

**RURAL MUNICIPALITY OF VICTORIA  
REGULAR COUNCIL MEETING  
WEDNESDAY, OCTOBER 18, 2023  
6:30PM – OLD SCHOOL  
730 VICTORIA RD., VICTORIA**

**MINUTES**

**Council Attendance (6)** - Mayor Martin Ruben, Councillor Eric Gilbert, , Councillor Ben Smith, Councillor Shelley Trainor, Councillor Tom Wright. Councillor Jean McCardle attended via Zoom.

Staff present: CAO Anna Keenan, FAA Marsha Empson.

Members of the public attended in person and online.

**1. Call to Order**

**a. Call to order**

Mayor Ruben called the meeting to order @ 6:32pm

**b. Acknowledgement of attendance in person and electronically**

Quorum met. Mayor Ruben acknowledged Council members, and attendees in person and on zoom.

**c. Welcome from the Mayor - including welcoming new Councillors Ben Smith and Linda Gilbert**

Mayor Ruben congratulated and welcomed newly appointed councillors Ben Smith and Linda Gilbert, noting the benefits of being a full council again.

**d. Establish public participation method for this meeting**

The public will be given the opportunity to comment and ask questions at item number 5, as well as after Committee reports, the CAO report, and prior to moving to the closed portion of the meeting.

**2. Approval of agenda**

Mayor Ruben requested the following amendments:

- Under New Business, section 13 - motion to request fire marshall to review abandoned property in municipality.
- Under Reports from Standing and ad hoc Committees, section 8 - motion from Committee of the Whole meeting that could not be voted on due to not meeting quorum.

Councillor Eric Gilbert requested the following amendment:

- Under New Business, section 13 - motion to direct CAO to look into decommissioned roadway behind firehall.

***Motion to approve the amended agenda moved by Councillor Trainor, seconded by Councillor Wright.***

***Motion carried unanimously (5/0).***

### **3. Declarations of conflict of interest**

Councillor Eric Gilbert declared a conflict of interest at item 6b.

### **4. Adoption of Minutes**

Minutes of the public portion of the September regular Council meeting.

***Motion to accept the minutes of the September 11, 2023 meeting moved by Councillor Trainor, seconded by Councillor Gilbert.***

***Motion carried, with Councillor Smith abstaining from the vote (5/0).***

### **5. Public Presentations/Petitions/Delegations & public comments questions**

- a. **Brief period for questions & answers from the public to Council (for matters not addressed elsewhere on the agenda - 10 mins).**

*There were no presentations or questions from the public.*

### **6. Business arising from Minutes**

- a. **Motion #2023-55: Establishing a Working Group on Options for Sustainability**

***Moved by Councillor Wright, seconded by Councillor Trainor.***

**Councillor Linda Gilbert joined the meeting via Zoom at 6:46pm.** Full consent was given by council for Councillor Gilbert to take the Oath of Office over Zoom so that she could participate in the votes of this meeting.

**CAO Keenan assisted with the reading of the Oath and Councillor Gilbert was sworn in.**

Following discussion on the motion as presented in the meeting package, ***Councillor Wright moved to amend the motion to indicate that if less than 6 people accept invitation to join the working group, the accepting members of the group may solicit other members of the community to join, seconded by Councillor McCardle. Amendment carried unanimously (6/0).***

After further discussion, Mayor Ruben called for a vote on the motion as amended.

***Motion as amended carried unanimously (6/0), as follows:***

**(1) BE IT RESOLVED** that an independent Working Group on Options for Sustainability be formed, to investigate options for sustainability for the Rural Municipality of Victoria,

**(2) BE IT FURTHER RESOLVED** that the working group shall be mandated to:

1. **Review the recommendations** of the 2022 Sustainability Study
2. **Investigate the feasibility of various options** for improving the sustainability of the RMV, within the constraints of the current Municipal Government Act and provincial regulations, including but not limited to:
  - Consolidation/Amalgamation with other nearby municipalities
  - Sharing services with other nearby municipalities
  - Expanding Victoria's municipal boundaries
  - Altering Victoria's tax rates
  - Changing the services that are expected or offered
  - Maintaining the status quo for a limited number of years while provincial reform is anticipated.
  - Dissolving the municipality
3. **Report back to the February 2023 regular meeting of Council, with a summary of recommendations for a path forward.**

**(3) BE IT FURTHER RESOLVED** that the working group may, should they deem it to be beneficial:

1. **Speak with current and past staff and Councillors** of the RMV
2. **Speak with elected representatives or staff of any other municipality**, or the provincial government.
3. **Conduct public workshops or invite public input** with residents of Victoria.
4. **Review the [FPEIM's resources on municipal restructuring and service sharing](#)**, notably the 'Municipal Viability Self-Assessment Toolkit'.
5. **Request to present at any regular monthly Council meeting**, to report on progress, gather feedback, and/or to seek direction or advice.

**(4) BE IT FURTHER RESOLVED** that while the following may be valuable exercises, they are not within the control of the RMV Council, are largely the responsibility of the FPEIM, and therefore they are not within scope for this working group:

- Recommending amendments to the MGA
- Advocacy to PEI government to alter provincial tax rates or to lead broader municipal restructuring top-down.

**(5a) BE IT FURTHER RESOLVED** that the working group be formed of 4-6 people from the following list of invitees:

- As first priority, volunteers from amongst **former Mayors of Victoria**, who are not currently serving on Council.
- As second priority, if there are fewer than 6 volunteers from the first group, volunteers from amongst **former Deputy Mayors of Victoria**, who are not currently serving on Council.

**(5b) BE IT FURTHER RESOLVED** that if there are fewer than 6 members of the working group, that the remaining members of the working group may appoint additional Victoria residents as members of the group.

**(6) BE IT FURTHER RESOLVED** that nothing about the existence of this working group prevents any current Councillor from speaking to others about the topic of Municipal Sustainability, or options for achieving Sustainability.

**(7) BE IT FURTHER RESOLVED** that the Working Group on Options for Sustainability will adopt the following ways of working:

- Being a Working Group rather than a Committee, meetings of the group will be arranged by the group themselves, and staff are not required to be present.
- The group may meet independently and in private, so they are free to speak frankly amongst each other, in deliberating to reach their conclusions and recommendations.

- The group shall take their decisions by majority vote, and all members shall represent the decisions of the group as a collective.
- The group can be transparent with information received through the course of their work, however group members will not reveal the positions taken by individual members of the group (including themselves) in the group's internal debates or votes. (ie, 'the Chatham House Rule')
- At their first meeting, the group will appoint a Chair and Deputy Chair, who will report to Council via the Mayor.
- The group will keep notes/records of their deliberations & decisions, to be circulated between themselves as a record of decisions made, although these are not official records of the municipality.
- The group can request that municipal resources be provided for:
  - Reserving municipal spaces for meetings or workshops
  - Office support (e.g. printing documents, typing/formatting documents)
  - Sending out notices requested, to municipal residents.
  - And other such support as may be reasonable and required to deliver results.

**b. Motion #2023-56: Development Permit - 23 Howard St**

Councillors Linda Gilbert and Eric Gilbert in conflict. Both moved to the public gallery and did not participate in the vote.

CAO Keenan presented additional information that was provided by the Development Officer following the publication of the meeting package:

- Additional criteria recommended to be met by Development Officer:
  - RMV Bylaw specifies parking requirements, sketch provided with application did not meet those requirements..
  - Bylaw also indicates that application can be approved if meeting parking requirement is not “practical and possible”, which is common in Victoria.
  - Most concerning aspect of application is that the access lane should be at least 9.8ft wide, which would not be met according to the sketch provided, which indicated an 8ft wide access. Most cars are less than 6ft wide and would fit through the proposed access way. This raised the question of whether or not the province would grant an access/entranceway permit. A suggested amendment to the motion was for council to approve the permit **after** an entranceway permit has been provided.
  - If an entrance way permit cannot be secured, another option is to grant an easement on the neighbouring property (same owner). This would require more legal set up on the applicant's part.
  - Applicant to submit house plans to the municipality, so that dimensions and setbacks can be verified against the permit granted.

***Motion moved by Councillor Wright, seconded by Councillor Trainor.***

***Motion carried unanimously (4/0) as follows:***

**BE IT RESOLVED** that Council shall consider the requested Development approved after receiving evidence that that an entranceway permit from the Department of Transportation and Infrastructure has been secured for a new

driveway and parking area as shown in the submitted plan, and that the development permit shall include the condition the applicant submit house plans and truss plans to the Municipality for review, to confirm dimensions and setbacks are in conformance, and that a copy of the building permit shall be provided to the Municipality.

**c. Motion #2023-57: Development Permit - 1 Nelson St**

*Motion moved by Councillor Eric Gilbert, seconded by Councillor Trainor.*

*Motion carried unanimously. (6/0).*

**WHEREAS** an application (attached to this motion) was submitted on 16 May, 2023, for change of an existing structure from a resident with an attached full-time rental secondary unit, to a Bed & Breakfast with 2 guest rooms in addition to the primary residence.

**WHEREAS** the Development Bylaw 5.13 and Schedule C Parking Standards define that, where practical and possible, a Bed and Breakfast (Tourist Home) shall have 1 parking space per guest room plus one parking space for the primary residence, which would indicate that for this proposed development, a total of 3 spaces would meet the Standards.

**WHEREAS** the developer has indicated in correspondence that providing more than 2 parking spaces is not practical for this property, and that she is willing to park her own vehicle at another property she owns in Victoria that is within walking distance of her 1 Nelson St residence, such that B&B guests would be able to use both spaces available at 1 Nelson

**WHEREAS** Council considers that for this particular property, provision of 2 parking spaces represents a practical and possible solution, meeting the intent of the Development Bylaw.

**BE IT RESOLVED** that Council approve the application for change of use.

**7. Reading of Correspondence (correspondence is included in the meeting package)**

**a. SSWA, Regarding Amar/Victoria Park - September 15, 2023**

Discussion:

- Councillor Eric Gilbert commented that the letter brought up a lot of good points, and the group has done lots of good work in community.
- **Action** - CAO to reach out to SSWA to acknowledge receipt of their letter and to notify them that it has been recorded in the meeting minutes.
- It was determined that if any applications for development were presented to the municipality by AMAR, council would then consider inviting SSWA in to discuss. No further action required at this time.

**8. Reports from Standing and ad hoc Committees**

**a. Water & Sewer Commission**

Verbal report given by Councillor Trainor. She shared that there has not been another meeting of the water & sewer corporation, and that CAO Keenan would provide any updates in her report.

**b. Planning Board -**

Verbal report given by Councillor Eric Gilbert. Points of interest:

- Planning board has completed the review of the legal advice received, pertaining to the Draft Official Plan and Development Bylaw.
- The result was a number of easy fixes needing to be applied while ensuring there were no contradictions between documents, as well as some areas that require further clarification.
- CAO Keenan will take on some aspects of applying corrections. Next step is for CAO Keenan to complete her portion of the edits, as well as to work with a hired professional planner to review the more complex edits of the documents.
- Councillor Trainor is serving on two municipal boards. With 2 new councillors perhaps a discussion could be had regarding sharing the load.
- FPEIM has reiterated numerous times that it's important for all municipalities to ensure this task is completed.
- CCBF funding already spent would need to be repaid if we do not complete the project successfully.

**c. Committee of the Whole meeting, October 17, 2023-**

Verbal report given by Mayor Ruben. Points of interest:

- Meeting did not have quorum, but proceeded informally nonetheless, and the discussion was very successful.
- Kensington CAO and Fire Chief provided good information on their working relationship and how it has improved/changed.
- Discussion with Victoria Fire Chief and CAO offered some clarity.
- A recording of the meeting is available to council members who couldn't attend.
- Would still like to have a meeting with 2 more witnesses before bringing back to council for consideration of amendments and 2nd reading of the bylaw.

**Discussion:**

- Is it necessary to invite the Fire Marshall and another municipality to speak? Lots of information provided at initial meeting.
- Victoria Fire Chief would like to review the proposed bylaw.
- Fire Marshall and Municipality of Crapaud interested in meeting if Council desires.
- Council agreed to request that Victoria Fire Chief provide amendments to the proposed bylaw by October 25, 2023.
  - **Action** - CAO to let Fire Chief know that Council hopes to hear from him by October 25, 2023, with amendments to proposed bylaw.

**9. Report from CAO** - summarized by the CAO and is included as part of the meeting package.

**a. Activities report**

**b. Actions list**

**c. Development permits report**

**d. Financial update - Balance vs budget, halfway through the year.**

## **e. Water test results transparency**

### **Points of interest:**

- Progress made on emergency planning in the past month.
  - Interim plan put in place for Hurricane Lee results in ~50% of the emergency management plan being in place.
- Main focus currently is on 3 capital projects (Water & sewer, Official Plan and Emergency Plan).
- Causeway project work delayed into November due to parts needing to be shipped in. New timeline does not cause any issues.
- Generator install progressing, with tree removal scheduled in order to allow pad placement at the WWTP.
- Wharf project progressing slowly.
  - Currently waiting for ultrasonic tests on tank to take place, planned to occur once restaurants are closed for the season.
  - Big issue is 20 week lag time from product ordered to delivered.
  - Restaurants desiring to open for Mother's Day 2024 needs to be considered.
- Newsletter issued, also contains RFP's for Welcome Centre and Lighthouse.
- New financial report format is a work in progress, improvements expected over time.

## **10. Inquiries by members of Council**

### **Questions/comments from council:**

- **How much is it going to cost to maintain the generators?**
  - Annual inspection is a minimal cost of a few hundred dollars. Otherwise, near 0 unless generators are used in a power outage. There are 3 propane tanks, each tank capable of powering for 3 days. Water and sewer operator will perform general maintenance duties.
    - **Action** - CAO to determine costs of propane/day if generators are being used.
- **Is the village paying to install the generators, or the water and sewer corporation?**
  - Being a capital project, the village allocated capital funds to the water and sewer corporation. The equipment will then be owned by the water and sewer corporation.
- **Are costs for equipment and install available?**
  - \$136K was allocated in the annual budget, which is documented in previous minutes.
- **Funding of \$50K is available for warming centers, for municipalities with an EMO plan.** Perhaps generator costs can be reduced if plan is put in place and funding granted.
  - Yes, CAO is aware.
- **Costs for Samantha Murphy are in the budget?**
  - Yes

- **CAO report included a note that a volunteer for Emergency Measures Coordinator would be accepted if anyone from Council is interested. This would assist to accelerate the implementation of an EMO plan.**
  - Volunteer does not have to be a council member, but they would need to be able to draft and plan the document appropriately. Provision of advice is less useful than hours spent writing & drafting the documents at this time; CAO Keenan is already aware of the information that needs to go into the document, but estimates it will take ~20 hours for her to write it up. If a volunteer is willing to lead or support on this writing task, that would be welcome.
    - **Action** - Councillor Eric Gilbert to provide names of potential assistants to CAO Keenan.
- **CAO Keenan has been informed that Amar is now in touch with the Minister and Deputy Minister of the Department of Transportation & Infrastructure, in regards to their interest to expand into a portion of Victoria Park.**
  - **Action** - CAO to reach out to the Minister and Deputy Minister of the Department of Transportation & Infrastructure to ensure they are aware of the municipality's previous correspondence with their department.

#### **Questions/comments from the public:**

- Susan Oxley thanked Council for bringing the issue of sustainability back into play. As a former council member she knows a lot of time was involved. She questioned if all council members had read the report, as it's very informative.
- Susan also referred to the annual audit report, which indicated that the village is in financial trouble, and while MRSB gave some recommendations within the sustainability report, council has not made any decisions. She views this as one of Victoria's biggest problems.
- Susan thanked CAO Keenan for issuing the RFP's for the Welcome Centre and the Lighthouse, as these were recommended in the sustainability study.
- For the sake of awareness, Susan pointed out that there are two dwellings on the 23 Howard property requesting a change of use, and that this seems to be outside parameters set by the current bylaw.
  - CAO Keenan clarified the application was for a reconsbed and breakfast in the main dwelling, which is an existing non-conforming building.
- Susan questioned if the over budget costs for this years wharf maintenance are paid for by residents or a grant.
  - CAO Keenan confirmed that these costs are paid for by residents via water and sewer corporation funds.
- Janet Lauzon commented that she was very impressed with the preparation and communication leading up to Hurricane Lee. She appreciated the improvements over prior weather events.
- Janet stated that she welcomes any motion that would advance decisions pertaining to the MRSB report. She is familiar with the report, has provided feedback to the municipality in the past, and appreciates the perspective from which it was written. She requests that sustainability, in particular Brenda Wedge's report, be brought to

some sort of committee to assist with addressing issues. She noted that higher maintenance costs than what were reported are now likely.

- Mayor Ruben clarified that the sustainability report is part of the terms of reference for the working group motioned earlier in this meeting.
- Councillor Trainor commented that some cost increases would have been reflected in the budget, to account for inflation. She also offered the opinion that while moving slowly, positive gains towards sustainability are being made, to which Janet agreed.

## **11. Introduction and Reading of Bylaws**

*Notes on bylaws expected at future meetings:*

- *Fire Services Bylaw passed first reading in May 2023 and awaits amendment and second reading*
- *a Grease Traps Cleanout Schedule bylaw is expected before restaurants open in Spring of 2023*

### **a. First Reading of Dangerous and Unsightly Property Bylaw**

Motion sponsored by Mayor Ruben who feels that this bylaw is important enough to have on the agenda. According to procedural bylaw, by having a first reading or putting this bylaw on the agenda, one year is allowed to finalise the process to put the bylaw in place.

***Motion moved by Councillor Trainor to have a first reading of the Dangerous and Unsightly Property Bylaw, seconded by Councillor Wright.***

Discussion:

- It was questioned if the expanded role of the Fire Chief had been discussed with him.
- No, as this was a proposed bylaw only. The Fire Chief or other individuals would be consulted in due time. First reading puts the bylaw on the table only, and allows for amendments prior to second reading. Value of enacting this bylaw now in question due to provincial avenue available to residents for property complaints.

***Motion moved by Councillor Eric Gilbert to defer the motion to approve first reading of the Dangerous and Unsightly Property Bylaw. Motion carried (4/2). Approval of first reading is therefore deferred to a future meeting.***

CAO Keenan clarified that as per the MGA, 2 years were allowed from first reading to second reading of a bylaw. The first reading would be null if that amount of time passed.

## **12. Appointments to Committees**

***The Water & Sewer Corporation Board of Directors is in need of a Vice-Chair:***

*According to the Water & Sewer Corporation Bylaw, the W&S Board of Directors (often mistakenly called the 'Commission') requires a **Chair, Vice-Chair** (both of whom shall be members of Council) and **at least 2 other members**; and overall, an equal number of Councillors, as non-Councillor residents of Victoria. Current members are:*

- *Chair - Shelley Trainor*

- *Pat Smith*
- *Hilary Price*

***Council may also wish to change members of the Planning Board:***

*According to the Planning Board Bylaw, the Planning Board requires a **Chair, Vice-Chair** (both of whom shall be members of Council), and 1-3 other members. Current members are:*

- *Chair - Eric Gilbert*
- *Vice-Chair - Shelley Trainor*
- *Janet Lauzon*
- *Susan Oxley*
- *Ben Smith (now a Councillor)*

After a short discussion, Linda Gilbert and Ben Smith agreed to be Vice Chair and Chair, respectively, of the Water & Sewer Corporation.

Shelley Trainor resigns from the Water & Sewer Commission effective today.

***Motion by Councillor Trainor to appoint Ben Smith as Chair, and Linda Gilbert as Vice Chair of the Victoria Water & Sewer Corporation, effective October 18, 2023.***

Ben Smith questioned if the Chair of the Water & Sewer Corporation had a vote in decisions. CAO Keenan explained that the Chair would only vote in the event of a tie. The Chair would have the ability to bring forward motions.

***Motion seconded by Councillor Wright.  
Motion carried unanimously (6/0).***

It was confirmed that Councillor Trainor had already provided her resignation from the board.

**13. Introduction of New Business**

- a. Report from MEO** presented by FAA Marsha Empson, for October 30 Byelection.

*“As the Municipal Election Officer for the Rural Municipality of Victoria, for the October 30, 2023 by-election which has been cancelled due to acclamation of the vacant positions, I can confirm that there were no matters or procedural changes resulting in the need to be brought to the attention of council.”*

At this point in the meeting Councillor McCardle clarified that she had not wished to defer on an earlier vote on the Unsightly Properties Bylaw. As such, counting her vote as a vote for deferral was incorrect - it should have been a 3/3 tie, to be broken by the Chair.

The Chair noted this was an unfortunate result of the poor sound quality on the Zoom call, but the Chair had already moved on, after requesting clarifications on the vote twice.

**b. Motion to request the Provincial Fire Marshall review a property in the municipality**

Motion sponsored by Mayor Ruben, and is in regard to the abandoned waterfront property on Water St. Mayor Ruben explained that the Fire Marshall would come view the property for safety concerns if requested by council. This was felt to be a good option in the absence of a bylaw.

***Motion by Councillor Trainor to request the Provincial Fire Marshall review a property in the municipality, seconded by Councillor Smith.***

Discussion:

- Hesitancy to start inviting the Fire Marshall out, can think of other problematic properties.
- A complaint has already been submitted to the province, by the CAO.
- Concerns with setting a precedent, and the appearance of “playing favourites”.
- Concerns with unintended consequences of having the Fire Marshall out, due to egress issues of a municipal building that have been identified, but not addressed.
- Concerns regarding the vague description of what the Fire Marshall is being asked to do.
  - Mayor Ruben explained that the Provincial Act provides the guidelines for the Fire Marshall to follow.
- It was explained that this motion stemmed from public complaints made to council members about the property in question. Windows in the property are broken and while the homeowner has been notified, there has been a lack of response to rectify the situation.
- Unique situation due to the public access to the building and proximity to other homes.
- It was questioned if there is a fee to have the Fire Marshall out.
  - No, it does not cost the municipality to have the Fire Marshall review the property.
- Concerns regarding rats in the property.
- Concerns regarding the condition of the inside of the property.

At this point CAO Keenan explained a procedural mechanism for anyone who felt a discussion had gone on too long. In that case a council member could state “Call the Question” or “Question”. At that point the Mayor would acknowledge and if a majority are in agreement that they are ready to vote (ie, if there are no objections, or if a formal vote is taken), the Mayor will call for the vote. [This is known as ‘a motion to limit debate’]

***Motion carried (4/2) in favor.***

**c. Motion to direct the CAO to look into the decommissioned roadway behind the firehall**

***Motion moved by Councillor Eric Gilbert to direct the CAO to look into the decommissioned roadway behind the firehall. Motion seconded by Councillor Ben Smith.***

Discussion:

- The need for more space has been known since 2015, newer trucks are longer than the current building.
- CAO Keenan indicated that she had already made a request back in March and she'd be happy to follow up.
- The Mayor suggested that no motion is required, this can be an action item.
  - **Action** - CAO to follow up on earlier request for information regarding section of land behind firehall.

Councillor McCardle left the meeting at 8:45pm.

***Motion moved by Councillor Eric Gilbert to close the meeting at 8:45pm. Seconded by Councillor Wright. Motion carried unanimously (5/0).***

**14. Items to be considered in a closed session:**

- a. **Approval of minutes of closed session, Sep 11, 2023**
- b. **Review of Auditors correspondence with Council (*See Management Letter, and Audit Findings Letter*)**
- c. **Update on legal matters pertaining to development permits**
- d. **[Without staff present due to the nature of discussion] Update on quarterly CAO performance review dates**

***The meeting was re-opened to the public at 9:24pm.***

**15. Adjournment**

With no further business, Mayor Ruben declared the meeting adjourned at 9:25pm.

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Submitted by CAO Anna Keenan

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Approved by Mayor Ruben