

**RURAL MUNICIPALITY OF VICTORIA  
REGULAR COUNCIL MEETING  
MONDAY, AUGUST 21, 2023  
6:30PM – OLD SCHOOL  
730 VICTORIA RD., VICTORIA**

**MINUTES**

**Attendance** - Mayor Martin Ruben, Councillor Shelley Trainor, Councillor Jamie-Lee Brown, Councillor Eric Gilbert, Councillor Tom Wright

CAO Anna Keenan, FAA Marsha Empson.

Mayor Martin Ruben chaired the meeting.

Councillor Jean McCardle arrived at the meeting at 8pm, as noted in the minutes.

**1. Call to Order**

**a. Call to order**

Mayor Ruben called the meeting to order @ 6:35pm

**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**

and noted the following aspects of procedure

- We'd try to keep the meeting as efficient as possible, though this can be challenging given the number of agenda items.
- Requested that direct comments to all members of Council, not to individuals.
- He has written a timed agenda and will try to keep the meeting to 2 hours.
- While this is a small group, he would like for Councillors to ask the Chair to be requested before jumping in and speaking.
- He would appreciate that when the Council is discussing a topic, each Councillor have the chance to speak once, before any Councillor speaks twice to a point.

Mayor Ruben announced that since the last meeting, Councillor Trainor has resigned as Deputy Mayor and that he has appointed Councillor McCardle as the new Deputy Mayor.

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

There is an agenda item for a 10 minute period of public comments/questions, along with 3 minute periods after some agenda items.

## **2. Approval of agenda**

An amendment to the agenda as circulated is requested by the CAO, to add an HR item to the closed portion of the meeting.

*Motion moved by Councillor Brown to amend the circulated agenda, to add discussion of HR issues at item 14, seconded by Councillor Trainor.*

*Motion unanimously carried (4/4).*

*Motion moved by Councillor Trainor to accept the agenda as amended, seconded by Councillor Brown.*

*Motion unanimously carried (4/4).*

## **3. Declaration of conflict of interest**

Councillor Brown indicated that she would be in conflict and would recuse herself if any decisions regarding the restaurants and smells (as per the Mosynski's letter) are brought forward.

Councillor Trainor was confirmed not to be in conflict of interest as a very part-time/casual employee at the restaurants.

## **4. Adoption of Minutes**

Minutes of the public portion of the Regular meeting July 10, 2023

*(See also an in-camera item at Agenda item 14)*

*Motion moved by Councillor Brown to accept the minutes of the July 10, 2023 meeting as circulated, seconded by Councillor Wright.*

*Motion carried unanimously (4/4).*

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

*(No public Presentations/Petitions/Delegations requested this month.)*

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

- A resident acknowledged that the Bank of Nova Scotia is moving out of Crapaud, and she would like the community to think about changing banks as a way of saying that we don't appreciate the way they are treating our community.
- A resident questioned why the municipality has requested a transfer of ownership for the Victoria Park land, when it appears that there are financial issues with maintaining current assets.
  - CAO Keenan responded that:

- a letter had been sent to the province requesting either a transfer of ownership, or a long term lease.
  - The letter included an observation that the washrooms and park are owned by the province, but managed by the municipality, has not led to a good practice of maintenance of that asset/site.
  - In addition, the province had for many months not been engaged in discussions regarding the future of that site, and there had been a general lack of responsiveness on their behalf.
  - The letter had included that the purpose of the municipality acquiring control of the park (whether by ownership or by lease) was so that we could make decisions without being encumbered by the lack of provincial engagement, and so that the municipality could either more directly entertain the proposal by Amar, or could decide to maintain and develop the site as a recreational space.
  - The letter seems to have served a purpose in garnering a long-awaited response and engagement from the province, but there was still a lot of discussion to be had about the future of the site. There has been no final decision by Council to acquire that land, but the letter was a request for a transfer of ownership or a long-term lease.
- It was asked if the intention of taking on ownership was in order to be able to upgrade the washrooms at the park, to functionally upgrade the washrooms.
- CAO Keenan responded that:
    - the purpose was to be able to answer consistent requests from AMAR regarding the possibility of expansion, which would require municipal rezoning.
    - Currently, the province owns the land, and the municipality can't respond to Amar until they've heard a request from the province. Our letter asked the province to either act, or to transfer the ownership of the land to the municipality so that we may act - which could include working with Amar to see their development proposal, or it could include seeking out grants for upgrading the washrooms.
    - She made the recommendations to help obtain more certainty and information.
  - Councillor Trainor responded that in the meeting with MLA Jamie Fox, he had recommended requesting a transfer of ownership from the province, indicating that he thought there might be some interest from the province.
  - Councillor Gilbert expressed that:
    - In reviewing the minutes, he felt that Council's decision had been to either request ownership, or a renewal of the long term lease, and that we would follow both these avenues, but was concerned we had only done one.

- He had also emailed Council before August, expressing concerns that the lease of the park would not be renewed, and asking for clarification.
  - He further wrote to Council suggesting that if we hadn't done what he expected was necessary for renewal of the lease, perhaps we need an emergency special meeting of Council for that purpose, before the lease end date.
- Councillor Gilbert asked whether the lease has been renewed.
    - CAO Keenan responded that she has shared with all Councillors both the letter that we sent to the province, and the statement from the province that the lease is considered to be in an 'overhold' position, in which the conditions of the previous 10-year lease still apply.
    - Council didn't feel that there was a lot of good communication internally, but he felt that with Amar wanting to acquire the land, the municipality should be more engaged. He had been assured that we had done everything we could to try to acquire the land or renew that lease.

Time expired for questions from the public.

## 6. Business arising from Minutes

- a. **Motion #2023-50.2 - Approval of a 7-foot-high privacy fence at 11 Main St, for development application V-23-05.** (*Note: this is numbered 50.2 because the text of which has been updated, based on new information, since the last Council meeting at which this motion was first proposed, but was then deferred.*)

Councillor Gilbert declared that he was in conflict of interest for this motion, and left the room at 6:53pm.

*Councillor Wright moved the following motion, seconded by Councillor Brown:*

**BE IT RESOLVED** That Council approves the construction of a 7-foot-tall privacy fence, to be constructed of vertical wooden boards, at the location shown as Schedule A attached to the motion in the meeting package.

Discussion on the motion included:

- Concerns received from a resident about the impact on the aesthetics of main street if all residents erected such fences.
- Clarification that our current development bylaw allows for 6 foot fences without a development permit.
- The rationale for the 7 foot height of the fence in the application was for privacy from the patrons of the commercial property across the street - the original application was

for an 8 foot fence, but after a discussion with the development officer, and the owner measuring to specify the required height, this was reduced to 7 feet.

*The motion was unanimously approved (3/3)*

Councillor Gilbert re-entered the meeting room.

- b. **Motion #2023-51** - Amending the financial statements before submission, to reflect the municipal relationship with the Victoria Fire Department Association Inc.

*Councillor Wright moved the following, seconded by Councillor Brown:*

**BE IT RESOLVED** that Council approve adding the following note to the audit statement, before finalisation and submission by the CAO, with the current Note 11 'Segmented information' to be renumbered as Note 12:

**“Note 11 Fire protection and emergency measures planning services**

The Municipality is responsible for providing fire protection and emergency measures planning services under Section 14 of the Municipal Government Act (2022). During the year, the Municipality provided these services with assistance from “Victoria Volunteer Fire Department Association Inc.” (the “Association”), a registered not-for-profit corporation operated by volunteers.

To carry out its operations, the Association raises funds from the public, other organizations and the provincial government and uses these funds to help operate the Victoria Fire Department. All assets that are used by the Department to deliver Fire Services, whether owned by the Municipality or by the Association, are insured through the Municipality’s insurance policy.

These consolidated financial statements only include the assets owned and the expenses paid directly by the Municipality. The value of the assets owned and expenses paid directly by the Association are not included in these consolidated financial statements.”

Discussion:

- in favor of motion, makes it more accurate
- understand purpose of the motion, although think municipality should live up to responsibility of providing the FD with the equipment that they need. The overall problem is FD Association shouldn’t have to supply this equipment, good that the statement is in there, but I think it reflects on Council, and this is an issue that needs to be addressed.

*Motion passed unanimously (4/4)*

- c. **Reviewing changes made by Auditor Tara Wheeler to the breakdown of expenses** in the draft Audited Financial Statements, as discussed at the July meeting.

There was no comments or suggestions of further changes, therefore the changes as circulated are considered accepted.

**d. Motion #2023-52 - Thanking 'Friends of Victoria Park'**

*Councillor Trainor moved, Seconded by Councillor Gilbert, the following motion:*

**BE IT RESOLVED** that the Municipality of Victoria acknowledges and thanks Jason Squires and Susan MacVittie, as 'Friends of Victoria Park', for leading the community-based fundraising drive to support the opening of Victoria Park to the public for the 2023 season

**BE IT FURTHER RESOLVED** that the Municipality thanks all those who contributed either financial donations, or their time and skills, to the community fundraising project and resulting sign, including:

- Darlene Foster
- Jason Squires - Old Skool Welding
- Sarah Bennetto O'Brien - The Hand Pie Company
- Terry Robblee and family - The Blue Goose Restaurant
- Spencer MacKinnon - MacKinnon Enterprises
- Susan MacVittie - Exit Realty
- Meghan Bradley - Foxy Fox Coffee House & Boutique
- Krunal Patel - Crapaud General Store
- Linda Gilbert - Island Chocolates
- Henry Dunsmore - The studio Gallery

Discussion:

- It was an awesome community initiative, shouldn't have been necessary, but thankful the park was open this year.
- Appreciate work that went into it. It is used by families and the community both in Victoria and beyond, thankful it is there, especially given that they haven't been able to use the space for the past few years.

*Motion carried unanimously (4/4)*

## **7. Reading of Correspondence**

### **a. Rooftop solar panels not requiring a permit in other municipalities**

CAO Keenan noted that, as per the correspondence:

- the former CAO had solar installed, he sent the attached email and attached bylaw from Three Rivers. States rooftop solar meeting certain standard conditions (as per the correspondence in the meeting package) does not require a permit, and this seemed reasonable.

- In asking for guidance from DO, he said that he has seen issues with engineering reports in the past - roof trusses needing to be strengthened (particularly in older buildings) before solar installs, for example.
- The CAO questions whether this should be building permit issue, rather than a development permit that defines the use of a space. Our DO currently doesn't want to approve rooftop solar without knowing it is safe. Aslo, some not approved for hurricane force winds causing a liability. Now protects the municipality from liability.
- CAO yet to discuss the issue of liability with municipal lawyer.
- Ch'town doesn't require a permit, but haven't discussed with provincial. Current bylaw has nothing specific about solar panels, but in general the DO can require back up documents to ensure safety before approval.
- CAO is interested in council's opinion, as the municipality receives more rooftop solar arrays than other types of development permits so far. In general, we want to remove barriers for renewable energy.

After discussion, the following action points emerged:

- **CAO to follow** up to seek advice from municipal lawyers on liability, with the aim of confirming we can interpret our bylaw to confirm that that there is no need for the municipality to issue development permits for rooftop solar
  - There is a question about whether rooftop solar panels are truly considered a 'structure' (distinct from ground-mounted solar).
  - If the municipality does not issue a permit for a structure, the municipality is not liable for it, and owners would need to be aware that they are liable, and should work with their contractors to mitigate risk and also to ensure appropriate insurance coverage.
- **CAO to discuss** needs for equipment to address solar panel fires with Fire Department.

**b. On noise and smell issues resulting from restaurant kitchen exhaust vents.**

No decisions are being made, therefore no conflict for Jamie-lee and she can participate in the discussion, and comment in the same way that she would as a member of the public.

Letter included in the meeting package gives background.

Discussion added the following information:

- When Richard's was approved, there was strong reference to the provincial regulations on noise and odour.
- The fan in question was installed in 2018, to bring the restaurant kitchen up to code when renovations were done.
- There is also a history of aggressive and disruptive behaviour from one neighbour towards staff of the business, including junior servers, that has been difficult for them to manage, and hurtful.
- Complaint and concerns are difficult to deal with, collaboration would be welcome

CAO Action points emerging:

- **CAO will reply to the Mosynski's and the Price's**, noting that CAO is unable to prioritise this currently, but if they would like to work with me to research and find suggestions for ways to address the concern, bylaws from other places, that would be welcome.

### **c. Parking and traffic issues**

Background is noted in the meeting package.

CAO Keenan felt that these ideas are coming together into what could be a powerful infrastructure project to be done in the next few years... it could include:

- Bollards to regulate access to the core
- Bike lanes
- parking lots with meters to generate revenue, electric vehicle chargers
- a bus stop to accommodate future transit.
- Traffic calming.
- Income could fund a golf cart to offer accessibility.

Discussion:

- Would like to see multi-pointed action plan for council to consider to mitigate issue. Would be nice to have menu of items and costs and potential impacts.
- Parking has been a long-standing problem - RCMP shared that there is no legal street parking in the municipality, based on experience where his vehicle was struck while parked: two wheels in the road is considered illegally parked, which is every car parked in the streets in Victoria.
- CAO is trying to get a meeting with Department of Transportation & Infrastructure, but they aren't responding.
- There is overparking at Dunrovin, Wharf parking is dangerous.
- Speed on Nelson Street is a significant issue

CAO Action point:

- **CAO will continue** to investigate opportunities for mitigating parking concerns and pedestrianising the core.

### **3 minutes Public comments period:**

- Jason Squires: great idea to allow solar panels, and community needs to educate on safety protocol, they are unique in fire situations. Should have a presentation on fire and safety specific to solar panels. For example, can't spray water on a roof on fire if panels are present - still power coming out of panels, which could cause electrocution risks.
- Linda Gilbert: regarding parking, Charlottetown has resident permits for parking, Victoria could look at this. And a parking enforcement officer.



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

### **a. Water & Sewer Commission**

Jamie-lee summarized the report, as included in the package.

- Anna added updates: the wharf engineering design package came today. Passed these on to Preston for his review. She's unsure of how this timing would affect restaurant closure this year: the work needs to be done when restaurants are closed, and it's not too cold for concrete and asphalt to set. Part has to be done before freezing temperatures, and part could be done in the spring. Has reached out to the restaurant to consult on open/close dates from restaurants.
- Generators - received engineering package today, needed to obtain generator quotes. Propane suggested for both.

Discussion:

- The Wharf project will take at least 6 weeks in total, the latest it can start if it is this fall season is September 18.
- CAO will also collaborate with harbour authority
- The pumphouse generator would also power the schoolhouse, for use as a warming/reception centre. There is provincial funding for generators if a warming centre is approved by EMO in an emergency plan - this could help the municipality to reallocate CCBF funding that has been allocated in this year's capital budget. However, it is unsure if we have the capacity to complete a formalized EM plan and have it approved by EMO before the installation of generators and payment is due.
- There are many other grants we could apply for, that we are not applying for due to our limited administrative capacity.
- The CAO is now the EMO contact for the municipality.

### **b. Planning Board**

Planning Board Chair Eric Gilbert:

- The Planning Board is slogging through legal review - getting towards the end of the advice now, he expects 1 or 2 more Planning Board meetings maximum to finish this legal review.

Discussion:

- This timeline is on target for what we expected when we set out for the work
- After the legal review is complete, a new draft will need to be made - will take more time.
- Then, Planning Board will table an updated plan to Council, Council will host a public meeting, and ultimately Council will approve.

## **9. Report from CAO**

- a. Activities report
- b. Actions list
- c. Development permits report
- d. Financial update
- e. Water test results transparency

Key items CAO wishes to highlight from the written report:

### **Fire Department changes**

- It has been seen in public media that the Fire Chief Dale MacDonald was convicted of driving under the influence. Must be incredibly hard on him and his family. Following this news, CAO Keenan connected with James Boulter, confirmed he is currently acting Fire Chief. CAO Keenan was unclear whether Dale MacDonald has fully stepped down from the role, or whether the intention was that he is on a leave of absence. However, she suggests that Council affirms Jame Boulter (Buster)'s appointment.
- James Boulter has confirmed with the CAO that he is currently acting as Fire Chief, and the chain of command is functioning.

### **EMO**

- Hurricane season is approaching fast, she can feel anxiety rising about that.
- Need an interim plan that 'lives in people', for how to manage an emergency situation, prior to instituting an EMO plan.
- CAO's Plan is to organize an Emergency Planning meeting on Tuesday September 5th, to establish an interim emergency plan.
- EMO and the Capital projects are the highest priority in the coming months.

***Councillor Jean McCardle arrived at the meeting at 8pm.***

Councillor Gilbert commented that the Fire Department had a plan and it worked last time, doing house checks and such. Wrote a good debriefing report to the community on various needs for improvement.

### **Unsustainability of the CAO role:**

- There is very significant turnover of CAOs in other municipalities, and here in Victoria over the last many years.
- She wants to be able to stay, but role must work for her and her family, and the imbalance between wages, hours, conditions of work, and the level of responsibility/amount of work required in the town, with limited municipal budget to

achieve that work, means that the role is not sustainable for her - or for anyone - for the long term. Nor is it competitive with other similar jobs in PEI's labour market.

- Number of files and departments that need attention is a lot. She knows she is dropping balls and knows it, but can't do better - and not for any lack of personal competence.
- She needs Council's support to make this role better and more sustainable, however, this is not a personal issue, but is about the role itself - any other person in this role as it is currently conceived will experience the same strain.
- Therefore, CAO Keenan makes the bold recommendation that Victoria should create a committee to explore municipal amalgamation with Crapaud. From everything that she sees in the operations and budgets of the towns, the saving of funds from consolidating the two neighbouring municipalities would be significant, and open up significant benefits in terms of services, for example:
  - Having sufficient funds that we don't need to fundraise for a park.
  - Having a well-resourced and equipped fire department.
  - Having the funds available to take legal action to enforce bylaws
- Yes, a lot of transitional pain would be involved, but the CAO feels that this would likely be a positive for the communities in the long term. The recently-resigned outgoing CAO of Crapaud said that 'without question' this is the direction that these two communities should go.
- Is not requesting a decision or action tonight.

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

Martin: invites Councillors to ask 1 'burning question' each:

- Councillor Gilbert
  - seen it with all other CAO's. Two said the workload was heavy, but also were micromanaged by leadership. Council should stay out of minutia, and give more oversight and direction to make it easier - focusing on the priorities.
  - Have never spent more on admin than we are now. This arrangement was suggested by Keith, having full time finance & administration help, and a part-time CAO. Feedback would be welcome on how that's working.
  - We need to keep the CAO focused and not buried. Other CAO's were going to more committee meetings.
- Deputy Mayor McCardle:
  - fully endorse recommendation to strike a committee to consider amalgamation.
  - We also need to look at actions that we can take to address some of the issues raised in our sustainability study.
- Councillor Wright:
  - We need to consider that while it may be attractive to us to amalgamate, we need to consider whether we would be an attractive partner in amalgamation to a neighbouring municipality.

- We as a village have a very small tax base, and generate a lot of work for CAO, complaints from residents, whether we are Victoria or South Shore municipality. Suggest that we need to get our house in order first, before looking for others to share the house with.
- Can we engage residents as volunteers to assist with the operation of this village? Sees the need to find solutions.
- Councillor Brown
  - All new council and it's been challenging. There was no training available when we started.
  - Everything is a priority.
  - Immediately, we need to figure out a way to make this sustainable for CAO Keenan and support her in having good boundaries between work and life.
  - Hopes that CAO Keenan knows that she is appreciated.
- Councillor Trainor:
  - Thank you for your efforts, we wouldn't be where we are today without that.
  - Not surprised by her words. Lets have ongoing serious discussion to see what we can do to support the roles of CAO and FAA.
  - Lose momentum if we lose CAO, so we need to prioritise. Would like to see some sort of action plan to support roles.
- Mayor Ruben
  - If anyone is working to put our house in order, it's this Council and our CAO.
  - 'Sustainability' and 'risk' come to mind.
  - Can't think of decisions that get through next 3 months only.
  - Running a huge risk - CAO is performing at levels we can't imagine anyone operating at. Loss of that capacity would bring the municipality to our knees, would no longer be able to operate.
  - CAO suggestions are merited.
  - Asking council to take on board recommendations of CAO, to consider, and to come back at next meeting with ideas.
  - Urge all Councillors to talking to community, ask to provide suggestions.

#### CAO Keenan:

- Thanks all Councillors for your supportive comments.
- Does not mean to raise this as a short term problem, with short term solutions, but as a long-term, structural issue that needs a long-term and structural solution.
- It is not a long-term structural solution for volunteers to do CAO duties/take individual items off the CAO's plate. It would add more work in coordination costs (recruiting and managing volunteers), and would also result in more dropped work.
- An example of an item that would be helpful:
  - sharing information - I hear that the Fire Department has an Emergency Management Plan... so if someone from the Department could dig it up, schedule a meeting, and go through it together. I can't write an Emergency Plan without that information. I can't write a capital budget for the Fire Department without knowing what the budget is for.

- Before suggesting ideas, please think through in detail... if you see a new grant, please read through the public information first to see if we qualify, otherwise I need to do that research.
- Intends to stay through to writing next budget, but I need to see structural progress towards this role being sustainable to stay for longer than that.
- CAO and FAA agreed that this combination of roles has made the role possible for both of them - 35 hours per week from the FAA and 20 from the CAO is much better than the previous option.
- This is a structural issue across multiple municipalities: what is Municipal Affairs doing?

Councillor Brown moved to appoint James Boulter (Buster) as Chief of the Victoria Fire Department, seconded by Eric.

#### Discussion

- Dale has taken a LOA, Buster has stepped into the acting chief role. Already happened, on their end.
- The Fire Department is a responsibility of Council, even in the absence of a Fire Service Bylaw.
- CAO Keenan recommends that Buster is experienced, open to communication with the municipality, and now that they've connected he has agreed that the line of communication with the CAO will be directly with the Chief, rather than appointing a different liaison person, which she appreciates.

*Motion unanimously carried. (5/5)*

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

*(Note: Fire Services Bylaw passed first reading in May 2023 and awaits amendment and second reading, and a Grease Traps Cleanout Schedule bylaw is expected for First Reading in September 2023)*

### **12. Appointments to Committees**

*None this month*

### **13. Introduction of New Business**

- a. **Motion #2023-53 - Scheduling a Committee of the Whole Council for consideration of the Fire Services Bylaw**

*Motion moved by Councillor Wright, Seconded by councillor Trainor, that a Committee of the Whole meeting be scheduled on Tuesday September 19 to discuss the Fire Services Bylaw, as follows:*

**BE IT RESOLVED** that a Special Meeting of the Council acting as a Committee of the Whole be scheduled for Tuesday 19th of September at 6:30pm, for consideration of the Fire Services Bylaw.

**BE IT FURTHER RESOLVED** that the CAO will invite representatives of our Fire Department Executive, former members of the Fire Services Committee, the Provincial Fire Marshall, and representatives of other similar Municipalities or Fire Departments, to attend and to present as witnesses before the Committee of the Whole, and to take questions from Councillors, and that she will inform residents of Victoria that they may also request the opportunity to make a presentation to the Committee of the Whole, on the draft Fire Services Bylaw.

**BE IT FURTHER RESOLVED** that after having heard from witnesses, Councillors will deliberate in the Committee and have the opportunity to craft potential amendments to the Fire Services Bylaw, which Council could pass at a regular meeting, before the Second Reading of the Bylaw.

Discussion:

- Committee of the Whole is open to the public, and is an opportunity to invite specific groups as witnesses, to present to and take questions from Council.
- We note that the date of the meeting might need to be amended if quorum isn't possible to achieve.

*Motion carried unanimously (5/5)*

*Motion to close the meeting at 8:38 by Councillor Brown, second by Councillor Trainor. Carried unanimously.*

#### **14. In-camera items:**

- a. Approval of minutes of in-camera session, July 10, 2023**
- b. Updates to and questions from Council on legal matters, particularly development permit issues & appeals, and bylaw enforcement**
- c. Code of Conduct complaint - now resolved after mayoral facilitation, as per the RMV Code of Conduct bylaw.**
- d. HR issues**

*Councillor Gilbert moved to open the meeting at 9:14pm, Councillor Brown seconded. Carried unanimously.*

#### **15. Adjournment**

*With no further business, Mayor Ruben declared the meeting adjourned at 9:15pm.*