



MUNICIPALITY OF MORRIS-TURNBERRY

COUNCIL MINUTES

Tuesday, May 17th, 2022, 7:30 pm

The Council of the Municipality of Morris-Turnberry met in Council Chambers in regular session on the 17th day of May 2022, 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
Kirk Livingston	CBO/Drainage Superintendent/By-law and Property Standards Enforcement Officer
Meghan Tydd-Hrynyk	Huron County Planner

Others in Attendance

Harvey Kikkert	
Cory Hamilton	
Linda Bowers	
Mike Wilson	Wingham Advance Times
Denny Scott	Blyth Citizen

1.0 CALL TO ORDER

Mayor Heffer called the meeting to order at 7:31 pm.

Mayor Heffer noted that Mike Wilson of the Wingham Advance Times disclosed the use of recording equipment for the purpose of writing articles to the Clerk in advance of the meeting.

2.0 ADOPTION OF AGENDA

Motion 94-2022

*Moved by Jamie McCallum
Seconded by Sharen Zinn*

THAT the Council of the Municipality of Morris-Turnberry hereby adopts the agenda for the meeting of May 17th, 2022, as circulated.

Carried.

3.0 DISCLOSURE OF PECUNIARY INTEREST / POTENTIAL CONFLICT OF INTEREST

Mayor Heffer declared a potential conflict of interest regarding item 6.2.3, MV01-2022 Underwood, as he owns property within the circulation area of the subject property.

4.0 **MINUTES**

Motion 95-2022

*Moved by Jim Nelemans
Seconded by Jamie McCallum*

THAT the Council of the Municipality of Morris-Turnberry hereby adopts the May 3rd, 2022, Council Meeting Minutes as written.

Carried.

5.0 **ACCOUNTS**

Motion 96-2022

*Moved by Kevin Freiburger
Seconded by Jamie McCallum*

THAT the Council of the Municipality of Morris-Turnberry hereby approves for payment the May 17th accounts in the amount of \$236,414.03.

Carried.

6.0 **PUBLIC MEETINGS AND DEPUTATIONS**

Deputy Mayor Zinn assumed the chair due to the potential conflict of interest previously disclosed by Mayor Heffer.

6.1 COMMITTEE OF ADJUSTMENT

Application MV01-2022 Underwood
Concession 8, Lot 8, Turnberry
71943 Howick Turnberry Rd

Application MV02-2022 Jutzi
Concession 4, Lot 11, Turnberry
41566 Harriston Rd

Motion 97-2022

*Moved by Kevin Freiburger
Seconded by Jamie McCallum*

THAT The Council of the Municipality of Morris-Turnberry hereby adjourns their Council Meeting and the Committee of Adjustment hereby opens a meeting to review applications for Minor Variance MV01-2022, submitted by Nelson Underwood, and MV02-2022, submitted by Jim Jutzi

COMMITTEE OF ADJUSTMENT MEETING

6.2.1 Call to Order

Deputy Mayor Zinn called the meeting of the Committee of Adjustment to order at 7:34 pm.

6.2.2 Declaration of Pecuniary Interest

No additional declarations of pecuniary or conflict of interest were made.

MV01-2022 Underwood

6.2.3 Purpose

To reduce the required Minimum Distance Separation (MDS) II setback to allow for the construction of a new chicken barn. The application proposes to reduce the MDS setback of 188m to 159m to the neighbouring house that is owned by the applicant.

The specific variance requested is:

Section 4.5, to reduce the required MDS II setback for the construction of a chicken barn

1. *188m to 159m to the house on the property to the north of the proposed location of the barn.*

6.2.4 Application Process

An application for a Minor Variance was submitted by Nelson Underwood and considered complete on May 2, 2022.

Notice of a Public Meeting was mailed by the municipality to all property owners within 60m of the property on May 2, 2022, and notice was posted on the subject property.

A report was prepared by Huron County Planner Meghan Tydd-Hrynyk regarding this application.

6.2.5 Comments

1. Planner's Report

Ms. Tydd-Hrynyk presented a report to Council.

2. Council's Questions and/or Comments

None.

3. Applicant and/or Agent

None.

4. Others

None.

6.2.6 Recommendation

It was recommended that application MV01-2021 be approved with the following conditions:

1. The structure be located within the footprint shown on the sketch that accompanied the application;
2. The variance approval is valid for a period of 18 months from the date of Council's decision.

6.2.7 Committee of Adjustment Decision

Motion 98-2022

*Moved by Jim Nelemans
Seconded by Jamie McCallum*

THAT The Committee of Adjustment of the Municipality of Morris-Turnberry, considering the variance to be minor, 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 MV01-2022, submitted by Nelson Underwood, subject to the following conditions:

1. *The structure be located within the footprint shown on the sketch that accompanied the application;*
2. *The variance approval is valid for a period of 18 months from the date of Council's decision.*

Carried.

Mayor Heffer resumed the chair.

MV02-2022 - 1742841 Ontario Ltd (Jim Jutzi)

6.2.3 Purpose

To reduce the required minimum front lot setback for the construction of a new swine barn. The application proposes to reduce the front lot setback to 34.7m where 60m is required.

The specific variance requested is:

- Section 4.4.3.1.1., to reduce the required front lot line setback for the construction of a swine barn*
1. *60m to 34.7m from the front lot line to the proposed location of the barn.*

6.2.4 Application Process

An application for a Minor Variance was submitted by Jim Jutzi and considered complete on May 4, 2022.

Notice of a Public Meeting was mailed by the municipality to all property owners within 60m of the property on May 6, 2022, and notice was posted on the subject property.

A report was prepared by Huron County Planner Meghan Tydd-Hrynyk regarding this application.

6.2.5 Comments

1. Planner's Report

Ms. Tydd-Hrynyk presented a report to Council.

2. Council's Questions and/or Comments

Deputy Mayor Zinn and Councillor Nelemans noted that the application seemed straightforward.

3. Applicant and/or Agent

None.

4. Others

Harvey Kikkert read a prepared letter and drawings in opposition to the proposed minor variance. He stated that he owns land adjacent to the subject property, and his intention is to seek the appropriate approvals to sever a portion of the property and establish a building envelope in the natural environment area for future development. He is opposed to the minor variance due to the fact that the reduced front yard setback for the proposed swine barn would have MDS implications on the area he identified as potentially buildable on his property. He asked that if Council approves the minor variance that it would also guarantee that no further application would be required from him with regard to the MDS setbacks if he were to come forward with plans to build in the future.

Councillor Nelemans asked Ms. Tydd-Hrynyk if the County would be likely to approve a severance on the land. Ms. Tydd-Hrynyk explained that being within natural environment area and provincially significant wetland, and conservation authority lands it could be very difficult to get a severance approved in this area.

Mayor Heffer suggested that the decision on the minor variance be deferred to give time for staff to work with the applicant and Mr. Kikkert. Ms. Tydd-Hrynyk agreed to contact both parties to work towards a compromise.

Motion 99-2022

*Moved by Jamie McCallum
Seconded by Sharen Zinn*

THAT The Committee of Adjustment of the Municipality of Morris-Turnberry hereby defers a decision on application minor variance MV02-2022, submitted by Jim Jutzi, until such time as staff are able to consult with the applicant and neighbour and return a report to a future meeting of Council that addresses the issues raised during the hearing.

Carried.
6.2.8 Close Committee of Adjustment

Motion 100-2022

*Moved by Kevin Freiburger
Seconded by Jamie McCallum*

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.

7.0 STAFF REPORTS

7.1 BY- LAW ENFORCEMENT

7.1.1 By-Law Enforcement Activities – March and April 2022

A report was presented by CBO/By-Law Enforcement Officer Kirk Livingston regarding by-law enforcement activities for March and April for the information of Council.

7.2 BUILDING

7.2.1 Building Department Activities – March and April 2022

A report was presented by CBO/By-Law Enforcement Officer Kirk Livingston regarding building department activities for March and April for the information of Council.

7.3 CLERK

7.3.1 Planning Update – First Quarter

A report prepared by Deputy Clerk Kim Johnston in this regard was presented by Mr. Hallam for the information of Council.

8.0 BUSINESS

8.1 NWMO FUNDING PROGRAM

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

Motion 101-2022

*Moved by Jim Nelemans
Seconded by Jamie McCallum*

That the Council of the Municipality of Morris-Turnberry hereby authorizes the CAO/Clerk to administer the Early Investment in Education and Skills Program as described by report.

Carried

Motion 102-2022

*Moved by Kevin Freiburger
Seconded by Sharen Zinn*

THAT leave be given to introduce by-law 19-2022, being a by-law to execute a funding agreement between the Municipality of Morris-Turnberry and the Nuclear Waste Management Organization for the Early Investment in Education and Skills program, and that it now be read severally a first, second, and third time, and finally passed this 17th day of May 2022.

Carried.

8.2 MAITLAND VALLEY CONSERVATION AUTHORITY MEMORANDUM OF UNDERSTANDING

At the March 15th meeting of Council staff were directed to return a draft Memorandum of Understanding between the Municipality and the Maitland Valley Conservation Authority for all services provided. Mr. Hallam presented a draft agreement to Council.

Motion 103-2022

*Moved by Jim Nelemans
Seconded by Sharen Zinn*

THAT the Council of the Municipality of Morris-Turnberry hereby directs staff to return the draft Memorandum of Understanding between the Municipality and the Maitland Valley Conservation Authority, as presented, to a future meeting of Council to be executed under by-law.

Carried.

9.0 **COUNCIL REPORTS**

Sharen Zinn

No report.

Jamie McCallum

Attended a meeting of the Coalition for Huron Injury Prevention.

Jim Nelemans

May 6th attended a meeting of the Belmore Arena Board. Councillor Nelemans noted that there will be a Brussels Fire Board meeting on May 27th. Deputy Mayor Zinn will be attending in his place, and any questions to the board can be put through her.

Kevin Freiburger

May 4th attended a meeting of the Bluevale Community Committee.

Jamie Heffer

None.

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

10.1 Minutes – Drinking Water Source Protection Committee – December 3, 2021

10.2 Report – Belgrave Water – April 2022

10.3 Notice of Hearing – Ontario Land Tribunal – Errington Appeal to By-Law 38-2021

10.4 Transition Update – Blue Box Program – Bluewater Recycling Association

10.5 Outstanding Action Items

Councillor McCallum requested clarification regarding the information in the Belgrave Water report.

Deputy Mayor Zinn stated that she was pleased to see the hearing date for the OLT appeal so soon.

11.0 **NEW BUSINESS**

11.1 None.

12.0 **BY-LAWS AND AGREEMENTS**

12.1 AMEND AGREEMENT FOR BY-LAW ENFORCEMENT

At the May 3rd meeting, Council approved an amendment to the service agreement with Keppel Creek (Bruce Brockelbank) to include by-law enforcement services under the Municipality's Animal Control By-Law, and to increase the minimum hours in the agreement from 4 to 6. By-Law 20-2022 includes this amendment and was provided for consideration.

Motion 104-2022

*Moved by Jamie McCallum
Seconded by Kevin Freiburger*

THAT leave be given to introduce by-law 20-2022, being a by-law to amend by-law 62-2021, an agreement between the Municipality of Morris-Turnberry and Keppel Creek for the provision of Property Standards Officer and By-Law Enforcement Officer services and that it now be read severally a first, second, and third time, and finally passed this 17th day of May 2022.

Carried.

13.0 **CLOSED SESSION**

13.1 Enter closed session

Motion 105-2022

*Moved by Kevin Freiburger
Seconded by Sharen Zinn*

THAT the Council of the Municipality of Morris-Turnberry enter a closed session, with the CAO/Clerk, Cory Hamilton and Linda Bowers remaining in attendance at 8:23 p.m. for the purpose of discussing confidential matters pursuant to the following sections of the Municipal Act:

- 1. Section 239 (2) (c) regarding a proposed or pending acquisition of disposition of land by the Municipality.*
- 2. Section 239 (2) (b) regarding personal matters about and identifiable individual.*

Carried.

13.2 Return to open session

Motion 106-2022

*Moved by Kevin Freiburger
Seconded by Jamie McCallum*

THAT the Council of the Municipality of Morris-Turnberry rise from a closed session at 9:24 p.m.

Carried.

13.3 Report and Action from Closed Session.

Council received offers to purchase the lands at 61 Corbett Drive, and received employee pay reports.

Motion 107-2022

*Moved by Jamie McCallum
Seconded by Sharen Zinn*

THAT the Council of the Municipality of Morris-Turnberry hereby accepts the offer of Gary Rutledge and Aaron Harding to purchase Parts 1, 7, 7 and 8 of Registered Plan 22R7118, known as 61 Corbett Drive.

AND FURTHER THAT the CAO/Clerk is hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of the Corporation.

Carried.

14.0 CONFIRMING BY-LAW

Motion 108-2022

*Moved by Jamie McCallum
Seconded by Kevin Freiburger*

THAT leave be given to introduce By-Law # 21-2022, being a by-law to confirm the proceedings of the Municipality of Morris-Turnberry meeting of Council held on May 17th, 2022, and that it now be read severally a first, second, and third time, and finally passed this 17th day of May 2022.

Carried.

15.0 ADJOURNMENT

Motion 109-2022

*Moved by Kevin Freiburger
Seconded by Sharen Zinn.*

THAT the Council of the Municipality of Morris-Turnberry does now adjourn at 9:25 pm.

Carried.

NEXT MEETINGS:

Regular Meeting of Council - Tuesday, June 7th, 2022, 7:30 pm
Regular Meeting of Council - Tuesday, June 21st, 2022, 7:30 pm

Mayor, Jamie Heffer

Clerk, Trevor Hallam