



## MUNICIPALITY OF MORRIS-TURNBERRY

### COUNCIL MINUTES

Tuesday, September 21<sup>st</sup>2021, 7:30 pm

The Council of the Municipality of Morris-Turnberry met electronically in regular session on the 21<sup>st</sup> day of September 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
Jenn Burns	Huron County Planner
Kirk Livingston	Chief Building Official / Drainage Superintendent / Property Standards Officer / Zoning Administrator
Kim Johnston	Deputy Clerk

#### **Others in Attendance**

Jonathan Eelman	Agent Z04-2021
Cheryl Inglis	Property Owner
Jordan Errington	Property Owner
Kaitlyn Yantz	
Ben Kent	
Mike Wilson	Wingham Advance Times
Denny Scott	Blyth Citizen

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

Mayor Heffer called the meeting to order at 7:30 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 196-2021*

*Moved by Kevin Freiburger  
Seconded by Sharen Zinn*

*THAT the Council of the Municipality of Morris-Turnberry hereby adopts the agenda for the meeting of September 21<sup>st</sup>, 2021 as circulated.*

*Carried.*

#### **3.0 DISCLOSURE OF PECUNIARY INTEREST / POTENTIAL CONFLICT OF INTEREST**

Mayor Heffer declared a conflict of interest regarding item 6.1 on the agenda, as he owns property within the 120m notice circulation distance of the subject property.

**4.0 MINUTES**

*Motion 197-2021*

*Moved by Jim Nelemans  
Seconded by Jamie McCallum*

*THAT the Council of the Municipality of Morris-Turnberry hereby adopts the September 7<sup>th</sup> 2021 Council Meeting Minutes as written.*

*Carried.*

**5.0 ACCOUNTS**

*Motion 198-2021*

*Moved by Kevin Freiburger  
Seconded by Jim Nelemans*

*THAT the Council of the Municipality of Morris-Turnberry hereby approves for payment the September 21<sup>st</sup> accounts in the amount of \$1,549,351.72.*

*Carried.*

**6.0 PUBLIC MEETINGS AND DEPUTATIONS**

**6.1 Zoning By-Law Amendment Public Meeting**

Deputy Mayor Zinn assumed the chair due to Mayor Heffer’s previously declared conflict of interest. Mayor Heffer recused himself from the discussion.

Application MTu Z07-2021 Steiner  
Concession 8, Lot 7  
42061 Howick-Turnberry Road

*Motion 199-2021*

*Moved by Sharen Zinn  
Seconded by Jamie McCallum*

*THAT the Council of the Municipality of Morris-Turnberry hereby Adjourns their regular meeting of Council and opens a Public Meeting to consider Zoning By-Law Amendment MTu Z07-2021.*

*Carried.*

**PUBLIC MEETING – ZONING BY-LAW AMENDMENT**

**6.1.1 Call to Order**

Deputy Mayor Zinn called the public meeting to order at 7:34 pm

**6.1.2 Declaration of Pecuniary Interest**

None declared.

**6.1.3 Requirement**

This Public Meeting was held under the Planning Act, which requires that Council hold at least one public meeting and that proper notice be given.

**6.1.4 MTu Z07-2021 Steiner**

A report was presented by County Planner, Jennifer Burns with regards to the Zoning By-Law Amendment application submitted by Arthur Steiner.

#### 6.1.5 Purpose

This application proposes is to rezone 42061 Howick-Turnberry Road (Con 8, Lot 7) in the Municipality of Morris-Turnberry from AG4 (Agricultural Small Holding) to AG4-16 (Agricultural Small Holding – Special Provisions) to allow for accessory buildings to be located in the front yard. All accessory buildings will require a minimum front yard setback of 20m and all other provisions of the Morris-Turnberry Zoning By-law apply. The subject property is 1.6 acres and contains a house.

#### 6.1.6 Application Process

An application was submitted by Arthur Steiner and was considered complete on August 31<sup>st</sup>, 2021.

Notice of the Public Meeting was mailed by the municipality to all property owners within 120m of the property on August 31<sup>st</sup>, 2021, and notice was posted on the subject property.

#### 6.1.7 Comments

- Council's Questions and/or Comments

No comments or questions from Council.

- Others

No comments or questions from others in attendance.

#### 6.1.8 Recommendation of the Huron County Planner

It was recommended that zoning by-law amendment application Z07-2021 be **approved**.

#### 6.1.9 Close public meeting

*Motion 200-2021*

*Moved by Jim Nelemans  
Seconded by Jamie McCallum*

*THAT the Council of the Municipality of Morris-Turnberry hereby closes the Public Meeting to consider Zoning By-Law Amendment MTu Z07-2021 and reconvenes its regular meeting of Council.*

*Carried.*

#### 6.1.10 Consideration of Zoning By-Law Amendment MTu Z07-2021

*Motion 201-2021*

*Moved by Kevin Freiburger  
Seconded by Jim Nelemans*

*THAT leave be given to introduce By-Law # 44-2021, being a by-law to amend zoning by-law 45-2014, as amended, of the Municipality of Morris-Turnberry, and that it now be read severally a first, second, and third time, and finally passed this 21<sup>st</sup> day of September 2021.*

*Carried.*

Mayor Heffer reassumed the chair at 7:39 pm.

## 7.0 **STAFF REPORTS**

### 7.1 PLANNING

#### 7.1.1 Zoning By-Law Amendment MTu Z04-2021 Willem Bakker Properties

The Public Meeting required under the Planning Act for this application was held on July 6<sup>th</sup>, 2021, and consideration of the by-law was deferred until such time that staff were able to provide additional information to neighbours and return a report to Council with

further information to address neighbours' concerns. As there is no requirement for a further public meeting, the application is presented here with new information as directed.

A report was presented by County Planner, Jennifer Burns with regards to this application.

#### 7.1.1.1 Comments

- Applicant and/or Agent

No comments or questions from the Applicant and/or Agent.

- Council's Questions and/or Comments

Deputy Mayor Zinn asked if the applicant could still accomplish what they originally wanted to with the proposed changes. Ms. Burns confirmed that the changes are a reflection of the amended site plan, and that because there is still a building envelope on each lot it is the opinion of staff that the applicant will still be able to do what they were initially proposing.

Deputy Mayor Zinn asked if it was a requirement that Huron County Council approve the consent before third reading is given to the by-law, and whether that would cause further delays for the applicant. Ms. Burns explained that the application are being processed concurrently, and this will allow the appeal periods to coincide. The application is scheduled to go to Huron County Council on October 6<sup>th</sup>.

- Others

Jordan Errington stated that he wrote a letter to Lisa Finch with his concerns. Mr. Errington has many issues with development. He does not feel the drawing met AODA standards. It appears that septic bed is in flood fringe, and he doesn't see setbacks from the property lines. There is one proposed lot where the septic bed is within the property line and if moved back then there is conflict with the Nitrate study. A significant amount of fill will be needed. Mr. Errington also feels the damage to the wildlife will be occurring. Mr. Errington strongly disagrees with this proposal of three houses, he believes this will greatly affect his life and wildlife. He noted that he moved to his current location to be in a rural setting without other development around. He asked if a storm water management pond is proposed.

Ms. Burns noted that much larger concept plans were sent out the neighbours after the first circulation of the application. She explained that there is no 911 address on the property because the property is vacant. Once development occurs a number will be assigned.

Kirk Livingston said he has reviewed the proposed development and that there are a number of different sizes of septic systems that can be put on the proposed lots. Mr. Livingston noted that the mantle area is permitted to go to the lot line, but the filter bed and weeping tiles of the system do have required setbacks under the building code act that will need to be met.

Deputy Mayor Zinn said she thinks everything has been address and does not see any reason not to proceed with this application. Councillor Nelemans agreed.

#### 7.1.1.2 Recommendation

It was recommended that the draft by-law and mapping for zoning by-law amendment application ZBA04-2021 be amended. The proposed amendment includes a larger NE1 (Natural Environment – Full Protection) zone area, a special provision and increased zone area for the NE2 zone (to be rezoned to NE2-4), to reflect the recommendations from the County Biologist. The following zone provision was proposed:

- NE2-4 Lowertown Key Map  
Notwithstanding the provisions to the contrary, the permitted buildings and structures within the NE2-4 Zone shall only include a septic system setback a minimum of 20m from the NE1 zone boundary.

Further, it was recommended that a resolution be passed under S.34(17) of the Planning Act that no further notice be given in respect to the proposed amended by-law and mapping, and that the amended zoning by-law be given first and second reading only, with third reading to be given following the approval of Consent C53-2021 by Huron County Council.

## 7.1.1.3 No Further Notice Required (S.34(17))

*Motion 202-2021*

*Moved by Sharen Zinn  
Seconded by Jim Nelemans*

*WHEREAS Council of the Corporation of the Municipality of Morris-Turnberry has held a Public Meeting pursuant to Section 34(12) of the Planning Act, RSO 1990 with respect to a proposed zoning by-law affecting Plan 410, Park Lot 77; Patrick St between Mary St; and Adelaide St RP 22R6316; part 5 in the Municipality of Morris-Turnberry (zoning by-law amendment application Z04-21);*

*AND WHEREAS certain changes have been made to the proposed by-law after the holding of the public meeting;*

*NOW, THEREFORE, the Council of the Corporation of the Municipality of Morris-Turnberry hereby resolves that, pursuant to Section 34(17) of the Planning Act, RSO 1990, no further notice is to be given in respect of the proposed by-law.*

*Carried.*

## 7.1.1.4 Consideration of By-Law 38-2021

*Motion 203-2021*

*Moved by Sharen Zinn  
Seconded by Kevin Freiburger*

*THAT leave be given to introduce By-Law # 38-2021, as amended, being a by-law to amend zoning by-law 45-2014, as amended, of the Municipality of Morris-Turnberry, and that it now be read a first and second time, this 21<sup>st</sup> day of September 2021.*

*Carried.*

## 7.1.2 Application for Consent C53-2012 Willem Bakker Properties (Eelman)

A report was presented by County Planner, Jennifer Burns with regards to an application for consent pertaining to Plan 410, Park Lot 77; Patrick St between Mary St; and Adelaide St RP 22R6316; part 5.

## 7.1.2.1 Comments

- Applicant and/or Agent

No comments or questions from the Applicant and/or Agent.

- Council's Questions and/or Comments

No comments or questions from Council.

- Others

Cheryl Inglis asked why there is no storm water management pond shown on the plan, noting that there was no room for one and that trees would have to be removed to accommodate it in the future.

Mr. Livingston noted that a stormwater management facility is not required in his opinion, and that this property is assessed into a nearby municipal drain, and that proper swales and lot grading and drainage will be sufficient for the lots and density proposed. Ms. Burns added that the Official Plan stipulates that storm water management and lot grading and drainage can be addressed through a development agreement, and that the Maitland Valley Conservation Authority has expressed no concerns or asked for a storm water management plan. Mr.

Livingston noted that this is the same approach that has been taken toward other similar developments in Lowertown.

Deputy Mayor Zinn agreed with Mr. Livingston stating she did not see any difference from last two developments brought forward to Council from this area of Lowertown.

#### 7.1.2.2 Council Recommendation

*Motion 204-2021*

*Moved by Jim Nelemans  
Seconded by Sharen Zinn*

*THAT The Council of the Municipality of Morris-Turnberry recommends approval of application for consent C53-21 subject to the conditions outlined in the Planner's report.*

*Carried.*

#### 7.1.3 Application for Consent C64-2012 Bluevale Farms (Woods)

A report was presented by County Planner, Jennifer Burns with regards to an application for consent pertaining to Concession 1, Part Lots 56 and 57, 42514 Amberley Road.

##### 7.1.3.1 Comments

- Council's Questions and/or Comments

Councillor Nelemans asked if Mr. Henry owns other farms in Morris-Turnberry. Ms. Burns stated that yes Mr. Henry owns other farmland but not with a house on them to make this a surplus residence.

Mayor Heffer stated that Mr. Henry does own other farmland in Morris-Turnberry and feels this proposal should be considered.

- Others

No comments or questions from others in attendance.

##### 7.1.3.2 Council Recommendation

*Motion 205-2021*

*Moved by Jim Nelemans  
Seconded by Sharen Zinn*

*THAT The Council of the Municipality of Morris-Turnberry recommends approval of application for consent C64-21 subject to the conditions outlined in the Planner's report.*

*Carried.*

## 7.2 BUILDING

### 7.2.1 Building Department Activities – July and August 2021

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

Councillor Nelemans asked if the increased construction costs were mostly due to the cost of materials. Mr. Livingston confirmed that material prices are a factor.

## 7.3 BY- LAW ENFORCEMENT

### 7.3.1 By-Law Enforcement Activities July and August 2021

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

Mr. Livingston noted that leniency was being given in some cases with regard to deadlines and that it has been producing positive results.

He also noted that the Clean Yards By-Law will be coming to a future meeting, it has been circulated to the municipal solicitor and edits are being made accordingly. He clarified that it will be no more strict than the property standards by-law passed previously, and the provisions Council asked to have removed from that by-law have been omitted in this by-law as well.

## **8.0 BUSINESS**

### 8.1 Service Line Warranties Canada Mailing

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

*Motion 206-2021*

*Moved by Kevin Freiburger*

*Seconded by Jim Nelemans*

*That the Council of the Municipality of Morris-Turnberry approve the materials provided by Service Line Warranties Canada for distribution within the municipality.*

*Carried.*

### 8.2 Clarification Regarding Vaccination Policies and Proof of Vaccination Requirements

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

## **9.0 COUNCIL REPORTS**

Sharen Zinn

September 13<sup>th</sup>, attended a Doctor Recruitment meeting. The new doctor has arrived and will take patients over for Doctor Shuffield.

September 17<sup>th</sup>, attended a United Way Campaign Launch in Wingham as a representative of the Municipality.

Jamie McCallum

September 8<sup>th</sup> attended a virtual meeting of the Coalition for Huron Injury Prevention (CHIP).

September 16<sup>th</sup> attended a virtual course on Municipal water systems.

Jim Nelemans

September 16<sup>th</sup> attended a virtual course on Municipal water systems.

Kevin Freiburger

September 15<sup>th</sup> attended a meeting of the Brussels Morris and Grey Community Center Board of Management. The Committee discussed funding for renovations on the Community Centre. The Municipality of Huron East has voted to increase the portion of Municipal funding for renovations to approximately 1.9 million.

CAO/Clerk Hallam will be talking with the Huron East CAO regarding a request to increase Morris-Turnberry's funding up to \$469,000.00 approx.

Jamie Heffer

Sept 8<sup>th</sup>, attended an event announcing Britespan's expansion.

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

10.1 Media Release – Licensed Childcare Relief – Huron County

10.2 Open invitation – Non-Profit Charitable Network – Social Research and Planning Council

10.3 Call for Volunteers – Goderich to Guelph Rail Trail Association

10.4 Resolution – OHIP Eye Care – Municipality of Trent Lakes

10.5 Outstanding Action Items

**11.0 NEW BUSINESS**

None.

**12.0 BY-LAWS AND AGREEMENTS****12.1 45-2021 Appoint Accountability Officers**

At their September 7<sup>th</sup> meeting Council directed staff to return a by-law re-appointing Aird & Berlis LLP as Integrity Commissioner, Closed Meeting Investigator and Ombudsman for the Municipality of Morris-Turnberry for a term of 4 years. By-law 45-2021 was presented for consideration.

*Motion 207-2021*

*Moved by Kevin Freiburger  
Seconded by Jamie McCallum*

*THAT leave be given to introduce By-Law # 45-2021, being a by-law law to appoint an Integrity Commissioner, Closed Meeting Investigator and Ombudsman for the Municipality of Morris-Turnberry, and that it now be read severally a first, second, and third time, and finally passed this 2<sup>1st</sup> day of September 2021.*

*Carried.*

**13.0 CLOSED SESSION****13.1 Enter closed session.**

*Motion 208-2021*

*Seconded by Jamie McCallum*

*THAT the Council of the Municipality of Morris-Turnberry enter a closed session, with the CAO/Clerk remaining in attendance at 8:52 p.m. for the purpose of discussing confidential matters pursuant to the following sections of the Municipal Act:*

- 1. Section 239 (2) (b) regarding personal matters about an identifiable individual.*
- 2. Section 239 (2) (c) regarding the potential acquisition or disposition of land.*
- 3. Section 239 (2) (k) regarding negotiations to be carried on by the municipality.*

*Carried.*

**13.2 Return to open session.**

*Motion 209-2021*

*Moved by Jamie McCallum  
Seconded by Sharen Zinn*

*THAT the Council of the Municipality of Morris-Turnberry rise from a closed session at 9:32 p.m.*

**13.3 Report and Action from Closed Session.**

Council discussed two matters regarding identifiable individuals, one matter regarding the potential acquisition or disposition of land and one matter regarding negotiations to be carried on by the municipality, and direction was given to staff accordingly.

**14.0 CONFIRMING BY-LAW**

*Motion 210-2021*

*Moved by Jim Nelemans  
Seconded by Sharen Zinn*

*THAT leave be given to introduce By-Law # 46-2021, being a by-law to confirm the proceedings of the Municipality of Morris-Turnberry meeting of Council held on September 21<sup>th</sup>, 2021, and that it now be read severally a first, second, and third time, and finally passed this 21<sup>st</sup> day of September 2021.*

*Carried.*

**15.0 ADJOURNMENT**

*Motion 211-2021*

*Moved by Jim Nelemans  
Seconded by Kevin Freiburger*

*THAT the Council of the Municipality of Morris-Turnberry does now adjourn at 9:33 pm.*

**NEXT MEETINGS:**

Regular Meeting of Council - Tuesday, October 5<sup>th</sup>, 2021, 7:30 pm  
Regular Meeting of Council - Tuesday, October 19<sup>th</sup>, 2021, 7:30 pm

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Mayor, Jamie Heffer

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Clerk, Trevor Hallam