



MUNICIPALITY OF MORRIS-TURNBERRY

COUNCIL MINUTES

Tuesday, January 12th 2020, 7:30 pm

The Council of the Municipality of Morris-Turnberry met electronically in regular session on the 12th day of January, 2021, at 7:30 pm.

Council in Attendance

Mayor Jamie Heffer
Deputy Mayor Sharen Zinn
Jamie McCallum
Jim Nelemans
Kevin Freiburger

Staff in Attendance

Trevor Hallam	CAO/Clerk
Mike Alcock	Director of Public Works
Kirk Livingston	Chief Building Official
Jennifer Burns	Huron County Planner
Marty Bedard	Fire Chief

Others in Attendance

Steven Michie	
Jeremy Taylor	R.J. Burnside & Associates Ltd
Ron Davidson	Land Use Planning Consultant
Sheri DiGiovanni	
Matthew DiGiovanni	
James Morrison	
Dan DiGiovanni	
Darryl Marks	
Jeff Ireland	
Kelsey Bent	Wingham Advance Times
Denny Scott	Blyth Citizen

1.0 CALL TO ORDER

Mayor Heffer called the meeting to order at 7:30pm

2.0 ADOPTION OF AGENDA

Motion 1-2021

*Moved by Jamie McCallum
Seconded by Kevin Freiburger*

THAT the Council of the Municipality of Morris-Turnberry hereby adopts the agenda for the meeting of January 12th 2021 as circulated.

Carried.

3.0 DISCLOSURE OF PECUNIARY INTEREST / POTENTIAL CONFLICT OF INTEREST

None.

4.0 **MINUTES**

Motion 2-2021

*Moved by Jim Nelemans
Seconded by Sharen Zinn*

THAT the Council of the Municipality of Morris-Turnberry hereby adopts the December 15th, 2020 Regular Council Meeting Minutes as written.

Carried.

5.0 **ACCOUNTS**

Councillor McCallum asked about the reason for the large expense for brush grinding. Mr. Alcock explained that the grinding was completed following the clearing of approximately 2 acres of the new landfill cell. There was a considerable amount of brush and the Municipality now has a large amount of mulch that can be used as landfill cover which will realize a savings by not having to purchase sand for cover.

Councillor McCallum asked about the payment to Krantz Law of almost \$5,000. Mr. Hallam explained that the amount represents a consolidation of multiple invoices, most of which are for planning projects and document registration which will be recoverable from applicants.

Motion 3-2021

*Moved by Sharen Zinn
Seconded by Kevin Freiburger*

THAT the Council of the Municipality of Morris-Turnberry hereby approves for payment the January 12th accounts for 2020 payables in the amount of \$221,783.97 and for 2021 payables in the amount of \$111,090.49.

Carried.

6.0 **PUBLIC MEETINGS AND DEPUTATIONS**

6.1 COMMITTEE OF ADJUSTMENT

Application MV05-2020, Marks Minor Variance
PI 162 Concession 5, Lot 43 and 44, 30/32 Jane Street, Belgrave.

Motion 4-2021

*Moved by Kevin Freiburger
Seconded by Jim Nelemans*

THAT The Council of the Municipality of Morris-Turnberry hereby adjourns their Council Meeting and the Committee of Adjustment hereby opens their Committee of Adjustment Meeting to review application for minor variance MV05-2020, submitted by Darryl Marks.

Carried.

COMMITTEE OF ADJUSTMENT MEETING – MINOR VARIANCE

6.1.1 Call to Order

Mayor Heffer called the Committee of Adjustment to order at 7:36 pm.

6.1.2 Declaration of Pecuniary Interest

None declared.

6.1.3 Purpose

To allow for the construction of a larger personal shop to be used for storage and to include a workshop area. The application proposes to increase the maximum ground floor area of accessory buildings from 90 m² (968 ft²+/-) to 138 m² (1485 ft² +/-) and to increase the maximum height from 4.5m to 5m.

The specific variance requested is:

1. Relief from Section 14.5.2: To increase the maximum total ground floor area of all accessory buildings from 90 square metres to 138 square metres.
2. Relief from Section 14.5.3. To increase the maximum building Height from 4.5 metres to 5 metres.

6.1.4 Application Process

An application was submitted by Darryl Marks on December 4th, 2020 and considered complete on December 22nd, 2020.

Notice of a Public Meeting was mailed by the municipality to all property owners within 60m of the property on December 22nd, 2020 and notice was posted on the subject property.

6.1.5 Comments

1. Planner's Report

Ms. Burns presented a report to Council detailing the application and proposed variances.

2. Council's Questions and/or Comments

Councillor McCallum asked for confirmation that the proposed building is going beside the existing house. Ms. Burns confirmed that was the case.

3. Applicant and/or Agent

Mr. Marks commented that Ms. Burns' report explained everything well.

4. Others

Written comments were received from the Township of North Huron expressing no concerns with the proposed variance and stating that if service connections to from North Huron were required none would be granted until a Cross Border Servicing Agreement had been finalized.

Jeff Ireland asked for clarification regarding the setback of the proposed building from the westerly property line as he currently uses that space to access the back of his property with the permission of the owner. There had been a verbal agreement to that effect in the past. He also stated that there are drainage issues on the site that currently negatively effect his property and asked if those would be remedied through the construction process.

Ms. Burns stated that the setback in the drawings received showed a 10 foot setback from the west property line. Mr. Marks stated that it could be 12 feet. He also stated that there had been no discussions regarding drainage, but that he believed that the water from the site was directed to the back of the property.

Mayor Heffer asked for clarification on how Council could proceed in light of the concerns expressed by Mr. Ireland. Mr. Hallam explained that the minor variance could be granted if Council felt Mr. Irelands concerns had been addressed, or could defer the decision to give all parties time to resolve the concerns.

Mr. Livingston described various options for drainage solutions, including municipal drains, mutual agreement drains and private drainage work. Mr. Ireland requested that the information be sent to him after the meeting.

Mayor Heffer asked Mr. Ireland if he was satisfied with the question regarding access. Mr. Ireland stated that he was satisfied if there can still be access for a trailer and a vehicle to the rear of his property.

Ms. Burns suggested a more permanent solution to the access issue could be considered, such as a minor lot enlargement or an easement registered on title.

Councillor Nelemans asked if there was only access to the rear of the property from the one side, Mr. Ireland explained that there was only limited access on the east side of the property due to a fence.

Councillor Freiburger suggested that since the concerns are not related directly to the two requested variances and there seems to be no opposition regarding the height and size of the structure, perhaps Council could proceed with approving the Minor Variance and the issues could be resolved between the two neighbours after.

6.1.6 Recommendation

It was recommended that application MV05-2020 be approved with the following conditions:

1. The structure be located within the footprint contained on the sketch that accompanied the application; and
2. The structure be constructed as per the elevation drawing submitted with the application;
3. The variance approval is valid for a period of 18 months from the date of Council's decision.

6.1.7 Committee of Adjustment Decision

Motion 5-2021

*Moved by Kevin Freiburger
Seconded by Jim Nelemans*

THAT The Committee of Adjustment of the Municipality of Morris-Turnberry, considering the variance to be minor, and to maintain the appropriate development of the lands and to maintain the general intent of the Morris-Turnberry Zoning By-law 45-2014 and the Morris-Turnberry Official Plan, hereby approves application for minor variance MV05-2020, submitted by Darryl Marks, subject to the following conditions:

- 1. The structure be located within the footprint contained on the sketch that accompanied the application; and*
- 2. The structure be constructed as per the elevation drawing submitted with the application;*
- 3. The variance approval is valid for a period of 18 months from the date of Council's decision.*

Carried.

6.1.8 Close Committee of Adjustment

Motion 6-2021

*Moved by Jim Nelemans
Seconded by Sharen Zinn*

THAT The Committee of Adjustment hereby adjourns their meeting and the Council of the Municipality of Morris-Turnberry hereby reconvenes their Regular Council Meeting.

Carried.

6.2 Augusta Street Road Allowance

A report was presented by CAO/Clerk Trevor Hallam in this regard.

Mayor Heffer invited the Matt and Sheri DiGiovanni, owners of 208 Augusta Street, to provide comments.

Mr. and Mrs. DiGiovanni gave a summary of the impacts of the proposed development on their property, including removing meaningful access for enjoyment and maintenance of the westerly portion of their property. They informed Council that they had suggested to the developer that 10 meters or approximately half of the existing road would be enough to access the lot, and that anything less would not provide them with meaningful access. They expressed the opinion that the ability to purchase half of the road allowance is not a large consideration and as neighbouring landowners they felt they should have that option. They acknowledged that it would require minor adjustments to the proposal but felt that so early in the development stage there could be changes made.

Mayor Heffer invited Steven Michie, the developer, to provide comments.

Jeremy Taylor spoke on behalf of developer. He reviewed the original proposal as well as the offer made following consultation with the DiGiovannis. He identified that there are constraints for lot size based on the setback requirements and the requirement for contingency septic beds. He emphasized that there has been a genuine attempt to address the concerns of the DiGiovannis.

Ron Davidson, planning consultant for the developer, informed Council that there is a sense of urgency regarding the decision about the road, as they are preparing a plan of subdivision proposal and it is important to know if the road will be transferred to the developer.

Deputy Mayor Zinn agreed that there needs to be a solution for access, and pointed out that there are lots of options available. She suggested that the two parties could discuss the matter further and arrive at a solution on their own.

Mayor Heffer reminded Council that the two parties had been in discussions and Council is being asked to make the decision as they were unable to agree on a solution.

Councillor Nelemans, asked if the access proposed to be provided at the north west corner would be enough access for the property. Mr. DiGiovanni stated that the proposed access point is quite far from the house and that he and his family would have to walk roughly 200 m to reach it. He also stated that as drawn it is not enough access for any kind of vehicle for maintenance.

Mr. Michie responded to Councillor Nelemans stating that the north west corner access was chosen as it is the flattest portion and the portion with the least amount of trees on it.

Mr. DiGiovanni clarified that the property is currently accessed at many points along the right of way.

Councillor McCallum explained that he conducted a site visit in preparation for this discussion, and in his opinion there will be no vehicle access due to the grade of the slope. Mr. DiGiovanni explained that they do not access the bottom portion of the property with a vehicle.

Councillor Nelemans asked if there would be enough access for equipment if the north west corner was leveled off.

Mr. DiGiovanni asked about the municipality's policy for the sale of road allowances, and whether there is a precedent for parties on both side to have an option to purchase a portion.

Mayor Heffer stated that most of his experience is that two adjoining landowners have an opportunity to purchase.

Mr. DiGiovanni explained that he had hoped this meeting was to express their interest in the property if it is deemed surplus.

Mr. Hallam reminded Council that staff require clear direction on how to proceed.

Mr. Michie stated that he had received an email from Mr. Hallam stating that he could assume the road allowance would be available for his development and that all work on the plan been completed under that assumption.

Mayor Heffer explained that Council did agree in principle, but that at that time there was nothing known by the DiGiovannis of the proposal as it was not public, and that it's only fair that both landowners have an opportunity here.

Mayor Heffer asked for the direction of Council.

Councillor McCallum noted that he recalled a similar case in Turnberry and there is precedence for transfers or road allowances and the developer constructing a new road.

Councillor Nelemans stated that Council had always offered such properties to both parties, sometimes neither wants it and sometimes only one does. Perhaps that hadn't been taken into account here.

Mr. DiGiovanni asked if the municipality would like to check with their solicitor regarding the issue.

Mr. Hallam stated that he could take direction to consult with the municipality's solicitor and report back at a future meeting.

Mr. Michie stated that the road isn't being sold, its simply being moved and a new road to municipal standard is being established.

Mayor Heffer stated that while that is the case, it is clear that moving the road is a benefit to the development.

Councillor Freiburger explained that the municipality is currently working on developing a property in Belgrave and that Council is quite familiar with redrawing lots and having to make adjustments.

Motion 7-2021

*Moved by Kevin Freiburger
Seconded by Jim Nelemans*

That Council defer a decision regarding Augusta Street to give time for staff to return with further information following consultation with the municipal solicitor.

Carried.

Councillor Nelemans stated that he hoped the two parties can continue discussions to find a solution on their own in the meantime.

Councillor McCallum asked that this issue be on the agenda for next meeting.

7.0 STAFF REPORTS

7.1 FIRE DEPARTMENT

Fire Chief Bedard presented information to Council regarding the tenders received for a replacement pumper truck and the need for the increase to the amount contributed to reserves for 2021.

Councillor Freiburger asked if the old truck would be disposed of on Gov Deals, and if so do the proceeds from the sale go back into the Fire Department's reserves? He also asked and what Chief Bedard anticipated it would be worth in its current state. Chief Bedard confirmed that the truck would go on Gov Deals, and that the proceeds from the sale would go into the Fire Department budget which is separate from the North Huron Municipal budget. He explained that it is difficult to assess what it would be worth, but historically it might be in the \$10,000.00 to \$15,000.00 range.

Councillor Nelemans asked about the large price range in the submitted prices and whether they are they all the same truck or if are there differences. Chief Bedard explained that the specifications required were included in the instructions to tenderers, and some of the submitted proposals are for pre built trucks that don't meet or exceed those specifications. He stated that the proposal selected is custom built to the required specifications.

Motion 8-2021

*Moved by Jim Nelemans
Seconded by Kevin Freiburger*

THAT The Council of the Municipality of Morris-Turnberry hereby agrees to a one-time exception to the cap on annual contributions to the Fire Department Reserves prescribed by the Fire Suppression Services Agreement with the Township of North Huron under by-law 92-2018 to increase the cap on annual contributions to the Fire Department Reserves from \$100,000.00 to \$200,000.00 in 2021.

Carried.

7.2 BUILDING

7.2.1 Building Department Activities November and December 2020

A report was presented by CBO/By-Law Enforcement Officer Kirk Livingston regarding building department activities for November and December.

There were no questions or comments from Council.

7.2.2 Building Department Activities 2020 Summary

A report was presented by CBO/By-Law Enforcement Officer Kirk Livingston regarding building department in 2020.

There were no questions or comments from Council.

7.3 BY- LAW ENFORCEMENT

A report was presented by CBO/By-Law Enforcement Officer Kirk Livingston regarding by-law enforcement activities for November and December.

There were no questions or comments from Council.

7.4 DRAINAGE

7.4.1 Year End Drainage Report

A report was presented by Drainage Superintendent Kirk Livingston regarding drainage activities in 2020.

Councillor Freiburger asked if there is a timeline for the Magee drain, as ratepayers have asked him about it. Mr. Livingston explained that a site meeting has been held and a request for quotes has been sent out. The cost for the work on the closed drain was very expensive in the opinion of staff, so alternatives are being sought. There is another drain project this year that will require similar work, and the hope is to be able to coordinate the two projects to find some cost savings.

Councillor Freiburger stated that he appreciated staff's efforts to find cost savings.

7.4.2 Cole Drain Maintenance Request

A report was presented by Drainage Superintendent Kirk Livingston regarding a request for maintenance on the Cole Municipal Drain.

Councillor Nelemans suggested that the contractor that was used for the Blyth Creek drain does good work but that the work was very expensive. He asked if there were other operators that could do the work that could provide quotes. Mr. Livingston explained that for large projects staff to request quotes from multiple contractors. To date Matt Heimpel has been the least expensive on other projects.

Mayor Heffer stated that in the past the municipality has been asked to communicate more clearly with landowners regarding projects such as this, and asked staff to ensure efforts are made to keep landowners up to date.

Motion 9-2021

*Moved by Jamie McCallum
Seconded by Kevin Freiburger*

THAT The Council of the Municipality of Morris-Turnberry hereby accepts the "Notice of Request for Drain Maintenance" as submitted by Rammeloo Farms and directs the Drainage Superintendent to proceed in accordance with the Drainage Act

Carried.

7.5 CLERK

7.5.1 COVID-19 Update

A report was presented by CAO/Clerk Trevor Hallam in this regard for the information of Council.

Mr. Hallam explained that since the writing of the report, the Province has once again declared a state of emergency. There will be a stay at home order starting Thursday at 12:01am requiring everyone to remain at home with exceptions for essential purposes, such as going to the grocery store or pharmacy, accessing health care services, for exercise or for essential work. All businesses must ensure that any employee who can work from home, does work from home, and that masks will be required for all indoor areas of businesses. He explained that the Municipal Office would return to being closed to the public until a later date.

7.6 PUBLIC WORKS

7.6.1 McCall Line Culvert Replacement

A report was presented by Director of Public Works Mike Alcock in this regard for the information of Council.

Mayor Heffer commented that there will be difficult decisions for this and future councils regarding the many bridges that will require repair or replacement and that getting the input of the public is important.

Councillor Nelemans said it was unfortunate there couldn't be an in person meeting for the public to express their opinions.

Mr. Alcock explained that there is no urgency regarding the decision of the McCall Line Culvert, and that the hope is to have a face-to-face discussion with landowners when it is allowed.

8.0 **BUSINESS**

8.1 Petition for Drainage Works

A report was presented by CAO/Clerk Trevor Hallam in this regard.

Motion 10-2021

*Moved by Jamie McCallum
Seconded by Jim Nelemans*

THAT The Council of the Municipality of Morris-Turnberry hereby accepts the petition for the construction of drainage works submitted by Valerie Shortreed and appoint Dietrich Engineering to examine the area requiring drainage and prepare a report;

AND FURTHER THAT OMAFRA and the Maitland Valley Conservation Authority be notified of Council's intentions regarding the petition and appointment.

Carried.

9.0 **COUNCIL REPORTS**

Sharen Zinn

No report

Jamie McCallum

No report

Jim Nelemans

No report

Kevin Freiburger

December 16th attended a meeting of the Maitland Valley Conservation Authority Board.

Jamie Heffer

No report

10.0 **CORRESPONDENCE, MINUTES, ITEMS FOR INFORMATION**

10.1 Notice of Public Meeting – Zoning By-Law Amendment – Huron East

10.2 Notice of Public Meeting – Zoning By-Law Amendment – Howick

10.3 Minutes – Brussels Fire Area Committee – December 9th 2020

10.4 Correspondence – Poverty Reduction Strategy – Ministry of Children, Community and Social Services.

- 10.5 Correspondence – Response to Tile Drain Loan Resolution – Ministry of Agriculture, Food and Rural Affairs.
- 10.6 Correspondence – Regulatory amendments to the Highway Traffic Act and Off-Road Vehicle Act – Ministry of Transportation
- 10.7 Media Release – Paramedicine Team – Huron County
- 10.8 Media Release – Emergency Licensed Child Care – Huron County
- 10.9 Resolution – COVID 19 Childcare Funding - Town of Carleton Place
- 10.10 Resolution – Grant Submission Timelines – Township of Matachewan
- 10.11 Outstanding Action Items

11.0 NEW BUSINESS

None.

12.0 BY-LAWS AND AGREEMENTS

12.1 01-2021 Borrowing By-Law

A report was presented by CAO/Clerk Trevor Hallam in this regard. Mr. Hallam explained that his was a standard by-law that was passed every year to allow the municipality to cover operating expenses temporarily where there is a delay between expenditures and revenues.

Motion 11-2021

*Moved by Jamie McCallum
Seconded by Kevin Freiburger*

THAT leave be given to introduce By-Law # 01-2021, being a by-law to authorize the borrowing of money to meet current expenditures of the Council of the Municipality of Morris-Turnberry, and that it now be read severally a first, second, and third time, and finally passed this 12th day of January 2021.

Carried.

12.2 02-2021 Community Safety and Well Being Plan Agreement

At the December 15th meeting, Council directed staff to return the agreement with the Social Research and Planning Council for the development of the Community Safety and Well-Being Plan mandated under Bill 175, the Safer Ontario Act with a by-law authorizing its execution. By-Law 02-2021 was presented for the consideration of Council.

Motion 12-2021

*Moved by Kevin Freiburger
Seconded by Jamie McCallum*

THAT leave be given to introduce By-Law # 02-2021, being a by-law to authorize the execution of a Service Agreement between the Corporation of the Municipality of Morris-Turnberry and all Lower Tier Municipalities in the County of Huron and the Social Research and Planning Council - United Way Perth Huron to develop a Community Safety and Well-Being Plan, and that it now be read severally a first, second, and third time, and finally passed this 12th day of January 2021.

Carried.

12.3 03-2021 Amended Mutual Assistance Agreement

A report was presented by CAO/Clerk Trevor Hallam in this regard.

Motion 13-2021

*Moved by Jim Nelemans
Seconded by Jamie McCallum*

THAT leave be given to introduce By-Law # 03-2021, being a by-law to authorize the Mayor and Clerk to execute and Affix the

Corporate Seal to a Mutual Assistance Agreement between the Municipality of Morris-Turnberry and other Huron County municipalities, and that it now be read severally a first, second, and third time, and finally passed this 12th day of January 2021.

Carried.

Mayor Heffer called a 5 minute break at 9:40

13.0 CLOSED SESSION

13.1 Enter closed session

Motion 14-2021

*Moved by Sharen Zinn
Seconded by Kevin Freiburger*

THAT the Council of the Municipality of Morris-Turnberry enter a closed session, with the CAO/Clerk remaining in attendance at 9:45 p.m. for the purpose of discussing confidential matters pursuant to the following sections of the Municipal Act:

- 1. Section 239 (2) (k) regarding negotiations to be carried on by the municipality.*
- 2. Section 239 (2) (b) regarding matters about an identifiable individual*

Carried.

13.2 Return to Open Session

Motion 15-2021

*Moved by Kevin Freiburger
Seconded by Sharen Zinn*

THAT the Council of the Municipality of Morris-Turnberry rise from a closed session at 10:22 p.m.

Carried.

13.3 Report and Action from Closed Session

Council discussed matters regarding negotiations to be carried on the by the municipality and matters regarding an identifiable individual. Direction was given to staff accordingly.

14.0 CONFIRMING BY-LAW

Motion 16-2021

*Moved by Sharen Zinn
Seconded by Kevin Freiburger*

THAT leave be given to introduce By-Law # 04-2021, being a by-law to confirm the proceedings of the Municipality of Morris-Turnberry meeting of Council held on January 12th, 2021, and that it now be read severally a first, second, and third time, and finally passed this 12th day of January 2021.

Carried.

15.0 ADJOURNMENT

Motion 17-2021

*Moved by Sharen Zinn
Seconded by Kevin Freiburger*

THAT the Council of the Municipality of Morris-Turnberry does now adjourn at 10:23 pm.

Carried.

NEXT MEETINGS:

Regular Meeting of Council - Tuesday, January 12th 2021, 7:30 pm
Special Meeting of Council - Budget Wednesday, January 13th 2021, 7:30 pm
Regular Meeting of Council - Tuesday, February 2nd 2021, 7:30 pm

Mayor, Jamie Heffer

Clerk, Trevor Hallam