Minutes for the Special Council Meeting

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

**Council in Attendance:**
- Paul Gowing, Mayor
- Jamie Heffer, Councillor
- Dorothy Kelly, Councillor
- Jim Nelemans, Councillor
- John Smuck, Councillor
- Sharen Zinn, Councillor

**Staff in Attendance:**
- Nancy Michie, Administrator Clerk Treasurer

**Others in Attendance:**
1. Jackie Riggs, Wingham Advance Times
2. James Campbell, Township of North Huron
3. Chris Dietrich, Dietrich Engineering Limited
5. Caitlin Ferguson, R J Burnside & Associates Limited
6. Henry VanHeesch, Property Owner
7. Marilyn VanHeesch, Property Owner
8. Nelson Underwood, Property Owner
9. Kris Wright, Property Owner

**Purpose:** Special meeting authorized by Motion No. 306-2017 and amended by Motion No. 336-2017, to hold a special meeting for:
1. The Court of Revision for the Doerr Municipal Drain and the Blackhall Municipal Drain.
2) **Agenda:**
The Clerk asked the Council to give consideration to receive a report on ‘Size of Council’ and ‘Deputy Mayor position’ and ‘Committee structure’.

**Adoption of Agenda:**

Motion: 379-2017 Moved by Jim Nelemans Seconded by Jamie Heffer

“That the agenda for the meeting of July 12\textsuperscript{th} 2017 be adopted as amended.”

Disposition Carried

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

4) **Business:**
4.1 **Blackhall Municipal Drain Report – 2017**

Chris Dietrich - Dietrich Engineering Limited was in attendance.

**Court of Revision**

4.1.1 **Members for the Court of Revision:** (Motion passed July 4, 2017)

Motion: 372-2017 Moved by Dorothy Kelly Seconded by John Smuck

"That the Members for the Court of Revision for the Blackhall Municipal Drain be:

3 members consisting of:

2 members from Morris-Turnberry - Jamie Heffer and Sharen Zinn

1 member from North Huron - James Campbell.”

Disposition Carried

4.1.2 **Close the Regular Session of Council:**

Motion: 380-2017 Moved by John Smuck Seconded by Sharen Zinn

“That the regular meeting of council be adjourned and enter into the Court of Revision for the Blackhall Municipal Drain, 2017.”

Disposition Carried

James Campbell joined the table for the Court of Revision.

Paul Gowing, Dorothy Kelly, Jim Nelemans and John Smuck pushed back from the council table.

4.1.3 **Chairperson:**

Motion: 381-2017 Moved by Sharen Zinn Seconded by James Campbell

“That the Chairperson for the Blackhall Municipal Drain Court of Revision be Jamie Heffer.”

Disposition Carried
4.1.4 Chairperson -
Chairperson Jamie Heffer declared the Court of Revision to be opened.

4.1.5 Appeals:
1. Review the written appeals: No written appeals have been received, to date

2. Ask the floor if any verbal appeals: Jamie Heffer asked if there were any verbal appeals.
   Henry VanHeesch made a verbal appeal.
   He stated he had no objection to the assessment for the cleanout, however he questioned the other landowners paying for the new culvert for the Underwood property. He has concerns paying for what benefits the Underwood property.

3. Engineer – Chris Dietrich - He was asked to present evidence to the Court in regards to the verbal appeal by Henry VanHeesch.
   Chris Dietrich stated:
   The Drainage Improvement is for:
   1. Cleanout of 728 meters of the drain
   2. Installation of a 16 meter farm crossing for the Underwood property.

   He explained that every landowner has the right to a crossing to take water from upstream.
   The Underwood property does not have an access from Amberley Road, due to the safety factor on the highway, therefore an access is required, crossing the Blackhall Drain to access their entire property.
   The Cleanout is estimated at $16,700 and the Culvert and the Instalation of the culvert at $17,000, with a total cost of $33,700. The costs are a 50-50 split for the Underwood property and the other properties in the watershed.
   The engineer felt that the assessment share is fair. The Underwood’s have a right to a crossing.

   Henry VanHeesch was not aware that there was no access to the Underwood property for the land on the north side of the Blackhall Drain.

   Chris Dietrich explained that the Maintenance schedule will not be used to replace the culvert in the future, only for maintenance of the drain.

   Henry VanHeesch stated that he had his questions answered.
4. Decision of the Court:
The members of the Court of Revision were satisfied that the appeal questions were answered and therefore, no further action would be taken by the Court of Revision.

5. Adjournment:

Motion: 382-2017   Moved by: Sharen Zinn    Seconded by James Campbell
"That the Court of Revision for the Blackhall Municipal Drain Report - 2017, be adjourned at 7:50 pm."

Disposition  Carried.

The Mayor called that the Regular Session of Council be reconvened.

Paul Gowing, Dorothy Kelly, Jim Nelemans and John Smuck returned to the table.

Break: The Council took a short break at 8:00 pm and returned at 7:50 pm.

James Campbell, Henry VanHeesch and Marilyn VanHeesch left the meeting at 8:00 pm

The Council reconvened at 8 pm.
4.2  Doerr Municipal Drain Report – 2017  8:00 pm
Jeremy Taylor - R J Burnside & Associates Limited was in attendance.

4.2.1 Members for the Court of Revision:  (Motion passed June 20, 2017)

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

4.2.2 Close the Regular Session of Council:  8:01pm

Motion:  382-2017    Moved by Jamie Heffer    Seconded by Sharen Zinn
“That the regular meeting of council be adjourned and enter into the Court of Revision for
the Doerr Municipal Drain, 2017.”
Disposition  Carried

Jamie Heffer, Dorothy Kelly, and Sharen Zinn pushed back from the council table.

Persons in attendance:
1. Kris Wright  Property Owner
2. Nelson Underwood  Property Owner
3. Dirk Rylaarsdam  Property Owner

4.2.3 Chairperson:

Motion:  383-2017    Moved by Jim Nelemans    Seconded by John Smuck
“That the Chairperson for the Doerr Municipal Drain Court of Revision be Paul
Gowing.”
Disposition  Carried

Dirk Rylaarsdam arrived at the Meeting at 8:02pm

4.2.4 Chairperson -
Chairperson Paul Gowing declared the Court of Revision to be opened.
4.2.5  Appeals:
1. **Review the written appeals**: One (1) written appeal was received from Dirk Rylaarsdam.

   The Clerk, Nancy Michie, read the appeal to the Court of Revision.

2. **Ask the floor if any verbal appeals**
   There were no verbal appeals.

3. **Appellants Present their Case**:
   The appeal, as submitted by Dirk Rylaarsdam, had been read to all in attendance.

4. **Engineer** – Jeremy Taylor was in attendance and made a presentation.
   Jeremy Taylor stated that when preparing the assessment schedule for a situation of relocation, it is normally the landowner requesting the relocation that pays costs. However, in this case the other properties were assessed outlet costs due to the improvement to the 40 year old drain. $15,000 was assessed to the other properties. A new junction box was added to improve the water flow for Lot 12,13 Concession 10. All other costs were assessed to OK Wright Farms. The 2013 maintenance schedule was used for assessment and he followed Section 23 of the Drainage Act.

5. **Kris Wright** - was in attendance and stated that he felt the assessment as prepared by R J Burnside was fair. The property owners will have a 40 year newer drain.

5. **Deliberation by the Court of Revision Members**:
   John Smuck asked a different logic was used in 2017 than in 2013 for the same type of drain relocation.
   Jeremy Taylor stated - more drain was replaced in the middle of the drain so a different logic was used.
   Paul Gowing questioned the junction boxes on the Wright property to benefit the Underwood property.
   Jim Nelemans asked about the maintenance of the catch basin. The grade is set so that the catch basin is above the ground level.
   The Court of Revision Members left the table to deliberate, at 8:15 pm.
6. Decision of the Court:
The Court of Revision Members returned to the table at 8:35 pm.

Chairperson Paul Gowing declared the Court of Revision to be re-opened at 8:35 pm.

Motion: 384-2017
Moved by Jim Nelemans Seconded by John Smuck
“That the Members of the Court of Revision for the Doerr Municipal Drain 2017, hereby state as follows:
That the appeal submitted by Dirk Rylaarsdam, property owner of the Lot 11 & Ept Lot 12 Concession 11, Turnberry, on the Doerr Municipal Drain 2017, be received and that the assessment shall be amended as follows:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Original Assessment</th>
<th>Adjustment</th>
<th>Amended Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pt Lot 12 Concession 10</td>
<td>$64,900</td>
<td>+$14,600</td>
<td>$79,500</td>
</tr>
<tr>
<td>Pt Lot 12, 13 Concession 10</td>
<td>$2,300</td>
<td>-$800</td>
<td>$1,500</td>
</tr>
<tr>
<td>All other assessments be reduced to Zero ‘0’</td>
<td>$13,800</td>
<td>-$13,800</td>
<td>0.00</td>
</tr>
<tr>
<td>Total</td>
<td>$81,000</td>
<td>.00</td>
<td>$81,000</td>
</tr>
</tbody>
</table>

With the reason being that the relocation of the drain only benefits the property owner requesting the relocation of the drain; and Part Lot 12,13 Concession 10 is receiving an upgrade to the outlet- Branch A. “
Disposition Carried.

7. Adjournment: 8:40pm

Motion: 385-2017 Moved by John Smuck Seconded by Jim Nelemans
“That the Court of Revision for the Doerr Municipal Drain Report - 2017, be adjourned.”
Disposition Carried

The Mayor called that the Regular Session of Council be reconvened.

Jamie Heffer, Dorothy Kelly, and Sharen Zinn returned to the table.

Break: The Council took a short break at 8:40 pm and returned at 8:40 pm.

Nelson Underwood, Caitlin Fergussen, Jeremy Taylor, Kris Wright, Dirk Rylaarsdam left the meeting at 8:40 pm
4.3 Composition of Council/ Deputy Mayor Position / Committee Structure:
Nancy Michie presented a report on the Composition of Council/ Deputy Mayor Position / Committee Structure. This report will be presented to Council for consideration at the July 18th Council Meeting.

4.4 A Report on the Building Department:
A report was given to Council for the Building Department

5) By-law No. 68-2017 Confirming By-law
Motion: 386-2017 Moved by Jamie Heffer Seconded by Jim Nelemans
"That By-law No. 68 - 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 July 12th , 2017."
Disposition Carried

6) Adjournment:
Motion No. 387-2017 Moved by Sharen Zinn Seconded by Dorothy Kelly
" That the meeting be adjourned at 9:15pm."
Disposition Carried

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Mayor, Paul Gowing

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Clerk, Nancy Michie