

Minutes  
Resort Municipality Monthly Council Meeting  
Monday, September 18, 2017  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on September 18, 2017 at the Resort Municipality Office.

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

**ABSENT:** David Gauthier.

**VISITORS:** Jim Brown.

**1. CALL TO ORDER:**

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

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

Chair Jelley advised that he had a conflict under Section 6 under building permits on the agenda.

**3. APPROVAL OF AGENDA:**

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

**4. APPROVAL OF PUBLIC MEETING MINUTES AUGUST 2, 2017:**

It was moved by Councillor Clark Dunning, seconded by Councillor Wyand that the Public Meeting Minutes of August 2, 2017 be adopted as amended. All in favor 5, 1 non-voting, 1 non-voting. Motion Carried.

**5. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES AUGUST 21, 2017:**

It was moved by Councillor Lowther, seconded by Councillor Richard that the Monthly Council Meeting Minutes of August 21, 2017 be adopted as amended. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**6. CORRESPONDENCE:**

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

**7. COMMITTEE REPORTS:**

Councillor Richard explained the following items to the planning board:

- Planning board members' role on the board;
- The Planning Act and how the planning board is established. Pages 7 – 9 were provided to the board members of Part III of the Act;
- The Policy Manual for the municipality and confidentiality when development permit applications are being reviewed was discussed as well as the process of approvals between the planning board and Council meetings; the scheduled dates for planning board meetings until December 2018 was provided for the board's information;
- Planning Board Members were advised that they are expected to be present for all meetings, but if there is some reason that someone cannot attend then they need to advise the CAO as soon as possible and ensure that they confirm their attendance on a monthly basis. If more than two meetings are missed without a valid reason by a member, then it will be reviewed by the Council as to that person remaining on the committee. It is important to ensure that the quorum is present each month as the permit applications must be reviewed and moved forward for a decision by the Council each month;
- The National Building code was presented to the planning board members to make them aware of the

changes that are being planned with the new Act and the permit approval process.

**Parks Canada:**

Green Gables House – Plans regarding Green Gables were presented to the planning board and Council last month.

A follow up meet was held with Chantel MacDonald and Greg Shaw from Parks Canada as well as with Matthew Jelley, Linda Lowther and Arnold Smith.

Parks had another meeting on September 14, 2017 from 7:00 – 9:00 with Parks, the Architect and Public Works to discuss the plans and the rationale for the plans that have been completed.

Chair Jelley advised that Councillor Clark Dunning, Arnold Smith, the CAO and himself had attended the meeting on September 14, 2017.

Chair Jelley advised that Parks went through the meeting process but the plans are final and the project is going to tender within the week.

It was decided by the Council that a letter be sent to Parks Canada and the Minister expressing the Council's displeasure on the Green Gables site plan as the commitment made by Parks Staff on the consultation process with the key stakeholders did not happen. Chair Jelley will work on a response to the Minister and Parks Canada and send to the Council for review.

Operations for Green Gables will be 9:00 – 5:00 daily until October 31, 2017 and then by appointment only from November 1 – 30, 2017.

Fees for the site for the off season tours and how much notice is required was questioned as well as the construction times for the site. Barb was to follow up.

Cavendish Campground – Site will be open until September 30, 2017.

Visitation within the PEI National Park is up 41% overall.

Cavendish Grove – Meeting was held on August 29, 2017. It was a positive meeting overall. A draft comprehensive plan was presented and it is included in the meeting package. Parks is still seeking feedback on the plans. There is no funding committed to the project to date.

Way Finding Signage – Parks presented their plans on signage to the planning board and the Council and have been waiting for a final decision from the Department of Transportation on what was proposed.

Parks is working on the entrance kiosks as that is the next part of the project work planned from their infrastructure funding.

Tara MacNally MacPhee from Parks had advised that there will be a lane on Cawnpore Lane for seasonal ticket holders, but that the public will have to still stop and show their pass and information to get into the Park.

A camera system at the entrance kiosks was raised to see if Parks had explored this as an option of getting the public's information when entering the Park. This will be examined as part of the review process as cameras could be a good idea.

The committee asked if work would be completed on the new gates at the same time as the options for the

ticketing system for fees as part of the overall project. This will be checked into as well.

Repairs will be done at the main complex with roofs being fixed, a new solar water heater and a propane water heater as backup.

**Building Permit Applications:**

David Romcke – PID # 1014182 – (32 Pickering Place – Seawood Estates) – an application was received to construct a breezeway of 28' X 6' and an attached garage of 36' X 24' on the property. It was moved by Councillor Richard, seconded by Councillor Lowther that approval be granted subject to: 1) the breezeway and attached garage being located on the site in accordance with the site plan. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Stuart Monty Drummond – PID # 563908 – (68 Sunset Lane) – an application was received to construct an addition onto the existing office of 30' X 14'. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval be granted subject to: 1) being located on the site in accordance with the attached site plan, and 2) meets the requirements of the Provincial Fire Marshal's office. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Dale Gallant – PID # 232249 – (Route 13) – an application was received to construct 12, two-bedroom rental cottages of 26' X 30' with a deck. It was moved by Councillor Richard, seconded by Councillor Wyand that approval in principle be granted subject to: 1) the cottages shall be located on the site in accordance with the attached site plan, 2) meets the requirements of the Provincial Fire Marshal's office, 2) meets the requirements of Quality Tourism Services, 3) meets the requirements of the Department of Environment, 4) meets the requirements of the Department of Transportation, Infrastructure and Energy, and 5) clarification on the setback to the adjacent property for the front yard setback as the proposal shows a 20' setback and the bylaw for a flankage yard requires a 50' setback unless there is a lesser established setback on adjacent properties. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Chair Jelley left the meeting due to a conflict of interest.

Sandspit Entertainment Ltd. – PID # 231977 – (8663 Cavendish Road) - an application was received to construct a new building of 5,980 sq. ft. for four units; three that will be retail and one that will be a restaurant. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval be granted subject to: 1) a final detailed drawing being presented for all units, 2) a comprehensive site plan being provided for the property including all buildings and parking, 3) meets the requirements of the Provincial Fire Marshal's office, 4) meets the requirements of the Department of Health, 5) meets the requirements of the Department of Environment, 6) payment of building permit fee, 7) a development agreement to be entered into and 8) a performance bond of \$5,000.00 to be posted. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Sandspit Entertainment Ltd. - PID # 231977 – (8663 Cavendish Road) – an application was received to construct an addition onto the existing building of 63'1 X 30'w for additional retail space. 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) a comprehensive site plan shall be provided of the property including all buildings and parking and 4) payment of building permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Chair Jelley returned to the meeting.

**Subdivision Application:**

Don and Rita Carmichael and Angelo and Janice Leonarduzzi – PID # 442483 – (Gulf Shore Highway) – an

application was received to subdivide the existing parcel into two lots. It was moved by Councillor Richard, seconded by Councillor Wyand that approval in principle be granted subject to: 1) comments to be received from Parks Canada on the access, 2) meets the requirements of the Department of Environment, 3) comments to be received from the legal counsel and 4) payment of subdivision fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Follow up Permits:**

A public meeting will be held on September 27, 2017 on the rezoning request for West Highland Contractors for PID # 694978 to rezone 8 acres of the property from RR (Rural) to RD2 (Resort Accommodations).

**Signage Bylaw Review:**

Planning Board Chair Richard advised the planning board of the decision of Council on the signage review that it would now be completed every five years when the Official Plan and Zoning and Subdivision Control (Development) Bylaw are reviewed. He advised the board that the planning board and the Council made some recommendations last month to the legal counsel and she is now going to start the review of the bylaw and bring back the document to the planning board and the Council.

**Other:**

Planning Board Chair Richard requested to have a list of all planning board members with the phone numbers and e-mail contact information. The CAO will forward the information on to the board members.

**7.A.1. Bond Release – Cavendish Beach Music Festival:**

It was moved by Councillor Richard, seconded by Councillor Hrycki that approval in principle of the bond release for the Cavendish Beach Music Festival be approved subject to having a response from the Liquor Control Commission that there were no issues with the 2017 event. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**7.A.2. Bond Release – Orchard View Cottages:**

It was moved by Councillor Lowther, seconded by Councillor Richard that approval in principle of the bond release for Orchard View Cottages for the wedding event be approved subject to having a response from the Liquor Control Commission that there were no issues with Gallant / Costello wedding. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**7.B. MONTHLY FINANCIAL REPORT:**

It was moved by Councillor Hrycki, seconded by Councillor Wyand that the monthly finances for June 30, 2017 for revenue of \$258,600.89 and the expenses of \$284,513.86 be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**7.B.1 Financial Plan Regulations:**

It was decided by the Council that the following items on the Financial Plan Regulations would be questioned to the province:

Under the changes that were made to the Act in December 2016, a reserve bylaw needs to be created if there is a surplus that is not being transferred to the general fund in the next fiscal year.

**Section 2 – Operating budget – estimated revenues:**

41. The council of a municipality shall cause:

- (a) any surplus in the general fund at the end of a fiscal year to be transferred to the general fund for the next fiscal year or to a reserve fund;
- (b) any portion of a deficit in the general fund at the end of a fiscal year that is not offset by funds from the reserve fund or other surplus funds to be debited against the general fund for the next fiscal year.

45. (1) A council may by bylaw establish one or more reserve funds in the name of the municipality for any municipal purpose.  
 (2) A council shall specify in its bylaw establishing a reserve fund;  
 (a) the purpose for which the reserve fund is established; and  
 (b) the criteria and conditions governing withdrawals from the reserve fund. 1983, c.33, s.44; 2016, c.45, s.21.

**Section 4. Estimated Revenue public utilities, municipal utilities controlled corporations:**

They are looking for the sewer budget to be added into the municipal budget when it has always been separate. Property owners have always wanted the two entities kept separate.

**Section 5. Estimated Funding – public utilities, municipal utilities, controlled corporations.**

Sometimes funding is applied for in one year and not granted until the next or later so where is the allowance to deal with this in the budget as you may not know what funding is coming through in the budget year.

**Section 6. Operating Budget – tax rate groups**

Will this require the rates for sewer customers to be factored into as well or just the municipal tax rate as it is felt by the Council that all rates are separate based on user pay.

**7.B.2 Bylaw to Regulate Reserve Funds:**

A bylaw needs to be completed based on the template in the meeting package.

**7.B.3. Reserve Fund Policy and Elections:**

A Reserve Fund Policy and Elections of the fund shall be completed by the Council based on the budgeting process for the Municipal Government Act.

**7.B.4. Yearly Budget:**

An additional budget will need to be completed by Council that will deal with January – March 2019 to meet the new requirements under the *Municipal Government Act* as the budget has to be for 15 months and the one that was presented to the public was for a twelve-month period only. The province is to send a template on how they want the budget process completed. This work needs to be completed by March 31, 2018.

**7.B.5. Gas Tax Funds:**

It was moved by Councillor Hryckiwi, seconded by Councillor Wyand that the \$155,000.00 in Gas Tax Funding that was allocated to transit and trails be allocated to trails, paths and lighting upgrades for a total new project value of \$430,000.00. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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

**7.C.1. Boardwalk Repairs:**

Work is underway on the new cement trail in front of the cemetery.

It was moved by Councillor Wyand, seconded by Councillor Hryckiwi that an additional \$2,500.00 be allocated for the walkway work in front of the cemetery based on the grade elevation of the walkway and having to fill in along the sides of the new walkway. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**7.C.2. Lights:**

It was decided by Council to check with Paul Gunn on cameras and possible options for having them located on the solar lights on Grahams Lane as a way to monitor them as well as a way to monitor the lift station panels from graffiti.

**7.C.3. Map Stops and Signage:**

Technomedia is working on the revised changes to the maps to include the street names in the municipality and some of the minor changes that were made to the map. A final version will be sent from Raymond.

**7.C.4. Banner Brackets:**

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that 40 brackets be purchased from Atlantic Systems Manufacturing for the old-fashioned light poles at a cost of \$79.00 plus HST per bracket. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**7.C.5. Swimming Rock Infilling:**

Chair Jelley advised that he will follow up with Barry Toombs on a price for infilling the property at the swimming rock and the administrator will check with Dale Thompson at the Department of Environment on work being completed at the site.

**7.D. FIRE COMMITTEE REPORT:**

There were no updates for September.

**7.E. TCBI:**

A number of Best Practice Sessions are coming up that operators can participate in. They are looking at a twinning with Prince Edward County at Niagara on the Lake to see what benefits there might be with working with that area.

**7.F. CCTP:**

Savour Victoria and a Taste of North Rustico are part of the Fall Flavors events.

**8. CAVENDISH SEWER UTILITY REPORT:**

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

The sewer utility continues to work with Driftwood Landing on the possibility of taking over the sewer within the private subdivision, provided that all conditions of the utility are met and that the system meets all environmental requirements for a public utility.

**9. BUSINESS ARISING FROM MINUTES:**

**9.A. Internet Servicing:**

Work is continuing on the project with the installation of poles within the subdivision. They are hoping to have everything in place by the end of September.

**9.A.1. ACOA Information:**

A request was sent to ACOA asking for the funding deadline for the Internet Servicing to be extended until December 15, 2017 due to the delays in construction. ACOA has approved the request and will be sending through an updated schedule for the project.

**9.B. Signage Bylaw Report:** The legal counsel is reviewing the signage bylaw and recommendations from the planning board and the Council.

**9.C. Destination Management Fund:**

It was decided by the Council to remove this item from the agenda until any updates are available.

**9.D. Human Resource Committee:**

Councillor Richard and Councillor Lowther have been working on the documents. If there are any further changes from the Council, please forward them along.

The CAO will continue to look at filling the position office administration and bookkeeping position. The

Council is also open to looking at offering more hours to fill the position.

Councillor Lowther advised that there is a company out of Kensington as well that provides bookkeeping services and perhaps this is something that can be looked at as an option. She will provide the CAO with the contact information if necessary.

**9.E. MADD Canada:**

MADD Canada was coming to do a site visit at the Swimming Rock to check the location and to mark out the spot in which they would like to locate the monument. Awaiting further information from the group.

**9.F. Darrell Doucette:**

Councillor Lowther was unable to make contact with the property owner. This agenda item will be removed until further information is received.

**9.G. Route 13 Crosswalk:**

Chair Jelley was unable to make contact with Stephen Yeo, but will work on an update for the next meeting.

**10. NEW BUSINESS:**

**10.A.FPEIM:** Their first meeting will be held on September 28, 2017.

The Semi-Annual Meeting will be held in Montague on November 4, 2017. If anyone is interested in attending, please confirm your attendance with the CAO.

**10.A.2. Atlantic Planners Institute Conference:**

Information only.

**10.A.3. Community Food Security and Food Education Program:**

Information only.

**10.B. Invitation to Participate in Municipal Collaboration:**

Information only.

**10.C. Bike Lane – Cavendish Road:**

A request was received regarding sweeping the bike lane daily throughout the season to make the roadway safer for bikers.

The Department of Transportation, Infrastructure and Energy maintains the highway. Information only at this time, as the municipality does not have the resources of equipment to clean all of the roadway daily.

**10.D. Chris Opydo – Tourism Licenses:**

Janet Wood from Tourism PEI provided the municipality with a letter confirming that Chris Opydo has two licenses with the Department of Tourism: one for the cottages and one for the campground. Information only at this time as there are no applications pending.

**10.E. Volunteer Victoria:**

Information only.

**11.A. CONCERNS:**

**11.A.1.Councillors Concerns:**

Chair Jelley commented on the graffiti at the lift stations and the traffic light stations. The administrator will have the maintenance staff see if the graffiti can be removed, if it can't be removed then it should be painted over.

It was decided by the Council that rather than having every correspondence item listed in the meeting package that only community concerns and items that were not included on the agenda or emailed to the Council prior to the meeting would be included to allow the monthly Council meeting minutes to be distributed earlier in the week prior to the Council meeting.

**11.B. Residents:**

Sunny Gallant – Question was raised over the Zoning and Subdivision Control (Development) Bylaw and that it is outdated based on the fact that it does not allow for composting toilets.

It was decided by the Council that the Department of Environment would be contacted for their input on the Provincial requirements for sewer servicing of properties.

**12. ADJOURNMENT:** Chair Jelley adjourned the meeting at 7:15 p.m.

  
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Chair, Matthew Jelley