

Minutes  
Resort Municipality Monthly Council Meeting  
Monday, December 10, 2018  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on December 10, 2018 at the municipal office.

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

**ABSENT:** Nil.

**VISITORS:** Nil.

**1. CALL TO ORDER:**

Mayor Jelley called the meeting to order at 5:01 p.m..

**2. APPROVAL OF AGENDA:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the agenda is adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

**3. APPROVAL OF COUNCIL MEETING MINUTES NOVEMBER 19, 2018:**

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council Meeting Minutes of November 19, 2018 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried

**4. DECLARATION OF CONFLICT OF INTEREST:**

Chris Robinson declared a conflict of interest on his building permit application as well as on the Heritage Park and Historical Centre Committee.

Bill Drost Declared a Conflict of Interest under Planning Board on the agenda.

**5. CORRESPONDENCE:**

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

**6. COMMITTEE REPORTS:**

**6.A. PLANNING BOARD:**

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

**Revised permits approved by the CAO:**

Chris Robinson & Stephanie Scharf – the permit was amended to have two, two bedroom rental units of 55 ½ ' X 16' with a deck, the site plan was amended as well with the driveway coming in on the east side of Cavendish Road and then going to the West side of the property for access to each unit.

Councillor Robinson returned to the meeting.

**Follow up Permits:**

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

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

\*\*\*\* **"In Camera" Smooth Coat Drywall Appeal & Bylaw Amendment Request:**

It was moved by George, 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.

\*\*\*\*\* Bylaw Amendment: Smooth Coat Drywall Ltd. - 9940 Cavendish Road - PID # 92593 – an application was received to make a bylaw amendment to the C1 (General Commercial) Zone to amend the permitted use to allow for an automobile sales business. Awaiting for confirmation from the owner on the payment of the public meeting fees to book a meeting.

It was moved by Councillor Robinson, seconded by Councillor Singleton 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.

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

West Highland Contractors Ltd. – PID # 694976 – Simpson Mill Road - an application was received to rezone Parcel B, Parcel C, Parcel D into RD3 (Resort Campground). Awaiting for lot consolidations to be completed to bring the rezoning to a public 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. Awaiting for Architect's plans from the owner.

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

100242 PEI Inc. – (KOA Campground) (198 Forest Hills Lane) – PID # 708255 – approval was finalized from the Department of Communities, Land and Environment to complete the following work at the site: 1) to construct a new camping cabin; 2) to move two camping cabins with a decks from sites 140 and 141 to adjacent to sites 78 and 60; 3) to construct a deck addition onto the existing office of 25' X 12' and 4) to add sewer to sites 404D – 409D.

Cavendish Beach Music Festival (8776 Cavendish Road) – PID # 1037423 – an application was received to have the main event on July 5-7, 2019. A detailed comprehensive site plan is required as well as stamped drawings for the tents and structures. Based on the timing of the development and the new National Building Code expected to be in place for 2019, two permits may be required for approval.

Darren Toombs – (Cavendish Road) - PID # 233502 – an application was received to construct a two storey house with a breezeway and an attached garage of 60' X 34' and decks. Awaiting septic permit for final approval.

**Building Permits:**

Kevin & Lourdes O’Leary – an application was received to change the use of a storage building into a rental cottage at PID # 906537 – 115 Forest Hills Lane. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that approval be granted subject to: 1) meets the requirements of the Provincial Fire Marshal’s office, 2) meets the requirements of the Department of Tourism, 3) the cottage shall be connected to the municipal sewer and 4) payment of building permit fee. All in favor 6, 1 non-voting. Motion Carried.

**National Building Code:**

No consultations have been held to date on the National Building Code. The province is expecting to roll the new regulations out for commercial properties in 2019.

**Parks Canada:**

**Trail Information:**

Homestead Trail has been completed with the directional signage to be completed in the spring.

Haunted Wood Trail: the new bridge and resurfacing is expected to be completed by the end of February 2019.

**Grahams Lane Kiosk:**

Work has commenced on the kiosk. It is expected to be completed prior to Christmas.

The light standards were extended out at the North Rustico end of the park to allow for the plows to be able to go through the kiosk.

**Cavendish Beach Dune Crossing:**

The work has commenced on the Cavendish Beach Dune Crossing. It was slowed down due to the weather and they had to dredge the outflow and just finished that on December 4, 2018.

**Green Gables House:**

The expected timelines for construction to be completed on the new Visitor Centre is now February 18, 2019.

The food service retrofit is expected to be tendered in early January.

The accessibility area at the front of Green Gables has been delayed until the New Year.

An information session was going to take place in late November on the interior of the Green Gables Visitor Centre. It is now expected to be held in late January so that the plans will be completed to present to the public on the interior of the house.

**Heritage Park:**

Elizabeth DeBlois from Parks has joined the Heritage Park committee to provide guidance to the park project from Parks Canada.

**Wildfire Reduction Project:**

The Wildfire Reduction Project has started north of the Visitor Centre.

A letter was sent by the municipality to Parks Canada regarding the trees along Route 6.

Barb advised that she really wasn’t sure from the information as to exactly where the trees are located.

Barb advised that she will take a look at the trees prior to leaving the community today.

The board raised concerns over Parks not being concerned over the number of trees that have fallen and the public safety concerns over the fallen trees.

**Phil Davison Concerns:**

Barb did speak with Phil Davison and he was pleased with the work that was completed with the tree removal on Clark's Lane. Parks has advised that they understand his concerns over not being notified and will continue to try to make sure he is advised in the future when something is happening near his property.

**Morrison Cottage:**

Barb advised that the Morrison Cottage will be coming down by December 14, 2018.

**Position Change:**

Barb advised that she will be changing her position and will be the Visitor Services Manager for Green Gables as Ocel is taking an assignment in Vimy for three years.

Jennifer Stewart will be the external relations manager and will be acting in Barbs position until March 31, 2019 at which time someone will fill her position.

The CAO had advised Barb of some visitors from Spain that had stopped at the Visitor Centre. They were left by a taxi at Green Gables House and then walked back to the center. The CAO had taken them down to North Rustico to get something to eat while they waited for the taxi to come back as they did not see any information on the Parks website that it was open by appointment only.

The board advised that good communication with the taxi companies is important so that they know that they should not be leaving visitors in the area during the off season when the site is not open.

Barb advised that Parks Canada will communicate with the cab companies on this concern.

Arnold advised that Parks and People used to do tours at the site throughout the year and he feels that another organization or group should be able to provide tours to the site year-round and this is something that Parks should look at.

Barb advised that she will bring the matter back to Parks Canada.

**Other:**

Peter Fullerton has sent through his resume for consideration to sit on the planning board.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that Peter Fullerton be the new representative on the planning board. All in favor 6, 1 non-voting. Motion Carried.

**6.A.1. Council Procedures and General Business Bylaw:**

Council reviewed the draft information from the legal counsel and sent through the recommended changes to be completed to the document that will be brought to the public at the next Monthly Council Meeting.

**6.A.2. Dangerous and Unsightly Premises Bylaw:**

Council agreed to take the draft Dangerous and Unsightly Premises Bylaw to the next Council Meeting for approval.

Council requested that, at the next meeting, the CAO provide a list of all bylaws that need to be done, what bylaws have been done, what the status is of the bylaw and whether it is in draft, needs to be done, or if the

lawyer is working on it. This will help Council to know where they are with the process under the *Municipal Government Act*.

**6.B. MONTHLY FINANCIAL REPORT:**

Councillor Brammer presented the monthly finances for November 30, 2018. Revenue was \$292,577.76 and the expenses were \$272,585.82.

It was moved by Councillor Brammer, seconded by Councillor Singleton that the monthly finances for November 30, 2018 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

**6.B.1. Gas Tax Funding:**

The CAO provided a list of the current projects and funding through the Gas Tax Funds for the Council.

**6.B.2. Gas Tax Annual Expenditure:**

The Gas Tax unspent funds can be rolled into the next year if they are not spent by March 31, 2019.

The municipality can submit Capital Investment Plans if the Council decided to do any new projects from the current ones that were approved at any time, but there are only two review meetings each year, one in the fall and one in the spring. The government just met on December 6th but the Capital Investment Plans to be reviewed at this meeting were due in October. The next review of Capital Investment Plans will be in May / June of 2019 and applications will be due in February / March 2019. They will advise us of the deadlines once they are established.

If the Council decides to transfer some monies from one approved project to another then the Municipality doesn't need approval from the Review Committee. There would have to be a motion for a Transfer Request Form to be submitted to allocate the funds from one of the existing projects to another. It would have to be sent to the infrastructure office for their reference of the project change.

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

**Grahams Lane Trail Lights:**

Councillor Singleton took the solar light with him to take it to an electrician to see what other options there may be for lighting or to secure the existing lighting on the Grahams Lane Trail.

**6.D. EMERGENCY SERVICES REPORT:**

The Gulf Shore Health Board is meeting, and they will be working on a questionnaire that they would like to have circulated in the municipal newsletter regarding the interest in having walk-in clinic in the area. The CAO will send out the information in the newsletter.

Councillor Robinson is working on a fire prevention evening for the area. He is still waiting to hear back from the fire departments on arranging a session and will then send out an invite in the municipal newsletter to the public.

The municipality will work on completing an EMO plan and work with the EMO office and the RCMP on the plan for the area.

**7. CAVENDISH SEWER UTILITY REPORT:**

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

The sewer utility is working with Toombs Plumbing and Heating Ltd. regarding the old Sampson property and the removal of the house, septic tank and tile field, as Parks Canada wanted some additional work completed at

the site.

The Lagoon outfall was exposed during the last storm. Toombs is working on having the site moved with assistance from Parks Canada and the Cavendish Sewer Utility. The outfall will be moved closer to the road. Costs are expected to be around \$10,000.00. There will also be an additional 100' of hose required due to the distance and it is expected to be around \$3,000.00.

Driftwood Landing – no updates have been received from the condo corporation.

IRAC is still reviewing utility matters.

**8. BUSINESS ARISING FROM MINUTES:**

**8.A. Destination Management Fund:**

Mayor Jelley and Jeff Squires met to sign the agreement, they are now waiting for Kevin Champion to sign the agreement on behalf of Tourism Cavendish Beach Inc.

Kim Doyle will work on getting the application and links on the website and available to the public.

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

**8.B. Heritage Park and Historical Committee:**

The competition for the statue closed on December 3, 2018.

It was moved by Deputy Mayor Lowther, seconded by Councillor Drost that the statue design from Grace Curtis be accepted with some slight changes to the drawing as agreed to by the Council. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

The final drawing will be sent back to the Council once the changes are made.

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that approval in principle be granted to proceed forward with RFP for the statue design competition. All in favor 4, 1 neigh, 1 non-voting, 1 absent. Motion Carried.

Council reviewed the literary tour information. Deputy Mayor Lowther advised that she will send through the updated literary tour information to the Council once it is available for their review.

Tourism Cavendish Beach will lead the literary tour component of the project.

Councillor Robinson returned to the meeting.

**8.C. Internet – North Rustico:**

Mayor Jelley is still working with the province and has not been able to speak with Joe Rowledge to date.

**8.D. Cavendish Visitor Information Centre:**

A key was received from the province to access the space to see what the best use of the space can be. Mayor Jelley and the CAO will look at the space.

**8.E. Canada PEI Infrastructure Program Potential Projects:**

Priority # 1 was a lift station on Route 6 West at a cost of \$140,000.00 under Environmental Quality – Green Stream.

Priority # 2 was the Route 13 trail from the municipal park up to Marco Polo Land at a cost of \$500,000.00 under Community Culture & Recreation.

Priority # 3 was for a sewer expansion in Stanley Bridge from Seawood Estates to Inn at the Pier at a cost of \$100,000.00 under Environmental Quality Green Stream.

Priority # 4 was for a trail project on Cawnpore Lane and Route 6 West at a cost of \$210,000.00 under Community Culture & Recreation.

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the four projects be submitted as an expression of interest to the infrastructure secretariat. All in favor 6, 1 non-voting. Motion Carried.

Councillor Drost commented on a study that was done for solar project in Montague

**8.F. CAO'S Christmas Bonus:**

This agenda item was dealt with at the end of the meeting.

**8.G. CAO'S Evaluation:**

This agenda item was held in camera at the end of the meeting.

**9. NEW BUSINESS:**

**9.A. FPEIM:**

The semi-annual meeting will be held in Kinkora on January 19, 2019.

**9.B. Jim Brown – Request of the letter to Parks Canada on the Government Cottage:**

I was moved by Deputy Mayor Lowther, seconded by Councillor Drost that the letter to Parks Canada from the municipality be provided to Jim Brown. All in favor 6, 1 non-voting. Motion Carried.

**10. CONCERNS:**

**10.A. Councillors Concerns:**

Councillor Drost raised concerns on agenda items as he feels that there are some items that are not as important as others and feels that more time needs to be spent on the more important agenda items.

Councillor Drost also advised that there are more permits that can be approved by the CAO and there is no need of them coming to the Council and taking up time on the agenda.

Councillor Drost commented on the Freedom of Information policy and feels that all information should be made available from the office to the public at any time when requested.

Mayor Jelley advised that the policy manual can be reviewed, and changes can be made to the documents at the same time, but there are some items that require further review by the Council based on the *Municipal Government Act* and Regulations.

Councillor Brammer will present the permit report in January on the permit fees as well as the performance bond information for the Council to review.

The municipal office will be closed over the holidays from December 25 – 28 and January 1, 2019.

The CAO will check messages daily during that time.

**10.B. Residents:**

An e-mail from received from Joe Kacmarczyk regarding a lot in Seawood Estates and his concerns over the condition of it after trees were taken down on the property and left piled on the site

The Council will advise the owner of Seawood Estates to see if there are any restrictions in place within the subdivision dealing with trees lying on the property as the property owner is planning to build in the spring.


The CAO left the meeting while discussions were held on agenda items 8F and 8G.

**8.F. CAO'S Christmas Bonus:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that the CAO receive a bonus of \$750.00. All in favor 6, 1 non-voting. Motion Carried.

**11. ADJOURNMENT:**

Mayor Jelley adjourned the meeting at 9:45 p.m.

  
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Mayor, Matthew Jelley

  
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CAO, Brenda MacDonald