

# THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Regular Meeting of Council  
In Person – No Electronic Participation  
Veteran’s Memorial Hall  
October 14<sup>th</sup>, 2020  
5:00 P.M.

**PRESENT:** *MAYOR:* Nancy Wirtz

*COUNCILLORS:* Barbara Anne Haitse Michael Reider  
Jim Rook Robert Campbell

**ABSENT:** *COUNCILLOR:* John Dimitrijevic

**DISCLOSURE:** Nil

**STAFF:** Clerk-Treasurer – Candy Beauvais  
Deputy Clerk-Treasurer – Gilles Legault  
Public Works Superintendent – Tony Nuziale  
Administrative Assistant – Angie Nuziale  
Project Manager – Kelly Champaigne

**MEMBERS OF PUBLIC:** 3

**GUESTS:** Nil

**DELEGATIONS:** Marc Kilchling – Re: By-Law 2018-25 – Unopen Road Allowance Lease

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Mayor Wirtz called meeting to order at 5:00 P.M. and read the following statement.

On March 19, 2020, Bill 187, *Municipal Emergencies Act, 2020* came into force. This legislation amended the *Municipal Act, 2001* to permit municipalities to amend their procedural bylaws to provide that, during emergencies, members of Councils, local boards, and committees who participate in meetings electronically may be counted for the purposes of determining quorum. Further, on July 21, 2020, the COVID-19 Economic Recovery Act, 2020 was passed to further amend the Municipal Act, 2001 such that a Municipality’s procedure by-law may permit Councillors to participate electronically in both open and closed meetings and for those Councillors to be counted in determining quorum when participating electronically. Therefore, the Municipality of Killarney has determined to further amend its procedural bylaw. Accordingly, meetings of the Municipality’s Council, local boards, and committees will be conducted via teleconference or via in person meetings. The public will also be able to participate in such meetings in the same manner.

Mayor then continued with roll call, a quorum was present and the meeting proceeded.

Mayor called for a moment of silence. Mayor proceeded to ask Council if there were any declarations of pecuniary interest. Each councillor announced they had no disclosure. Mayor indicated there was one delegation on the agenda.

**Delegation:**

Marc Kilchling – Re: By-Law 2018-25 – Unopen Road Allowance Lease

**20-327 BY ROBERT CAMPBELL – JIM ROOK**

**WHEREAS** By-Law 2018-25, being a lease with Landsdowne Channel Association LLC for the unopened Tilley Street road allowance has been in force since 2013;

**AND WHEREAS** the Municipal Act, S.O. 2001, c. 25 permits a municipality to pass by-laws removing or restricting the common law right of passage by the public over a highway (By-Law 2013-09);

**AND WHEREAS** the rental fees have been updated annually by the CPI and are in good standing;

**AND WHEREAS** the Lessee requested and received approval from the Municipality to construct a fence on the said property;

**AND WHEREAS** the Lessee has not constructed any docks on the said property as has been purported;

**AND WHEREAS** in 2013 the adjacent property owners supported the lease of this property to Landsdowne Channel Association LLC as the Lessee agreed to clean up the property, remove garbage, unsafe docks and rail line. Further the lease will prevent persons from partying in this area and trespassing on neighbouring properties;

**AND WHEREAS** the Municipality did not previously receive any formal notice indicating there were other parties interested in leasing the unopened road allowance;

**AND WHEREAS** the Municipality is required to hold public consultation when considering the sale of municipal property, not on leases;

**AND WHEREAS** the by-laws authorizing the lease were enacted at council meetings which were open to the public;

**THEREFORE** following Council review and due to the fact the Lessee has not contravened any terms of the lease (By-Law 2018-25), it is hereby the decision of Council that the lease with Landsdowne Channel Association LLC remain in full force and effect until the term of the lease expires on March 31, 2023 at which time the renewal of the lease will be reconsidered.

**CARRIED**

**20-328 BY JIM ROOK – MICHAEL REIDER**

**BE IT RESOLVED THAT** the minutes of the Regular Meeting of Council held September 9<sup>th</sup> and the Special Meeting of Council held September 17<sup>th</sup>, 2020 be adopted as circulated.

**CARRIED**

**20-329 BY BARBARA ANNE HAITSE – JIM ROOK**

**BE IT RESOLVED THAT** Disbursement Sheet #2020-09 covering the expenditures for the period ending September 30<sup>th</sup>, 2020 in the following amounts:

General Expenses - \$ 331,660.69  
Payroll Expenses - \$ 81,045.14

are hereby approved for payment.

**CARRIED**

**20-330 BY MICHAEL REIDER – JIM ROOK**

**BE IT RESOLVED THAT** the Municipality of Killarney support the resolution passed by the Town of Amherstburg recommending that Schedule 11 of Bill 108 – The Ontario Heritage Act be amended to remove the powers provided to the Local Planning Appeal Tribunal, retaining authority for hearing certain appeals by the Conservation Review Board; and

**BE IT FURTHER RESOLVED THAT** Killarney strongly recommends that Schedule 11 of Bill 108 be amended to return the authority for final decisions to municipal council's as the elected representative of the communities wherein the property and its features of cultural heritage value exist; and

**BE IT FURTHER RESOLVED THAT** a copy of this motion be forwarded to all those noted by the Town of Amherstburg.

**CARRIED**

**20-331 BY ROBERT CAMPBELL – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** the Municipality of Killarney supports the resolution passed by the Town of Amherstburg at their meeting of September 14, 2020 requesting that the Province of Ontario extend the compliance deadline stated in Section 14 (4) of O. Reg 191/11 to require designated public sector organizations to meet the compliance standards, by a minimum of one (1) year to at least January 1, 2022;

**FURTHER THAT** the Municipality requests that the Province of Ontario consider providing funding support and training resources to meet these compliance standards;

**FURTHER THAT** this resolution be forwarded to the Minister for Seniors and Accessibility, AMO, FONOM and our MPP's.

**CARRIED**

**20-332 BY JIM ROOK – MICHAEL REIDER**

**BE IT RESOLVED THAT** the Municipality of Killarney process the following Minutes of Settlement for the 2020 Tax Year made under Section 39.1 of the Assessment Act and process the following 357 application made under the Municipal Act, 2001 for the following properties:

**For the Year 2020 – Minutes of Settlement**

Roll #5136 000 005 02000 0000 residential write-off (RT) in the amount of ( \$26,000)  
For the Period: January 1, 2020 to December 31, 2020

*Reason: Seasonal and/or water access to lot*

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**For the Year 2020 – Minutes of Settlement**

Roll #5136 000 007 05600 0000 residential write-off (RT) in the amount of ( \$7,000)  
For the Period: January 1, 2020 to December 31, 2020

*Reason: Updated structure data*

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**For the Year 2020 – Minutes of Settlement**

Roll #5136 000 007 06000 0000 residential write-off (RT) in the amount of ( \$2,000)  
For the Period: January 1, 2020 to December 31, 2020

*Reason: Updated structure data*

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**For the Year 2020 – Minutes of Settlement**

Roll #5136 000 007 06110 0000 residential write-off (RT) in the amount of ( \$7,600)  
For the Period: January 1, 2020 to December 31, 2020

*Reason: Not able to build on lot*

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**For the Year 2020 – 357 Application**

Roll #5136 000 001 25600 0000 residential assessment write-off (RT) in the amount  
of \$ (344,000)  
For the Period: May 21, 2020 to December 31, 2020

*Reason: Demolition / Razed by Fire*

**CARRIED**

**20-333 BY BARBARA ANNE HAITSE – MICHAEL REIDER**

**WHEREAS** community social and economic well-being is dependent on fast, reliable, and affordable broadband connectivity and better cellular coverage;

**AND WHEREAS** Municipal, Provincial and Federal Governments as well as healthcare, education and other sectors will continue to depend on the internet to communicate, provide services and ensure accessibility to information;

**AND WHEREAS** digital literacy skills are essential to collaborate, innovate, and compete both regionally and globally and require appropriate and affordable broadband;

**AND WHEREAS** the availability of broadband that is on par with larger, urban areas in Canada is essential for Northern Ontario to achieve economic sustainability and social well-being;

**AND WHEREAS** in 2016 the Federation of Northern Ontario Municipalities (FONOM) requested that the internet be designated as an essential service and those efforts are undertaken to ensure all municipalities have access to affordable, fast, and reliable broadband;

**AND WHEREAS** the Federation of Northern Ontario Municipalities (FONOM) agreed that an option to explore and hopefully support would be the Starlink Program, by SpaceX;

**THEREFORE BE IT RESOLVED THAT** the Municipality of Killarney agrees that Broadband is an essential service, and that the Canadian Radio-television and Telecommunications Commission (CRTC) should allow SpaceX and other private ventures to compete with those presently acting in the communication field, as they have the private financial ability to move forward;

**BE IT FURTHER RESOLVED THAT** a copy of this resolution be sent to the Federal Minister of Science, Innovation, and Economic Development, the Provincial Minister of Economic Development, Employment and Infrastructure, the Provincial Minister of Northern Development and Mines, the Canadian Radio-television Telecommunications Commission (CRTC), Northeastern MPs and MPPs, the Leaders of the Opposition Parties, and the Federation of Northern Ontario Municipalities.

**CARRIED**

**20-334 BY ROBERT CAMPBELL – JIM ROOK**

**BE IT RESOLVED THAT** Kelly Champaigne participate in the Ontario Trillium Foundation (OTF) – Resilient Communities Fund Webinar to be held via zoom on Thursday, October 15<sup>th</sup>, 2020.

**CARRIED**

**20-335 BY ROBERT CAMPBELL – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** the Municipality of Killarney grant the Catholic Women’s League permission to host a penny sale in the Lion’s Den provided the following conditions are met:

1. A sign-in tracking sheet must be kept by the Catholic Women’s League to log every person entering the Lion’s Den and participating in the event;
2. Only 3 persons can enter the Lion’s Den at one time plus 2 CWL members for a total of 5;
3. A mask/facial covering is MANDATORY for all participants and organizers;
4. Participants and organizers must practice social distancing and all COVID-19 protocol at all times when inside the Lion’s Den;
5. All prizes must be sealed and wrapped in clear wrap as per CWL;
6. Penny sale tickets are to be pre-cut and bagged as indicated by the CWL.

**FURTHER** if there is a COVID-19 outbreak in Killarney prior to the event, the license will be revoked.

**CARRIED**

**20-336 BY BARBARA ANNE HAITSE – JIM ROOK**

**BE IT RESOLVED THAT** the report from the Public Works Department for the month of September 2020 be accepted and filed.

**CARRIED**

**20-337 BY ROBERT CAMPBELL – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** the report from the Financial Department for the month of September 2020 be accepted and filed.

**CARRIED**

**20-338 BY JIM ROOK – ROBERT CAMPBELL**

**BE IT RESOLVED THAT** the minutes of the 200<sup>th</sup> Celebrations Committee meeting held September 15<sup>th</sup>, 2020 be accepted and filed.

**CARRIED**

**20-339 BY BARBARA ANNE HAITSE – ROBERT CAMPBELL**

**BE IT RESOLVED THAT** the report from the Project Manager dated September 22<sup>nd</sup>, 2020 regarding the Channel Street Crown Land Project be accepted and filed.

**FURTHER THAT** the Project Manager proceed to acquire from the Ministry of Natural Resources & Forestry a portion of crown land located at the east end of Channel Street.

**CARRIED**

**20-340 BY ROBERT CAMPBELL – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** the Project Manager investigate options for senior programming for the winter months.

**CARRIED**

**20-341 BY JIM ROOK – MICHAEL REIDER**

**BE IT RESOLVED THAT** the report from the Project Manager dated October 6<sup>th</sup>, 2020 regarding the Safe Restart Agreement Funding (Phase 2) be accepted and filed.

**CARRIED**

**20-342 BY MICHAEL REIDER – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** the Municipality was successful in securing funding in the amount of \$7,185.00 from Blue Sky Net under the COVID-19 Technology Adoption Fund (a program supported by FedNor/Industry Canada) which paid 75% of the costs for new laptops and software for municipal Council use;

**FURTHER THAT** the Municipality is required to contribute 25% of the expense which amounts to \$2,395.00 and pay HST;

**FURTHER THAT** the Municipal share will be paid from the Modernization Fund.

**CARRIED**

**20-343 BY JIM ROOK – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** the reports dated August 31<sup>st</sup> and the September 30<sup>th</sup>, 2020 from the Deputy Clerk Treasurer detailing the impacts of COVID-19 on the budget be accepted and filed.

**CARRIED**

**20-344 BY ROBERT CAMPBELL – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** the four-day work week report (following a two-month trial) from the Project Manager dated October 5<sup>th</sup>, 2020 be accepted and filed;

**FURTHER THAT** upon recommendation by the Personnel Committee, it is hereby agreed that staff will continue with this schedule until Council determines otherwise.

**CARRIED**

**20-345 BY JIM ROOK – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** Council rescind resolution No. 20-164 which prohibit yard sales during emergency measures.

**DEFEATED**

**20-346 BY ROBERT CAMPBELL – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** Council agrees with the proposed 2020 holiday schedule.

**FURTHER THAT** staff prepare the necessary mailout regarding the holiday office hours and landfill schedule to be sent to residents.

**CARRIED**

**20-347 BY MICHAEL REIDER – JIM ROOK**

**BE IT RESOLVED THAT** Council agrees to recall the Part-time Rink Custodian and Canteen/Rink Supervisor on the re-opening of the recreational facility.

**FURTHER** if either is unable to resume their position a job posting will be issued for the vacant position.

**CARRIED**

**20-348 BY JIM ROOK – ROBERT CAMPBELL**

**BE IT RESOLVED THAT** Council go into Closed Session at 6:13 P.M. in accordance with Section 239 (2) of the Municipal Act, 2001, c. 25 to discuss a legal matter.

**CARRIED**

**CLOSED SESSION:**

***Legal Matter:***

- The only matter of business discussed during closed session was an update on a Statement of Claim.

**20-349 BY BARBARA ANNE HAITSE – MICHAEL REIDER**

**BE IT RESOLVED THAT** Council rise and report from closed session at 6:18 P.M.

**CARRIED**

**20-350 BY JIM ROOK – BARBARA ANNE HAITSE**

**BE IT RESOLVED THAT** By-Law #2020-35 being a by-law to confirm the proceedings of Council be read a first and second time.

**CARRIED**

**20-351 BY BARBARA ANNE HAITSE – ROBERT CAMPBELL**

**BE IT RESOLVED THAT** By-Law #2020-35 being a by-law to confirm the proceedings of Council be read a third time and passed in Open Council this 14<sup>th</sup> day of October, 2020.

**CARRIED**

**20-352 BY MICHAEL REIDER – JIM ROOK**

**BE IT RESOLVED THAT** we adjourn the Regular Meeting of Council held October 14<sup>th</sup>, 2020 at 6:21 P.M. to meet again on November 12<sup>th</sup>, 2020 at 5:00 P.M. via teleconference or as otherwise specified.

**CARRIED**

October 14, 2020

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*ORIGINAL DOCUMENT SIGNED*

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*Nancy Wirtz, Mayor*

*ORIGINAL DOCUMENT SIGNED*

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*Candy Beauvais, Clerk-Treasurer*