

**Town of Kensington
Minutes of Regular Council Meeting
Monday, May 13, 2019
7:00 PM**

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

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

Visitors: Colin MacLean – 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.

2. Approval of Tentative Agenda

2.1 *Moved by Councillor Spencer, seconded by Councillor Bernard to approve the tentative agenda for the May 13, 2019 regular meeting of Town Council with the addition of item 8.1.9 – Official Plan and Development Control Bylaw Amendment - PID 80150 (Rocky Arsenault) and one additional item of correspondence. Unanimously carried.*

3. Declaration of Conflict of Interest

3.1 Mayor Caseley discussed that members of Town Council or staff who believe they may have a conflict of interest on any matter that will be discussed at this meeting should declare that potential conflict at this time, withdraw at the time of discussion and vacate the Council Chambers during deliberation and decision.

3.2 *Councillor Bernard declared a conflict with item 8.1.3.
Councillor Spencer declared a conflict with item 8.1.7.*

4. Delegations / Presentations

4.1 Don Reid of the Age Friendly Communities Organization was unable to attend the May 13, 2019 meeting.

5. Approval of Minutes of Previous Meeting

5.1 *Moved by Councillor Toombs, seconded by Councillor Gallant to approve the minutes from the April 8, 2019 regular meeting of Town Council. Unanimously carried.*

5.2 *Moved by Councillor Spencer, seconded by Councillor Gallant to approve the minutes from the May 8, 2019 Public Meeting of Town Council. Unanimously carried.*

6. Business Arising from Minutes

6.1 April 8, 2019 Regular Meeting – Nil

6.2 May 8, 2019 Public Meeting - Nil

7. Reports

7.1 CAO's Report

7.1.1 *Moved by Councillor Bernard, seconded by Councillor Toombs to adopt the May 2019 CAO's Report as prepared by CAO, Geoff Baker. Unanimously carried.*

7.2 Fire Department Statistical Report

7.2.1 *Moved by Councillor Spencer, seconded by Councillor Toombs to approve the March 2019 Fire Statistical report as prepared by Fire Chief, Rodney Hickey. Unanimously carried.*

7.3 Police Department Statistical Report

7.3.1 *Moved by Councillor Spencer, seconded by Councillor Toombs to approve the March 2019 Police Statistical Report as prepared by Chief Sutherland. Unanimously carried.*

7.3.2 Chief Sutherland noted that the Annual Fishing Derby will be held on May 18 & 19 and encouraged Council to attend. The Annual Bike Rodeo will be held on June 15 at the Credit Union Centre.

Chief Sutherland excused himself from the Council Chamber at 7:12pm.

7.4 Development Permit Summary Report

7.4.1 *Moved by Councillor Toombs, seconded by Deputy Mayor Pickering to approve the May 2019 Development Permit Summary Report. Unanimously carried.*

7.5 Bills List

7.5.1 *Moved by Councillor Mann, seconded by Councillor Spencer to approve the March 2019 Bills in the amount of \$167,321.93. Unanimously carried.*

7.6 Summary Income Statement

7.6.1 *Moved by Councillor Mann, seconded by Councillor Bernard to approve the Summary Income Statement for the month of March 2019. Unanimously carried.*

7.7 Credit Union Centre Report

7.7.1 *Moved by Deputy Mayor Pickering, seconded by Councillor Spencer to approve the Credit Union Centre report for the month of March 2019. Unanimously carried.*

7.8 Mayor's Report

7.8.1 *Moved by Councillor Toombs, seconded by Councillor Gallant to approve the Mayors report for the month of May 2019 as presented by Mayor Caseley. Unanimously carried.*

7.8.2 Mayor Caseley thanked everyone for volunteering during the Town Clean-up day.

7.8.3 Councillor Gallant noted that residents have expressed interest in using the tennis courts located at KISH for playing tennis and other racquet sports. The courts are in need of upgrade and repair. Mayor Caseley will reach out to the Public Schools Branch and the Hon. Brad Trivers, Minister of Education and Lifelong Learning.

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

WHEREAS, the Town of Kensington supports the Government of Canada's commitment to build infrastructure, promote economic growth and facilitate the efficient movement of products and traffic;

AND WHEREAS the Town of Kensington agrees with the initiatives of municipalities on Prince Edward Island supporting Senator Percy E. Downe's advocacy to have the Federal Government eliminate the toll charged to cross the Confederation Bridge;

AND WHEREAS the Confederation Bridge currently charges a minimum fee of \$47.75 for each passenger vehicle;

AND WHEREAS the Confederation Bridge is a replacement link to the rest of Canada and is a Constitutional Requirement;

AND WHEREAS the toll charged is a burden to every islander, tourist, business owner and a deterrent to the economic development of Prince Edward Island;

AND WHEREAS the Town of Kensington agrees with Senator Downe's advocacy for equality and fairness in federal bridge toll costs across the country, specifically as they apply to the decision to not charge tolls on the Champlain Bridge in Montreal built and maintained at tax payers expense;

BE IT RESOLVED THAT the Town of Kensington calls upon the Government of Canada to consider the elimination of all tolls charged on all users who cross the Confederation Bridge.

Unanimously carried.

7.8.5 Council discussed developing an Annual Town of Kensington Educational Scholarship. The following criteria should be considered in developing the scholarship:

1. A grade 12 graduating student from Kensington Intermediate Senior High School entering post secondary education.
2. \$1,000 Annual Educational Scholarship.
3. A resident within the Municipality of the Town of Kensington
4. Demonstrates leadership.
5. Special consideration given for students who volunteer within the Town of Kensington.
6. Community involvement considered an asset.
7. Scholarship to be selected by the KISH Scholarship Selection Committee.

Moved by Deputy Mayor Pickering, seconded by Councillor Bernard to develop an annual Town of Kensington Educational Scholarship in the amount of \$1,000 to be presented to a graduating student of Kensington Intermediate Senior High School. Unanimously carried.

7.9 Federation of PEI Municipalities (FPEIM) Report

7.9.1 FPEIM hosted their annual meeting on April 29, 2019 in St. Peter's Bay. The Town's resolution, that was submitted to FPEIM to advocate and lobby the Province of PEI to provide financial support for lot/property development in rural areas, was approved unanimously at the recent annual meeting. The re-election of the FPEIM executive will be held shortly. Mr. Baker confirmed that FPEIM will be doing a site visit of the Murray Christian Centre as a possible location to host the fall semi-annual meeting.

7.10 Kensington Area Chamber of Commerce (KACC) Report

7.10.1 KACC hosted their Presidents Dinner on April 25, 2019 at the Emerald Community Centre. On June 9 the Chamber will host a member appreciation family event at the Haunted Mansion from 1-5.

7.11 Heart of the Island Initiative (STEP) Report

7.11.1 A Leading Authentic Experiences Session will be held on May 23 from 1:00-4:30 pm at the St. Mary's Church Pavilion in Indian River.

8. New Business

8.1 Request for Decisions

8.1.1 Official Plan and Development Control Bylaw Amendment - PID 747790 - Second Reading, Formal Adoption and OP Amendment

8.1.1.1 *Second Reading*

Moved by Deputy Mayor Pickering, seconded by Councillor Bernard

WHEREAS the Town of Kensington annexed PID No. 747790, being lands of MS Woodsides Ltd., inside the municipal boundary in 2018;

AND WHEREAS the subject property requires an appropriate zoning designation to be applied by Town Council to facilitate the development of the property;

AND WHEREAS a development proposal has been submitted to the town by the property owner to construct a single residential dwelling on the property;

AND WHEREAS a public meeting was held on April 4, 2019 in accordance with the PEI Planning Act and the Town's Development Control Bylaw, to allow Town Council to hear public comments on a proposal to apply a Single Residential (R1) Future Land Use and Zoning designation to the property;

AND WHEREAS town staff have evaluated the proposed Development Control Bylaw amendment, in consultation with DV8 Consulting, and are recommending that Town Council proceed with the amendment;

AND WHEREAS the Bylaw amendment was read and approved a first time at a meeting held on April 8, 2019;

BE IT RESOLVED THAT Kensington Town Council give second reading to amend the Zoning and Subdivision Control Bylaw to apply a Single Residential (R1) zoning designation to PID No. 747790 for the purpose of constructing a single residential dwelling on the property.

Unanimously carried.

8.1.1.2 *Approval of Second Reading*

Moved by Councillor Bernard, seconded by Councillor Gallant,

WHEREAS the Town of Kensington annexed PID No. 747790, being lands of MS Woodsides Ltd., inside the municipal boundary in 2018;

AND WHEREAS the subject property requires an appropriate zoning designation to be applied by Town Council to facilitate the development of the property;

AND WHEREAS a development proposal has been submitted to the town by the property owner to construct a single residential dwelling on the property;

AND WHEREAS a public meeting was held on April 4, 2019 in accordance with the PEI Planning Act and the Town's Development Control Bylaw, to allow Town Council to hear public comments on a proposal to apply a Single Residential (R1) Future Land Use and Zoning designation to the property;

AND WHEREAS town staff have evaluated the proposed Development Control Bylaw amendment, in consultation with DV8 Consulting, and are recommending that Town Council proceed with the amendment;

AND WHEREAS the Bylaw amendment was read and approved a first time at a meeting held on April 8, 2019

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 to apply a Single Residential (R1) zoning designation to PID No. 747790 for the purpose of constructing a single residential dwelling on the property.

Unanimously carried.

8.1.1.3 Formal Adoption

Moved by Councillor Spencer, seconded by Councillor Toombs,

WHEREAS the Town of Kensington annexed PID No. 747790, being lands of MS Woodsides Ltd., inside the municipal boundary in 2018;

AND WHEREAS the subject property requires an appropriate zoning designation to be applied by Town Council to facilitate the development of the property;

AND WHEREAS a development proposal has been submitted to the town by the property owner to construct a single residential dwelling on the property;

AND WHEREAS a public meeting was held on April 4, 2019 in accordance with the PEI Planning Act and the Town's Development Control Bylaw, to allow Town Council to hear public comments on a proposal to apply a Single Residential (R1) Future Land Use and Zoning designation to the property;

AND WHEREAS town staff have evaluated the proposed Development Control Bylaw amendment, in consultation with DV8 Consulting, and are recommending that Town Council proceed with the amendment;

AND WHEREAS the Bylaw amendment was read and approved a first time at a meeting held on April 8, 2019

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 Town's Zoning and Subdivision Control Bylaw to apply a Single Residential (R1) zoning designation to PID No. 747790 for the purpose of constructing a single residential dwelling on the property.

Unanimously carried.

8.1.1.4 *General Land Use Map (Official Plan) Amendment*

Moved by Councillor Toombs, seconded by Deputy Mayor Pickering,

WHEREAS the Town of Kensington annexed PID No. 747790, being lands of MS Woodsides Ltd., inside the municipal boundary in 2018;

AND WHEREAS the subject property requires an appropriate future land-use designation to be applied by Town Council to facilitate the development of the property;

AND WHEREAS a development proposal has been submitted to the town by the property owner to construct a single residential dwelling on the property;

AND WHEREAS a public meeting was held on April 4, 2019 in accordance with the PEI Planning Act and the Town's Development Control Bylaw, to allow Town Council to hear public comments on the proposal to apply a Single Residential (R1) Future Land Use designation to the property;

AND WHEREAS town staff have evaluated the proposed Official Plan amendment, in consultation with DV8 Consulting, and are recommending that Town Council proceed with the amendment as proposed;

BE IT RESOLVED THAT an amendment to the General Land Use Map, that is part of the Town's

Official Plan, to add a Single Residential future land use designation to PID No. 747790, for the

purpose of constructing a single residential dwelling on the property, be hereby approved.

Unanimously carried.

8.1.2 Wellfield Protection Plan Approval

8.1.2.1 Councillor Gallant requested to defer the approval of the Wellfield Protection Plan until the June Council Meeting to allow him to complete his review of the plan. Mayor Caseley noted that the Department of Transportation have plans to complete roadwork bordering the wellfield and addressed his concern that delaying the approval of the wellfield protection plan could potentially hinder the Town's requests that are outlined within it.

Moved by Councillor Gallant, seconded by Councillor Toombs to defer the approval of the Wellfield Protection Plan until the June Regular Council Meeting. 2 for (Gallant, Toombs) – 4 opposed. Motion defeated.

8.1.2.2 *Moved by Deputy Mayor Pickering, seconded by Councillor Bernard*

BE IT RESOLVED THAT that Town Council approve and adopt the Town of Kensington Wellfield Protection Plan as drafted by the Kensington North Watersheds Association. 5 for – 1 opposed (Gallant). Motion carried.

Deputy Mayor Pickering excused herself from the Council Chamber at 7:55pm and returned at 7:56pm. Councillor Bernard declared a conflict and excused herself from the Council Chamber at 7:55 pm.

8.1.3 Development Permit Application – Fun Times Enterprises Ltd.

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

BE IT RESOLVED THAT Town Council authorize the Chief Administrative Officer to issue a special development permit to allow the construction of a 20 ft by 30 ft accessory structure in the front yard of the Fun Times Day Care property (PID No. 902494-000) subject to the following conditions:

- The accessory structure shall be the same colour as the main building on the property.*
- There shall be at least two windows installed on the street facing side of the structure.*
- Confirmation that the proposed construction does not take place within the Provincial Government's environmental buffer zone (50 ft) as it relates to the adjacent stream/wetland.*

Unanimously carried.

Councillor Bernard returned to the Council Chamber at 8:08 pm.

8.1.4 Development Permit Application – Jeff Thompson, PID No. 842716

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

BE IT RESOLVED THAT Town Council authorize the Chief Administrative Officer to issue a development permit for Jeff Thompson at 47 Victoria Street East to allow the installation of a 350 square foot accessory apartment and to relocate the outside stairs at the southern end of the building to permit an additional parking space, with the condition that there be no provision for on street parking associated with the property.

BE IT FURTHER RESOLVED that Town Council approve a variance application from Jeff Thompson, owner of a property located at 47 Victoria Street East to reduce the parking requirement for the property from four parking spaces to three parking spaces.

5 for – 1 opposed (Spencer). Motion Carried.

8.1.5 Cable Crossover Machine Replacement - Fitplex

8.1.5.1 *Moved by Councillor Toombs, seconded by Councillor Bernard*

BE IT RESOLVED THAT Town Council approve the purchase of a Hoist Fitness CMD Cable Crossover Machine from Spartan Fitness at a cost of \$5,119.20 plus applicable taxes as per their quote dated January 22, 2019.

Unanimously carried.

8.1.6 Don Clark Ballfield Upgrades

8.1.6.1 *Moved by Councillor Toombs, seconded by Councillor Bernard*

BE IT RESOLVED THAT Town Council award a contract to Curran and Briggs to upgrade the Don Clark Ballfield as per their quote dated April 4, 2019 in the amount of \$5,800.00 plus HST.

Unanimously carried.

Councillor Spencer declared a conflict and excused himself from the Council Chamber at 8:37 pm.

8.1.7 Annual Donation to Queen Elizabeth Elementary School (QEES) and Kensington Intermediate High School (KISH)

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

BE IT RESOLVED THAT Town Council approve a \$150.00 donation to KISH End of Year Prizes, \$300.00 to the KISH Safe Grad Program, and \$150.00 to QEES End of Year Prizes for 2019.

Unanimously carried.

Councillor Spencer returned to the Council Chamber at 8:38 pm.

8.1.8 Police Vehicle Replacement

8.1.8.1 *Moved by Deputy Mayor Pickering, seconded by Councillor Bernard,*

BE IT RESOLVED THAT Town Council proceed with the purchase of a used 2017 Ford Taurus Police Cruiser from Martin's River Auto at a total cost of \$14,000 plus applicable taxes as per their quote dated March 19, 2019 and that staff proceed with transferring the emergency equipment to the 2017 Cruiser at a cost of \$1,745.00 plus applicable taxes.

Unanimously carried.

8.1.9 Re-zoning Application for PID No. 80150 (adjacent to 15 Pleasant Street), Lands of Rocky Arsenault.

8.1.9.1 *First Reading*

Moved by Councillor Toombs, seconded by Councillor Gallant,

WHEREAS a request has been received from Rocky Arsenault, owner of PID No 80150, to amend the Town of Kensington Development Control Bylaw to re-zone the property from Single Residential (R1) to Low Density Residential (R2);

AND WHEREAS a public meeting was held on May 8, 2019 in accordance with the PEI Planning Act and the Town's Development Control Bylaw;

AND WHEREAS town staff have evaluated the application, in consultation with DV8 Consulting, and are recommending that Town Council proceed with the Bylaw amendment;

BE IT RESOLVED THAT Kensington Town Council give first reading to amend the Zoning and Subdivision Control Bylaw to re-zone PID No. 80150 from Single Residential (R1) to Low Density Residential (R2);

Unanimously carried.

8.1.9.2 *Approval of First Reading*

Moved by Councillor Mann, seconded by Councillor Toombs,

WHEREAS a request has been received from Rocky Arsenault, owner of PID No 80150, to amend the Town of Kensington Development

Control Bylaw to re-zone the property from Single Residential (R1) to Low Density Residential (R2);

AND WHEREAS a public meeting was held on May 8, 2019 in accordance with the PEI Planning Act and the Town's Development Control Bylaw;

AND WHEREAS town staff have evaluated the application, in consultation with DV8 Consulting, and are recommending that Town Council proceed with the Bylaw amendment;

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

BE IT RESOLVED THAT Kensington Town Council approve first reading to amend the Zoning and Subdivision Control Bylaw to re-zone PID No. 80150 from Single Residential (R1) to Low Density Residential (R2);

Unanimously carried.

8.2 Other Matters

- 8.2.1** Councillor Toombs brought forward a concern from a resident of vehicles parking to close to the intersection at the corner of Broadway Street N and the west side of School Street.
- 8.2.2** Councillor Toombs brought forward a concern from a local business that staff of surrounding businesses are using on street parking for extended periods of time.
- 8.2.3** Councillor Gallant inquired about staffing at the Fitplex between Friday-Monday. He noted that some of the Fitplex members are not properly cleaning their equipment or putting it away after using it. Councillor Spencer suggested that an email be sent to all members with a reminder to properly tend to the equipment they have used.
- 8.2.4** Deputy Mayor Pickering expressed concern of an unsightly and dangerous property located at 43 Victoria Street E, specifically an accessory structure at the rear of the property. Mr. Baker will contact the property owners as per the Town's Dangerous & Unsightly Property Bylaw.
- 8.4.5** Deputy Mayor Pickering brought forward a suggestion to install dog waste stations along the trails/town. – *no action*.
- 8.4.6** Deputy Mayor Pickering announced that the 2019 Harvest Festival theme will be "Picnic at the Park".
- 8.4.7** Councillor Spencer inquired about having the public washrooms at the railyards opened for the season.

9. Correspondence

- 9.1** A letter from the PEI Humane Society requesting the Town to sponsor their Annual Golf Tournament

Moved by Councillor Spencer, seconded by Councillor Bernard to approve a sponsorship of \$250.00 Contest Hole Sponsor or 2 - \$100 Hole Sponsors, subject to availability of the Contest Hole Sponsor. Unanimously carried.

- 9.2** A letter from Katherine McLennan of 2 Imperial Street, requesting approval to rent her residence on Airbnb during the months of July and August.

Moved by Councillor Toombs, seconded by Councillor Bernard to defer a request from Katherine McLennan of 2 Imperial Street, seeking approval to rent her residence on Airbnb during the months of July and August, to allow staff to request additional information from the Department of Tourism regarding what approvals are required. Unanimously carried.

- 9.3** A letter from the 2019 Easter Seals First Annual Auction requesting an auction item donation. – *No action*

- 9.4** A letter from Patrick Kelly on behalf of the Kensington Area Minor Baseball Association regarding the rebuild of the batting and pitching cages that were damaged during a winter storm.

9.4.1 *Moved by Councillor Gallant, seconded by Councillor Toombs to allow the Kensington Area Minor Baseball Association to rebuild their batting and pitching cages on the Credit Union Centre property. Unanimously carried.*

9.4.2 Council decided to table further discussions to the May Committee of Council meeting when more information is available.

10. In-Camera

- 10.1** *Nil*

11. Adjournment

Moved by Councillor Toombs, seconded by Councillor Spencer to adjourn the meeting at 9:31 PM. Unanimously carried.

Geoffrey Baker,
CAO

Rowan Caseley,
Mayor