



Rural Municipality of Eastern Kings

COUNCIL MEETING MINUTES

Thursday, October 12, 2023 6:15 p.m.

In Attendance: Mayor Larry Fitzpatrick, Deputy Mayor Danelle Elliott, Councillor's Bernadette McInnis, Don Humphrey, Arthur Baker and Donna Campbell Dixon, Nathan Paton and Chief Administrative Officer (CAO) Sonya Martin. Members of the Public: 4

1. Call to Order

The meeting was called to order at 6:15 p.m.

2. Conflicts of Interest Declaration – Individual Councillors – MGA 96.(1-8)

No conflicts of interest were heard.

3. Agenda Approval

It was moved by Councillor Donna Campbell Dixon and seconded by Councillor Arthur Baker to approve the agenda as presented. All were in favour and the motion was carried.

4. Minutes Approval

a) September 14, 2023 Council Meeting Minutes. It was moved by Councillor Arthur Baker and seconded by Deputy Mayor Danelle Elliott to approve the minutes as presented. All were in favour and the motion was carried.

5. Presentations to Council: None

6. Business Arising out of the Minutes

a) Housing – Mayor Fitzpatrick noted that he and Deputy Mayor Danelle Elliott had made phone calls and left messages with no feedback as yet. Councillor Donna Campbell Dixon noted that she could obtain a study on Housing by the Rotary for Council, and she will check into an available speaker on the subject.

b) Planning Committee Meeting Minutes – A motion was put forward by Councillor Don Humphrey and seconded by Councillor Donna Campbell Dixon for the current council to acknowledge that meetings were held in 2021 in the execution of the Upland tender as there was no planning committee at the time. Mayor Fitzpatrick noted that meetings were held to create a work product not in the standard form of the MGA, with no minutes and agenda. Votes: 4 - to acknowledge and Votes: 2 against - redundant

c) PEI Provincial News Release – “Changes to Regulations to enable progress in Renewable Energy” August 24, 2023. Mayor’s presentation to the PEI Legislative Standing Committee on Natural Resources & Environmental Sustainability - See Appendix “A”

d) A motion put forward by Councillor Don Humphrey and seconded by Councillor Donna Campbell Dixon, to release “119.(1.) Closed meeting details from the Sept 14/23 Council Meeting re: MGA 119.(4). Council’s statement – “The municipality had a legal independent review of Councillor’s conflict of interest in regards to Windmills, and the findings were that no Councillor was in a conflict of interest, with the exception of any Councillor that may have a pecuniary interest.”



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7. Reports:

- a) Mayor Fitzpatrick - None
- b) Chief Administrative Officer (CAO)
 - i) Bank Statement as at September 30, 2023 (See Appendix B)
 - ii) Update on Development Officer position. Job postings close is Oct 30, interviews to follow.
 - iii) Sonya's Stats in Lieu: Reconciliation/Remembrance for Oct 24 & 26/23.

8. New Business

- a) IRAC Notice of Appeal – The CAO has six days to compile a record for the municipal lawyer to meet the IRAC deadlines.

9. Adjournment

The meeting was adjourned at 7:21 p.m. It was moved by Councillor Arthur Baker and seconded by Councillor Bernadette McInnis. All were in favour and the motion was carried.

Signed in accordance,

Municipal Government Act S.116(4)

Larry Fitzpatrick, Mayor

Date

Sonya Martin, Chief Administrative Officer

Date



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Appendix A

Mayor Larry Fitzpatrick presentation to the Standing Committee on Natural Resources and Environmental Sustainability Thursday, October 19, 2023; Legislative Assembly of PEI.

“Council decision was overturned by IRAC and the legislation that followed to cancel decision making of a municipality.”

I wish to speak with you about the implications of the new legislation, which essentially negates the ability of our council to manage the natural resources in our community.

INTRODUCTION

The rural Municipality of Eastern Kings (RMEK) has a population of 650 residents with many additional seasonal residents who spend their summer in our community.

The main income for many of our residents comes from farming, fishing, and tourism industry.

Our community was managed for many years by a dedicated Community Council, which is now a Municipal Council. I am a first term Mayor we have 6 councilors, 3 are incumbents and 3 are first time elected.

Our Community developed an Official Plan in 2013 which we just recently updated and was submitted to the Minister for approval in September of this year.

We believe in having a framework to move our community forward and our official plan is that framework. We enlisted the help of a consultant to help formulate a multi land use that will meet the needs of the community in the present and future. We had extensive community consultations through public meetings to canvass what our community wanted for their future. A lot of time and effort was put into the plan by our residents, our consultant, and our municipality. We know our community and feel that we know what would be best for the community, but we had the wisdom to utilize an outside resource to learn what other communities were doing and incorporate those ideas if they enhanced our community.

We know that a Plan is legislated and is a requirement for every Municipality in Prince Edward Island and we take pride in the fact that we formulated a framework for our community to move forward. We did not expect the revisions of the Energy Act to override our plan and legislate where Windmills could be located.

The background on our Windfarm is this.

We have had a windfarm near Elmira since 2004, and many years later, we learned that there was a desire to add additional windmills in that location. The Power Corporation applied for expansion, and in 2021, the Council voted down the application for expansion of the current windfarm in EK.

The council decision was appealed to IRAC by the Energy Corporation.



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In April 2023 IRAC gave their decision and overturned the Council's decision, but no further information was given to council. There was no clarification given to the municipality and we were told to seek legal advice. As a small municipality, our finances are limited and legal opinions are expensive

On September 2nd, the amendments to the Renewable Energy Act came into effect, meaning that our community had lost any ability to designate where Wind energy resources could locate.

In terms of Natural Resources:

The RMEK municipality formulated an Official Plan for their development of land use. This Plan references green space, shore protection and development.

Natural Resources are a provincial responsibility so we understand that our community at times, falls into the "bigger picture" of the Provincial vision, but it is frustrating to be spending time and money on planning, moving forward, and then have legislation take away our vision for our community.

The Planning Act of PEI does address these issues, to reference a few.

Section 2 Purpose

Subsections

- b) sustainable planned development
- c) protect natural and built environment
- d) encourage cooperation and coordination of shareholders
- e) address potential conflicts regarding land use

Section 2.1 Minister responsibilities of Provincial Interest

- c) protect, conservation and management of ecological systems
- d) adaptation of climate change

The Council decision was aligned with the purposes of the Planning Act.

Yes, a windfarm exists but the expansion of the farm on the industrial scale proposed was not compatible with the community vision that the Council had planned.



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After the IRAC decision, the government used the authority of the Renewable Energy Act section 9.1 to create the Designated Areas Regulation.

Again, our small Municipality had no information in terms of what exactly did this mean for our community. The Planning Act section 8.1 refers to the government's right to act if there is no Official Plan in a municipality, but we had a plan since 2013.

Our community is concerned with environmental sustainability, that's why we have an official plan, to us, sustainability essentially means, "meeting our needs without compromising the ability of future generations".

When legislation allows action to build and alter the landscape, we lose sustainability, the future for that property and that community is changed. And we can't get it back.

We have a great need to do better, and the environment is important to all of us.

We understand that change is necessary and to be taking meaningful action to reduce our impact on the environment.

RMEK is not against windmills and agrees that we need to do more in terms of climate responsibility.

How can we, in good conscience, say that we are acting sustainably when we are utilizing a natural resource causing irreparable damage to the environment.

The Planning Act 2.1 Ministers responsibilities,

D) the prevention of fragmentation of land and loss of natural habitat connectivity and biodiversity.

The East Point location of the municipality is a natural habitat, and our greenbelt must be protected.

I would hope this committee and ministers responsible for their respective Acts, carefully consider the Provincial actions, choose a pathway that meet our municipal needs and does not jeopardize the future generations of our Municipality.

The current regulation enacted does not create a collaborative environment for all stakeholders involved. If we are developing our natural resources, then it must be in a sustainable way that is open and transparent for everyone involved. That we look at all options in terms of technology and planning to meet our climate goals.



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APPENDIX B

Chief Administrative Officer (CAO) Report – October 12, 2023

Bank Statement for the month of September 2023

Souris Credit Union

Business Operational Account

Opening Balance on Sept 01, 2023	\$84,289.26
Closing Balance at Sept 30, 2023	\$86,134.76

Closing balance includes all deposits: development fees, month end tax assessment revenue (21,215.00), etc. & all cheque activity that has cleared the bank for the current month.

Shares & Patronage

Business Shares at Sept 30, 2023	\$5.05
Patronage account at Sept 30, 2023 <i>Patronage Transferred to Savings 17 April 2023 (-279.05)</i>	\$0.00

Gas Tax (Restricted Funds) Account

Opening Balance on Sept 01, 2023	\$69,606.81
Interest	<u>\$260.31</u>
Closing Balance Sep 30, 2023	\$69,867.12

RMEK Reserve Savings Account

GIC to Savings, opening balance at Sept 01, 2023	\$66,852.99
Interest	<u>\$250.01</u>
Closing Balance at Sept 30, 2023	\$67,103.00



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APPENDIX C



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Address: 85 Munns Road, Rte. 301 Kingsboro PE C0A 2B0

Telephone: (902) 357 – 2894 | Email: developmentofficer.rmek@gmail.com |

Website: www.easternkings.ca

Permit No.	Date - D/M/Y	Name & Civic Address	PID #	Details
EKDP01-2023	03/02/2023	Jamie Bruce 708 Baltic Rd., East Baltic	896613	Install Power Service Pole for Electricity to Boat Pad
EKDP02-2023	03/02/2023	Polaron/Worden/Woodworth 7092 Northside Rd., Lakeville	1084532	Install Rooftop Solar Panels
EKDP03-2023	10/02/2023	Jason Tompkins 2641 East Pt. Rd., Kingsboro	808483	Construct 2-Story Detached Garage
EKDP04-2023	28/03/2023	Boyd Rose 6811 Northside Rd., Lakeside	680298	Construct 36x26 Detached Garage
EKDP05-2023	28/03/2023	Erik Sondergaard Bull Creek Rd., Priest Pond, PE	693408 &710806	Clear & Install Driveway, Septic, Well, Pad
EKDP06-2023	14/04/2023	Myles Rose 402 North Lake Harbour Rd., Lakeville, PE	833673	Construct 50-80 Pole Barn (4000 sq. ft.)
EKDP07-2023	21/04/2023	Marvyn's Garden Kingsboro, PE	108852	Construct 90'x160' (14,400) sq. ft. Potato Storage Building
EKDP08-2023	25/05/2023	Michael LaPierre 1953 East Pt. Rd., Red Point	108290	Install temporary power service to for trailer. Home to follow in future.
EKDP09-2023	25/05/2023	Polaron/Jennifer Robertson 1117 Baltic Rd., East Baltic, PE	916726	Install Rooftop Solar Panels
EKDP10-2023	25/05/2023	Simon and Karen Hopkins East Point Rd., South Lake, PE	881797	Install Temporary Power to service future building of pole barn
EKDP11-2023	25/05/2023	Meaghan Hughes Route 16, Lakeville, PE	103550	Install Water/Sewer/Temporary Power for future cottage (1200 sq. ft to be confirmed at future date)
EKDP12-2023	26/05/2023	Rusty Elliott/JP Cheverie Construction 3212 East Pt. Rd., Bothwell, PE	109314	Move Building across the Road
EKDP13-2023	26/05/2023	Ernest MacPhee 148 Basin Head Rd., Kingsboro, PE	1043942	Build Storage Building for Fishing Gear (1344 Sq. Ft)
EKDP14-2023	26/05/2023	Kees Morsink & Margaret VanHelvoort Basin Head Rd., Kingsboro, PE	1155258	Level Land for Future Development
EKDP15-2023	02/06/2023	Brittany Roberts 5833 Northside Rd., North Lake, PE	1021872	Pour Foundation beneath existing home.
EKDP16-2023	09/06/2023	Kris Fournier 75 Cape Rd., North Lake, PE	111302	Demolition of Building
EKDP17-2023	30/06/2023	Wade MacAulay 2601 East Pt. Rd., Kingsboro, PE	7328278	Build Storage/Utility Accessory Building 20x30 (600 sq. ft)
EKDP18-2023	30/06/2023	Polaron/Henry Chapin 2570 East Pt. Rd., Kingsboro	109132	Install Rooftop Solar Panels



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EKDP19-2023	30/06/2023	John A Flynn Near 331 Elmira Rd., Elmira	111591	Build Garage 30x50 (1500 sq. ft)
EKDP20-2023	28/07/2023	David Walker 5142 Northside Rd, East Point	1076330	Erect 6' Wood Fence Surrounding Horse Arena 100x200
EKDP21-2023	28/07/2023	Jeremy & Kristen Harris Near 33 Sutherland Rd., Little Harbour	TBD (formerly 525148)	Construct new single family dwelling
EKDP22-2023	28/07/2023	Kurt & Alana Harris/Trent & Kirsten Mallard Campbell's Cove, Lakeville,	1160233	12 x 18 storage shed to be hauled in.
EKDP23-2023	28/07/2023	Rosalind Humphrey 367 Munns Rd., Kingsboro	108837	Construct new single family dwelling
EKDP24-2023	28/07/2023	Linda & David Underhill 8590 Northside Rd., Priest Pond	113258	14x14 Addition
EKDP25-2023	11/08/2023	Rhonda Dowling 456 North Lake Harbr. Rd. Lakeville	1049329	12x15 Addition
EKDP26-2023	11/08/2023	Francis MacDonald 4695 East Point Rd., East Pt.	795203	Construct 1000 Sq. Ft. Boat Barn
EKDP27-2023	11/08/2023	Francis MacDonald Subdivision of PID 110502 East Point Road, South Lake	Lot 23-01 Sub of 110502	Install 16x75 Mini Home and Prepare lot with well, septic and driveway.
EKDP28-2023	01/09/2023	Brittany Roberts 5833 Northside Rd North Lake	1021872	16' extension to east end of house
EKDP29-2023	01/09/2023	Helen McPhee 8418 Northside Rd Priest Pond	550913	16x24 addition to home
EKDP 30-2023	'15/09/2023	Paul Henry Campbell's Lane, Red Point PE	435453	Summer residence
EKDP31-2023	'15/09/2023	Jennifer Ferguson 22 Cranberry Lane, Red Point PE	108183	New addition to existing cottage
EKDP32-2023	'15/09/2023	Scott McBurney/Kim Hender 7 Robertson Rd., Red Point PE	426569	New cottage with existing well and septic

SUBDIVISION APPROVALS

Permit No.	Date D/M/Y	Name & Civic Address	PID #	Details
S01F-2023	20/04/2023	Curtis Sorrey and Charlene Sorrey 2983 East Pt. Rd., Kingsboro, PE	108738	Subdivide residential property from farmland remainder
S02F-2023	05/05/2023	Laura and Glen Robertson 109 Snake Road, Kingsboro	803064	Subdivide existing lot into three lots.
S03F-2023	26/05/2023	Curtis Sorrey and Charlene Sorrey 2983 East Pt. Rd., Kingsboro	708738	Subdivide 50acre Woodlot from Farmland Remainder
S04F-2023	23/06/2023	South Lake Christian Church 3815 Rte 16, South Lake,	110403 795070	Subdivide 1 parcel each from 2 remainder PIDs for highway improvements at the corner of Elmira Rd., and East Point Rd.



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S05-2023	30/06/2023	Velvet Carpenter Haven at Bothwell	992511	Final Approval for lots 23-02, 23-03 & 23-13 in Haven at Bothwell.
S06-2023	14/07/2023	Jeremy Steward Harris and Mary Kristen Harris 1627 East Point Rd., Little Harbour, PE,	525048	Subdivide 5.2 acres from existing lot for residential use.
S07-2023	28/7/2023	Richard Ching Basin Head Road Kingsboro, PEI	108399 & 377267	Subdivide 108399 to create 3 lots plus remnant. Adjust 377267 to match land survey with actual property dimensions.
S08-2023	01/09/2023	Karen Creighan Subdivision of PID 858308 Lighthouse Road, East Point	Lots 23-1 and 23-2 and Parcel A	Subdivide PID 858308 to two lots and remaining parcel.
S09-2023	04/09/2023	James Cheverie/Francis MacDonald East Pt. Rd. South Lake	Lot 23-01. Subdivisio n of PID 110502	Subdivide Lot 23-01 from PID 110502. 1 acre building lot.
S09-2023(R)	12/10/2023	James Cheverie/Francis MacDonald East Pt. Rd. South Lake	Lot 23-01. Subdivisio n of PID 110502	Replacement Survey S09-2023 (R) Shows the inclusion of the 30 foot right away as per the land owner/seller.