

**RURAL MUNICIPALITY OF VICTORIA
REGULAR COUNCIL MEETING
MONDAY, JUNE 12, 2023
6:30PM – OLD SCHOOL
730 VICTORIA RD., VICTORIA**

MINUTES

Attendance Deputy Mayor Trainor, Councillor Eric Gilbert, Councillor Jean McCardle, Councillor Tom Wright, CAO Anna Keenan, FAA Marsha Empson.

Councillor Jamie-Lee Brown attended virtually.

1. Call to Order

Deputy Mayor Shelley Trainor called the meeting to order at 6:32pm. Quorum was established.

Deputy Mayor Trainor noted that she would invite periods of public comment throughout the meeting.

2. Approval of agenda

A presentation regarding fundraising for Victoria Park was added to the circulated agenda, under item 5, public presentations.

The amended agenda was approved. Moved by Councillor Wright, seconded by Councillor Gilbert, unanimously carried (4-0).

3. Declaration of conflict of interest

Deputy Mayor Shelley Trainor recused herself from item 13d, citing a conflict of interest as the spouse of the owner of ByTheSea Lawnmowing.

4. Adoption of Minutes

a. Minutes of the public portion of the regular meeting May 15, 2023
(*See also an in-camera item at Agenda item 14*)

The circulated minutes of the May 15, 2023 meeting were amended to correct a spelling mistake in item 4.

The amended minutes of the May 15, 2023 meeting were approved. Moved by Councillor Wright, seconded by Councillor Gilbert, carried (4-0).
Councillor Brown abstained from voting due to not being present.

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

a. Presentation by Jason Squires regarding fundraising for Victoria Park.

Jason indicated that he was aware of the lack of funds available to offer season-long lawn mowing at Victoria Park, and affirmed the importance of the park as a recreational space and access to the shore for residents of communities and rural areas surrounding Victoria. Jason offered to canvas businesses in the communities surrounding Victoria for donations, and to arrange for a donation board, designed by resident Henry Dunsmore, to be created and erected. It was also encouraged to look at the many grants and programs available.

Council thanked Jason for his initiative and shared their support for his fundraising efforts.

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

A resident asked if there were updates on the Rovia Beach Lane property. CAO Keenan indicated that she had met with the developer and the permit conditions had been clarified to him, and a response was requested to be provided by the end of June.

A resident indicated that he was concerned about information he heard, indicating that Councillor McCardle had visited a new commercial property owner and allegedly told them that they could not operate as they intended. The resident reminded council that the conditions on the property were grandfathered in and that the owner could indeed operate as intended. Councillor McCardle indicated that she was surprised by the resident's claim, as that was not the message she was trying to relay. CAO Keenan stated that she'd be happy to speak to any property owner with concerns or questions about changes of use.

A resident asked about meetings with the province and AMAR. CAO Keenan indicated that the municipality has made no decisions but wants to be involved in the discussions, and as such she has attended one meeting with the province and AMAR. Another meeting, on site, is scheduled for June 22. It was made clear that any rezoning of the land that AMAR is interested in would first require public meetings, because the land is currently zoned as Green space/recreational, under Victoria's Official Plan & Development Bylaw, and any change of zoning requires public consultation. The land is currently owned by the province and so, if land ownership doesn't change, any development application for the land must have provincial support. If the land was given by the province to the municipality, the municipality could work with AMAR to craft a rezoning and development proposal that reflects and protects the municipality's interests. It is highly unlikely that the province would transfer the land to AMAR without securing a rezoning & development permit from the municipality. At this stage, the municipality has not received a development application, and we will not make a decision until a formal application has been received.

6. Business arising from Minutes

(None in public session. See some in-camera items at Agenda item 14)

7. Reading of Correspondence

(No formal correspondence was received warranting the attention of Council this month)

8. Reports from Standing and ad hoc Committees

a. Water & Sewer Commission

Full report provided by Chair Jamie-Lee Brown and forms part of the meeting package.

Councillor Wright stated that in regards to water testing, the same locations were being sampled on a regular basis, two of which are located close to each other. He requested that the CAO ensure water testing gets spread out.

Action - CAO to request different locations be tested by water & sewer operator.

Residents can reach out to the municipal office to have their water tested if they so choose.

b. Planning Board

Report provided orally by Councillor Gilbert (chair). He indicated that Planning Board members have been meeting twice per month to work through legal advice received regarding the draft Official Plan & Development Bylaw. Differences between the documents have caused issues in the past, the committee is trying to be thorough.

It was clarified that Councillor Gilbert is now chair due to the resignation of Marly Anderson. Deputy Mayor Trainor offered public thanks for many previous years of work and efforts put forth by Marly, and wished her well going forward. She also reminded that Mayor Ruben will return to duties in July.

9. Report from CAO

a. Activities report - Summarised by CAO Keenan, full report forms part of the meeting package.

Action - Schedule meeting with Councillor Wright and Councillor Gilbert to work on EMO plan.

b. Actions list - list forms part of the meeting package.

c. Development permits report - report forms part of the meeting package.

d. Financial update - full report forms part of the meeting package.

e. Water test results transparency - full report forms part of the meeting package.

Councillor Gilbert questioned if any new permit requests had come in. CAO Keenan confirmed that applications for solar panels and change of use had been submitted in May. Councillor Gilbert asked if there was a standard timeline for approval. FAA Empson replied that DO Derek French had quoted a 1-2 week timeline if there were no issues, however, he had been sick and on vacation over the past number of weeks and that updates would be requested.

Action - request updates from DO Derek French.

10. Inquiries by members of Council

Deputy Mayor Trainor indicated that she had been made aware of garbage issues in the core area, mainly at the Wharf and in the area of Richard's Seafood. Richard's owners were asked to be involved with RMV and other restaurants to discuss concerns. It was noted that the municipal bins located at the welcome centre are full daily, and the dumpsters at the wharf are unsightly, attract flies, and can be foul smelling due to food scraps. Health inspections noted that this could cause issues with licensing. Richard's Seafood is attempting to manage the issues with their own bins located behind the restaurant, but bins across the road are still causing problems. Deputy Mayor Trainor asked if more pick ups could be requested, and requested assistance to develop a plan.

CAO Keenan shared that she had also spoken with Richard's Seafoods a few days ago, and she confirmed that the municipality is already looking into alternatives. Pickups from the commercial companies are limited to once weekly - daily commercial pickups are not possible. Richard's is already on board with relocating their big bins to the schoolhouse, and transferring smaller daily garbage loads to those bigger bins. Other restaurants may not be in agreement with that, but will be invited to discuss the issue. For Municipal/public waste (not from the restaurants), dumpsters will be placed behind the school, and cans at the welcome centre that would be emptied by maintenance person daily or when full. Costs as a result could be slightly higher for this year, but there may be potential for cost-sharing once a working plan is identified. CAO will continue to research and take suggestions.

Councillor Gilbert indicated that he had worked on a project in Florida that composted more quickly. CAO Keenan requested that the information be shared with her.

Councillor Brown reminded that the Water & Sewer Commission has an opening, one more member is needed, who is not a member of council.

11. Introduction and Reading of Bylaws

(None this month - Fire Services Bylaw passed first reading in May 2023 and awaits amendment and second reading)

12. Appointments to Committees

- a. Motion #2023-34: Appoint new Chair & Vice-Chair to Planning Board.
Motion moved by Councillor Wright, seconded by Councillor McCardle.
Motion carried unanimously (4-0).

WHEREAS Marly Anderson resigned from Council, and therefore also as Chair of the Planning Board, on June 5, 2023.

WHEREAS Councillors Eric Gilbert (Vice-Chair), Deputy Mayor Shelley Trainor, and residents Janet Lauzon, Susan Oxley, and Ben Smith remain as the current members of the Planning Board, thereby fulfilling the requirements for size and overall composition of the planning board

WHEREAS the [Planning Board Bylaw](#) requires that a Chair and Vice-Chair be appointed for the Planning Board, both of whom are members of Council,

BE IT RESOLVED that Councillor Eric Gilbert be appointed as Chair of the Planning Board, and Deputy Mayor Trainor as Vice Chair.

- b. *Note: W&S Commission has a vacancy that requires recruitment*
CAO Keenan indicated that a new member is required for the water & sewer commission. The member needs to be a resident.

13. Introduction of New Business

a. Statement from Councillor Jean McCardle

In regard to public comments directed toward Mr. Ben Smith on May 13, 2023, Councillor McCardle issued the following statement:

“I would like to publicly apologize to Mr. Ben Smith for discussions that took place on May 13. I, in no way intended to offend.”

b. Motion #2023-35: General Maintenance Contracts

Motion moved by Councillor Wright, seconded by Councillor Brown.
Motion carried unanimously (4-0)

WHEREAS the central public washroom service is an essential public amenity for the busy summer season in Victoria, which historically has been open 9am-9pm 7 days per week from June through to September, through a General Maintenance position.

WHEREAS the municipality's 2023-24 operating budget included the following lines:
- Income of \$9000 for Wage Subsidies for the General Maintenance position, from the Special Projects Program grant

- Expenses of \$10,540 for the General Maintenance position (originally intended to be 40hrs/wk, at \$15.50/hr, for 17 weeks)
- Additional expenses for the required workers comp, EI and CPP contributions.

WHEREAS a Summer Student wage subsidy grant which was not budgeted for was also received this year, through which the municipality can fund a youth Assistant General Maintenance position for 8 weeks only, during July and August, which, by working in collaboration with the main General Maintenance position, would allow for 7-day coverage at both the central Washrooms and the Victoria Park washrooms, during that period.

WHEREAS if the following additional amounts are added to the original budget allocation, the municipality can have up to \$14,040 available to spend on the General Maintenance positions this season, in addition to the 8-week youth Assistant position:

- \$1000, from the Special Projects Program grant, which delivered this amount more than budgeted, albeit for 15 weeks of work only, not 17 weeks.
- \$2500 which has been offered from the Victoria Business Association (VBA), if that amount is required to have the central washrooms be open 7 days a week

AND WHEREAS the labour market is currently competitive, and Victoria needs to provide good salaries, hours, and conditions of work to attract and retain general maintenance staff, and it is difficult to find staff for a general maintenance role who are willing to be 'on call' 7 days a week to clean the washrooms.

THEREFORE, BE IT RESOLVED

The CAO is authorised to hire the following two positions, each with a salary range of \$17.50-\$20/hr depending on experience, within a total budget of \$14,040 for wages:

- **Full-time General Maintenance** (funded primarily by the Special Projects Program grant) at 40 hours per week (5 days per week, 8 hours per day), for 15 weeks from June through September, to enable the central washrooms to be open from at least 10am to 8pm for the entire season, at a total cost of \$10,500-12,000)
- **Casual General Maintenance** (conditional on funding if offered by the VBA contribution) for an additional 2 days per week, for 7 weeks only during June and September, at a total cost of \$1,960-\$2,240.

c. Motion #2023-36: Funding Application

Motion moved by Councillor Wright, seconded by Councillor Gilbert.

Motion carried unanimously (4-0).

WHEREAS the [Community Revitalization Program](#) (CRP) is accepting applications for 2023-24, and the RMV has the following 3 projects which meet the criteria for 'Small Scale Projects' under the Rural Growth Initiative, and for which we have received quotes:

- Painting the exterior of the Community Hall (approximately \$12,000, of which 75% could be covered by the CRP)
- Installing heat pumps in the Fire Hall (100% coverage of costs, up to \$20,000)

- Installing heat pumps in the Community Hall (100% coverage of costs, up to \$20,000)

WHEREAS these painting project is beneficial for protecting the heritage value, aesthetic and physical structure of the Community Hall, and the heat pump projects are beneficial for the energy efficiency and comfort of users of the Fire Hall and Community Hall

WHEREAS this application has the support of the Fire Department and the Victoria Playhouse, and some Victoria Playhouse board members have expressed interest in fundraising to cover the required additional 25% of the Community Hall painting project.

BE IT RESOLVED

Council authorises the CAO to prepare and submit a funding application to the Community Revitalization Program, for the 3 projects described above.

d. Motion #2023-37: Lawn Mowing Contract Acknowledgement

As Deputy Mayor Trainor declared her conflict of interest and recused herself from this item, she left the meeting before CAO Keenan obtained the floor and joined the meeting after the vote was taken.

Motion moved by Councillor McCardle, seconded by Councillor Gilbert.
Motion carried unanimously (3-0).

WHEREAS a Council decision on provision of lawn mowing services was incorrectly made outside of a public Council meeting, due to the newness of the CAO and Council and not yet being fully aware of proper protocol for municipalities making such decisions, and the Council wishes to remedy that error by now placing the decision on the public record,

WHEREAS Mayor Trainor appropriately recused herself and was not involved in the discussion or decision-making about the contract,

WHEREAS the municipality did not have a formal procurement policy in place at the time of making the decision, and still does not have such a policy, however the decision needed to be made given the urgency of beginning lawn mowing services on municipal properties in the late Spring,

WHEREAS the rationale provided to Councillors, and communications between the CAO and Council, are included as Schedule A to this resolution

BE IT RESOLVED that Council publicly affirms the decision to authorise the CAO to offer ByTheSea Lawn Mowing a 5-year contract to the municipality for lawn mowing services, as recommended in Schedule A.

Schedule A forms part of the published meeting package.

e. Motion #2023-38: Vic Park 2023 lawn mowing

Motion moved by Councillor Wright, seconded by Councillor Gilbert.

Motion carried unanimously (4-0).

WHEREAS Victoria Park is recognized as being of recreational value to the local community, the Island community, and out-of-province visitors alike, and this has been evidenced by positive comments received about the basic maintenance which took place there in May,

WHEREAS the CAO has received one offer from a resident of a nearby community to try community-based fundraising, and also that AMAR (owners of the neighbouring property) has mowed part of the park once this season, without being asked to do so;

WHEREAS the 2023-24 operational budget allocated a total of \$6,655 for lawn mowing across 6 other municipal properties, but that we have signed a contract for \$5,500 this year for those properties, leaving an excess of \$1,155 unallocated;

WHEREAS the South Shore Watershed Association recommends not mowing within 15 metres of the cliff wherever possible, will be placing flags to mark this border, and is willing to plant deep-rooted species in that buffer zone throughout this and future years to prevent erosion, however one neighbouring cottager (whose identity is unknown) has mowed a walking path close to the cliff, without being asked to do so,

BE IT RESOLVED that Council authorizes the CAO to:

- continue organizing lawn mowing for Victoria Park in 2023, outside of the buffer zone except where necessary to access park facilities, up to a total cost of \$2500
- work with interested individuals, and AMAR, to solicit donations of either services or earmarked funds to maintain the lawn in the park throughout the 2023 season
- place low-cost laminated paper signage informing users of the 15m buffer zone.

f. Motion #2023-39: Buy new toilets for central washrooms

Motion moved by Councillor Wright, seconded by Councillor Brown.

Motion carried unanimously (4-0).

WHEREAS the total repairs & maintenance budget across the Welcome Centre, Central Washrooms, and Victoria Park in 2023-24 was \$4920, but only \$3318 was spent up until the end of May across these three items, leaving \$1602 unallocated;

WHEREAS Allan Marshall, who recently resigned from the seasonal General Maintenance role with the municipality that he has held for more than a decade, advises that the low-flow, tankless toilets in the central Washrooms clog regularly, sometimes up to 5 times a day when they are open, requiring the immediate attention of a maintenance person;

WHEREAS we want to give dignified conditions of employment to our seasonal General Maintenance staff, in order to attract and retain staff, and we want to deliver a positive experience for visitors who use our washroom facilities;

WHEREAS replacing the toilets will mean that our General Maintenance staff people will have more time to attend to other maintenance tasks around the village, for example attending to garbage disposal, gardening or landscaping work, and minor building repairs.

BE IT RESOLVED that the CAO is authorised to spend up to \$1600 to source, on the advice of a plumber, and have installed at the washrooms as soon as possible, two conventional toilets (with a tank, and ideally two flush buttons) which are less likely to clog frequently.

g. Motion #2023-40: Scheduling A Byelection

Motion moved by Councillor Gilbert, seconded by Councillor McCardle.

Motion carried unanimously (4-0).

WHEREAS Marly Anderson resigned from Council on June 5, 2023.

WHEREAS the Municipal Government Act and the RMV's Elections Bylaw requires Council to hold a byelection on a Monday, within 6 months of a vacancy occurring, which in this case is before December 5, 2023.

WHEREAS the summer tourism season is a busy time for the municipality's operations, and it is therefore preferable to hold a byelection after September.

WHEREAS according to the MGA, [the CAO and other staff are permitted to serve as Municipal Electoral Officers](#) (MEOs), and doing this can save on election administration costs.

BE IT RESOLVED that a byelection to fill one Council vacancy take place on Monday October 30, 2023, and that Financial & Administrative Assistant Marsha Empson be appointed as MEO, and CAO Anna Keenan be appointed as Deputy MEO for this byelection.

h. Motion #2023-41: Policy: Municipal Properties Annual RFPs

Motion #2023-41 as circulated was amended to change the date for sending out RFP's to October 1.

Motion moved by Councillor Gilbert, seconded by Councillor McCardle.

Motion carried unanimously (4-0).

BE IT RESOLVED that the Rural Municipality of Victoria adopts the following policy:

1. Title & Definitions

1.1 This Policy shall be known as, and may be cited as, the "Municipal Properties Annual RFPs Policy."

1.2 RFP means 'Request for Proposal'

2. Objectives

2.1 To maximise benefit to the community of Victoria, by enabling Council to make well-informed decisions regarding the use of the properties that the Municipality owns.

2.2 To support the financial sustainability of municipal operations, including supporting the required maintenance on our municipally-owned properties and buildings.

2.3 To give confidence and stability to the occupants of municipal properties, and sufficient notice to occupants that they may plan for the coming year

2.4 To give allow all interested parties an equal opportunity to put forward proposals for the use of municipal facilities, and to have those proposals be fairly considered by Council.

3. Principles for issuing RFPs

The following principles will guide the issuing of RFPs for municipal properties,

3.1 The CAO shall issue, by the 1st of October of each year, an RFP for all municipally-owned properties that do not have a confirmed lessor in the following year, or whose leases will expire in the next 1 or 2 years, asking for proposals or expressions of interest to be received by the end of November.

3.2 The RFP will include a description of the property and any buildings, it's approximate value, and the best estimate of an annual cost for its operation and upkeep.

3.3 RFPs will note whether proposals are welcomed for annual rentals, multi-year rentals, or purchase of the property.

3.4 RFPs will be published, at minimum, in the municipality's email newsletter, on the municipal website, on two physical noticeboards in the community (at the post office and the old school hall).

3.5 RFPs will be communicated directly to the current tenants/users of each municipal property, by email and phone, until they have confirmed receipt of the RFP, and they will be invited to submit an application.

3.6 The RFP will include a template application form,

3.7 The RFP will outline the criteria by which Council will assess proposals.

4. Principles for assessing and deciding on Proposals Received

4.1 The Criteria by which Council will assess proposals will include, but not be limited to:

- Financial Sustainability of the property
- Compliance with Development Bylaws & Official Plan
- Benefits and impacts on the community of Victoria

4.2 Council shall aim to make a decision on the use for all properties for the following year, by the end of December.

Action - staff to file the new Municipal Properties Annual RFPs policy on the website.

Public Comment/Questions

1. Brenda Boudreau with the VHA indicated that they have leftover Canada Day themed items that they'd be willing to share. She also mentioned that the VHA & Playhouse have discussed moving the piano from the School House and returning it to the Community Hall location. CAO Keenan invited Brenda to contact staff to make arrangements.
2. A resident shared some comments on garbage management in the town.

14. In-camera items:

Councillor Gilbert moved to close the meeting at 8:15pm.

Seconded by Councillor McCardle. Motion carried unanimously (4-0).

- a. **Approval of minutes of in-camera session, May 15**
- b. **Motion #2023-42: Code of Conduct complaint - decision on next steps**
- c. **Motion #2023-43: Development Bylaw Enforcement Decision**

d. Updates to and questions from Council on legal matters, particularly development permit issues & appeals

Councillor Gilbert left the meeting at 8:44pm.

Motion to open the meeting at 8:45pm by Councillor Wright.

Seconded by Deputy Mayor Trainor. Motion carried unanimously (3-0).

15. Adjournment

Deputy Mayor Trainor adjourned the meeting at 8:46pm.