

Minutes
Resort Municipality Monthly Council Meeting
Monday, February 26, 2018
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on February 26, 2018 at the Resort Municipality Office.

PRESENT: Mayor – Matthew Jelley. Councillors: Edmond Richard, Kay Hryckiw, David Gauthier, George Clark Dunning and Gwen Wyand. CAO – Brenda MacDonald.

ABSENT: Deputy Mayor – Linda Lowther.

VISITORS: Nil.

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

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

3. DECLARATION OF CONFLICT OF INTEREST:

Mayor Jelley declared a conflict of interest on a liquor license request for the Ship's Company Pub & Galley.

4. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES JANUARY 15, 2018:

It was moved by Councillor Wyand, seconded by Councillor Clark Dunning that the Monthly Council Meeting Minutes of January 15, 2018 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

5. CORRESPONDENCE:

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

6. COMMITTEE REPORTS:

Building Permit Applications:

Melanie Numsen – PID # 1803931 – (9 Landing Drive) – an application was received to construct an addition onto the existing condo of 12' X 6' for storage. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted in principle subject to: 1) clarification being provided on the measurement between the structures of condo one and two. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

Todd & Becky MacDonald - PID # 585620 (Seawood Drive) – an application was received to construct a one storey summer cottage of 36' X 30' with a deck. It was moved by Councillor Richard, seconded by Councillor Wyand that approval be granted in principle subject to: 1) the summer cottage being connected to the private water utility, 2) the summer cottage being connected to the municipal sewer, 3) inspection costs for the connection to the municipal sewer shall be borne by the developer and 4) connection to the water and sewer is preferred to be completed during the summer season, but if connection is wanted prior to May 31 and after November 30, any additional costs for servicing the lots shall be borne by the developer. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

Eric MacLauchlan – PID # 936955 (MacCoubrey Lane) - an application was received to construct a summer cottage of 30' X 45' with a deck. It was moved by Councillor Richard, seconded by Councillor

Hryckiwi that approval be granted in principle subject to: 1) a detailed site plan shall be provided of the property with all measurements of the property and the distance between the property lines to the cottage to be provided. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

Sea Cross Inc. – PID # 232033 – (8779 Cavendish Road) – an application was received to change the use of the existing church on the property into BOOMBurger. It was moved by Joel, seconded by Linda 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) the Building Code Design Certificate to be completed by the architect. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

Odeh Zaidan – PID # 233411 (132 Cape Road) – a revised application was received to now locate a one storey building of 32' X 18' to be used as a rental cottage. The Department of Communities, Land and Environment has sent through information with an option for him to deal with the sewer on the property to allow the one rental cottage only. It was moved by Councillor Richard, seconded by Councillor Wyand that approval in principle be granted subject to: 1) the building shall be located on the site in accordance with the attached site plan and 2) that a development agreement be entered into with the owner confirming that they will have the low flow toilets and the water meter installed on or before June 1, 2018 and that no further development shall happen on the property without having a comprehensive site plan and an engineer providing information on the sewer and water system. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

Cavendish Tourism Complex Development Inc. – PID #232247 - (Cavendish Road) – the storm water management plan has been provided for the development. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval be granted in principle subject to: 1) comments being provided from the legal counsel on the application based on the information provided by the engineers and Alan Aitken at Transportation, Infrastructure and Energy. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

CFM PEI Inc. – PID # 231910 – (8989 Cavendish Road) – an application was received to construct a micro motel of 48' X 32' with decks. It was moved by Councillor Richard, seconded by Councillor Gauthier 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 Tourism and 4) the Building Code Design Certificate to be completed. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

Temporary Permits:

Christine Perry & Gary Kelley – PID # 92927 (Cavendish Road – Swimming Rock) – a revised application was received to have a wedding on August 11, 2018 from 3:00 p.m. – 5:30 p.m.. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) that a development agreement be entered into. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

Cavendish Tourist Mart Inc. – PID # 233130 (8934 Cavendish Road) to have a temporary / transient permit for parking on the property for July 6 – 9, 2018 for CBMF. It was moved by Councillor, Richard, seconded by Councillor Wyand that approval in principle be granted subject to: 1) that a development agreement be entered into, 2) that a performance bond of \$5,000.00 be provided, 3) that security be provided, 3) that lighting be provided, 4) that porta potties be provided and 5) that approval of the Cavendish Beach Music Festival be finalized. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

Mayor Jelley left the meeting due to a conflict of interest and turned the Chair to Councillor Hryckiwi.

Liquor License – Letter of Support:

The Ship's Company Pub & Galley – PID # 231977 (8863 Cavendish Road) - a letter of support was requested to have a dining room / lounge liquor license on the property from 11:00 a.m. – 1:00 a.m. seven days per week. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted for a dining room / lounge liquor license inside the building from 11:00 a.m. until 1:00 a.m. and that on the deck be granted from 11:00 a.m. until 12:00 midnight only and that it meets all requirements of the Liquor Control Commission. All in favor 4, 2 absent, 1 non-voting. Motion Carried.

Mayor Jelley returned to the meeting.

Signage Permit:

Wood Wheeler Inc. – PID # 232413 (8572 Cavendish Road) an application was received to construct a secondary sign of 105" X 40", as well as to construct a new primary sign of 75" X 19.5" on the complex sign. It was moved by Councillor Richard, seconded by Councillor Wyand that approval in principle be granted subject to: 1) the signs being located on the site in accordance with the site plan. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

Subdivision / Lot Consolidation:

Island Commonwealth Corporation Ltd. – PID # 232975 (8566 Cavendish Road) - an application was received to subdivide a portion of land from parcel # 232975 and to consolidate it with PID # 612556. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that this application be deferred until the next meeting to gather more information from the lawyer on the properties based on the drawings submitted. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

Follow up Permits:

- a) Action Attractions Ltd. – PID # 589358 – (9018 Cavendish Road) – Awaiting information.
- b) Sea Cross Inc. - PID # 231720 – (9138 Cavendish Road) – The Architect's drawings were received. 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, 3) the addition shall be constructed in accordance with the site plan, and 4) the development shall be completed in accordance with the Architect's plans. All in favor 5, 1 non-voting, 1 absent. Motion Carried.
- c) Bill & Michelle DeBlois – PID # Lot 17-1 (507 Gulf Shore Parkway West) – Awaiting septic permit information.
- d) Don & Rita Carmichael and Angelo and Janice Leonarduzzi – Awaiting Survey information.
- e) Andrew Sark – PID # 232405 (7591 Cawnpore Lane) – Awaiting information from the province.
- f) West Highland Contractors Ltd. – PID # 694984 - (Simpson Mill Road) - New plan was provided that does not meet the requirements of the bylaw. Plan was sent back to owner requesting information again.

Municipal Government Act:

Training session was held for CAO's.

The province is still working on regulations for the Act.

A number of new bylaws are required and the ones that need to be dealt with immediately are underway.

National Building Code Act:

The province is expecting that the Act will be coming into effect in the spring with consultations to be

done with municipalities.

Parks Canada:

Homestead Trail – A plan was provided on a change in the location of a portion of trail for review by the Council. Parks expects the work to be completed by mid-June.

Visitor Experience Site Strategy – A group met and there was great participation and it was really productive. Andre will be following up with additional information on the presentation and summary.

Green Gables Site Meeting – A meeting was held on January 25, 2018 and there was a good attendance at it. It was decided that a smaller group meet and the Council asked that Arnold be the representative for the municipality on the committee.

MacKenzie's Brook – Work has to be completed on the Gulf Shore Highway due to erosion and a new culvert will need to be placed near MacKenzie's Brook and then filled in again with rock. Work is expected to take place in the fall of 2018 or 2019 depending on funding.

Cavendish Beach – Work is nearly completed on accessible washroom. The concessions area asked for a fryer at the building as well and they are working on that.

Parks is working on a Dune Crossing at the Beach that would be wheelchair accessible.

Entrance Kiosks – A tender was awarded to MacLean Construction. Work is expected to be completed by June 1, 2018 as the gates will be opening on June 15, 2018. There will be two lanes one for cardholders and the other for visitors.

- Q. George questioned Barb on the signage around the kiosks and if that would be remaining so people understand what each land is for.
- A. Barb confirmed that she would check on the signage but that she thought that it would be staying.

The second phase of the kiosks would be on Grahams Lane and Brackley and they are working on a new system for the larger kiosks and they will be built to deal with specific things for each location. They are also looking at a new system for Greenwich.

Reservation Line – The line was operational on January 22, 2018. They are down 3% so far, but last year was a bumper year.

Kimberlee Trainor their product development officer is working on weddings within the Park and coming up with some guidelines for them.

Oceanview – no funding has been approved for the work for 2018.
Cavendish Grove – no funding has been approved for work for 2018.

Other:

Cavendish Beach Music Festival – an application was received for the July 9, 2018 event for a fully licensed venue. The application was deferred to the next planning board and Council meetings.

- 6.A.1. Cavendish Beach Music Festival – Comments from the Liquor Control Commission on the fully licensed venue.

Concerns were raised by Planning Board on the municipality approving a fully licensed venue with the conditions listed and the Liquor Control Commission not honoring the requirements provided by the municipality.

It was decided that the Mayor would draft a letter for the Council's review to the Liquor Control Commission regarding the Council's concerns on their decision not to honor the municipality's conditions on the liquor license for the music festival.

6.A.2. Stewart McKelvey – Municipal Law in PEI:

The lawyer provided a copy of a presentation that she had done in 2015, for the Council's reference.

6.A.3. Municipal Government Act – A copy of the Municipal Government Act was provided for all Council Members.

Chair Jelley provided an information sheet from Linda Lowther on the Municipal Government Act and wanted to get clarification on the comments made by Samantha Murphy on Council's personal liability and the sections under the Municipal Government Act that deals with this.

The CAO will clarify the sections with Samantha that apply.

6.A.3.1. Election Calendar – A copy of the election calendar was provided to the Council from the Province.

6.A.3.2. Newsletter – A copy of the monthly newsletter from municipal affairs was provided to Council.

6.A.3.3. Fact Sheet – A copy of the fact sheet from municipal affairs was provided to Council.

6.A.3.4. Guide Book – A copy of the guide book from municipal affairs was provided to Council.

6.B. MONTHLY FINANCIAL REPORT:

Councillor Hryckiwi presented the monthly finances for January 2018. Revenue was \$3,272.89 and the expenses were \$10,082.36.

CAO advised that the reason the revenue is lower is due to the fact that the municipal tax payment for January was not received until February.

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the monthly finances for January 2018 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

6.B.1. Audit Quotes:

It was moved by Councillor Hryckiwi, seconded by Councillor Gauthier that the audit quote from MRSB for the Resort Municipality audit to be completed at the municipal office at a cost of \$2,600.00 plus HST be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was moved by Councillor Hryckiwi, seconded by Councillor Gauthier that the audit quote from MRSB for the Cavendish Sewer Utility audit to be completed at the municipal office at a cost of \$3,600.00 plus HST be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was moved by Councillor Hryckiwi, seconded by Councillor Gauthier that additional fees of \$295.00 for the IRAC Report as well as \$495.00 for the MFIR Report be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

6.B.2. Internet Project – ACOA:

Councillor Hryckiwi advised that the funding through ACOA for the internet project was received at a fee of \$59,782.88.

CAO advised that the provincial funding has not yet come through, but that she would follow up with the province on it.

6.B.3. Grant-in-Lieu Program PID # 232371:

A letter was received from Nouhad Knox confirming that the application for a Grant-in-Lieu at the municipal park was denied.

6.C. TRAILS AND PATHS REPORT:

No updates on the trail other than that there was a tree down on the walkway on Route 13.

6.D. FIRE COMMITTEE REPORT:

New London Fire Department meeting was held and no information was received on it and it was talked about in the Northern Star.

CAO will follow up with the fire departments on their annual meetings. Normally they are all held on the same night.

Mayor Jelley advised that Deputy Mayor Lowther could attend one of the meetings.

6.E. TCBI:

Councillor Hryckiwi will attend their meeting on February 27, 2018.

6.F. CCTP:

Experienced Specialist program will be held at the North Rustico Lion's Club on February 28, 2018. Membership contest was held and Sandi Lowther won.

7. CAVENDISH SEWER UTILITY REPORT:

7.A. Monthly Updates and engineering:

Toombs have removed one pump at LS # 3 - Green Gables and have sent it to be fixed. It is expected to take 6 weeks for the work to be completed.

Stantec has prepared some information on LS # 4 – Herbie Moore's based on the flows expected from the new development for Jay Dong. They have provided three options for work at the existing lift station which includes replacing the pumps and upgrading the power to the station.

Driftwood Landing is waiting for a decision by the sewer utility board on information on their current system and the details that were provided by the video company. The board has to meet and gather input from the engineer on the comments that were received from the video company.

A sewer meeting is expected to be held within the next two weeks.

7.A.1. Island Regulatory and Appeals Commission:

Year-end reporting will now be the same for utilities at March 31, 2019 based on the new Municipal Government Act.

8. BUSINESS ARISING FROM MINUTES:

8.A. Destination Management Fund:

8.A.1 Terms of Reference:

Tourism Cavendish Beach will be overseeing the Destination Management Fund and the Mayor, Deputy Mayor and CAO sit on the committee.

It was moved by Councillor Hryckiwi, seconded by Councillor Gauthier that the revised terms of reference for the Destination Management Fund Committee be adopted as amended. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Tourism Cavendish Beach will review the documents at their meeting on February 27, 2018 for their approval.

8.A.2. Project Grant Application:

Grant application was discussed.

It was moved by Councillor Hryckiwi, seconded by Councillor Gauthier that the grant application for the Destination Management Fund Committee be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8.A.3. Funds for Grant:

The funds deposit for the grant to date are \$41,270.00.

8.B. Heritage Park and Historical Committee:

8.B.1. Letter from David MacNeill:

A letter was received from David MacNeill regarding the trail connection between his property and the municipal park.

8.B.2. Terms of Reference:

Some wording was amended on the goals of the committee and wording in Section 1.

It was also decided that the information should be clear around the statue and who will be responsible for the maintenance of it, if flowers are planted each year as there will be long term ongoing maintenance of the statue and flowers and it needs to be clear who will be responsible to maintain it.

Mayor Jelley will talk with Tourism Cavendish Beach on the maintenance.

It was moved by Councillor Hryckiwi, seconded by Councillor Richard that the Heritage Park and Historical Committee terms of reference be adopted as amended. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8.C. Human Resources:

Chair Richard advised that the following items need to be addressed moving forward on the CAO's evaluation.

- 1) The evaluation for 2017 is completed as the process was finalized based on the current standards.
- 2) Minutes need to be taken by someone on the evaluation once the CAO is not present at the meeting, so there is noted information for the minutes on the decisions that were made.
- 3) If the Council wishes to make comments on the evaluation they should be sent to the Human Resources Committee first as part of the evaluation.
- 4) Recommendations should then be presented by the Committee on the evaluation to the CAO as part of the review process.
- 5) The next evaluation should look at the process, job description, contract, and the new Municipal Government Act once the regulations have been completed by the province.

- 6) The evaluation should be completed in the required timelines and then the contents need to be shared with the CAO and any expectations should be provided to the CAO. If there are any issues that are raised by the CAO that need to be addressed, this should be noted and followed up on in a timely manner to ensure that any issues are addressed.

Councillor Clark Dunning and Councillor Gauthier agreed as members of the board on the process moving forward.

9. NEW BUSINESS:

9.A. FPEIM:

Councillor Wyand presented information from John Dewey on the benefits of FPEIM that included:

- Gas Tax Funds and negotiations that took place through Gas Tax Funding that included allowing planning services as one of the eligible categories for funding.
- Planning – municipalities will be receiving a 1.1 cent tax credit for municipalities that provide planning services in 2018.

9.B. EPILEPSY ASSOCIATION:

A letter was received asking to support the Purple Day Proclamation.

Council agreed to support the Purple Day proclamation at the March Council Meeting.

9.C. PEI CRIME STOPPERS:

It was moved by Councillor Hryckiwi, seconded by Councillor Gauthier that \$50.00 be donated to PEI Crime Stoppers. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

10. CONCERNS:

10.A. Councillors Concerns:

Mayor Jelley commented on garbage at the Cavendish Grove since the music festival and that he had sent along pictures to Karen Jans, but has not received a response back.

The CAO will send his concerns to Barb MacDonald at Parks Canada for a response.

Councillor Richard advised that he has submitted his resignation to the CAO effective February 27, 2018. He advised that he will be moving out of province and thanked the Council for his time on the planning board and Council.

Best wishes were provided to Edmond and Mayor Jelley thanked him for his time on planning board and Council.

Planning Board Chair Position:

It was moved by Councillor Wyand, seconded by Hryckiwi that Councillor Clark Dunning assume the position as Planning Board Chair. All in favor 4, 2 non-voting, 1 absent. Motion Carried.

10.B. Residents:

Alvin MacNeill – Streetlights – a request was received to install eleven streetlights from MacCoubrey Lane to the turn past Parkview Farms.

A review will be completed by the Council for the next meeting.

Dennis Stahler – Internet – A request was made from the property owner to look at servicing the North Rustico end of the Municipality with internet.

Eastlink was contacted to prepare pricing and additional information should be received at the next meeting.

Gary Robbins – information was received on the Municipal Government Act and the Amalgamation process and his concerns for smaller municipalities. Information only.

11. ADJOURNMENT: Mayor Jelley adjourned the meeting at 8:40 p.m.



Handwritten signature of Matthew Jelley in blue ink, written over a horizontal line.

Mayor, Matthew Jelley



Handwritten signature of Brenda MacDonald in blue ink, written over a horizontal line.

CAO, Brenda MacDonald