

Minutes
Resort Municipality Monthly Council Meeting
Monday, August 21, 2017
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on August 21, 2017 at the Resort Municipality Office.

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

ABSENT: Nil.

VISITORS: Peter McGarry.

1. CALL TO ORDER:

Chair Jelley called the meeting to order at 5:06 p.m.

2. DECLARATION OF CONFLICT OF INTEREST:

No conflicts of interest were declared.

3. APPROVAL OF AGENDA:

Councillor Lowther added Recreation Grant under Section 6.B.2. on the agenda.

It was moved by Councillor Wyand, seconded by Councillor Richard that the agenda be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

4. APPROVAL OF PUBLIC MEETING MINUTES JULY 11, 2017:

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that the Public Meeting Minutes of July 11, 2017 be adopted as amended. All in favor 6, 1 non-voting. Motion Carried.

APPROVAL OF MONTHLY COUNCIL MEETING MINUTES JULY 17, 2017:

It was moved by Councillor Wyand, seconded by Councillor Lowther that the Monthly Council Meeting Minutes of July 17, 2017 be adopted as amended. All in favor 6, 1 non-voting. Motion Carried.

5. CORRESPONDENCE:

Correspondence items for July for which actions are required are listed on the agenda.

6. COMMITTEE REPORTS:

6.A. Planning Board / Signage:

Building Permit Applications:

Cavendish Tourism Complex Development Inc. – PID # 232247 – (8541 Cavendish Road) – a new application was received to complete the project in phases. The first phase will now include 4, 3 bedroom cottages of 32' X 55' with a deck and 17, 2 bedroom cottages of 28' X 32' with a deck, the main access road, swimming pool of 24' X 44' with a deck around the pool of 10' X 15', a pool maintenance building of 12' X 12' and a playground area. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) meets the requirements of the Provincial Fire Marshal's office, 2) meets the requirements of the Department of Environment, 3) meets the requirements of the Department of Transportation, Infrastructure and Energy, 4) meets the requirements of Quality Tourism Services 5) that a development agreement be entered into for the development, 6) that a performance bond of \$25,000.00 be posted for the development and 7) payment for a building permit fee. All in favor 6, 1 non-voting. Motion Carried.

PEI Dream Cottages Inc. – PID # 660829 – (84 MacCoubrey Lane) – an application was received to construct 3 rental cottages of 36' X 26' with decks. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval in principle be granted subject to: 1) meets the requirements of the Provincial Fire Marshal's office, 2) meets the requirements of Quality Tourism Services and 3) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

102084 PEI Inc. (Rustico Acres Cottages) – PID # 704114 – (7567 Cavendish Road) - an application was received to construct an addition onto the existing office of 24' X 10'. 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 Provincial Fire Marshal's office, 2) a more detailed site plan shall be provided with all setbacks being shown and 3) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Innovation Enterprises Inc. (Avonlea Cottages) – PID # 472027 – (8925 Cavendish Road) – an application was received to construct two rental cottages of 36.2' X 24.2' as well as to move an existing storage building and attach it to the pool deck for storage. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval in principle be granted subject to: 1) meets the requirements of the Provincial Fire Marshal's office, 2) meets the requirements of Quality Tourism Services and 3) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Odeh Zaidan – Tranquility By the Sea Resort – PID # 233411 – (132 Cape Road) – an application was received to change the use of the existing building into a rental cottage of 24' X 16'. 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 Quality Tourism Services, 3) confirmation on the size of the septic system with Community Services for the property to ensure that there was adequate space for the change in use of the building to a cottage and 3) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Josh Bryanton – PID # 233049 (former St. Joseph's Church Property – (Cawnpore Lane) – an application was received to construct a new summer cottage of 48' X 56' with decks and a storage shed of 16' X 12' for storage. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted subject to: 1) the septic permit approval shall be submitted; 2) a letter of comfort shall be provided by Parks Canada and 3) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

Temporary Permit Applications:

Kenny and Tracey Singleton – PID # 741637 (23 Heaney Lane) - an application was received to have a tent on the property from August 22 – 25, 2017 of 20' X 20'. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that approval be granted subject to: 1) the tent being located on the site in accordance with the site plan, 2) that the tent shall be used until 12:00 midnight only and 3) payment of temporary permit fee. All in favor 6, 1 non-voting. Motion Carried.

Queens County Condo Corp. No. 26 – PID # 694745 – (8420 Cavendish Road) – an application was received to have a tent on the property of 40' X 60' from August 30 – September 4, 2017 for a wedding. 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, and 2) the tent shall be located on the site in accordance with the site plan, 3) the hours in the tent shall be until 12:00 midnight. All in favor 6, 1 non-voting. Motion Carried.

Subdivision / Lot Consolidation Applications:

Kelly Doyle – PID # 684787 (507 Gulf Shore Highway) – an application was received to subdivide 1 acre off of the main property. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that approval

in principle be granted subject to: 1) the right-of-way on the survey plan shall be changed to a private road and shall state that it is an access for Lot 17 – 1 and PID # 694984, 2) that a letter of comfort be provided by Parks Canada on the access to the Gulf Shore Highway, 3) that 8 copies of the final survey plan be submitted and 4) payment of subdivision fee. All in favor 6, 1 non-voting. Motion Carried.

David & Cherie Harper – an application was received to consolidate PID # 403931 and 534156 into one lot. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) that the adjacent landowners within 400' shall be asked for comments on the lot consolidation as it is in a pre-existing subdivision and if all comments are favorable then approval can be granted, 2) a lot consolidation deed shall be provided and 3) payment of lot consolidation fee. All in favor 6, 1 non-voting. Motion Carried.

Peter and Sheila McGarry – an application was received to subdivide a portion of land from PID # 588756 and consolidate it with PID # 596163. It was moved by Councillor Richard, seconded by Councillor Lowther that approval in principle be granted subject to: 1) that the adjacent landowners within 400' shall be asked for comments on the lot consolidation as it is in a pre-existing subdivision and if all comments are favorable then approval can be granted, 2) a lot consolidation deed shall be provided and 3) payment of lot consolidation fee. All in favor 6, 1 non-voting. Motion Carried.

Rezoning Application:

West Highland Contractors – PID # 694984 (Simpson Mill Road) - an application was received to rezone 8 acres of land from RR (Rural) to RD2 (Resort Accommodations). It was moved by Arnold, seconded by Linda that the rezoning request to change the property to RD2 (Resort Accommodations) be taken to a public meeting to gather input on the request. All in favor 6, 1 non-voting. Motion Carried.

Signage Application:

Seawood Estates Inc. (PID # 92650) – an application was received to construct three new signs in the subdivision of 2' X 2' reading caution / slow down on Seawood Drive and Driftwood Lane. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that approval be granted. All in favor 6, 1 non-voting. Motion Carried.

Gordon Cameron – (PID # 102069) – 9027 Cavendish Road – an application was received to construct two new signs of 4' X 8' on the property. It was moved by Councillor Richard, seconded by Councillor Clark Dunning that approval be granted for one primary sign, but the second sign needs to be changed to 24 sq. ft. to meet the signage bylaw requirements. All in favor 6, 1 non-voting. Motion Carried.

River Days Festival – an application was received to locate signs in the Stanley Bridge area of the municipality for the River Days Festival on August 25 – 27, 2017. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted to have the signs up for the River Days Festival from August 24 – 27, 2017. All in favor 6, 1 non-voting. Motion Carried.

Public Meetings:

Raspberry Point Oyster Co. Inc. was approved for a zoning change from RR to RD4 (Resort Commercial). Ronnie & Irene Blacquiere was approved for a zoning change from RR to C1 (General Commercial).

Cavendish Beach Music Festival:

A Public Meeting was held on August 2, 2017. No comments were received following the meeting. All agencies were pleased with the 2017 event.

Parks Canada: No report was received for the meeting as Barb MacDonald is on holidays.

At the planning board meeting Arnold had advised that Matthew Jelley, Linda Lowther and himself were invited to a meeting with Chantel MacDonald and Greg Shaw on the proposal for Green Gables. They were told that the plans were final and provided them with a more detailed outline of the plans. Arnold had stated that there could still be some changes made to the exterior of the building to make it more in keeping with the heritage of the site, but no new information was received since the meeting.

Signage Bylaw Review:

The following recommendations were made by the planning board and the Council on the signage bylaw review.

- 1) Sandwich boards should be prohibited as they are placed illegally, cause a clutter at a business and are a nuisance;
- 2) Primary signs should remain at 32 sq. ft. and secondary signs should remain at 24 sq. ft.;
- 3) Reader boards should continue to have messages for the business and will not be considered as part of the overall sign size;
- 4) No neon or LED signs shall be allowed;
- 5) Signs shall not be internally lit or be directed that the lighting causes issues for the travelling public.
- 6) Definitions shall all be changed to include all definitions within the bylaw at the start of the document and not to be located within the document in the section that talks about the type of signage;
- 7) Roof signs shall be allowed as long as they are below the peak of the building;
- 8) Multiple signs that have up to 5 businesses shall be limited to 80 sq. ft., 6 or more businesses in the complex shall have a maximum of 120 sq. ft.;
- 9) A fee shall be affixed by the Council for processing of signage applications;
- 10) Flags should be limited to two on a property for open / closed. Flags reflecting provinces and territories shall be permitted on properties and not included in the two flag limit;
- 11) Signs shall be made by a recognized sign shop.
- 12) Signage shall not create a visual hazard to people entering and exiting the property;
- 13) Painted wall signs. Murals shall be allowed, but the business name cannot be part of the mural or it shall be considered as part of the allowable sign size limit.
- 14) A timeline shall be established for incremental changes and then a final decision will be made on the signage bylaw based on how much impact there is on the changes that are being made.
- 15) The size of lettering on signs shall be determined by the business owner when making their signs. Reader boards would have a size limit of 12" in size for lettering.
- 16) Signage can either have the business name advertised on it or they can have the information on what is located on the site as long as it complies with the size requirements of the bylaw;
- 17) Signage review shall take place every 5 years like the review of the Official Plan and Zoning and Subdivision Control (Development) Bylaw;
- 18) Landscaping features with the business name shall be allowed;
- 19) Summary Offense tickets shall be part of the bylaw for signs in non-compliance;
- 20) An appeal process would be allowed through a judicial review of the courts.
- 21) Signs not requiring permits would include yard sale signs.

Consultants Guidelines shall be part of the signage permit and bylaw package.

- 1) Applications shall be detailed and have the examples of signage requested as part of the new signage application and guideline forms;
- 2) Follow consultant's information on materials Section 8.2. This would be included as part of the guidelines that will go with the signage bylaw.

- 3) Have some good signage examples and visual samples for the public to see when they are applying for the document and what is required;
- 4) Signage should complement the business and not obscure the business;

Other:

Planning Board Chair Richard advised that this is the final meeting for Peter Fullerton and a plaque was presented to him for his time on planning board.

Planning Board Chair Richard advised that the planning board has received three names for the planning board committee. It was moved by Councillor Lowther, seconded by Councillor Gauthier that Joe Kaczmarczyk from Seawood Estates, Jeff Squires from Cavendish Beach Music Festival and Sherry MacInnis from Cavendish Maples will be added as the three new members to the planning board. All in favor 6, 1 non-voting. Motion Carried.

Don and Rita Carmichael – an application was received for a demolition permit for the existing cottage on the property. It was moved by Councillor Richard, seconded by Councillor Hryckiw that a demolition permit be issued subject to: 1) that the demolition of the cottage shall take place between 7:30 a.m. and 7:30 p.m. and 2) that the materials when being removed from the site shall be tarped and any debris that falls onto the roadway shall be removed by the developer. All in favor 6, 1 non-voting. Motion Carried.

6.A.1. Dreams To Sea Cottages:

Letter was received from the owner confirming that the trailers were removed from the property to comply with the 2017 Zoning and Subdivision Control (Development) Bylaw.

6.A.2. Bond Release – Sandersmith Enterprise Ltd.:

It was moved by Councillor Lowther, seconded by Councillor Hryckiw that the bond be released for compliance with their agreement. All in favor 6, 1 non-voting. Motion Carried.

6.A.3. Bond Release – Roman Catholic Episcopal Corporation:

It was moved by Councillor Lowther, seconded by Councillor Richard that the bond be released for compliance with their agreement. All in favor 6, 1 non-voting. Motion Carried.

6.B. MONTHLY FINANCIAL REPORT:

It was moved by Councillor Hryckiw, seconded by Councillor Clark Dunning that the monthly finances for June 30, 2017 for revenue of \$200,732.28 and the expenses of \$180,081.67 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Hryckiw, seconded by Councillor Richard that the monthly finances for July 31, 2017 for revenue of \$231,998.46 and expenses of \$210,591.31 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

6.B.2 Recreation Grant:

It was moved by Councillor Lowther, seconded by Councillor Clark Dunning that the new Policy for Active Living be adopted. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Lowther, seconded by Councillor Clark Dunning that the recreation grant be approved for a \$50.00 rebate per child up to the age of 16 for one activity per year with proof of payment for the recreational activity to be provided from the property owner when applying for the grant. All in favor 6, 1 non-voting. Motion Carried.

6.C. TRAILS AND PATHS REPORT:

6.C.1. Boardwalk Repairs:

Highfield Construction will start work on the trail in early September.

6.C.2. Lights Along Trail:

George measured out that it would take 9 lights to service part of Grahams Lane.

It was decided that Councillor Lowther would check on solar lighting costs would be checked to see if this was an option and that the property owners on Grahams Lane would be contacted to advise them of what was being looking at for lighting along the laneway.

6.C.3. Map Stop and Signage:

It was moved by Councillor Lowther, seconded by Councillor Hrycki that \$3,000.00 be allocated for Kenny Pineau to complete the work on the map stops at Sunset Campground and the lookout on Route 6. All in favor 6, 1 non-voting. Motion Carried.

Councillor Lowther is working with Technomedia on getting the new signs completed and will send them along to Council for another review before they are completed.

6.C.4. Banner Brackets:

Clarification is needed on the breakdown in pricing of the banners from Atlantic Systems Manufacturing.

6.C.5. Swimming Rock Infilling:

Chair Jelley will meet with Dale Thompson and bring him to the site to review and get comments on infilling in this area for the next meeting.

6.D. FIRE COMMITTEE REPORT:

Councillor Clark Dunning recommended that the fire departments could be contacted about doing a visit to properties in the area where there is concerns by the departments on access to the properties to make the property owners aware of the concerns of the fire department.

6.E. TCBI:

The new bus service is doing well.

NYK is the new horse with the RCMP rider program this year and is adjusting well.

6.F. CCTP: No report.

7. CAVENDISH SEWER UTILITY REPORT:

7.A. Monthly Updates and engineering:

The sewer utility was asked to take over the sewer line at the Queens County Condo Corporation No. 20. The sewer

board met and some additional details are being worked on for the utility to clarify the system standards meet all sewer utility requirements prior to taking over the system.

-The sewer utility board has agreed to have Toombs Plumbing and Heating Ltd. check all lift stations based on the engineer's recommendations on the hasps being looked at as well as the seals around the red lights. The estimated cost is \$35.00 for a set of hasps for each lift station. It was moved by Councillor Gauthier, seconded by Councillor Clark Dunning that this work be completed. All in favor 6, 1 non-voting. Motion Carried.

Servicing for Inn at the Pier is being reviewed as well as what possible funding programs are available to

complete the work with the financial assistance of the property owner.

8. BUSINESS ARISING FROM MINUTES:

8.A. Internet Servicing:

Work is continuing on the project with tree trimming and the installation of poles within the subdivision. It is expected that work will be completed by the end of September.

8A.1. ACOA Information:

A detailed breakdown of project dates will be obtained from Eastlink to determine if an extension is required or not for the funding program.

8.B. Signage Bylaw Report: This agenda item was dealt with under the Planning Board Report.

8.C. Destination Management Fund:

Councillor Lowther is continuing her work on the fund with Jeff Squires.

8.D. Human Resource Committee:

Amendments to the document were discussed.

It was moved by Councillor Lowther, seconded by Councillor Gauthier that Councillor Richard would be the Chair of the Human Resource Committee. All in favor 6, 1 non-voting. Motion Carried.

8.E. MADD Canada:

Awaiting information from Crystal Gillis on the location being staked out as well as the draft design of the sign before the final approval will be completed.

8.F. Chris Fourgnaud – Bell Mobility:

It was decided that based on the list of the lawyers concerns with the agreement with Bell, as well as no list of other municipalities that are participating with the project that this project will not move forward at this time. In the future if the agreement or terms change then the Council can revisit it.

8.G. Darrell Doucette:

Councillor Lowther was unable to make contact with the property owner.

8.H. Route 13 Crosswalk:

Chair Jelley was unable to make contact with Stephen Yeo.

9. NEW BUSINESS:

9.A. FPEIM: There are no meetings during the summer months, but they have had conference calls. The Semi-Annual Meeting will be held in Montague on November 4, 2017.

9.B. Dave Gallant:

This matter was dealt with by the legal counsel on the job posting on the Federal Government Website.

9.C. Hunter Clyde Watershed Group:

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that \$100.00 be allocated to the Hunter Clyde Watershed Group. All in favor 6, 1 non-voting. Motion Carried.

9.D. Trout River Environmental Committee:

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that \$100.00 be allocated to the Trout River Environmental Committee. All in favor 6, 1 non-voting. Motion Carried.

9.E. Canadian Wireless Telecommunications Association:

Information only.

9.F. Abegweit Partnership:

The municipality will not be participating in the partnership as it was felt that it is geared more towards individual business owners and partnerships and Tourism Cavendish Beach.

9.G. Council Supper:

It was decided by the Council that there would be a yearly staff dinner and if the Council wished to attend they may do so.

9.H. Administrator's Holidays:

The administrator's Holidays were listed in the package for the Council's information.

9.I. River Days Festival:

Council was invited to attend the Annual River Days Festival. It was decided that Councillor Hryckiwi would speak on behalf of the municipality at the event.

10.A. CONCERNS:

10.A.1. Councillors Concerns:

Councillor Lowther raised concerns over the new blue signs that are in Stanley Bridge.

The CAO will check with Hubert MacIsaac with the province as he had advised that some new signs were being installed by the province.

Councillor Lowther commented on the communities in the East contacting her about trying to become a Resort Municipality by incorporating to protect their area.

10.B. Residents:

Monty Drummond – concerns were raised over the new National Building Code. He suggested that the Municipality lobby the province to allow a building permit issued under the municipality to have no date of expiration. It was decided by Council that this was not realistic based on the ongoing changes with legislation and building requirements.

Marlene Cotter – concerns were raised over the speed limits in Stanley Bridge and that they are looking to the Municipality to install speed signs and that the only time there was a big presence of RCMP was during the music festival and not the rest of the year.

It was decided by Council that a letter be sent to Marlene advising that her concerns should be raised with the Province of PEI as her property is located under their jurisdiction as well as advising her that her concerns were raised with RCMP and that Leanne Butler would be in touch with her.

Green Isle Helicopter Tours – a letter had been received from Bruce MacDonald thanking the administrator and the Council for their assistance with his project.

11. ADJOURNMENT: Chair Jelley adjourned the meeting at 8:10 p.m.


Chair, Matthew Jelley