

**RURAL MUNICIPALITY OF VICTORIA
REGULAR COUNCIL MEETING
MONDAY DECEMBER 11, 2023
6:30PM – OLD SCHOOL
730 VICTORIA RD., VICTORIA**

AGENDA

Full attendance of Councillors: Mayor Martin Ruben, Deputy Mayor Jean McCardle, Councillor Eric Gilbert, Councillor Linda Gilbert, Councillor Ben Smith, Councillor Tom Wright (by Zoom), Councillor Shelley Trainor

Staff: CAO Anna Keenan (by Zoom); FAA Marsha Empson

Members of the public in person and online.

1. Call to Order

- a. Mayor Martin Ruben called the meeting to order at 6:31pm
- b. Acknowledgement of attendance in person and electronically - Quorum has been met.
- c. Mayor Ruben noted that with the CAO and one Councillor participating remotely, this meeting may experience some communication challenges compared to other meetings.
- d. Mayor Ruben noted that he would public participation method for this meeting - after item 5, 10 minutes. 5 minutes after ad hoc committee reports. 5 minutes after CAO report. 5 minutes before going into closed session.

2. Approval of agenda

Councillor Gilbert expressed a desire to introduce a motion to amend a procedural bylaw. Mayor Ruben explained the procedure that should be followed, including with written drafts in the package in advance of the meeting, and asked if Councillor Gilbert would be willing to bring it forward at a future meeting, which he agreed to.

Mayor Ruben asked consent from the meeting to keep the discussion on the Fire Services Bylaw (item 11a) to 45 minutes, after which point the discussion would be postponed to a future meeting. No objections were raised.

Eric requested that in the agenda document circulated, the CAO had identified which Councillors would be in Conflict of Interest. He requested that in future this be not included in agenda documents, and that Declarations of conflict be made by Councillors themselves. There was general agreement on this principle going forward.

Motion moved by Councillor Linda Gilbert to approve the agenda. Seconded by Deputy Mayor McCardle. Passed unanimously (6/0).

3. Declarations of conflict of interest

Councillors Eric Gilbert and Linda Gilbert declared conflicts of interest for items 13a & 13b. Councillors Trainor and Smith declared conflicts of interest for item 13a.

4. Adoption of Minutes

None this meeting - Minutes of November Council meetings have not been able to be prepared yet, due to limited staff capacity and competing priorities.

Mayor Ruben confirmed his expectation that these sets of minutes would be presented at the January meeting, and asked the CAO if there was any business arising from minutes that could affect meeting? The CAO responded that to the best of her knowledge, there was not.

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

a. Presentation from Brenda Boudreau, regarding lighting systems at the Community Hall.

- Brenda submitted a written communication, which was included in the meeting package.
- She noted:
 - There have been 32 events that the VHA has dealt with this issue.
 - Meetings, events, rentals all need to make arrangements for lights to be turned on by Playhouse staff, which is inconvenient for event organizers and the playhouse.
- Comments from Councillors:
 - This is a great idea. Wasn't aware that was the situation. Small investment of \$400 to fix this problem is a great idea.
 - If we wished to go ahead with this in this year's budget, a resolution to approve the excess spending would be needed.
 - Residents can get tax receipts, so perhaps a donation could be put forward.
 - Potential funding and grants could also be found, but no research has been done to identify specific grant sources.
 - **Action:** CAO to include this idea in the next newsletter.

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

Henry Dunsmore read the following prepared statement:

"As a resident and operator of a home-based business my interests for Victoria's future are weighted to ensuring the continuation of the Village where I can make a living. To do so I need to see the Village remain a tourist destination. I believe the focus of the current Council

does not fairly or democratically consider my interests in their deliberations i.e. amalgamation; sell-off of services and buildings (Welcome Centre, Lighthouse, Fire Hall, the Community Hall); I am also concerned that the Council might favour the sale of seafront land along the causeway to Amar Seafood based on the tax revenue that would bring to the municipality. This, of course, would be the 'death nell; to the Victoria day park and the view of Victoria, the Northumberland Strait, Confederation Bridge, sunsets, water vistas, swimming, tourist services and fond memories of visits to one of PEI's most picturesque seaports.

I believe most residents are aware that the administration of the Community's business is a considerable strain on everyone involved. However, it is too easy to look at our public buildings and advise that they be sold and let someone else worry about upkeep. I believe that kind of decision is made by people that do not live in the Community that I live in. As a result, I think that little consideration has gone into finding a balance of sustainability; services with balanced budgets; integrated with workable solutions to maintain those things that important to residents like me, who sees the vitality in historic Victoria: it's old houses, cluttered streets, aging public buildings, home-based artisan/craft shops, and various food establishments. The Unsightly Properties bylaw is typical of the language from Councilors that do not view Victoria as I do.

It is worth noting that the weight of decision-making seems to come from residents that do not live in historic Victoria. It would be interesting to know how they see historic Victoria. Does it even cross their mind when making financial decisions? Do they see any value at all in the upkeep of historic Victoria? Have they experienced what historic Victoria offers? Have they given any credence to the value of historic Victoria for themselves - if any?

I am concerned and annoyed at the decision-making process of the current Community of Victoria Council. It has always been my understanding that the members of Council have a duty to fully represent the needs, the interests, the concerns, and the opinions of all residents of the community not just those residents that sit on the Council. In other words, the Council is a 'reflection' of all residents and are, putting aside their personal agendas and opinions, essentially 'employees' of the Community.

As a result, I would like to see that any decisions about historic Victoria and it's welfare be removed from the Councilors that live outside the Central Core and pass the decision making onto those that do live in the Central Core."

Discussion:

- Councillor Trainor - speaking as a relatively new community member, living on the outskirts of historic Victoria, but a visitor to Victoria for over 20 years. Doesn't think council has been discussing selling municipal assets. It is on the table from the sustainability study, but has not discussed during this term of Council. Regarding the Victoria Park land that AMAR is interested in, the RMV don't own the land, so we cannot talk about selling it. She declared that she too does take great pride in historic

Victoria, and all the things that Henry mentioned in his statement, and she takes it as a reminder of the value of the historic Victoria to the community and to tourism in general.

Karen Smith spoke against unsightly properties bylaw, stating that it was not available to the public in advance of the meeting. It was clarified that the draft bylaw has been included in the meeting packages where it was discussed, including the package for this meeting. She requested more community consultation before taking such a decision, noting that this type of bylaw is seen on PEI only in municipalities that have at least 10x the population of Victoria. She also noted that the province has dealt with an unsightly and dangerous (burnt down) building in the past, and therefore this might be redundant. She recommended that the bylaw process be put on ice.

Brenda Boudreau expressed support for Henry Dunsmore's presentation.

6. Business arising from Minutes

None this month.

7. Reading of Correspondence

a. From Scott Travers (CEO Amar Seafoods)

Correspondence was noted.

Council discussion:

- Councillor Linda Gilbert noted that she felt an appropriate response would be that the zoning is not in bylaw at this time, and therefore we cannot provide more response. It should not take administrative time to deal with.
- Councillor Eric Gilbert noted that he has attended 2 meetings on this file, and he has requested inclusion in other meetings, but wasn't aware that further meetings between Amar and the CAO were happening. Doesn't think it is a good use of our CAO's time to be meeting with developers who have not brought forward a proposal.
- It was clarified that CAO Keenan has not been attending further meetings with Amar on the topic of their desired development in Victoria Park, and she strongly objects to any characterisation that she is 'working for private corporations on the municipality's dime'. She has been transmitting and reporting with utmost transparency to Council any information that Amar has communicated to her, as promised, given the strong public interest in this file, and in line with her role responsibilities. Further, she has communicated to Amar, and the Council, repeatedly, that the municipality cannot consider a development application without it being signed by the province, in particular the Department of Transportation and Infrastructure.

b. From CAO to various provincial Government Departments, as instructed (RE transfer of ownership or long-term lease of Victoria Park)

The correspondence was noted. No discussion.

c. From Tim Hamel (Arsenault Bros Construction)

The correspondence was noted.

Council Discussion:

- Grateful for the transparency of information in advance of receiving a formal application. Understands there are no official applications being brought here tonight and that more information will be included when there is a formal rezoning and subdivision application.
- Glad for the sellers that there is this opportunity for them.
- One Councillors feels that there is too much information to read and comment in an informed way, with the package published only 2 days before the meeting.
- Looking at diagram/proposal, it is a major change and that change the outlook of everything down there on the Causeway. There isn't anyone here from the developers to ask questions of, and I have a lot of questions.
- There is no decision being made today. If and when a development application is brought forward, it must come to council, and a proposal as significant as this would be rezoning and a major development, and our bylaws would require a public meeting at that time. This is just information-sharing: presenting ideas prior to applying for any kind of development permit.

8. Reports from Standing and ad hoc Committees

a. Water & Sewer Commission (*Met simultaneously with Council Nov 20 RE Wharf Infrastructure Project.*)

Verbal report: W&S Commission met jointly with Council in November. CAO is working to implement the resolutions passed at that meeting on the Wharf sewer infrastructure project. Contracts and financing is being arranged. Island Coastal has, thankfully, shared with the CAO that they are comfortable to start procurement on basis of motion signed, due to the time pressures of needing to have substantial completion for the restaurants to open at the start of May.

b. Planning Board (*Met Dec 5 to consider new drafts of Official Plan & Development Bylaw*)

Verbal Report: Planning Board met December 5. Motion to present draft documents after agreed amendments have been made in January, for public comment. Public meeting has been scheduled for January 16 at 6pm.

9. Report from CAO - attached and forms part of meeting package.

a. Activities report

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

The written report has full details. This month, the CAO particularly wanted to highlight that:

- She is away, working remotely and on reduced hours, during December, so municipal capacity will be reduced.
- On the future of Victoria Park, managing park erosion is critical, regardless of the future of the use of that site - Amar, the park, residential development, for example.
 - Council as a whole, and individual Councillors, should consider how they want to engage with and lobby provincial policy makers/elected officials (not provincial staff), to engage a coastal engineer to outline technical options for protection of the coast.
- Taking more time to try to assess spending (over and under-spends) against our budget, it appears that we will be close to balancing the operational budget for 2023-24.

Council comments:

- Support for trying to address the erosion issue.
- FPEIM has mentioned that there may be funding for coastal protection. The Green Municipal Fund may also be an option.
- Concerns about the RMV hiring more professionals (ie a Coastal Engineer) to look at things at this point. Need to get RMV finances in order.
- If engaging a professional is the next step and is in the best interests of the community and our coastline, need to engage with province to identify funding sources.
- Suggestion that the Mayor books a meeting with the Minister of Transportation & Infrastructure, with another Council member joining.
- In the last week, Minister Steven Myers published a report commissioned from the Canadian Centre for Climate Change & Adaptation at UPEI. (See report and policy recommendations [uploaded on our website](#)). The Island's coast was divided into 17 regions, and Victoria is covered in area referred to as Tryon.
- At meetings with Amar, there was a strong suggestion that Shoreline Armouring was not the way to go, and perhaps Intertidal Reefs would be a better approach.
- Approaching Minister Steven Myers (Energy, Environment & Climate Action) would be appropriate.

Action: Mayor Ruben (and other Councillors) may approach the Ministers of Transportation & Infrastructure, and Minister of Energy, Environment and Climate & Action, to discuss and gather information on shoreline protection, with reference to the December 2023 State of the Coast report and Coastal Policy Recommendations, and to express our concerns and the idea of engaging a coastal engineer.

10. Inquiries by members of Council

Are there any items of concern on our balance sheet?

- Not that the CAO is aware of.

Questions from the public:

- A resident raised that Amar and previous owners were supposed to have the province check outflows from Amar. The tide takes it out, and brings it into the estuary. Green slime on the water in different estuaries around the island - you can't get rid of once affected. The resident believes it is part of the municipality's agreement that we can have transparent access to this information.
 - Councillor Eric Gilbert responded that in Halibut PEI's first expansion and Amar's statements since then, it was explained as water in/water out, no pharmaceuticals or nitrates. He also believes that this reporting was part of the municipality's development permit. They were to share monthly effluent reports. If their present proposal to expand goes forward, we could state that details will need to be provided.
 - CAO Keenan noted that this information is regulated by the province. The municipality could request from province, or directly from Amar.
 - There would be a benefit in requesting it from the regulator, who can also explain and help us interpret the regulations they have in place.
- **Action** - CAO to look into requesting AMAR water test results from province, specific to outflow. And also to research the conditions of the original development permit with Halibut PEI, to see if Amar would be willing to honour the same reporting conditions.

11. Introduction and Reading of Bylaws

a. Amendments and/or Second Reading to Fire Services Bylaw

It was noted that the Fire Department members provided suggested amendments based on the First Reading draft, however they have not seen the amendments suggested by other Councillors, nor the CAO's comments and recommendations on each submitted amendment.

Motion moved by Councillor Eric Gilbert to defer discussion of amendments and second reading of the Fire Services Bylaw until the next council meeting, to give FD members time to review and respond to the amendment suggestions and CAO advice on them. Seconded by Jean.

After brief discussion took place to clarify the intent and impact of the motion.

Motion carried unanimously (6/0)

b. Amendments and/or Second Reading of Dangerous and Unsightly Property Bylaw

Comments from Councillors:

- Document is beyond remedy by amendment.
- Small issues like 20cm of grass; CAO to be inspector; draconian parts (5.5); doesn't indicate what a vacant building is; parts of the rule may be in conflict with our Development Bylaw, 6 month vacancies are relatively common in Victoria (seasonally) and this bylaw draft could open up significant conflicts if they are considered vacant.
- According to Uplands study, average income in Victoria is slightly lower than provincial average.
- A simple Short-Term Rentals element of the Development Bylaw has been unenforced for 4 years. Can't expect administrative staff to manage the weight of this bylaw.
- Suggest having WI call the province's Unsightly Properties Complaint with the province, rather than doing this under municipal jurisdiction.
- Grass growing is important for bees.
- Many properties will be in non-compliance.
- Issuing fines to people is divisive and could open the municipality to significant legal issues
- Many properties in Victoria are a safety hazard. A number of citizens have requested action. Enforcement is required if homeowners won't act on their own. It is a very sad situation but having municipal jurisdiction on this issue would be very helpful.
- The RMV already has challenges with IRAC appeals and lawyer fees. Every decision under this bylaw would end up at IRAC.
- This law was copied from a larger municipality - they have their own lawyers and staff to enforce. Have to find other solutions to problems and work with each other.
- Disagree that bylaw would result in Victoria operating 'a police state' or anything close to it. Not the intention to go around village and have CAO writing out tickets or anything like that.
- Understand bylaw to give village, through CAO, opportunity to address problems that are brought to attention, that will not get a response from homeowners. Gives RMV options for action to take.
- Difficult to write a bylaw that addresses all potential issues and actions, but a bylaw like this existing would give us the authority to use it when there is no other means possible, and to recoup costs when the municipality is forced to act. The intention is not to raise money by issuing fines.
- Not having anything in place perhaps leads to current situation, where we have been trying to contact owners to address issues with specific vacant properties, with little success.
- The fire risk of abandoned properties could also expose our volunteer firefighters to danger.
- This bylaw was recommended by Municipal Affairs as a way to resolve some of the challenges we are facing.

- Perhaps if this bylaw is considered in Committee, it could be cut down to remove the more problematic or controversial elements, and we could find a way to move forward with more alignment.

Motion moved by Deputy Mayor McCardle to discuss this proposed bylaw in a Committee of the Whole Council, to be scheduled in the new year. Seconded by Councillor Trainor. Carried unanimously (6/0).

c. Amendments and/or Second Reading of Code of Conduct Bylaw

Motion moved by Councillor Trainor that the Code of Conduct Bylaw receive second reading and be approved.

No discussion.

Carried unanimously (6/0)

12. Appointments to Committees

(None this month)

13. Introduction of New Business

a. Assessment and selection of Proposals for Leard's Lighthouse

Councillors E Gilbert, L Gilbert, Trainor and Smith in conflict of interest under under Sec 96 of MGA. They all moved to the public gallery to observe the discussion.

CAO outlined the 3 criteria that are to be considered by Council. There was not sufficient staff time to craft an assessment of the 3 proposals against the criteria and to make a recommendation to Council.

The three criteria under the RFPs policy are:

- Contribution to financial sustainability.
- Compliance with DB and OP.
- Benefits and impacts to Victoria.

The CAO shared brief comments on the similarities and differences between the two proposals in relation to each of the criteria, and noted that the RFPs policy has 'end of December' as the deadline for a Council decision.

Discussion:

- No huge difference financially. Should be lighthouse or art studio? Feels torn, on the fence.
- Can the two work together? Good idea to suggest to the winning bidder that they reach out to the other to work together.

- Like the idea of By the sea Co to spruce up the space. A lot to be said for what has gone before as well.
- Lighthouse is a big draw from visitors, and there is more public desire for it to be open to see inside. Would like it to be open more in the summer.
- Seaport Museum has been a tenant for 30 years, have to have an excellent reason to change.

Motion moved by Deputy Mayor McCardle to award a contract for tenancy of the Lighthouse to By the Sea Company for a 5 year lease. Seconded by Councillor Wright. Motion defeated (2/1) with Deputy Mayor McCardle voting for, Councillor Wright voting against, and Mayor Ruben voting against to break a tie.

Motion moved by Councillor Wright to award a contract for tenancy of the Lighthouse to the Seaport Museum for a 3 year lease. Seconded by Deputy Mayor McCardle. Motion carried (2/1) with Councillor Wright voting for, Deputy Mayor McCardle voting against, and Mayor Ruben voting for to break a tie.

b. Assessment and selection of Proposals for Welcome Centre

Councillors Linda Gilbert and Eric Gilbert in Conflict of Interest under Sec 96 of MGA.

Councillors E Gilbert and L Gilbert in in conflict of interest under under Sec 96 of MGA. They remained in the public gallery to observe the discussion. Councillors Trainor and Smith returned to their Council seats to participate in the meeting.

Motion moved by Councillors Smith to award a contract for tenancy of the Welcome Centre to the Victoria Business Association, for 1 year. Seconded by Councillor Trainor. Motion carried unanimously (4/0)

c. Preliminary discussion on a proposal to develop a Tourism Levy bylaw (Jean McCardle)

Councillors E Gilbert and L Gilbert returned to their seats to join the meeting.

Presentation of concept by Deputy Mayor McCardle:

- Things slipping through cracks - residential-commercial properties are not being charged commercial water rates.
- Can increase revenue right away. Water rates need to be addressed.
- Charlottetown has Tourism Levy on accommodations.
- RMV can have own unique levy, directed to home based businesses. Businesses benefit from being in this municipality.

CAO Keenan noted for information, that the MGA allows for two things:

1. A tourism levy on overnight accommodations, which is charged (typically at 3%) on the accommodation charges for overnight stays only, and this amount is charged to the customer, and then remitted to the municipality.
2. Business licences.

The municipality does not have authority to charge income taxes to individuals or businesses.

Discussion:

- Have often thought along the same lines.
- Regarding business licenses: Any business that is opened to the public would need to have a licence. Home based businesses operating out of their home get a lot of benefits (no commercial property taxes or water & sewer rates) compared to fully-commercial businesses. Additionally, fully-residential properties aren't able to write off part of their home expenses on their tax income, as a home-based business is permitted to do.
- Any business open to the public, not online sales.
- Support for creating a business licence, then asking W&S could look at fees for businesses.
- Expenses involved with sewer at wharf every year. Special arrangements should be made.

Public comments:

- Water metering for businesses (or at least restaurants and commercial accommodations, the largest water users) should be put back on the front burner. Many have meters already, just not being used. This would be a fair way to charge businesses.
- Commercial businesses do pay more in both water & sewer rates, and property taxes. Commercial property tax rates increased 10% this year.
- If you live here (e.g. as a home-based business, or as a resident-owned business) you should be treated differently than those who only make money here.

Deputy Mayor McCardle moved to close the meeting to the public. Seconded by Councillor Smith. Carried unanimously (6/0).

The meeting was closed at 8:56pm.

14. Items to be considered in a closed session:

- a. CAO search committee discussion

Councillor Trainor moved to open the meeting to the public. Seconded by Councillor Linda Gilbert. Carried unanimously (6/0)

The meeting was re-opened at 9:17pm

15. Adjournment

There being no further business, Mayor Ruben adjourned the meeting at 9:17pm.