

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

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

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

**ABSENT:** Kay Hryckiw, Edmond Richard.

**VISITORS:** Nil.

1. **CALL TO ORDER:**

Chair Jelley called the meeting to order at 5:05 p.m.

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

Chair Jelley declared a conflict of interest on the application for Sandspit Entertainment. Councillor Lowther left the meeting due to a conflict of interest with Mike Wheeler's information.

3. **APPROVAL OF AGENDA:**

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

4. **APPROVAL OF MEETING JUNE 20, 2016:**

Councillor Lowther advised that on Page 2, second paragraph second last word should be *him* instead of them, as well as on page 2 second last paragraph third line should start with "*The administrator*" instead of she.

Councillor Lowther advised that on Page 8, second last paragraph should be amended to state *that a meeting will be scheduled with the developer.*

It was moved by Councillor Lowther, seconded by Councillor Wyand that the Monthly Council Minutes of June 20, 2016 be adopted as amended. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

**APPROVAL OF SPECIAL COUNCIL MEETING JUNE 28, 2016:**

It was moved by Councillor Clark Dunning, seconded by Councillor Gauthier that the special Council meeting minutes of June 28, 2016 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

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

Chair Jelley advised that on page two of the correspondence that Kenzi's Pub & Eatery was reviewed by Rebecca Murphy at the Department of Health and Wellness as part of the approval for the opening of the restaurant.

6. **COMMITTEE REPORTS:**

a) **Planning Board Report:** Peter Fullerton was welcomed as a new member of planning board.

**Parks Canada:**

Parks Infrastructure projects in Cavendish - All paving projects in the Cavendish area are now complete. The washroom building at Cape Turner is being refurbished on the exterior and interior and will be closed until work is completed. A sign will be put up on the building to indicate it is closed and suggest other locations for washroom facilities.

Cavendish Campground—Most work in the campground has now been completed except for some landscaping work that is still being done. Work on the new entrance way and kiosk will begin after the campground closes. The draft concept for the new entrance is being finalized now.

Cavendish Grove—Ekistics has been contracted to develop the master plan for the site and they have begun their review. They will be holding an open house on their recommendations in the fall.

Former Wildlife Park in North Rustico— they will be removing old buildings and other infrastructure in the near future (stakeholder notice sent previously)

Green Gables—note was sent to key stakeholders on the recommendations from the Lord report.

Special events- The Great Island Sandcastle competition that is usually held on Parks Day at Brackley Beach will be held at Cavendish Beach this year. It is on Saturday July 16 from 11 to 3

Special announcement at Green Gables on July 14 at 9:30 am..

Other - Cavendish East/Ocean view—the playground equipment near the kitchen shelter has been deemed unsafe and will be removed as soon as possible. Discussions still underway about future plans for Ocean view.

Cavendish Beach Music Festival—From Parks Canada perspective things seem to go fairly smoothly at the Cavendish campground this year.

Graham's Lane Trail— a question was raised on seeding of the median between the trail and the road. Was that part of the community trail plan? Information was sent to Parks Canada on the grass seeding plan for the trail and was also discussed with Greg Shaw at the site meeting when the trail was started.

The administrator presented the building permit applications in the absence of Councillor Richard.

**Building Permit Applications:**

**BGB Holdings** – an application was received to construct a one storey addition of 12' X 25' onto the existing commercial building for storage only at PID # 937144, 7766 Cavendish Road. It was moved by Councillor Wyand, seconded by Councillor Gauthier that approval be granted subject to: 1) meets the requirements of the Provincial Fire Marshal, 2) meets the requirements of the Department of Environment, 3) the addition to the building to be used for storage only and 4) payment of building permit fee. All in favor 4, 1 non-voting 2 absent. Motion Carried.

**Raspberry Point Oyster Company** – PID # 771832, 9531 Cavendish Road - the application was tabled as the information was incomplete.

**Raspberry Point Oyster Company** – PID # 231670, 9581 Cavendish Road - the application was tabled as the information was incomplete.

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

**Sandspit Entertainment Ltd.** -an application was received to have a space of 8' X 8' at PID # 231977, 8863 Cavendish Road. It was moved by Councillor Gauthier, seconded by Councillor Clark Dunning that approval be granted 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 3, 1 non-voting, 3 absent. Motion Carried

Chair Jelley returned to the meeting.

Sea Cross Inc. – an application was received to locate the euro bungy on the property. It was moved by Councillor Gauthier, seconded by Councillor Wyand that approval be granted subject to: 1) meets the requirements of the Department of Health and Wellness, 2) meets the requirements of the Provincial Fire Marshal's office, 3) the detailed site plan to be provided showing the location of the bungy activity with all setbacks to the property lines and adjacent structures to be provided as well as the parking area to be shown. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

**Signage Applications.**

CFMPEI Inc. – an application was received to locate a primary sign of 6' X 3' and a secondary sign of 82" X 12" on the property. It was moved by Councillor Gauthier, seconded by Councillor Wyand that approval be granted subject to: 1) the owner confirm the size of the current multiple sign prior to the sign being installed. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Petro Canada – concern was raised over the signs being too close to the road in the highway right-of-way and they should be at least 8' back from the road. The administrator will contact the owners.

**Bylaw Review:**

The draft official plan general land use map from the Official plan and zoning map as well as well the Zoning and Subdivision Development (Control) Bylaw will brought to the annual meeting for the public to get to review and a public meeting will be held in September on the documents.

**Permit Reviews / Issues:**

**Razzy's** – It was moved by Councillor Lowther, seconded by Councillor Wyand that the performance bond would be released less the permit and legal fees and that a warning would be provided to the owner that no food service is allowed outside during the event next year and that all citations must be provided to the municipality. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

**CBMF** – overall the event went well with the traffic plan.

There were some concerns on hours, fireworks timing, RCMP concerns, Fire Marshal's concerns and temporary parking at the MacNeill property not being set up for the event.

It was moved by Councillor Gauthier, seconded by Councillor Wyand that a \$1,000.00 be taken for non-compliance of the development agreement. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

It was decided by the Council that a public meeting would be held at 6:00 p.m. on August 8, 2016 prior to the Annual meeting for the municipality.

It was decided to check with Marco Polo Land to see if they have space available.

**K&S Developments** – Council will deal with this matter further for 2017 on the permit process for anything happening on the property.

**Irac Appeals:**

A decision has been made by Irac on the two appeals that Mike Wheeler had submitted against the municipality. Both appeals were ruled in the municipality's favor.

**RCMP:**

RCMP have advised that CBFM went well. They have also provided a list of the stats for the weekend.

**Other:**

It was decided that the RV's and trailers would be dealt with as per the Zoning and Subdivision Development (Control) Bylaw as it currently reads.

6.A.1 **JAMIE MACLEOD LIQUOR CONTROL COMMISSION:**

Jamie advised that he would like a week's notice on permit approvals for the music festival weekend. It was decided by Council that approvals cannot happen until just prior to some of the events when the permits are granted and will not always be a week in advance.

6.A.2 **SUMMARY PROCEEDINGS:**

The municipal legal counsel advised that the Dangerous and Unsightly Property Bylaw, the Summary Proceedings Bylaw and the Municipal Offense Ticket regulations would have to go before the public meeting and be advertised as part of the approval process for the municipality.

This meeting will be held in September with the Official Plan and Zoning and Subdivision Development Control Bylaw Amendments.

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

The monthly finances for June 30, 2016, revenue was \$138,153.30 and the expenses were \$174,957.32. It was moved by Councillor Lowther, seconded by Councillor Gauthier that the monthly finances ending June 30, 2016 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

6.B.1 **AUDIT:**

The audited statements were circulated by MRSB.

It was moved by Councillor Lowther, seconded by Councillor Gauthier that the non-consolidated statements for the Resort Municipality be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

It was moved by Councillor Wyand, seconded by Councillor Clark Dunning that the consolidated statements for the Resort Municipality be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

It was moved by Councillor Wyand, seconded by Councillor Lowther that the non-consolidated statements for the Cavendish Sewer Utility be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

6.B.2. **2017 PROPOSED BUDGET:**

It was moved by Councillor Clark Dunning, seconded by Councillor Lowther that the proposed budget for 2017 be adopted as presented with a one cent tax increase. All in favor 4, 1 non-voting, 2 absent. 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:**

The solar lights are in the process of being installed by the maintenance staff.

Central Coastal Tourism Partnership has asked why the map stops are not being maintained at the lookouts and wondered if the CCTP, TCBI and the municipality could look at making improvements to them.

It was decided by the Council to ask Peggy with CCTP to come back with a price for completing the three map stops as well as what CCTP and TCBI are prepared to contribute to the costs of fixing them up.

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

No updates on the fire committee

6.E. **TCBI:**

No updates as Councillor Hryckiw was absent.

6.F. **CCTP:**

No updates as Councillor Hryckiw was absent.

7. **CAVENDISH SEWER UTILITY REPORT:**

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

Councillor Lowther left the meeting.

A request was received from Mike Wheeler asking for the legal charges and interest to be paid back to him by July 22, 2016. It was moved by Councillor Gauthier, seconded by Councillor Wyand that no refund be made to Mike Wheeler based on the Irac process, interest charges and legal fees notified to him during all information that was sent for collection of his outstanding account. All in favor 3, non-voting, 3 absent. Motion Carried.

Councillor Lowther returned to the meeting.

Lights at all lift stations have been confirmed by Kendall Toombs DRO to be working.

Department of Environment requires signage for all lift stations with information on who to contact when the red light is flashing so the public knows who to contact. Waiting for pricing to come back from Les Andrews.

Long term sewer loan for the utility is just being finalized.

Gas Tax portable generator has been received from the engineer. It is currently under review by Parks Canada to ensure it meets all of their requirements. This will take up to 6 months to complete the environmental review. The propane generator has been ordered as it takes 10 weeks to be delivered.

7.B. **Lagoon Upgrades:**

AJL has started the lagoon project. The first liner was installed last week.

Panel for the blower house has been repaired and is ready to be installed at the blower house.

- 7.C. **Provincial Infrastructure Fund:** It was decided by Council that no funding be applied for based on the current projects and the funding for them.
8. **Business Arising From Minutes:**
- 8.A. **Website:**  
The website is up and going and the Council should review the site to see if they want any changes made.
- 8.B. **Small Cell Antennas:**  
A meeting was held with Aaron Murnaghan with WSP. The draft legal agreement that he had for use of the service was sent to the municipal lawyer for her review prior to any decisions being made on using the service in the municipality. We are awaiting the lawyer's comments.
- 8.C. **Pete Blier Property:** Some work has been completed on the property to close the window in that was broken and to secure the structure.
- 8.D. **Destination Management Fund:** Councillor Lowther advised that no further work was completed on this. The agenda item was tabled until the fall.
9. **NEW BUSINESS:**
- 9.A. **FPEIM:**
- 9.A.1 The semi-annual meeting will be held on October 22, 2016.
- A meeting will be held with the Minister of Communities, Land and Environment on September 29, 2016.
- 9.B. **AMA PEI:**  
The administrator attended the session on June 29, 2016 at Miltonvale Park. The session was informative and she had raised the concerns to Samantha Murphy on the new Municipalities Act changes as well as the status of the Resort Municipality under the new Act and Section 65.1 on the charge process in the Act. Samantha had confirmed that there would still be a Resort Municipality under the new Act as far as she knew, but that the rest of the Act that applies to other municipalities would apply to the Resort from what was being reviewed.
- Discussion was also held on insurance coverage for board members that sit on various committees and how sometimes it can be interpreted that you are representing a certain group when making decisions sitting on another board that it is the position of the Council board that you sit on as well which is not the case and can be challenged.
- 9.C. **YEARLY COUNCIL SUPPER:**  
It was decided that the supper would be held in September.
10. **CONCERNS:**
- 10.A. **COUNCILLORS –**  
Chair Jelley raised concerns over the concrete curb not being reinstated after being cut out at Sunset Campground. The province will be contacted to see whose responsibility it is to complete this work.

Councillor Wyand raised concerns of CBMF and the ticket process for Council on the walkthroughs at the site. It was determined by the Council that the tickets were for the Council to walk through and check the site only during the event. If they were to be used for anything further then it would fall under a gift request.

Councillor Lowther raised concerns over the playground equipment being removed with no notice to property owners in the municipality and the public used it on a daily basis.

The administrator had advised that Nicole Warren was looking for some more details on what was required to be in the RFP for the signage review.

Councillor Lowther advised to have Nicole contact her and she would advise what is required in the review.

**10.B. RESIDENTS:**

**Norm Hansen:** Raised concerns over the fence being removed during the concert weekend by the neighbors. He was advised to send in his concerns in writing to the office.

**Linda Lowther:**

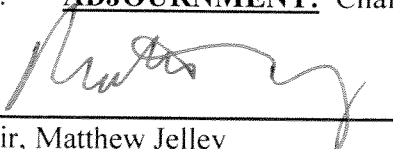
Linda Lowther raised concerns over waste watch and the fact that some property owners are putting garbage from their own properties into the municipal containers instead of their own containers.

**George and Nancy Richmond:**

A request was received asking for information on Stephen Oickle's development. The owners will be advised that there is no active permit approved for Stephen Oickle.

**Stephen Oickle:** A request was received from Stephen Oickle looking for a decision by the Council on information on his development. It was moved by Councillor Clark Dunning, seconded by Councillor Gauthier that Stephen be advised that he must apply for a new permit as his current permit approval is no longer active and the Council will make a decision at that time. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

11. **ADJOURNMENT:** Chair Jelley adjourned the meeting at 7:45 p.m..

  
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Chair, Matthew Jelley  
Monthly Council Meeting