

**Town of Kensington**  
**Minutes of Regular Council Meeting**  
**Monday, November 8, 2021**  
**7:00 PM**

**Council Members Present:** Mayor Rowan Caseley; Councillors: Deputy Mayor Pickering, Councillors: Toombs, Spencer, Gallant, MacRae and Mann

**Staff Members Present:** Chief Administrative Officer, Geoff Baker; Deputy Chief Administrative Officer, Wendy MacKinnon; Administrative Assistant, Kim Caseley; Police Chief, Lewie Sutherland

**Visitors:** Kyle Reid – Journal Pioneer

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**1. Calling of Meeting to Order**

**1.1** Mayor Caseley called the meeting to order at 7:00 PM and welcomed Council members, staff, and visitors to the November meeting of Kensington Town Council. Mayor Caseley acknowledged that the land on which we gather is the traditional and unceded territory of the Mi'kmaq First Nation.

**2. Approval of Tentative Agenda**

**2.1** *Moved by Councillor Spencer, seconded by Councillor Toombs to approve the tentative agenda for the November 2021 regular meeting of Town Council. Unanimously carried.*

**3. Declaration of Conflict of Interest**

**3.1** *Nil.*

**4. Delegations / Presentations**

**4.1** Mayor Caseley acknowledged November 8, as National Aboriginal Veterans Day and November 11 as Remembrance Day. Mayor Caseley will lay a wreath on behalf of the Town of Kensington at the Kensington Remembrance Day service. Council, staff and visitors were asked to stand for a moment of silence.

**5. Approval of Minutes of Previous Meeting**

**5.1** *Moved by Councillor MacRae, seconded by Councillor Spencer to approve the minutes from the October 12, 2021 regular meeting of Town Council. Unanimously carried.*

**6. Business Arising from Minutes**

**6.1** **October 12, 2021 Regular Meeting**

6.1.1 *Nil.*

## **7. Reports**

### **7.1 Chief Administrative Officer Report**

7.1.1 *Moved by Councillor Spencer, seconded by Councillor Toombs to adopt the October 2021 CAO Report as prepared by CAO, Geoff Baker. Unanimously carried.*

### **7.2 Fire Department Statistical Report**

7.2.1 *Moved by Deputy Mayor Pickering, seconded by Councillor MacRae to approve the September 2021 Fire Statistical report as prepared by Fire Chief, Rodney Hickey. Unanimously carried.*

### **7.3 Police Department Statistical Report**

7.3.1 *Moved by Deputy Mayor Pickering, seconded by Councillor Toombs to approve the September 2021 Police Statistical Report as prepared by Chief Sutherland. Unanimously carried.*

### **7.4 Development Permit Summary Report**

7.4.1 *Moved by Councillor MacRae, seconded by Councillor Spencer to approve the November 2021 Development Permit Summary Report. Unanimously carried.*

### **7.5 Bills List**

7.5.1 *Moved by Councillor Mann, seconded by Councillor Toombs to approve the September 2021 Bills in the amount of \$539,961.07. Unanimously carried.*

7.5.2 *Moved by Councillor Gallant, seconded by Councillor Mann to approve the September 2021 Water & Sewer Utility Bills in the amount of \$9,191.92. Unanimously carried.*

### **7.6 Summary Income Statement**

7.6.1 *Moved by Councillor Mann, seconded by Councillor MacRae to approve the Summary Income Statement for the month of September 2021. Unanimously carried.*

### **7.7 Credit Union Centre Report**

7.7.1 *Moved by Councillor Toombs, seconded by Councillor Spencer to approve the Credit Union Centre report for the month of September 2021. Unanimously*

*carried.*

## **7.8 Mayor's Report**

**7.8.1** *Moved by Deputy Mayor Pickering, seconded by Councillor Toombs to approve the Mayor's report for the month of November 2021 as presented by Mayor Caseley. Unanimously carried.*

**7.8.2** Mayor Caseley presented a 50<sup>th</sup> Wedding Anniversary Certificate to Mike & Isabell Smith.

**7.8.3** Mayor Caseley and Councillor Mann recently attended the FPEIM Semi-Annual Meeting on November 6, 2021.

## **7.9 Federation of PEI Municipalities (FPEIM) Report**

**7.9.1** FPEIM held their Semi-Annual meeting on November 6, 2021, at the Credit Union Place, Summerside.

**7.9.2** The Federation recently made updates to their Records Management Policy.

**7.9.3** FPEIM is evaluating a Group Insurance Plan for Municipalities.

**7.9.4** The financial statements were approved by the board.

## **7.10 Heart of the Island Initiative Report**

**7.10.1** A few artists have submitted art installation proposals for potential display around the area.

**7.10.2** The Heart of PEI Initiative hosted an event for capitalizing on Island Trails – Developing Key Drivers Towards Sustainable Communities on October 14, 2021 at the Stanley Bridge Heritage Centre. Another event is planned for February to discuss motorized trails.

**7.10.3** An online fundraiser will be launched in the coming weeks.

## **7.11 Kensington Area Chamber of Commerce (KACC) Report**

**7.11.1** The Annual Awards Gala will be held on November 25, 2021 at the New London Community Complex.

## **7.12 PEI 55 Plus Games**

**7.12.1** *Nil.*

## **8. New Business**

### **8.1 Request for Decisions**

**8.1.1 Former Blacksmith Shop – Demolition and Removal**

**8.1.1.1 *Moved by Deputy Mayor Pickering, seconded by Councillor MacRae***

*WHEREAS a fire occurred at a town owned building, formerly the James Mullally Blacksmith Shop and the Go! Fish Eatery, located at 29 Commercial Street, on May 16, 2021;*

*AND WHEREAS Coles Associates were retained by PE Claims Services Inc. to provide engineering services to conduct an independent review and to offer an opinion on the current structural condition of the burnt structure;*

*AND WHEREAS it is the opinion of Coles Associates Ltd. that the building's structural elements are severely damaged by the fire, should not be salvaged, and would require a full replacement;*

*AND WHEREAS the Town of Kensington retained the services of WSP Engineers to provide engineering services to conduct an independent review and to offer a second opinion on the structural integrity of the structure;*

*AND WHEREAS it is the opinion of WSP Engineers that the floor system, three of the four walls and roof system all have significant fire damage which has resulted in section loss and reduced structural capacity of the main structural components of the building and that the structural systems cannot be rehabilitated and require full structural replacement;*

*BE IT RESOLVED THAT Town Council authorize the CAO to proceed with having the former James Mullally Blacksmith Shop, located at 29 Commercial Street, demolished, and removed, through its insurance company as quickly as reasonably possible.*

*Unanimously carried.*

**8.1.2 Town of Kensington Mandatory Vaccination Policy (Policy #02-103-21)**

**8.1.2.1 *Moved by Councillor Gallant, seconded by Councillor Toombs***

*BE IT RESOLVED THAT Kensington Town Council approve the Town of Kensington Mandatory Vaccination Policy (Policy #02-103-21) effective immediately.*

*Unanimously carried.*

**8.1.3 Kensington Police Service – Flash Modification and Procurement**

**8.1.3.1 *Moved by Councillor Spencer, seconded by Councillor Toombs***

***BE IT RESOLVED THAT Kensington Town Council adopt the newly updated police flash as presented;***

***BE IT FURTHER RESOLVED THAT authorization be given to the CAO to proceed with the purchase of 250 police flashes from Craig Boan Enterprises as per their quote of \$600.00 plus HST and Shipping.***

***Unanimously carried.***

*Chief Sutherland excused himself from the Council Chamber at 7:37 pm.*

**8.1.4 2021 Annual Christmas Bonus**

**8.1.4.1 *Moved by Councillor Gallant, seconded by Councillor Toombs***

***THAT Town Council authorize the CAO to administer the 2021 Christmas bonuses to all exempt staff in the amount of \$400.00 net to each employee.***

***Unanimously carried.***

**8.1.5 2021 Annual Radio Christmas Greeting – MBS Radio**

**8.1.5.1 *Moved by Deputy Mayor Pickering, seconded by Councillor Toombs***

***BE IT RESOLVED THAT Town Council approve a contract with MBS Radio to facilitate 28 – 15 second Christmas greetings on the following radio stations: Q93, SPUD 102 and CFCY, as per the MBS Radio quote dated November 3, 2021, in the amount of \$436.00 plus HST.***

***Unanimously carried.***

**8.1.6 Development Control Bylaw Amendment – Section 10.8 – Second Reading & Formal Adoption**

**8.1.6.1 *Second Reading***

***Moved by Deputy Mayor Pickering, seconded by Councillor Toombs***

***WHEREAS Section 10.8 – Dwellings in Commercial Buildings, of the Town of Kensington Development Control Bylaw contains ambiguous language, is unclear, and restricts staff from being able***

*to provide clear direction to developers;*

*AND WHEREAS DV8 Consulting and Town staff have reviewed Section 10.8 of the Development Control Bylaw and recommend that the Bylaw be amended to provide clarity around the section;*

*AND WHEREAS a public meeting to hear public comments and concerns was held on September 28, 2021 in accordance with the Prince Edward Island Planning Act and the Town of Kensington Development Control Bylaw;*

*AND WHEREAS the Bylaw amendment was read and approved a first time at a regular meeting of Town Council, duly held on October 12, 2021;*

*BE IT RESOLVED THAT Kensington Town Council give second reading to amend the Zoning and Subdivision Control Bylaw by striking Section 10.8 from the Bylaw in its entirety and to replace it with a new Section 10.8, as follows:*

*10.8 Dwellings in Commercial Buildings*

*Where dwelling units are permitted above commercial uses:*

- a) No dwelling unit, or any part thereof, shall be located below a commercial use.*
- b) Dwelling units may be permitted on the same floor as commercial uses provided that they are completely segregated from the commercial uses and have a separate entrance which serves the dwelling units.*

*Unanimously carried.*

**8.1.6.2** *Approval of Second Reading*

*Moved by Deputy Mayor Pickering, seconded by Councillor Spencer*

*WHEREAS Section 10.8 – Dwellings in Commercial Buildings of the Town of Kensington Development Control Bylaw contains ambiguous language, is unclear, and restricts staff from being able to provide clear direction to developers;*

*AND WHEREAS DV8 Consulting and Town staff have reviewed Section 10.8 of the Development Control Bylaw and recommend that the Bylaw be amended to provide clarity around the section;*

*AND WHEREAS a public meeting to hear public comments and*

*concerns was held on September 28, 2021 in accordance with the Prince Edward Island Planning Act and the Town of Kensington Development Control Bylaw;*

*AND WHEREAS the Bylaw amendment was read and approved a first time at a regular meeting of Town Council, duly held on October 12, 2021;*

*AND WHEREAS the Bylaw amendment was read a second time at this meeting;*

*BE IT RESOLVED THAT Kensington Town Council approve second reading to amend the Zoning and Subdivision Control Bylaw by striking Section 10.8 from the Bylaw in its entirety and to replace it with a new Section 10.8, as follows:*

*10.8 Dwellings in Commercial Buildings*

*Where dwelling units are permitted above commercial uses:*

- a) No dwelling unit, or any part thereof, shall be located below a commercial use.*
- b) Dwelling units may be permitted on the same floor as commercial uses provided that they are completely segregated from the commercial uses and have a separate entrance which serves the dwelling units.*

*Unanimously carried.*

**8.1.6.3** *Formal Adoption*

*Moved by Deputy Mayor Pickering, seconded by Councillor Spencer*

*WHEREAS Section 10.8 – Dwellings in Commercial Buildings of the Town of Kensington Development Control Bylaw contains ambiguous language, is unclear, and restricts staff from being able to provide clear direction to developers;*

*AND WHEREAS DV8 Consulting and Town staff have reviewed Section 10.8 of the Development Control Bylaw and recommend that the Bylaw be amended to provide clarity around the section;*

*AND WHEREAS a public meeting to hear public comments and concerns was held on September 28, 2021 in accordance with the Prince Edward Island Planning Act and the Town of Kensington Development Control Bylaw;*

*AND WHEREAS the Bylaw amendment was read and approved a first time at a regular meeting of Town Council, duly held on October 12, 2021;*

*AND WHEREAS the Bylaw amendment was read and approved a second time at this meeting;*

*BE IT RESOLVED THAT Kensington Town Council formally adopt an amendment to the Zoning and Subdivision Control Bylaw by striking Section 10.8 from the Bylaw in its entirety and to replace it with a new Section 10.8, as follows:*

*10.8 Dwellings in Commercial Buildings*

*Where dwelling units are permitted above commercial uses:*

- a) No dwelling unit, or any part thereof, shall be located below a commercial use.*
- b) Dwelling units may be permitted on the same floor as commercial uses provided that they are completely segregated from the commercial uses and have a separate entrance which serves the dwelling units.*

*Unanimously carried.*

**8.1.7 Development Control Bylaw Amendment – Map Amendment to include 38 Business Park Lots and Application of Industrial (M1) Zoning Designation – Second Reading and Formal Adoption**

**8.1.7.1 *Second Reading***

*Moved by Councillor Mann, seconded by Deputy Mayor Pickering*

*WHEREAS the Kensington Town Council are in the process of constructing a 38-lot business park subdivision;*

*AND WHEREAS the business park subdivision is being constructed on lands which were recently brought inside the Town's boundary as part of its 2020 boundary restructuring application and therefore are not currently included in the Town's Development Control Bylaw;*

*AND WHEREAS Town Council are desirous of applying an Industrial (M1) Zoning designation to the 38 business park properties;*

*AND WHEREAS a public meeting to hear public comments and concerns on the proposed Development Control Bylaw amendment*



*was held on September 28, 2021 in accordance with the Prince Edward Island Planning Act and the Town of Kensington Development Control Bylaw;*

*AND WHEREAS the Bylaw amendment was read and approved a first time at a regular meeting of Town Council, duly held on October 12, 2021;*

*BE IT RESOLVED THAT Town Council give second reading to amend the Zoning and Subdivision Control Bylaw to include the 38 properties in the new business park and to apply an Industrial (M1) Zoning designation to the 38 lots, as per Survey Plan #19257-S01 dated May 7, 2021, and revised on July 27, 2021.*

*Unanimously carried.*

**8.1.7.2** *Approval of Second Reading*

*Moved by Councillor Mann, seconded by Councillor Toombs*

*WHEREAS the Kensington Town Council are in the process of constructing a 38-lot business park subdivision;*

*AND WHEREAS the business park subdivision is being constructed on lands which were recently brought inside the Town's boundary as part of its 2020 boundary restructuring application and therefore are not currently included in the Town's Development Control Bylaw;*

*AND WHEREAS Town Council are desirous of applying an Industrial (M1) Zoning designation to the 38 business park properties;*

*AND WHEREAS a public meeting to hear public comments and concerns on the proposed Development Control Bylaw amendment was held on September 28, 2021 in accordance with the Prince Edward Island Planning Act and the Town of Kensington Development Control Bylaw;*

*AND WHEREAS the Bylaw amendment was read and approved a first time at a regular meeting of Town Council, duly held on October 12, 2021;*

*AND WHEREAS the Bylaw amendment was read a second time at this meeting;*

*BE IT RESOLVED THAT Town Council approve second reading to*

*amend the Zoning and Subdivision Control Bylaw to include the 38 properties in the new business park and to apply an Industrial (M1) Zoning designation to the 38 lots, as per Survey Plan #19257-S01 dated May 7, 2021, and revised on July 27, 2021.*

*Unanimously carried.*

**8.1.7.3** *Formal Adoption*

*Moved by Councillor Mann, seconded by Councillor Spencer*

*WHEREAS the Kensington Town Council are in the process of constructing a 38-lot business park subdivision;*

*AND WHEREAS the business park subdivision is being constructed on lands which were recently brought inside the Town's boundary as part of its 2020 boundary restructuring application and therefore are not currently included in the Town's Development Control Bylaw;*

*AND WHEREAS Town Council are desirous of applying an Industrial (M1) Zoning designation to the 38 business park properties;*

*AND WHEREAS a public meeting to hear public comments and concerns on the proposed Development Control Bylaw amendment was held on September 28, 2021 in accordance with the Prince Edward Island Planning Act and the Town of Kensington Development Control Bylaw;*

*AND WHEREAS the Bylaw amendment was read and approved a first time at a regular meeting of Town Council, duly held on October 12, 2021;*

*AND WHEREAS the Bylaw amendment was read and approved a second time at this meeting;*

*BE IT RESOLVED THAT Town Council formally adopt an amendment to the Zoning and Subdivision Control Bylaw to include the 38 properties in the new business park and to apply an Industrial (M1) Zoning designation to the 38 lots, as per Survey Plan #19257-S01 dated May 7, 2021, and revised on July 27, 2021.*

*Unanimously carried.*

**8.1.8 Development Control Bylaw Amendment – Permitted Uses in the Industrial (M1) Zone – Second Reading and Formal Adoption**

**8.1.8.1 *Second Reading***

*Moved by Councillor Toombs, seconded by Councillor Gallant*

*WHEREAS Kensington Town Council are desirous of expanding the range of permitted uses in the Industrial (M1) Zone, as contained in the Town of Kensington Development Control Bylaw, to provide additional flexibility on the range of land uses permitted on Industrially zoned lands;*

*AND WHEREAS a public meeting to hear public comments and concerns on a proposed Development Control Bylaw amendment was held on September 28, 2021 in accordance with the Prince Edward Island Planning Act and the Town of Kensington Development Control Bylaw;*

*AND WHEREAS The Bylaw amendment was read and approved a first time at a regular meeting of Town Council, duly held on October 12, 2021;*

*BE IT RESOLVED THAT Town Council give second reading to amend the Town of Kensington Development Control Bylaw, by inserting the following section before Section 13.2.1 under the existing subheading “permitted uses”, as follows:*

*1) Uses as permitted in the General Commercial (C1) Zone subject to the regulations of Section 10 for uses permitted in the C1 Zone, excluding the following uses:*

- a. Hotels, Motels or other Tourist Establishments*
- b. Institutional Buildings*
- c. Funeral Homes*
- d. Multi-Unit Dwellings*
- e. Child care facilities*
- f. Dwelling units in a commercial building*

*Unanimously carried.*

**8.1.8.2 *Approval of Second Reading***

*Moved by Councillor Toombs, seconded by Councillor Spencer*

***WHEREAS Kensington Town Council are desirous of expanding the range of permitted uses in the Industrial (M1) Zone, as contained in the Town of Kensington Development Control Bylaw, to provide additional flexibility on the range of land uses permitted on Industrially zoned lands;***

***AND WHEREAS a public meeting to hear public comments and concerns on a proposed Development Control Bylaw amendment was held on September 28, 2021 in accordance with the Prince Edward Island Planning Act and the Town of Kensington Development Control Bylaw;***

***AND WHEREAS The Bylaw amendment was read and approved a first time at a regular meeting of Town Council, duly held on October 12, 2021;***

***AND WHEREAS the Bylaw amendment was read a second time at this meeting;***

***BE IT RESOLVED THAT Town Council approve second reading to amend the Town of Kensington Development Control Bylaw, by inserting the following section before Section 13.2.1 under the existing subheading “permitted uses”, as follows:***

- 1) Uses as permitted in the General Commercial (C1) Zone subject to the regulations of Section 10 for uses permitted in the C1 Zone, excluding the following uses:***
  - a. Hotels, Motels or other Tourist Establishments***
  - b. Institutional Buildings***
  - c. Funeral Homes***
  - d. Multi-Unit Dwellings***
  - e. Child care facilities***
  - f. Dwelling units in a commercial building***

***Unanimously carried.***

#### **8.1.8.3 Formal Adoption**

***Moved by Councillor Toombs, seconded by Councillor Gallant***

***WHEREAS Kensington Town Council are desirous of expanding the range of permitted uses in the Industrial (M1) Zone, as contained in the Town of Kensington Development Control Bylaw, to provide additional flexibility on the range of land uses permitted on Industrially zoned lands;***

*AND WHEREAS a public meeting to hear public comments and concerns on a proposed Development Control Bylaw amendment was held on September 28, 2021 in accordance with the Prince Edward Island Planning Act and the Town of Kensington Development Control Bylaw;*

*AND WHEREAS The Bylaw amendment was read and approved a first time at a regular meeting of Town Council, duly held on October 12, 2021;*

*AND WHEREAS the Bylaw amendment was read and approved a second time at this meeting;*

*BE IT RESOLVED THAT Town Council formally adopt an amendment to the Town of Kensington Development Control Bylaw, by inserting the following section before Section 13.2.1 under the existing subheading “permitted uses”, as follows:*

- 1) Uses as permitted in the General Commercial (C1) Zone subject to the regulations of Section 10 for uses permitted in the C1 Zone, excluding the following uses:
  - a. Hotels, Motels or other Tourist Establishments*
  - b. Institutional Buildings*
  - c. Funeral Homes*
  - d. Multi-Unit Dwellings*
  - e. Child care facilities*
  - f. Dwelling units in a commercial building**

*Unanimously carried.*

## **8.1.9 Subdivision of Lands of GP Development Inc. – PID No. 880880**

### **8.1.9.1 Moved by Councillor Spencer, seconded by Councillor Toombs**

*WHEREAS a subdivision plan (Plan #21365), and a request has been received from GP Development Inc., owner of lands described as PID No. 880880, for Town Council’s consideration of subdividing the property and designating Lot 82 as a building lot;*

*AND WHEREAS the proposed subdivision plan has been reviewed against the Town’s Development Control Bylaw and is found to be in general compliance therewith;*

*BE IT RESOLVED THAT Subdivision Plan #21365, dated November 5, 2021, drawn by Derek A. French Professional Services Inc. be hereby approved and that Lot 82, as indicated on Subdivision*

***Plan #21365, be hereby approved as a low density residential (R2) building lot.***

***Unanimously carried.***

**8.2 Other Matters**

**8.2.1** *Nil.*

**9. Correspondence**

**9.1** An email with an advertising opportunity in Saltscapes Magazine 2022 Issues – *Received for information*

**9.2** An email from Cpl. L. Yuill, Kensington Police Service, expressing his appreciation to the Town's Public Works Department for their response and assistance directing traffic and helping to clean up the scene following a motor vehicle accident at the intersection of Broadway St. and Victoria St.

**9.3** Information package on Age-Friendly Prince Edward Island.

**9.4** An email from Peggy Miles with PEI Community Navigators, seeking feedback from municipal representatives related to the creation of an online regional directory.

**10. In-Camera (Closed session)**

**10.1** *Nil.*

**11. Adjournment**

***Moved by Councillor Toombs, seconded by Councillor Gallant to adjourn the meeting at 8:10 PM. Unanimously carried.***

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Geoff Baker,  
CAO

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Rowan Caseley,  
Mayor