

Minutes
Resort Municipality Monthly Council Meeting
Monday, September 19, 2016
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on September 19, 2016 at the Resort Municipality Office.

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

ABSENT: David Gauthier was absent for the first portion of the meeting.

VISITORS: Nil.

1. **CALL TO ORDER:**

Chair Jelley called the meeting to order at 5:01 p.m.

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

Chair Jelley declared a conflict of interest on the applications for Sandspit Entertainment Ltd. and Gloria Gray.

Councillor Wyand declared a conflict of interest on the applications for Daniel Tweel as well as Kent and Sharon Gallant.

3. **APPROVAL OF AGENDA:**

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

4. **APPROVAL OF MEETING AUGUST 15, 2016:**

It was moved by Councillor Lowther, seconded by Councillor Richard that the Monthly Council Minutes of August 15, 2016 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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

6. **COMMITTEE REPORTS:**

Planning Board Report:

The Pearl Café (7792 Cavendish Road) – an application was received to change the use of the upstairs of the building into a restaurant / lounge at PID # 233429. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval be granted subject to: 1) meets the requirements of the Department of Health, 2) meets the requirements of the Provincial Fire Marshal's office, 3) meets the requirements of the Liquor Control Commission and 4) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival (8779 Cavendish Road) – an application was received to have a new raised standing area in the Sunroof at PID # 1037423. It was moved by Councillor Richard, 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 and 3) payment of building permit fee All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Gauthier joined the meeting.

Chair Jelley turned the meeting to Vice-Chair Lowther and left the meeting due to a conflict of interest.

Sandspit Entertainment Ltd. (8863 Cavendish Road) (Mariner's Cove Boardwalk) – an application was received to expand the building under the existing roof of 17'3" X 11'10" + 10'11" X 5'6" at PID # 231977. It was moved by Councillor Richard, seconded by Councillor Hryckiwi 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 and 3) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried. Motion Carried.

Sandspit Entertainment Ltd. (8863 Cavendish Road) (Mariner's Cove Boardwalk) – an application was received to construct an addition onto the existing building of 50' X 16' for public washrooms and storage at PID # 231977. It was moved by Councillor Richard, seconded by Councillor Hryckiwi 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 and 3) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Sandspit Entertainment Ltd. (18 Moore Road) (Fantazmagoric) – an application was received to construct a new building of 32'5" to 56'9" X 36' as well as to move a building onto the property of 42' X 36' at PID # 458182. It was moved by Councillor Richard, 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) that a development agreement be entered into, 4) that a performance bond of \$1,000.00 be posted, 5) that the ownership of the property be completed, 6) that the owner shall have 3 months in which to complete the work on the building that is moved to the property, 7) that the property be connected to the municipal sewer and 8) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Gloria Gray (10 Bayview Drive) – a revised application was received to move the shed to another location on the property of 8'7" X 8'2" at PID # 671602 as it was located on the property without a permit. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that the new permit application be approved subject to: 1) the building being located on the site in accordance with the attached site plan, 2) that the building be used for storage only, 3) that the building shall not be used for human habitation, 4) that the building be moved to the new location within 30 days and 5) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Sandspit Entertainment Ltd. (18 Moore Road) (Fantazmagoric) – an application was received to move a building from Mariner's Cove Boardwalk to the property of 20' X 12' for washrooms, to construct an 8' X 12' addition for accessible washrooms, to construct a new storage area of 8' X 8' and to construct a new deck of 10' X 28' at PID # 458182. It was moved by Councillor Richard, 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) that a development agreement be entered into, 4) that a performance bond of \$1,000.00 be posted, 5) that the ownership of the property be completed, 6) that the owner shall have 3 months in which to complete the work on the building that is moved to the property, 7) that the property be connected to the municipal sewer and 8) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Sandspit Entertainment Ltd. (8863 Cavendish Road) (Mariner's Cove Boardwalk) - an application was received to move the existing mining shelter of 13' X 23' from the current location on the property to adjacent to the mini-golf at PID # 231977. It was moved by Councillor Richard, seconded by

Councillor Gauthier 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 3) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent.

Chair Jelley returned to the meeting.

PARKS CANADA:

Duneland's Trail will be a spring construction project.

Cavendish Campground work is being completed on the proposal for the entrance is expected to go to contract soon.

Cavendish Campground was closed for the season but is opening from September 16 – 18, for a special filming with chefs for an RV cooking series. Information will be sent to the public as they want to have tents and RV's in the campground for the event and they are offering rates of \$20.50 per night.

Cavendish Campground will be open until September 30, 2017 with self-registration as Stanhope was kept open this year but they are not getting the numbers that they expected.

Green Gables Site has received \$9.5 million in funds for work at the site that will see the visitor center, Café and the store being completely done over at the site. It is expected that work will be completed in 2018. The site will be open in 2017 to the public with people being rerouted around the site. Root Architecture has the contract for the design and Public Works and Government Services Canada will be overseeing the project with the visitor center planned to be demolished in November.

Concern was raised over construction at the site during the 150th celebrations.

The Management Plan is expected to be reviewed this fall and they are planning to have individual meetings with key interest groups.

Cavendish Grove - a meeting is planned for the first week of October; they are just finalizing details for the plan with the consulting group.

The Generator for Green Gables was discussed and it will be moved to the site on in October.

Arya Page is working on the fire assessment for the area. The priority areas were suggested by the board as around the visitor center as the first priority area, but that if Parks could provide a list of 5 places then the community could review the information and distinguish the most important areas.

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

SUBDIVISION/ LOT CONSOLIDATION:

Daniel Tweel (Route 13) – an application was received to subdivide .93 of an acre off of property # 585356 and to consolidate it with PID # 232181. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) the final survey plan showing all information on Daniel Tweel's property with the parcel #, lot # and remnant parcel being provided and 2) payment of subdivision fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Kent and Sharon Gallant (7119 Route 13) – an application was received to consolidate PID #'s 232181 and 585356 into one parcel at PID # 232181. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted subject to: 1) the final survey plan showing all information on Daniel Tweel and Kent and Sharon Gallant's properties with the lot consolidation and 2) payment of lot consolidation fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Wyand returned to the meeting.

TEMPORARY PERMITS:

Cavendish Beach Music Festival (8779 Cavendish Road)

An application was received to hold an event on June 30, 2017. The application was tabled until a detailed site plan has been provided for the event and comments are received from the Provincial Fire Marshal's Office, the Liquor Control Commission, the RCMP and the Department of Health and Wellness.

Cavendish Beach Music Festival (8779 Cavendish Road)

An application was received to hold an event on July 6 - 9, 2017. The application was tabled until a detailed site plan has been provided for the event and comments are received from the Provincial Fire Marshal's Office, the Liquor Control Commission, the RCMP and the Department of Health and Wellness.

Public Meetings September 21, 2016 at the North Rustico Lion's Club:

Official Plan Review 6:00 p.m.

Bylaw Review 6:30 p.m.

Dangerous and Unsightly Property Bylaw 7:30 p.m.

Summary Proceedings Bylaw 8:30 p.m.

Municipal Offense Ticket

Concerns were raised over the Cavendish Beach Music Festival rental properties on Forest Hills Lane and Boyle Crescent and the grass not being cut for a month. The owner was contacted and the grass has since been cut.

Permits issued by Council and the Administrator:

Sandersmith Enterprises Ltd. – to have a wedding on the property from September 2 – 5, 2016 in Seawood Estates. All conditions of the agreement were met and the bond was returned to the wedding party.

Signage:

Signs were located in Seawood Estates by SEAL and no application was submitted for approval of the signs. A letter has been received by SEAL President – Peter Fullerton on behalf of the Board.

It was moved by Councillor Richard, seconded by Councillor Wyand that a signage permit be applied for by Seawood Estates Inc. and that the sign that is pointing for the caution turn on Driftwood Lane and Seawood Drive to be moved to closer to the turn based on concerns raised over the location of the sign by three property owners on Driftwood Landing. All in favor 6, 1 non-voting. Motion Carried.

Sea Cross Inc. – it was moved by Councillor Richard, seconded by Councillor Wyand that a sign permit for a temporary sign of 4' X 6' be approved for Sea Cross Inc. for the month of September only, while the Anne of Green Gables Store is open. All in favor 6, 1 non-voting. Motion Carried.

Rezoning Application:

First Reading – Raspberry Point Oyster Company Inc. Official Plan Amendment: (9581 Cavendish Road) – PID # 231670 – It was moved by Councillor Richard, seconded by Councillor Gauthier that the Council amend the Official Plan General Land Use Map to change the designation of Provincial Parcel # 231670 from the General Commercial Zone to the Resort Commercial Zone. All in favor 6, 1 non-voting. Motion Carried.

First Reading – Raspberry Point Oyster Company Inc. (9581 Cavendish Road) – PID # 231670: It was moved by Councillor Richard, seconded by Councillor Gauthier that the bylaw amendment to

amend the Zoning map to show Property # 231670 from the current General Commercial (C1) Zone to RD4 (Resort Commercial) Zone be approved as read. All in favor 6, 1 non-voting. Motion Carried.

First Reading – Raspberry Point Oyster Company Inc. Official Plan Amendment: (9539 Cavendish Road) – PID # 771832 – It was moved by Councillor Richard, seconded by Councillor Lowther that the Council amend the Official Plan General Land Use Map to change the designation of Provincial Parcel # 771832 from the General Commercial Zone to the Resort Commercial Zone. All in favor 6, 1 non-voting. Motion Carried.

First Reading – Raspberry Point Oyster Company Inc. (9539 Cavendish Road) – PID # 771832: It was moved by Councillor Richard, seconded by Councillor Lowther that the bylaw amendment to amend the Zoning map to show Property # 771832 from the current General Commercial (C1) Zone to RD4 (Resort Commercial) Zone be approved as read. All in favor 6, 1 non-voting. Motion Carried.

Signage Application – Driftwood Landing:

It was moved by Councillor Richard, seconded by Councillor Wyand that a private road signed be approved subject to it meeting the requirements of the 911 office and that it is located on its own sign standard. All in favor 6, 1 non-voting. Motion Carried.

Municipalities Act Review:

A copy of the document is in the meeting package for the board to review and to forward any comments or concerns on the Act to the Minister's office before October 7, 2016.

It was moved by Councillor Richard, seconded by Councillor Clark Dunning that Councillor Lowther assume the Acting Planning Board Chair position for the October meeting as Councillor Richard will be out of province. All in favor 6, 1 non-voting. Motion Carried.

6.A.1. Cavendish Beach Music Festival:

A copy of the CBMF 2016 Improvements following the 2015 AAR Themes was presented by CBMF for the Council.

6.A.2. Letter from Minister Mitchell:

A letter was in the meeting package from Minister Mitchell asking municipalities for input into the proposed new act by October 7, 2016, as well as asking if the Resort Municipality would like to have a special meeting. The Council requested to have a meeting directly with the Minister on the proposed changes once a copy of the Act has been provided for the Council's review.

6.A.3. Bond Release:

George and Opal MacEwen:

It was moved by Councillor Richard, seconded by Councillor Lowther that the \$500.00 bond be released as all conditions had been met. All in favor 6, 1 non-voting. Motion Carried.

Jessica McClintick:

It was moved by Councillor Richard, seconded by Councillor Hryckiwi that the \$300.00 bond be released as all conditions had been met. All in favor 6, 1 non-voting. Motion Carried.

Shauna Oakie:

It was moved by Councillor Richard, seconded by Councillor Hryckiwi that the \$1,000.00 bond be released as all conditions had been met. All in favor 6, 1 non-voting. Motion Carried.

6.B. MONTHLY FINANCIAL REPORT:

The monthly finances for August 31, 2016, were presented. Revenue was \$190,391.30 and the expenses were \$212,985.50. It was moved by Councillor Hryckiwi, seconded by Councillor Lowther that the monthly finances ending August 31, 2016 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

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

Grahams Lane Walkway: No further issues have happened with the lighting along the trail.

There has been some settlement issues around the posts and Island Coastal has been contacted regarding having this fixed while it is still under the warranty period.

6.C.1. **BANNERS:**

It was decided that the banners would be taken down following Thanksgiving weekend and when the banners are removed in the fall an assessment will be done on what is needed for brackets and additional banners will be looked at for the poles to complete prior to yearend.

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

No updates to report.

6.E. **TCBI:**

The next meeting is no September 22, 2016.

The Fall Flavors event in New Glasgow was sold out.

6.F. **CCTP:**

Fall Flavor event in Victoria went well.

6.G. **PLANNING BOARD MEMBERS:**

A decision was made by the Council that some of the planning board member positions would be eliminated due to committee members not being able to make the meetings due to work commitments or not being able to respond on their attendance at meetings. It was decided that the board members would be notified of the decision of Council and thanking them for their time on the planning board

6.H. **EVENT GUIDELINES:**

This agenda item was tabled as the guidelines need to be sent to the Council for review prior to the next Council meeting.

7. **CAVENDISH SEWER UTILITY REPORT:**

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

AJL has completed the work with the flow meter and the lift station upgrades at Cranberry Village Lift Station # 2. There have been some monitoring issues with the new Scada System and they are working around the alarm calls as there is a greater amount of technology with this system then previous monitoring systems.

Long term sewer loan has been finalized with the Bank of Montreal.

Short Term loan with the Bank of Montreal was paid out in full.

There has been issues with sewer bills this year. Last week there were 25 customers that put in complaints over receiving a statement and not a bill. Interest charges have been removed from these customers billings, but they have also been advised that there bills are due and payable and provided that they are paid within two weeks there will be no further interest.

The generator for the Green Gables Lift Station is expected to arrive by the first of October. One of the conditions by Parks Canada was that the generator was painted green.

It was moved by Councillor Gauthier, seconded by Councillor Lowther that \$2,985.00 + HST submitted by Samson Equipment to paint the generator green to meet Parks Canada standards be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

Gordon Toombs will provide a price to complete the site work for the generator and if all goes as scheduled the project should be completed by the first week of October.

Cavendish Beach Music Festival – Irac is reviewing the file information that was sent to them on the information from the Sewer Utility on the meter and what has happened this year on the site.

Andrew MacDonald from the Department of Environment is coming to the municipal office to review both meters and provide comments to the sewer utility.

7.B. **Lagoon Upgrades:**

LS#1 – Boardwalk: It was moved by Councillor Gauthier, seconded by Councillor Lowther that \$462.60 be allocated towards the costs of work at LS # 1 from Toombs Plumbing and Heating Ltd. All in favor 6, 1 non-voting. Motion Carried.

7.C. **Security First Lift Station Monitoring:**

The sewer utility board needs to meet for a decision on the lift station monitoring costs for the increasing in monitoring times of the stations.

8. **BUSINESS ARISING FROM MINUTES:**

8.A. **Internet Servicing:**

A meeting has been scheduled with Government and the service providers to gather input on September 21, 2016.

8.B. **Council Supper:**

It was decided that a list of dates would be sent to the Council to see what the best date would be to have the yearly supper.

9. **NEW BUSINESS:**

9.A. **FPEIM:**

Councillor Wyand advised that the FPEIM Board has information on the proposed Act but at the present time it is for the FPEIM board only.

The board is working on the new tool kit to have it completed for municipalities to work on with the restructuring of the Act.

John Dewey and Bruce MacPherson are holding out on the Act to ensure that the best efforts are put into the Act and the way it impacts Municipalities.

Chair Jelley advised that FPEIM should be providing all relevant information to all municipalities and releasing what information they have on the Act to the Councils so that they are fully aware of what documentation is proposed in the new Act. The information that has been presented does not cover any wording in the proposed Act and the government should produce the full copy of the draft Act as soon as possible for municipalities to review prior to the consultations and meetings.

9.A.1 **Semi-Annual Meeting:**

The Semi-Annual Meeting will be held in Summerside on October 22, 2016 in Summerside. Chair Jelley advised that he would attend the meeting as well as Councillor Wyand.

9.B. **Snow Removal – Parks Canada:**

Parks Canada has advised that this will be their final year in contributing towards snow removal costs at the Visitor Center as the wardens will no longer be operating out of the space.

The administrator will find out what will be happening for warden services for the area and how this change will impact servicing.

The province will be contacted regarding the possibility of the municipality using the warden's space for storage if they are no longer using it. The administrator will send a request to the province to that effect.

It was decided that Chair Jelley, Councillor Lowther and the administrator would do a short list of resumes and interview for the part-time office position.

9.C. **Legal Services:**

It was moved by Councillor Richard, seconded by Councillor Wyand that the municipality accept the quote of \$200.00 per hour for legal services with Nicole McKenna at Carr Stevenson MacKay as a second option for legal services when conflicts arise with Stewart McKelvey. All in favor 6, 1 non-voting. Motion Carried.

9.D. **Lung Association:**

Request for a donation was received. Information only.

9.E. **Practica:**

Bag Products for pets had been received to see if there was interest from the municipality in the product for the community. Information only.

9.F. **Xerox Copier:**

Council decided that the decision would be made by the administrator on the best option for copier services.

10. **CONCERNS:**

10.A. **COUNCILLORS –**

Signage RFP will be sent out to the public with a closing date of October 7, 2016.

Councillor Wyand commented on people from the community advising her of the grass not being cut for the summer at Jamael Dow's property.

Chair Jelley advised that this will be able to be addressed in 2017 once the new bylaw has been passed.

10.B. **RESIDENTS:**

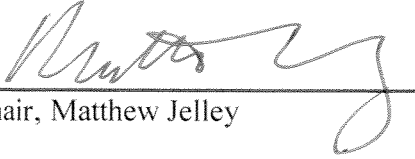
Mike & Bonnie Arnold: A thank you letter was in the meeting package regarding the new trail on Grahams Lane.

Gloria Gray:

Concerns were raised over RV's being lived in by people in Seawood Estates.

Chair Jelley advised that he would take a look in the evening at the property in question.

11. **ADJOURNMENT:** Chair Jelley adjourned the meeting at 7:35 p.m..


Chair, Matthew Jelley