

THE CORPORATION OF THE TOWNSHIP OF HILTON

**MINUTES**  
Regular Meeting  
October 6, 2021  
7:00 p.m.

Present:

Reeve: Rodney Wood  
Councillors: Mike Garside; Dianne Holt; Dave Leask; Pat Garside  
Road Superintendent: Lyn Garside  
Clerk Treasurer: Valerie Obarymskyj

There were no disclosures of pecuniary interest.

An addition was added to the Administration portion of the Agenda regarding a new intake under the Municipal Modernization Funds grant opportunity.

Resolution 2021-69

Moved by Mike Garside

Seconded by Dave Leask

Resolved that we do accept the Agenda as amended. \* Carried \*

Resolution 2021-70

Moved by Dianne Holt

Seconded by Mike Garside

Resolved that we do approve the Minutes of the Regular Meeting of October 6, 2021, as presented.

\*Carried\*

Lyn Garside, Road Superintendent, provided an update on road issues. The old storage building behind the garage has been removed and a new structure is being built to replace it. The new building will serve as a storage unit for Recreation and overflow of Administration records. A second round of roadside brushing has been completed with the new tractor on most road allowances. The Road Super advised that while he had been researching the costs of attachments for the tractor for various uses during the winter, as well as other situations, there were concerns about having to repeatedly remove the mowing assembly to accommodate a front bucket/blade. The Township's Asset Management Plan was discussed and it was noted that the 1994 model excavator purchased in 2002 had been scheduled for replacement in the Year 2022. The Road Super noted that given the manner in which the machine has been maintained, he does not believe it should be considered surplus at this time but that adding a backhoe to the Township road equipment would have merit. It would alleviate any potential damage to the tractor of repeatedly removing/replacing the mowing attachment; it would provide for quicker and improved cleanup of snow banks on both the Municipal property and roadside corners; would alleviate the need to load and float the excavator to different sites; would also aid in various road construction projects and recreational trail plans. The Clerk advised that approximately \$85,000 remained from the original \$225k we received in 2019 under the Municipal Modernization Funding. The Road Super confirmed that amount should be adequate to purchase a used backhoe but more research is required given how certain items have increased considerably in cost due to the effects of the Covid-19 pandemic.

Resolution 2021-71

Moved by Dave Leask

Seconded by Mike Garside

Resolved that we do agree to allocate the balance of the Municipal Modernization Funding received in March 2019 towards the purchase of a backhoe. \*Carried\*

The Clerk advised Council that 29 of 49 responses had been received regarding the letters sent out to the property owners adjacent to Ellwood Boulevard concerning a proposed change of zoning for that road. Before initiating a zoning amendment to change the zoning from Limited Service Residential to Shoreline Residential, Council wanted to determine the support of current owners. The Clerk confirmed that the 29 responses were made up of 25 in favour and 4 against. The votes against were comprised of 3 property owners that owned 4 vacant lots. The Clerk advised the letter sent out asked for responses prior to October 15, 2021. The Clerk will confirm with Council following that date the final outcome of the letters received and a decision made at that time as to whether to initiate the change through the rezoning process.

A resident had contacted the Municipal Office mid-September to inquire about the consultation process regarding the spraying of herbicides along road allowances. The owner had concerns given the potential dangers to organic farming as well as young children. The owner was advised to contact Algoma Power which likely contracted out the spraying to control the growth of vegetation under its transmission lines. It was noted that such spraying also helps to ensure clear sight lines for signs, intersections and roadside wildlife, as well as, promoting drainage and drying and controlling noxious and invasive weeds. The Clerk

will follow-up with Algoma Power to confirm the consultation process and that residents are given the option of marking their property boundary to advise they do not want it sprayed with the herbicide.

Council opted to move ahead on the Agenda to discuss Administration given the Public Meeting for the proposed zoning amendment was not scheduled to begin until 7:30 pm. The Clerk advised that a new grant opportunity had recently been announced under the Municipal Modernization Program - Intake 3. This program will provide a provincial cost-sharing arrangement to undertake projects that increase municipal efficiency and effectiveness. The focus of this grant is Digital Modernization which would aim to improve document management and could lead to technology improvements with the municipality's network and security capabilities. The Clerk explained that better document management has been a priority for the last several years but there has never been adequate time to accomplish this in-house.

Resolution 2021-72

Moved by Dave Leask

Seconded by Mike Garside

Resolved that Council accepts EncompassIT's proposal to complete an application under the Municipal Modernization Program Intake #3 for the Review and Implementation Streams with the priority on digital modernization and service integration. \*Carried\*

Resolution 2021-73

Moved by Dave Leask

Seconded by Dianne Holt

Resolved that we do open the Public Meeting under the Planning Act at 7:35 p.m. to discuss the proposed zoning amendment to prohibit the use of a boat, vessel or watercraft for human habitation when parked or stored on dry land. \*Carried\*

Reeve Wood welcomed all those in attendance who had asked to speak to Council regarding the proposed zoning amendment to prohibit human habitation of boats parked/stored on dry land within the Township of Hilton. Reeve Wood asked that all speakers limit their comments to this issue during the Public Meeting under the Planning Act and that the issue of Short Term Rentals would be discussed later in the evening upon a return to Open Meeting under the Municipal Act.

Local lawyer, Katherine Henshell, addressed Council on behalf of her client, Arlen McCarty, who had purchased a steel boat with the intention of renting it out as a Short Term Rental. She asked for Council's understanding that she wished to speak to both issues at this time as they were intertwined. She noted that Airbnbs are evolving and now include several types of structures including windmills/tree forts/tiny homes/ etc and that passing a by-law to prohibit boats on dry land for such use will likely only result in additional by-laws restricting other structures in the future. Ms. Henshell spoke to the limited number of places for tourists to stay when visiting St. Joseph Island and that Airbnbs help to address that issue. She suggested that rather than trying to address the concerns of noise and trespassing of Airbnb guests by municipal by-laws, that instead municipalities should leave those issues to be resolved by the policing system already in place. She recommended that the municipality concern itself more with the safety of the structure rather than the type of structure or its use. She stated that Airbnbs benefit tourism on St. Joseph Island which could lead to the creation of more jobs and result in more people living on the Island.

Mr. McCarty spoke to the issue of the boat he recently purchased and acknowledged that better communication with his area neighbours, as well as the Municipality, might have alleviated much of the current situation of concerns being raised. His intent is to make the boat an attraction for St. Joseph Island and assured Council the finished product would not be an eyesore and would be renovated according to the Ontario Building Code for habitation. He confirmed he no longer plans to position the boat on the small waterfront parcel of his property. Mr. McCarty also spoke to the tourism benefits of Airbnbs and that his efforts with the boat are intended to promote the Island in a positive manner.

A number of other speakers addressed the proposed zoning amendment with comments addressing both the boat issue and short term rentals.

Those in favour of the amendment to prohibit human habitation of boats parked on dry land spoke to the existence of a current short term rental in the X Line area that is already raising concerns with noise/ trespassing/property security; relying on calls to the police to report such occurrences does not offer immediate resolution; there is a reluctance to involve the police acknowledging more serious calls that should be addressed; traffic in the X Line quiet dead-end area has increased substantially due to the existing short term rental located nearby and there is concern over adding an additional rental resulting in even more traffic.

Those against the amendment questioned the future legality of allowing grandchildren to sleep overnight in a boat parked on a private driveway if the amendment was to pass; consensus that limited rental options are available on the Island for tourists; the prospect of converting a boat for such use is unique and would have favourable results for where tourists could stay; adding to available short term rentals will benefit all Island

businesses and attractions and bring more employment to the Island.

Resolution 2021-74

Moved by Dave Leask

Seconded by Pat Garside

Resolved that we do close the Public Meeting under the Planning Act and return to Open Meeting under the Municipal Act at 8:05 p.m. \*Carried\*

The matter of voting on the proposed zoning amendment was deferred until later in the meeting.

Council opened the discussion for Short Term Rentals and invited Andrew Gordanier to address Council on the issue of short term rentals. Mr. Gordanier advised he was speaking on behalf of a group of thirteen property owners in the X Line/Hamilton Bay area who had concerns regarding short term rentals. Council acknowledged receiving the letter that had been submitted by this group asking Council to implement an Interim Control By-law immediately to prohibit short term rentals until guidelines could be created to regulate such uses. It was confirmed that the Municipality's Zoning By-law does not identify short term rentals as a permitted use and therefore such uses should not be permitted. The Clerk advised there is a tentative meeting date later in October for the four Island Clerks to meet with the Secretary-Treasurer of the Planning Board to begin discussions on developing short term rental regulations. Mr. Gordanier questioned what options were available to area residents in the meantime when faced with trespassing and noise issues including the discharge of firearms in the middle of the night. Reeve Wood confirmed the police should be called in such instances. It was further confirmed the Township has a by-law governing the discharge of firearms and such use is prohibited in any built-up area (subdivisions). Council acknowledged receipt of separate correspondence confirming a second act of trespassing on a neighbour's property related to the current short term rental despite several 'No Trespassing' signs having been erected.

Council did receive correspondence from one of the guests of the X Line short term rental explaining how the first instance of inadvertent trespassing occurred and apologized for the resulting concerns.

Reeve Wood invited Bob Meuleman to address Council on the short term rental issue and acknowledged receipt of his correspondence on the matter. Mr. Meuleman confirmed he operates a short term rental on Hamilton Drive and as a result of enforcing his own set of rules has not received any complaints from area residents. He restated the benefits of short term rentals as increased tourism; additional business for local merchants; additional participation at events and festivals; overflow accommodation for Island families to utilize and promotion of the Island to newcomers who may choose to live or retire here. He acknowledged the responsibility of short term rental hosts to be responsible about who is allowed to stay for both the owners' interest and on behalf of neighbours. He welcomed the Island studying the issue and developing reasonable rules and capacity limits keeping the aforementioned benefits in mind.

At this time Council returned to the issue of the proposed zoning amendment to prohibit the human habitation of boats when parked/stored on dry land within the Township of Hilton. The matter of human habitation was questioned as to whether that would include sleeping overnight in a boat on a limited infrequent basis. Some members of Council acknowledged the various types of structures that may be considered acceptable for short term rentals in the future, despite not being acceptable currently. The additional accommodation available to tourists was acknowledged. The Township Zoning By-law was revisited and the existing Prohibited Use section reviewed noting that human habitation of any motor vehicle; any accessory building or structure or boathouse; any cargo or shipping container, truck, truck trailer, bus or coach body is already included. The importance of strict adherence to the building code, fire code and electrical code is of paramount importance to a municipality when it comes to authorizing structures for human habitation. Subsequent to Council's discussion the following resolution was passed.

Resolution 2021-75

Moved by Dave Leask

Seconded by Pat Garside

Resolved that we do give first, second and third and final reading and pass By-Law No. 1305-21 being a by-law to amend Zoning By-law No. 1025-11 by amending Section 4 General Provisions with an addition to Section 4.17 Prohibited Uses that will include the use of any boat, vessel or watercraft for human habitation when it is parked or stored on dry land. \*Carried\*

Resolution 2021-76

Moved by Dave Leask

Seconded by Mike Garside

Resolved that we do authorize the payment of Township bills for the month of September 2021 in the amount of \$175,067.84 as per the attached Voucher 09/21: Administration - \$13,786.02 ; Algoma District School Board - \$32,842.23; Algoma District Services Admin - \$24,720.08; Building - \$974.78; Fire - \$3,217.38; Misc (Employee/Employer Payroll Deductions/Benefits) - \$8,334.29; Parks - \$265.23; Police - \$6,988.00; Roads – \$83,939.83. \*Carried\*

Resolution 2021-77

Moved by Pat Garside

Seconded by Dave Leask

Resolved that we do pass By-Law 1306-21 being a by-law to confirm the proceedings of this meeting.

\*Carried\*

Resolution 2021-78

Moved by Pat Garside

Seconded by Mike Garside

Resolved that we do adjourn at 9:30 p.m. Council to meet again at the Hilton Township Municipal Office at 7:00 pm on Wednesday, November 3, 2021 for the next regular meeting of Council at the call of the Reeve.

\*Carried\*

Reeve, Rodney Wood

Clerk Treasurer, Valerie Obarymskyj

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## **Reminder Notice re Discharge of Firearms**

**The discharge of firearms (bow/cross-bow/gun) within the built-up areas of the Township of Hilton as set out hereunder is hereby prohibited:**

- i) **Plan H-608, Plan M-160 - Big Point Road.**
- ii) **Plan H-597, Plan 1M-447 - Hamilton Drive and Hamilton Court and X Line**
- iii) **Part Lots 10 & 11, Conc. X - Neal Drive and Old Moffat Bay Road.**
- iv) **Plan 1M-458 - Brickyard Road and Quarry Point Road.**
- v) **Part Lot 19, Conc. M, Plan H-530, Plan M-261 and Plan 1M-477, north side of Hilton Lake - Haight Road.**
- vi) **Part Lots 18 & 19, Conc. N, south side of Hilton Lake - Reid Road.**
- vii) **Part Lot 21, Conc. N, RP AR1118, south-east side of Hilton Lake - Twin Lakes Road.**
- viii) **Plan H-562 and Plan 1M-476 - Ellwood Boulevard.**
- ix) **Plan M-416 - Milford Haven Road and Richmond Bay Road.**
- x) **Part Lot 18, Conc. N - within 300 ft. (91.5M) of the Hilton Road.**
- xi) **Part Lot A, Conc. 17 - within 300 ft. (91.5M) of Canoe Point Road and Boundary Road.**
- xii) **Part Lots A, B and C, Conc. 16 and Conc. 17 - within 300 ft. (91.5M) of Highway 548, Base Line and Hilton Road.**
- xiii) **Part Lot 19, Conc. N - Twin Lakes Municipal Park.**
- xiv) **All Lot 12, Conc. Y - including Big Point Centennial Municipal Park.**
- xv) **Part Lot 3 and Part Lot 4, Conc. 15 - Municipal Garbage Disposal Site.**
- xvi) **Plan 1M-554 - Red Maple Drive.**
- xvii) **Lot 17 Part, Concession 14 (4377 W Line - 96.96 acres).**