

Minutes
Resort Municipality Monthly Council Meeting
Monday, April 18, 2016
5:00 p.m..

The Monthly Council Meeting of the Resort Municipality was held on April 18, 2016 at the Resort Municipality Office.

PRESENT: Chair: Matthew Jelley. Councillors: Linda Lowther, Kay Hryckiwi, David Gauthier, Edmond Richard, Gwen Wyand and George Clark Dunning. Administrator, Brenda MacDonald.

ABSENT: Nil.

VISITORS: Mark Crowther, Daniel D'Amour.

1. **CALL TO ORDER:**

Vice-Chair Lowther called the meeting to order at 5:00 p.m..

2. **DECLARATION OF CONFLICT OF INTEREST:**

Councillor Clark Dunning advised that he had a conflict with Lori MacKinnon's application on the agenda.

3. **APPROVAL OF AGENDA:**

Vice-Chair Lowther advised that she would like to add the Destination Management Fund as 9AB on the agenda.

It was moved by Councillor Hryckiwi, seconded by Councillor Gauthier that the agenda be adopted as amended. All in favor 6, 1 non-voting. Motion Carried.

4. **APPROVAL OF MONTHLY COUNCIL MEETING MINUTES MARCH 21, 2016:**

It was moved by Councillor Clark Dunning, seconded by Councillor Richard that the monthly Council meeting minutes of March 21, 2016 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

Vice-Chair Lowther turned the meeting over to Chair Jelley.

Chair Jelley advised that Dawn Moase with Transportation, Infrastructure and Energy should be contacted to ensure that Route 6 West is a priority for paving as the pavement has broken up badly.

5. **RCMP:**

Mark Crowther attended the meeting and updated the Council on police stats for the area for the year as well as policing plans for CBMF. Mark was going to follow up on the stats as well as the recent break-ins in the area.

6. **CORRESPONDENCE:** Correspondence items for March that action is required on are listed on the agenda.

7. **COMMITTEE REPORTS:**

Building Permit Applications:

Peter and Noreen Heighton (17 Isidore's Lane) – an application was received to construct an accessory building on the property of 12' X 8' at property #518985. It was moved by Councillor Richard, seconded by Councillor Lowther that the application be approved subject to: 1) the building being located on the site in accordance with the site plan and 2) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

The Pearl Café (7792 Cavendish Road) – an application was received to change the use of the upstairs space into a tourist accommodation facility at property # 233429. It was decided that clarification be received from the lawyer on the use of the property as tourist accommodation facilities does not fall under the C1 zone.

Cavendish Tourist Mart (8934 Cavendish Road) - an application was received to change the use of the former laundry room into a fish mart at property # 233130. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted in principle subject to: 1) meets the requirements of the Provincial Fire Marshal, 2) meets the requirements of the Department of Health and Wellness and 3) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Sea Cross Inc. - Cavendish Boardwalk (9139 Cavendish Road) – an application was received to change the interior of the building for Cows and Anne of Green Gables Chocolates space of 39' X 15' at property # 231720. It was moved by Councillor Richard, seconded by Councillor Hryckiw that approval in principle be granted for the project subject to: 1) meets the requirements of the Provincial Fire Marshal's office, 2) meets the requirements of the Department of Health and Wellness and 3) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Sea Cross Inc. – (8779 Cavendish Road) - an application was received to construct a new roadway and walkway access into property # 232033. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval in principle be granted subject to: 1) meets the requirements of the Department of Transportation, Infrastructure and Energy, 2) the legend needs to be changed for the snow fence on the drawings, 3) that the event plans show where the exiting places are on the parking areas for the vehicles to come into and leave each of the parking areas on the East and the West, 4) that the final stamped, signed plan be provided, 5) that a development agreement is required for the new road construction, 6) that a performance bond for \$5,000.00 be posted, 7) meets the requirements of the Department of Environment and 8) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Cavendish Beach Music Festival (8779 Cavendish Road) - to construct a new roadway and walkway access into property # 1037423. It was moved by Councillor Richard, seconded by Councillor Lowther that approval in principle be granted subject to: 1) meets the requirements of the Department of Transportation, Infrastructure and Energy, 2) the legend be changed for the snow fence on the drawings, 3) that the event plans show where the exiting places are on the parking areas for the vehicles to come into and leave each of the parking areas on the East and the West sides, 4) that the final stamped signed plan be provided, 5) that a development agreement is required for the new road and walkway construction, 6) that a performance bond of \$5,000.00 be posted and 7) payment of building permit fee. All in favor 5, 1 non-voting, 1 neigh. Motion Carried.

Councillor Hryckiw left the meeting due to a conflict of interest.

Temporary Permit Applications:

100242 PEI Inc. - KOA (198 Forest Hills Lane) - an application was received to construct a temporary cell tower from May 1, 2016 to July 31, 2016 at property # 708255. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) that the tower be located on the site in accordance with the site plan and 2) payment of temporary permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Hryckiw returned to the meeting.

construction shall be from 8:00 a.m. – 8:00 p.m. daily and 19) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Cavendish Beach Music Festival (8779 Cavendish Road) – an application was received to construct new water and sewer lines on the property at property # 1037423. The Department of Environment has provided their comments that according to the Environmental Protection Act this water system is considered a central system as it has greater than 5 connections. I checked our records, and it appears we do not have the required information. Prior to any extension of this Central Water we require the following:

- 1) The owner shall hire a consulting engineer to assess the existing. This assessment shall include sizes and specs of materials installed, system capacity, engineering plan showing the layout and components of the system.
- 2) Prior to any work on the central water system, ie. extension, the owner will have to obtain approval from the department. The engineer hired to complete item 1) could complete this item.
- 3) As it is a central system, the owner is required to obtain Water Extraction Permit. Qing Li (902.368.4668) is the contact for this item, and I have copied him on this email.
- 4) The system has to be registered with the department as a central system. As the system is greater than 20 connections, there is a requirements to have this system operated by a certified operator. Andrew MacDonald (902.368.5043) looks after these items. The owners must provide the required information.

Phil Davison – moving of a building PID# 860742 (Cavendish Road) – The lawyer is preparing the development agreement for the property.

Jessica McClintick (Cavendish Road – Swimming Rock) – Information was sent to the landowner on the costs of the permit, development agreement fees and performance bond. We are awaiting confirmation from her on the decision that she agrees to pay all the necessary fees before proceeding forward.

David Lorenzetti (Cavendish Road) – No updates have been received.

KOA Campground (198 Forest Hills Lane) – an application was received to change the existing washroom building with the showers and washrooms at property # 708255. Quality Tourism Services has advised that due to the number of sites at the campground with the number of showers that these stalls cannot be decreased in numbers for the larger stalls as they would have to add additional showers to make up the required number for the facility. The owner is now only proceeding with renovations only to the existing washrooms and installing new fixtures only.

Councillor Clark Dunning left the meeting due to conflict of interest.

Lori MacKinnon (Cavendish Road) – It was moved by Councillor Richard, seconded by Councillor Hryckiw that Lori has until May 1, 2016 to apply for a demolition permit to remove the building that was constructed without a permit and if a completed application has not been submitted with all the necessary information then the Council will take the next steps legally to file an injunction at her expense to have the building removed from her property. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Clark Dunning returned to the meeting.

BCG Holdings – (8812 Cavendish Road) - an application was received to locate a tent on the property from July 7 - 10, 2016 at property # 509562. It was moved by Councillor Richard, seconded by Councillor Wyand that approval be granted in principle subject to: 1) that the hours of the tent shall be limited to 12:00 noon – 9:00 p.m., 2) meets the requirements of the Liquor Control Commission, 3) meets the requirements of the Provincial Fire Marshal's office, 4) that security be provided for the site, 5) that a development agreement be entered into, 6) that a performance bond of \$5,000.00 be posted and 7) payment of temporary permit fee. All in favor 6, 1 non-voting. Motion Carried.

Letter of Support – Extension of Hours:

BCG Holdings – (8812 Cavendish Road) – a request was received to extend the hours of the Beach House Restaurant until 2:00 a.m. on July 2 and from July 7 - 10, 2016 at property # 509562. It was moved by Councillor Richard, seconded by Councillor Wyand that approval be granted subject to: 1) that the hours on the outside deck shall only be until 12:00 midnight, 2) that the extension of hours until 2:00 a.m. shall be for inside the building only, 3) meets the requirements of the Liquor Control Commission, 4) meets the requirements of the Provincial Fire Marshal's office, 5) that the hours be tied into the development agreement and performance bond with the tent, 6) that security be provided for the site, and 7) payment of temporary permit fee. All in favor 6, 1 non-voting. Motion Carried.

Follow Up Permits:

The comments from the public meeting were reviewed.

Belcourt Center – (75 Reid Road) - It was moved by Councillor Richard, seconded by Councillor Gauthier that a performance bond of \$50,000.00 be deposited for construction of the center. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Richard, seconded by Councillor Lowther that a special permit be issued to allow the height of the building to go to 35'. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Richard, seconded by Councillor Wyand that a 10% variance be granted to allow the building to go to a maximum of 38.5' based on the traditional island architecture and the architectural guidelines outlined in the letter from Chandler Architecture. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Richard, seconded by Councillor Lowther that approval in principle be granted on the project subject to: 1) that the drawing be amended to include the parking lot size and plan with measurements being provided, 2) that all measurements on the property from the building to the boundaries be provided, 3) that a building code design certificate be completed and provided to the municipal office, 4) that an entranceway permit be completed and approved by the Department of Transportation, Infrastructure and Energy, 5) that the wetland areas be shown on the drawings, 6) that the permit application be amended as well as the drawings to show the change in height that was approved, 7) that the signing officers for the center be provided, 8) that a development agreement be entered into, 9) that a performance bond be posted, 10) that the engineer provide the necessary information for the sewer connections, 11) that the Department of Environment signs off on the sewer system, 12) that the building that is being demolished be added to the permit application and advise of what is being done with it when it is being demolished, 13) if a walkway is being constructed on the site it needs to be added to the permit application, 14) Fran Sark's cottage needs to be shown as added to the sewer system based on the information provided from the Architect on the cottage being connected to the system, 15) clarification on whether he is building to the Barrier Free Regulations?, 16) meets the requirements of the Department of Environment for the well construction on the property, 17) hours for

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David Rutherford – an application was received to construct a summer cottage of 40' X 30' with decks and an accessory building of 12' X 12' for storage only at PID # 998914. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted subject to: 1) that the summer cottage and accessory building be located on the site in accordance with the site plan, 2) that a septic permit be provided by the contractor, 3) that the accessory building be used for storage only and 4) payment of permit fee. All in favor 6, 1 non-voting. Motion Carried.

Official Plan / Rezoning Raspberry Point – PID #'s 771832 (9539 Cavendish Road) and 231670 (9585 Cavendish Road).

The lawyer's comments had just been received so the planning board tabled the matter until the next monthly meeting to allow them more time to review the necessary information on the two properties to make an informed decision based on the bylaw and the concerns raised.

Bylaw Review:

Maps have been sent to the engineer for review and comments for the changes to be made to the maps based on the review by planning board and Council of the changes that had been requested throughout the review process.

Parks Canada Update:

New Visitor's Guides and pamphlet for Green Gables House are out. Pamphlet was worked on with the Graphic Arts Group at Holland College.

Maurice Roy is retiring and Ocel Matheson is replacing him with the Park.

New Site Coordinator for Green Gables – Cassandra MacKinnon

Parks Infrastructure Projects at Green Gables at Grahams Lane and Green Gables will be completed in May.

New signs at Grahams Lane and Oceanview are being planned. Barb is to bring Council's comments back on the confusion of the new Cavendish sign and advised that there should be some directional signs right after that showing the locations to follow.

Some Irish moss locations will be closed along the Gulf Shore Highway due to safety concerns for access.

Concern was raised by the planning board over the unsightly trees that are down along the Cavendish Road, beside the visitor centre and Hammies Lane and how the tourism product is such a big part of this area but yet Parks allows their own properties to look so uninviting to the public visiting the area.

The administrator advised that there were trees down over the municipal sidewalk that are safety concerns but the Park will not just allow them to be removed as they have to do an Environmental assessment before they can be touched when it is clearly a safety issue and should be removed immediately.

Barb will check into this again.

Cavendish Grove project has taken longer than expected. They are hoping to move forward this summer with some low hanging fruit trees.

Management Plan Consultation:

The document is in the package on the minutes. They wanted to ensure that the comments were reflected properly from the groups that attended so they do appreciate any feedback.

Chair Jelley advised that he would like to check with the lawyer on adopting a standard policy for development agreements that would set the standard conditions for all agreements to see what the best option is from the legal counsel.

7.A.1. **PROVINCIAL LAND USE POLICY:**

Council will review the information for comments at the next meeting since the information had just been received.

7.A.2. **SCOTT BARRY BYLAW CHARGE:**

The lawyers are still debating the issue with the Department of Justice on the process in place for laying a charge and the fees collected for the charge.

7.B. **MONTHLY FINANCIAL REPORT:**

Councillor Hryckiwiw presented the monthly finances for March 31, 2016, revenue was \$42,332.96 and the expenses were \$21,811.61. It was moved by Councillor Hryckiwiw, seconded by Councillor Gauthier that the monthly finances ending March 31, 2016 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

Chair Jelley advised that the infrastructure expenses should be shown on the budget so the revenue and expenses are showing for the project as an in and out transaction.

7.C. **TRAILS AND PATHS REPORT:**

7.C.1. **Grahams Lane Walkway and License Agreement with Parks Canada.**

The letter for award of the tender was issued to Island Coastal Services for the trail construction.

An addendum will be looked to be added to the contract once a price is received for posts and lighting to be installed along the trail.

7.D. **FIRE COMMITTEE REPORT:**

7.D.1. **North Rustico Fire Department:**

The North Rustico Fire Department will host an open house on April 20, 2016 to honor Allison Larkin as the first female fire chief on PEI.

8. **CAVENDISH SEWER UTILITY REPORT:**

8.A. **Monthly Updates and engineering:**

Second pump was repaired and reinstalled at Cranberry Village.

LS # 4 the pump at Herbie Moore's is now being repaired as well at an estimated cost of \$3,500.00.

Permit has been issued by Irac for the lagoon upgrades projects.

Heather Walker at Irac has advised that if the project comes in over the budget that had been applied for \$428,400.00 then a new application and permit approval will have to be completed. Darrell Fisher has been advised of this as well.

Information was received from Darrell Fisher on the lagoon upgrades project. The engineer has had some more discussion with the two low bidders on the lagoon project. Both have indicated that the price would have been very similar if we had chosen a brick clay liner versus the geotextile liner. Also, according to Xylem, when they had provided the preliminary cost for the flow measurement device/panel upgrade, they had neglected to include a few necessary items. So, when they provided pricing to the bidders, it was higher than originally anticipated. The engineer is meeting with Steve Arsenault, owner of AJL (low bidder) on Wednesday morning. The engineer will provide a preliminary

recommendation after that meeting. He expects that the recommendation will be removal of the smaller cell from the scope of work. He had initial discussions with Morley Foy on this, and he is on board. If this is the approach that is taken, the engineer will re-apply to both IRAC and PEICLE for approval. The engineer will provide an update after the meeting with AJL.

Toombs had issues in Seawood Estates on Friday with the dragging of the roads as the contractor who completed the work knocked off some of the manhole covers that created some issues with mud and rocks going into the manholes. Toombs is clearing them out today.

9. **Business Arising From Minutes:**

9A. **Website:**

The website is still being worked on.

9.B. **Internet Service:**

No further information has been received to date from Bell Aliant, Eastlink and Island Telecom since meeting with them. We will check with Nicole Warren to see if she has received any additional information.

Chair Jelley will contact Paul Murray at Bell Aliant to see if he can get a further update.

9.B.A. **Destination Management Fund:**

Councillor Lowther advised that she received the questions from the Council but she was simply looking for comments on the initial information to create a terms of reference. The next step will be to develop the questions that have been asked by the Council in the next process. She will send out the list of questions that had been raised by the Council to get further input on the next steps following the terms of reference being completed.

9.C. **Maintenance Person:**

Councillor Richard and the administrator will hold interviews on the maintenance position.

9.D. **Garbage Services:**

Still awaiting costs from the service providers as they had not been received by the meeting.

10. **NEW BUSINESS:**

10.A.1 **FPEIM ANNUAL MEETING:**

The Annual Meeting will be held in St. Peter's Bay on April 25, 2016. Chair Jelley, Councillor Lowther, Councillor Wyand and the administrator will be attending.

10.B. **Banners for Streetlights:**

It was moved by Councillor Lowther, seconded by Councillor Clark Dunning that up to \$2,000.00 be allocated towards the purchase of 20 new banners with the new logo as well as some for each of the location where there is an AED at a business for the old-fashioned streetlights. All in favor 6, 1 non-voting. Motion Carried.

10.C. **Benny and Goliath:**

It was moved by Councillor Lowther, seconded by Councillor Wyand that \$5,000.00 be allocated to Tourism Cavendish Beach towards the costs of the RCMP rider and horse for the summer. All in favor 6, 1 non-voting. Motion Carried.

10.D. **War Time Recognition Book:**

It was moved by Councillor Wyand, seconded by Councillor Gauthier that \$188.60 plus HST be

allocated for a business card ad in the War Time Recognition Book. All in favor 6, 1 non-voting.
Motion Carried.

10.F. **Advancing Equity and Inclusion Workshop:** Session is being held on April 27, 2016 in Stratford for anyone interested in attending.

10.G. **Part-Time Office Person:** Chair Jelley advised that he will work on a job description for a part-time person to see what interest there is in the position. He advised that the Central Coastal Tourism Partnership does not have any funds to put towards a joint shared position and Tourism Cavendish Beach does not have the funds to pay towards a full-time position between the two offices.

Councillor Lowther advised that Innovation PEI or Skills PEI may have some programs available for funding for a full-time person as well if someone is not found for a part-time position.

11. **CONCERNS:**

11.A. **COUNCILLORS** – Councillor Wyand advised that Blaine MacDonald had passed away.

The administrator confirmed with the Council who would be attending the AED Course from the Council members on April 20, 2016.

Councillor Richard questioned the upcoming meeting with the Minister and what the process will be with the Council on the Resort Municipality and its uniqueness.

The meeting is set for May 6, 2016 at 2:00 p.m. at the Minister's office.

All information that was sent on the Municipality Act Changes to the Minister's office that were requested by the municipality and as well as the correspondence sent by the province will be provided to the Council for the meeting.

Cavendish Beach Music Festival:

Council recommended that there be a two drink limit at 9:00 p.m. with last call at 10:00 p.m., last service be at 10:30 p.m. and that the event is over and closed at 11:00 p.m..

Council also felt that there is absolutely no reason to extend alcohol service on the site to deal with any issues.

Council also recommended that the Liquor Control Commission should be the Department to enforce the water being available on the site.

Council also questioned the security at the event based on the Liquor Control Commission requirements for events.

11.B. **RESIDENTS:**

There were no resident's concerns.

12. **ADJOURNMENT:** Chair Jelley adjourned the meeting at 8:25 p.m..


Chair, Matthew Jelley
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