

Minutes  
Resort Municipality Monthly Council Meeting  
Monday, May 15, 2017  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on May 15, 2017 at the Resort Municipality Office.

**PRESENT:** Chair Matthew Jelley. Councillors: Linda Lowther, Edmond Richard, Kay Hryckiwi, George Clark Dunning and David Gauthier. CAO – Brenda MacDonald.

**ABSENT:** Gwen Wyand.

**VISITORS:** Nil.

1. **CALL TO ORDER:**

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

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

Councillor Hryckiwi had a conflict on a building permit application for her property.

3. **APPROVAL OF AGENDA:**

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

4. **APPROVAL OF MONTHLY COUNCIL MEETING MINUTES APRIL 24, 2017:**

It was moved by Councillor Gauthier, seconded by Councillor Clark Dunning that the Monthly Council Meeting Minutes of April 24, 2017 be adopted as presented. All in favor 5 1 non-voting, 1 absent. Motion Carried.

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

6.A. **COMMITTEE REPORTS:**

**Planning Board Report:**

**Subdivision Applications:**

West Highland Contractors (Sunset Campground) PID # 694984 (Simpson Mill Road) – Application was incomplete.

**Building Permit Applications:**

Jamil Dow / Dale Gallant: (Heron Court – Seawood Estates – PID # 926220) – an application was received to construct a summer cottage of 36' X 24' with a deck of 36' X 8'. It was moved by Councillor Richard, seconded by Councillor Lowther that approval in principle be granted subject to: 1) that a new site plan be provided showing the correct dimensions of the lot and 2) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried

Tranquility by the Sea Resort – (132 Cape Road) (PID # 233411) - an application was received to construct 12 new 2 way campsites. 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 Environment, 2) meets the requirements of the Department of Health, 3) meets the 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.

Sea Cross Inc. (Avonlea Village) 8779 Cavendish Road – PID # 232033) – an application was received to locate a trailer of 40' X 10' on the property from July 5 – 10, 2017 for the music festival for the RCMP. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval be granted subject to: 1) the setbacks be provided between the trailer and the closest building, 2) meets the requirements of the Provincial Fire Marshal's office, 3) meets the requirements of the Department of Health and 4) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Sea Cross Inc. (Avonlea Village) 8779 Cavendish Road – PID # 232033) – an application was received to locate a trailer of 20' X 10' on the property from July 5 – 10, 2017 for the music festival for a box office. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted subject to: 1) the setbacks be provided between the trailer and the closest building, 2) meets the requirements of the Provincial Fire Marshal's office, 3) meets the requirements of the Department of Health and 4) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

West Highland Contractors – (Sunset Campground) PID # 694984 – Application incomplete.

**Change of Use Application:**

Stephanie Scharf & Chris Robinson (8537 Cavendish Road – PID # 1053990) – an application was received to change the use of the existing building into a loft / art studio. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) meets the requirements of the Department of Transportation, Infrastructure and Energy, 2) meets the requirements of the Department of Health, 3) meets the requirements of the Provincial Fire Marshal's office, 4) parking to be shown on the property for the two businesses and 5) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Temporary Permits:**

Parks Canada – CBMF Parking:

Information only, as no parking permit was completed for the municipality.

Chair Jelley advised that the Department of Transportation, Infrastructure and Energy dropped some asphalt along the curb last year at the Grove for people to access the site over the curb but it is dangerous for people biking down the road as they are not aware that the bump is coming up.

Brodie O'Keefe with CBMF will be asked about this and when it will be fixed.

Chair Jelley advised that there is also a concern as the water level is rising near Mariner's Cove

Tranquility by the Sea Resort – (132 Cape Road) (PID # 233411) an application was received to have shuttle service from July 6 – 9, 2017 for the Cavendish Beach Music Festival. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Raspberry Point Oyster Company – (Cavendish Road adjacent to Avonlea Village) – an application was received to have parking on the property from July 6 – 9, 2017 for the music festival. It was moved by Councillor Richard, seconded by Councillor Lowther that approval in principle be granted subject to: 1) meets the requirements of the RCMP and the Traffic Management Plan, 2) a development agreement shall be entered into, 3) a performance bond shall be posted, 4) a porta pottie, security and lighting shall be provided as well as proof of insurance and 5) payment of building permit fee. All in favor 5, 1 non-voting, 2 absent. Motion Carried.

Sea Cross Inc. – (8779 Cavendish Road) PID # 232033 – an application was received to have parking on the property from July 6 – 9, 2017 for the music festival. It was moved by Councillor Richard, seconded by Councillor Lowther that approval in principle be granted subject to: 1) meets the requirements of the RCMP and the Traffic Management Plan, 2) a development agreement shall be entered into, 3) a performance bond shall be posted, 4) a porta pottie, security and lighting shall be provided as well as proof of insurance and 5) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Liquor License Requests:**

The Pearl Eatery – (Cavendish Road) - an application was received to have a lounge liquor license with entertainment from 5:00 p.m. – 12:00 a.m.. It was moved by Councillor Richard, seconded by Councillor Hryckiw that a public meeting be held to gather input on the request for the extension of hours for the restaurant / lounge liquor license All in favor 5, 1 non-voting, 1 absent. Motion Carried.

The Lost Anchor – (8572 Cavendish Road PID #232413 - an application was received to have a dining room liquor license from 11:00 a.m. – 10:00 p.m.. It was moved by Councillor Richard, seconded by Councillor Lowther 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, 3) meets the requirements of the Liquor Control, Commission and 4) payment of permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

By the River Bakery – (8989 Cavendish Road PID #232181 - an application was received to have a dining room liquor license from 11:00 a.m. – 10:00 p.m.. It was moved by Councillor Richard, seconded by Councillor Hryckiw 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, 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.

**Signage:**

**Sea Cross Inc. (8779 Cavendish Road) PID # 232033:**

A sign application has been received to locate signs in 39 locations on the property for the music festival. It was moved by Councillor Richard, seconded by Councillor that approval be granted subject to: 1) the signs not displaying Lotto Max on this property and 2) the signs being located on the site in accordance with the site plan. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**CBMF (8779 Cavendish Road) PID # 1037423:**

A sign application has been received to locate signs in 39 locations on the property for the music festival. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted subject to the signs being located on the site in accordance with the site plan. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

CBMF (11 Boyle Crescent) PID # 829333 – to locate a sign of 15” X 30” on the property. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) the sign being located on the site in accordance with the site plan. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

CBMF (Forest Hills Lane) PID # 545871 – to locate a sign of 15” X 30” on the property. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted subject to: 1) the sign being located on the site in accordance with the site plan. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Stephanie Scharf and Chris Robinson – an application was received to construct two signs that total 4' X 6' for the two businesses. It was moved by Councillor Richard, seconded by Councillor that approval be granted subject to: 1) the change of use for the loft being approved and 2) the sign being located on the site in accordance with the site plan. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**PARKS CANADA UPDATE:**

Green Gables--the redevelopment project is proceeding well. The extension to the barn is coming along well and we anticipate that the gift shop will be able to relocate there in early June. The site opened for the season on May 1. So far, visitors have not expressed concerns over the construction and interim offer at the site and things are going smoothly.

Cavendish Campground-- the site work for the new entrance is going really well and the new kiosk is also coming along. Still hoping to have everything ready by mid to late June. The campground opens on June 16. A reminder not enter the Homestead Trail by the campground entrance as it is a construction site.

Oceanview--there was an unofficial trail along the cliff that had developed between the lookout off the east end of the parking lot and the platform on the rocks. It had to be closed for safety reasons as there was some slumping of the cliff due to erosion over the winter.

A consultant has been engaged to prepare a design for the realignment of the Oceanview area and decommission the old facility at Cavendish East. The design will be ready in November. The community will be consulted early in the process (dates to be determined). The washroom will remain open for the season.

Cavendish Duneland's--the floating boardwalk will be replaced as soon as the Greenwich dunes trail has been completed. That is going along really well, so the Cavendish trail should be done sometime in June. It will need to be closed for a couple of days for the replacement--we will keep you informed on the date.

Trails rehabilitation project--this project has started to get underway and an internal team will be going out soon to assess trail conditions. They are anticipating doing some work on trails in the Cavendish area, including resurfacing, some bridge replacement and renewing non-personal interpretive media where appropriate.

Wayfinding signage--André sent a response to comments from the province--waiting to hear back from Alan Aitken. The new PID sign for green gables (to go along the driveway by the pond) should be installed over the next couple of weeks. The site entrance sign is still being designed.

Please let me know if there are any questions or concerns.

**Other:**

Concern was raised over the lights missing on Grahams Lane.

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

Kathleen Hryckiwi – PID # 708255 (198 Forest Hills Lane) - an application was received to have the Cavendish Farms Fry Truck on the property from July 21- 23, 2017 for a school playground fundraiser. 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 and 2) payment of building permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Councillor Hryckiwi returned to the meeting.

Mickey Mehmoodi – PID # 232074 (40 Memory Lane) - an application was received to run a taxi service out of 40 Memory Lane from May -October 2017. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted subject to: 1) payment of temporary permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

6.A.1. **PARKS SIGNAGE:**

The signage program is still under review by the Department of Transportation, Infrastructure and Energy through Alan Aitkens office.

6.A.2. **SENIOR OPERATIONS TEAM MINUTES:**

Copies of the minutes are in the meeting package.

6.A.3. **DRAFT WATER ACT:**

Information was provided in the meeting package.

6.A.4. **DRAFT BUILDING CODE ACT:**

Information was provided in the meeting package.

6.A.5. **SEA CROSS INC. - BOND RELEASE:**

It was moved by Councillor Lowther, seconded by Councillor Gauthier that the 2016 bond release for work for the new roadway be released as all conditions of the agreement have been met. All in favor 5, 1 non-voting, 1 absent. Motion Carried

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 April 30, 2017 were presented. Revenue was \$99,367.01 and the expenses were \$44,368.83. It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the monthly finances ending April 30, 2017 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was moved by Councillor Hryckiwi, seconded by Councillor Lowther that the Resort Municipality non-consolidated statements be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was decided by the Council that clarification was needed from the auditor on the consolidated statements.

It was decided that a budget meeting would be scheduled with Councillor Hryckiwi, Councillor Lowther, Chair Jelley and the CAO.

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

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

The CAO advised that she had contacted a number of companies regarding completing the boardwalk repairs and they all advised that they were too busy.

It was decided by Council to check with some local companies on cement sidewalks as well for the area in front of the Visitor Center and the Cemetery.

6.C.2. **LIGHTS ALONG TRAIL:**

The CAO advised that there are 68 lights missing on the trail as someone has removed them.

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi to purchase 68 replacement lights for the trail and to assess the lighting further if any additional lights go missing. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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

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

6.E. **TCBI:**

Transit program will be operating this summer.  
Some businesses have offered promotional coupons to gold members of the organization.

6.F. **CCTP:**

A cultural themed fam tour will be held and there are 10 seats left  
June 9 – 11, 2017 will be the waterways festival.

7. **CAVENDISH SEWER UTILITY REPORT:**

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

Outstanding sewer payments have been coming in. All payments for the outstanding accounts that were sent disconnection letters have been paid in full. We now have 5 outstanding accounts.

The Queens County Condo Corporation is planning to meet with the engineer over the next couple of weeks to inspect the current system on the site and its operations.

Servicing for PID # 458182 has been agreed to by the board that it can be serviced through the current PID # 589358 property subject to: 1) that a legal easement and servicing agreement is put into place at the owners expense, 2) the agreement shall specify that the Sandspit Entertainment Ltd. PID # 458182 is responsible for any outstanding billing of PID # 589358 if it is not paid in full and that Action Attractions PID # 589358 is responsible for any outstanding billing on PID # 458182 if Sandspit Entertainment Ltd. is not paid in full and that disconnection of both properties shall be completed if payment is not paid in full on either account, 3) that disconnection shall happen of both properties if the billing is not paid in full, 4) if there is any further development on PID # 458182 then the property will be required to have its own sewer servicing with its own lateral.

Inn at the Pier sewer servicing will be applied for under the new round of funding in September through the Municipal Strategic Fund.

911 signage and alarm signage will be installed by Toombs Plumbing and Heating Ltd. at a cost of \$130.00 per station.

Cranberry Village lift station issues are still being worked on by the supplier and the contractor, but issues have been happening less.

Parks Canada meter – one person from Toombs will read the meter each month at the site and the Chair of the utility will be on site when the meter is read as well.

It was moved by Councillor Gauthier, seconded by Councillor Hryckiwi that the Resort Municipality non-consolidated statements be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8. **BUSINESS ARISING FROM MINUTES:**

8.A. **Internet Servicing:**

Chair Jelley advised that the funding is in the process of being completed with ACOA and the province. He advised that we also have funding for \$28,000.00 from property owners in Seawood Estates and Businesses in Cavendish West. A funding announcement should be completed over the next few weeks.

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

A conference call was held with the consultant and we are now awaiting a copy of the final report.

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

The committee is working on having the terms of the fund resolved.

8.D. **Water Testing:** Janelle Archer has been hired and will be working out of the Cavendish Destination Centre.

8.E. **Business Beautification Award:**

8.F. **Residential Beautification Award:**

It was determined by Council that another announcement would be sent out in the weekly updates again looking for submissions for the award from the community.

8.G. **Dr. Kent Ellis Memorial Award:**

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that Garth MacNeill would be the recipient of the award. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8.H. **AMAPEI** – A session was held in the City of Charlottetown and documents were presented from the discussions on Strategic Priorities in Amherst and Organizational Capacity Pilot and presented as information to the Council.

9. **NEW BUSINESS:**

9.A. **FPEIM:**

Councillor Wyand was absent so no report was presented.

9.B. **Canada Summer Jobs:**

Funding was awarded to the municipality for a student for 8 weeks.

9.C. **North Rustico Canada Day:**

It was moved by Councillor Gauthier, seconded by Councillor Hryckiwi that \$500.00 be allocated towards Canada Day Activities in North Rustico. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

9.D. **Letter from Andrea Richard:**

Information only.

10.A. **COUNCILLORS CONCERNS:**

A letter shall be sent to William Knowles on the trailers being located on an R1 property that is in noncompliance with the bylaw.

Councillor Hryckiwi advised that she will be stepping down from her position as Council following the annual meeting.

Councillor Gauthier raised concerns over no crosswalk being in the area for pedestrians to cross the road safely.

The CAO advised that she was trying to schedule a meeting with Alan Aitken to discuss the crosswalks.

10.B. **RESIDENTS:**

**Dave and Cherie Harper – Signage:**

Seawood Estates shall be sent a letter regarding signage in the subdivision to determine if it will remain as no permit had been applied for to install them.

**Cavendish United Church – Garbage:** The Church shall be advised to contact Chair Jelley.

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

  
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Chair, Matthew Jelley