

Town of Kensington
Minutes of Regular Council Meeting
Tuesday, October 12, 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

Visitors: Kyle Reid – Journal Pioneer

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 October 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 Deputy Mayor Pickering, seconded by Councillor Spencer to approve the tentative agenda for the October 2021 regular meeting of Town Council with the addition of one in item of correspondence. Unanimously carried.*

3. Declaration of Conflict of Interest

3.1 *Nil.*

4. Delegations / Presentations

4.1 *Nil.*

5. Approval of Minutes of Previous Meeting

5.1 *Moved by Councillor MacRae, seconded by Councillor Spencer to approve the minutes from the September 13, 2021 regular meeting of Town Council. Unanimously carried.*

5.2 *Moved by Councillor Toombs, seconded by Councillor MacRae to approve the minutes from the September 28, 2021 public meeting of Town Council. Unanimously carried.*

6. Business Arising from Minutes

6.1 **September 13, 2021 Regular Meeting**

6.1.1 *Nil.*

6.2 September 28, 2021 Public Meeting

6.2.1 *Nil.*

7. Reports

7.1 Chief Administrative Officer Report

7.1.1 *Moved by Councillor Gallant, seconded by Councillor Toombs to adopt the September 2021 CAO Report as prepared by CAO, Geoff Baker with the correction of the month in item #24 to September. Unanimously carried.*

7.2 Fire Department Statistical Report

7.2.1 *Moved by Councillor Spencer, seconded by Councillor Toombs to approve the August 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 Spencer to approve the August 2021 Police Statistical Report as prepared by Chief Sutherland. Unanimously carried.*

7.4 Development Permit Summary Report

7.4.1 *Moved by Councillor Spencer, seconded by Councillor Gallant to approve the October 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 August 2021 Bills in the amount of \$842,677.46. Unanimously carried.*

7.5.2 *Moved by Councillor Mann, seconded by Councillor MacRae to approve the August 2021 Water & Sewer Utility Bills in the amount of \$9,324.76. Unanimously carried.*

7.6 Summary Income Statement

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

7.7 Credit Union Centre Report

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

7.8 Mayor's Report

7.8.1 *Moved by Councillor MacRae, seconded by Councillor Spencer to approve the Mayor's report for the month of October 2021 as presented by Mayor Caseley. Unanimously carried.*

7.9 Federation of PEI Municipalities (FPEIM) Report

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

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 is hosting an event capitalizing on Island Trails – Developing Key Drivers Towards Sustainable Communities on October 14, 2021 at the Stanley Bridge Heritage Centre.

7.11 Kensington Area Chamber of Commerce (KACC) Report

7.11.1 The Annual Golf Tournament was a successful event.

7.11.2 The Chamber is hosting an Event for Small Business Week on Tuesday, October 19th from 8:30 am – 12:00 pm at the Kensington Legion.

7.11.3 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 Development Control Bylaw Amendment – Section 10.8

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

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;

BE IT RESOLVED THAT Kensington Town Council give first 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.

8.1.1.2 *Moved by Councillor Toombs, 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;

BE IT RESOLVED THAT Kensington Town Council approve first 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.

8.1.2 Kensington Vipers 2021-22 Sponsorship Request

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

THAT Kensington Town Council approve a Player Sponsorship for the Kensington Moose Plumbing and Heating Vipers for the 2021/22 hockey season in the amount of \$750.00.

Unanimously carried.

8.1.3 Development Permit Application – 30 Garden Drive

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

BE IT RESOLVED THAT Kensington Town Council approve a development permit application for the Kensington Royal Canadian Legion Branch No. 9 for the relocation and placement of a 12' x 16' accessory structure on a property located at 30 Garden Drive, subject to full compliance with the Town's Development Control Bylaw and all other applicable municipal, provincial, and federal legislation and regulations.

Unanimously carried.

8.1.4 Official Plan Amendment – Map Amendment to include 38 Business Park Lots and Application of Industrial (M1) Zoning Designation

8.1.4.1 Moved by Deputy Mayor Pickering, 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 Official Plan Land Use Map;

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

AND WHEREAS a public meeting to hear public comments and concerns on the proposed Official Plan amendment was held on September 28, 2021, in accordance with the Prince Edward Island Planning Act and the Town's Official Plan;

BE IT RESOLVED THAT Town Council approve an amendment to the Town of Kensington Official Plan Land Use Map to include the 38 properties in the new business park and to apply an Industrial (M1) Land Use designation to the 38 lots, as per Survey Plan #19257-S01 dated May 7, 2021, and revised on July 27, 2021.

Unanimously carried.

8.1.5 Development Control Bylaw Amendment – Map Amendment to include 38 Business Park Lots

8.1.5.1 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;

BE IT RESOLVED THAT Town Council give first 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.

8.1.5.2 *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 a first time at this meeting;

BE IT RESOLVED THAT Town Council approve first 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.

8.1.6 Development Control Bylaw Amendment – Permitted Uses in the Industrial (M1) Zone

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

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;

BE IT RESOLVED THAT Town Council give first 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.

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

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 a first time at this meeting;

BE IT RESOLVED THAT Town Council approve first 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.

8.1.7 Town of Kensington Emergency Management Plan

8.1.7.1 Moved by Councillor Toombs, seconded by Deputy Mayor Pickering

BE IT RESOLVED THAT Town Council approve the Town of Kensington Emergency Management Plan as revised on October 8, 2021.

Unanimously carried.

8.1.8 Annual Sewer Main Flushing – 2021

8.1.8.1 Moved by Councillor Spencer, seconded by Councillor Toombs

BE IT RESOLVED THAT Town Council award a contract for the 2021 Annual Sewer Main Line Flushing and Video Inspection to Infraspac Underground Inc. as per their quote dated September 21, 2021, in the amount of \$21,469.00 plus HST.

Unanimously carried.

8.2 Other Matters

8.2.1 Mayor Caseley inquired about the status of repair for a section of sidewalk on School St. Mr. Baker will request an updated timeline and report back to Council.

8.2.2 Deputy Mayor Pickering inquired about the re-location of speed signs on Broadway Street N. Mayor Caseley confirmed that the speed signs are currently located outside of the municipal boundary; should residents have concerns with vehicle speeds, they are encouraged to contact the Kensington Police Service.

9. Correspondence

9.1 A letter from the Kensington Area Chamber of Commerce requesting the Town to sponsor the “Citation of Service” award at their annual Business Awards Gala on November 25, 2021.

Moved by Deputy Mayor Pickering, seconded by Councillor MacRae to sponsor the Citation of Service award for \$1,000.00 at the 2021 Kensington Area Chamber of Commerce Business Awards Gala.

Unanimously carried.

9.2 Request for donation from Kensington Meals on Wheels.

Moved by Councillor Spencer, seconded by Councillor Toombs to donate \$2,000.00 to the 2021 Kensington Meals on Wheels program.

Unanimously carried.

Kyle Reid excused himself from the Council Chamber at 7:40 pm.

10. In-Camera (Closed session) One item under Sections 119 (d) and (e) of the Municipal Government Act.

10.1 *Moved by Councillor Spencer, seconded by Councillor MacRae to move in camera at 7:42pm Unanimously carried.*

10.2 *Moved by Councillor Spencer, seconded by Deputy Mayor Pickering to come out of in camera at 8:53pm Unanimously carried.*

11. Adjournment

Moved by Councillor Toombs, seconded by Councillor Spencer to adjourn the meeting at 8:53 PM. Unanimously carried.

Geoff Baker,
CAO

Rowan Caseley,
Mayor