

# THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

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

July 10, 2019

7:00 P.M.

**PRESENT:** *MAYOR:* Virginia Rook

*COUNCILLORS:* Barbara Anne Haitse Michael Reider Nancy Wirtz  
John Dimitrijevic Jim Rook

**ABSENT:** Nil

**DISCLOSURE:** Nil

**STAFF:** Clerk-Treasurer – Candy Beauvais  
Deputy Clerk-Treasurer – Gilles Legault  
Project Manager – Kelly Champaigne

**MEMBERS OF PUBLIC:** Nil

**GUESTS:** Nil

**DELEGATIONS:** Sudbury East Building & By-Law Services – Andrea Tarini  
By-Law Enforcement Officer, Municipality of French River  
- Kevin Benvenuti  
RE: Proposed Travel Trailer By-Law Report

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

**19-244 BY JIM ROOK – JOHN DIMITRIJEVIC**

**BE IT RESOLVED THAT** the Municipality of Killarney supports changing the Zoning By-Law to allow travel trailer use within the Municipality.

**FURTHER** to create a municipal by-law to control the use of trailers including set fines.

**CARRIED**

**19-245 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** the minutes of the Regular Meeting of Council held June 12<sup>th</sup>, the Committee of Adjustment meeting held June 27<sup>th</sup> and the Town Hall Meeting held June 27<sup>th</sup>, 2019 be adopted as circulated.

**CARRIED**

**19-246 BY BARBARA ANNE HAITSE – MICHAEL REIDER**

**BE IT RESOLVED THAT** Disbursement Sheet #2019-06 covering the expenditures for the period ending June 30<sup>th</sup>, 2019 in the following amounts:

General Expenses - \$ 294,758.96  
Payroll Expenses - \$ 63,112.91

are hereby approved for payment.

**CARRIED**

**19-247 BY JIM ROOK – JOHN DIMITRIJEVIC**

**BE IT RESOLVED THAT** the Municipality of Killarney process the following Minutes of Settlement and 358 application made under the Assessment Act and the Municipal Act, 2001 for the following properties:

**For the 2019 Tax Year – Minutes of Settlement**

Roll #5136 000 013 02703 0000 residential payment in lieu assessment w/o (RP) in the amount of \$ (43,000)

For the Period: January 1, 2019 to December 31, 2019

*Reason: Structure(s) Demolished / Seasonal and/or water access to lot*

**For the Year 2019 – 357 Application**

Roll #5136 000 013 02300 0000 residential assessment w/o (RT) in the amount of \$ (43,448)

For the Period: January 1, 2019 to December 31, 2019

*Reason: Demolition/Razed by Fire*

**For the Year 2018 – 358 Application**

Roll #5136 000 013 02300 0000 residential assessment w/o (RT) in the amount of \$ (41,896)

For the Period: July 22, 2018 to December 31, 2018

*Reason: Destruction of cottage due to Parry Sound 33 fire – is now vacant land*

**CARRIED**

**19-248 BY JIM ROOK – JOHN DIMITRIJEVIC**

**BE IT RESOLVED THAT** Councillor Dimitrijevic attend the 2019 Planning Authorities Technical Workshop to be held in Sudbury on Wednesday, September 11<sup>th</sup>, 2019 and that expenses be reimbursed according to By-Law No. 2015-06 - Schedule “B”.

**CARRIED**

**19-249 BY BARBARA ANNE HAITSE – MICHAEL REIDER**

**BE IT RESOLVED THAT** regarding the Boundaries of the Whitefish River Specific Claim as outlined in a letter from Crown-Indigenous Relations and Northern Affairs Canada dated March 26, 2019 (which was only brought to the Council for discussion at this meeting), the Municipality of Killarney hereby has a strong reluctance about land being removed from the municipal tax base;

**FURTHER THAT** in accordance with Canada’s policies, land will not be removed from a municipality’s tax base without an arrangement being made between the municipality and the First Nation. The First Nation and the municipality must agree to the arrangement prior to any land becoming reserve land;

**FURTHER THAT** Whitefish River First Nation be informed that Killarney foresees significant challenges in being able to come to an agreement with respect to taxes should the First Nation purchase land within our municipal boundaries;

**FURTHER THAT** the Municipality of Killarney requests to be kept informed as the consultation process progresses;

**FURTHER THAT** this resolution be forwarded to Chief Shining Turtle – Whitefish River First Nation, Nancy Kleer – legal counsel for Whitefish River First Nation, Antonia Aphantitis – legal counsel Department of Justice Canada and Sean Thompson – Manager Lands Initiatives.

**CARRIED**

**19-250 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** the Public Works Superintendent contact businesses who are not recycling and advise that if the recycling program is not adhered to measures may be taken whereby their dumping privileges will be revoked.

**CARRIED**

**19-251 BY NANCY WIRTZ – MICHAEL REIDER**

**BE IT RESOLVED THAT** the Public Works Superintendent attend the Waste & Recycling Expo to be held in Toronto on Thursday, October 10<sup>th</sup>, 2019 and that expenses be reimbursed according to By-Law No. 2015-06 - Schedule “B”.

**CARRIED**

**19-252 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** the Council for the Municipality of Killarney advise Crown-Indigenous Relations and Northern Affairs Canada that there are concerns with respect to the lands proposed to be transferred to the Wiikwemkoong First Nation;

**FURTHER THAT** a letter was addressed to Richard Aniol, Sr. Negotiator on November 5<sup>th</sup>, 2015 stating that the Municipality would like Wiikwemkoong to consider the following:

1. Environmental Concerns and that Provincial environmental regulations be a condition of any transfers of Crown land;
2. Property Access Concerns and that ratepayers maintain access to their property;
3. Loss of Recreational Use of Crown Lands and the potential of public access to them, in particular Philip Edward Island;
4. Effects on the Local Economy regarding local tourist operators and the inability to continue bringing guests to Philip Edward Island for shore lunches, excursions, etc. It is requested that the land claim not curtail financial income to these local businesses;
5. Crown Land on George Island requesting that the Crown Land which fronts on Killarney Channel and the lots on the west end of the island be removed from the land claim (preferably all of George Island);
6. George Island Trail to allow continued use by the public;
7. Philip Edward Island, due to safety concerns for kayakers and canoeists consider setting aside an area of Crown Shoreline to allow camping on PEI should bad weather arise and also to allow continued public use of the lands;
8. Badgeley Island place constraints on operations resulting in a loss of revenue.

**CARRIED**

**19-253 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** the Municipality of Killarney grant permission to Cameron Perdue of Incapture to fly low drone levels over the Killarney Channel this summer for the purpose of creating a tourism video;

**FURTHER THAT** Mr. Perdue adhere to all NAVCANADA and any other governmental requirements as well as:

- Securing approval from NAVCANADA and providing the Municipality with a copy;
- Filing the flight plan;
- Filing a NOTAM for pilots;
- Perform radio communication on 122.8 via VHF to coordinate with any pilots in the area;

- Secure site for operations;
- Provide confirmation of flight insurance (*\$5 million dollars liability*) and add the municipality as an additional insured to the policy.

**FURTHER THAT** should flying of the drone prove to be hazardous to the boating traffic in Killarney Channel and/or interfere with airport operations the Municipality will rescind this permission in writing to Mr. Perdue whereby his operation will halt immediately.

**CARRIED**

**19-254 BY BARBARA ANNE HAITSE – MICHAEL REIDER**

**BE IT RESOLVED THAT** Council acknowledge the letter from M. Graveline and further that the Municipality contact the Ministry of Transportation to install signage strategically on Hwy. 637 to warn drivers they are entering a wildlife corridor with possible slow zones that are known turtle crossing sites.

**CARRIED**

**19-255 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** Council amend Policy #A-001 Part 1.2 Dealing with Public to include the following:

**FURTHER** in order to ensure that questions and concerns of significant importance from ratepayers are addressed by Council in an accountable, transparent and timely manner, it is hereby requested that ratepayers forward such items for inclusion on the council agenda. The matter will be placed on the agenda as long as the matter warrants the consideration of Council;

**FURTHER** if an email is sent to every member of council or a majority/quorum of council, then Council will respond with one reply so as not to contravene the open meeting provisions. If the question the individual is asking is sent to a quorum of council and they communicate between themselves, then this may offend the open meeting provisions as they may be effectively meeting through email and making a decision that affects the business/advancement of the Municipality and this may be construed as an illegal meeting if the majority of members respond;

**FURTHER** this practice will ensure the matter is analyzed and voted on at the Council table. By following this process it will ensure the Municipality is conducting its business in a public, accountable and transparent manner;

**FURTHER** when decisions are made at the Council table the resolution is the voice of Council, it is a process that is open and accessible to all stakeholders;

**FURTHER** this does not restrict a Councillor from being responsive to their constituents on an issue of concern, but if the matter requires a decision of Council it should be placed on the Council Agenda;

**THEREFORE** in order to provide transparent and open governance Council shall address issues that affects the business/advancement of the Municipality at the council table.

**CARRIED**

**19-256 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** the report from the Public Works Department for the month of June 2019 be accepted and filed.

**CARRIED**

**19-257 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** the Municipality implement a 2-bag (household garbage) maximum per day for residences using the Hartley Bay and Key River Landfills;

**FURTHER THAT** the appropriate tipping fee must be paid for brown waste and construction material;

**FURTHER THAT** the landfill site attendant has the right to inspect and/or refuse any material that does not adhere to the municipal garbage policy;

**FURTHER THAT** dumping privileges may be revoked.

**CARRIED**

**19-258 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** the report from the Financial Department for the month of June 2019 be accepted and filed.

**CARRIED**

**19-259 BY BARBARA ANNE HAITSE – NANCY WIRTZ**

**BE IT RESOLVED THAT** the minutes of the Celebrations Committee meeting held on June 26<sup>th</sup>, 2019 be accepted and filed.

**CARRIED**

**19-260 BY BARBARA ANNE HAITSE – NANCY WIRTZ**

**BE IT RESOLVED THAT** on recommendation of the Fire Chief, and providing that they qualify under Municipal Policy #H-001 – Part 1.3, the following individuals will be officially appointed to the Killarney Volunteer Fire Department upon submission of all required documentation:

**Ralph Nacin  
Theodore McLaughlin**

**FURTHER** these appointees will be on a 6-month probation period, during which time they shall take such special training and examinations as may be required by the Chief of the Department.

**CARRIED**

**19-261 BY NANCY WIRTZ – MICHAEL REIDER**

**BE IT RESOLVED THAT** the Municipality of Killarney proceed with the process to opt out of the Vacancy Rebate program as it may not be an option in 2020.

**FURTHER THAT** a special meeting will be held prior to August 1<sup>st</sup>, 2019 in order to meet the Minister's deadline.

**CARRIED**

**19-262 BY MICHAEL REIDER – NANCY WIRTZ**

**BE IT RESOLVED THAT** Council acknowledge the report from the Project Manager regarding Asset Management and the role of Council and Staff.

**CARRIED**

**19-263 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** due to minor changes made to the Asset Management Policy that Council hereby rescind Resolution No. 19-142;

**FURTHER THAT** the amended policy be adopted as required under the Infrastructure for Jobs and Prosperity Act, 2015 O. Reg. 588/17 3.1

**CARRIED**

**19-264 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** the Municipality of Killarney submit a grant application to the Ontario Trillium Foundation for 100% funding in the amount of \$67,700.00 to enhance and improve the playground at the Killarney Community Centre.

**CARRIED**

**19-265 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** Council proceed to discuss the following item(s) listed below as an Addendum to the July 10<sup>th</sup>, 2019 Regular Meeting Agenda:

1. Sportsman’s Inn – Requesting Extension to the Noise By-Law August 23 & 24

**CARRIED**

**19-266 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** the Municipality of Killarney grants the Sportsman’s Inn Resort & Marina an exemption to the noise by-law until 1 AM on August 23<sup>rd</sup> & 24<sup>th</sup>, 2019;

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

**CARRIED**

**19-267 BY JOHN DIMITRIJEVIC – JIM ROOK**

**BE IT RESOLVED THAT** Council hereby amend Policy #A-002 Subject: Part 2.3 Notice of Meetings by adding the following:

Further, regular council meeting agendas will be posted on the municipal website the Friday before the regular council meeting date, insofar as practicable.

<b>RECORDED VOTE</b>		
	<i>FOR</i>	<i>AGAINST</i>
Z. DIMITRIJEVIC	<u>  x  </u>	_____
B. HAITSE	<u>  x  </u>	_____
M. REIDER	<u>  x  </u>	_____
J. ROOK	<u>  x  </u>	_____
V. ROOK	<u>  x  </u>	_____
N. WIRTZ	<u>  x  </u>	_____

**CARRIED**

19-268 BY JOHN DIMITRIJEVIC – JIM ROOK

BE IT RESOLVED THAT the next Town Hall Meeting be held in Ward 2 on August 21<sup>st</sup> at 4:00 P.M. with a BBQ held previously at 3:00 P.M.

CARRIED

19-269 BY JIM ROOK – BARBARA ANNE HAITSE

BE IT RESOLVED THAT Council go into Closed Session at 9:20 P.M. in accordance with Section 239 (2) of the Municipal Act, 2001, c. 25 to adopt the minutes of the closed meeting held on June 12<sup>th</sup>, 2019 and to discuss a personal matter relating to an identifiable employee.

CARRIED

**CLOSED SESSION:**

*Adoption of Minutes:*

- The first matter of business during closed session was the adoption of the closed minutes from the regular meeting held on June 12<sup>th</sup>, 2019.

*Personal Matter:*

- The second matter of business during closed session was to discuss a personal issue regarding an identifiable employee.

19-270 BY JOHN DIMITRIJEVIC – JIM ROOK

BE IT RESOLVED THAT Council rise and report at 9:24 P.M.

CARRIED

19-271 BY BARBARA ANNE HAITSE – MICHAEL REIDER

BE IT RESOLVED THAT By-Law #2019-28 being a by-law to confirm the proceedings of Council be read a first and second time.

CARRIED

19-272 BY NANCY WIRTZ – MICHAEL REIDER

BE IT RESOLVED THAT By-Law #2019-28 being a by-law to confirm the proceedings of Council be read a third time and passed in Open Council this 10<sup>th</sup> day of July, 2019.

CARRIED

19-273 BY JIM ROOK – JOHN DIMITRIJEVIC

BE IT RESOLVED THAT we adjourn the Regular Meeting of Council held July 10<sup>th</sup>, 2019 at 9:27 P.M. to meet again on Wednesday, August 14<sup>th</sup>, 2019 at 7:00 P.M. or as otherwise specified.

CARRIED

*ORIGINAL DOCUMENT SIGNED*

.....  
*Virginia Rook, Mayor*

*ORIGINAL DOCUMENT SIGNED*

.....  
*Candy Beauvais, Clerk-Treasurer*