



THE CORPORATION OF THE
Township Of Pelee
REGULAR MEETING OF COUNCIL

MINUTES

TUESDAY, July 11, 2023
4:00 PM

Royal Canadian Legion, Branch 403
1169 West Shore Road
Peele Island, ON, N0R 1M0

Members of Council: Mayor Cathy Miller
Deputy Mayor Dayne Malloch
Councillor Sherri Smith Ouellette
Councillor Stephanie Briggs-Crawford
Councillor Dave DeLellis

Members of Administration: Interim Clerk Mary Masse
Treasurer Michelle Feltz

Others Present: By-law Enforcement Officer Bill Tetler
Planner Richard Zelinka, (virtual)
Members of the Public

i. CALL TO ORDER

Mayor Cathy Miller called the Meeting to order at 4:02 p.m.

ii. AMENDMENTS TO THE AGENDA

The Mayor moved item No 10 of the agenda forward and introduced the Interim Clerk Mary Masse.

iii. DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of interest.

Resolution 2023 – 139

Moved By: Councillor Dave DeLellis
Seconded By: Councillor Sherri Smith Ouellette

That the Council of the Township of Pelee rise from closed at 5:45pm and reconvene in open session at 6:00 p.m. following a 15-minute recess.

CARRIED

Recess commenced at 5:45 pm and the open session was called back to order by Mayor Miller at 6:00 pm.

iv. CONFIRMATION OF PREVIOUS MINUTES

A. Regular Meeting of Council, June 27, 2023.

Resolution 2023 – 140

Moved By: Councillor Sherri Smith Ouellette

Seconded By: Deputy Mayor Dayne Malloch

That the June 27, 2023 Regular Meeting of Council Minutes BE ADOPTED.

CARRIED

v. Matters subject to Notice

A. Public Meeting: Proposed Zoning By-Law Amendment

The proposed amendment to the zoning by-law no. 2012-24 would introduce regulations pertaining to the use of shipping containers as accessory storage units.

Mayor Miller introduced the purpose of the public meeting which was held in accordance with the Planning Act for the purpose of hearing public comment on the proposed Zoning By-law Amendment pertaining to the use of shipping containers as accessory storage in the Township of Pelee.

The Mayor introduced the Planner Richard Zelinka who was in attendance virtually to review the zoning by-law amendment. The Planner reviewed the reasons for the amendment, the key elements contained in the definition section of the by-law amendment, the provisions for the agricultural and residential zones, maximum allowances for the size of the containers, the maximum lot coverage allowed and the provision for temporary use units.

The Mayor opened the floor to any members of the public wishing to speak on the application and advised that each delegate would be limited to five minutes.

Leeann Hudak – 1345 McCormick Rd

Noted opposition and suggested the following:

The by-law is new and should not be considered an amendment

The new requirements target pre fabricated structures

The by-law may hinder the freedom to develop land and therefore deter prosperity

Confrontational, not within the Charter of Rights and Freedom

Feels it is not consistent with the Official Plan and vision of the Township of Pelee.

The delegate questioned why the by-law was being considered, why an accessory use is not allowed when a main building is not present and why are the regulations applicable to residential zones only for the screened from view provision.

The Planner responded to the questions of the delegate and advised:

The amendment the zoning by-law is within the provisions of Section 35 of the Planning Act.

There is a temporary use provision for properties that do not have a main building

The by-law amendment allows for the containers to be placed in the side yard and the screened from view provision is included to be mindful of view from neighbouring properties, it is not intended that the containers are to be used as a fence.

By-law Enforcement Officer Tetler advised that permits will be required when the container is no longer considered a temporary use to the property and any container over 161 square feet will require a building permit.

Mike Christmas – 1415 Mc Cormick Rd

Questioned whether any fines would be levied for non compliance with the by-law and questioned the restriction of one year for temporary use allowance suggesting it may not be enough time to allow for building permits to be issued. The delegate further questioned whether extensions of the one year provision would be granted.

The Planner advised that the existing zoning by-law contains provisions for violations of by-laws and remedies for convictions, he further reviewed the fines applicable.

In response to the timeline for temporary use the Planner advised he would further review the length of time allowed.

John Ambrose – 285 West Shore

The building industry allows the conversion of shipping containers for living space and offices.

Planner confirmed that shipping containers have been converted into functional dwellings, reasonable to consider that by-law does not prevent proper use

By-law Enforcement advised that the proposed by-law is to address storage units and confirmed that a building permit would be required for any change of use.

Mike Dillabough – 1345 McCormick Rd

Questioned if the Planner was familiar with the Courts ruling on similar by-laws.
Expressed concern with his personal property rights if by-law is implemented and requested further information if legal non-conforming uses would be included in the by-law.

The Planner advised that the Municipality decides the range of uses for properties under Section 35 of the Planning Act, if use of storage container is legal now in advance of the passing of the by-law it will remain legal, if illegal now it remains an illegal use. He further indicated that the subject by-law would have to specifically permit legal status. The Planner advised that the Ontario Land Tribunal (OLT) hears and adjudicates matters related to land use planning,

Justin Harne – 323 Victoria Rd

He is currently homesteading his dwelling and will need the container currently on his property for storage until a building permit is available. He also questioned the percentage required to no longer deem the structure a shipping container.

By-law Enforcement – suggested the property owner contact him directly regarding the specific property and questions.

Dave Barriault – 173 Browns Rd

Questioned whether the one year limit for temporary use is applicable to each property and further noted that shipping containers are sturdier than a wood structure storage shed.

The Planner confirmed that a permit will be necessary for each project.

The Mayor questioned whether there were any further public comments. No further verbal comments were presented.

Written submission submitted by Pat and Rose Pierce - the Deputy-Clerk read the submission

The delegate agrees with the zoning by-law amendment and requested that no legal non conforming use should be allowed.

The Mayor advised that written comments can be submitted to the Municipal Office.

vi. CLOSED SESSION

Resolution 2023 – 141

Moved By: Councillor Dave DeLellis
Seconded By: Deputy Mayor Dayne Malloch

That the Council Move into closed session in accordance with section 239(2) (3.1) of the Municipal Act, 2001 at 5:08 p.m. to offer education and training to Council

CARRIED

Resolution 2023 – 142

Moved By: Councillor Dave DeLellis
Seconded By: Councillor Sherri Smith Ouellette

That the Council rise from closed session at 5:50 pm and reconvene in open session at 6:00 p.m. following a 10-minute recess.

CARRIED

Recess commenced at 5:50 pm and the open session was called back to order by Mayor Miller at 6:00 pm.

7. CONSENT AGENDA

- A. MTO/OSTC Minutes** – Wednesday June 28, 2023.
- B. Township of Pelee Disbursements** – June 22nd to July 5th, 2023, in the amount of \$104,532.85.
- C. Destination Development Committee Meeting Minutes** – Wednesday May 17th, 2023.
- D. Township of The Archipelago** – Support of Tay Valley Township’s resolution requesting the Reinstatement of Legislation Permitting a Municipality to Retain Surplus Proceeds from Tax Sales.
- E. Town of Petrolia** – Recommendation for amendment to the current regulations for licensed home-based childcare operators to increase allowable spaces.
- F. Cramahe Township** – Amendments to Improve Municipal Codes of Conduct and Enforcement.
- G. Town of Bradford West Gwillimbury** – Right-to-repair movement.
- H. Port Colborne** – Support of Town of Bradford West Gwillimbury’s resolution regarding the right-to-movement.
- I. Fort Erie** – Support of City of West Quinte resolution regarding Bill 97, the Helping Homebuyers, Protecting Tenants Act, 2023 and Protect Tenants from “Bad Faith” – Renovictions.
- J. Municipality of North Perth** – Vacant Building Official Positions.
- K. Municipality of North Perth** – Proposed New Provincial Policy Statement.
- L. Township of Selwyn** – Short-Term Rentals.

Resolution 2023 –143

Moved By: Councillor Stephanie Crawford

Seconded By: Deputy Mayor Dayne Malloch

That Consent Agenda items 7. A. to 7.L. BE RECEIVED.

CARRIED

8. REPORTS

A. By-law Enforcement Officer Bill Tetler

- i. Report No. 2023 – 42 BT: Yard Maintenance By-law

By-law Enforcement Officer Tetler introduced the report and recommendation to Council

Resolution 2023 –144

Moved By: Deputy Mayor Dayne Malloch

Seconded By: Councillor Sherri Smith Ouellette

That Report No. 2023 – 42 BT Yard Maintenance By-law 2023-41, BE RECEIVED.

CARRIED

- ii. Report No. 2023 – 43 BT Property Standards By-law

By-law Enforcement Officer Tetler introduced the report and recommendation to Council.

Resolution 2023 –145

Moved By: Councillor Stephanie Crawford

Seconded By: Deputy Mayor Dayne Malloch

That report no. 2023 – 43 BT Property Standards By-law 2023-42 BE RECEIVED.

CARRIED

B. Township Administrator & Clerk Kristine Horst

- i. Report No. 2023 – 44 KH: Pheasant Farm Pen Removal

Treasurer Michelle Feltz on behalf of Administrator & Clerk Horst introduced the report and recommendation to Council.

Resolution 2023 –146

Moved By: Deputy Mayor Dayne Malloch

Seconded By: Councillor Dave DeLellis

- 1. The pen removal BE APPROVED to proceed with direction to administration to confirm the final state of property condition;**
- 2. The project BE AWARDED to Total Source Contracting in the amount of \$25,000 plus applicable taxes; and**
- 3. The Mayor and Clerk BE AUTHORIZED to execute an agreement with Total Source Contracting for completion of the Pen Removal Project.”**

Councillor Sherri Smith Ouellette requested a recorded vote

In Favour

Mayor Cathy Miller

Deputy Mayor Dayne Malloch

Councillor Dave DeLellis

Councillor Stephanie Crawford

Opposed

Councillor Sheri Smith Ouellette

CARRIED

- ii. Report No. 2023 – 45 KH: Integrity Commissioner Appointment.

Treasurer Michelle Feltz on behalf of Administrator & Clerk Horst introduced the report and recommendation to Council.

Resolution 2023-147

Moved By: Councillor Dave DeLellis

Seconded By: Deputy Mayor Dayne Malloch

That Council hereby receive the report from the Township Administrator & Clerk regarding the appoint of an Integrity Commissioner and be directed to work with Bruce Elman to prepare and finalize an agreement for Integrity Commissioner services.”

CARRIED

- iii. Report No. 2023 – 46 KH: Building Permits – Quarterly Report.

Treasurer Michelle Feltz on behalf of Administrator & Clerk Horst introduced the report and recommendation to Council.

Resolution 2023 –148

Moved By: Councillor Stephanie Crawford

Seconded By: Deputy Mayor Dayne Malloch

That Council hereby receive the report from the Township Administrator & Clerk regarding Building Permits – Quarterly Report, as information.

CARRIED

- iv. Report No. 2023 – 47 KH: 2024 Annual Schedule of Regular Meetings.

Treasurer Michelle Feltz on behalf of Administrator & Clerk Horst introduced the report and recommendation to Council.

Resolution 2023 –149

Moved By: Deputy Mayor Dayne Malloch

Seconded By: Councillor Dave DeLellis

That Council hereby receive the report from the Township Administrator & Clerk regarding 2024 Annual Schedule of Regular Meetings and further that the 2024 schedule be adopted as presented.”

CARRIED

9. NOTICES OF MOTION

10. RECOGNITIONS AND ANNOUNCEMENTS

11. BY-LAWS

- A. **By-Law 2023 – 41;** Being a By-law to regulate yard maintenance, storage and waste on property.

Resolution 2023-150

Moved by: Deputy Mayor Dayne Malloch

Seconded by: Councillor Stephanie Crawford

That Council hereby adopt By-law 2024-41; Being a By-law to regulate yard maintenance, storage and waste on property.

CARRIED

- B. **By-Law 2023 – 42**; Being a By-law to establish standards for the maintenance and occupancy of all property within the Township of Pelee.

Resolution 2023-151

Moved by: Deputy Mayor Dayne Malloch

Seconded by: Councillor Dave DeLellis

That Council hereby adopt By-law 2023-42; being a by-law to establish standards for the maintenance and occupancy of all property within the Township of Pelee.

CARRIED

- C. **By-Law 2023 – 47**; Being a By-law to appoint Provincial Offences Officers for the Township of Pelee.

Resolution 2023-152

Moved by: Councillor Dave DeLellis

Seconded by: Deputy Mayor Dayne Malloch

That Council hereby adopt By-law 2023-47; being a by-law to appoint Provincial Offences Officers for the Township of Pelee.

Councillor Sherri Smith Ouellette requested a recorded vote

In Favour

Mayor Miller

Deputy Mayor Dayne Malloch

Councillor Dave DeLellis

Councillor Stephanie Crawford

Opposed

Councillor Sherri Smith Ouellette

CARRIED

- D. **By-Law 2023 – 50**; Being a By-law to appoint an Interim Clerk for the Township of Pelee.

Resolution 2023-153

Moved By: Deputy Mayor Dayne Malloch

Seconded by: Councillor Dave DeLellis

That Council hereby adopt By-law 2023-50; being a by-law to appoint an Interim Clerk for the Township of Pelee.

CARRIED

- E. **By-Law 2023 – 51**; Being a By-Law to confirm the proceedings of Council.

Resolution 2023 -154

Moved By: Councillor Dave DeLellis

Seconded By: Councillor Stephanie Crawford

Being a By-Law to confirm the proceedings of Council for July 11, 2023.

CARRIED

12. ADJOURNMENT

Regular Meeting of Council adjourned at 6:24 p.m.

Original Signed By:

Catherine Miller,
Mayor

Original Signed By:

Mary Masse,
Interim Clerk