

Minutes
Resort Municipality Monthly Council Meeting
Monday, November 21, 2016
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on November 21, 2016 at the Resort Municipality Office.

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

ABSENT: Vice-Chair Linda Lowther.

VISITORS: Nil.

1. **CALL TO ORDER:**

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

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

Matthew Jelley, Kay Hryckiw and Gwen Wyand declared conflicts under planning board and will leave the room when the applications come forward.

3. **APPROVAL OF AGENDA:**

It was decided by Council that section 6(D-F) would be removed from the agenda based on the public meetings following the Council meeting and shortness of time.

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

4. **APPROVAL OF MONTHLY COUNCIL MEETING OCTOBER 17, 2016:**

It was moved by Councillor Wyand, seconded by Councillor Clark Dunning that the Monthly Council Minutes of October 17, 2016 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

5. **CORRESPONDENCE:** Correspondence items for October for which actions are required are listed on the agenda.

6. **COMMITTEE REPORTS:**

Planning Board Report:

Planning Board Members:

Planning Board Chair Richard advised that there has been a cut in the number of members on the planning board down to five members with one ex-officio from Parks Canada.

Garth MacNeill will be stepping down from the committee once Linda Young has made the decision to come on the board as his replacement.

Parks Canada:

Cavendish Campground: the tender has not yet been completed for the road work and it will be completed in the spring now.

Haunted Wood trail is closed for a week for a bridge replacement.

Green Gables Heritage Place: the interim offer was provided to key stakeholders at two information sessions.

The pull off and parking area will be cleared at the site for the winter months for the public and visitors for access to the site.

Green Gables will be open until the end of November by appointment only.

A new site plan for the Green Gables entrance is being worked on for next year.

They will not be able to save the horsepower part of the building due to the tight timelines.

The administrator asked about any updates on the Cavendish Grove property and having symbols put on the sign.

Nothing had been planned for changes at the present time but it will be looked at.

The management plan review comments will be accepted until November 30, 2016.

Barb wondered if the municipality started the signage bylaw process to exempt Parks Canada from the bylaw. The administrator advised that there are no exemptions for Parks in the bylaw

Brad Romaniuk provided the board with some information about himself. He came from a farming family and has worked with Parks Canada for 22 years, as well as has worked in 7 different areas with Parks Canada including in Banff and Jasper.

Brad Romaniuk commented on the fire smart program.

Brad advised that there are community programs that can be put into place as a learning experience regarding the removal of trees and some interpretive panels could be provided showing information on what the project is about.

Brad confirmed that the trees around the Visitor Center to the corner should be able to be cleaned up and removed within a week.

Brad advised that Parks could do a demonstration plot with a fire smart forest that could be a learning tool for the public around the visitor center and other areas of the community.

Brad advised that Parks is here to work with the community.

The farm leases are up and Brad advised that the leases will be worked on and he will be involved with that.

Brad advised that Parks is undertaking under the Fire Smart Program because of the risk of wildfires. They are cleaning these areas as there are a number of infrastructure programs available to assist with this now since the wildfire in Fort McMurray.

Brad commented on an old hand well down on Grahams Lane and Parks is excited as the bats are winter denning in the well. They are going to preserve this as they are an endangered species.

PUBLIC MEETINGS:

Chris & Margaret Opydo – There will be an Official Plan Amendment meeting on November 21, 2016 at 7:00 p.m. at the Visitor Information Center.

There will be a Public Rezoning Amendment meeting on November 21, 2016 at 7:30 p.m. at the Visitor Information Center.

Building Permit Applications:

Lenny Blacquiére – PID # 681155 (7380 Cavendish Road) – a revised application was received to change the use of the existing garage into a boat hauling office and to construct a residence as a commercial accessory use on the property of 66' X 27' with decks as well as to have a new driveway for the residence. It was moved by Councillor Richard, seconded by Councillor Gauthier that the revised application be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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

100242 PEI Inc. – PID # 708255 (198 Forest Hills Lane) – an application was received to add sewer to site #'s 404D – 409D. The application was tabled as there is further information required by the developer from the Department of Environment.

100242 PEI Inc. – PID # 708255 (198 Forest Hills Lane) – an application was received to construct a new ramp and deck of 25' X 18' onto the existing store. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) the deck shall be constructed on the site in accordance with the site plan and 2) payment of building permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

100242 PEI Inc. – PID # 708255 (198 Forest Hills Lane) – an application was received to construct a new storage building of 14' X 25' for storage only with a deck on it of 5' X 25'. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) the storage building being located on the site in accordance with the attached site plan, 2) the storage building shall be used for storage only, 3) the storage building shall not be used for human habitation, 4) the distance from the storage building to the security building to be provided, 5) that the building meet all setback and separation distances as per the bylaw and 6) payment of building permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Councillor Hryckiwi returned to the meeting.

Chair Jelley left the meeting due to a conflict of interest and turned the Chair to Councillor Gauthier in his absence.

Matthew and Tracey Jelley – PID # 715011 (11 Bayview Drive) – an application was received to construct a one storey accessory building of 20' X 14' for storage only. It was moved by Councillor Richard, seconded by Councillor Wyand that approval be granted subject to: 1) the building to be located on the site in accordance with the plan, 2) the building shall be used for storage only, 3) the building shall not be used for human habitation and 4) payment of building permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Sandspit Entertainment Ltd. – PID # 231977 (8863 Cavendish Road) – an application was received to relocate the storage building on the property of 20' X 14' to a new location. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval be granted subject to: 1) the building to be located on the site in accordance with the site plan, 2) the building shall be used for storage only, 3) the building shall not be used for human habitation and 4) payment of building permit fee. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Chair Jelley returned to the meeting and David Gauthier turned the Chair back to him.

Power Resorts Ltd. – PID # 896845 (7613 Cavendish Road) – an application was received to construct a building of 20' X 20' on the property for storage only. It was moved by Councillor Richard, seconded by Councillor Wyand that approval be granted subject to: 1) the building shall be located on the site in accordance with the attached site plan, 2) the building shall be used for storage only, 3) the building shall not be used for human habitations and 4) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Tourism Complex Development Inc. – PID # 232447 (8447 Cavendish Road) – an application was received to construct 25, 2 bedroom cottages of 28' X 32' with decks, to construct 18, 3 bedroom cottages of 32' X 55' with decks. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that the development be brought to a public meeting for input as it is a major

development. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Subdivision Application:

Cavendish Tourism Complex Development Inc. – PID # 232447 (8447 Cavendish Road). An application was received to subdivide 1.8 acres off of the property. It was moved by Councillor Richard, seconded Councillor Wyand that approval be granted subject to: 1) a final survey plan being provided as per all requirements under Section 17 of the bylaw and 2) payment. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Hunter Warehousing & Storage Ltd. – PID # 92536 (Reid Road). An application was received to subdivide 43.14 acres off of the main property. It was moved by Councillor Richard, seconded by Councillor Wyand that the application be approved based on all conditions of Section 17 of the Zoning and Subdivision Development (Control) Bylaw being met. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Lot Consolidation:

Cavendish Tourism Complex Development Inc. – PID # 232447 (8447 Cavendish Road) – an application was received to consolidate 1.8 acres from PID # 232447 with PID # 683136. It was moved by Councillor Richard, seconded by Councillor Wyand that approval be granted subject to: 1) the final subdivision and lot consolidation plan meeting all requirements of Section 17 of the bylaw, 2) that a lot consolidation deed be completed and 3) payment of lot consolidation fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

PEI Dream Cottages – an application was received to consolidate the existing and new properties into one lot PID # 660829 (84 MacCoubrey Lane). It was moved by Councillor Richard seconded by Councillor Hryckiwi that approval be granted subject to: 1) the final survey plan meeting all requirements of Section 17 of the bylaw. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Oleksiy Yenin & Svitlana Ienina – an application was received to append lot 71, PID # 858209 and lot 74, PID # 677591 on Stanley Road into one lot in Seawood Estates. It was moved by Councillor Richard, seconded by Councillor Wyand that approval in principle be granted subject to: 1) a survey plan being completed for the lot consolidation, 2) that a lot consolidation deed be completed and 3) payment of lot consolidation fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Rezoning:

Cavendish Tourism Complex Development Inc. – PID # 232447 (8447 Cavendish Road) – an application was received to rezone a portion of the property from the current RD2 to C1. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that the rezoning request be brought to a public meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Temporary / Transient Permit:

Cavendish Tourist Mart Inc. PID # 233130 (8934 Cavendish Road) – an application was received to have temporary parking on the property from July 7-9, 2017 for the Cavendish Beach Music Festival. It was moved by Councillor Richard, seconded by Councillor Wyand that approval in principle be granted subject to: 1) that the music festival permits be completed, 2) that security be provided, 3) that lighting be provided, 4) that porta potties be provided, 5) that a development agreement be entered into and 6) payment of permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Change of Use Application:

Fairways Cottages – PID # 232348 (7420 Route 13) – an application was received to change the use of the recently approved three-bedroom rental cottage for the spring and fall season to a plenary room and

two boardrooms. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval be granted subject to: 1) meets all requirements of Quality Tourism Services, 2) meets all requirements of the Department of Health and Wellness, 3) meets all requirements of the Provincial Fire Marshal's office and 4) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Updates on Permits:

Updates were provided on permits that were awaiting more information.

Letter from Peter Fullerton – SEAL regarding signage in Seawood Estates.

It was moved by Councillor Richard, seconded by Councillor Hryckiwi that a signage permit is required for signage in Seawood Estates and that Seawood Estates must complete the application as SEAL is not the owner of property within Seawood Estates. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Municipalities Act Review:

The Council has written a letter to the province outlining sections of the Act that there are concerns with, errors in dates in the Act, sections that need further clarification, questions on the regulations within the Act that are still unknown as well as about timing of the Act and delaying it until the spring.

Councillor Wyand left the room due to a conflict of interest.

T. Daniel Tweel (PID # 585356) Route 13 – an application was received to subdivide .95 of an acre off of the property. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval be granted subject to: 1) meets all requirements of Section 17 of the bylaw and 2) payment of subdivision fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Kent and Sharon Gallant (PID # 232181) 7119 Route 13 – an application was received to consolidate .95 acres from PID #585256 Parcel A with PID # 232181 to form new lot 16-1. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval be granted subject to: 1) meets the requirements of Section 17 of the bylaw, 2) that a lot consolidation deed is registered and 3) payment of lot consolidation fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Councillor Wyand returned to the meeting.

Tyson MacInnis – (PID # 672972) Avonlea Boulevard - an application was received to consolidate the properties into one lot. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) meets the requirements of Section 17 of the bylaw, 2) that the lot consolidation deed be completed and 3) payment of lot consolidation fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Raspberry Point Oyster Company (PID # 92700) Cavendish Road – a letter was received from Peter Fullerton outlining concerns and providing pictures of equipment on a residential property. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that a letter be sent to Scott Linkletter asking about the status of the property and the equipment that has been located on it. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

6.A.1. Dreams to Sea Cottages:

A letter was received from the legal counsel with a copy of a letter that had been sent a few years ago to the owner about a travel trailer.

It was decided by Council that further information would be gathered from the lawyer on a change in the bylaw to travel trailer so that it would only be allowed in the RD3 zone in which it is permitted or through a temporary / transient permit while a house is under construction.

No further action will be taken until the lawyer provides further input for the bylaw.

6.A.2. Mike Wheeler – Human Rights Case:

Jonathan Coady had requested additional information from the Human Rights Commission. No response was received.

6.A.3. Unsightly Property Bylaw:

It was moved by Councillor Richard, seconded by Councillor Hryckiwi that the *implement of husbandry* be added to the unsightly property bylaw. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

6.B. MONTHLY FINANCIAL REPORT:

The monthly finances for October 31, 2016, were presented. Revenue was \$240,464.64 and the expenses were \$251,496.79. It was moved by Councillor Hryckiwi, seconded by Councillor Wyand that the monthly finances ending October 31, 2016 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

6.B.1 Grant in Lieu of Taxes:

Councillor Hryckiwi advised that the Grant in Lieu of taxes was provided for the Swimming Rock property.

6.C. TRAILS AND PATHS REPORT:

6.C.1 Walkway Assessment:

It was moved by Councillor Wyand, seconded by Councillor Hryckiwi that the walkway assessment report from Stantec be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

6.C.2. Grahams Lane Trail:

Work was completed by Island Coastal Services on the settling around the posts on Grahams Lane.

6.C.3. Damaged Walkway:

It was moved by Councillor Hryckiwi, seconded by Councillor Gauthier that the quote from Blue Heron Construction for \$1,225.00 plus HST be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Agenda Items 6 D – F were removed from the agenda due to time constraints.

6.D. FIRE COMMITTEE REPORT:

No updates to report.

6.E. TCBI:

No updates to report.

6.F. CCTP:

No updates to report.

7. CAVENDISH SEWER UTILITY REPORT:

7.A. Monthly Updates and engineering:

Sewer Bills continue to be an issue with our customers as well as receiving payment for the billings. People are still advising that they have not received their billings for 2016 and we are dealing with that on a regular basis.

Currently we are just trying to ensure that the bill amounts are paid and will have to deal with some customers that are still outstanding over 90 days.

Generator at Green Gables Heritage Place has been completed and is operational.

Cavendish Beach Music Festival – Sewer utility has made a decision based on the recommendation from the Department of Environment on the meter readings for the music festival. The billing for flow charges will be based on their readings and the owner will be advised that this is an estimate only for 2016 based on what has happened with the meter readings and that in 2017 if there are any changes in flows then the 2016 bill be reviewed at that time.

Gordon Toombs will also be advised that in the future that no municipal property is to be removed without the consent of the sewer utility.

Gordon Toombs will also be advised that Stantec will be on site when the meter is connected to ensure that it is being installed properly and in place on behalf of the sewer utility.

Parks Canada – Sewer Invoice has been an issue again for 2016. We had requested that the engineer contact Joe Trainor on the utility's behalf to deal with issues on the meter readings. Darrell has spoken with Joe Trainor and he does not agree with the flow charges.

The board is in the process of getting pricing on signage for the lift stations from Les Andrews that had been requested by Morley Foy at the Department of Environment.

Chair Jelley advised to also contact Chuck at Yesco regarding the signs for the lift stations.

The sewer board has requested pricing for 2017 from Gordon Toombs for the sewer contract as well as what his expectations are.

7.A.1. **Generator Work at Green Gables:**

Work has been completed at the site.

7.B. **Lagoon Upgrades:**

Work has been completed on the flow meter at Cranberry Village Lift Station. The project is now fully completed.

8. **BUSINESS ARISING FROM MINUTES:**

8.A. **Internet Servicing:**

Eastlink has provided pricing for servicing Seawood Estates. It was determined that a meeting would be arranged with property owners in Seawood Estates to determine the interest in the subdivision.

Bell Aliant has not yet provided any details on pricing.

It was moved by Councillor Gauthier, seconded by Councillor Wyand that a proposal be put together for funding once it is determined as to what the best option is for internet servicing and then provide the information back to the Council. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8.B. **Signage RFP:**

Four bids were received. It was decided by Council that Chair Jelley, Councillor Lowther, Councillor Richard and the administrator would meet to go over the proposals and make a recommendation to the Council.

8.C. **Destination Management Fund:**

The Committee has been meeting and is working on the terms of reference for the fund.

8.D. **Bruce & Nancy Creighton:** A request was sent to Alan Aitken and Dawn Moase with the Department of Transportation, Infrastructure and Energy regarding their concerns on a crosswalk along Route 6, no update has been received from the department.

8.E. **Copier:** Council requested information on one sheet on the proposal for the new system with a recommendation from the administrator.

8.F. **Staff Person:** Interviews will be held with Chair Jelley, Councillor Richard and the CAO, and a decision will be made on the new part-time staff person.

9. **NEW BUSINESS:**

9.A. **FPEIM:**

Diane Griffin is no longer with the board since she is in her new position as Senator.

The Government has received 200 amendments on the new Municipal Government Act from municipalities.

A conference call will be held with FPEIM during the week and they are looking to get municipalities' input into the Act and whether or not they support it.

The Council was unanimous that they do not support the Act as it currently is and that they would rather see the Act delayed until the spring then to rush it through, especially when the Council has still not seen the regulations to date to see how they would impact the municipality.

It was moved by Councillor Richard, seconded by Councillor Gauthier that the municipality does not support the Municipal Government Act in its current format. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

9.B. **EMO Training:**

Upcoming training session information was provided in the meeting package.

9.C. **Snow Removal:**

Two quotes were received for snow removal services. One from Toombs Plumbing and Heating Ltd. and the other from Wayne Houston. It was moved by Councillor Gauthier, seconded by Councillor Clark Dunning that the snow removal costs from Toombs Plumbing and Heating Ltd. for \$4,850.00 plus HST be approved as presented subject to: 1) that proof of insurance be provided and 2) that the contractor agrees that if any damage is completed to the walkway that it was be reinstated by the contractor at their expense. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

9.D. **AMA PEI:**

The CAO will attend a session on December 2, 2016 in Summerside.

9.E. **Parks Canada access to information:**

The Council had just requested that the questions be answered on the list that was sent through as there is no reason for the questions to be sent to the access to information process.

9.F. **Donation Request:**

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the Council supports recreation for children in the community through the recreation rebate and that no individual teams would be provided funding. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

9.G. **Employer Advisor Services:**

Services are available through the office of Justice and Public Safety and the Worker's Compensation Board through Patricia MacPhail.

9.H. **Administrator's Evaluation:**

Chair Jelley, Councillor Richard and Councillor Clark Dunning will meet with the administrator later in the week to complete the evaluation.

10. **CONCERNS:**

10.A. **COUNCILLORS –**

No concerns were raised.

10.B. RESIDENTS:

Kevin MacNeill: Request was received on having cameras at the corners of Route 6 and 13. A request will be sent through to the province.

Chris Opydo - Cape Road – A request was received to put some crushed asphalt on the road. Council will send a letter to the province requesting that this be looked at.

Chris Opydo – Permit approval – A request was received asking that notification on a development be provided to the adjacent property owners prior to approval being granted to see if the adjacent property owners support the development.

Chris Opydo - The approval process will continue to be that a normal permit application is reviewed and approved by the planning board and the Council and that the adjacent property owners will be notified of the approval following the permit being approved. In the case of rezonings, major developments, variances, public meetings would be required as well as adjacent landowners being notified.

Chris Opydo - The Pearl Driveway – concern was raised over the size of the driveway and it not being safe. The Department of Transportation, Infrastructure and Energy controls all driveway access in the municipality and they approved the current driveway.

Chris Opydo - Streetlights – Concern was raised over the streetlights being moved from where they originally were. There was no request from the municipality to change the location of the lights and they should all be in their current location.

Roger Sinclair – Concerns were raised over the new accessory building that was approved for Susan Roberts.

Susan Roberts will be contacted to address the issues on the permit approval and where the building has been located on the property and the fact that it has not been attached to the existing building as was applied for.

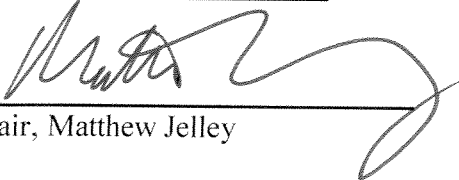
David Kent – official plan – concerns over the document and moving forward with climate change and light pollution from the streetlights were some of his concerns.

The current plan review has been completed and his comments can be addressed under the new plan review.

Marilyn Simpson – concern was raised over the former trailer on the trail ride property.

The province will be contacted to see what can be done with the property based on the fact that the property is under the Province of PEI.

11. **ADJOURNMENT:** Chair Jelley adjourned the meeting at 7:05 p.m.


Chair, Matthew Jelley