** Killarney Mountain Lodge (KML) is expanding the resort and the Municipality supports this expansion and the potential for increased economic activity it will create in the Municipality;

**AND WHEREAS** KML has requested that its current four inch connection be upsized to a six inch line for water service which is proposed to be connected to the Municipal supply;

**AND WHEREAS** the Municipality has concerns regarding the impact of this connection on the capacities of the respective treatment systems, and the sewer pumping station.

**AND WHEREAS** the AECOM report indicated that the connections could proceed based on the firm's analysis of the infrastructure. The report included some concerns about the expansion to service KML potentially impacting on the remaining capacity to service future development;

**AND WHEREAS** the Municipality has not received an adequate response from OCWA, the Municipality's operating authority, to its resolution requesting recommendations on the impact of the development on the infrastructure;

**AND WHEREAS** the Municipal Public Works Department, based on its review of the AECOM report, as well its familiarity with the water and sewage works, has expressed reservations respecting the impact on these works, and the respective servicing capacities to meet the demand imposed by the KML expansion.

**AND WHEREAS** due to concerns raised by our current capacity limitations and previous events including two exceedances to our permit to take water and an increasing requirement to request permission from the Ministry of Environment and Climate Change for early seasonal discharges of the municipal lagoons there is a concern that further demands placed on both our water treatment plant and our sanitary sewage treatment lagoons will be taxed even further, increasing the likelihood of such events and leading to ministry actions being placed upon the municipality. The sewage lagoons have experienced the need for premature releases and exceedances of their volume capacity.

**AND WHEREAS** the Public Works Department has expressed reservations regarding this new six inch connection to the municipal infrastructure and the ability to meet the existing servicing demand as well as the additional demand by the KML expansion.

**AND WHEREAS** the Chief Building Official (CBO) is responsible for building and plumbing compliance under the Ontario Building Code which includes the requirements under the Plumbing Act. The inspection and approval of the water and sewer servicing and their respective connections are therefore under the jurisdiction of the CBO subsequent to crossing the property line.

**NOW THEREFORE** the Municipality's approval of this service tie-in will be contingent upon the following requirements and precautions being taken:

- 1) No fire-fighting apparatus (ie: fire hydrants) within the KML development shall be connected to the municipal water supply. If hydrants and associated appurtenances are installed they must be isolated from the municipal water distribution system to ensure that there is no potential for cross connection. Any hydrants already installed connecting to the municipal supply must be disconnected immediately. Verification of all hydrant water sources must be confirmed by the CBO before backfilling commences
- 2) A Double Check Backflow Prevention Device must be installed by a certified bfp installation tech on the six inch supply line before any private water main appurtenances are encountered, including valves, divergences (ie: splits in the supply, T's, Y's or other water drafting usages). This device must be accessible for the required annual inspection by a license bfp certified technician.

The performance of this inspection shall be carried out by the KML and records provided to the municipality on a yearly basis.

- 3) The connection to the municipal sanitary sewer must not be increased in diameter.
- 4) Any adverse effects to the municipal infrastructure, ie: flows exceeding lagoon capacity, exceedance of the municipal permit to take water, or other events that negatively impact the capacities of the Municipal water supply and sanitary sewer system, will result in the Municipality reconsidering the service tie-in. Should the municipal water/sewer infrastructure prove to be inadequate to meet the requirements of this extension of servicing to KML, or if it is determined that the requirements of the KML are causing failures of a compliance nature then it may be necessary for corrective action be taken, and the Municipality shall undertake to re-evaluate the impact at that time. Including, but not limited to, the water service line being reduced in diameter.
- 5) That KML provide the Municipality with "as built" drawings of the water and sewer installation.

- 6) This service connection to the municipal distribution system will be subject to oversight by our operating authority, The Ontario Clean Water Agency. All regulatory requirements, including proper disinfection procedures and required sampling will be carried out by them. Unlike work performed on private property the municipality must adhere to provincial regulations and the proper disinfection procedure is required. The service connection to the water-main will be performed 'live' to avoid inconvenience to other users and to ensure that cross-contamination does not occur.
- 7) The development must adhere to all municipal by-laws and should any issue arise which is in conflict with the by-laws, or other municipal building requirements, these shall be addressed by the developer to the satisfaction of the Municipality.

<b>RECORDED VOTE</b>		
	<i>FOR</i>	<i>AGAINST</i>
D. BURANT	<u>  x  </u>	_____
E. LEWIS	<u>  x  </u>	_____
P. PAQUETTE	<u>  x  </u>	_____
J. ROOK	_____	<u>  x  </u>
V. ROOK	_____	<u>  x  </u>
N. WIRTZ	<u>  x  </u>	_____

**CARRIED**

**16-212 BY NANCY WIRTZ – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the Municipality of Killarney hire Bob Mercier for the position of part-time labourer posted on the condition that he/she obtains the required criminal background check and presents a copy to the Clerk prior to employment commencing.

**Rate of Pay:** *Step 1 of By-Law No. 2016-04  
Schedule “C” – General Labourer*

**CARRIED**

**16-213 BY NANCY WIRTZ – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the Municipality of Killarney hire Sulee Roque for the position of part-time landfill attendant posted on the condition that he/she obtains the required criminal background check and presents a copy to the Clerk prior to employment commencing.

**Rate of Pay:** *Step 1 of By-Law No. 2016-04  
Schedule “C” – Public Works Full Time Part Time Employees*

**CARRIED**

**16-214 BY NANCY WIRTZ – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** the Municipality employ Marlene Kutcher as municipal gardener for a period of 15 weeks – 25 hours per week starting date as of May 30<sup>th</sup>, 2016.

Remuneration will be according to Step 5 of the General Labourer Pay Grid – By-Law No. 2016-04.

**CARRIED**



**16-215 BY EILEEN LEWIS – JIM ROOK**

**BE IT RESOLVED THAT** By-Law #2016-22 being a by-law to adopt a Code of Conduct for Council Members and Local Board/Committees be read a first and second time.

**CARRIED**

**16-216 BY EILEEN LEWIS – JIM ROOK**

**BE IT RESOLVED THAT** By-Law #2016-22 being a by-law to adopt a Code of Conduct for Council Members and Local Board/Committees be considered read a third time and passed in Open Council this 18<sup>th</sup> day of May 2016.

**CARRIED**

**16-217 BY EILEEN LEWIS – JIM ROOK**

**BE IT RESOLVED THAT** Council proceed to discuss the following item(s) listed below as an Addendum to the May 18<sup>th</sup>, 2016 Regular Meeting Agenda:

- 1. Cemetery Grass Cutting – To Hire Contractor
- 2. Trail Plan Agreement – To Execute

**CARRIED**

**16-218 BY EILEEN LEWIS – JIM ROOK**

**BE IT RESOLVED THAT** the Municipality of Killarney contract with Just In Time Yard Services for grounds maintenance/grass cutting at both cemetery locations as dated in their proposal May 13, 2016.

**CARRIED**

**16-219 BY EILEEN LEWIS – JIM ROOK**

**BE IT RESOLVED THAT** Council proceed to execute the Trail Plan Agreement with the Wikwemikong Development Commission dated May 17, 2016.

**CARRIED**

**16-220 BY DEBBIE BURANT – PIERRE PAQUETTE**

**BE IT RESOLVED THAT** Council discuss having de-amalgamation / restructuring also reviewed by the third party investing area rating (should Council decide to have a third party investigate area rating).

<b>RECORDED VOTE</b>		
	<i>FOR</i>	<i>AGAINST</i>
D. BURANT	<u>  x  </u>	_____
E. LEWIS	<u>  x  </u>	_____
P. PAQUETTE	_____	<u>  x  </u>
J. ROOK	_____	<u>  x  </u>
V. ROOK	_____	<u>  x  </u>
N. WIRTZ	<u>  x  </u>	_____

**DEFEATED**

**16-221 BY EILEEN LEWIS – JIM ROOK**

**BE IT RESOLVED THAT** Council go into Closed Session at 9:29 P.M. to adopt the minutes of the closed meeting held on April 13<sup>th</sup>, 2016 as well as to discuss legal matters regarding Solicitor/Client Privilege Information, Outstanding Invoices, the Key River Landfill Site, an update on a Small Claims Issue and to discuss a personnel matter.

**CARRIED**

**CLOSED SESSION:**

*Adoption of Minutes:*

- The first matter of business was the adoption of the closed minutes from the April 13<sup>th</sup>, 2016 council meeting.

*Legal Matters:*

- The first legal matter of business involved solicitor/client privilege information relating to lease issues.
- The second legal matter of business involved solicitor/client privilege information relating to the municipal wharf.
- The third legal matter of business involved a potential litigation issue regarding outstanding invoices.
- The fourth legal matter of business involved a potential for legal action regarding the Key River Landfill Site.
- The fifth matter of business related to an update on a Small Claims Issue.

*Personnel Matter:*

- The final matter of business was a personnel matter relating to an identifiable employee.

**16-222 BY EILEEN LEWIS – JIM ROOK**

**BE IT RESOLVED THAT** Council rise and report at 9:56 P.M

**CARRIED**

**16-223 BY EILEEN LEWIS – JIM ROOK**

**BE IT RESOLVED THAT** By-Law #2016-23 being a by-law to confirm the proceedings of Council be read a first and second time.

**CARRIED**

**16-224 BY EILEEN LEWIS – JIM ROOK**

**BE IT RESOLVED THAT** By-Law #2016-23 being a by-law to confirm the proceedings of Council be considered read a third time and passed in Open Council this 18<sup>th</sup> day of May, 2016.

**CARRIED**

**16-225 BY EILEEN LEWIS – JIM ROOK**

**BE IT RESOLVED THAT** we adjourn the Regular Meeting of Council held May 18<sup>th</sup>, 2016 at 9:57 P.M. to meet again on June 8, 2016 at 7:00 P.M. or as otherwise specified.

**CARRIED**

.....  
*Virginia Rook, Mayor*

.....  
*Candy K. Beauvais, Clerk Treasurer*