



## MUNICIPALITY OF MORRIS-TURNBERRY

### COUNCIL MINUTES

Tuesday, April 7<sup>th</sup>, 2020, 7:30 pm

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The Council of the Municipality of Morris-Turnberry met electronically in regular session on the 7<sup>th</sup> day of April, 2020, 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
Sean Brophy	Treasurer
Kelly Tiffin	Tax Collector

#### **Others in Attendance**

Denny Scott	The Citizen
Maitland Underwood	
John Underwood	
Nelson Underwood	

#### **1.0 CALL TO ORDER**

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

#### **2.0 ADOPTION OF AGENDA**

Moved by Jamie McCallum  
Seconded by Kevin Freiburger

MOTION 77-2020	THAT the Council of the Municipality of Morris-Turnberry hereby adopts the agenda for the meeting of April 7 <sup>th</sup> 2020 as circulated.	Carried.
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#### **3.0 DISCLOSURE OF PECUNIARY INTEREST / POTENTIAL CONFLICT OF INTEREST**

Mayor Heffer declared a conflict of interest with regard to agenda item 6.1, the application for Minor Variance submitted by Nelson Underwood for Underwood Grain, as he is within the circulation radius for notice, and is the neighbor of the applicant.

#### **4.0 MINUTES**

Moved by Sharen Zinn  
Seconded by Kevin Freiburger

MOTION 78-2020	THAT the Council of the Municipality of Morris-Turnberry hereby adopts the April 1 <sup>st</sup> and March 17 <sup>th</sup> , 2020 Council Meeting Minutes as written.	Carried.
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**5.0 ACCOUNTS**

5.1 ACCOUNTS

Moved by Jim Nelemans  
Seconded by Jamie McCallum

MOTION 79-2020 THAT the Council of the Municipality of Morris-Turnberry hereby approves for payment March 3<sup>rd</sup> accounts in the amount of \$269,350.79. Carried.

5.2 PAY REPORTS

Copies of the March 18<sup>th</sup> and April 1<sup>st</sup> Pay Reports were provided for information purposes.

**6.0 PUBLIC MEETINGS AND DEPUTATIONS**

6.1 COMMITTEE OF ADJUSTMENT, UNDERWOOD GRAIN MINOR VARIANCE

Application MV01-2020, Underwood Grain Minor Variance  
Concession 8, Part Lot 8, 22R3301 Pt Part 1, 41797 Howick-Turnberry Road

Moved by Kevin Freiburger  
Seconded by Jamie McCallum

MOTION 80-2020 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 Public Meeting to review application for minor variance MV01-2019, submitted by Nelson Underwood/Underwood Grain. Carried.

Mayor Heffer ceded the chair to Deputy Mayor Zinn due to the previously declared conflict of interest.

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**COMMITTEE OF ADJUSTMENT PUBLIC MEETING – MINOR VARIANCE**

**1.0 Call to Order**

Deputy Mayor Zinn called the meeting of the Committee of Adjustment to order.

**2.0 Declaration of Pecuniary Interest**

None declared by those still at the table.

**3.0 Purpose**

The purpose of this application is to reduce the required number of parking spaces from 19 to 10, including one accessible and one limited mobility space and to reduce the front yard setback from required 20m to 16m, to allow for the construction of a new storage warehouse.

The specific variance requested is:

1. Relief from Section 3.32 of By-Law 45-2014 to reduce the required number of parking spaces from 19 to 10, including one accessible and one limited mobility space.
2. Relief from Section 6.4 of By-law 45-2014 to reduce the minimum front yard setback from the required 20m to 16m.

**4.0 Application Process**

An application was submitted by Nelson Underwood on March 13<sup>th</sup>, 2020 and considered complete on March 24<sup>th</sup>, 2020.

Notice of the Public Meeting was mailed by the municipality to all property owners within 60m of the property on March 27<sup>th</sup>, 2020 and notice was posted on the subject property.

## 5.0 Comments

### 5.1.1 Clerk on behalf of Huron County Planner

CAO/Clerk Trevor Hallam presented the Planner's report on behalf of Jenn Burns. He noted that while there are no issues with the substance of the application and the proposed variances, complications due to the declaration of emergency by the Province and O. Reg 73/20 and 119/20 regarding the suspension of limitation periods within statutes, and the construction proposed in the minor variance not being deemed as essential. Mr. Hallam also pointed out that this project and property would be subject to site plan control, and the Municipality has yet to receive site plan drawings or a site plan application.

### 5.1.2 Applicant and/or Agent

Nelson Underwood explained that he produces food grade beans, and the list of essential business clearly states agriculture is an essential business, and he believes that because of that construction associated with agriculture is also permitted. Mr. Underwood also noted that he had been informed by both the Planner and CBO that applications and approvals associated with this project could be done concurrently, so the lack of an application for site plan control shouldn't effect this minor variance. He claimed that had it not been for Friday's announcement regarding construction, there would be no issue. He said he had spoken to Provincial representatives and they had said that it wasn't the intention of the Province to stop all construction and business in the province. He stated this was an error in interpretation.

Maitlnad Underwood explained that their operation is an essential service. Following the initial rush in stores when people were stocking up on groceries, they received rush orders for white beans to restock shelves. The expansion proposed here will make their operation better equipped to continue to serve that need.

Mr. Hallam provided clarification, confirming that approvals can indeed be sought concurrently, but they all must be in place before a permit can be issued. He also explained that it is not clear what the intent of the Province was, but that the language in the regulations is clear and explicit, and lacking any further direction from the province there is no issue regarding interpretation of the current regulation.

### 5.1.3 Others

None.

### 5.1.4 Council's Questions and/or Comments

Councillor McCallum stated that he would like to see the minor variance approved and the project move forward, but we have to follow the guidelines set out by the province.

Councillor Nelemans stated that he believes that this should go through, and wondered if anyone had contacted Lisa Thompson as she might be able to provide some clarification.

Councillor Freiburger agreed that this is an important project, but a short deferral might allow the other pieces and approvals to catch up. Furthermore, we are obliged to follow the direction of the province and the emergency orders they issue.

## 6.0 Recommendation of the Huron County Planner

The Huron County Planning & Development Department recommends that a decision on application MV01-20 be deferred until the suspension of minor variance appeal periods is removed by the Province.

### *Effect of O. Reg. 73/20*

On March 20, 2020, an Order under Section 7.1(2) of the Emergency Management and Civil Protection Act was made and filed as O. Reg. 73/20. This Order suspends, for the duration of the Provincial emergency, any limitation period established by a statute, regulation, rule, by-law or order of the Government of Ontario. This would include the Planning Act and, based on an opinion from the County Solicitor, the appeal period limitations for decisions, such as the 20 day appeal period for minor variances. As a result of the County Solicitor's opinion, all decisions on planning applications with appeal provisions (such as minor variances, consents, official plan amendments, and zoning by-law amendments) should be deferred until the suspension of the appeal period is removed.

**7.0 Motion to defer decision on Minor Variance**

Moved by Jim Nelemans  
 Seconded by Jamie McCallum

MOTION  
 81-2020

THAT The Committee of Adjustment of the Municipality of Morris-Turnberry hereby defers a decision on application for minor variance MV01-2020, submitted by Nelson Underwood until the suspension of minor variance appeal periods is removed by the Province or further clarification is provided by the Province regarding the interpretation of the emergency orders.

Carried

Councillor McCallum reiterated that it's a shame that there is a need for deferral but regulations have been passed down and he hopes for a quick turn around from the province.

**6.1.1.1 Close Committee of Adjustment Meeting**

Moved by Jamie McCallum  
 Seconded by Jim Nelemans

MOTION  
 82-2020

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.

Deputy Mayor Zinn ceded the Chair to Mayor Heffer

**6.2 FEES AND CHARGES BY-LAW PUBLIC MEETING****6.2.1 Open Public Meeting**

Moved by Jim Nelemans  
 Seconded by Kevin Freiburger

MOTION  
 83-2020

THAT the Council of the Municipality of Morris-Turnberry hereby Adjourns their regular meeting of Council and opens a Public Meeting to consider changes to the Morris-Turnberry Fees and Charges By-Law

Carried.

**PUBLIC MEETING – FEES AND CHARGES****1.0 Call to Order**

Mayor Heffer called the public meeting to order.

**2.0 Declaration of Pecuniary Interest**

None declared.

**3.0 Requirement**

The Public Meeting was held under the Building Code Act, which requires that Council hold at least one public meeting and that proper notice be given of its intent to consider a by-law to amend the fee schedule for services rendered under the Building Code Act.

**3.1 Process**

Notice of the Public Meeting was issued in accordance with section 7(6) of the Building Code Act, section 1.9.1.2 of Ontario Regulation 332/12, and the Morris-Turnberry Notice By-Law on November 20<sup>th</sup>, 2019.

### 3.2 Comments

#### 3.2.1 Clerk

Mr. Hallam noted that Council had seen a draft of this by-law and fee schedule and it remains mostly unchanged with two exceptions. The Wingham water rates has been removed and will be included once an agreement is finalized with North Huron,. The second change was the increase from 4 times the permit fee to 5 times the permit fee for construction without a permit, as requested by Councillor McCallum at the last meeting, to serve as a stronger deterrent.

#### 3.2.2 Others

None.

#### 3.2.3 Council's Questions and/or Comments

3.3 Mayor Heffer asked if 4 times the amount of the permit as a penalty was enough. Deputy Mayor Zinn and Councillor Nelemans agreed that they believed that 4 times the permit fee was sufficient.

### 4.0 Close public meeting

Moved by Jim Nelemans  
Seconded by Sharen Zinn

MOTION  
84-2020

THAT the Council of the Municipality of Morris-Turnberry hereby closes the Public Meeting to consider changes to the Morris-Turnberry Fees and Charges By-Law.

Carried.

#### 6.2.2 Consideration of Fees and Charges By-Law

Councillor Nelemans Moved the motion to consider the by-law maintaining the penalty for construction without a permit at 4 times the original permit cost.

Councillor McCallum requested a recorded vote.

Moved by Jim Nelemans  
Seconded by Kevin Freiburger

MOTION  
85-2020

THAT leave be given to introduce By-Law # 15-2020, being a by-law to establish fees, rates and charges for the Municipality of Morris-Turnberry, and that it now be read severally a first, second, and third time, and finally passed this 7<sup>th</sup> day of April 2020.

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

Carried.

### 6.3 BUDGET 2020 PUBLIC MEETING

#### 6.3.1 Open Public Meeting

Moved by Jim Nelemans  
Seconded by Jamie McCallum

MOTION  
86-2020

THAT the Council of the Municipality of Morris-Turnberry hereby Adjourns their regular meeting of Council and opens a Public Meeting to consider the 2020 Budget for the Municipality of Morris-Turnberry.

Carried.

### PUBLIC MEETING – BUDGET 2020

#### 5.0 Call to Order

Mayor Heffer called the Public Meeting to order.

## 6.0 Declaration of Pecuniary Interest

None declared.

## 7.0 Requirement

The Public Meeting was held to provide a forum for the Public to provide comment on the Municipal Budget for the 2020 year. There is no statutory requirement to hold a Public Meeting to consider the Budget.

### 7.1 Process

Notice of the Public Meeting was issued on March 24<sup>th</sup>, 2020. The budget was first made public on December 5<sup>th</sup> 2019, and was considered at meetings open to the public on December 9<sup>th</sup>, March 3<sup>rd</sup>, and March 17<sup>th</sup>. The public has had the opportunity to comment on the document since the date was first made public.

### 7.2 Comments

#### 7.2.1 Treasurer

Treasurer Sean Brophy presented a report on the current and final draft of the 2020 Budget.

#### 7.2.2 Others

None.

#### 7.2.3 Council's Questions and/or Comments

Councillor McCallum asked if any relief for Municipalities has been provided by the Province, as revenues may be reduced due to ratepayer's reduced income and ability to pay property taxes. Mr. Hallam explained that Education levees have been deferred.

Deputy Mayor Zinn asked if the BMG project been put forward for sure. Councillor McCallum explained the Committee was awaiting the results from the ROMA conference presentation in January.

Deputy Mayor Zinn stated that Mr. Brophy has done an excellent job of summarizing this budget and presenting it to Council.

Councillor Nelemans agreed with Deputy Mayor Zinn's comment regarding Mr. Brophy's efforts on the budget. Regarding Councillor McCallum's question, he stated that interest rates are low, so if the Municipality has to borrow money to maintain day to day operations it could be done at little cost.

## 8.0 Close public meeting

Moved by Jim Nelemans  
Seconded by Kevin Freiburger

MOTION  
87-2020

THAT the Council of the Municipality of Morris-Turnberry hereby closes the Public Meeting to consider the 2020 Budget for the Municipality of Morris-Turnberry.

Carried.

### 6.3.2 Consideration of 2020 Budget

Moved by Sharen Zinn  
Seconded by Jim Nelemans

MOTION  
88-2020

THAT leave be given to introduce By-Law # 16-2020, being a by-law to establish fees, rates and charges for the Municipality of Morris-Turnberry, and that it now be read severally a first, second, and third time, and finally passed this 7<sup>th</sup> day of April 2020.

Carried.

## 7.0 **STAFF REPORTS**

### 7.1 TREASURER

#### 7.1.1 2019 Reserve Reconciliation

A report was presented by Treasurer Sean Brophy in this regard.

Moved by Jamie McCallum  
Seconded by Kevin Freiburger

MOTION  
89-2020

THAT leave be given to introduce By-Law # 17-2020, being a by-law to confirm reserves and establish reserve funds for 2019 for the Municipality of Morris-Turnberry, and that it now be read severally a first, second, and third time, and finally passed this 7<sup>th</sup> day of April 2020.

Carried.

### 7.2 PUBLIC WORKS

#### 7.2.1 Operations Report

A report was presented by Director of Public Works Mike Alcock in this regard.

Councillor McCallum asked if the yard waste pickup date could be advanced, as many people are home and doing yard work earlier than normal this year. The consensus of Council was that since notices with the date had already been printed it would be left unchanged.

#### 7.2.2 Surfacing Tender

A report was presented by Director of Public Works Mike Alcock in this regard.

Councillor Nelemans asked if this was the same contractor as last year. Mr. Alcock confirmed that it was, and that he has been happy with their work in the past.

Deputy Mayor Zinn restated her point made at the last meeting that we must ensure that we stick with the budget, and if Mr. Alcock is able to balance any difference without a budgetary impact that is favourable.

Moved by Jamie McCallum  
Seconded by Sharen Zinn

MOTION  
90-2020

THAT the Council of the Municipality of Morris-Turnberry hereby accepts the tender of Norjohn Contracting and Paving Limited for the estimated value of \$273,251.70 (based on estimated quantities and excluding HST) For the supply and placement of surface treatment on Municipal roads and authorize the Mayor and Administrator Clerk-Treasurer to execute the tender and all other required documents.

Carried.

### 7.3 CLERK

#### 7.3.1 COVID-19 Response update

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

Councillor Nelemans expressed frustration over delays being caused by the various responses to COVID-19, especially in regards to planning matters as encountered earlier in the meeting. He asked if Council could consider approval in principal or something similar in such circumstances to keep things moving. Mr. Hallam explained that pre-consultations and applications are still being done, and planners are available. With the current arrangement, anyone wishing to bring forward a planning application is able to go through most of the planning process, with the exception of getting approval from Council.

**8.0 BUSINESS****8.1 TAX PENALTY RELIEF**

Deputy Mayor Sharen Zinn requested that Council engage in a discussion to consider whether any relief measures are warranted with regards to amounts owed to the municipality by residents.

A report was prepared by Treasurer Sean Brophy in this regard.

There was a consensus among Council was that staff should be authorized to defer interest penalty up to the second installment date on a case by case basis and only upon request.

Moved by Jim Nelemans  
Seconded by Jamie McCallum

MOTION 91-2020 THAT the Council of the Municipality of Morris-Turnberry hereby authorizes the CAO/Clerk to waive interest on late tax payments due April 30th until the second installment date, on a case by case basis upon request by ratepayers.

Carried.

**9.0 COUNCIL REPORTS**

Sharen Zinn

No report

Jamie McCallum

No report

Jim Nelemans

No report

Kevin Freiburger

No report

Jamie Heffer

April 2<sup>nd</sup>, participated in a Zoom meeting of Mayors and CAOs from throughout the County to discuss responses to COVID-19

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

- 10.1 AMDS Board Meeting Highlights – March 24
- 10.2 Correspondence – MMAH - Provincial Update to Heads of Council March 25
- 10.3 Correspondence – Joint Minister letter to Heads of Council March 27
- 10.4 Notice – Yard debris and large item pickup spring 2020
- 10.5 Minutes – Joint Health and Safety Committee – March 11
- 10.6 Outstanding Action Items

**11.0 NEW BUSINESS**

Councillor McCallum suggested that something should be done to recognize medical and first aid responders as they put themselves at risk during the pandemic. He suggested a message of support on the website. Councillor Nelemans agreed and suggested a banner or similar signage in support of front line workers. Deputy Mayor Zinn supported the idea. Councillor Freiburger suggested that the Bluevale Community Committee has a notice board, and that perhaps staff could arrange for a message to be displayed there. Direction was given to staff to present options at the next meeting of Council.



**12.0 BY-LAWS AND AGREEMENTS****12.1 SITE PLAN CONTROL**

At the March 17<sup>th</sup> meeting of Council, staff were directed to return the draft Site Plan Control By-law to a future meeting of Council. By-law 18-2020 was provided for consideration.

Moved by Jamie McCallum  
Seconded by Jim Nelemans

MOTION 92-2020 THAT leave be given to introduce By-Law # 18-2020, being a by-law to designate a site plan control area pursuant to Section 41 of The Planning Act (R.S.O. 1990), and that it now be read severally a first, second, and third time, and finally passed this 7<sup>th</sup> day of April 2020.

Carried.

**12.2 APPOINTMENT OF DRAINAGE COMMISSIONERS**

At the March 17<sup>th</sup> meeting of Council, staff were directed to return a by-law appointing commissioners under section 95 of the Drainage Act, and repealing previous appointments. By-law 19-2020 was provided for consideration.

Moved by Jim Nelemans  
Seconded by Kevin Freiburger

MOTION 93-2020 THAT leave be given to introduce By-Law # 19-2020, being a by-law to appoint Drainage Commissioners under section 95(1) of the Drainage Act, R.S.O. 1990, c. D.17, and that it now be read severally a first, second, and third time, and finally passed this 7<sup>th</sup> day of April 2020.

Carried.

**13.0 CLOSED SESSION****13.1 ENTER CLOSED SESSION**

Moved by Sharen Zinn  
Seconded by Jamie McCallum

MOTION 94-2020 THAT the Council of the Municipality of Morris-Turnberry enter a closed session, with the CAO/Clerk and Director of Public Works remaining in attendance at 9:20 p.m. for the purpose of discussing confidential matters pursuant to the following sections of the Municipal Act:

- 1) Section 239 (2) (b) regarding an identifiable individual;
- 2) Section 239 (2) (c) regarding the disposition of land;

Carried.

**13.2 RETURN TO OPEN SESSION**

Moved by Jamie McCallum  
Seconded by Sharen Zinn

MOTION 95-2020 THAT the Council of the Municipality of Morris-Turnberry rise from a closed session at 10:00 p.m.

Carried.

**13.3 REPORT AND ACTION FROM CLOSED SESSION**

Council discussed matters regarding an identifiable individual and the disposition of land, and direction was given to staff accordingly.

**14.0 CONFIRMING BY-LAW**

Moved by Jamie McCallum  
Seconded by Jim Nelemans

MOTION 96-2020 THAT leave be given to introduce By-Law # 10-2020, being a by-law to confirm the proceedings of the Municipality of Morris-Turnberry meeting of Council held on April 7<sup>th</sup>, 2020, and that it now be read severally a first, second, and third time, and finally passed this 7<sup>th</sup> day of April 2020.

Carried.

**15.0 ADJOURNMENT**

Moved by Kevin Freiburger  
Seconded by Sharen Zinn

MOTION 97-2020 THAT the Council of the Municipality of Morris-Turnberry does now adjourn at 10:00 pm.

Carried.

**NEXT MEETINGS:**

- |                               |                |                                |
|-------------------------------|----------------|--------------------------------|
| 1. Regular Meeting of Council | Tuesday, April | 21 <sup>th</sup> 2019, 7:30 pm |
| 2. Regular Meeting of Council | Tuesday, May   | 5 <sup>th</sup> 2019, 7:30 pm  |

Original Signed By  
Mayor, Jamie Heffer

Original Signed By  
Clerk, Trevor Hallam