

**Rural Municipality of Miltonvale Park Council  
MINUTES**

**Milton Community Hall**

**7:00 p.m., January 17, 2024**

*Present:* Mayor Hal Parker, Councillors Paul Poole, Rosemarie Ramsay, Jamie Taylor, Andrew Frizzell, and CAO Shari MacDonald

*Regrets:* Councillors Leo Doucette and Spencer 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 2024:01 – Moved by Councillor Jamie Taylor, seconded by Councillor Andrew Frizzell that **the agenda be approved**. Motion carried, 4-0.

**4. PUBLIC PRESENTATIONS/PETITIONS/DELEGATIONS**

There were no public presentations scheduled.

**5. ADOPTION OF MINUTES**

Motion 2024: 02 – Moved by Councillor Paul Poole, seconded by Councillor Rose Ramsay that **the minutes of the November 15, 2023, Regular Meeting be approved, with the correction of several typos**. Motion carried, 4-0. The Closed Meeting minutes will be approved at the next meeting.

**6. BUSINESS ARISING FROM THE MINUTES**

- i. **Hall Renovation** - Enabling Accessibility Fund was notified that the municipality wishes to withdraw from the contract; however, can be extended up to five years. Council will ask to extend it to September 2025. The scope of the project can also be changed.
- ii. **EV charger** – No quotes have been received from either of the two other electricians asked to do a price estimate to install EV chargers at the park.
- iii. **Capital Investment Plan** – The contract for the Canada Community Building Fund (CCBF) amendments was received and signed January 15, 2024. The current allotments are:
  - a. 54.2.3 -Miltonvale Community Park Revitalization 2020 \$24,000
  - b. 54.2.6 – Milton Hall Elevator Addition - \$170,964.40
  - c. 54.2.9 -Miltonvale Park Strathrae Park - \$19,700.77
  - d. 54.2.8 – Miltonvale Park Community Garden - \$14,174.10

- iv. **Council Appreciation Night** –Councillors enjoyed the food prepared by Chef Brian Straton and noted the portions were very generous.
- v. **Celebrate Canada** – The application was submitted for Canada Day Celebrations 2024.
- vi. **Live Well PEI** –The grant application for \$2500 for four cooking lessons and two gardening sessions was not successful
- vii. **New Years Levee** – There were about 105-110 people who enjoyed the Pancake Breakfast. It was suggested that a griddle unit be purchased for the top of the propane stove. It was an event that could be repeated, possibly before next season.
- viii. **Tree Canada Grants** – No application made was made before the December 3, 2023 deadline for the **Tremendous Communities** grant.
- ix. [Hurricane Fiona Recovery Fund](#) -The CAO did not have time to make an application for this grant, which from the guidelines seemed more applicable to repairing Fiona damage. The office is still working on the provincial [Reception Center Resiliency Fund](#). Electrician Randy MacLead suggested a 35-40 kw commercial generator be purchased and is checking costs. A grant could pay up to \$50,000 to cover 80% of the costs.

## 5. READING OF CORRESPONDENCE

- i. **Regular emails and/magazines/updates** were received from ParticipACTION, Water Canada, Turf & Rec, SAB Magazine, Municipal Info Network News, and FCM
- ii. The **ParticipACTION Community Challenge** is a national physical activity and sport initiative that encourages everyone to get active in June and find Canada's Most Active Community, which wins \$100,000 to support local physical activity and sport initiatives. **Until February 13, 2024**, eligible organizations can apply for grants up to \$1500 for staffing, training, promotion, equipment and venue rentals, and are designed to increase sport and physical activity participation.
- iii. **Innovation PEI's Cultural Development** division are now open for applications:
  - a. The [Community Celebration Fund](#) funds up to **\$2,500** to assist with costs to present a festival or event. Any activity that attracts residents and/or visitors and provides them opportunities to experience PEI's heritage, culture, and cuisine may be eligible for financial assistance through this program. Open until March 4, 2024
  - b. The [Community Cultural Partnership Program](#) provides up to **\$2,500** to assist with activities that promote the culture and heritage of PEI. Priority will be given to new initiatives fostering community partnerships. Open until March 4, 2024
  - c. The [Acadian and Francophone Culture Fund](#) gives financial assistance to develop or promote a unique and innovative cultural experience that will attract Francophone residents/visitors and reinforce PEI's vibrant Francophonie (e.g. service, festival or cultural experience). Open until March 11, 2024.
- iv. **Statistics Canada's Government Finance Statistics** measures and analyze the economic dimensions of Canada and requested a copy of the municipality's detailed financial statement for 2022-2023.
- v. **APM Centre's annual request for Capital Campaign** for \$4154 was received. This figure has not changed in 12 years, and is expected to increase.
- vi. **Occupational Health and Safety** invites written comments by February. 23, 2024, on proposed amendments to the OHS Act General Regulations: *Part 9: First Aid Training* - to harmonize to the main components of the CSA Standard Z1210-17, First aid training

for the workplace. *Part 45: Respiratory Protection* - to harmonize to the CSA Standard Z94.4.1-21, Performance of filtering respirators, and *Part 22: Stairs* to align with the requirements set out in the National Building Code of Canada.

<http://www.wcb.pe.ca/Information/LegislativeReview>. [wactreview@wcb.pe.ca](mailto:wactreview@wcb.pe.ca)

- vii. Office of Immigration PEI Jan 16, 2024 distributed an annual survey for employers who have used their programs, which the CAO completed.
- viii. **Inclusify** – sent a registration link for [Revivify](#), a FREE online antiracist mindfulness event on Wednesday, January 17, 2024, at 12 noon. The information was shared on social media.
- ix. The Province and ACOA are looking for working professionals to be a volunteer mentor in the [Study & Stay PEI](#) program and support a graduating international student in starting their career in PEI.
- x. **EMO weather packages** were received for storms on Dec. 18-19 and 20-21, 2023 and January 10 and 13-14, 2024.
- xi. **Spruce Grove Landscaping** now offer carpentry services throughout the winter months
- xii. The **annual report** and the **groundwater monitoring report** were received from Island Waste Management Corporation.
- xiii. The **FPEIM Newsletter** was received on January 10, 2024 and contained information about
  - a. The former Morell mayor receiving the **Bruce H. Yeo Award**,
  - b. Various grants and programs including the [2 Billion Trees](#) fund which is accepting application until mid-March.
  - c. **Atlantic Community of Practice — Housing** - The Atlantic team at the [Canada Mortgage and Housing Corporation](#) (CMHC) is inviting PEI municipalities to join a new Atlantic Community of Practice to help people from a diverse range of housing experiences collaborate, share knowledge, and contribute to housing solutions.
  - d. **Fostering Resilience in Women Municipal Leaders** -The fourth [Fostering Resilience in Women Municipal Leaders](#) workshop is Saturday, Jan. 20, 9:00 am-3:30 pm, at Credit Union Place in the Summerside. It includes sessions on conflict management, an update from Patsy Beattie-Huggan from the [Atlantic Summer Institute](#), and the chance to network and share.
  - e. **Code of Conduct Training** - The provincial [code of conduct training](#) helps mayors and council understand code of conduct requirements, address any inappropriate behavior, and know the procedures for filing a formal code of conduct complaint. Councillors have until March 31, 2024, to complete the training.
  - f. **FPEIM Annual General Meeting** will take place Monday, April 29, in Charlottetown.
  - g. **FCM Annual Conference and Trade Show** - The [Federation of Canadian Municipalities](#) conference is in Calgary, June 6-9. The registration fee is \$1095.
  - h. The [Future of Maritime Downtowns and Main Streets](#) provides a resource manual for downtowns of Atlantic Canada. Councillor Ramsay volunteered to review the document.
  - i. The PEI Coalition for Women in Government release a report on [Technology-Facilitated Gender-Based Violence](#).
  - j. The Canoe Procurement Program had a spotlight on their Office Supply Program.
- xiv. Planners are invited to a [discussion with leaders](#) from London, Ontario online on January 19, 2024 at 11:00AM(PST) on their [Whole of Community System Response](#) to the homelessness crisis. With the support of the [Fund For Change](#), a group of over 200 individuals from a variety of sectors has created a new network of hubs offering

comprehensive services to help the most marginalized unhoused Londoners move safely indoors, stabilize, access supports and become sustainably housed.

- xv. **Workers Compensation Board (WCB)** of PEI now offer workers the convenience of reporting and filing a work-related injury or illness claim through the WCB's Online Services portal.
- xvi. **Westland Insurance** -The Underwriting Team at Intact Public Entities required information in advance of the insurance renewal: Municipal Renewal Application, and a spreadsheet, to which they applied 7% inflation.
- xvii. There was a request from Kingston-Emyvale for the **template** for the agreement with the hall for renovations.
- xviii. Jan 4, 2024 –**Warren Grove** former CAO, Michel Arsenault, made a virtual introduction to their new CAO, Kyle Dudley.
- xix. **Recreation PEI Newsletter** included information about
  - a. **The Framework for Recreation in Canada**, the Atlantic Recreation & Facilities Conference – May 29-31, 2024 in Fredericton NB
  - b. **Activate Your Neighbourhood**, a tactical guide to help people reimagine and repurpose neighbourhood spaces to support physical activity and social connections.
  - c. It supports Canada's physical activity strategy: **A Common Vision for increasing physical activity and reducing sedentary living in Canada: Let's Get Moving**.
  - d. CPRA is accepting grant applications for the **Green Jobs** Initiative, to create meaningful job placements. It provides 50% wage subsidies for 140 jobs that focus on green career-related activities. Deadline: February 16, 2024.
  - e. **Measuring Impact** -The Canadian Fitness and Lifestyle Research Institute (CFLRI) and the Canadian Parks and Recreation Association (CPRA) provide resources that demonstrate the impact and value of the sport, physical activity, and recreation (SPAR) sector. **Measuring the Impact of SPAR in Canada**.
  - f. CPRA & Health Canada created a resource: **Establishing Healthy Food Environments in the Recreation Sector**.
  - g. In 2024, Recreation PEI plans a tour of Island arenas and recreation facilities. There are also
  - h. **Arena Safety Logbooks** which can be purchased **online**.
  - i. **Community Challenge Grant Opening Date** -Applications for **ParticipACTION's Community Challenge** grants of up to \$1,500 will be open until February 13, 2024. The **grant guidelines** and **application questions** are now available.
  - j. Sport for Life is hosting a webinar- **The Inclusion of Trans and Non-Binary People in Sport** on Thursday, January 25 at 2pm.
- xx. **Christmas Cards** – Premier King, MP Heath MacDonald, Lt-Governor Antoinette Perry, and Stewart McKelvey (who brought a treat package) plus electronic greetings: CPCI, the Canadian Precast Prestressed Concrete Institute, FCM, FPEIM.
- xxi. **Dec. 12 – Central Region Sport and Recreation Council (CRSRC)** - Jessica Corbett, Executive Director, notes CRSRC creates and funds fitness activities and programs for all ages within Central PEI, and would like to help Miltonvale Park's programs grow! They can provide equipment and can subsidize classes to allow them to be affordable. They may fund additional yoga.
- xxii. **Earth Day 2024**, April 22, will highlight sustainable mobility, and encourage people to adopt new eco-friendly habits and take action. A **list of activities** was suggested to celebrate Earth Day.
- xxiii. **Chargepoint Flex** billing remitted \$2.71 for October and November, 2023, use of the electric vehicle chargers.

- xxiv. **December 14, 2023 -Municipal Affairs Newsletter** – included information on the following: Holiday Office Hours, 2024 To Do List, Call for Expression of Interest - Shared Services, Changes to the Planning Act and the Municipal Government Act, Code of Conduct Training for Council Members, **State of the Coast Report**, Atlantic Housing Community of Practice, UPEI Survey on the Mental Health Impacts of Post-Tropical Storm Fiona, Reception Centre Resiliency Fund (Generators/Emergency equipment, etc.), Are you prepared? Storm Season and Municipal Affairs Resources.
- xxv. **Natural Asset Management Roadmap Program - Intact Public Entities** is accepting applications from Atlantic Canadian municipalities to join its [Natural Asset Management Roadmap Program](#). Selected municipalities get free access to expertise and guidance in developing a high-level plan to manage natural assets. The program is a partnership with the [Natural Assets Initiative](#).
- xxvi. **FCM News** – included information on a new [Asset management insights: Planning and decision-making report](#). Infrastructure Canada is now accepting applications for the Planning and Design Projects stream of its **Rural Transit Solutions Fund (RTSF)** for grants of up to \$50,000 to plan and design new or expanded transit solutions for their communities (e.g., public engagement, needs assessments, feasibility or viability studies, surveys and assessments of routes or modes of travel). Applications will be accepted on a rolling intake basis through the Applicant Portal, on Infrastructure Canada's [webpage](#), **Building Energy Monitoring System (BEMS)** allows building operators to identify and fix issues promptly, save energy costs, and reduce greenhouse gas emissions. Additionally, it helps building operators understand where energy use might be a problem and could be improved. The **Community Efficiency Financing (CEF)** market guide helps assess the potential of implementing a local financing program for energy upgrade projects in communities. Miltonvale Park's membership fee for FCM for the 2024-25 year is \$553.67
- xxvii. Immigration, Refugees and Citizenship Canada (IRCC) has relaunched the **Inclusive Communities** advertising campaign. As part of the [Immigration Matters initiative](#), Canadians and established immigrants are encouraged to engage with and welcome newcomers to their communities.
- xxviii. [United Way of PEI](#) shared the six-month report from [211 PEI](#) to provide a snapshot of issues facing Islanders. 211 PEI is a navigation service with heart, that connects people to the community, social, health, and government programs. 211 PEI has detailed information on programs related to housing, food, seniors' programs, financial assistance, employment, legal services, where to direct complaints, recreation and more. 211 can be reached 24/7/365 by dialing 2-1-1 or searching the [211 PEI website](#), and reached weekdays by texting 211 or emailing [help@pe.211.ca](mailto:help@pe.211.ca).
- xxix. The Municipal Affairs Newsletter contained [information regarding municipal buying and selling land on PEI](#).
- xxx. Department of Economic Development, Innovation and Trade requested a report for **PEI Municipal Reporting on Procurement Agreements**. As part of Canada's free trade obligations included in the Canada – European Union Comprehensive and Economic Trade Agreement (CETA), provincial and municipal governments in Canada are responsible to report on procurements (purchases of goods, services, and construction services) that exceed certain dollar value thresholds for tendered contracts). The CAO submitted a NIL report.
- xxxi. FPEIM - The PEI government recently shared the [Post-Tropical Storm Fiona After-Action Report](#), which looks at the response to the storm and suggests improvements for the next major weather event.

## 6. REPORTS FROM STANDING AND AD HOC COMMITTEES

### i. Environment and Community Living

- a. **Watershed -Councillor Taylor** reported on the January 10, 2024 Cornwall and Watershed Group (CAWG) Meeting which focused on revising the organization's bylaws. CAWG plans to complete the bylaw review and develop a membership plan at the February meeting, which is rescheduled to Feb 7, 2024.

### b. **Projects**

- i. **ACOA Canada Community Revitalization Fund** – Community Garden, Miltonvale Community Park and Strathrae Park. The overall costs were estimated to be \$258,809, with ACOA deeming \$190,419 of the costs as eligible. The ACOA contribution is \$118,871 (\$102,537 for this project and \$16,336 from hall renovation project). The Province of PEI intends to contribute \$35,000, although a contract has not yet received. According to ACOA, the Canada Community Building Fund (CCBF) will contribute \$33,380 and Miltonvale Park will contribute \$71,558. ACOA will contribute towards the compost, driveway, tilling, greenhouse, sign, benches and picnic table for the community garden, and trees, fence, gazebo, sign picnic table and benches for the new park at Strathrae, as well as playground equipment and fencing the basketball court at the Miltonvale Community Park. Decisions need to be made regarding the fence or trees at Strathrae, as the developer wants to see a wooden fence on the property. Aluminum panels were suggested. The developer intends to have covenants for the subdivision. Written agreements need to be finalized for the Community Garden, and permission obtained for Maritime Electric. The playground equipment arrived and is stored offsite until it can be installed. Councillor Frizzell has a deck truck which may be helpful at that time. The Province's deadline is June 2024, while ACOA's final deadline can be not later than March 2024. Spruce Grove Landscaping can make Landscape Design Plan for the green space area at Strathrae \$1,500. Council may be able to include this in the ACAO project, and felt it might be useful for further funding applications. An estimate was received for approximately \$24,575 to plant 28 large white spruce trees for the new park, and a 4 ft chain link fence, approximately 426 feet would cost almost \$12,000 plus HST. It was suggested that the former Silver Bells Tree Farm may consider selling older trees. The CAO will make a financial claim to ACOA soon.
- ii. **New Horizons for Seniors (2023-24)**– “PEI Through the Years” Project  
The square-dancing classes are scheduled for Jan. 16, 23, 30 and Feb. 13. With about 18 people registered. The PEI Foods sessions on Nov. 21 and Dec. 6 were well attended. The last presentation (Chinese) is planned for Feb. 6. Lunch and Learns are scheduled on February 16 with David Hooper, IRSA on March 6, and with Dutch Thompson on March 7. There will be a basket weaving course with Noella Moore on Saturday, January 27. Activities that were also in the project include another speaker on an Indigenous Topics, a walk, a concert celebrating Black culture, which IRSA said they would be involved with, and three book club meetings.
- iii. **New Horizons for Seniors Program (NHSP) Community 2024-25** – An application was made for \$17,270 for **Miltonvale Park – Life in the Movies**. A decision should be communicated by late February or March, 2024.

- iv. **PEI Seniors Secretariat Funding 2023-24 – (\$2100) “Miltonvale Park – Senior Matters”** has had two food presentations. The second one had 48 people register; however, capacity was 35. The Credit Union will present about Seniors Financial Wellness at a Lunch and Learn on February 2 and will possibly hold another on Feb 23. The municipality also needs to organize a seniors Health Fair.
- iii. **Community Meals & Meal Boxes** –The second meal, a turkey supper was held on Dec 14, with the 3<sup>rd</sup> meal, turkey soup planned for Jan. 18. Other dates for suppers are Feb. 1, Feb. 15 and March 13 (new date). Fifty meal boxes were given out on January 13, with a second meal boxes giveaway planned for February 22.
- iv. **Active Transportation Plan** –The draft plan was received on November 28, which was too late to review and prepare an application for the [PEI AT Fund](#) by December 1. There are minor corrections needed. After Councillors become familiar with it, a focus group community meeting could be held hosted by Councillors.
- v. [PEI 150 Celebration Fund](#) - Reports have not yet been sent for the **antique vehicle show** nor **Canada Day**.
- vi. **Gender | Equity | Diversity | Inclusion and Community Enhancement Program**  
The municipality was awarded \$5330 to organize a drag Brunch, drag story time, a workshop/round table, and an Outrageous Bingo before December 31, 2024.

#### d. Activities

- 1. **Yoga** on Tuesday is led by Leone Curtis who has classes at 9 a.m. for mat and 10:30 a.m. for chair yoga.
- 2. Monday and Friday 9 a.m. **exercise** with Michele Gallant resumed on Jan.15.
- 3. **North River Fire Department Santa Tour** was held on Saturday, Dec. 9 with a good turnout. The municipality gave out free books, cookies, hot chocolate and juice.
- e. **Park** – Brad Coles winterized the park this fall.
- f. **Community Pasture** – The CAO still needs to prepare a lease for Earl Hambly to sign regarding the pasture land.
- g. **Community Signs** – No more signs have been installed yet.
- h. **APM Centre** – The APM Board would like to know thoughts from communities regarding the possibility of divesting the APM Centre to Cornwall and the addition of a second ice surface. The municipality may be asked to contribute an additional \$3,000 this year. The board meets January 17, so Councillors had been canvassed prior to the meeting for feedback to pass along to the municipality’s representative, Sheila Curtis. The minutes from their annual meeting and recent request regarding the capital campaign were circulated to Council. The ownership of the APM Center may be a good fit with the Town of Cornwall but the municipality would like to understand any ramifications of their assuming ownership on Miltonvale Park and its residents. No one commented on a post on the municipal private Facebook group. It was wondered if anyone would share thoughts in a survey.

#### iii. **Emergency Measures**

- a. **PEI Disaster Financial Assistance Program for Municipalities** – The application is due by the fall of 2026. The CAO believes there is still an invoice from Brad Coles that may relate to tree clean up from Fiona.
- b. **Radios** –referred back to EMO committee which hasn’t met. The possibility of 25- mile walkie talkies was mentioned; however, it is believed they need to be

line of sight. It was noted there weren't radios during Fiona, and it may not have made a major difference.

- c. **Generators** –There are six 4000-watt generators, and cords and four gas cans stored on the Crabbe Road. The office will work on getting paperwork organized (simple instructions, loan agreement, no liability) and advise residents.
- d. **Red Cross** – There does not appear to be a contract with the hall regarding its use as a warming center.
- e. **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, where they will contribute a maximum of 80% of project costs, up to \$250,000. 80% of generator costs, up to \$50,000 can be included in project costs. Applicants must contribute at least 10%.
- f. **Emergency Preparedness Workshop Opportunities** – A generator workshop was held on December 13. A chainsaw workshop could be part of the hall's Milton MVP project
- g. **Training** - PEI EMO circulated their 2024 [training schedule](#). They will also host courses for 10+ people specifically for an organization. For more information, contact [emotraining@gov.pe.ca](mailto:emotraining@gov.pe.ca). The municipality should plan an annual tabletop exercise.

### iii **Personnel Committee**

- a. **CAO contract** -Councillor Ramsay is reviewing draft CAO contracts.
- b. The municipality still needs to approve an employee **code of conduct**.

### iv **Finance/Payment of Accounts**

- a. **Remittance** – The municipality is a quarterly remitter and has paid remittances to the end of December 2023.
- b. **Reports and Payment of Accounts** – The financial statements were not available for the meeting, but will be circulated as soon as possible.
- c. **Budget** – Council briefly discussed activities and items which should be considered when the budget is drafted. They wish to continue with a car show and a pancake breakfast, and wanted to construct a structure for the generator, possibly with screw piles and a roof. The Public Meeting for the budget was set for 7:30 on Thursday, February 29.
- d. **Staff wages** -The CAO was asked to leave the meeting, and did so, from 8:13-8:29 p.m.

Motion 2024:03 -Moved by Councillor Jamie Taylor, seconded by Councillor Andrew Frizzell that **the wages for Joy MacIntyre be increased to \$19.50/hour effective January 1, 2024**. Motion carried, 4-0.

Motion 2024:04 -Moved by Councillor Jamie Taylor, seconded by Councillor Andrew Frizzell that **effective January 1, 2024, the CAO's wages be increased to include \$75 monthly to pay for cell phone usage and a 6% annual contribution be made towards her RRSP**. Motion carried, 4-0.

It was also noted that if the CAO is unable to take vacation, then it should be paid out.

**9. REPORT FROM CAO** – The CAO sent regular email updates with events, responded in writing to a resident for a request for reimbursement of expenses due to a planning

issue, completed reporting for Business Payrolls Survey and Canada's Core Public Infrastructure Survey, 2022, spent time on the ACOA project, wrote minutes, organized community meals, submitted applications to the Enabling Accessibility Fund, and to Canada Summer Jobs, organized the pancake breakfast, worked on the EMO warming centre applications, and organized the Appreciation Supper. The CAO took a week's vacation. Items still to be done include completing the EMO Warming Center application, a claim for the ACOA project, a newsletter before the public meeting for finances and Bylaw/OP, reports to Innovation PEI (Canada Day and Car Show), T4s, 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, lease for the pasture, organize seniors activities, including a health fair, and apply for the GST rebate.

## **10. RECOMMENDATIONS FROM THE PLANNING BOARD**

### **1. PERMITS ISSUED**

- a. Permit 2023-21 was issued on 15/11/2023 at 26 Tinney Rd. Springvale at PID 1035435 for ground mounted solar panels.
- b. Permit 2023-22 was issued on 15/11/2023 at Springvale Lane, Springvale, PID 912261 to move a mini-home.
- c. Permit 2023-23 was issued on 13/12/2023 at 17033 Rte 2 Milton Station, at PID 283267 for a detached garage.
- d. Permit 2023-24 was issued on 20/12/2023 at 413 Sleepy Hollow Road at PID 694703 for a fence around the basketball court.

### **2. APPEALS**

IRAC notified the parties that the appeal of application MP-1180, in which PID 700443 was denied an application to sell cars from the property is deemed abandoned. The appellants have a 21-day appeal period. The appellants have again taken to social media to express their displeasure with Council and staff. Councillors discussed the significant efforts that Council had previously taken to change the bylaw to permit an export car lot on the property, and the time and financial resources that were devoted to that request, only to have the developers immediately begin to sell automobiles from the property, against the conditions of that permit. The developers applied to operate a used car lot ("automobile shop"), which is not permitted on the property due to several clauses in the bylaws, but did not make an application to change the bylaws.

### **3. ENFORCEMENT**

**PID No. 283085** - Court File No. S1-GS-30161 was signed on Sept 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 was 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 moved before the deadline; however, the fill from the pile at the back was merely moved around the property. The Development Officer re-

verified on Google Earth that both piles appeared about the same time. He spoke to the owner's wife by phone on November 8, 2023, and followed with a letter to ensure the owners were aware that the fill at the back should also be removed. The Development Officer and Mayor visited the site on November 15 as the office received a report from a resident that machinery was working, but not removing any fill from the property. The back pile was re-distributed around the property, and berms constructed near the road. A family member accused the municipality of harassing the elderly owner. On December 8, 2023, Council's lawyer sent a letter to Matthew Bradley, the developer's lawyer, noting the \$1500 due by October 27, was not received, and that the back fill had not been removed from the property. Mr. Bradley responded that the piles on the property may belong to the Larter farm, and the owners had removed all the piles of dirt that the municipality had requested them to. They also cautioned elected officials and staff of the municipality from going on to the developer's property and took issue with the conduct of the municipality. The \$1500 was finally received by the municipality's lawyer in mid-December.

The legal bills for this infraction are \$6750, as of mid-November, 2023.

Planning Board had recommended to Council that no further financial effort be spent to enforce the fill issue for PID 283085 at this time, other than investigating the possibility of a putting a lien against the property.

Motion 2024:05 -Moved by Councillor Paul Poole, seconded by Councillor Jamie Taylor that **that the meeting be closed under the authority of the Municipal Government Act 119.1. (f) to discuss the conduct of existing or anticipated legal proceedings.** Motion carried, 4-0 at 8:47 p.m.

Motion 2024:06 -Moved by Councillor Paul Poole, seconded by Councillor Andrew Frizzell that **that the meeting be return to an open meeting.**

4. **APPLICATIONS IN PROGRESS** - In most instances, more information is required to finish processing the following applications:
- a. PID **444232** - Application #MP-1195 to construct 23 new single unit dwellings.
  - b. PID **901769**- for a single unit dwelling and private garage. The Development Officer will reach out to the applicant.
  - c. 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 municipality gave preliminary approval for stages 2 and 3, in 2021 and will grant final approval when the City of Charlottetown's outstanding issues (lift station and easement) have been satisfied.
  - d. PID **700443** - Application #MP-1182- Rezone from Agricultural (A1) to Commercial (C1) Section 3.2.4. of the Development Bylaw notes that "an incomplete application shall be considered null and void if the applicant does not submit the required information and does not make payment in full on the application, within six (6) months of submitting the initial application form." The applicant shall be notified the file is considered closed as the Development Officer has been waiting for information necessary to process the file for well over six months.

- e. PID **283085** - An application to place fill was received in January of 2023 but the required drainage plan was not submitted. The Development Officer will notify the developers that this application will be considered void.
  - f. PID **283325 & 658799** - Application #MP-1198- Rezone from Commercial (C1) and Agricultural (A1) to Light Industrial (M1) and lot revision.
  - g. PID **241059** - Application #MP1207 for change of use to permit short -term rentals. The Development Officer is waiting for an updated site plan, and will reach out to the owners again.
  - h. PID **922740** - Application #MP 1208 for a single unit dwelling.
  - i. PID **280792** - Application #MP 1209 for a 1 Lot off subdivision.
  - j. PID **281790** - Application #MP 1210 for a 1 Lot off subdivision
  - k. PID **280800** - Application #MPS 157 for a 1 Lot off subdivision
- It was noted that one of these (i,j,k) subdivisions may require a variance.

## 5. APPLICATIONS REQUIRING INPUT

**Rezoning - PID 283325 and 658799** – A public meeting will be scheduled for the change to the Future Land Use Map in the Official Plan. Any Development Agreement would be finalized once the Bylaw and Official Plan amendments are approved. It was suggested that a tentative date for the public meeting could be February 28, 2024.

## 6. PROPOSED BYLAW AND OFFICIAL PLAN CHANGES

Motion 2024:07 – Moved by Councillor Paul Poole, seconded by Councillor Jamie Taylor that, as recommended by Planner Samantha Murphy, and Planning Board, **the Council for the Rural Municipality for Miltonvale Park move forward with a Public Meeting on Wednesday, February 28 at 7 p.m. to present the following changes to the Zoning and Subdivision (Development) Bylaw and the Official Plan:**

### **Amendments to the Miltonvale Park Official Plan (2021):**

- ***In subsection 8.2.1. Non-Resource Commercial and Industrial Land Use Policy*** by:

the deletion of Plan Act CI-1 and the substitution of the following:

“CI-1 The Council shall consider potential impacts on the supply or use of resource lands when reviewing applications for a proposed expansion of existing non-resource based commercial and industrial land uses or for a change from an agricultural to a commercial or industrial designation and zoning.”

- ***In Subsection 8.2.5. Industrial Zone Policy by the addition of the following after Plan Action CI-7***

CI-7.1 The Development Bylaw may be amended on application to apply the Light Industrial (M1) Zone to lands determined to be unsuited for primary resource uses, for new small-scale light industrial activities appropriate to a rural area, where the objective of limiting unserved commercial development and the other policies of this official plan can be met.

- ***In subsection 9.2.2. General Development Standards Policy by the deletion of the words ‘for each zone’ in Plan Action P-6.***

- **By the deletion of Subsection 9.2.3 Excavation Pit Policy.**
- **By the deletion of Subsection 12.8 Appeal Procedure and the addition of the following:**

**“12.8 Appeal Procedure**

Any appeal of a decision in respect to the administration of the Development Bylaw shall be undertaken in accordance with Part V of the *Planning Act*.”

- **The Rural Municipality of Miltonvale Park Official Plan (2021) Appendix B, Future Land Use Map, be amended, as indicated in Figure 1, by the following:**

- The future land use designation of PID 283325 is changed from a combination of General Commercial and Agricultural to Light Industrial; and
- The future land use designation of a 1.8-acre portion of PID 658799 is changed from Agricultural to Light Industrial.



Figure 1

**Amendments to the Development Bylaw (Bylaw 2021-14):**

1. **Section 3.1 of the Bylaw is amended by**
  - a. the deletion of clause (1)(g) and the renumbering of the subsequent clauses accordingly; and
  - b. the deletion of the period following “j) Subdivide or consolidate a Parcel or Parcels”.
2. **Section 3.14 of the Bylaw is amended by** the renumbering of the subsections following subsection (7) as subsection (8) and subsection (9).
3. **Section 3.15 of the Bylaw is amended by** the following:
  - a. In subsection (5) by the deletion of the words “Amendments to the Official Plan or this bylaw approved by Council also require approval by the Minister responsible for administering the Planning Act.”; and
  - b. In subsection (9) by the deletion of the words “, until the approval from the Minister responsible for administering the Planning Act or any successor legislation has been granted for the necessary amendments” and the substitution of the words “any necessary amendments approved by Council have taken effect.”
4. **Section 3.17 of the Bylaw is amended by the deletion of subsection (1) and the addition of the following:**
5. Any appeal of a decision in respect to the administration of this Bylaw shall be undertaken in accordance with Part V of the *Planning Act*.
6. **Subsections 3.18(1) and 3.18(2) of the Bylaw are amended by the deletion of the word “bylaw” and the substitution of the word “Bylaw”.**
7. **Section 4.2 of the Bylaw is amended by:** a. the deletion of the words “when the Side Yard Setback is at least as wide as the minimum required setback for the Main Building” in Clause (2)(e); and b. the addition of the “or the minimum Yard Setback for the applicable Zone, whichever is greater” following the words “5 m (16.40 ft)”.
8. **Section 4.3 of the Bylaw is amended by the deletion of subsection (1) to (7) and the substitution of the following:**
  - a. The standards for Accessory Buildings shall be as follows:

	All zones				
Used for human habitation	Only where a dwelling is a permitted accessory use				
More than one Accessory Building permitted	All zones except the O2 Zone				
	Farm or Resource Use property, Commercial Zone, Industrial Zone	All other parcels			
Located in front yard or flankage yard	No restriction	Not permitted			
Setback from Lot Line	Zone setbacks apply	1.5 m (4.92 ft) except common garages for semi-detached dwellings			
Minimum distance from <i>main building</i> on the <i>lot</i>	As required under the National Building Code	The greater of 1.5 m (4.92 ft) or any applicable National Building Code standard			
Maximum height	Zone standards apply	4.60 m (15.1 ft) where Lot is less than 0.405 ha (1 acre) or is located in RS1 Zone			
		7.62 m (25 ft) where Lot is equal to or greater than 0.405 ha (1 acre)			
	Farm or Resource Use property, Commercial Zone, Industrial Zone	Lot is < 0.202 ha (0.5 acre)	Lot is equal to or greater than 0.202 ha (0.5 acre) but less than 0.405 ha (1 acre) or is located in the RS1 Zone and is equal to or greater than 0.202 ha (0.5 acre)	Lot is between 0.405 ha (1 acre) and 1.22 ha (3 acres)	Lot is greater than 1.22 ha (3 acres)
Maximum combined gross Floor Area of all Accessory Buildings on Parcel	No restriction	10% of the Lot Area	the greater of 10% or 112 sq m (1,205.6 sq ft)	10% of the Lot Area	10% of the Lot Area
Maximum gross Floor Area of an individual Accessory Building	No standard	93 sq m (1,001 sq ft)	112 sq m (1,205 sq ft)	140 sq m (1,507 sq ft)	186 sq m (2,002 sq ft)
	Residential Lot (including commercial uses on a Residential Lot)	All other parcels			
Zone Standards	Standards of this section apply	Zone Standards for the Main Building apply			
Reduced setback in rear yard	Not permitted	Minimum Setback of 4.57 m (15 ft) if the Accessory Building is less than 600 sq m (6,458.35 sq ft) and is smaller than the footprint of the Main Building			

b. Subsections (6) and (7) shall be renumbered as subsections (2) and (3) respectively.

**8. The Bylaw is amended by the deletion of section 4.4.**

**9. The Bylaw is amended by the deletion of section 4.10.**

**10. The Bylaw is amended by the deletion of subsection 4.25(2) and the addition of the following:**

“2. Without limiting the foregoing, the following uses are not permitted in any zone:

a) *satellite dishes greater than 0.61 m (2 ft) in diameter; and*

b) *Salvage Yards.*”

**11. The Bylaw is amended by:**

a. In clause 4.28(1)(a), the deletion of the words ‘side or Rear’; and

b. In clause 4.28(1)(b), the deletion of the words ‘the front, rear, or side Yards’ and the substitution of the words ‘any Yard’.

**12. The Bylaw is amended by the deletion of subsection 4.31 and the substitution of the following:**

“1. A Swimming Pool shall be permitted in the MHP, RS1, R1, A1 and O1 Zones subject to the following conditions:

a) a Development Permit has been issued for the Swimming Pool;

b) a 1.8 m. (6 ft.) high Fence fully encloses the Swimming Pool and is constructed in such a manner so as to impede unauthorized Persons from entering over or under said Fence;

c) any gate on such Fence is self-closing and self-latching to prevent its opening from outside the fenced area;

d) notwithstanding clause 4.31(1)(b), the Development Officer may allow one or more Buildings to take the place of a portion of the Fence so long as the Swimming Pool is fully enclosed by the Fence and Building(s);

e) The Owner shall satisfy any other conditions related to the Maintenance and safety of the Swimming Pool; and

f) The Swimming Pool shall not be located in a Yard that abuts a Highway.”

**13. Section 4.34 of the Bylaw is amended by the following:**

a. The deletion of the words “energy facilities” in subclause (10)(g)(ii) and the substitution of the words “Energy Facilities”; and

b. The addition of the following after subsection (11):

“12. Section 4.34 does not apply to Wind Energy Facilities with a nameplate capacity equal to or greater than 1 megawatt.”

**14. Subsection 8.3(1) of the Bylaw is amended by add 6.0 m (19.7 ft) as the Flankage Yard Setback (minimum) for an Interior Lot.**

**15. Subsection 9.2(1) of the Bylaw is amended by the deletion of the following words “with a Lot Area of 12,140.57 m<sup>2</sup> (3 acre) or less”.**

**16. Schedule 2 of the Bylaw is amended by the following:**

- a. The deletion of the period and the addition of a comma after the words “intensity of Use or size of a Structure or Building” and the addition of the words “but does not include an excavation pit as defined in the *Excavation Pit Regulations, EC146/17*” at the end of the definition of “Development”.
- b. The deletion of the definition of “Excavation Pit”.

17. **Schedule 4 of the Bylaw is amended by the deletion of “excavation pits” and the associated permit fee.**

18. **Schedule 6 of the Bylaw is amended by the deletion the existing text and the addition of the updated Part IV Special Regulations D – Stratford Region, Charlottetown Region, Cornwall Region and Summerside Region from the *Planning Act Subdivision and Development Regulations* current to the effective date of this Bylaw.**

19. **Zoning Map: Schedule 1 of the Bylaw, is amended by the change in zoning, as indicated in the Figure 1 below, of:**

- a. PID 283325 changed from a combination of General Commercial (C1) and Agricultural (A1) to Light Industrial (M1);
- b. A 1.8 -acre portion of PID 658799 changed from Agricultural (A1) to Light Industrial (M1).

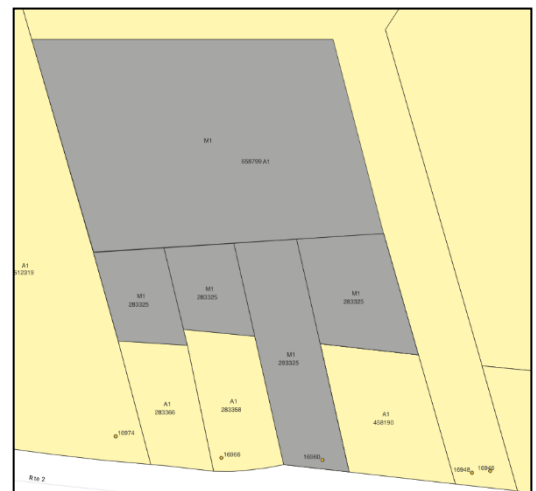


Figure 2

Motion carried, 4-0.

## 7. OTHER

- a. **Planning Board Amendments** – The proposed changes regarding “aggrieved person” and appeals discussed at the November meeting were approved by the Province.
- b. **Active Transportation Plan** - Members briefly discussed the Active Transportation Plan. It was felt that the shallow depth of the water in the North York River made the boat slip impractical. The walking trails were of interest. The Bassett property may have potential for inclusion. With the ATV Association’s efforts to increase access for ATVs, it was hoped it could be enforced that walking trails were not for ATVs. Trails could be 4 ft. wide with a gravel bed. It was suggested a culvert be used to make a pedway or elevated pedway.
- c. **Stewart McKelvey Year End Review**  
 The municipality’s lawyers distributed their annual review of [IRAC decisions](#) and Planning Act amendments. Decisions showed that the
  1. The Commission interprets bylaws by considering their text, context and purpose, illustrated by LA23-01 when Miltonvale Park’s decision to allow a solar array was upheld.
  2. Development decisions must be based on sound planning principles.

In LA23-02, the PEI Energy Corporation appealed a decision by Eastern Kings to deny a permit to develop a 30-MegaWatt wind farm expansion. The decision was overturned.

3. The expectations of residents do not necessarily constitute valid planning considerations. In LA23-03, a developer appealed Charlottetown's rejection of a request to amend the Zoning Map. Present zoning is not a guarantee of future zoning and the property was ordered rezoned.
4. The Commission may require evidence from accredited planning professionals. In LA23-04, the appellants appealed a decision by the Minister of Agriculture and Land to deny their application to subdivide agricultural land to create a residential subdivision.
5. A municipal council must provide thorough, cogent, and thoughtful reasons when evaluating planning applications. In LA23-05, the appellant appealed a decision by Charlottetown to deny her request for bylaw variances. Planning staff recommended approval, but Planning Board and Council denied, with no reasons in the minutes. IRAC quashed the decision and ordered that the variances be granted on certain conditions.
6. The Commission has no jurisdiction to hear an appeal from a municipal exercise of a "legislative function." In LA23-06, the appellants appealed a decision by North Shore to adopt a new land use bylaw, but were denied.
7. The Commission does not have jurisdiction to determine boundary line disputes, as evidenced by LA23-07, in which IRAC is holding the appeal in abeyance while the location of the boundary line is settled.
8. The Commission may dispense with its Rules of Practice and Procedure. In LA23-09, the appellant appealed from a decision by the Minister. The Planning Act provides that an appeal must be filed "within 21 days after the date of the decision being appealed". The appellant's notice was received at 4:09 pm on the 21<sup>st</sup> day, when IRAC's rules of practice consider 4 p.m. the end of day. IRAC concluded that the appeal could be heard.

In 2023, the Legislature enacted significant amendments to the Planning Act to give municipalities more tools for bylaw enforcement by municipal appointees, and to restrict the number of planning-related appeals to IRAC. Highlights include:

1. Provisions that empower municipalities to appoint enforcement officers who can enter land, conduct tests, and issue orders to secure compliance with municipal bylaws.
  2. Provisions that increase the fines payable on summary conviction for contraventions of the Planning Act or of certain municipal bylaws. Individuals are now liable to a maximum fine of \$10,000 and corporations are now liable to a maximum fine of \$100,000.
  3. Provisions that restrict the scope of individuals who can appeal a planning-related decision to the Commission.
- d. Former **Development Officer Michael Olubiya** and his wife had a healthy baby boy on Jan 1, 2024.

**11. INQUIRIES BY MEMBERS OF COUNCIL** -There were no inquiries from Councillors.

## 12. OTHER

Councillors were reminded to complete the required Code of Conduct Training, before the end of March, 2024.

## 13. INTRODUCTION AND READING OF BYLAWS

There were no bylaws to be reviewed.

## 14. ADJOURNMENT

Motion 2024:08 – Moved by Councillor Paul Poole that **the meeting be adjourned** and Mayor Hal Parker declared it so at 9:15 p.m.

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Hal Parker, Mayor

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Shari MacDonald, CAO

February 21, 2024

Date approved

Next meetings:

Regular Council Meeting- Wednesday, Feb. 21 at 7 p.m.

Committee Meetings – Planning Board – Thursday, Feb 1 at 7 p.m. if required.

EMO Committee

Public Meeting for OP and Development Bylaw Changes – Wednesday, Feb. 28 at 7:30 p.m.

Public Meeting – Budget – Thursday, Feb. 29 at 7:30 p.m.