MUNICIPALITY OF MORRIS-TURNBERRY
COUNCIL CHAMBERS
41342 Morris Road
Tuesday, June 20th, 2017  7:30 pm

Minutes of the Meeting

1) Call to order: The meeting was called to order by Mayor Paul Gowing at 7:30 pm with all members in attendance.

Council in Attendance:
Paul Gowing
Jamie Heffer
Dorothy Kelly
Jim Nelemans
John Smuck
Sharen Zinn

Staff in Attendance:
Nancy Michie  Administrator Clerk Treasurer
Mike Alcock  Director of Public Works
Kirk Livingston  Chief Building Official
Kim Johnston  Recording Clerk

Others in Attendance:
1. Jackie Riggs  Wingham Advance Times
2. Denny Scott  North Huron Citizen
4. Chris Dietrich  Dietrich Engineering Limited
5. Caitlin Ferguson  RJ Burnside & Associates
6. John Schwartzentruber  Landowner
7. Dirk Rylaarsdam  Landowner
8. John Underwood  Landowner
9. Nelson Underwood  Landowner
10. Jim Campbell  Councillor North Huron
11. Terry Hoy  Landowner

2) Agenda:
An Addendum from the Clerk was added to the agenda for consideration as the items were of a time sensitive nature, four items for Open Session.
Adoption of Agenda:
Motion: 321-2017  Moved by Jamie Heffer  Seconded by Dorothy Kelly
“That the agenda for the meeting of June 20th, 2017 be adopted as amended.”
Disposition  Carried

3) Declaration of Pecuniary Interest:
No member declared a pecuniary interest, at this time.

4) Minutes:
Motion: 322-2017  Moved by Sharen Zinn  Seconded by Dorothy Kelly
“That the minutes of the June 6th, 2017 Council Meetings, be adopted as circulated.”
Disposition  Carried

5) Business from the Minutes
There was no business from the minutes to be discussed.

6) Accounts
6.1 Account List:
Motion: 323-2017  Moved by Sharen Zinn  Seconded by Dorothy Kelly
“That the 2017 Accounts dated June 20th, 2017 be approved for payment in the amount of: $1,025,989.87 for the Morris-Turnberry Accounts.”
Disposition  Carried

A request by Sharen Zinn to discuss the Building Department in Closed Session at the July 4th, 2017 meeting.
The Council requested a policy be drawn up for In lieu of Parkland to offset the Tree Program.

6.2 Pay Report
Motion: 324-2014  Moved by Jim Nelemans  Seconded by Dorothy Kelly
“That the Council of the Municipality of Morris-Turnberry accept the pay reports, dated May 31st and June 14th, 2017.”
Disposition  Carried
7) **Naming of a Public Road:**  7:40 pm

7.1 **To Name a road allowance - Jim Marks Road**
A report was presented and reviewed by Council. The CACC approved the Naming of the public road, as Jim Marks Road.

**Motion: 325-2017** Moved by Jim Nelemans Seconded by Dorothy Kelly

“That the Council of the Municipality of Morris-Turnberry hereby accept the report to name a road allowance at Part of Lot 23 Concession 8, Turnberry Ward, being Part 1 on Reference Plan 22R-6522 and Parts 12 & 15 Reference Plan 22R-6224, as ‘Jim Marks Road’, in the Municipality of Morris-Turnberry.”

Disposition: Carried

7.2 **By-law:**

**Motion: 326-2017** Moved by Dorothy Kelly Seconded by Sharen Zinn

“’That By-Law No. 48 - 2017 be adopted as given first, second, third and final readings being a by-law to name Part of Lot 23 Concession 8, Turnberry Ward, being Part 1 on Reference Plan 22R-6522 and Parts 12 & 15 Reference Plan 22R-6224, as ‘Jim Marks Road’, in the Municipality of Morris-Turnberry.”

Disposition: Carried

10) **Fire Agreement with Huron East:**

10.1 **Report:**
A report was reviewed to set out the steps required to facilitate the Fire Services Agreement with Huron East. Mayor Paul Gowing said people are happy with this project.

10.2 **By-law No. 55-2017 Fire Services Agreement- Huron East:**

**Motion: 327-2017** Moved by Jamie Heffer Seconded by Sharen Zinn

“’That By-Law No. 55-2017 be adopted as given first, second, third and final readings being a by-law to adopt the Fire Services Agreement with the Municipality of Huron East and in regards to acquire an interest in the ownership of the Brussels Fire Department.”

Disposition: Carried

Jeremy Taylor arrived at the meeting at 7:50 pm.

10.3 **Motion to approve Capital Buy in:**

**Motion: 328-2017** Moved by Dorothy Kelly Seconded by John Smuck

“That the Council of the Municipality of Morris-Turnberry hereby approve the payment of $176,771.00 payable to the Municipality of Huron East for the capital buy-in cost for the 45% share in the Brussels Fire Department; and that the funds be allocated from the Fire Reserves of the Municipality of Morris-Turnberry.”

Disposition: Carried
10.4 By-Law No. 57-2017 to Appoint a Chief Fire Official, Fire Chief and Fire Prevention Officer

Motion: 329-2017 Moved by Dorothy Kelly Seconded by Sharen Zinn

“That By-Law No. 57-2017 be adopted as given first, second, third and final readings being a by-law to appoint a Chief Fire Official, Fire Chief and Fire Prevention Officer for the Municipality of Morris-Turnberry.”

Disposition Carried

10.5 By-law No. 58-2017 to Revoke, Repeal and Rescind the Appointment of a Community Fire Safety Officer / Fire Prevention Officer

Motion: 330-2017 Moved by John Smuck Seconded by Jamie Heffer

“That By-Law No. 58-2017 be adopted as given first, second, third and final readings being a by-law to revoke, repeal and rescind By-law No. 44-2011 to appoint James Marshall as the Community Fire Safety Officer/ Fire Prevention Officer.”

Disposition Carried.

10.6 By-law No. 59-2017 to rescind and revoke Fire Prevention Services Agreement

Motion: 331-2017 Moved by Dorothy Kelly Seconded by John Smuck

“That By-Law No. 59-2017 be adopted as given first, second, third and final readings being a by-law to rescind and revoke the agreements with the Township of North Huron and the Township of Ashfield-Colborne-Wawanosh, to provide Fire Prevention Services.”

Disposition Carried

Dirk Rylaarsdam, John Underwood and Nelson Underwood arrived at the meeting.

11) Public Works

7:52 pm

Mike Alcock- Director of Public Works was in attendance and presented the Public Works Report.

1. Operations Report

Motion: 332-2017 Moved by Jamie Heffer Seconded by Dorothy Kelly

“That the Council of the Municipality of Morris-Turnberry accept the Public Works Report as submitted on June 20th, 2017.”

Disposition Carried

2. Tenders Results for the purchase of a Motor Grader

Motion: 333-2017 Moved by John Smuck Seconded by Dorothy Kelly

“That the Council of the Municipality of Morris-Turnberry accept and approve the tender report as submitted by the Director of Public Works, for the purchase of a John Deere motor grader from Nortrax Canada Inc in the amount of $400,166.50.”

Disposition Carried
9) **Drainage Reports:**

9.1 **Doerr Municipal Drain Report**

*Reading of the Report*

Report by Jeremy Taylor - R J Burnside & Associates Limited and Caitlin Ferguson. Dirk Rylaarsdam, John Underwood and Nelson Underwood were in attendance. James Campbell - North Huron arrived at the meeting at 8:10 pm.

1. **Presentation of Report- under Section 78 of the Drainage Act.**


2. **Comments:**

   - **Council** - Council asked what is the life expectancy of a drain is. Jeremy Taylor advised 40 – 80 years depending on the soil.

   - **Property owners affected by the drainage**:

   1. Dirk Rylaarsdam said it was stated at the on-site meeting, that no other improvements were required and OK Wright Farms would carry full cost. In a later letter from RJ Burnside it said all landowners would be assessed. He does not agree with the benefit of the new drain. The new drain is 15 feet deep and is more likely to collapse. It has never been maintained in 40 years. The Assessment schedule is used for maintenance.

   2. Nelson Underwood – no objection to OK Wright expanding operation. He cautions the Council that once the costs are approved by Council, the costs can’t be amended, only reallocate at the Court of Revision.

   3. John Underwood said that some of the costs are misleading; there wasn’t a great deal of opportunity to review costs. He questioned if the work should have been done under Section 78 or 77 of the Drainage Act.

   4. Nelson Underwood stated he felt that the council was liable for the issuance of a building permit on top of a Municipal Drain.

   5. Jeremy Taylor clarified the Section 77 maintenance and the limitations of costs.

   - **Council**: If the engineer changed protocol following the on site meeting – that wasn’t fair to the landowners.

   6. Nelson Underwood- There was no gain of benefit- the work was to move the drain and deepen it. Underwoods did gain a junction box. Cost is not the issue, it is the principal.

   - **Council**: Did the Underwoods receive notification? Yes.

   7. Jeremy Taylor: the improvement costs were charged to all benefitting landowners for the updated tile, as the drain is 40 years newer that the current one. The engineering costs and relocation to the OK Wright farm.
Mayor Paul Gowing: Assessment discussion must be at the Court of Revision.

Council: There is more than 1 option to change the assessment – what is the difference in cost. The Court of Revision has the ability to adjust assessments.

8. Nelson Underwood- Council should be responsible to hire a reputable engineering firm. The firm should be responsible to correct the report.

Council: Jim Nelemans questioned if the report should be adopted, it should only bill 1 property as no benefit to the others.

9. Jeremy Taylor recommended to amend the assessment by the Court of Revision channel. If sent back to the engineer he would have to prepare a new report additional costs.

Council: If the amendment at the Court of Revision there is no further engineering costs.

3. Consideration of By-law:

Motion: 334-2017 Moved by John Smuck Seconded by Jim Nelemans
“That the Council of the Municipality of Morris-Turnberry send back the report to the Engineer to revise the Assessment Schedule in accordance with the original direction at the on-site meeting.”
Disposition Defeated

Motion: 335-2017 Moved by Jim Nelemans Seconded by Jamie Heffer
“That By-Law No. 60-2017 be adopted as given first and second readings, being a by-law to provisionally adopt the Doerr Municipal Drain Report.”
Disposition Carried

5. Date of Court of Revision and Instruction to tender:

Motion: 336-2017 Moved by Dorothy Kelly Seconded by John Smuck
“That the Court of Revision for the Doerr Municipal Drain be set for July 12th, 2017 and that the project be tendered following the Court of Revision.”
Disposition Carried

6. Members for the Court of Revision:

Motion: 337-2017 Moved by Dorothy Kelly Seconded by Sharen Zinn
“That the Members for the Court of Revision for the Doerr Municipal Drain be: 3 members consisting of Mayor Paul Gowing, John Smuck and Jim Nelemans.”
Disposition Carried

Terry Hoy arrived at the meeting.
9.2 Gregory Municipal Drain- Section 65 Report:
Jermyn Taylor gave a report to the Council to explain the content of the Section 65 Drainage Report.

Motion: 338-2017 Moved by Dorothy Kelly Seconded by Jim Nelemans
"That the Council of the Municipality of Morris-Turnberry hereby receive the Gregory Municipal Drain Section 65 Report and submit an invoice to Britespan Building Systems Inc. for all associated costs for the preparation of the report."
Disposition Carried

John Underwood and Nelson Underwood left the meeting at 9:05 pm.

9.3 Blackhall Municipal Drain Report 9:05 pm
Reading of the Report
Report by Chris Dietrich - Dietrich Engineering Limited
Dirk Rylaarsdam, Terry Hoy and Jim Campbell – North Huron were in attendance.

1. Presentation of Report- under Section 78 of the Drainage Act.
Chris Dietrich – Dietrich Engineering Limited presented the report of the Blackhall Municipal Drain.

2. Comments:
 Council - No comments.
 Property owners affected by the drainage- Terry Hoy questioned the list of property names that they should be updated. He commented that he understands that the property owners, other than the petitioner are only responsible for basically the maintenance on the drain.

Jeremy Taylor and Caitlin Ferguson left the meeting at 9:15 pm.

3. Consideration of By-law:

Motion: 339-2017 Moved by Dorothy Kelly Seconded by Sharen Zinn
"That By-Law No. 61-2017 be adopted as given first and second readings, being a by-law to provisionally adopt the Blackhall Municipal Drain Report."
Disposition Carried

4. Date of Court of Revision and Instruction to tender:

Motion: 340-2017 Moved by Jim Nelemans Seconded by Dorothy Kelly
"That the Court of Revision for the Blackhall Municipal Drain be set for July 12th, 2017 and that the project be tendered following the Court of Revision."
Disposition Carried

5. Members for the Court of Revision:

Motion: 341-2017 Moved by Jim Nelemans Seconded by John Smuck
"That the Members for the Court of Revision for the Blackhall Municipal Drain be: 3 members consisting of: Jamie Heffer, Dorothy Kelly and Sharen Zinn."
Disposition Carried
Chris Dietrich, Terry Hoy and Jim Campbell left the meeting at 9:18 pm.

11) Roads Continued.... 9:20 pm

3. Report from the Township of North Huron, in regards to the July 1st, 2017 homecoming and parade

Motion: 342-2017 Moved by Dorothy Kelly Seconded by Sharen Zinn
"That the Council of the Municipality of Morris-Turnberry accept the Public Works Report as submitted on June 20th, 2017."
Disposition Carried

4. Arthur Street Construction- Lower Town

Motion: 343-2017 Moved by Dorothy Kelly Seconded by John Smuck
"That the Council of the Municipality of Morris-Turnberry receive the Arthur Street Report for information."
Disposition Carried
A further report will follow prior to tendering the project.

Mike Alcock left the table at 9:35 pm.

12) Business
12.1 Energy Consumption and GHG Emissions Report
A report was presented and reviewed.

Motion: 344-2017 Moved by Sharen Zinn Seconded by Jim Nelemans
"That the Council of the Municipality of Morris-Turnberry support and endorse the 2015 Energy Consumption Report and the GHG Emissions Report."
Disposition Carried

Kirk Livingston arrived at the meeting at 9:35pm.

8) Building Report 9:35 pm
Kirk Livingston – Chief Building Official

8.1 Building Activity Report:
Kirk Livingston presented the April and May, 2017 activity reports.

1. April, May 2017 Building Activity Report:

Motion: 345-2017 Moved by John Smuck Seconded by Sharen Zinn
"That the Council of the Municipality of Morris-Turnberry receive the Building Activity Report, for April and May, 2017, as submitted June 20th, 2017."
Disposition Carried

Kirk Livingston left the meeting at 9:42pm.
12) Business continued…  9:45 pm

12.2 IPM Report and Budget
A report and draft budget were presented and reviewed.

Motion: 346-2017  Moved by Dorothy Kelly  Seconded by Sharen Zinn
“That the Council of the Municipality of Morris-Turnberry receive the June 20th, 2017 report and give direction to the IPM team to proceed as directed for the Morris-Turnberry participation at the 2017 IPM, Walton, Ontario.”
Disposition  Carried

12.3 Bill 139 Proposed Building Better Communities and Conserving Watershed Act, 2017 – amendment to the Conservation Authorities Act
A report was presented and reviewed by Council.

Motion: 347-2017  Moved by Sharen Zinn  Seconded by Dorothy Kelly
“That the Council of the Municipality of Morris-Turnberry receive the report on the Bill 139 Proposed Building Better Communities and Conserving Watershed Act, 2017 – proposed amendments to the Conservation Authorities Act, and endorse the Resolution from the Municipality of Brockton and draft a letter of comments to be circulated to the Council first.”
Disposition  Carried

12.4 Bill 139 Proposed Building Better Communities and Conserving Watershed Act, 2017 – amendment to replace the Ontario Municipal Board with Local Planning Appeal Tribunal
A report was presented and reviewed by Council.

Motion: 348-2017  Moved by Jamie Heffer  Seconded by John Smuck
“That the Council of the Municipality of Morris-Turnberry receive the report on the Bill 139 Proposed Building Better Communities and Conserving Watershed Act, 2017 – proposed amendments to replace the Ontario Municipal board with local Planning Appeal Tribunal and the Clerk be instructed to prepare a draft letter of comments and bring back to Council.”
Disposition  Carried

12.5 OPP Billing Model
A report was presented and reviewed by Council.

Motion: 349-2017  Moved by Sharen Zinn  Seconded by Dorothy Kelly
“That the Council of the Municipality of Morris-Turnberry give direction on the exclusion or inclusion of property counts under the OPP Billing Model.”
Disposition  Carried
13) **By-laws:**

**13.1 Revised Personnel Policy**

**Motion:** 350-2017 Moved by Jim Nelemans Seconded by John Smuck

"That By-Law No. 49-2017 be adopted as given third and final readings being a by-law to adopt the revised Personnel Regulations, for the Municipality of Morris-Turnberry."

Disposition Carried

**13.2 Simply Voting Agreement**

**Motion:** 351-2017 Moved by Dorothy Kelly Seconded by John Smuck

"That By-Law No. 54-2017 be adopted as given first, second, third and final readings being a by-law to adopt the Simply Voting Agreement for the 2018 Municipal Election, for the Municipality of Morris-Turnberry."

Disposition Carried

**13.3 Appointment By-law:**

**Motion:** 352-2017 Moved by Jim Nelemans Seconded by Dorothy Kelly

"That By-Law No. 56-2017 be adopted as given first, second, third and final readings being a by-law to adopt the 2017 Appointment By-law, as amended, for the Municipality of Morris-Turnberry."

Disposition Carried

**13.4 By-law Encroachment Agreement**

A report was attached for Council’s information.

A copy of Survey Plan was attached for Council’s information.

**Motion:** 353-2017 Moved by John Smuck Seconded by Jamie Heffer

"That By-Law No. 62-2017 be adopted as given first, second, third and final readings being a by-law to adopt an Encroachment Agreement with Steven James Christie, for the Municipality of Morris-Turnberry."

Disposition Carried

14) **Council Reports:**

**Jamie Heffer:** No report

**Sharen Zinn:** No report

**Jim Nelemans:** No report
Dorothy Kelly: No report

John Smuck: No report

Mayor Paul Gowing: No report

15) Items for Information
1. Huron Manufacturing Association
2. Communities in Bloom
3. David Clarke County CEMC – Meeting Friday, June 23/17
4. Outstanding Physician

16) Minutes
1. Maitland Valley Conservation Authority

17) Other Business:
1. Huron County Crime Stoppers Golf Tournament
   June 24, Bluewater Golf & Campground – filed.
2. Conservation Ontario
   This item has been dealt with in Business.
3. Maitland Valley Conservation Authority
   MVCA will attend municipalities council meetings in the fall of 2017. They would like suggestions of topics to discuss. This will be brought back July 4, 2017.
4. Sharen Zinn mentioned that Dorothy Kelly, Nancy Michie and herself were honoured as Remarkable Women of Huron County.

18) Additions to the agenda for the next meeting:
1. MVCA – suggestions for the presentation to council.

Kim Johnston, Jackie Riggs, and Denny Scott left the meeting at 10:15 pm

Break: The Council took a short break at 10:15 pm and returned at 10:35 pm.

Extension of Meeting:
Motion: 354-2017 Moved by Dorothy Kelly Seconded by Sharen Zinn
“That the Council of the Municipality of Morris-Turnberry extend the meeting past 10:30pm.”
19) **Closed Session:**

19.1 **Confidential Report** - pursuant to Section 239 (2) (b) personal matters about an identifiable individual and Section 239 (2) (e) litigation, including matters before administrative tribunals

1. Confidential Report on Litigation matter
2. Confidential Reports on Employee issue

**Motion:** 355-2017  Moved by Sharen Zinn    Seconded by Dorothy Kelly

“That the Council adjourn the Public Session of Council and enter into a Closed to the Public Session for the following matters:

**Confidential Report** - pursuant to Section 239 (2) (b) personal matters about an identifiable individual and Section 239 (2) (e) litigation, including matters before administrative tribunals

1. Confidential Report on Litigation matter
2. Confidential Reports on Employee issue

Disposition Carried

19.2 **Enter into Closed Session:**  10:35 pm

**Motion:** 356-2017  Moved by John Smuck    Seconded by Dorothy Kelly

“That the Council adjourn the Public Session of Council and enter into a Closed to the Public Session for the following matters:

Confidential Report - pursuant to Section 239 (2) (b) personal matters about an identifiable individual and Section 239 (2) (e) litigation, including matters before administrative tribunals

1. Confidential Report on Litigation matter
2. Confidential Reports on Employee issue

Disposition Carried

19.3 **Adjourn the Closed Session:**  11:00 pm

**Motion:** 356-2017  Moved by John Smuck    Seconded by Dorothy Kelly

“That the Council adjourn the Closed to the public session and re-enter regular open session of council.”

Disposition Carried

19.4 **Report to the Public from Closed Session.**

The Council discussed two matters concerning Identifiable Individuals concerning personal matters and litigation: Litigation matter and Employee issue.

20) **By-law No. 63-2017 Confirming By-law**

**Motion:** 357-2017  Moved by John Smuck    Seconded by Dorothy Kelly

“That By-law No. 63 - 2017 be passed as given first, second, third and final readings, being a by-law to Confirm the actions of the Municipality of Morris-Turnberry for the meeting June 20th, 2017.”

Disposition Carried
21) **Adjournment:**

Motion: 358-2017  Moved by Jamie Heffer  Seconded by Jim Nelemans

"That the meeting be adjourned at 11:00 pm. and this is deemed to be a
2 – 4 hour meeting."

Disposition  Carried

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Mayor, Paul Gowing

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Clerk, Nancy Michie