

Minutes
Resort Municipality Monthly Council Meeting
Monday, April 24, 2017
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on April 24, 2017 at the Resort Municipality Office.

PRESENT: Vice-Chair Linda Lowther. Councillors: Gwen Wyand, Edmond Richard and George Clark Dunning. CAO – Brenda MacDonald.

ABSENT: Matthew Jelley, Kay Hryckiwi and David Gauthier.

VISITORS: Nil.

1. **CALL TO ORDER:**

Vice-Chair Lowther called the meeting to order at 5:15 p.m.

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

Vice-Chair Lowther advised that she had a conflict of interest on a building permit application for her property.

3. **APPROVAL OF AGENDA:**

Vice-Chair Lowther added 6. A.6. to the agenda for CBMF Bond Release.

It was moved by Councillor Richard, seconded by Councillor Wyand that the agenda be adopted as amended. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

4. **APPROVAL OF MONTHLY COUNCIL MEETING MINUTES MARCH 20, 2017:**

It was moved by Councillor Clark Dunning, seconded by Councillor Richard that the Monthly Council Meeting Minutes of March 20, 2017 be adopted as amended. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

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

6. **COMMITTEE REPORTS:**

Planning Board Report:

Building Permit Applications:

Sandspit Entertainment Ltd. (Mariner's Cove 8863 Cavendish Road) – an application was received to construct an addition onto the existing building of 12' X 12' for storage only. It was moved by Councillor Richard, seconded by Councillor Wyand 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, 3) meets the requirements of the Department of Environment, 4) the building shall be located on the site in accordance with the attached site plan and 5) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Sea Cross Inc. - (Avonlea Village 8779 Cavendish Road) – an application was received to change the use of the existing building # 16 of 14' X 12'4" into a doughnut shop. It was moved by Councillor Richard, seconded by Councillor Wyand that the application be approved 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 3, 1 non-voting, 3 absent. Motion Carried.

Councillor Lowther left the room due to a conflict of interest for a permit application.

Gary Lowther – (34 MacCoubrey Lane) an application was received to construct an addition onto the existing garage of 2' X 18'. The recommendation by planning board was to approve the application subject to: 1) the addition shall be constructed on the site in accordance with the attached site plan, 2) the addition shall be no closer than 30' at the closest point to the boundary line on MacCoubrey Lane for the property and 3) payment of building permit fee.

Because there was no longer a quorum for the meeting, the application will be completed by the CAO.

Councillor Lowther returned to the meeting.

Ellis Birt Ltd. (Eagles Glenn Golf Course) – an application was received to construct an addition onto the existing building for a pro shop of 32' X 48' X 32' X 24'. It was moved by Councillor Richard, seconded by Councillor Wyand that the application be approved in principle 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) a comprehensive site plan shall be provided of the property and 4) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Gulf View Cottages (MacNeill Lane) – an application was received to construct an above ground pool of 20' X 40' with a 10' deck and a fence surrounding the pool. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that the application be approved in principle 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 3, 1 non-voting, 3 absent. Motion Carried.

Shar Inns Inc. (Barbara Witte & Wolfgang Seidler) – an application was received to construct an attached garage of 25' X 24' X 9' X 14' and a breezeway of 4' X 6' connecting the summer cottage to the garage. It was moved by Councillor Richard, seconded by Councillor Wyand that the application be approved in principle subject to: 1) the garage being constructed on the site in accordance with the site plan and 2) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Don Ramsay (Stephen Lank) – an application was received to move a one storey summer cottage of 32' X 33' with a deck. It was moved by Councillor Richard, seconded by Councillor Wyand that the application be approved in principle subject to: 1) that a development agreement be entered into, 2) that a performance bond be posted, 3) that a moving permit be obtained prior to moving the building onto the highway, 4) that the property owner have 6 months to update the building, decking, skirting and landscaping on the property, 5) that the property be purchased from the current owner and 6) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Bradley Fremlin – (4856 St. Mary's Road) - an application was received to construct an attached garage onto the existing house of 18' X 36'. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that the application be approved in principle 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 3, 1 non-voting, 3 absent. Motion Carried.

100447 PEI Inc. (Shining Waters Family Fun Park – 8885 Cavendish Road) – an application was received to have an amusement ride of 100' l X 35' w. It was moved by Councillor Richard, seconded by Councillor Wyand that the application be approved in principle 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) meets the requirements of the Department of Environment, 4) that the setbacks be provided from the property line to the ride and 4) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

100447 PEI Inc. (Shining Waters Family Fun Park – 8885 Cavendish Road) – an application was received to construct a canteen of 39' l X 19' w. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that the application be approved in principle 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) meets the requirements of the Department of Environment, 4) distance between ride and the building to be clarified and 5) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

100447 PEI Inc. (Shining Waters Family Fun Park – 8885 Cavendish Road) – an application was received to construct a commercial / retail space of 22' l X 24'6" w for an arcade. It was moved by Councillor Richard, seconded by Councillor Wyand that the application be approved in principle 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) meets the requirements of the Department of Environment and 4) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

100447 PEI Inc. (Shining Waters Family Fun Park – 8885 Cavendish Road) – an application was received to move an existing building to be used as commercial / retail space of 20' l X 40' for an auxiliary entrance. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that the application be approved in principle 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) meets the requirements of the Department of Environment and 4) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Temporary Permit Applications:

100242 PEI Inc. (Victor Hryckiw – 198 Forest Hills Lane) - an application was received to have a temporary / transient permit for a cell tower and a C.O.W. to be located on the property from May 1 – August 31, 2017. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that approval be granted subject to: 1) that the cell tower and C.O.W. be located on the site in accordance with the attached site plan and 2) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Razzy's Beach House (8812 Cavendish Road) – an application was received to have a tent on the property from July 6 – 9, 2017 from 11:00 a.m. – 9:00 p.m. daily. It was moved by Councillor Richard, seconded by Councillor Wyand 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, 3) meets the requirements of the Liquor Control Commission, 4) that a development agreement be entered into, 5) that a performance bond be posted, 6) that security be provided, 7) that no food service shall be located in the tent and 7) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Razzy's Beach House (8812 Cavendish Road) – an application was received to extend the hours of the liquor license until 2:00 a.m. from July 6 – 9, 2017 at the property. It was moved by Councillor Richard, seconded by Councillor Wyand that approval be granted subject to: 1) that the outside deck shall be

restricted to the hours of 12:00 midnight, 2) that inside the building shall be extended until 2:00 a.m. only, 3) meets the requirements of the Provincial Fire Marshal's office, 4) meets the requirements of the Department of Health and Wellness, 5) meets the requirements of the Liquor Control Commission, 6) that a development agreement be entered into, 7) that a performance bond be posted and 8) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Cavendish Beach Music Festival (8779 Cavendish Road) – an application was received to hold the tail gate party for the Cavendish Beach Music Festival on July 6, 2017 on property # 1037423. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that approval in principle 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) meets the requirements of the Department of Environment, 4) meets the requirements of the Department of Transportation, Infrastructure and Energy, 5) meets the requirements of the Liquor Control Commission, 6) meets the requirements of the RCMP and the traffic plan, 7) that a development agreement be entered into, 8) that a performance bond be paid, 9) that the hours be restricted until 11:00 p.m. daily, 10) that the final site plan be provided to the municipality no later than May 25, 2017 and 11) payment of building permit fee. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Liquor License Request:

a) **Chez Yvonne's** - an application was received to have a letter of support from the Council for a Lounge Liquor License. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that a letter be written in support of a lounge liquor license for Chez Yvonne's Restaurant from 11:00 a.m. – 9:00 p.m. daily. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Signage Permit:

Our Lady of Hope Retreat Center:

An application was received to construct a new primary sign of 36" X 94". It was moved by Councillor Richard, seconded by Councillor Wyand that a permit be approved for a new primary sign subject to: 1) the provision of the location of the sign on the property. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Parks Canada:

Work is being done at the campground and it is on schedule.

No updates on the site plan for the Green Gables project to date, but the Council and planning board will be consulted on the plans for input.

Parks is cutting down invasive scotch pine trees and will be replanting with Acadian Forest.

Other:

Final Site Plans for Raspberry Point –

It was moved by Councillor Richard, seconded by Councillor Clark Dunning that the site plan for PID # 771832 be adopted as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

It was moved by Councillor Richard, seconded by Councillor Clark Dunning that the site plan for PID # 231670 be adopted as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Raspberry Point – Seawood Estates – A Seawood Estate resident has expressed concern over the fact that it appears that more materials have been placed on the property although there is a deadline to remove it. All materials are to be removed from the site by May 1, 2017 as per the deadline that was provided to the owner.

Shar Inn's Inc. (Beach and Breeze Cottages) 61 Seawood Drive – an application was received to construct a one storey addition onto the existing building of 12' X 24' for an office, bathroom and laundry room. 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, 2) meets the requirements of the Provincial Fire Marshal's office, 3) the addition shall be connected to the municipal sewer system, 4) the addition shall be connected to the private water system and 5) payment of building permit fee. All in favor 3, 1 non-voting 1 absent. Motion Carried.

Other:

Mike Wheeler Human Rights Commission:

A decision was made by the Human Rights Commission in the municipality's favor.

6.A.1. **TAXI BYLAW:**

It was moved by Councillor Richard, seconded by Councillor Clark Dunning that, based on the lawyer's input, a taxi bylaw will be tabled until the fall. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

6.A.2. **THE LOST ANCHOR:**

The Liquor Control Commission requires that the owner of the restaurant have the business registered in their name for operations for 2017.

6.A.3. **MUNICIPAL PARK LIABILITY:**

The lawyer has provided a document on municipal park liability

6.A.4. **PARKS – ENTRANCE TO GREEN GABLES:**

Information was provided from Mark MacDonald with Parks Canada and Alan Aitken at the Department of Transportation, Infrastructure and Energy.

6.A.5. **PARK MODEL TRAILERS:**

Information has been provided from the lawyer.

It was moved by Councillor Clark Dunning, seconded by Councillor Wyand that a letter be forwarded to Marco Polo Land on the allowance of Park Model Trailers on their property based on the RD3 Zoning. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

6.A.6. **CBMF BOND RELEASE:**

It was moved by Councillor Wyand, seconded by Councillor Richard that the 2016 bond release for work for the music festival site be released as all conditions of the agreement have been met. All in favor 3, 1 non-voting, 3 absent. Motion Carried

WEBSITE:

Vice-Chair Lowther advised that she would be in on Friday to get Darlene's picture for the website.

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

It was decided by the Council that the Gas Tax Funds should be removed from the monthly budget and added as a separate section dealing with Capital Projects.

The monthly finances for March 31, 2017 were presented. Revenue was \$74,159.39 and the expenses were \$33,093.30. It was moved by Councillor Wyand, seconded by Councillor Clark Dunning that the monthly finances ending March 31, 2017 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

6.B.1. **LEGAL LETTER COSTS:**

Costs for the legal audit letter were presented and will be paid based on the bill submitted.

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

6.C.1 **BOARDWALK REPAIRS:**

It was moved by Councillor Wyand, seconded by Councillor Clark Dunning that the boardwalk sections that need to be replaced immediately be priced out in sections and brought back to the Council. All in favor 3, 1 non-voting 3 absent. Motion Carried.

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

Councillor Clark Dunning advised that there were no updates for the meeting.

6.E. **TCBI:**

Annual meeting is coming up on May 2, 2017.

6.E.1. **Transit:** Funding has been provided by the Province for the transit system.

6.F. **CCTP:**

The AGM was just held and a Holland College graduate is hired to work on marketing until the fall.

7. **CAVENDISH SEWER UTILITY REPORT:**

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

Outstanding sewer payments have been coming in. We were able to collect another \$14,000.00 in outstanding bills. We have three customers that have been sent disconnection notices and they have until May 4, 2017 to pay their bills in full or be disconnected.

We have had some issues at LS # 2 at Cranberry Village over the last two weeks. It seems to be a communication error and we are working with Bell Aliant to resolve the issue.

LS # 1 at the boardwalk is also having issues with the generator.

The Queens County Condo Corporation is going to get back to the sewer utility in May regarding having the engineer meet on site to review the servicing at the property.

A request has been received from Matthew Jelley on sewer servicing for his property at PID # 458182. The sewer board needs to meet to discuss this further.

7.A.1. Inn at the Pier – no funds are available through infrastructure and gas tax projects. The board will meet and discuss this further.

7.A.2. A price was received from Toombs Plumbing and Heating Ltd. on the signs for each of the lift station as well as the costs for servicing of the Sandspit Entertainment Ltd. property.

8. **BUSINESS ARISING FROM MINUTES:**

8.A. **Internet Servicing:**

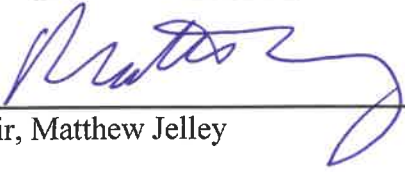
Funding is being secured from ACOA, Innovation PEI, property owners within the subdivision, SEAL, business owners in the Seawood Estates area as well as the municipality.

8.B. **Signage Bylaw Report:**

A revised report was received. It was decided that Chair Jelley, Councillor Lowther and Councillor Richard would meet and then contact Dan and Harvey through a conference call to finalize the report.

- 8.C. **Destination Management Fund:**
The committee is working on having the terms of the fund resolved.
- 8.D. **EMO Session:** An ICS training session will be held on May 15, 2017 prior to the Council Meeting. All Council planning to attend shall advise the CAO.
- 8.E. **Water Testing:** The province has hired a student and they are looking to the municipality and Tourism Cavendish Beach for an office space. No more details were received for the meeting.
9. **NEW BUSINESS:**
- 9.A.1. **FPEIM:**
The Annual meeting was held. Information was provided on FPEIM Business, the Draft Water Act, Draft Building Code, Municipal Government Act, Greetings were brought from the Premier and the Cabinet Minister's Forum was held.
- 9.A.2. **Legal Defense Fund:**
It was moved by Councillor Clark Dunning, seconded by Councillor Wyand that \$58.40 be paid to FCM for the legal defense fund. All in favor 3, 1 non-voting, 3 absent. Motion Carried.
- 9.B. **Multi-Cultural Community Heritage Day:**
Funds were approved for the Multi-Cultural Community Heritage Day for \$2,000.00.
- 9.C. **Business Beautification, Residential Beautification and the Dr. Kent Ellis Memorial Award.** It was decided to send a request to the property owners in the municipality asking for suggestions for each of the awards and why they wish to nominate that person, with the deadline to submit as the next Council meeting.
- 9.D. **Bill C-203:**
Information only on Bill C-203.
- 10.A. **COUNCILLORS' CONCERNS:**
- Special Meeting:**
Vice-Chair Lowther advised that she was speaking with Chair Jelley and they wondered if there was a need to have an extra meeting in May to deal with permits. It was decided that the CAO would advise if there was a need for a special meeting based on the permits coming in.
- Maintenance Staff:**
Carl Gallant will be returning as maintenance staff for 2017.
- Bylaws:**
Vice-Chair Lowther advised that there will need to be some additional meetings in September to deal with the Bylaw Review process under the new Municipal Government Act.
- 10.B. **RESIDENTS:**
There were no residents in attendance at the meeting.
11. **CAO's Contract:**
The CAO's contract has been finalized.

12. **ADJOURNMENT:** Vice-Chair Lowther adjourned the meeting at 8:05 p.m.



Chair, Matthew Jelley