Minutes Resort Municipality Monthly Council Meeting Monday, October 22, 2018 5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on October 22, 2018 at the municipal office.

PRESENT: Mayor – Matthew Jelley. Deputy Mayor Linda Lowther. Councillors: George Clark Dunning, Lee Brammer, Bill Drost and Chris Robinson. CAO – Brenda MacDonald.

ABSENT: Kenny Singleton.

VISITORS: Jim Brown, Kevin McCarville and Erin Keilly.

1. CALL TO ORDER:

Mayor Jelley called the meeting to order at 5:03 p.m..

2. SWEARING IN OF NEW COUNCILLOR:

Lee Brammer read out the oath of office as a new Councillor.

3. APPROVAL OF AGENDA:

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

4. APPROVAL OF SPECIAL COUNCIL MEETING MINUTES SEPTEMBER 10, 2018:

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the Council Meeting Minutes of September 10, 2108 be adopted as amended. All in favor 5, 1 non-voting, 1 absent. Motion Carried

5. DECLARATION OF CONFLICT OF INTEREST:

Mayor Jelley declared a conflict of interest on Section 8.A. of the planning board information and section 9.A. of the Council meeting agenda.

Deputy Mayor Lowther declared a conflict of interest on section 8.A. of the planning board information and 9.A. of the Council meeting agenda.

Councillor Chris Robinson declared a conflict of interest under Section 6.A. of the planning board information. Bill Drost declared a conflict of interest under Section 8.A.2. and 8.A.3. of the Council meeting agenda.

6. KEVIN MCCARVILLE AND ERIN KEILLY – MUNICIPAL AFFAIRS:

Mayor Jelley welcomed Kevin McCarville and Erin Keilly to the meeting.

Erin and Kevin discussed various sections of the Municipal Government Act with the Council.

- A training session will be held on December 1, 2018 for all Councillors on their roles and responsibilities at the North Shore Community Centre.
- Council is governed under the new Municipal Government Act and they are responsible for transparency, accountability and good governance in their area.
- The new Act has clear roles for the Council and the CAO.
- The CAO hires, directs and manages all staff. That is not the role of the Council, nor is the Council allowed to act or take on the role of the staff in their absence.

- Council has to avoid conflicts of interest and must be transparent on any matters. Council should not do anything that they can be personally held liable for.
- Legislation has been improved with the new Act and it was a long time coming and is needed.
- The municipality has good legal services with Perlene Morrison at Stewart McKelvey and accounting services with Michelle Burge at MRSB.
- The Municipality has a good CAO that attends all training sessions and keeps up to date with all information that is sent out from the Department as they can track who takes time to look at their information that is sent out and contacts the department when clarification is needed on a matter.
- The province is still working on the new legislation for Access to Information and municipalities will have to make a bylaw to deal with it. They do not expect the regulations to be completed by municipalities prior to year-end since the province is still working on the regulations and cabinet has to approve it.
- Council has the right to be heard on general matters at a public meeting, but if you are in a conflict of interest at a Council meeting, then you need to remove yourself from the table and the room without comment or bias.
- Residents from the public have the right to be heard at the end of the meeting only.
- Council meetings should not run for hours as the matters should be on the table, discussed and then decided upon.
- Discussion was held on permit approvals and the fact that general approvals should be completed by the CAO.
- Legislation of bylaws need to state who has the authority to approve permits whether it is through the Zoning and Subdivision Control (Development) Bylaw or if it is done through a separate bylaw.
- There are currently 63 municipalities with 30 with Official Plans. The province approves development in those other areas.
- CAO's have a lot more work required under the new Act.
- There are a list of bylaws that need to be updated so it was recommended to start at the top of the list of the bylaws and go through them to determine what needs to be completed first and work down the list. Some will need only minor amendments while some may need to be rewritten.

Mayor Jelley thanked Erin and Kevin for attending the meeting.

7. CORRESPONDENCE:

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

The Correspondence list will be shortened to just include relevant items that the Council needs to be made aware of.

8. **COMMTITEE REPORTS:**

8.A. PLANNING BOARD:

"In Camera" Smooth Coat Drywall - Bill Drost Appeal, Bill Drost - Legal Matters, Allan MacLure and Dori-Anne Gallelli James Roland Doucette:

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther to go "In Camera" to discuss matters falling under clauses 119(1)(e) and 119(1)(f) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Drost left the meeting due to a conflict of interest and "in camera" items being discussed on the agenda.

Jim Brown left the meeting due to "in camera" items being discussed on the agenda.

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the meeting be opened to the public in accordance with clause 119(2)(e) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Drost returned to the meeting.

Jim Brown did not return to the Council Meeting.

Follow Up Permits:

Cavendish Services Ltd. - PID # 512871 (7550 Route 13) – A revised site plan has been received. Development Agreement was signed and payment of permit fee and bonds were completed.

Cavendish Tourism Complex Development Inc. – PID # 232447 – (Cavendish Road) – Awaiting for the owner to sign the development agreement and pay the performance bond.

Rod & Tanyia Kingyens (The Pearl Café) – an application was received to construct an addition of 10' X 12' onto the existing building and to move a building of 10' X 20' onto the property to be used as a kitchen building. The development has been cancelled based on the costs to complete architect's drawings.

Four Seas Inc. (Lakeview Lodge and Cottages 2018 Inc.) - an application was received to construct 10 new two bedroom cottages of 32' X 29' with decks. The Department of Environment wanted more information on water usage and a ground water extraction permit to be submitted.

Marco Polo Land Inc. – a revised application was received to construct a wading pool, deck and fence. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval be granted in principle subject to: 1) a stamped drawing being provided by the engineer for the pool, 2) that the comprehensive site plan show the deck, fence and all setbacks to the adjacent structures on the property, 3) that a performance bond be paid, 4) that a development agreement be entered into, 5) that the pool be used for overnight registered guests of the park only, 6) meets the requirements of the Department of Environment, 7) meets the requirements of the Department of Health and Wellness and 8) payment of permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

If the water feature structures are coming in under another permit, then they will need to provide engineered and stamped shop drawings for each of the structures and show that they are CSA approved.

West Highland Contractors Ltd. – an application was received to rezone Parcel A and Lot 18-1 into RD2 (Resort Accommodations). Awaiting for the lot consolidations to be completed to bring the rezoning to a public meeting.

West Highland Contractors Ltd. – an application was received to rezone Parcel B, Parcel C, Parcel D into RD3 (Resort Campground). Awaiting for the lot consolidations to be completed to bring the rezoning to a public meeting.

Stacy MacInnis – Cavendish Maples Inc. - an application was received to consolidate PID # 684316 with PID # 672972. Awaiting final survey plan and lot consolidation deed.

Cavendish Maples Inc. - PID # 672972 (Avonlea Boulevard) - an application was received to construct three

rental cottages of 32' X 35' with decks and to construct one rental cottage of 32' X 38' with a deck. Awaiting final survey plan and lot consolidation deed to finalize permit application.

Estate of James Clark – an application was received to locate a prefab house on the property of 46' X 16' with a deck. Awaiting final approval by the Department of Transportation, Infrastructure and Energy.

102084 PEI Inc. (Rustico Acres Cottages) – 7567 Cavendish Road (PID # 704114) – an application was received to construct an office / living quarters building of 24' X 20' with a deck on the property. Awaiting architect's plans from the owner.

David Rutherford – 170 Angus Campbell Lane (PID # 998914) – an application was received to construct a summer cottage of 30" X 32' on the property with decks. Awaiting for the development agreement to be signed and the performance bond to be paid.

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

Building Permits:

Chris Robinson & Stephanie Scharf (8537 Cavendish Road) PID # 1003748 – to locate one rental cottage on the property of 44' X 16' with a deck and a second rental cottage of 55 ½' X 16' with a deck. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that approval be granted 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 Quality Tourism Services, 4) rental cottages shall be connected to the municipal sewer and 5) payment of permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Councillor Robinson returned to the meeting.

CFM PEI Inc. – (Former Flea Market) (8989 Cavendish Road) – PID # 231910 – an application was received to construct a building of 25' X 20' with a deck on the property for a juice shop. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval be granted 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) the juice shop shall be connected to the municipal sewer, 4) architect stamped drawings are required to be completed and signed by another firm for the commercial building and 5) payment of permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

100242 PEI Inc. – (KOA Campground) (198 Forest Hills Lane) – PID # 708255 – an application was received to construct a camping cabin with a deck of 40' X 16'. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval be granted 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 Quality Tourism Services, 4) that a comprehensive site plan be provided for the property and 6) payment of permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

100242 PEI Inc. – (KOA Campground) (198 Forest Hills Lane) – PID # 708255 – an application was received to move two camping cabins with a decks from sites 140 and 141 to adjacent to sites 78 and 60. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson 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 Quality Tourism Services, 4) that a comprehensive site plan be provided for the property and 5) payment of permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

100242 PEI Inc. – (KOA Campground) (198 Forest Hills Lane) – PID # 708255 – an application was received to construct a deck addition onto the existing office of 25' X 12'. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval in principle be granted subject to: 1) that a comprehensive site plan be provided for the property and 2) payment of permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

100242 PEI Inc. – (KOA Campground) (198 Forest Hills Lane) – PID # 708255 – an application was received to add sewer to sites 404D – 409D. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer 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) sites shall be connected to the municipal sewer, 5) that a comprehensive site plan be provided for the property and 6) payment of permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Innovation Enterprises Inc. – (Avonlea Cottages) (8925 Cavendish Road) PID # 472027 – an application was received to locate a hot tub of 16' X 8' on the pool deck. It was moved by Councillor Clark Dunning, seconded by Councillor Lee 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) that a more detailed site plan be provided as well as the correct measurements of the hot tub, deck and fence and 4) payment of permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Deputy Mayor Lowther left the meeting for a phone call.

Change of Use Permits:

Rod & Tanyia Kingyens (The Pearl Café) – 7792 Cavendish Road - PID # 233429 – an application was received to change the use of the upstairs into a single family dwelling from October 1 – May 15, 2019. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that based on the Zoning and Subdivision Control (Development) Bylaw that a temporary change of use if not a permitted use in the bylaw and has been denied. All in favor 3, 1 non-voting, 1 abstaining, 2 absent. Motion Carried.

Deputy Mayor Lowther returned to the meeting.

Cavendish Motel Inc. – 8566 Cavendish Road - PID # 232975 – an application was received to change the use of the existing rental cottage into a breakfast room. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther 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 Quality Tourism Services, and 4) payment of permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley and Deputy Mayor Lowther left the meeting due to a conflict of interest.

Signage Permit:

Sandspit Entertainment Ltd. – PID # 231977 (8863 Cavendish Road) – an application was received to construct a sign of 120 sq. ft. for Mariner's Cove Boardwalk. It was moved by Councillor Drost, seconded by Councillor Brammer that approval in principle be granted subject to: 1) a detailed drawing showing what the signs will look like that will be located on the site and the style of the sign, and 2) has the owner checked with an engineer on the structure of the sign with the size and wind to ensure that it can support it. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Cavendish Sewer Utility

Gary Lowther request:

Acting Chair Clark moved on to Cavendish Sewer Utility to discuss the request from Gary Lowther on the costs for locating the second lateral on the property and that he feels that the costs for searching for a lateral that was not in place based on the engineer's drawings that the costs should be covered by the municipality and the sewer utility for the new car wash at Mariner's Cove Boardwalk.

The sewer utility board has sent through the request and costs of both Gary Lowther and the Cavendish Sewer Utility for servicing the property with an additional lateral to the Island Regulatory and Appeals Commission for their review and comment prior to the Cavendish Sewer Utility Board Making a final decision on the request.

Mayor Jelley and Deputy Mayor Lowther returned to the meeting.

Mayor Jelley resumed his position as Mayor.

Parks Canada:

- 1. All signs directing visitors to the community trail will see it referenced as "Resort Municipality Trail" --concern of not knowing what "Resort Municipality" means, as opposed to Cavendish?
- 2. All signs directing visitors to the community trail will see reference to the "destination" e.g. "Cavendish Town Centre"--is this the correct term?
- 3. Signs directing visitors to the community trail from Cavendish Campground will see a reference to "Grahams Lane Trail" OR "Cavendish Boardwalk". While signs at Ocean view will reference "Cavendish Information Centre"

Council recommended that the signs for each trail be named after each area.

Grahams Lane Trail, Cawnpore Lane Trail and Cavendish Road Trail on the signs that the Park is proposing.

2. Trails

Work is underway on the Haunted Wood trail and the realignment work on the Homestead will take place shortly. Work on both of these trails should be completed by mid-November. There may be rolling closures while work is ongoing, but signage will be in place to inform visitors.

3. Entrance Kiosks

Work will begin on the Graham's lane kiosk within two weeks and will wrap up by May of next year. The contract has been awarded.

4. Beaches

Work has been started on the Cavendish Beach Complex:

- 1. Replacing the cedar shingles on the canteen building.
- 2. The boardwalk decking around the complete complex is going to be replaced
- 3. Renovations to the interior finishes on the men's, women's and canteen buildings.

5. Cavendish Dune Crossing

The contract has been awarded and work will start in the near future. The existing crossing will remain in

place until the new one has been built.

6. Green Gables Redevelopment Project Update

Phase 2 - Construction of new building is going well. Completion date is scheduled for end of December. The contractor expects to have the building closed in very soon. Washroom trailer will be pulled out at the end of October, as well as the ticket kiosk in preparation for finishing site work. There will be some landscaping and planting to do in the spring of 2019.

We have heard comments from some bus drivers about the new parking lot. They feel the entrance off route 6 and the entrance lane to the dedicated bus parking area are narrow spaces and hard to navigate. We are working with the consultants to come up with options to improve it for next year. Otherwise, the enlarged new parking lot is meeting the requirements for visitation. As far as I know, it was not filled this year to the point where we had to turn away vehicles.

Phase 3 - Work on phase 3 will include retrofitting the current gift shop space to a new food service. This will begin in December. Outside work on the entrance to Green Gables house and a new path will take place starting mid-November. Scheduled appointments for viewings of the house will be available as usual. There may be some noise due to construction. When the site closes for the season on November 30, we will begin work inside the house to widen doorways to improve accessibility. Care will be taken during all construction at the house to ensure that character defining elements will not be changed.

To enhance wheelchair accessibility of the ground floor of the house, we will be raising the grade outside the house to make up for the change in elevation and get rid of the step. The small porch will be raised approximately 6 inches so that it matches the level of the front hall, there will be no more steps to get into the house at the front door. There will be very little change in the appearance of the house. We have consulted with heritage experts from both Parks Canada and PSPC about maintaining the cultural integrity of the building.

Work on the interpretive exhibit design is progressing well and we have a meeting planned with the steering committee in mid-October. We will be holding an information session in mid-November to update stakeholders on the final design.

The new interpretive exhibits will be installed early in 2019, including outdoor signage. A new road sign will be placed at Route 6 to identify the site at that time.

Phase 3 will be completed on April 30, 2019. A grand opening for the new visitor centre is being planned for late June 2019.

Tree down on walkway near Kindred Spirits:

Deputy Mayor Lowther raised concerns over a tree down over the boardwalk near Kindred Spirits. The CAO will contact Parks Canada regarding having the tree removed.

7. Questions re VIP Cottage

We received the letter from the community on this. Karen was away until late last week, but will be sending a response shortly.

Other: Joel Watters Resignation:

Council thanked Joel for his time on the planning board.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that Sarah Simpson to be

approached about sitting on the planning board since she had sent in a request about joining a committee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8.A.6. Permit fees from other municipalities:

The agenda item was tabled until the next meeting.

8.A.7. Conflict of Interest:

The agenda item was dealt with under Municipal Affairs.

8.B. MONTHLY FINANCIAL REPORT:

Councillor Brammer presented the monthly finances for September 30, 2018. Revenue was \$249,762.30 and the expenses were \$255,247.83.

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the monthly finances for September 30, 2018 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8.C. TRAILS AND PATHS REPORT:

Grahams Lane Trail Lights:

Councillor Bill Drost had checked with some other companies that he works with for options of lighting. The company came back with tamper proof screws which is the same type of system that was in the lights that were stolen.

It was determined that any lights that are reachable by the public are too accessible to be taken.

Councillor Singleton will be provided with the update on the lighting and he will be advised to check with some other companies on getting other sources of lighting.

8.C.1. Alan Aitken – Crosswalk – Route 6:

Awaiting an update from Alan Aitken on an update on a crosswalk on Route 13 with the trail project.

8.D. EMERGENCY SERVICES REPORT:

The North Rustico Fire Department is having a Casino Night on October 20, 2018 and is looking for support for the event as well as some prizes.

Councillor Robinson will work with the current EMO Bylaw and EMO plan to see what is in the current information and what needs to be added to update the bylaw and plan.

Chris will compile some information to go out in the municipal newsletter regarding forming a committee on emergency services in the community.

Councillor Robinson also talked about a committee who is working with the Gulf Shore Health Board and they are looking at getting a letter of support from the community to assist with having more services. This was previously done.

Councillor Robinson can send some information to the CAO and some questions can be sent out to the community in the weekly updates for the health board.

The CAO will go through the list of bylaws for the municipality to determine which ones need to be completed with the *Municipal Government Act* and have the lawyer work on them for the December 1 deadline and that a special meeting may be required by the Council to get them adopted.

The CAO will check with the legal counsel on their timing for the bylaw amendments and we will see if the bylaws can be completed prior to the holidays.

9. CAVENDISH SEWER UTILITY REPORT:

9.A. Monthly Updates and Engineering:

Mayor Jelley will follow up with Toombs on the demolition of the Sampson property. Joe Trainor has confirmed that the utility can use the costs for the removal of the house against the outstanding debt on the property towards the Parks Canada land agreement for the lagoon space.

9.B. Blaine & Marie Roberts:

A request was received to allow for sewer hauling from the property in Stanley Bridge. The sewer board has agreed to allow the hauling to be completed based on the following: 1) that the sewage is not sitting for more than 30 days on the property, 2) that a location be chosen that is best for the hauling to be completed, 3) that the proper equipment shall be used to ensure that no debris is going into the system and 4) that the Department of Environment has agreed to allow it to be hauled.

10. BUSINESS ARISING FROM MINUTES:

10.A. Destination Management Fund:

Mayor Jelley will arrange to meet with Jeff Squires to get the fund announcement finalized and do a press release on it, so that it can be put up on the website.

10.B. Heritage Park and Historical Committee:

Deputy Mayor Lowther advised that there is an update from MRSB in the package as well as a revised drawing from Coles Associates on the municipal park.

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that the tender work proceed forward with the Park project based on the recent drawings. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley will work on an agreement with David Macneill on the maintenance of the washroom building and use of the trails through the park. An agreement will be brought back to the Council for their review.

The municipal legal counsel will complete a final agreement to be signed once the terms have been agreed to by the parties.

10.C. Internet – North Rustico:

Mayor Jelley will follow up with Joe Rowledge with the province on the funding for the North Rustico section of the Community as this request was put in prior to any decisions on upgrading rural internet by the province.

10.D. Cavendish Visitor Information Centre:

The province sent through a drawing on the space available as well as the costs for the space.

The Council will take a look at the space to determine what the best use of it would be.

A building committee will be formed to look at the overall office space and how best it should be laid out for access to the municipal office.

11. NEW BUSINESS:

11.A. FPEIM:

11.A.1 President's Report:

A copy of the President's report was in the meeting package.

11.A.2.Council Honorarium and allowance removed:

The Federal Government has removed the 1/3 tax allowance from Council Honorariums, so the full amount of the honorarium will now need to be claimed by each Council member.

11.A.3 Municipal Restructuring:

Information was received on the municipal restructuring for Three Rivers, North Shore and Central Prince areas with their boundary changes.

11.B. Canada PEI Infrastructure Program:

The Council will review the information for the next meeting and come up with ideas for projects under the funding criteria to send back to government on their wish list for the community.

11.C. JLT Risk Considerations:

Information was received from JLT on the risk considerations for Cannabis in the Workplace.

11.D. 2019 Prime Minister's Award:

Information was in the package on the Prime Minister's Award.

11.E. Parks Canada Operations and Fee Options:

Parks Canada presented some options for business owners on Operations and Fee Options for 2018. A committee has been formed that is working with Parks Canada on this.

11.F. CAO's Evaluation:

Mayor Jelley, Councillor Bill Drost and Councillor Clark Dunning will complete the CAO's evaluation. The work will be completed by December 1, 2018 and will be brought to the December Council Meeting.

11.F. Bike Lane:

Concern was raised by a family to Parks Canada on no bike lane being designated on Route 6 to get people from the campground down to the Green Gables House Safely.

This item will be added to Trails and Paths for review by Councillor Singleton.

12. CONCERNS:

12.A. Councillors Concerns:

Mayor Jelley thanked the Council for being able to change the meeting date due to a death in the CAO's family and wished deepest sympathy to the CAO.

12.B. Residents:

There were no resident's concerns sent in.

13. ADJOURNMENT:
Mayor Jelley adjourned the meeting at 9:43 p.m.

Mayor, Matthew Jelley