MUNICIPALITY OF MORRIS-TURNBERRY
COUNCIL CHAMBERS
41342 Morris Road
Tuesday, June 5th, 2018  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
Kirk Livingston  Chief Building Official
Mike Alcock  Director of Public Works
Robert Trick  Animal Control Officer
Kim Johnston  Recording Secretary

Consultants:
Jeremy Taylor  R J Burnside
Ed Delay  R J Burnside

Others in Attendance:
1.  Colin Burrowes  Wingham Advance Times
2.  Denny Scott  The Citizen
3.  Brian Schlosser  Property Owner
4.  Gary McArter  Property Owner
5.  Andrew Somers  Property Owner
6.  John W. Huether  Property Owner
7.  Brian Oldridge  Property Owner
8.  Richard Harris  Property Owner
9.  Melva Fraser  Property Owner
10.  Debbie Fraser
11.  John Gaunt  On behalf of D G Kirkby Ltd
12.  Jim Blake  Property Owner
13.  Bruce Blake  Property Owner
2018-06-05 Minutes

14. Jim Phelan Property Owner
15. Jodi Coburn-Phelan Property Owner
16. Steve Bachert Property Owner
17. John Erb Property Owner
18. Ron McNichol Property Owner
19. Wayne Fear Property Owner
20. Gary Nicholson Property Owner
21. Martin Boettcher Property Owner
22. Gallery of People were in attendance for the Deputation by Andrew Somers

1.1 Recording Equipment:
Colin Burrowes of the Wingham Advance Time disclosed the use recording equipment, for the use of writing articles. Andrew Somers disclosed the use of recording equipment, broadcasting live from his cell phone.

2) Agenda:
2.1 Adoption of Agenda:
Councillor John Smuck requested the addition of one item for the closed session agenda pursuant to Section 239 (2) (b) Identifiable Individual, for consideration,

Motion: 272-2018 Moved by Dorothy Kelly Seconded by Sharen Zinn
“That the agenda for the meeting of June 5th, 2018 be adopted as amended.”
Disposition Carried

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

4) Minutes:
4.1 Minutes
Dorothy Kelly stated under her Council report, dated May 15th, the Committee on Page 10 have set up a Building committee, which should read are advertising for a Building Committee and they are advertising for a fundraising committee.

Motion: 273-2018 Moved by John Smuck Seconded by Jim Nelemans
“That the minutes of the May 15th and May 22nd, 2018 Council Meetings, be adopted as amended.”
Disposition Carried

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

6.1 **Account List:**

**Motion:** 274-2018  Moved by Jim Nelemans  Seconded by Dorothy Kelly

"That the 2018 Accounts dated June 5th, 2018 be approved for payment in the amount of $354,150.68."

Disposition  Carried

6.2 **Pay Report**

**Motion:** 275-2018  Moved by John Smuck  Seconded by Sharen Zinn

"That the Council of the Municipality of Morris-Turnberry accept the pay reports, dated May 16th and 30th, 2018."

Disposition  Carried

7) **Planning:**

7.1 **Enter into a Public Meeting:**

**Motion:** 276-2018  Moved by Dorothy Kelly  Seconded by Jamie Heffer

"That the regular session of council be adjourned and enter into a Public Meeting under Section 34 of the Planning Act."

Disposition  Carried

7.2 **Zoning By-law Amendment:**

**Owner/Applicant** - Gary McArter  41048 Morris Road was in attendance

Jennifer Burns – Huron County Planner was not be in attendance

The Planning Report was reviewed by Council.

**Re: Zoning By-law Amendment**

1. **Call to order** - meeting was called to order by Mayor Paul Gowing at 7:41 pm

2. **Purpose of the Public Meeting** – was stated by Mayor Paul Gowing

**PURPOSE AND EFFECT**

The purpose of this zoning by-law amendment (application #: MTu Z03-18) proposes to rezone the south-east corner of Part of Lot 15, Concession 5, Morris from AG1 (General Agricultural) to AG4 (Agricultural Small Holding). The AG4 zone permits a residence and accessory uses. The rezoning is a condition of severance File # B97-2017 that created the vacant lot. The area being rezoned is 4,109.9 square metres (1.01 acres).

3. **County Planning Department** -

The planning report was reviewed by Council. The planning report dated May 31st, 2018 recommends denial, as the proposed severance is not consistent with the Provincial Policy Statement 2014, or conform to the Morris-Turnberry or Huron County Official Plan policies.
4. Comments Received –
   1. County of Huron – Rachel White- Stewardship Coordinator –
      no natural heritage concerns

5. Oral submissions at a public meeting or make written submissions to the
   Municipality of Morris-Turnberry before the by-law is passed,
   No oral submissions were made at the meeting.

6. Applicants comments –
   Gary McArter was in attendance and had no comments.

7. Public comments –
   No Public comments were made at the meeting.

8. Morris-Turnberry Council comments and questions –
   Jim Nelemans stated his approval for the proposal.

9. Explanation of the Process following the Public Meeting by Mayor Gowing
   If the By-law is passed, the Clerk is required to send Notice of Passing of the By-law, to
   all persons and agencies notified of this Public Meeting. There is a 20 day objection
   period from the time Notice of Passing of the by-law has been mailed by first class mail,
   wherein submissions/letters of objections or support in respect to the passing of the by-
   law, will be received by the Clerk.

10. Adjournment: 7:45pm
Motion: 277-2018 Moved by Dorothy Kelly Seconded by Sharen Zinn
   “That the meeting be adjourned and re-enter regular session of council.”
   Disposition Carried

7.3

1. Informed Decision:
Motion: 278-2018 Moved by Sharen Zinn Seconded by Jamie Heffer
   “That the Council of the Municipality of Morris-Turnberry has considered all oral and/or
   written submissions made in regards to the corresponding Zoning By-law for the South
   East part of Lot 15 Concession 5, Morris;
   Now therefore, the Council of the Municipality of Morris-Turnberry hereby resolves that
   the information has assisted the Council to make an informed decision in regards to the
   Zoning By-law for the South East part of Lot 15 Concession 5, Morris.”
   Disposition Carried

2. By-law- Zoning By-law Amendment:
Motion: 279-2018 Moved by Dorothy Kelly Seconded by Sharen Zinn
   “That By-law No. 42 -2018 be passed as given first, second, third and final readings, being a
   by-law to rezone the south-east corner of Part of Lot 15, Concession 5, Morris from AG1
   (General Agricultural) to AG4 (Agricultural Small Holding).”
   Disposition Carried Unanimously
8) Presentation Andrew Somers - 7:50 pm

Property at 42576 Blyth Road, Walton, ON
Owned by Andrew and Carol Somers

1. Presentation by Andrew Somers:
Andrew Somers requested an exemption to keep animals on his property. He helps others with animals in need. He read letters of support from neighbours. He had a petition signed by over 1000 people. The petition is online and was not submitted to the municipality. He has highlighted the facts in several newspapers, radio and TV. He stated that the by-laws should be amended. He contacted Huron County prior to purchasing his property and was advised that animals would be allowed on his property.

Under the Constitution, everyone should be treated equal.

2. Report by Kirk Livingston - By-law Enforcement Officer
Kirk Livingston outlined the current zoning and the information that was sent to Andrew Somers, in regards to the matter.

3. Bob Trick - Animal Control Officer advised that there is 1 pot belly pig and 1 york pig on the property.

4. Motion to accept Reports and Direction to Staff:

Motion: 280-2018 Moved by John Smuck Seconded by Sharen Zinn
“That the Council of the Municipality of Morris-Turnberry accept the report submitted by Kirk Livingston - By-law Enforcement Officer and the presentation as submitted by Andrew Somers; and that the Council directs staff to bring back a report on the Animal Control Bylaw; reporting on other area Municipality's policies on pot belly pigs; the number of pot belly pigs allowed; the process for pot belly pigs and any issues that have occurred.”

Disposition Carried

Gary McArter left the meeting at 8:17pm

Gallery of people that were in attendance for the Deputation from Andrew Somers left the meeting at 8:22pm.
9) **Drainage Reports:**

**9.1 Blyth Creek Municipal Drain Report 2018 8:22 pm**

Reading of the Report
Report by R J Burnside & Associates Limited
Ed DeLay – Professional Engineer and Jeremy Taylor – Professional Engineer
were in attendance.

1. **Presentation of Report under Section 78 of the Drainage Act.**
   Ed DeLay from R J Burnside Engineering presented the report of the Blyth Creek Municipal Drain.

2. **Comments:**
   1. **Council** - The Council had no comments.

   2. **Property owners** affected by the drainage-
      1. John Huether – Asked about any available funds for the project from DFO.
      Ed DeLay advised that there are no funds for mitigation work.
      There is the 1/3 grant from OMAF.
      Assessment Construction – will go for public tender.
      Contractor’s tender package - the information in the drainage report will be available for review by the contractors.
      Brushing work- if more required- Brushing work is required on the Phelan property.
      It will not be a big machine.

      2. Jim Phelan - Jim Phelan wants all of the wood and branches.

      3. Martin Boettcher- He thinks that the construction costs are estimated high. Ed Delay explained his estimates.

      4. Jim Phelan- Question on a bridge – are funds available under the Clean Water funding. Ed Delay said possibly on the Huether property. He stated the total cost is way above the original estimate.

      Moncreiff Bridge- footings 1 metre deep. Morris-Turnberry pays the Section 26 assessment for the bridge.
      He asked the depths of the New bottom for the bridge.
      He questioned why so deep.
      He asked about if any beaver control would be included in the project.
      He questioned the agency documents.
      He questioned the map - width of the channel bottom.
      Ed Delay explained it would be 2:1 slope.
      He questioned the guidelines for the channel- Ed Delay advised under the Drainage guide for Ontario.
      He requested detailed calculation for his property.
      Burnside will send the calculation to the Municipality – who will send out to email addresses.

      5. Jodi Coburn-Phelan - calculated the Todgham Method of calculation She questioned why allowances were added in. Ed Delay explained that is OMAF guidelines.

      6. Jim Phelan – questioned the buffer strip adjacent to the drain. This creates a restriction on the land. Paul Gowing explained that this is a right of way.
7. Melva Fraser—her assessment changed from the February assessment schedule and she wondered why the change.

3. **Consideration of By-law:**

   **Motion:** 281-2018 Moved by Jim Nelemans Seconded by John Smuck
   "That By-Law No. 40-2018 be adopted as given first and second readings, being a by-law to provisionally adopt the Blyth Creek Municipal Drain Report 2018.”
   Disposition Carried

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

   **Motion:** 282-2018 Moved by Jim Nelemans Seconded by Sharen Zinn
   "That the Court of Revision for the Blyth Creek Municipal Drain be set for July 3, 2018 and the project be tendered for results to be presented on the same date.”
   Disposition Carried

5. **Members for the Court of Revision:**

   **Motion:** 283-2018 Moved by John Smuck Seconded by Dorothy Kelly
   "That the Members for the Court of Revision for the Blyth Creek Municipal Drain be: Jamie Heffer, Sharen Zinn and Jim Nelemans.”
   Disposition Carried

Jeremy Taylor, Ed Delay, John Huether, Brian Oldridge, Richard Harris, Melva Fraser, John Gaunt, Jim Blake, Bruce Blake, Jim Phelan, Jodi Coburn-Phelan, Steve Bachert, John Erb, Ron McNichol, Wayne Fear, Gary Nicholson, Debbie Fraser, Martin Boettchier left the meeting at 9:13pm.

9.2 **Richmond Municipal Drain Improvement**

   Notice was submitted to MVCA for comments within 30 days. No comments have been received.

   **Motion:** 284-2018 Moved by Jamie Heffer Seconded by Dorothy Kelly
   “That the Council of the Municipality of Morris-Turnberry accept the request for Drain improvement for the Richmond Municipal Drain at Concession 9, N1/2 Lot 6, Morris, under Section 78 of the Drainage Act; and that Dietrich Engineering Firm, be appointed to prepare a report.”
   Disposition Carried
10) **Building Department:**  
9:15pm  
Kirk Livingston - CBO was in attendance.

10.1 **Building Department Activity Report – April, May, 2018**

**Motion:** 285-2018  
Moved by Jamie Heffer  
Seconded by Dorothy Kelly  
“That the Council of the Municipality of Morris-Turnberry receive the Building Department Activity Report for April and May, 2018, as submitted June 5th, 2018.”

Disposition: Carried.

11) **Business**

11.1 **Curbside Pickup Contract**

**Motion:** 286-2018  
Moved by John Smuck  
Seconded by Paul Gowing  
“That the Council of the Municipality of Morris-Turnberry hereby authorize that the contract renewal with Bluewater Recycling Association for Automated Collection with Option No. 3 to renew the Automated Collection Contract for a period of 5 years for the Municipality of Morris-Turnberry, for weekly pickup on both sides of the road for Urban pickup; and biweekly pickup on one side of the road for Rural pickup, at the cost of $150,443.51 plus disposal of $26,237.80, effective date July 27, 2018.”

John Smuck requested a Recorded Vote:

- Jim Nelemans – Nay
- Paul Gowing – Yea
- Dorothy Kelly – Yea
- John Smuck – Yea
- Sharen Zinn – Yea
- Jamie Heffer - Yea

Disposition: Carried

11.2 **Resolutions**

1. City of Quinte West – Cannabis Grace Period Request
2. Town of Oakville- CN Intermodal Update

**Motion:** 287-2018  
Moved by Jim Nelemans  
Seconded by Dorothy Kelly  
“That the Council of the Municipality of Morris-Turnberry file the following resolutions:

1. City of Quinte West – Cannabis Grace Period Request
2. Town of Oakville- CN Intermodal Update.”

Disposition: Carried
11.3 Introduction to Asset Management – A workshop for Elected Officials

June 20, 2018 - London

Motion: 288-2018 Moved by John Smuck Seconded by Jamie Heffer
“That the Council of the Municipality of Morris-Turnberry approve that Sharen Zinn and Jim Nelemans attend the Introduction to Asset Management on June 20, 2018 at the cost of $25.00 each.”
Disposition Carried

BREAK - The Council took a short break at 9:35pm and returned at 9:45 pm.

Kim Johnston left the meeting at 9:35pm.

11.4 Road Tour and Unveiling Signs at Cemetery

Motion: 289-2018 Moved by Dorothy Kelly Seconded by Jim Nelemans
“That the Council of the Municipality of Morris-Turnberry approve that a special council meeting be held on Friday June 8, 2018, for a “Road Tour and Unveiling of signs at the Cemeteries.”
Disposition Carried

11.5 Huron County Letter of Support for the Municipality for Climate Innovation Program (MCIP): Climate Change Staff Grant.

Motion: 290-2018 Moved by Jim Nelemans Seconded by Dorothy Kelly
“That the Council of the Municipality of Morris-Turnberry approve the County of Huron application for funding under the Climate Innovation Program(MCIP) to improve adaptation to local climate change impacts; and that the Municipality of Morris –Turnberry recognizes that the project will benefit residents of our community.”
Disposition Carried

11.6 Drainage Agreement – Subdivision of Land

Motion: 291-2018 Moved by Jamie Heffer Seconded by Dorothy Kelly
“That the Council of the Municipality of Morris-Turnberry approve the Drainage Agreement – Subdivision of Land (under Section 65(2) of the Drainage Act) for the North Part of Lots 39 & 40 Concession 1, Turnberry, regarding Bolt Drain.”
Disposition Carried

11.7 Drainage Agreement – Subdivision of Land

Motion: 292-2018 Moved by Dorothy Kelly Seconded by Jim Nelemans
“That the Council of the Municipality of Morris-Turnberry approve the Drainage Agreement – Subdivision of Land (under Section 65(2) of the Drainage Act) for the North Part of Lots 39 & 40 Concession 1, Morris, regarding Corrigan Drain & Branches 1953.”
Disposition Carried
11.8 Report from MPAC re: Tenanted farmland

Motion: 293-2018  Moved by Dorothy Kelly  Seconded by Sharen Zinn
“That the Council of the Municipality of Morris-Turnberry receive the report from MPAC re: Tenanted farmland.”
Disposition  Carried

12) By-Laws:
12.1 Bylaw to authorize an agreement for the Demolition of the Residence “located at 87083 West Street, Wingham, ON, described as Concession B Npt Lot 11 and 12, Turnberry”

Motion: 294-2018  Moved by Jamie Heffer  Seconded by John Smuck
"That By-Law No 41 -2018 be deferred at this time, being a by-law to authorize an agreement for the Demolition of the Residence “located at 87083 West Street, Wingham, ON, described as Concession B Npt Lot 11 and 12, Turnberry”.”
Disposition  Carried

13) Council Reports:

Jamie Heffer:
No Report
He has put his name forward for the position of Mayor for the 2018 Municipal Election.

Sharen Zinn:
No Report.
She has put her name forward for the position of Councilor for the 2018 Municipal Election.

Jim Nelemans:
He attended the Belmore Arena Board. They are renovating the Auditorium. $70,000 funds from Homecoming. They are looking at Pickle Ball – applied for a grant from the Mildmaw Medical Centre.

Dorothy Kelly
She attended a BMG meeting on June 4th, 2018. The have receive application for the Building Committee and Fundraising committee. They will meet with the applicants in June, 2018.
Wingham Hospital Physician Recruitment – the two(2) Doctors have been confirmed.

John Smuck
He attended the Bluevale Community Committee meeting. They are hosting a Fishing Derby on July 8, 2018.
Mayor Paul Gowing:
He returned from FCM Conference in Halifax. There were 3500 Delegates
He will not be running in the 2018 Municipal Election. He supports Jamie Heffer in his
decision to run for Mayor.

14) Items for Information
1. Notice of an Application for Consent for Severance – Township of North Huron
2. Huron County Food Bank Distribution Centre – 5th Annual “Better Together” Gala
3. ROMA – A Request to all Parties in the Upcoming Election
4. Wingham & Area Health Professionals Recruitment – Press Release
5. Thank you – Sylvia & Bob Trick and family

15) Minutes
1. Saugeen Valley Conservation Authority
2. Emergency Planning Meeting

16) Other Business:
There was no other business to present.

17) Additions to the agenda for the next meeting:
There was no other business to add to the agenda for the next or any following
meeting.

Colin Burrowes, Denny Scott, Kirk Livingston, Mike Alcock and Brian Schlosser left the
meeting at 10:08pm.

18) Closed Session:
Confidential Matters:
1. Legal Issue- pursuant to Section 239 (2) (e) Litigation
2. Property issue- pursuant to Section 239 (2) (c) Proposed Disposition of Property
3. Property issue- pursuant to Section 239 (2) (c) Proposed Disposition of Property
4. Confidential Issue - pursuant to Section 239 (2) (b) Identifiable Individual
5. Property issue- pursuant to Section 239 (2) (c) Proposed acquisition of Property
6. Employee Issue- pursuant to Section 239 (2) (b) Identifiable Individuals
7. Confidential Matter: Property issue pursuant to Section 239 (2) (b) Identifiable
   Individuals
8. Confidential Matter – John Smuck request- pursuant to Section 239 (2) (b) Identifiable
   Individual
18.1 Enter into Closed Session: 10:08pm

Motion: 295-2018 Moved by Jamie Heffer Seconded by John Smuck
“That the Council adjourn the Public Session of Council and enter into a Closed to the Public Session for the following matters:

1. **Legal Issue** - pursuant to Section 239 (2) (e) Litigation
2. **Property issue** - pursuant to Section 239 (2) (c) Proposed Disposition of Property
3. **Property issue** - pursuant to Section 239 (2) (c) Proposed Disposition of Property
4. **Confidential Issue** - pursuant to Section 239 (2) (b) Identifiable Individual
5. **Property issue** - pursuant to Section 239 (2) (c) Proposed acquisition of Property
6. **Employee Issue** - pursuant to Section 239 (2) (b) Identifiable Individuals
7. **Confidential Matter: Property issue** pursuant to Section 239 (2) (b) Identifiable Individuals
8. **Confidential Matter** – John Smuck request pursuant to Section 239 (2) (b) Identifiable Individual.”

Disposition Carried

18.2 Adjourn the Closed Session:

Motion: 296-2018 Moved by Dorothy Kelly Seconded by Jim Nelemans
“That the Council adjourn the Closed to the public session and re-enter regular open session of council.”

Disposition Carried

18.3 Report to the Public from Closed Session.
Council discussed (8) eight items in Closed Session regarding Litigation, 2 items regarding Proposed Disposition of Property, 4 items regarding Identifiable Individuals and Proposed Acquisition of Property.

18.4 Action from the Closed Session:

Zoning Amendment Application – 30 McCrea Street, Belgrave, ON

Motion: 297-2018 Moved by John Smuck Seconded by Sharen Zinn
“That the Council of the Municipality of Morris-Turnberry hereby gives direction to the Clerk that the revised site plan for 30 McCrea Street, Belgrave is considered as minor in nature.”

Disposition Carried

19) By-law No. 43-2018 Confirming By-law

Motion: 298-2018 Moved by Dorothy Kelly Seconded by Sharen Zinn
“That By-law No. 43-2018 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 5th, 2018.”

Disposition Carried
20) **Adjournment:**

**Motion:** 299-2018  Moved by Jamie Heffer  Seconded by John Smuck

"That the meeting be adjourned at 11:25 pm. and this is deemed to be an over 4 hour meeting."

Disposition  Carried

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Mayor, Paul Gowing

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Clerk, Nancy Michie