



MUNICIPALITY OF MORRIS-TURNBERRY

COUNCIL MINUTES

Tuesday, July 21st 2020, 7:30 pm

The Council of the Municipality of Morris-Turnberry met electronically in regular session on the 21st day of July, 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
Kirk Livingston	CBO/By-Law Enforcement Officer

Others in Attendance

Denny Scott	The Citizen
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1.0 CALL TO ORDER

Mayor Heffer called the meeting to order at 7:36 pm.

2.0 ADOPTION OF AGENDA

Councillor Nelemans asked to add an item regarding an identifiable individual to the Closed Session agenda.

Moved by Sharen Zinn
 Seconded by Jamie McCallum

MOTION 168-2020	THAT the Council of the Municipality of Morris-Turnberry hereby adopts the agenda for the meeting of July 21 st 2020 as amended.	Carried.
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3.0 DISCLOSURE OF PECUNIARY INTEREST / POTENTIAL CONFLICT OF INTEREST

None.

4.0 MINUTES

Moved by Jim Nelemans
 Seconded by Sharen Zinn

MOTION 169-2020	THAT the Council of the Municipality of Morris-Turnberry hereby adopts the July 7 th , 2020 Council Meeting Minutes as written.	Carried.
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5.0 ACCOUNTS

5.1 ACCOUNTS

Moved by Jim Nelemans
Seconded by Sharen Zinn

MOTION 170-2020 THAT the Council of the Municipality of Morris-Turnberry hereby approves for payment the July 21st accounts in the amount of \$401,296.77. Carried.

Deputy Mayor Zinn asked for details regarding the items purchased at Rona to repair the Tandems. Mr. Hallam did not have the details and will report back at the next Council meeting.

Councillor McCallum asked for clarification regarding the Brussels water and sewer expense. Mr. Hallam confirmed it was an in and out for the Municipality, as those amounts are collected from connected properties.

Deputy Mayor Zinn asked for clarification regarding the payment made to Marlene Metcalfe for the Turnberry Landfill. Mayor Heffer explained that there are monitoring wells on the Metcalfe property that they are compensated for.

5.2 PAY REPORTS

Copies of the July 8th Pay Reports were provided for information purposes.

6.0 PUBLIC MEETINGS AND DEPUTATIONS

None.

7.0 STAFF REPORTS

7.1 PLANNING DEPARTMENT

A report prepared by Huron County Planner Jenn Burns and Director of Planning Sandra Weber regarding updates to Planning Act timeframes in response to COVID-19 was presented by Mr. Hallam for information only.

8.0 BUSINESS

8.1 PROPERTY STANDARDS BY-LAW

A report and draft by-law were presented by CBO/Property Standards and By-Law Enforcement Office Kirk Livingston in this regard.

Councillor Nelemans noted that Council's previous questions and concerns look to be addressed and that it looked like a good by-law.

Deputy Mayor Zinn asked for clarification regarding the current lack of enforcement and how long it's been on hold, stating that Council has been receiving reports on enforcement issues, but that she didn't believe this was raised previously.

Mr. Livingston explained that it was during the thorough review of the by-law the internal and external references were checked and 44 errors were found due to errors or changes in legislation. It was at that point it was found to be not enforceable, and enforcement officers made the decision to continue to receive complaints but not act on them until such time as an enforceable by-law was in place.

Deputy Mayor Zinn raised concerns regarding the powers of entry in the by-law. She thought it inappropriate that officers could enter a private residence to check on the condition, and that it was unreasonable to expect someone to produce an engineer's report to prove their home is habitable. She reiterated that Council requested that only changes that were legislated be included and asked if that was legislated.

Mr. Livingston stated that under the Building Code Act, which where the authority for this by-law comes from, officers do not have the right to enter a dwelling without consent of the owner or tenant. He clarified that the clause regarding the engineer's report states that it 'may' be requested, so there is discretion on the part of enforcement officers allowed. Under Building Code Act officers have the authority to determine if a building is unsafe. In determining if a building is unsafe, they have the authority to ask for the

opinion of an engineer. The first option presented will always be measures to comply with the building code, if unsafe condition cannot be remedied easily, we should be asking for an engineer's report. He clarified that this would apply to rental units and tenants as well, who may be living in unsafe conditions that are beyond their control, and this would give them some recourse.

Deputy Mayor Zinn expressed her opinion that property standards by-laws should apply to property only, not to the insides of buildings.

Councillor Nelemans noted that if something happens such as a structure collapse and the municipality was aware of it but didn't take action the Municipality could be liable.

Deputy Mayor Zinn acknowledged Councillor Neleman's point, and asked if the landlord tenant board would be able to act instead.

Mr. Livingston noted that certain provisions had been downloaded in 2018 from the Residential Tenancies Act to local municipalities, so it is the duty of the Municipality to enforce it.

Deputy Mayor Zinn clarified that she understands why this is there, but doesn't agree with it.

Mr. Livingston gave an example from his experience of a residence where an elderly man with dementia was living in unsafe conditions in a property he owned, and a family member alerted the municipality to it out of concern for his wellbeing. The owner didn't complain, but the Municipality was able to act and ensure the man's safety.

Councillor Nelemans suggested that in an urban setting with houses closer together, a by-law such as this could prove useful if you believed a neighbour's house was structurally unsound and could fall on your property. This by-law gives you an avenue to address that.

Moved by Jamie McCallum
Seconded by Jim Nelemans

MOTION
171-2020

THAT the Council of the Municipality of Morris-Turnberry hereby directs staff to return the draft property standards by-law to a future meeting of Council for consideration.

Carried.

8.2 CROSS BORDER SERVICING AGREEMENT STATUS UPDATE

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

Councillor Nelemans asked to confirm that current Morris-Turnberry connections only made up 1.6% of the connections to the Wingham System. Mayor Heffer confirmed the number was accurate.

Deputy Mayor Zinn thanked staff for work to date on the negotiations and putting the report together.

Councillor Freiburger asked for confirmation that Morris-Turnberry's position was still that we are willing to sign the agreement with 30 cubic meters of capacity if North Huron was willing. Mayor Heffer confirmed.

8.3 COVID-19 PHASE 3 UPDATE

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

Regarding the Bluevale Hall, Councillor Nelemans asked if there were social gatherings at the Hall previously, and if there had been any interest in resuming those. Mr. Hallam stated that there had been no expression of interest to resume any functions at the hall.

Regarding electronic participation in Council meetings, Deputy Mayor Zinn stated that in her opinion the online format was working well, and in spite of a few difficulties it is the better way to go. She noted that the wearing of masks at an in person Council meeting will make hearing others more difficult.

Mayor Heffer reiterated that he and Mr. Hallam had been in touch regularly, and suggested Council reassess in September. He noted that the online meetings are working well enough to continue for the time being.

Councillor McCallum asked that an update be provided at the August meeting.

Councillor Nelemans noted that an exception to having meetings online could be made as needed if there was a contentious issue before Council that should be done in a larger venue that could accommodate in person participation by the public.

9.0 COUNCIL REPORTS

Sharen Zinn

No report

Jamie McCallum

July 8, attended a meeting of the Coalition for Huron Injury Prevention

Jim Nelemans

No report

Kevin Freiburger

No report

Jamie Heffer

July 15, participated in a call with Staff and the Green family during which the Greens expressed their wish to rebuild. Mayor Heffer expressed the Municipality's support for their efforts to rebuild and staff continued into a preliminary discussion regarding next steps.

10.0 CORRESPONDENCE, MINUTES, ITEMS FOR INFORMATION

- 10.1 Minutes – Morris-Turnberry Joint Health and Safety Committee – July 8
- 10.2 Minutes – Brussels Fire Area Committee – July 2
- 10.3 OPP Strategic Plan 2020-2022
- 10.4 OPP Calls for Service Summary 2nd Quarter
- 10.5 Correspondence – HCFA response to County Council re farm tax ratio
- 10.6 Correspondence – Minister of Municipal Affairs and Housing Steve Clark – COVID-19 Recovery Act
- 10.7 Belgrave water monthly summary – June 2020
- 10.8 Annual Report – Wingham District Hospital Foundation
- 10.9 Resolution – City of Oshawa – COVID-19 Funding
- 10.10 Invitation for Councillors – Huron County Food Distribution Centre – Better Together No-Show Gala
- 10.11 Correspondence – John Schwartzentruber – Property Standards By-Law
- 10.12 Outstanding Action Items

11.0 NEW BUSINESS

None

12.0 BY-LAWS AND AGREEMENTS

None.

13.0 CLOSED SESSION**13.1 ENTER CLOSED SESSION**

Moved by Kevin Freiburger
Seconded by Jim Nelemans

MOTION 172-2020 THAT the Council of the Municipality of Morris-Turnberry enter a closed session, with the CAO/Clerk remaining in attendance at 8:42 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) (c) regarding a proposed or pending acquisition or disposition of land by the municipality.
- 3) Section 239 (2) (b) personal matters about an identifiable individual.

Carried.

13.2 RETURN TO OPEN SESSION

Moved by Kevin Freiburger
Seconded by Jim Nelemans

MOTION 173-2020 THAT the Council of the Municipality of Morris-Turnberry rise from a closed session at 9:47 p.m.

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13.3 REPORT AND ACTION FROM CLOSED SESSION

Council discussed one item regarding negotiations to be carried on by the municipality, three items regarding the proposed disposition of land by the municipality, and one item regarding an identifiable individual. Direction was given to staff accordingly.

14.0 CONFIRMING BY-LAW

Moved by Sharen Zinn
Seconded by Jim Nelemans

MOTION 174-2020 THAT leave be given to introduce By-Law # 33-2020, being a by-law to confirm the proceedings of the Municipality of Morris-Turnberry meeting of Council held on July 21st, 2020, and that it now be read severally a first, second, and third time, and finally passed this 21st day of July 2020.

Carried.

15.0 ADJOURNMENT

Moved by Kevin Freiburger
Seconded by Jamie McCallum

MOTION 175-2020 THAT the Council of the Municipality of Morris-Turnberry does now adjourn at 9:48 pm.

Carried.

NEXT MEETINGS:

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| 1. Regular Meeting of Council | Tuesday, August 18 th 2020, 7:30 pm |
| 2. Regular Meeting of Council | Tuesday, September 1 st 2020, 7:30 pm |

'Original Signed By'
Mayor, Jamie Heffer

'Original Signed By'
Clerk, Trevor Hallam