

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

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

Staff Members Present: Chief Administrative Officer, Geoff Baker; Deputy Chief
Administrative Officer, Wendy MacKinnon; Police Chief,
Lewis Sutherland

Visitors: Jason Simmonds – 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 March meeting of Kensington Town Council.

2. Approval of Tentative Agenda

2.1 *Moved by Councillor Toombs, seconded by Councillor Spencer to approve the tentative agenda for the March 8, 2021 regular meeting of Town Council with the addition of item 8.2.5 Kent Railyard Fence Replacement. Unanimously carried.*

3. Declaration of Conflict of Interest

3.1 Councillor Spencer declared a conflict for item 8.2.5 Kent Railyard Fence Replacement

4. Delegations / Presentations

4.1 Mayor Caseley read Premier Dennis King press release on International Women's Day

5. Approval of Minutes of Previous Meeting

5.1 *Moved by Councillor Spencer, seconded by Councillor Gallant to approve the minutes from the February 8, 2021 regular meeting of Town Council. Unanimously carried.*

5.2 *Moved by Councillor Toombs, seconded by Councillor Gallant to approve the minutes from the February 11, 2021 public meeting of Town Council. Unanimously carried.*

6. Business Arising from Minutes

6.1 February 8, 2021 Regular Meeting

6.1.1 Councillor Spencer inquired on the status of the PEI 55 Plus Games for 2021. Councillor Gallant responded that he had conveyed a message to the board of the PEI 55 Plus Games that the town is still interested in hosting the games in 2022.

6.1.2 The Emergency One Fire Rescue Vehicle has been sold to Upsala Fire Department in the amount of \$20,000.

6.2 February 8, 2021 Public Meeting

6.2.1 *Nil.*

7. Reports

7.1 Chief Administrative Officer Report

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

7.2 Fire Department Statistical Report

7.2.1 *Moved by Councillor Gallant, seconded by Councillor Spencer to approve the January 2021 Fire Statistical report as prepared by Fire Chief, Rodney Hickey. Unanimously carried.*

7.3 Police Department Statistical Report

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

7.4 Development Permit Summary Report

7.4.1 *Moved by Councillor Gallant, seconded by Councillor Spencer to approve the March 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 January 2021 Bills in the amount of \$279,607.63. Unanimously carried.*

7.6 Summary Income Statement

7.6.1 *Moved by Deputy Mayor Pickering, seconded by Councillor Mann to approve the Summary Income Statement for the month of January 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 January 2021. Unanimously carried.*

7.8 Mayor's Report

7.8.1 *Moved by Councillor Toombs, seconded by Councillor Spencer to approve the Mayors report for the month of March 2021 as presented by Mayor Caseley. Unanimously carried.*

7.9 Federation of PEI Municipalities (FPEIM) Report

7.9.1 Councillor Mann reported that there have not been any FPEIM meetings in the last month.

7.9.2 FPEIM has offered all PEI municipalities the opportunity to participate in their Education and Training Project for CAO's at no cost to the municipality.

7.10 Heart of the Island Initiative Report

7.10.1 Deputy Mayor Pickering reported that the Heart of the Island Initiatives for 2021 are going well. The Art Mural is scheduled to be installed at the Gazebo at the end of April. Council discussed options of where to place the large fiddle and musical note structures.

7.11 Kensington Area Chamber of Commerce (KACC) Report

7.11.1 Councillor Gallant did not have a report for the month of February as he has not attended a meeting to date.

7.12 PEI 55 Plus Games

7.12.1 Councillor Gallant communicated to the PEI 55 Plus Games that we are interested in hosting the games in 2022 and we are waiting for their response.

8. New Business

8.1 2021-2022 Town of Kensington Draft Financial Plan

8.1.1 The 2021-2022 Town of Kensington Draft Financial Plan was reviewed, and the 2021-2022 Budget report was read by Mayor Caseley.

8.2 Request for Decisions

8.2.1 Town of Kensington Water and Sewer Utility Bylaw – Second Reading & Formal Adoption

8.2.1.1 Resolution 3

Moved by Councillor Mann, seconded by Councillor Gallant

WHEREAS Subsection 180(b) of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1., provides that a Council may pass a

bylaw and provide services for municipal utilities, public utilities, facilities, works and improvements on private and public land;

AND WHEREAS Subsection 183(1) of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1., provides that where a Council provides a public utility pursuant to subsection 180(b), the Council shall establish its public utility as a department of the municipality or a controlled corporation and specify the functions of the public utility;

AND WHEREAS the Council for the Town of Kensington desires to operate the public utility as a department of the municipality, in accordance with all applicable legislation, regulations, directives and special contracts;

AND WHEREAS the Town of Kensington Water and Sewer Utility Bylaw (Bylaw #2021-01) was read and approved a first time at a duly held meeting of Town Council on February 8, 2021;

AND WHEREAS an amendment to Section 3.2 of the Bylaw was made following first reading and approval;

AND WHEREAS such amendment to Section 3.2 of the Bylaw was read aloud at this meeting;

BE IT RESOLVED THAT the Town of Kensington Water and Sewer Utility Bylaw (Bylaw #2021-01) be hereby read a second time.

Unanimously carried.

8.2.1.2 Resolution 4

Moved by Councillor Mann, seconded by Deputy Mayor Pickering

WHEREAS Subsection 180(b) of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1., provides that a Council may pass a bylaw and provide services for municipal utilities, public utilities, facilities, works and improvements on private and public land;

AND WHEREAS Subsection 183(1) of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1., provides that where a Council provides a public utility pursuant to subsection 180(b), the Council shall establish its public utility as a department of the municipality or a controlled corporation and specify the functions of the public utility;

AND WHEREAS the Council for the Town of Kensington desires to operate the public utility as a department of the municipality, in accordance with all applicable legislation, regulations, directives and special contracts;

AND WHEREAS the Town of Kensington Water and Sewer Utility Bylaw (Bylaw #2021-01) was read and approved a first time at a duly held meeting of Town Council on February 8, 2021;

AND WHEREAS an amendment to Section 3.2 of the Bylaw was made following first reading and approval;

AND WHEREAS such amendment to Section 3.2 of the Bylaw was read aloud at this meeting;

AND WHEREAS the Town of Kensington Water and Sewer Utility Bylaw (Bylaw #2021-01) was read a second time at this meeting;

BE IT RESOLVED THAT the Town of Kensington Water and Sewer Utility Bylaw (Bylaw #2021-01) be hereby approved.

Unanimously carried.

8.2.1.3 Resolution 5

Moved by Councillor Mann, seconded by Deputy Mayor Pickering

WHEREAS Subsection 180(b) of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1., provides that a Council may pass a bylaw and provide services for municipal utilities, public utilities, facilities, works and improvements on private and public land;

AND WHEREAS Subsection 183(1) of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1., provides that where a Council provides a public utility pursuant to subsection 180(b), the Council shall establish its public utility as a department of the municipality or a controlled corporation and specify the functions of the public utility;

AND WHEREAS the Council for the Town of Kensington desires to operate the public utility as a department of the municipality, in accordance with all applicable legislation, regulations, directives and special contracts;

AND WHEREAS the Town of Kensington Water and Sewer Utility Bylaw (Bylaw #2021-01) was read and approved a first time at a duly held meeting of Town Council on February 8, 2021;

AND WHEREAS an amendment to Section 3.2 of the Bylaw was made following first reading and approval;

AND WHEREAS such amendment to Section 3.2 of the Bylaw was read aloud at this meeting;

AND WHEREAS the Town of Kensington Water and Sewer Utility Bylaw (Bylaw #2021-01) was read and approved a second time at this meeting;

BE IT RESOLVED THAT the Town of Kensington Water and Sewer Utility Bylaw (Bylaw #2021-01) be hereby formally adopted.

Unanimously carried.

8.2.2 Appointment of Municipal Electoral Officer and Deputy Electoral Officer and Setting By-Election Date

Moved by Deputy Mayor Pickering, seconded by Councillor Gallant

WHEREAS a current vacancy on the Kensington Town Council triggers a requirement, under the Municipal Government Act, for a Municipal By-Election;

AND WHEREAS Town Council are required under the Municipal Government Act to appoint a Municipal Electoral Officer and a Deputy Municipal Electoral Officer;

AND WHEREAS Town Council are required under the Municipal Government Act, to set a date for the By-Election;

BE IT RESOLVED THAT Kensington Town Council appoint Geoff Baker, Chief Administrative Officer, as the Municipal Electoral Officer for the 2021 Municipal By-Election;

BE IT FURTHER RESOLVED THAT Kensington Town Council appoint Wendy MacKinnon, Deputy Administrator, as the Deputy Municipal Electoral Officer for the 2021 Municipal By-Election:

BE IT FURTHER RESOLVED THAT Kensington Town Council set the by-election date for May 3, 2021 between the hours of 9:00 AM and 7:00 PM, with an advanced poll date of April 24, 2021 between the hours of 9:00 AM and 3:00 PM.

Unanimously carried.

8.2.3 Proposed Development Control Bylaw Amendment (PID No. 915322) – First Reading

8.2.3.1 Variance

Moved by Deputy Mayor Pickering, seconded by Councillor Toombs

WHEREAS an application has been received from the owner of Lot #8 (PID 915322) in the Lions Subdivision for a variance on the Northwest and Southeast side yard requirements for the property;

AND WHEREAS the owner of the property is intent on constructing a semi-detached unit on the property;

AND WHEREAS the variances have been reviewed against the Development Control Bylaw and the Official Plan and are deemed to be desirable and appropriate and generally keeping to the spirit and intent of the Bylaw;

AND WHEREAS neighbouring property owners have been consulted through a public meeting process and no concerns were noted;

BE IT RESOLVED THAT Town Council approve a variance application from Ryan Simmonds, being the owner of Lot #8 in the Lions Subdivision, to reduce the side yard requirement on the Northwest side yard from 10 feet to 8 feet and to reduce the side yard requirement from 10 feet to 7 feet on the Southeast side of the lot.

Unanimously carried.

First Reading of Development Control Bylaw Amendment

8.2.3.2 Resolution 1

Moved by Deputy Mayor Pickering, seconded by Councillor Toombs

WHEREAS a request has been received from Ryan Simmonds, owner of PID No 915322, 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 February 11, 2021, 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. 915322 from Single Residential (R1) to Low Density Residential (R2).

Unanimously carried.

8.2.3.3 Resolution 2

Moved by Deputy Mayor Pickering, seconded by Councillor Gallant

WHEREAS a request has been received from Ryan Simmonds, owner of PID No 915322, 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 February 11, 2021, 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. 915322 from Single Residential (R1) to Low Density Residential (R2).

Unanimously carried.

8.2.4 Development Permit Application – 39 Woodleigh Drive

Moved by Councillor Spencer, seconded by Councillor Toombs

WHEREAS an application has been made for the development of a single unit residential home on a property located at 39 Woodleigh Drive (PID No. 79087);

AND WHEREAS the property is undersized and would be classified as an Existing Non-Conforming Lot under the Town's Development Control Bylaw;

AND WHEREAS Section 4.8(1)(c) provides Town Council with authorization to waive rear yard, front yard or side yard setback requirements to an extent that is reasonable and feasible and does not compromise safety, convenience or the aesthetic character of a neighbourhood;

BE IT RESOLVED THAT Town Council waive the side yard and front yard set back requirements for a property located at 39 Woodleigh Drive (PID No 79087) to the following extent: the side yard requirement on the west side of the property from 10 feet to 7 feet, and the front yard requirement from 15 feet to 10 feet;

BE IT FURTHER RESOLVED THAT Town Council approve a development permit application for Steve Lund, owner of a property located at 39 Woodleigh Drive (PID No. 79087), to construct a single unit residential dwelling.

Unanimously carried.

Councillor Spencer declared a conflict and excused himself from the Council Chamber at 8:00 pm.

8.2.5 Railyards Fence Replacement

Moved by Councillor Toombs, seconded by Deputy Mayor Pickering

BE IT RESOLVED THAT Kensington Town Council authorize the CAO to proceed with the removal and replacement of approximately 350 feet of fencing between the Railyards and Kent Building Supplies on a 50/50 cost sharing basis between the Town of Kensington and Kent Building Supplies;

BE IT FURTHER RESOLVED THAT that the Town of Kensington's financial contribution to the Railyards Fence Replacement Project is \$11,360.00 plus HST based on material costs of \$14,800.00 plus HST and a labour cost of \$7,920.00 plus HST.

Unanimously carried.

Councillor Spencer returned to the Council Chamber at 8:11 pm.

8.3 Other Matters

8.2.1 Mayor Caseley stated that one year ago on March 11, 2020 the Covid-19 pandemic was declared in Canada and with the impact this pandemic has had on the world, we should be thankful to live in Kensington, PEI.

8.2.2 It has been brought to Councillor Gallant attention that the Canadian Cycling Magazine featured the "Cabot Loop", a 62 km route through the north shore of PEI and Kensington then ending back at Cabot Park. This is great advertising for the Town of Kensington in a national magazine.

9. Correspondence

9.1 A letter from PEI Crime Stoppers requesting financial support - 2021.

Moved by Deputy Mayor Pickering, seconded by Councillor Toombs to approve a donation of \$350.00 to PEI Crime Stoppers for 2021.

Unanimously carried.

Jason Simmonds and Wendy MacKinnon excused themselves from the Council Chamber at 8:20 pm.

10. In-Camera

10.1 *Moved by Councillor Toombs, seconded by Councillor Spencer to enter into an in-camera session pertaining to One item of a human resources nature as per Section 119(1)(d) of the Municipal Government Act. at 8:12 PM.*

10.2 *Moved by Councillor Toombs, seconded by Deputy Mayor Pickering to come out of an in-camera session at 9:13 PM.*

11. Exempt Staff Policy

11.1 *Moved by Councillor Gallant, Seconded by Councillor Spencer*

BE IT RESOLVED THAT Kensington Town Council approve the Non-Union – Permanent Employee Handbook Policy as presented.

12. Adjournment

Moved by Deputy Mayor Pickering, seconded by Councillor Spencer to adjourn the meeting at 8:27 PM. Unanimously carried.

Geoff Baker,
CAO

Rowan Caseley,
Mayor