

Minutes
Resort Municipality Monthly Council Meeting
Monday, February 22, 2016
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on February 22, 2016, at the Resort Municipality Office.

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

ABSENT: David Gauthier and Gwen Wyand.

VISITORS: Jeff Squires, Kim Doyle and Arnold Smith.

1. CALL TO ORDER:

Chair Jelley called the meeting to order at 5:02 p.m..

2. DECLARATION OF CONFLICT OF INTEREST:

Councillor Lowther declared a conflict of interest under Section 7.1.A. on the agenda.

3. APPROVAL OF AGENDA:

It was moved by Councillor Richard, seconded by Councillor Lowther that the agenda be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

4. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES JANUARY 18, 2016:

Councillor Lowther advised on the following changes to the minutes:

Page Two, fifth paragraph, first line now reads 6.A.1. Expansion of Services should read: Expansion of *Powers under the Municipalities Act*.

Page Two, fifth paragraph, second line now reads Minister of Municipal Affairs should read Minister of *Communities, Land and Environment*.

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that the monthly Council meeting minutes of January 18, 2016 be adopted as amended. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF MINUTES OF JANUARY 18, 2016 OFFICIAL PLAN PID # 771832:

It was moved by Councillor Lowther, seconded by Councillor Clark Dunning that the Official Plan Public Meeting for PID # 771832 of January 18, 2016 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF MINUTES OF JANUARY 18, 2016 REZONING MEETING PID # 771832:

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that the public rezoning meeting minutes of January 18, 2016 be adopted as amended. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF MINUTES OF JANUARY 18, 2016 OFFICIAL PLAN PID # 231670:

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the Official Plan Public Meeting for PID # 231670 of January 18, 2016 be adopted as presented. All in favor 4, 1 non-

voting, 2 absent. Motion Carried.

APPROVAL OF MINUTES OF JANUARY 18, 2016 REZONING MEETING PID # 231670:

It was moved by Councillor Lowther, seconded by Councillor Hryckiw that the public rezoning meeting minutes of January 18, 2016 be adopted as amended. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

5. **CAVENDISH BEACH MUSIC FESTIVAL:**

Jeff Squires presented information to the Council on a proposed second event at the festival site prior to the music festival and is expecting around 5000 people in ticket sales and that it would work well with the family market and the Vacation The Kids Took Over.

Council advised that all government departments will need to be involved with the information and decision making on a second event and that a comprehensive site plan will be required for a final decision on this proposed event as well as the Cavendish Beach Music Festival.

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

7. **COMMITTEE REPORTS:**

7.A. **Building Permit Applications:**

Lori MacKinnon (7721 Cavendish Road) – an application was received to move the existing addition to the garage of 20' X 24' that was constructed without a permit and enlarge it to 34' X 24' and to construct it onto the existing house at property # 233403. It was moved by Councillor Richard, seconded by Councillor Hryckiw that the application be approved subject to: 1) that the owner has until August 22, 2016 to complete the moving of the building, attaching it to the existing house and completing the structure, 2) that a geo-linc be provided with a more detailed drawing of the property and the setbacks from the addition to the boundaries, 3) that a development agreement be entered into, 4) that a \$1,000.00 performance bond be posted until all terms of the development agreement have been met and 5) payment of building permit fee. All in favor 3, 1 non-voting, 1 abstaining, 2 absent. Motion Carried.

Kevin Blacquiere (Seawood Drive) – an application was received to construct a 2 ½ storey summer cottage of 54' X 32.7' on the property with a special permit to allow the height of the structure to be 29' as well as a request to allow the front yard setback to be 25' based on a lesser established setback on the adjacent properties at property # 720441. It was moved by Councillor Richard, seconded by Councillor Hryckiw that approval be granted subject to: 1) that the summer cottage be located on the site in accordance with the plan, 2) that the height of the summer cottage be no higher than 29', 3) that the summer cottage be connected to the private water system, 4) that the summer cottage be connected to the municipal sewer system and that the inspection of the sewer connection be completed prior to the connection being covered over and 5) payment of building permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Marco Polo Land (7406 Route 13) – an application was received to construct 24, 3 way sites on property # 232298. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted subject to: 1) that the 24, three way sites be located on the property in accordance with the site plan, 2) meets the requirements of the provincial fire marshal's office, 3) meets the

requirements of the Department of Environment, 4) meets the requirements of the Department of Health and 5) payment of building permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Belcourt Centre (75 Reid Road) – an application was received to construct a new two and a half storey center of 42' X 198' X 125' X 45'. It was moved by Councillor Richard, seconded by Councillor Hryckiwi 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, 3) meets the requirements of the Department of Environment, 4) that the utility's engineer provide details to the municipality and sewer utility on the sewer demand on the system based on the proposed development, 5) that vinyl siding be allowed based on the reasons provided by the developer, 6) that the height of the building will be a maximum of 38.5', 7) that an environmental impact assessment be completed that would be brought to a public meeting, 8) that a development agreement be entered into for the development and a performance bond posted, 9) that the property be connected to the municipal sewer system and that the inspection of the connection to be completed prior to the sewer connection being covered over and 10) payment of building permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Temporary Permit Applications:

Jessica McClintick (9840 Cavendish Road) – an application was received to have a temporary permit for a wedding at the swimming rock property on property # 92619. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) clarification be received from the legal counsel with respect to a waiver that the municipality is not responsible for someone getting hurt on the site, 2) that clarification be sought from the insurance provider on the coverage for the property, 3) that a development agreement be entered into with respect to the use of the property for the event and a bond be put down due to any damages at the site, and 4) that the permit fee be \$100.00. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Councillor Clark Dunning advised that he would volunteer to check the site before and after the event.

Parks Canada:

A meeting will be held by Parks in late March / April on the key strategies that were worked on as part of the management plan. A Council and planning board representative will be asked to sit on the committee.

A request for proposals has been put out for a landscape architect to come up with some ideas for the Cavendish Grove based on public consultations last fall. The landscape and restoration plan would be available this summer.

New park guides are out and Barb will bring some to the next meeting.

Top seal coats of paving will be finished at Green Gables House, Grahams Lane and the main beach parking lots in the spring.

Parks is working with the tourist association on promotions. Parks will no longer have staff working at the Visitor Centre and they will also not be running the store at the center either as they are not into running retail space.

2017 will be a big year for the Federal Government and Parks is working on some special promotions.

Cavendish Beach Music Festival (8779 Cavendish Road) – An application was received for the parking and roadway plan for the access and parking at the main site and Avonlea Village during the festival, as well as the additional parking being on the East side of the Avonlea Village entrance and the Cavendish Grove Property by the Baptist Church. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted in principle subject to: 1) that a letter be received from the RCMP confirming that they are in agreement with the new parking area on the East side of the entrance

to Avonlea Village based on their past standards of no new parking within 1 kilometer of the festival site and 2) that a comprehensive site plan be provided for the property. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Cavendish Beach Music Festival (8779 Cavendish Road)

An application was received to have a second event on July 2 and 3, 2016. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted in principle subject to: 1) holding a public meeting, 2) security being provided for the event, 3) RCMP providing approval for the event based on the number of officers needed, 4) Department of Health and Wellness, 5) Provincial Fire Marshal's office, 6) Liquor Control Commission, 7) a maximum of 5000 people to be at the event, 8) that a development agreement be entered into, 9) a performance bond be posted, 10) that if the event is more than 5000 people then the approval in principle is rescinded. All in favor 3, 1 non-voting, 2 absent, 1 neigh. Motion Carried.

Cavendish Beach Music Festival (8779 Cavendish Road) – an application was received to have a Fan Fest event on the site on July 7, 2016. It was moved by Councillor Richard, seconded by Councillor Lowther that approval in principle be granted subject to: 1) that the number of people attending the event be provided, 2) meets the requirements of the Department of Health and Wellness, 3) meets the requirements of the Provincial Fire Marshal's office, 3) meets the requirements of the Liquor Control Commission, 4) that the fan fest be part of the development agreement and performance bond, 5) that the event meets the requirements of the RCMP and 6) payment of building permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Chair Jelley asked Arnold Smith to leave the meeting while the Council went in camera to discuss Raspberry Point.

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

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that more information is required from the municipal lawyer based on the feedback and concerns that have been received as well as the list of questions that the Council is looking for a response to. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

David Lorenzetti will be contacted and asked to provide a letter to the Council advising them of exactly what he wants completed on his property based on the issues of infilling without his consent.

It was moved by Councillor Richard, seconded by Councillor Clark Dunning that a letter be sent to have the property restored once the owner has put in the formal request to the Council addressing his concerns. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Arnold Smith was asked to return to the meeting.

7. **Marco Polo Land – Legal Matter – Injunction:**

The injunction matter was resolved.

General Land Use Map / Zoning Map:

Agenda item tabled until the next meeting.

Councillor Lowther left the meeting due a conflict on 7.A.1.

7.A.1 **IRAC APPEAL SUPPLEMENT – MIKE WHEELER:**

Additional information was received at Irac from the owner.

Councillor Lowther returned to the meeting.

7.A.2. **LECKY LAW INVOICES:**

Ken Lecky will be contacted and asked to provide a breakdown in the difference in fees on the invoices.

7.A.3. **VENUE EMERGENCY PLANNING CONTENTS:**

It was decided by Council that the information received from Tanya Mullally at the JEOC office would be sent to the music festival for a minimum of what will be expected at the festival this year.

Tanya Mullally will be contacted to ask about the weather monitoring requirements as well as a template on what should be followed for an emergency plan.

7.A.4. **BYLAW REVIEW – GROUP HOMES:**

It was moved by Councillor Lowther, seconded by Councillor Clark Dunning that the Group Home information as advised by the lawyer be adopted as part of the Zoning and Subdivision (Development) Control Bylaw. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

7.A.5. **ACCESS TO INFORMATION POLICY, GIFT POLICY, IN CAMERA POLICY:**

It was moved by Councillor Lowther, seconded by Councillor Clark Dunning that the access to information policy be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Gift Policy be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that the In Camera policy be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

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

Councillor Hryckiwi advised that the revenue for December 31, 2015 was \$316,857.92 and the expenses were \$330,381.46. It was moved by Councillor Hryckiwi, seconded by Councillor Lowther that the monthly finances ending December 31, 2015 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Council advised that the money from the surplus funds would be added to the actual budget to balance the yearly revenue and expenses.

Councillor Hryckiwi advised that the revenue for January 31, 2016 was \$20,492.61 and the expenses were \$4,302.24. It was moved by Councillor Hryckiwi, seconded by Councillor Richard that the monthly finances ending January 31, 2016 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

7.B.1. **Audit Fees:**

It was moved by Councillor Hryckiwi, seconded by Councillor Lowther that the audit fees from MRSB for the 2015 audit for \$2,100.00 plus HST be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the audit fees from MRSB for the 2015 sewer audit for \$2,995.00 plus HST be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

It was moved by Councillor Hryckiwi, seconded by Councillor Lowther that the monthly bookkeeping for the sewer utility remain with MRSB at the present time, at a cost of \$665.00 monthly plus HST and that it will be reviewed on a month by month basis based on working towards a new office position within the building. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

7.B.2. 2015 Municipal Taxes Levied:

The final tax payment breakdown was sent through from the province. There is \$1,763.08 to be paid out to the municipality as the final tax payment for 2015.

7.C. TRAILS AND PATHS REPORT:

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

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that the fees provided by Stantec for the engineering work for the Grahams Lane Trail at \$20,200.00 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Chair Jelley will meet with Joe Trainor to get the License of Occupation Agreement finalized.

7.C.2. CDC Walkway Engineering Specs:

Walkway Assessment RFP will be posted on March 1, 2016 and will close on March 15, 2016 at 12:00 noon at the Central Development Corporation office.

7.C.3. Lighting along Grahams Lane:

Engineer will be contacted and asked to provide information and pictures of various lighting options for the trail.

7.D.1. FIRE COMMITTEE REPORT:

Councillor Clark Dunning attended the Annual Meeting for the New London Fire Department and has provided a copy of their report.

8. CAVENDISH SEWER UTILITY REPORT:

8.A. Monthly Updates and engineering:

Irac Rate Increase was approved and is included in the meeting package.

Sewer contract is still being worked on with the contractor's lawyer.

Parks Canada has made payment of their fees for 2009 – 2015.

LS # 9 – Raspberry Point the station now advises the alarm company when the generator turns on and there is also a self-check that the station does every two weeks that turns the generator on.

LS # 5 - Friendly Lane new pump was installed.

Infrastructure claim on old generator project had all forms submitted for the February 15, 2016 deadline.

Panel at Green Gables Lift Station was installed.

Gas Tax Generator project is still being worked on whether a portable generator would be installed or a permanent one for Green Gables.

Stantec provided comments in the package on the retreat center:

Position of the utility is that

It was decided that all lift stations with generators would have a self-test every Thursday with a notice to be sent to Toombs on the generator running. Work is to be completed by Mike at Security First.

LS# 5 had a high water alarm call at 5:42 a.m. on February 17, 2016. Gordon was contacted by the administrator. It was due to the heavy run off and the demand on the pump.

8.B. **Gas Tax Funds:**

Gas Tax breakdown of accounts is shown in the package for the breakdown of funds spent to date.

8.C. **Irac Rate Increase:**

The Irac Rate Increase was approved effective January 1, 2016.

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the sewer utility roll over \$150,000.00 of the short term sewer loan based on increased expenses for equipment as well as the infrastructure projects with the Bank of Montreal and that \$50,000.00 be repaid towards the loan. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

9. **Business Arising From Minutes:**

9A. **Website:**

Website will be live in the next few days. Training with the administrator and Councillor Lowther will take place as soon as time permits with schedules.

9.B. **Internet Service:**

Awaiting information from Bell Aliant, Eastlink and Island Telecom since meeting with them.

9.C. **AED Machine and Training:**

The AED machine has been received from the Heart and Stroke Foundation as part of their yearly grant process that the municipality was approved for. Training will be provided for up to 10 people as part of the training course.

9.D. **Host Municipality FCM Board Meetings:**

Based on the information sent from FCM the municipality does not have enough meeting facilities to meet their standards to host a board meeting.

9.E. **Meeting with North Rustico:**

A meeting was held with North Rustico to discuss municipal boundaries and amalgamations of municipalities as part of the expansion of municipal boundaries.

Council shall be proactive in looking at various options as the municipality is unique and the Council is not in favor of property owners votes being taken away by falling under community status.

9.F. **Georgetown Conference:**

Councillor Lowther applied to attend the Georgetown Conference on behalf of the municipality.

10. **NEW BUSINESS:**

10.A.1 **FPEIM:**

Annual Meeting is on April 25, 2016 in St. Peters.

The meeting may be a place to put forward a resolution on the status of the Resort Municipality and its uniqueness as a community and the voting standards that are unique to the area.

10.A.2. **Board Election:**

Councillor Wyand sits on the board as Past President and has a board position. No nominations were

put forward for the election from the municipality.

10.A.3 **Resolutions:**

No resolutions were put forward for the FPEIM Annual Meeting.

10.A.4. **Awards:**

No nominations were put forward for the awards.

10.A.5 **Cabinet Minister's Form:**

Questions were to be raised prior to the meeting from municipalities for the Cabinet Minister's Form so they are prepared to respond to the questions at the annual meeting.

10.B. **Tobacco Free:**

It was moved by Councillor Lowther, seconded by Councillor Richard that the municipality make the Swimming Rock Property and the Cavendish Heritage Park smoke free and that signs be put in each location advising the public that no smoking is allowed. Signs to be completed at the costs of the Smoke Free Places Act. All in favor 3, 1 non-voting, 2 absent, 1 abstaining. Motion Carried.

10.C. **Administrator's Evaluation:**

Evaluation that was completed was sent out to all Council members for their review.

11. **CONCERNS:**

11.A. **COUNCILLORS** – Work at the Stanley Bridge Harbour needs a building permit for any construction on land. The Harbour Authority and Nicole Warren from the CDC will be contacted and advised of that.

Brian Ellis at the Tourist Mart will be contacted on the new Fish Mart that is going into his property.

11.B. **RESIDENTS:**

White Gables at Hope River: A letter was received asking to locate off premise signs for the business within the municipality.

A letter shall be sent to the property owner advising them that off premise signage is not allowed under the Resort Municipality Signage Bylaw nor does it fall under the Highway Advertisements Act.

Brian and Andrea Hill: A letter was received with concerns over the speed limit on Route 6.

A letter shall be sent to the property owners advising them that the speed limit along Route 6 is less than the 60mph that they had noted in their letter.

12. **ADJOURNMENT:** Chair Jelley adjourned the meeting at 9:00 p.m..


Chair, Matthew Jelley
Monthly Council Meeting