

**Rural Municipality of Miltonvale Park Council
MINUTES**

Milton Community Hall

7:00 p.m., November 15, 2023

Present: Mayor Hal Parker, Councillors Paul Poole, Rosemarie Ramsay, Spencer MacDonald, Jamie Taylor, Andrew Frizzell, Leo Doucette; and CAO Shari MacDonald

1. CALL TO ORDER

Mayor Parker called the meeting to order at 7:00 p.m.

2. DECLARATION OF CONFLICT OF INTEREST

There were no declarations of conflict of interest.

3. APPROVAL OF AGENDA

Motion 2023:108 – Moved by Councillor Spencer MacDonald, seconded by Councillor Paul Poole that **the agenda be approved**. Motion carried, 6-0.

4. PUBLIC PRESENTATIONS/PETITIONS/DELEGATIONS

There were no public presentations scheduled.

5. ADOPTION OF MINUTES

Motion 2023:109 – Moved by Councillor Spencer MacDonald, seconded by Councillor Rose Ramsay that **the minutes of the October 18, 2023, Regular Meeting be approved**. Motion carried, 6-0.

Motion 2023:110– Moved by Councillor Paul Poole, seconded by Councillor Rose Ramsay that **the minutes of the closed portion of the Regular Meeting on October 18, 2023, be approved**. Motion carried, 6-0.

6. BUSINESS ARISING FROM THE MINUTES

- i. **Hall Renovation** -The Enabling Accessibility Fund was notified that the municipality wishes to withdraw from the contract. On November 14, the municipality was informed there could be up to 5 years to complete the project, and that the funding for that project could be used for different project activities; therefore, the contract could be extended.
- ii. **EV charger** - The CAO asked two other electricians for estimates recently. The Canoe Procurement Group does provide chargers.
- iii. **Speed Sentry signs**–The speed sentry sign visible while driving north on Rte 7 needed adjustments, and Councillor Poole worked on it 90 minutes on November 14, and will continue to adjust it, as it wasn't retaining changes. The signs will be left in place for the winter.

- iv. **Capital Investment Plan (CIP)** – The Capital Investment Plan was submitted to the Infrastructure Secretariat. All the requested items were deemed eligible; however, the CAO was asked to slightly modify the descriptions of the projects.
- v. **Code of Conduct Training** – Councillors Ramsay, Taylor and Poole have completed the required Code of Conduct Training. Council members have until March 2024 to complete the mandatory training module.
- vi. **Council Appreciation Night** – Councillors confirmed that Brian Stanton would cater a meal at the Milton Community Hall on December 15 for the annual appreciation night for council, staff, committee members and their guest.
- vii. **Celebrate Canada** – The CAO will submit an application for funding for Canada Day before November 21, 2023.
- viii. **Live Well PEI** – The CAO submitted a grant application for \$2500 for four cooking lessons with Linda Weeks and two gardening sessions, in conjunction with the community garden.
- ix. A **defibrillator** was purchased for the Milton Community Hall, in lieu of their annual \$1500 grant which is allowed in the Grants Policy.
- x. **New Years Levee** – The Hall has been booked for January 1, 2024, for a pancake breakfast from approximately 9-11 a.m. The menu would include bacon, pancakes, fruit salad, and coffee, tea and juice.
- xi. **Tree Canada Grants**–[Treemendous Communities](#), will grant up to \$10,000 to cover the cost of purchasing and planting trees and shrubs, site preparation, tree maintenance, planting materials and developing education materials. The deadline to apply is December 3, 2023, and the CAO was asked to make an application if time was available. It was suggested shade and fruit trees might be planted at the community garden and the community park. There is apparently someone on the Kilkenny Road who sells four-foot trees in the spring for about \$25.
- xii. ACOA's [Hurricane Fiona Recovery Fund](#) will give priority to applications received by November 17, 2023. Application guidelines note that all other funding applications should be exhausted first. There is a Provincial [Reception Center Resiliency Fund](#) that may be applicable. Staff are checking with Rural Development Officer Kellie Mulligan. A grant application might include a cooler/larger refrigerator, upright freezer, portable shower building, linens, pillows, electronic sign, satellite radio, air purification, cover for generator, washer/dryer, central vac with a Hepa filter, and a propane dishwasher.

Motion 2023:111– Moved by Councillor Paul Poole, seconded by Councillor Spencer MacDonald that **applications be made to these programs to improve the municipal Emergency Warming Center**. Motion carried, 6-0.

7. CORRESPONDENCE

- i. **Regular emails and/magazines/updates** were received from ParticipACTION, Water Canada, Turf & Rec, SAB Magazine, Municipal Info Network News, and FCM
- ii. There is a **Fostering Resilience in Women Municipal Leaders** event, via Zoom on Wednesday, Nov. 15, 6:30-7:30 which will include 10-minute

presentations from three inspiring municipal women leaders from across Atlantic Canada and then time for questions.

- iii. **Recreation PEI Newsletter** included information on
 - a. [The Framework for Recreation in Canada, \(FRC\)](#),
 - b. [Advocacy Day on the Hill](#) where the Canadian Parks and Recreation Association is championing multiple-year funding to address aging recreation infrastructure, funding for the renewal of the FRC, and youth job programs including a national program to increase the number of lifeguards.
 - c. [Gender Equity in Recreational Sport](#) including [online forums](#) as part of their Gender Equity Project. There will be a [book club](#) on February 9 to discuss [Invisible Women: Data bias in a world designed for men](#) by Caroline Ciado Perez. Copies are available to borrow from Recreation PEI. CPRA is partnering with the Canadian Sport Film Festival to provide films about women and girls. [Jesszilla](#), a coming-of-age story about what it means to be a champion is available from November 17-23.
 - d. A new Toolkit, [Gender Equity in Recreational Sport: Optimizing Facility Use](#), addresses the issues of facility use and design.
 - e. [Upcoming Free Webinar: The Inclusion of Trans and Non-Binary People in Sport](#) explores the nature of prejudice and stereotypes towards trans and non-binary people in sport and promote inclusion on Thursday, January 25, 2024 at 2 p m.
 - f. **New Staff** -Recreation PEI welcomed Ergita Dema, Projects Coordinator; Andrew Stetson, Communications Coordinator; and Julianna Simpson, an intern from UNB until December.
- iv. [Confederation Trail Feedback](#) - The Department of Transportation and Infrastructure seeks [feedback](#) about the use of the Confederation Trail, and the possibility of allowing other users such as horseback and ATV riders
- vi. The [Active Transportation Fund](#) Is accepting application for projects to be completed in 2024 until **Friday, December 1st, 2023**. It will fund new walking and cycling pathways, widening paved shoulders, increasing educational opportunities, and connecting existing walking and cycling trails to improve and grow active transportation networks.
- vii. **PEI's Chief Public Health Office** wants input on the Live Well PEI website and the Wellness Grant program at a consultation from 9 a.m.-2 p.m. December 13th, 2023 in Mount Stewart. Topics include access to open data, information about community specific needs, list of examples of evidence-informed community projects, grant management system, and newsletters. They also looking people at greater risk of chronic disease, from marginalized populations or with a special interest in health promotion to participate in the consultation:
- viii. **Consultant** Mitch Underhay who worked on the 2021 Official Plan, forwarded Miltonvale Park's **GIS files** to the municipal office.
- ix. Kristi Petro kristi.petro@cbdc.ca (902) 786-5441, is the new Central **PEI Community Navigator** and works to support newcomers in the area.
- x. **Kays Wholesalers** will hold their Summer Booking Show at the Delta Convention Centre on Wednesday, April 10, 2024.
- xi. The **Workers Compensation Board of PEI** announced an 8.8% reduction of its estimated average assessment rate for employers for 2024, bringing the average

rate to \$1.25. Assessment rates are calculated per \$100 of assessable payroll. The maximum assessable earnings (MAE), will now be reviewed yearly to account for wage increases in PEI. On January 1, 2024, the (MAE) will be \$78,400 (2023-\$65,000.) There will be a \$21 million surplus distribution to employers.

- xii. An updated version of the [PEI Seniors Guide \(2023\)](#) is now available. Hard copies can be requested from the Seniors Navigator (902-213-5820; seniors@gov.pe.ca)
- xiii. **L’Nuey** has a new [campaign](#) which features two Miltonvale Park residents -Trilby Jeeves and Peggy Chen.
- xiv. The [Celebrate Canada](#) application period is open until November 21, 2023.
- xv. The **Institute of Public Administration of Canada PEI** invites Council and staff to attend a free panel discussion 10 a.m. Monday, November 20, 2023 in the Florence Simmons Performance Hall.
- xvi. The deadline for applications for the **Canada Summer Jobs (CSJ)** is January 10, 2024 at 11:59 p.m. (Pacific time). Municipalities are eligible for a wage subsidy of up to 50% of the current provincial or territorial minimum hourly wage.

Motion 2023:112 – Moved by Councillor Paul Poole, seconded by Councillor Jamie Taylor that **the Rural Municipality of Miltonvale Park apply for four positions through Canada Summer Jobs.** Motion carried, 6-0.

- xvii. **Municipal Affairs Newsletter** – included information on the Reception Centre Resiliency Fund (Generators/Emergency equipment); Code of Conduct Training, Input on the Policing Act, Active Transportation Fund, Climate Challenge Fund, Enabling Accessibility Fund, “Are you prepared? Hurricane Season”, and a To Do List.
- xviii. **Enabling Accessibility Fund** – Applications are being accepted for mid-sized projects to make communities and workplaces more accessible for persons with disabilities. The deadline is December 13, 2023, at 5:00. The grant will fund \$500,000 - \$3,000,000 for a project that is up to two years in duration.

Motion 2023:113 – Moved by Councillor Jamie Taylor, seconded by Councillor Paul Poole that **the Rural Municipality of Miltonvale Park apply to the Mid-sized Enabling Accessibility Project for renovations to Milton Community Hall.** Motion carried, 6-0

- xix. The municipality has to complete **Canada’s Core Public Infrastructure Survey, 2022** to collect statistical information on the inventory, condition, performance and asset management strategies of core public infrastructure assets owned or leased by government.
- xx. With Earth Day in April, municipalities are asked to join the "**Mobilizing Municipalities**" campaign and organize a local event to show environmental commitment.
- xxi. The **FPEIM e-Newsletter** was circulated to Council, and included information on the Semi-Annual Meeting, FPEIM’s call for interim measures to protect land, their presentation on municipal land use, Code of conduct training, Corkum-Gorrill’s naming as FCM Municipal Trailblazer, Grants and Programs, On the Move, Municipal Inspiration, Fostering Resilience in Women Municipal Leaders, Upcoming

Events, New Resources, Canoe 101 Webinar, and on how to subscribe to the Newsletter.

- xxii. **Letter of Appreciation** – A letter was received from former Development Officer, Michael Olubiyi to thank Council for their support during the time he worked for the municipality. He is now Manager of Development Planning for the city of Port Moody, BC, and he thanked Council for assisting him to get Permanent Residency.

6. **REPORTS FROM STANDING AND AD HOC COMMITTEES**

i. **Environment and Community Living**

- a. **Watershed - Councillor Taylor** – The Cornwall and Area Watershed Group (CAWG) met on November 8th, 2023. Enya Brydon is CAWG's Youth On Board student. Hannah MacLean shared a year-in-review presentation that included information regarding CAWG, an annual report, and a financial report for 2022. Julie Pellissier Lush was elected to the board. CAWG is still looking for a secretary. Hannah suggested CAWG participate in the Cornwall Christmas Parade and that members of CAWG walk the parade route, handing out brochures, business card magnets. Veronica Jendrick's position is extended until spring 2024, with additional funding from the Provincial Watershed Alliance which accessed funding for mapping and disaster prevention planning from the Federal Government. The board is investigating a possible honorarium for President Ryan Mahoney, who understood he would be receiving one.

b. **Projects**

- i. **ACOA Canada Community Revitalization Fund: Community Garden, Miltonvale Community Park and Strathrae Park** – ACOA notified the municipality on November 10, 2023 that they would be able to fund the project at 65% of eligible costs, rather than the 50% they had planned to fund the hall renovations. They forwarded a revised contribution schedule, with ACOA providing up to \$102,534.33. The Rural Development Officer has said they might commit \$35,000 but no contract has been received from any of the funders. There may need to be a new application submitted to the Province.

The are three components to the project:

1. **Community Garden** - PID 281451; corner of Rte 224 & Rte 7 -\$24,008 for compost, initial tilling, a driveway, greenhouse, utility shed, benches and signage. The Province would assist with costs of those items in addition to helping fund a well, and garden beds and boxes.

2. **Strathrae Estates** – ACOA will fund \$23,471 for a fence, benches, trees, signboard, picnic tables and a gazebo at the new community park.

3. **Miltonvale Community Park** – ACOA will fund \$55,055 for playground equipment and a fence for the basketball court, while the Province will also assist with the installation of the playground equipment and some of the playground costs. The municipality can use CCBF funds to and some reserve funds to cover the approximately \$100,000 in remaining costs.

The municipality needs to finalize a written agreement with the Hooper family and Maritime Electric requires a signature of the landowner before connecting electricity. The projects must be completed by the end of December 2023 for ACOA. It was too late to apply the tennis court coating, but the company said they would hold the price, and it is eligible under the CCBF (gas tax) funding.

- ii. **New Horizons for Seniors (2023-24)**– “PEI Through the Years” Project About 30 people attended the mediation course presented by the GEBIS Monks on November 4. There was a walk on the Confederation Trail and square dancing has been organized for four Tuesday afternoons starting on Jan. 16. There is a PEI Foods session on Nov. 21, with others planned for December 6 and February 6, 2024. Other activities to organize include three Lunch and Learns, a basket weaving workshop, one more speaker on Indigenous Topics, one walk on heritage roads of PEI, and a concert celebrating Black culture, and three book club meetings.
- iii. **New Horizons for Seniors Program (NHSP) Community 2024-25** – An application was submitted for \$17,270 for **Miltonvale Park – Life in the Movies**. The funding decisions will likely be communicated by late February or early March, 2024.
- iv. **PEI Seniors Secretariat Funding 2023-24 - “Miltonvale Park – Senior Matters”** The municipality received the contract for the \$2100 in funding that was approved. One seniors food presentation was held. Other activities include a second food presentation, a Seniors Health Fair and three of the following: Lunch & Learns (2) on financial matters or presentations (Care Homes, “Planning Ahead” or Making your Home Senior Friendly).
- v. **Community Meals & Meal Boxes** – 135 people registered for the first meal (beef stew, cranberry apple crisp and biscuits) on Thurs. November 9. The next meal scheduled for Nov. 30 may be moved to early March. The other meals are scheduled for Dec. 14, Jan. 18, Feb. 1, and Feb. 15. The meal box giveaway may be on Feb 22 and another date, yet to be decided.
- vi. **Active Transportation Plan** –Consultant Nadine Lowes expects to circulate the draft plan this week. The deadline for [PEI AT Fund](#) applications is December 1.
- vii. [PEI 150 Celebration Fund](#) -The final reports have not been submitted yet for the antique vehicle show or Canada Day activities.
- viii. **Halloween** – Approximately 50 youth signed up for the Treat Bag drive-thru. Rose Ramsay and Pat Cosh volunteered at that event.
- ix. [Gender | Equity | Diversity | Inclusion and Community Enhancement Program](#) The municipality has not heard any word yet from the application for a Drag Brunch, Storytime, workshop/round table, and Outrageous Bingo.

d. Activities

1. **Yoga** on Tuesday –Instructor Leone Curtis has moved the times to 9 a.m. for mat and 10:30 a.m. for chair classes.
2. **Exercise** with Michele Gallant, takes place on Monday and Friday at 9 a.m. and will break for the holidays after December 1.

- e. **Park** – Brad Coles has been asked to winterize the park
- f. **Community Pasture** – The CAO still needs to prepare a pasture lease for Earl Hambly to sign.
- g. **Community Signs** – There is still one new Welcome sign to be installed when desired.
- h. **APM Centre** – No one from the municipality was able to attend the APM Centre’s annual meeting which fell on Council’s October meeting night. The information presented at the meeting was circulated by email to Council on October 19, 2023. The APM board plans respond to the Town Cornwall noting there is a consensus that the Board would explore the possible divesting of the facility to the Town to support an expansion of the facility. Input would be required from the adjacent communities and residents as the present model provides equal access opportunities for all residents of the 13 communities to use the facility.

iii. **Emergency Measures**

- a. **PEI Disaster Financial Assistance Program for Municipalities** -The application for funding from Fiona is to be submitted by the fall of 2026.
- b. **Radios** –The radios were referred back to the EMO committee which hasn’t met.
- c. **Generators** –Six 4000-watt generators and cords and four gas cans are being stored by Councillor Doucette. The office will compile paperwork (simple instructions, loan agreement, liability waiver) and advise residents of their availability.
- d. **Red Cross** -The CAO believes there is not currently a contract with the Milton Community Hall regarding its use as the municipal warming center.
- e. The **Council generator** still needs to be levelled and secured. The generator was bought in 2013. The province currently has a program to outfit/upgrade designated warming centers, and can provide up to of 80% of project costs, to \$250,000. Of the maximum contribution provided, 80% of generator costs, up to \$50,000 can be included in project costs. Applicants must contribute at least 10%. Eligible costs include equipment delivery and installation, including to enhance safety and security and to provide enhanced reception centre features, signage to advertise reception centre services, and site prep work as well as repairs to existing infrastructure. Additional infrastructure costs may be eligible for funding under the Community Revitalization Program. Emergency radios may be eligible.
- f. **Emergency Preparedness Workshop Opportunities** – Jordan Chandler, of Chandler Motor Repair, may host a generator information session. Chainsaw information would also be valuable.

iii **Personnel Committee**

- a. Councillor Ramsay is reviewing draft contracts from other municipalities.
- b. An employee **code of conduct** also needs to be adopted.

iv **Finance/Payment of Accounts**

a. **Remittance** – The municipality is a quarterly remitter and has paid CRA to the end of September, 2023

b. **Reports and Payment of Accounts** – The draft financial statements were circulated. Revenue for October is \$32,390; with expenses of \$22,155. As well, \$250,000 received for Hall Renovations was returned to the Province, so the net loss for the month was \$239,790. Net income for the year-to-date is \$5080. Current assets are \$705,245; capital assets are \$70,600 with other assets of \$19,320, for total assets of \$795,160. Liabilities total \$315,135, but \$274,805 is deferred revenue. Total equity is \$480,025.

9. **REPORT FROM CAO** – CAO Shari MacDonald reported sending regular email updates with events, completed the reporting for Business Payrolls Survey, and spent significant time on the potential ACOA project, completed minutes and organized the first community meal. Activities still to be completed include the PEI 150 reports to Innovation PEI (Canada Day and Car Show), the Code of Conduct Policy for Employees (s 86-2-f) and Terms and Conditions of Employment (section 95); EMO radios, the park EV project application, the lease for the pasture, organize seniors activities, the GST rebate, and respond to the resident regarding a request for reimbursement.

10. RECOMMENDATIONS FROM THE PLANNING BOARD

- i. **Permits** were issued on November 15, 2023 for application #MP 1217 on **PID 912261** to install a mini home on Springvale Lane to **PID 1035435** for ground mounted solar panels on Tinney Lane.
- ii. **Appeals**
Regarding Application MP-1180, in which the owners of **PID 700443** were denied an application to sell cars from the property, IRAC gave the appellants until September 15, 2023, to respond after their failure to appear at the mandatory Alternative Dispute Resolution session in July. The municipality's lawyer recently sent a letter to IRAC requesting the appeal be considered abandoned as it is believed IRAC did not receive a response from the appellants.
- iii. **ENFORCEMENT**
PID No. 283085 - Court File No. S1-GS-30161 was signed on September 27, 2023 and ordered the owners of PID No. 283085 to remove, on or before 15 November 2023, and at their own cost and expense, the piles of fill for which no development permit has been granted. If the fill is not removed by November 15, 2023, the municipality is authorized to remove the piles and shall be entitled to claim the full costs associated with the removal of that fill from the owner. The court also ordered that the Respondent is to restrain from breaching the Zoning and Subdivision Control (Development) Bylaw, Bylaw #2021-14, by dumping or placing fill on PID No. 283085 without first applying for, and receiving, a development

permit. The Respondent was also ordered to pay costs of \$1,500 to the Applicant within 30 days of September 27, 2023.

The fill at the front of the lot was removed; however, the fill at the back was still present on November 8, 2023. The Development Officer verified on Google Earth that the both piles arrived about the same time, and then reached out by phone on November 8, 2023 to ensure the owners were aware that the fill at the back should be removed within the week. He spoke to the wife of the owner and also followed up with a letter. The Mayor and Development Officer visited the property on November 15, after a resident contacted the office to note that fill was being moved around the property, but not removed. The owner was informed yet again that the fill at the back was present without a permit and the consent order required it be removed. The municipality has not yet received the \$1500, due by October 27. The CAO will check with the lawyer, in case it was received at their office.

iii. **APPLICATIONS IN PROGRESS**

In most instances, more information is required to finish processing the following applications:

- a. Application #MP-1196- **PID 281634** - to construct a house on the South Winsloe Road.
- b. Application #MP-1195 to construct 23 new single unit dwellings at **PID 444232**. There has been no response lately from the developer.
- c. **PID 901769** – for a single unit dwelling and private garage.
- d. **PID 283739** -Final approval for the next two phases of the subdivision. A newer version of the survey plan was submitted and approved, subdividing Applecross Avenue and the lots for the municipality. The developer paid the City of Charlottetown half the cost of the lift station improvement. The City is also looking for an agreement for an easement. The municipality has given preliminary approval for stages 2 and 3, and will grant final approval when the City of Charlottetown’s outstanding issues have been satisfied.
- e. Application #MP-1182- **PID 700443** - Rezone from Agricultural (A1) to Commercial (C1)
- f. Application #MP-1198-**PID 283325 & 658799** - Rezone from Commercial (C1) and Agricultural (A1) to Light Industrial (M1) and lot revision.
- g. Application #MP1207 **PID 241059** for change of use.
- h. Application #MP 1208 **PID 922740** for a single unit dwelling.
- i. Application #MP 1209 **PID 280792** for subdivision of one lot.
- j. Application #MP 1210 **PID 281790** for subdivision of one lot.
- k. Application #MP 157 **PID 280800** for subdivision of one lot.

Councillor Frizzell left the meeting at 8:23 p.m. due to a conflict of interest.

iv. **APPLICATIONS REQUIRING INPUT**

Rezoning - PID 283325 and 658799 – A public meeting was held on May 30, 2023, regarding rezoning PID 283325 and a 1.8-acre portion of 658799 to Light Industrial (M1) for an existing autobody shop. The operation is currently non-conforming; therefore, no increase in lot area or intensity is currently allowed. After the June 1, 2023, Planning Board meeting, a letter was delivered to the owner asking for plan of action to address concerns regarding his application. Planner Samantha Murphy had noted the application was consistent or generally consistent with the development bylaws, but noted Council would need to weigh the following areas:

- **Agricultural Protection (8.1.3)** - protect agriculture land and requires buffers;
- **Non-Resource Commercial and Industrial (8.2.1)**- support existing business and reasonable growth, mitigate loss of agricultural land;
- **Compatibility of the proposed Development with surrounding land Uses**, including both existing and other permitted Uses;
- **Any comments from residents or other interested Persons;**
- **Other matters as considered relevant by Planning Board or Council.**

The planner noted that “The proposed severance and consolidation that would be enabled through this change in designation and zoning appears to be in compliance with the bylaw. Development-related considerations, including operational expansion and access would be considered at the development stage.” The Residential use would become non-conforming, if the property were rezoned Industrial. The loss of resource lands could be mitigated by returning the front portion and other portions of adjacent properties to agriculture use. The proposed changes should significantly improve the appearance of the operation. It was also noted that regarding the potential future use of the property that currently resource industrial uses are permitted as-of -right in the A1 zone, and these uses could also be similar in impact to a non-resource industrial use.

The public commentary was mixed, both at the meeting and in the letters received. There was support for a successful local business, and for activities which would improve the appearance and disruption, such as parking in the rear, and enclose the blasting. There was concern what re-zoning to Industrial might lead to in the future.

Resident concerns raised included

- dust and air quality, noise, hours and days of operation and changes in use over time from the original autobody shop to what was described as a junkyard. A salvage yard is not permitted or desired.
- the aesthetic impact of the existing operation on the rural character, and the right of residents to enjoy their property, and property values,
- questions about impact on soil quality, stormwater drainage, and groundwater;
- compliance with the objectives of the Special Planning Area, in particular the loss of agricultural lands, and compliance with the Official Plan

relating to the distance of subject property from the other existing industrial areas, the lack of discussion of industrial zoning in the vision statement in Section 5.1 of the Official Plan, the conversion of primary resource lands into non-resource uses, and the difference in policy and plan action language between the commercial and industrial sections of the Official Plan regarding amendments to commercial or industrial uses. No permit was issued previously to allow parking on the agricultural land which was proposed for mitigation.

- history of non-compliance

The planner suggested four options:

1. **Approve change in zoning to the front parcel only** which would not permit the parking to be expanded; and would not address other concerns, such as noise, dust, and hours of operation.
2. **Approve change in zoning for both parcels.** The municipality should ensure that severance and consolidation take place so PID 658799 is not a separate industrial parcel. This would legitimize parking. A development agreement could include clauses to address issues: number and placement of vehicles, fence to stop encroachment, stipulation that blasting occur indoors. The future Land Use Map would also need to be changed.
3. **Deny** – In this case, the municipality should begin enforcement action regarding the location of parking and encroachment.
4. **Consider Bylaw amendments** – Council could permit auto shops in C1 and rezone all requested areas to C1 OR add site specific amendment options for automobile shops in C1 zone; however, the plan and bylaws were developed to limit areas of discretion, AND/OR clarify that salvage yards are prohibited in all Zones

Development Agreement:

There are several requirements in the bylaws:

1. (4.17) Between adjacent land Uses, **a minimum 4.5 m (14.76 ft) wide Landscape Buffer** shall be maintained, **or** in the absence of a Landscape Buffer, **a Fence of a type that forms a visual barrier** shall be Erected, on the **Side Lot Line and/or Rear Lot Line of a Lot...**
2. **Exterior lighting or illuminated Signage** shall be arranged so as to **deflect light** away from the adjacent Residential Use;
3. **Outdoor Storage shall be prohibited unless it is screened** from view by means of a Landscape Buffer of adequate size or architectural screening such as a wall, Fence or other appropriate Structure.
4. 4.23.4) Where Parking is provided in the Front Yard of a non-residential Building, **a minimum 3 m (9.8 ft) wide area of Landscaping shall be provided between the Parking and the Highway boundary** but shall not prevent the provision of an access driveway across the strip of land. The main building may still be considered residential. Clarification would need to be sought as to whether the shop would be considered a non-residential building. If this provision does not apply, the Department of Transportation could determine the acceptable buffer.

Council could also consider including additional requirements such as:

1. Outdoor storage of automotive parts not related with the main activity shall be prohibited.
2. A minimum number of Parking Spaces shall be provided for the proposed use: 1 per 300 ft² or as required by Council.
3. Restriction of work hours of operation of the business to ensure noise does not cause harm to adjoining properties. For example, the activities shall be limited to hours between 7 am and 7 pm Monday to Saturday.
4. A building or structure shall be constructed to reduce, and control the emission of sand/soda blasting at the business.
5. Dust control measures that mitigate adverse effects on neighboring properties. For instance, paving the entrance and front parking or regularly using a water truck.
6. Compensate for the lost of Agricultural land by returning other lands to agricultural use.
7. The provision of a storm water management plan to ensure there is no run-off of water to adjacent properties, and information describing the proposed flow of storm water from the lot.
8. Preservation and enhancement of water drainage systems.
9. Environmental requirements. The owner agrees to comply with applicable laws regulations, conditions, licenses, permits, approvals or other requirements related to the development, including but not limited to requirements of the Department of Environment, Energy and Climate Action, the Department of Transportation and Infrastructure, and any other federal or provincial department or agency.
10. Posting of a financial guarantee fund or bond of 10% of the associated cost to comply with all the requirements should be provided in order to enforce the agreement in case of non-compliance. If all requirements are met after a period of time, the amount of money would be returned to the owner with interest. Another option could be that the financial guarantee fund could be released in milestones when each requirement or improvement is complete.
11. In the future, if other Light Industrial uses are proposed to be implemented, they would need to have the approval of the Department of Transportation and Infrastructure.

In July, Planning Board felt it was best to keep restrictions as simple as possible and noted that for residents living along Rte. 2, an arterial highway, there is an expectation of some noise. They also believed a water truck was not a feasible solution for dust complaints, and noted that the developer had previously tried to erect a building for soda or sand blasting but because the property is non-conforming, this development was not allowed. It was noted that some residents who were complaining had moved to the area, when the Autobody was established and operating. The municipality has tried to have the property come into compliance over the years, and the developer has, over the years, purchased land adjacent to his original parcel. It was suggested paving the front parking area would reduce dust.

Planning Board could not see a compelling reason to deny the application, especially if the cars could be screened from view, and concerns of nearby residents addressed.

On October 10, 2023, the Developer presented a proposal, as summarized below, with recommendations and comments from the Development Officer.

Concern	Proposal to address the concern	Comments/Recommendation (Bylaw requirements in bold).
Reduction of dust and noise	North and West boundaries of PID 658799 to be consolidated and would have a topsoil stripped off the parking area that creates an earth berm. Parking lot will be covered in gravel. Sandblasting will be located inside a 40'X60' structure	The use of gravel will reduce dust produced by the movement of the vehicles. Concentrating all activities of the operation indoors will reduce also the noise generated. Exterior lighting or illuminated Signage shall be arranged so as to deflect light away from the adjacent Residential Use
Access	Entrance to PID 658799 would be via an extension of existing driveway from Rte. 2 onto PID 283325.	No other entrance or access to PID 658799 is required.
Maintenance of soil and water quality	No proposal was presented	The City of Charlottetown has indicated there are no concerns about impact about the Water & Sewer wellfield recharge area.
Hours and days of operations	07:00-19:00 Monday to Friday, and 07:00-15:00 Saturdays	The applicant presented hours and days of operation.
Water Run-off onto adjacent properties	A storm-water management plan was previously submitted. Changes have been made to reduce water that naturally flows to the West of the Property. The creation of a berm will not increase storm water quantities.	To include an update storm-water management plan that shows the future improvements within the property. The developer has already taken action regarding storm water management.
Loss of Agricultural land	Parcel PID 458190 would be re-graded, returned to green space, a portion of PID 283317 will be used to relocate the paddock displaced by the proposed rezoning.	That the portion of PID 283317 will be the same area turned to light industrial
Identification of buffer areas between	The berm around the property includes a spruce hedge	The berm will create an artificial buffer between properties. A minimum 4.5 m (14.76 ft) wide Landscape Buffer is required

adjacent properties		
Number of Vehicles that the business will manage	20-25 major repairs/month, and 15-20 minor repairs. Commercial vehicle turnaround is 60-120 days	The operation can't operate above maximum capacity, an agreement of commitment for not expanding the number of vehicles has to be signed.
Improve appearance business	The operation will be condensed into PID 658799 and will improve the appearance of the property. The existing parking lot for PID 283325 will be used for pick it up vehicles, the rest of the vehicles will be parked in the new parking lot for PID 658799, behind the facilities.	All the corrective actions mentioned will improve the appearance of the business. A minimum 3 m (9.8 ft) wide area of Landscaping shall be provided between the Parking and the Highway boundary
Financial Guarantee to achieve the goals	The proposal doesn't mention a financial guarantee	A deposit of 10% of the total cost in favour of the Rural Municipality of Miltonvale Park is required.
Site Plan	The proposal shows a site plan	A site plan that describes all the activities was submitted Nov. 8, 2023.

The Developer submitted a site plan, letter, and photo of how he anticipates the front of the property may look. See Appendix A.

Planning Board suggested that the Department of Transportation be consulted to determine the maximum width of the access and ensure the drainage plan will be suitable. It was noted that the 40 x 60 proposed building would have to be totally enclosed. It was also suggested that when there are lengthy delays for parts, that is may be possible for vehicles to be stored by their owners.

Planning Board recommended that Council approve the rezoning for PID 283325 and a 1.8-acre portion of 658799 to Light Industrial (M1) for an autobody shop, with an appropriate Development Agreement to address concerns.

The Future Land Use map in the Official Plan also needs to be updated to show those parcels zoned Industrial. Other updates to the Official Plan and Development Bylaws could also be made at the same time.

Motion 2023:114 – Moved by Councillor Jamie Taylor, seconded by Councillor Spencer MacDonald that **the Rural Municipality of Miltonvale Park grant preliminary approval in principle to approve the rezoning for PID 283325 and a 1.8-acre portion of 658799 to Light Industrial (M1) for an autobody shop, with an appropriate Development Agreement to address concerns, and move forward with the required changes to the Zoning Map.** Motion carried, 5-0.

v. PROPOSED BYLAW AND OFFICIAL PLAN CHANGES

Updating the Future Land Use Map to agree with the rezoning to Industrial, gives Planning Board the opportunity to review other amendments at this time. The intent is to not make policy changes, but rather to correct errors, make updates so the plan and bylaws are consistent with recent changes to Provincial legislation, and make any necessary clarifications deemed necessary since the plan was approved.

- i. The planner had noted that the Development Bylaw should be amended where the Agricultural (A1) zone's permitted uses are discussed, by deleting "with a Lot Area of 12,140.57 m² (3 acre) or less" from 9.2.1
p.43. 9.2.1. PERMITTED USES 1. No Building or part thereof and no Lot ~~with a Lot Area of 12,140.57 m² (3 acre) or less shall be used for purposes other than~~
...
- ii. **Renumbering** may be required at page 13, section 3.14 as there are two each of 3.14.6 and 3.14.7.
- iii. **Wind Energy** – The Minister now has authority over wind permits for large capacity systems, with a name plate capacity equal to or greater than 1 megawatt. Most municipal bylaws typically focus on up to 100kw and more than 100kw, so Miltonvale Park's provisions would still apply until that 1MW capacity is reached.
- iv. There was a recent query regarding **setbacks** on a lot between Old Rte. 2 and Rte. 2. The Planner confirmed that "4.28 takes precedence over 4.4 as it speaks specifically to lot lines rather than street lines" and noted that Section 4.4 could be revised for clarity
- v. The **accessory structure standards** in 4.3 are meant to override the zone standards, for instance clause b) states "be closer than 1.5m (4.92 ft) to a lot line"; however, this clause contravenes the side yard setback of 4.57 m (15 ft.) of most zones, so could also be revised for clarity.
- vi. **Cottages** – Planning Board felt that it would be best dealt with separately, or as part of the Official Plan review, rather than with the "housekeeping" amendments. It was noted that amendments to address the housing crises would be important.

Planning Board recommended that the Future Land Use map be amended to change PID 283325 and a 1.8-acre portion of 658799 to Industrial, and that the Development Bylaw be amended for clarity regarding clauses 9.2.1; renumbering 3.14.6 and 7; wind energy; section 4.28 taking precedence over 4.4; and the accessory structure standards in 4.3 with respect to setbacks in different zones and that a Public Meeting be arranged to allow input.

Motion 2023:115 – Moved by Councillor Jamie Taylor, seconded by Councillor Spencer MacDonald that **the Rural Municipality of Miltonvale Park move forward with updating the Future Land Use Map to reclassify PID 283325 and a 1.8-acre portion of 658799 to Light Industrial (M1), and other changes to the Development Bylaws and Official Plan as discussed.** Motion carried, 5-0.

vi. **OTHER**

Planning Board Amendments – The Province is looking for feedback by November 20 on a proposed [amendments to the Planning Act](#) regarding appeals. The most substantial change is that appeals would be now be limited to an “aggrieved person”, who would be defined as the applicant, the Minister, a municipality affected by the decision, an individual who in good faith believes the decision will adversely affect the reasonable enjoyment of the individual’s property or property occupied by the individual; or an incorporated organization which promotes or protects the quality of life of persons, the natural environment or features, structures or sites having significant cultural or recreational value in the area of the development.

Planning Board recommended supporting this amendment.

Motion 2023:116 – Moved by Councillor Leo Doucette, seconded by Councillor Paul Poole that **the Rural Municipality of Miltonvale Park respond to the Province in support of the proposed changes to the Planning Act, that include limiting appeals to an aggrieved person.** Motion carried, 5-0.

11. INQUIRIES BY MEMBERS OF COUNCIL

Councillor Doucette requested the link for the required Code of Conduct Training.

12. OTHER

13. INTRODUCTION AND READING OF BYLAWS – Council gave second reading and approval to the [draft Code of Conduct](#) Bylaw, 2023-09.

Motion 2023:117: Moved by Councillor Paul Poole, seconded by Councillor Spencer MacDonald that

Whereas Section 107 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., requires that a Council must establish a Code of Conduct bylaw to govern the conduct of members of Council.

And *Whereas* Bylaw # 2023 – 09, the Code of Conduct Bylaw was read and approved a first time at the Council meeting on October 18, 2023

Be it resolved that Bylaw # 2023 – 09, the Code of Conduct Bylaw be hereby read a second time. Motion carried, 5-0.

Motion 2023:118 - Moved by Councillor Spencer MacDonald, seconded by Councillor Rose Ramsay

Whereas Bylaw # 2023 – 09, the Code of Conduct Bylaw was read for the second time on November 15, 2023

Be it resolved that the Bylaw # 2023 – 09, the Code of Conduct Bylaw be hereby approved. Motion carried, 5-0.

Motion 2023:119 - Moved by Councillor Paul Poole, seconded by Councillor Jamie Taylor that

Whereas Bylaw # 2023 – 09, the Code of Conduct Bylaw was read and approved two times at two separate meetings, be it resolved **that the Bylaw # 2023 – 09, the Code of Conduct Bylaw be hereby adopted.** Motion carried, 5-0.

14. ADJOURNMENT

Motion 2023:120 - Moved by Councillor Spencer MacDonald, that **the meeting be adjourned**, and Mayor Hal Parker declared it so at 9:15 p.m.

Next Meetings:

Regular Council Meeting- ONLY If needed - Wednesday Dec 20 at 7 p.m.

Committee Meetings – Planning Board – Dec 7 at 7 p.m. if required.

EMO Committee – to be determined

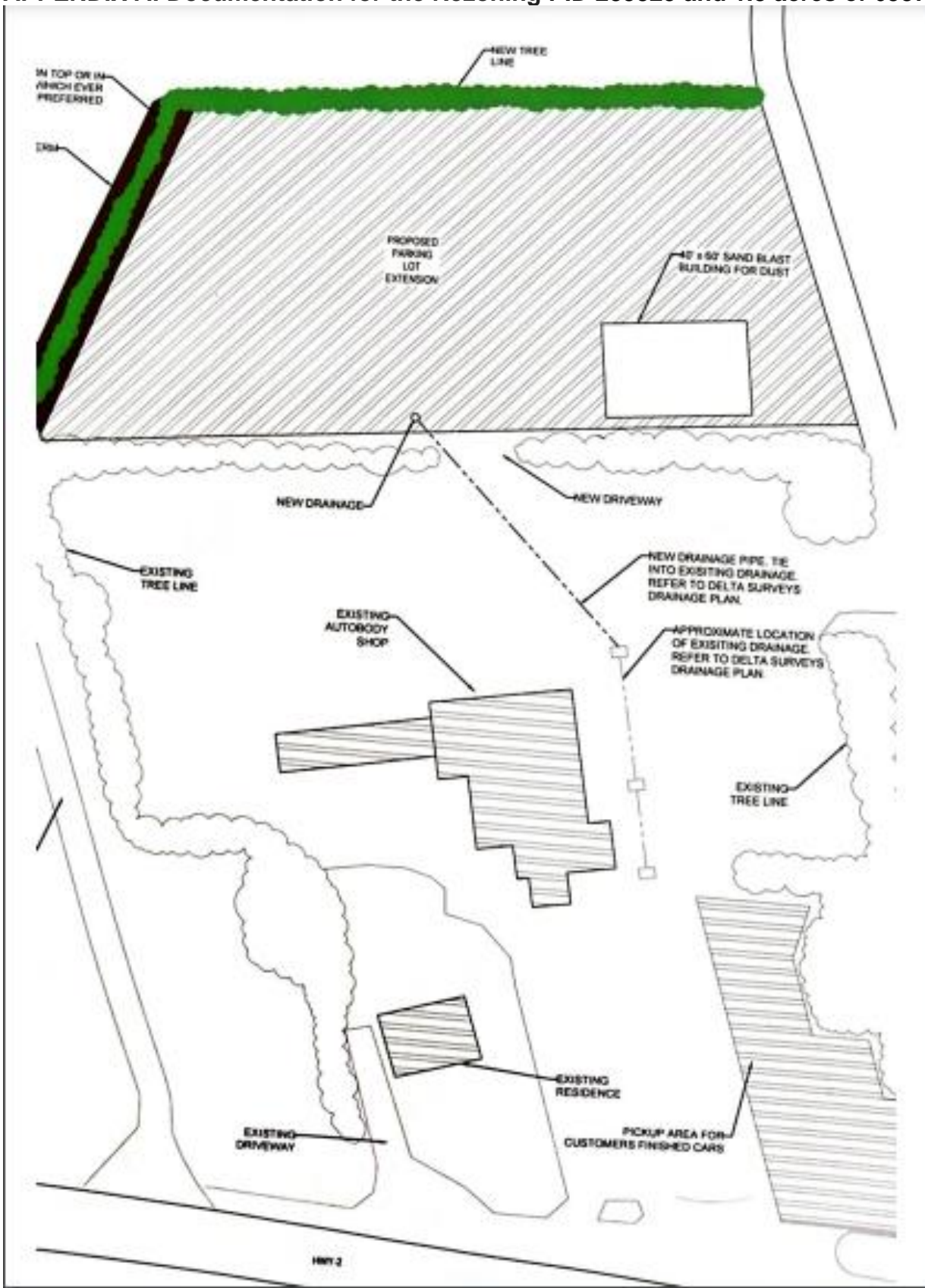
Mayor -Hal Parker

CAO – Shari MacDonald

January 17, 2024

Date Approved

APPENDIX A: Documentation for the Rezoning PID 283325 and 1.8 acres of 658799



October 10, 2023

Rural Municipality of Miltonvale Park

Mirko Terrazas – Development Officer

Reference: Application #MP-1198 RZ

I am writing in response to your letter dated June 14, 2023 with my plan to address the concerns you raised after the public meeting.

In my letter dated May 9, 2023, I applied to rezone and consolidate 1.83 acres +/- of my adjacent property to my existing commercial business which will allow parking of vehicles awaiting repairs.

The North and West boundaries of the portion of PID 658799 to be consolidated would have the topsoil stripped off the parking area and this soil would create an earth berm. The area would then be compacted and covered in gravel to provide a firm base, prevent wind erosion and reduce dust. I am also proposing to place the berm in a direction heading North East from calculation point No.70 which would create a wider buffer adjacent to the residence on Parcel No.512319. The berm would also include a spruce hedge (drawing attached).

Sandblasting operations are only occurring outdoors on days with favourable weather conditions. The rezoning would allow for sandblasting to be located inside a 40' x 60' structure, this would eliminate airborne dust from migrating from the property, and allow for recovery of blast media. Moving the sandblasting indoors will also reduce noise levels on the site.

The business hours of operation are 07:00-19:00 Monday-Friday, and 07:00-15:00 on Saturdays. Due to the nature of the business there is vehicle traffic to and from the site outside of these hours. There are times when overtime is necessary to complete time sensitive jobs.

I previously submitted a storm water management plan and have made changes to reduce the water that was naturally flowing in the direction of the properties to the West. The creation of the berm will not increase storm water quantities.

Parcel No.458190 would be re-graded, returned to green space, and I have proposed using a portion of Parcel No. 283317 to relocate the paddock displaced by the proposed rezoning.

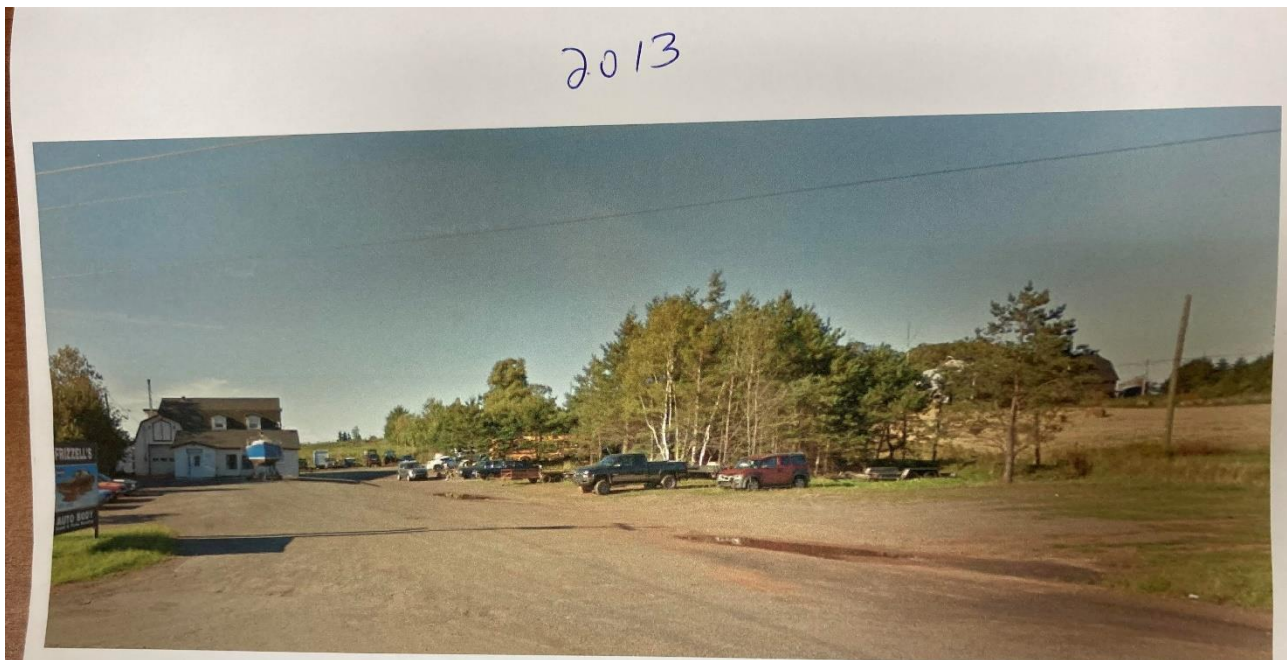
We manage on average 20-25 major repairs per month, and another 15-20 minor repairs. Some of the major repairs involve sourcing used parts from vehicles deemed as salvage. Some of the more recent severe weather has resulted in boats and RV sitting for extended periods while awaiting parts and shop scheduling to complete repairs. Commercial vehicle parts turnaround is currently running 60-120 days from date of order to material delivery.

I was recently involved in an accident where my shop tow truck was damaged beyond repair, I have secured a replacement truck and am working on reducing the backlog created in my and the trucks absence.

My sole objective in the rezoning is to allow for the sprawl of my operation to be condensed on one property, and improve the appearance of the property, while meeting the concerns of the community that I have lived in and provided services to for more than 30 year.

Sincerely

Andrew G. Frizzell



APPENDIX B

Rural Municipality of Miltonvale Park, Prince Edward Island A Bylaw to Provide for a Code of Conduct for Members of Council Bylaw # 2023-09

BE IT ENACTED by the Council of the Rural Municipality of Miltonvale Park as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

1.1. This bylaw shall be known and cited as the “Code of Conduct Bylaw.”

2. Purpose

2.1. The purpose of this bylaw is to set minimum expectations for the behaviour of members of Council and Council Committees in carrying out their functions and making decisions that benefit the Rural Municipality of Miltonvale Park.

3. Authority

3.1. Section 107 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., requires that a Council must establish a Code of Conduct bylaw to govern the conduct of members of Council.

4. Application

4.1. This bylaw applies to the Mayor and all members of Council. It operates together with, and as a supplement to, the applicable common law and the following statutes, any regulations or other delegated legislation made pursuant to them:

- (a) the *Municipal Government Act* and *Code of Conduct Regulations*
- (b) the *Occupational Health and Safety Act Workplace Harassment Regulations*
- (c) the *Criminal Code of Canada*

4.2. The bylaw, pursuant to Section 3 of the Regulations applies, as nearly as practicable, to Council Committee members and Directors of controlled corporations established by Council.

5. Definitions

5.1. In this bylaw, any word and term that is defined in the *Municipal Government Act* has the same meaning as in the Act.

5.2. In this bylaw,

- (a) “Act” means the *Municipal Government Act*.
- (b) “Chief Administrative Officer” or “CAO” means the administrative head of the municipality.

- (c) "Confidential Information" means information that could reasonably harm the interests of individuals or organizations, including the municipality if disclosed to persons who are not authorized to access the information.
- (d) "Council" means the Mayor and other members of the Council of the municipality.
- (e) "Councillor" means a member of Council other than the mayor.
- (f) "Family Member" means in relation to a person, a spouse, parent, child, brother, sister, aunt, uncle, grandchild, grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law of the person.
- (g) "Municipality" means the Rural Municipality of Miltonvale Park.
- (h) "Person Closely Connected" means, in relation to a member of Council, a family member, an agent, a business partner or an employer of the member.
- (i) "Regulations" means the Code of Conduct Regulations enacted pursuant to the Act.
- (j) "Staff" means the Chief Administrative Officer (CAO) and all staff of the municipality, whether full-time, part-time, contract, seasonal or volunteers.

6. Interpretation

- 6.1. This bylaw is to be given a broad, liberal interpretation in accordance with applicable legislation and the definitions set out.

7. Periodic Review

- 7.1. Council shall, in accordance with Section 6 of the Regulations, review and update this bylaw at least once every five years from the effective date of this bylaw.

8. Training

- 8.1. In accordance with Section 4 of the Regulations:
 - (a) the CAO shall arrange for training on the Code of Conduct for a council member elected, re-elected, or appointed to Council; and
 - (b) the member shall complete the training; and
 - (c) the CAO shall report to Council if a member fails or refuses to complete the training.
- 8.2. The training provided shall consist of the training course specified by the Regulations.
- 8.3. A member of Council who fails or refuses to complete the Code of Conduct training within the time specified shall not:
 - (a) carry out a power, duty, or function as a member of Council;
 - (b) receive any remuneration; and
 - (c) be considered present at a meeting even if the member is physically present.

PART II – PRINCIPLES

9. Guiding Principles and Expectations

- 9.1. Members of Council are keepers of the public trust and must uphold the highest standards of ethical behaviour.
- 9.2. Members of Council have a duty to make decisions based on the best interests of the municipality.
- 9.3. Members of Council are expected to act lawfully and be free from undue influence and not act, or appear to act, to gain financial or other benefits for themselves, family, friends, or business interests as a result of the member holding municipal office.
- 9.4. Members of Council must demonstrate and promote the principles of the Code of Conduct through their decisions, actions, and behaviour. Behaviour must build and inspire the public's trust and confidence in municipal government.
- 9.5. Members of Council must conduct public business efficiently and with decorum. They must always treat each other and others with respect.
- 9.6. Members of Council have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered, encouraging appropriate public participation, communicating clearly, and providing appropriate means for recourse and feedback.
- 9.7. Members of Council must adhere to the following principles and provisions:
 - (a) Members of Council must serve, and be seen to serve, their constituents in a conscientious and diligent manner;
 - (b) Members of Council must be committed to performing their functions with integrity and to avoid and/or disclose conflicts of interest, and the improper use of the influence of their office;
 - (c) Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence;
 - (d) Members of Council are obliged to question any request to act or make a decision that they think may be unethical or unlawful; and
 - (e) Members of Council must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council members must avoid conduct that is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse including derogatory language, or the adverse treatment of others.

10. Confidential Information

- 10.1. Members of Council must respect rules regarding confidentiality, disclosure, and access to all personal information in the control of the Rural Municipality of Miltonvale Park pursuant to the Access to Information and Protection of Personal Information Bylaw.
- 10.2. No member of Council will:

- (a) disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except where required by policy or law or authorized by the Council to do so.
- (b) use confidential information for personal gain or for the gain of any person closely connected as defined in the Act.
- (c) access or attempt to gain access to confidential information in the custody of the municipality unless it is necessary for the performance of their duties and is not prohibited by legislation, regulations, and Council policy.

11. Public Disclosure Statements

- 11.1. Pursuant to clause 107(2)(d) of the Act, all members of Council are required to file a Council Member Disclosure Statement with the CAO within thirty (30) days of being elected or appointed and update the Disclosure Statement annually by in accordance with clause 107(2)(e) of the Act.
- 11.2. The CAO shall post all Disclosure Statements on the municipality's website within 30 days of receipt from each member. The Disclosure Statement shall remain on the site until such time as an updated Disclosure Statement is filed or the individual is no longer a member of Council.
- 11.3. A Public Disclosure Statement shall not include specific details about a member of Council's personal financial matters such as salary, the value of holdings or other specific personal financial information.

12. Gifts and Benefits

- 12.1. No member of Council shall accept a fee, advance, cash, gift, gift certificate or personal benefit that is connected directly or indirectly with the performance of their duties of office, except for the following:
 - (a) compensation authorized under the Remuneration Bylaw;
 - (b) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - (c) a suitable memento of a function honouring the member of Council;
 - (d) food, lodging, transportation, and entertainment provided by another government or by a conference, seminar, or event organizer where the member of Council is either speaking or attending in an official capacity at an official event;
 - (e) food and beverages consumed at banquets, receptions, or similar events;
 - (f) communication to the offices of a member of Council, including subscriptions to newspapers, and periodicals; and
 - (g) sponsorships and donations for community events organized or run by a member of Council or by a third party on behalf of a member of Council.
- 12.2. No member of Council shall accept the use of property or facilities at less than fair market value.

- 12.3. No member of Council shall provide property, goods, and services to the municipality at higher than fair market value.

13. Use of Municipal Property, Equipment and Services

- 13.1. No member of Council shall use, or request the use of, municipal staff services, municipal equipment, services, supplies or other municipally owned materials or any municipal property unless item or service is:
 - (a) available for such use by the public generally and the member of Council is receiving no special preference in its use; or,
 - (b) made available to the member of Council in the course of carrying out council activities and duties.
- 13.2. No member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of municipally developed intellectual property.
- 13.3. No member of Council shall use information, or attempt to use information, gained in the execution of their duties that is not available to the public for any purposes other than carrying out their official duties.
- 13.4. No member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of personal property to the municipality, except in compliance with the Act and the Conflict of Interest Bylaw.

14. Improper Use of Influence

- 14.1. No member of Council shall use the influence of their office for any purpose other than for the exercise of their official duties.
- 14.2. When a matter pertaining to the municipality is before any tribunal, members of Council shall not contact any tribunal members.

15. Respectful Workplace

- 15.1. All members of Council have a duty to treat other Council members, municipal employees, and the public appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.
- 15.2. All members of Council shall encourage public respect for the municipality and its bylaws.
- 15.3. All members of Council must respect the decision(s) of Council when a decision has been made.
- 15.4. While respecting the right to have contradictory positions and opinions, all members of Council shall avoid any words or actions that are unduly critical or derogatory to other members of Council, staff, or the municipality's official position on any topic.

16. Interactions of Council with Staff and Service Providers

- 16.1. No member of Council shall attempt to influence any municipal employee to hire or promote a person closely connected to the member.
- 16.2. Members of Council shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council.
- 16.3. Members of Council must not direct or influence, or attempt to direct or influence any municipal staff, except the CAO, in the exercise of their duties or functions.
- 16.4. Pursuant to subsection 93(7) of the Act, members of Council or a Council Committee may communicate directly with an employee to obtain or provide information.
- 16.5. Members of Council must not make public statements attacking or reflecting negatively on the Rural Municipality of Miltonvale Park staff or invoke staff matters for political purposes.

PART III – COMPLAINTS

17. Breaches, Complaint Handling, and Internal Resolution

- 17.1. Any person who is, in the opinion of the CAO, an affected person may file a complaint concerning an alleged breach of the Code of Conduct bylaw.
- 17.2. Members of Council are to abide by the requirements of this Code of Conduct bylaw and shall endeavour to resolve disputes in good faith.
- 17.3. Alleged breaches of this Code of Conduct bylaw by a member of Council shall be submitted in a written complaint addressed to the Mayor and/or the CAO within three (3) months of the complainant becoming aware of the last alleged breach.
- 17.4. The written complaint shall be delivered to the CAO using Schedule A, who, upon receiving the complaint, will report to the Mayor.
- 17.5. If the Mayor is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Deputy Mayor and CAO.
- 17.6. In the event both the Mayor and Deputy Mayor are the subject of, or are implicated in a complaint, or a majority of Council is the subject of or implicated in the complaint, Council shall commence the formal resolution process.
- 17.7. In the event both a member of Council and the CAO are the subject of, or are implicated in a complaint, Council shall commence the formal resolution process.
- 17.8. In the following cases, the CAO shall report to Council and the Council shall commence the formal resolution process:
 - (a) If, in the opinion of the CAO, the nature of the complaint makes it unsuitable for the informal resolution process,
 - (b) The CAO is unable to determine the validity of the complaint,

(c) The CAO is unable to determine if an individual could be considered an affected person.

17.9. Before commencing the formal internal resolution procedure specified below, the member(s) of Council who allegedly breached this Code of Conduct bylaw will endeavour to resolve the matter informally in a courteous and respectful manner, recognizing that they have been elected to represent the best interests of the municipality.

17.10. If the alleged breach cannot be informally resolved, the Mayor will facilitate discussion between the parties.

17.11. If the matter is not satisfactorily resolved after mayoral facilitation, Council will commence the formal internal resolution process by having Council appoint an independent third-party investigator who has the necessary professional skills, knowledge, and experience to carry out the role and investigate the complaint in a fair and objective manner.

17.12. If the Mayor is involved in the alleged breach of the Code of Conduct bylaw, the Deputy Mayor shall assume the role of the Mayor in the facilitation process and the appointment of any third-party investigator.

17.13. All deliberations regarding alleged breaches of the Code of Conduct bylaw shall be conducted in confidence.

18. Investigations

18.1. If a third-party investigator is appointed, the parties:

- (a) Shall provide reasonable assistance to the investigator if requested; and
- (b) Must participate in good faith in the investigation.

18.2. The role of the investigator is to:

- (a) Consider the alleged breach of the Code of Conduct and any accompanying evidence;
- (b) Determine whether the complaint is frivolous or vexatious and dismiss the complaint on that basis;
- (c) Ensure that the parties involved are given an opportunity to be heard by the investigator;
- (d) Explore if the alleged breach can be resolved between the parties without making any findings; and
- (e) Failing resolution between the parties, the third-party investigator will provide an investigation update within ninety (90) days of their appointment to Council, and to the complainant and the respondent.

18.3. The third-party investigator will provide a written, confidential report of the findings of the investigation, including whether there has been a breach of this Code of Conduct bylaw, to the Council, the complainant, and the respondent. The CAO will receive and retain all reports prepared in relation to breaches of the Code of Conduct.

18.4. Upon receipt of the investigation report, Council will, in accordance with the Regulations do the following at its next meeting of Council:

- (a) Close the meeting to the public and review the report;
- (b) When the review is finished, re-open the meeting to the public and hold a vote for the following purposes:
 - 1. To determine if the member breached the code of conduct, and if no breach has occurred, to dismiss the complaint by resolution; or
 - 2. To determine the appropriate sanction if any.

19. Sanctions

19.1. The principles of natural justice must be observed during the independent investigation. The member of Council who is the subject of an alleged breach must be given all relevant information regarding the allegation and an opportunity to respond and be supported if the member so desires.

19.2. Any member of Council who alleges a breach of the Code of Conduct must not be disadvantaged because of such action.

19.3. Council shall consider the following when deciding whether to impose a sanction for a breach of the Code of Conduct bylaw:

- (a) Whether the breach was intentional or inadvertent;
- (b) The nature of the breach, including the number of occasions the breach occurred and the length of time the activity or conduct that constituted the breach lasted;
- (c) Whether the member took any steps to remedy the breach or mitigate the consequences of the breach;
- (d) Whether the member previously breached the Code and the circumstances of that breach;
- (e) Whether the member has previously refused to comply with a sanction for a breach of the Code of Conduct bylaw; and
- (f) The recommendation(s) of the investigator.

19.4. Council may, in accordance with subsections 107(3) and (4) of the Act and Section 5 of the Regulations:

- (a) Reprimand the member of Council for a breach of this Code of Conduct Bylaw;
- (b) Suspend the member in respect of their services as a member of Council for a period not to exceed:
 - 1. Six months, or
 - 2. the expiry of the member's term of office, whichever occurs first.
- (c) Request a written apology to Council, the complainant, or both;
- (d) A requirement that the council member attend training as recommended by Council;
- (e) Impose a fine of not more than \$500;

- (f) Reduce or suspend the Council member's compensation as provided for under subsection 82(2) of the Act;
- (g) Impose any other sanction that is recommended by the third-party investigator, other than sanctions prohibited by the Act;
- (h) Any other sanction that may be provided for in the Regulations as they are amended from time to time.

19.5. In accordance with subsection 2(6) of the Regulations, a majority of members present and voting at the meeting must affirm a resolution to sanction the member.

19.6. A member who is sanctioned by Council for a breach of the Code of Conduct bylaw shall comply with the terms of the sanction within the time specified by Council.

19.7. All sanctions by Council shall be made by resolution at a public meeting of Council.

19.8. The CAO shall, where a member has been sanctioned by Council under clause 2.1.a of the Regulations, post notice of the sanction on the municipality's website within seven (7) days of the sanction being announced and ensure the notice remains on the website for the term of the sanction or thirty (30) days, whichever is greater.

19.9. In accordance with subsection 5(4) of the Regulations, a Council member suspended pursuant to 26(1)(d) shall not, during the period of the suspension:

- (a) Sit on Council, a Council Committee or the Board of Directors of a controlled corporation or other entity established by the municipality; or
- (b) Receive any remuneration, allowance or other sum from the municipality or controlled corporation or other entity referred to in clause 9(a).

19.10. A member or members of Council who are the subject of the complaint shall not take retaliatory actions or attempt to influence others to act against the complainant.

20. Repeal of Existing Bylaw

On adoption, this bylaw replaces Bylaw #2018-09 and all amendments heretofore.

21. Effective Date

21.1. This Code of Conduct Bylaw, Bylaw# 2023-09, shall be effective on the date of approval and adoption below.

First Reading:

This Code of Conduct Bylaw, Bylaw# 2023-09, was read a first time at the Council meeting held on the 18th day of October, 2023.

This Code of Conduct Bylaw, Bylaw# 2023-09, was approved by a majority of Council members present at the Council meeting held on the 18th day of October, 2023.

Second Reading:

This Code of Conduct Bylaw, Bylaw# 2023-09, was read a second time at the Council meeting held on the 15th day of November, 2023.

This Code of Conduct Bylaw, Bylaw# 2023-09, was approved by a majority of Council members present at the Council meeting held on the 15th day of November, 2023.

Approval and Adoption by Council:

This Code of Conduct Bylaw, Bylaw# 2023-09, was adopted by a majority of Council members present at the Council meeting held on the 15th day of November, 2023.

Signatures

Mayor (signature sealed)

Chief Administrative Officer (signature sealed)

This ___(name of bylaw)_____ Bylaw adopted by the Council of the City/Town/Rural Municipality of ___(municipal Name)_____ on ___(date)_____ is certified to be a true copy.

Chief Administrative Officer Signature

Date

Schedule A – Code of Conduct Complaint Form

This form shall be filed within **3 months** of the complainant becoming aware of the alleged breach. Complainants are encouraged to report incidents as soon as possible.

If an informal resolution was not attempted as you feel it is inappropriate for your complaint, please be sure to indicate this below.

Alleged violations should be reported in good faith, where the person making the complaint reasonably believes they have information that can show a violation has been committed.

The following sections must be completed to enable review:

- **Complainant Information**
- **Incident Report**
- **Informal Resolution Report** (may not be appropriate for all complaints)

If additional information needs to be included under any section of this form, this information can be completed on a separate document and attached to the form.

This document, once completed, must be submitted to the Chief Administrative Officer (CAO). The CAO will process all complaints and may recommend dismissal, informal resolution process, mayoral mediation, or formal resolution process.

This document, once completed, must be stored in such a manner to protect the confidential nature of the contents.

COMPLAINANT INFORMATION

(Required Section)

Full Name: _____

Last Name

First Name

Position (if any): _____

Phone Number: _____

Address: _____

Address

Community

Postal Code

Email (Optional) _____

Signature: _____

INCIDENT REPORT
(Required Section)

Who Committed the Alleged Violation?

Full Name: _____
Last Name First Name

Position: _____
(Mayor/Deputy Mayor/Council/Council Member/Committee Member)

Witness Information

Include the names, position titles, and contact information, if applicable/available, for anyone who may have observed or have information regarding the alleged violation.

Details of the Alleged Violation

Provide as much detail as possible regarding the facts of the situation.

Description of the violation (section of municipal by-law violated, what was observed, who was involved, what was said or happened), including any background/context:

When and where did this situation happen (dates, times, and locations)?

Date of Violation: _____

**Additional
Details:**

Identify any evidence, if applicable, such as documentation, emails, and photos (please attach copies of any evidence):

DISCLOSURE DETAILS
(Optional Section)

What was happening before the situation occurred?

Did anyone respond or react to the situation (who responded, what did they say or do)?

INFORMAL RESOLUTION REPORT
(Required Section)

An informal resolution attempt includes a conversation between the individuals involved in the complaint, and, if necessary, the Mayor.

If your complaint is unsuitable for an informal resolution attempt, please indicate that here.

Describe the steps taken to resolve the conflict:

How did the respondent react?

Identify any evidence, if applicable, such as documentation, emails, and photos (please attach copies of any evidence):

FOR COMPLETION BY THE CAO

Respondent Information (for intake reviewer's reference only):

Date Received: _____

CAO Signature: _____