

Minutes
Resort Municipality Monthly Council Meeting
Monday, August 15, 2016
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on August 15, 2016 at the Resort Municipality Office.

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

ABSENT: Nil.

VISITORS: Nil.

1. **CALL TO ORDER:**

Vice-Chair Lowther called the meeting to order at 5:02 p.m.

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

Chair Jelley will have a conflict of interest on the application for Sandspit Entertainment Ltd..

Councillor Lowther declared a conflict of interest on Cavendish Maples and Fairways Cottages permit applications.

3. **APPROVAL OF AGENDA:**

It was moved by Councillor Richard, seconded by Councillor Wyand that the agenda be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

4. **APPROVAL OF MEETING JULY 18, 2016:**

Councillor Lowther advised that on page 7, Section 10b, second paragraph should read that Councillor Lowther asked questions regarding waste watch and the collection of service at properties in the municipality.

It was moved by Councillor Hryckiw, seconded by Councillor Wyand that the Monthly Council Minutes of July 18, 2016 be adopted as amended. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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

Chair Jelley joined the meeting.

6. **COMMITTEE REPORTS:**

a) **Planning Board Report:**

Parks Canada:

Work has been completed at Cape Turner and is open to the public.

The contract for Green Gables closed and the tender should be awarded within the week. A number of recommendations were made from the Lord Report on the site and once the contract is in place there will be more details made available and the community will have the opportunity to provide comments.

Visitation is up at the Green Gables site and around 20% at the gates and other areas of the Park.

Cavendish Campground they are working on the new entrance plan and there will be a detailed design provided once it is completed.

Cavendish Grove the contractor is developing a master plan and they are hoping to have a public meeting at the end of September to get input on the plans. Things such as a picnic shelter, playground equipment, new trails, history on Rainbow Valley, the founding families and combining the Simpson property with the site are being looked at.

Cavendish Duneland's trail may not be replaced until the spring.

An Anglican youth group of 800 students will be coming to do a beach cleanup with Parks on August 18, 2016.

Upgrades will be completed at the beach facilities over the next year.

They are looking at more interpretive opportunities at the gate entrances and this will be looked at in 2017.

The area adjacent to the boardwalk area at the main beach beside the Lake of Shining Waters has been closed as people are going through the dunes in these areas and causing issues so the only way that the wardens have a right to charge people for walking in these areas is for the Superintendent to issue a closed order.

Concerns were raised on rocks at Cavendish Beach and Barb advised that this is a natural process.

The Lucy Maud Land Trust was advised that the LM Montgomery House and LM Montgomery Shore were being looked at by the Heritage Trust for designation, it was unclear as to whether they were looking at the Green Gables House or the site.

The playground equipment being removed at Cavendish East was discussed and Barb apologized for no notice going out before it was removed but that it had to be removed quickly as it was unsafe.

The administrator raised the concerns over the fire management plan with the dry weather and the concerns that had been raised by Dede Brewer Wilson at the Annual Meeting to the Council.

Barb will check on the management plan as there have been a number of concerns issued in the Stanhope area as well.

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

Consolidation Permits:

Cavendish Maples Cottages – an application was received to consolidate three parcels into one at PID # 672972 – 73 Avonlea Boulevard. It was moved by Councillor Richard, seconded by Councillor Wyand that approval be granted subject to: 1) the application shall be under the name of Cavendish Maples Inc., 2) the survey plan should not show the proposed cottage or driveway on it as it is not part of the lot consolidation, 3) the final survey plan shall show the outline of the proposed new lot in red, 4) a consolidation deed shall be registered for the new lot by the owner and 5) payment of lot consolidation fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Maples Cottages – an application was received to construct a new one storey rental cottage of 34' X 32' with decks. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) the lots being consolidated, 2) meets the requirements of the Provincial Fire Marshal's office, 3) the rental cottage shall be connected to the municipal sewer and 4) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Fairways Cottages – an application was received to construct a one and a half storey rental cottage of 36' X 30' with decks at PID # 232348 – 7420 Mayfield Road. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval be granted subject to: 1) the cottage be connected to the

municipal sewer, 2) meets the requirements of the Provincial Fire Marshal's office and 3) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Lowther returned to the meeting.

BGB Holdings Ltd. – an application was received to consolidate parcel #'s 937144 and 233478 into one lot at PID # 937144 – 7766 Cavendish Road. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) the portion of PID # 233478 that is being amalgamated is currently under the Rural Zone so the owner at the present time would have one lot with two different zonings, 2) the survey plan needs to have the proposed new building and setbacks removed from the final plan as the application is for the lot consolidation only and the building currently doesn't exist on the property, 3) the final survey plan shall show the new consolidated lot outlined in red, 4) the survey pins, co-ordinates, and azimuths shall be shown on the final plan, 5) Brian Toombs will either have to sign the application or send an e-mail verifying that Andrew Campbell is signing the application on his behalf, 6) a consolidation deed shall be registered for the new lot by the owner, 7) confirmation shall be received from the owner's lawyer that the existing right-of-way to PID # 233478 shall be extinguished by law once the properties are consolidated and 8) payment of lot consolidation fee. All in favor 6, 1 non-voting. Motion Carried.

Hoang Minh Le – an application was received to construct a one storey summer cottage of 28' X 38' with decks at PID # 935502, Wygant Place – Seawood Estates. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) the cottage being connected to the municipal sewer system, 2) the cottage being connected to the private water system within Seawood Estates and 3) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Ron and Terry Yeo – an application was received to construct a garage of 24' X 24' on the property as well as a two storey breezeway connecting the house to the garage of 10' X 14'4", a request had also been submitted to have a 10% variance on the side yard setback on the property to allow the two storey breezeway to be 11'5" X 14'4" at PID # 92627 – 9822 Cavendish Road. The compelling reasons that had been stated is that there is a set of stairs in the space that will be in the breezeway for access to the upstairs and downstairs of the house and with a variance this would allow the owner more space in the breezeway. It was moved by Councillor Richard, seconded by Councillor Wyand that the minor variance request be denied based on the fact that the owner has not provided compelling reasons why he needs a minor variance as the garage and breezeway could be changed in size to allow for more space in the breezeway. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Richard, seconded by Councillor Gauthier that approval of the 24' X 24' garage and a two storey breezeway of 10' X 14'4" be approved subject to: 1) the breezeway and garage being located on the site in accordance with the attached site plan and 2) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Raspberry Point Oyster Company – an application was received to change the use of the building into an aquaculture operation at PID # 771832 – Cavendish Road It was moved by Councillor Lowther, seconded by Councillor Clark Dunning that approval be granted in principle subject to : 1) that the property be rezoned to allow for the development at the site for an aquaculture operation, 2) meets the requirements of the Department of Environment, 3) meets the requirements of the Provincial Fire Marshal's office, 4) meets the requirements of the Department of Health and Wellness, 5) that a development agreement be entered into, 6) that a performance bond of \$2,500.00 be posted, 7) that the development agreement deal with safety and sanitation conditions that will be worked on with the lawyer and 8) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Raspberry Point Oyster Company – an application was received to use the building for an aquaculture operation. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted subject to: 1) that the property be rezoned to allow for the development at the site for an aquaculture operation, 2) meets the requirements of the Department of Environment, 3) meets the requirements of the Provincial Fire Marshal's office, 4) meets the requirements of the Department of Health and Wellness and 5) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

West Highland Contractors (Sunset Campground) – an application was received to construct 40 new 3 way sites at PID # 694976 – 9115 Cavendish Road. It was moved by Councillor Richard, seconded by Councillor Wyand that approval be granted subject to: 1) the 40 units shall be connected to the municipal sewer system, 2) meets the requirements of the Department of Health, 3) meets the requirements of the Provincial Fire Marshal's office, 4) meets the requirements of the Department of Environment, 5) stamped plan to be provided from the engineer of the 40 sites, and 6) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Sea Cross Inc. – an application was received following notification of an illegal sign change at Avonlea Village without submitting a permit and getting approval from the municipality. An application was received to change one side of the multiple sign on property # 232033 – 8779 Cavendish Road to read Best Places to Eat in PEI – 6 Great Eateries. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that the application be denied as it does not meet the requirements of section 5.5 of the signage bylaw. *“When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back-to-back, attached at one end or side, and where the unattached ends or sides are at no point more than six (6) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area. Copy on both faces must be identical although slight variations in copy may be approved by Council.”* All in favor 6, 1 non-voting. Motion Carried.

Temporary Signage – River Days Festival - an application was received to locate temporary signage for the River Days Festival from August 19 – 21, 2016 on Action Attractions property PID # 706150 PID # 9946 Cavendish Road. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted subject to: 1) that the signs be located on the property from August 19 – 21, 2016 only. All in favor 6, 1 non-voting. Motion Carried.

6.A.1 Marco Polo Land Fireworks – an application was received to have fireworks on the property on September 3, 2016. It was moved by Councillor Richard, seconded by Councillor Wyand that approval be granted subject to: 1) that the fireworks be held on September 3, 2016 only, 2) meets the requirements of the Provincial Fire Marshal's office and 3) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

6.A.2 **Cavendish Beach Music Festival comments:**

Comments were received from Megan Skinner, Norman Hansen and Paul and Margaret Bent on the music festival. Some minor concerns and suggestions were put forward and will be put forward in the festival planning for 2017.

6.A.3 **Phil Davison – Development agreement extension.** It was moved by Councillor Richard, seconded by Councillor Wyand that the development agreement extension be granted until October 31, 2016. All in favor 6, 1 non-voting. Motion Carried.

6.A.4 **Meeting with Scott Linkletter:** A meeting with Scott Linkletter was held on the storage on his properties. Storage in the trailers will take place while construction is underway in the cannery building

in North Rustico and will be removed from the property once the work has been completed as they are storing bags for the building.

6.A.5 **Date for Official Plan and Bylaw Review Public Meetings:**

The date was set for September 21, 2016 to have all the public meetings on the same night.

6.A.6 Keith Sanders: An application was received to have a temporary permit for a wedding on the property from September 2 – 5, 2016. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) an agreement be entered into with the permit conditions outlined for the event, 2) that a bond of \$2,000.00 be posted and 3) payment of permit fee. All in favor 6, 1 non-voting. Motion Carried.

Mike Duffy – an application was received to construct a one storey sunroom onto the property of 16’6” X 12’6”. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) that the sunroom be located on the site in accordance with the plan and 2) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Doug Stewart – an application was received to locate a 10’X 10’ accessory building on the property along with a fence of 70’l. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) the building and fence shall be located on the site in accordance with the attached site plan, 2) the accessory building shall be used for storage only and 3) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Chair Jelley left the meeting due to a conflict of interest.

6.A.7. Sandspit Entertainment Ltd. – A request was received for the return of the bond. It was moved by Councillor Hryckiw, seconded by Councillor Gauthier, that the \$1,000.00 bond be returned for compliance of all terms of the development agreement. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

6.A.8. 100447 PEI Inc. – A request was received for the return of the bond. It was moved by Councillor Hryckiw, seconded by Councillor Clark Dunning, that the \$1,000.00 bond be returned for compliance of all terms of the development agreement. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Chair Jelley returned to the meeting.

6.B. **MONTHLY FINANCIAL REPORT:**

The monthly finances for July 31, 2016, revenue was \$163,271.60 and the expenses were \$191,292.28. It was moved by Councillor Hryckiw, seconded by Councillor Wyand that the monthly finances ending July 31, 2016 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

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

Grahams Lane Walkway: Trail has been completed by Island Coastal Services Ltd.

6.C.1. **LIGHTING ALONG GRAHAMS LANE:**

Letter was in the package from Classy Caps apologizing for the overcharging of the solar lights and that the account had been credited back in full for the overcharging.

Walkway Assessment Report:

It was decided that there is not a lot of guidance in the report from Stantec on what the municipality should do next with the walkway as well as what the best options are for replacement.

Information will be sent through to Nicole Warren for clarification on the report and that a new draft be sent to the Council for their review before it is completed.

6.D. **FIRE COMMITTEE REPORT:**

A letter was received from the New London Fire Department for a 5% rate increase for 2017. Allen Cole the chief was not aware that the municipality had received two rate increase notices in 2015. The rate increase for 2017 of 5% was withdrawn by Allen.

6.E. **TCBI:**

No updates as Darcy Butler was out sick when Kay went to meet with him.

6.F. **CCTP:**

Kensington and Malpeque are doing a program on marketing their businesses.
Victoria is having a fall flavors event on September 19, 2016
6000 people went through the Kensington Visitor Center to date.
Borden-Carleton is working on a tourism plan.

7. **CAVENDISH SEWER UTILITY REPORT:**

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

A request was received from Mike Wheeler asking for a complete breakdown in charges allowed by the municipality and the sewer utility. The information had been sent out in June by regular mail and was returned to the municipal office as it stated moved on the envelope. It was moved by Councillor Gauthier seconded by Councillor Hryckiwi that the requested information be sent by e-mail and have the owner confirm his mailing address. All in favor 6, 1 non-voting. Motion Carried.

Banking for the Long Term Sewer Loan is still being worked on with the Bank of Montreal.

Gas Tax permanent generator information was cleared by Parks Canada to proceed with a number of conditions that need to be met.

1. A Parks Canada employee must be on site when any excavation is happening, so that we may watch for items of archaeological significance. We are available weekdays, and require 24 hours' notice. I am the contact person. If I am not available, contact Jamie Hughes.
2. The generator and propane tank are to be kept as close to the woods east of the site as possible, so as not to interfere with future changes to driveways or parking lots.
3. The Resort must locate and avoid underground utilities. Please note that there is underground power and sewer in the area. Other utilities may also be present.
4. We require a locked privacy fence around the propane tank. The wood is to be unpainted, pressure treated (acq or ca). The fence must be high enough to conceal the tank. Fence posts to be buried at least 4' deep.
5. Propane tank to be painted green
6. Generator to be painted green to match propane tank.
7. Buried propane line to be encased in pvc conduit, with a continuous run of pressure treated 2x8 planks and warning tape above.
8. An amended easement survey plan of the installation is to be prepared after installation, complete with legal description. This plan is to show the roadway curb on route 6, the lift station, the utility poles (including the nesting platform pole), the generator, the propane tank, and new buried electrical and propane lines. It should also show approximate routing of existing underground utilities in the easement area.
9. All disturbed areas to be reinstated to condition prior to construction.

Cavendish Beach Music Festival meter:

Some issues are being dealt with on the meter readings for 2016 as a meter was changed at the site to measure flows during the main event.

Extension of Services North Rustico:

A request came through from the Town of North Rustico as they had been contacted by some businesses in that area of the Resort Municipality wondering if they would be able to connect to their sewer system. There has been no requests received to date to the Resort Municipality from the owners.

7.B. Lagoon Upgrades:

AJL has completed the lagoon upgrades with the cells. The Flow meter at Cranberry Village lift station is expected to be completed in September.

A gravity line from cell # 4 to the lift station was added as an addendum to the lagoon work.

It was moved by Councillor Gauthier, seconded by Councillor Lowther that \$11,573.00 plus HST be allocated to the costs of the new flow meter at Cranberry Village lift station. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Gauthier, seconded by Councillor Wyand that the utility not complete the work to remove the bull rushes from cell 3 based on the Department of Environment and the Engineer's recommendation. All in favor 6, 1 non-voting. Motion Carried.

7.C. Security First Lift Station Monitoring:

The costs of cellular communicators for testing every 90 seconds would be \$44.95 plus HST per month. A recommendation will need to come through from the sewer utility board.

8. BUSINESS ARISING FROM MINUTES:

8.A. Website:

The website is operational. There were some issues with the site initially but they have been fixed. At the present time we will not be using the Facebook or Twitter sections.

We are exploring the newsletter and if it will be posted on the website, through mail chimp or if it will continue to be sent as it is through e-mail to see what works best as a number of items are sent to the office to be sent out in the newsletter in various formats.

8.B. 1.2. Small Cell Antennas:

It was moved by Councillor Lowther, seconded by Councillor Gauthier that the small cell antenna agreement be changed with the lawyer for a 10 year timeframe on the agreement and that the fees for Maritime Electric charges be based on the costs associated with operating the antenna be at their expense so that there is an allowance for increases to cover the costs each year. All in favor 6, 1 non-voting. Motion Carried.

9. NEW BUSINESS:

9.A. FPEIM:

9.A.1 No meetings are held during the summer but they did have one board member step down and the position has been replaced by the Chair in Murray River, Patricia Bray.

9.B. North Rustico Canada Day:

A Thankyou card and a copy of the ad was sent to the municipality for their support with the North

Rustico Canada Day.

- 9.C. **Hunter Clyde Watershed Group:**
It was moved by Councillor Wyand, seconded by Councillor Hryckiwi that \$100.00 be donated to the Hunter Clyde Watershed Group. All in favor 6, 1 non-voting. Motion Carried.
- 9.D. **Child Identification Fingerprinting Kits:**
Information only as the municipality supports Crime Stoppers each year.
- 9.E. **George and Opal MacEwen Performance Bond:**
The bond will not be released at the present time as all conditions in the agreement have not yet been met.
- 9.F. **Don MacCallum Consulting Services:**
Information will be kept on file for any upcoming projects.
- 9.G. **Administrator's Holidays:**
Administrator's Holidays were listed in the meeting package for Council's information.

10. **CONCERNS:**

10.A. **COUNCILLORS –**

Councillor Lowther will check with Nicole Warren on the signage RFP to see where she is with it.

Chair Jelley requested any updates at the curb for the house at Sunset Campground. No information was received from the province.

Chair Jelley advised that there have been some ongoing issues with planning board members and their attendance at meetings.

It was decided that a letter would be sent out to all planning board members asking for their commitment to attend meetings over the next year and the Council will make a decision from there on how the committee will be dealt with.

10.B. **RESIDENTS:**

John Brewer: Council reports from the Annual Meeting package were raised. It was decided that the reports would be sent to him by e-mail. It was decided that if anyone wants a copy of the reports for the Annual Meeting in the future that they can request the report prior to the Annual Meeting.

Dede Brewer Wilson:

Concerns were raised over the deadwood trees around the National Park. Concerns will be raised to Parks Canada over the fire issues with trees in the Park and they were asked to review their fire management plan again as well.

11. **ADJOURNMENT:** Chair Jelley adjourned the meeting at 7:50 p.m..


Chair, Matthew Jelley