

Minutes
Resort Municipality Monthly Council Meeting
Monday, May 27, 2019
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on May 27, 2019 at the municipal office.

PRESENT: Deputy Mayor Linda Lowther, Councillors: George Clark Dunning, Bill Drost, Kenny Singleton, Lee Brammer. CAO – Brenda MacDonald.

ABSENT: Mayor Jelley was absent for the first portion of the meeting. Chris Robinson.

VISITORS: Beverly Rieger and Donna Nicholson from MacCoubrey Lane. Shane Hubley – RCMP, Brodie O’Keefe - CBMF, Jamie MacLeod and Richard Blacquiere – Liquor Control Commission and Jim Brown who were present for a portion of the meeting.

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

The CAO advised that under New Business, Section 10.E. Awards will be added to the agenda.

It was moved by Councillor Brammer, seconded by Councillor Drost that the agenda be adopted as amended. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

3. APPROVAL OF COUNCIL MEETING MINUTES APRIL 15, 2019:

It was moved by Councillor Brammer, seconded by Councillor Clark Dunning that the Council Meeting Minutes of April 15, 2019 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

4. DECLARATION OF CONFLICT OF INTEREST:

Bill Drost declared a Conflict of Interest under Planning Board on the agenda for Smooth Coat Drywall and under Section 12.1 of the agenda.

Deputy Mayor Lowther moved to agenda item # 7 based on the timing of the next agenda item.

7. COMMITTEE REPORTS:

7.A. Building Permits:

Cavendish Beach Music Festival (8776 Cavendish Road) – PID # 1037423 - Awaiting additional information on the main event permit application. The application will also require engineer’s drawings.

Stuart Drummond – PID # 563908 (68 Sunset Lane). Awaiting information on the septic permit.

Cavendish Beach Music Festival (Road Access) – PID # 566869 (227 Forest Hills Lane) - an application was received to use the Forest Hills Lane as an access for RCMP parking. Final decision to be completed once a final decision is made on the Cavendish Beach Music Festival.

Sea Cross Inc. – PID # 232033 (Parking) – (8779 Cavendish Road) - an application was received to have parking on the property from July 5 – 7, 2019 for the Cavendish Beach Music Festival. Final decision to be completed once a final decision is made on the Cavendish Beach Music Festival.

Raspberry Point Oyster Company (Parking) – PID # 232041 (Cavendish Road) an application was received to have parking on the property from July 5 – 7, 2019 for the Cavendish Beach Music Festival. Final decision to be completed once a final decision is made on the Cavendish Beach Music Festival.

Cavendish Beach Music Festival Inc. (Signage) – An application was received to locate signs on the property for the Cavendish Beach Music Festival. Final decision to be completed once a final decision is made on the Cavendish Beach Music Festival.

Chez Yvonne's Inc. (Cavendish Road) – 8947 Cavendish Road – to locate two silhouette signs of a cowboy and cowgirl on the property near the main sign. (No permit application has been received to date, just the silhouettes) – Tabled.

Building Permits:

Innovation Enterprises Inc. (Avonlea Cottages) – PID # 472027 – 8925 Cavendish Road – an application was received to move an existing accessory building from one location on the property to another. It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that approval be granted subject to: 1) the building shall be used for storage only. All in favor 4, 1 non-voting, 2 absent.

Woodwheeler Inc. (The Lost Anchor) – PID # 232413 – 8572 Cavendish Road – an application was received to construct a deck of 16' X 28' and to increase the floor space into the Green Gables Keepsakes space for the restaurant. 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) that stamped drawings be provided by the Architect and the Engineer, 4) the new deck has been removed from the drawing as they will continue to use the existing deck. All in favor 4, 1 non-voting, 2 absent. Motion. Carried.

Signage Permit:

Cavendish Petro Canada – a signage application was received for a new multiple sign of 72" X 144" on the property as well as two secondary signs on the property 72" X 36" for Mel's and two secondary signs of 120" X 30" for Tim Horton's. It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that approval be granted subject to: 1) the signs being located on the site in accordance with the attached site plan and 2) that no additional signage for Tim Horton's be located on the site. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Mayor Jelley joined the meeting.

Development Permits approved by the CAO:

Wallie Dingwell - PID # 480293 – 167 Bayview Drive - An application was received to construct an accessory building on the property of 20' X 14' for storage only.

Signage Permits approved by the CAO:

Sea Cross Inc. - PID # 232033 – 8779 Cavendish Road – an application was received to construct a secondary sign of 4' X 2' and to construct a secondary sign of 8' X 2' for Pure Anada.

Sea Cross Inc. - PID # 231720 - 9139 Cavendish Road – an application was received to construct a secondary sign on the property of 108" X 28" for East Coast Lifestyle.

Sea Cross Inc.: PID # 231720 – 9139 Cavendish Road - to construct a secondary sign on the property of 68" X

16" for Coastal Culture.

Bylaw Amendment Request:

Donna Nicholson & Beverley Reiger – Request for changes to be made to allow for trailers to be located temporarily for camping on properties in the RD2 Zone.

Council is in the process of starting a Strategic Plan Review and will review this question during the public engagement session. Council will also survey other jurisdictions to see what they do for camping with RV's, tents, and trailers in residential and commercial properties in their area. The information will be brought back to the community as part of the review. Any bylaw change would also have to come back to the community for public input as well.

The current regulations on camping will remain in place.

Mayor Jelley resumed his position and moved back to agenda item 5, RCMP, as Shane Hubley had joined the meeting.

5. RCMP:

Staff Sergeant Shane Hubley attended the meeting. Stats for the area for policing services were provided.

There has not been a huge spike in policing due to cannabis sales.

Policing will continue to operate from Maypoint for the summer months and officers will be in and out of the office in Cavendish.

CBMF Policing:

RCMP will continue to do traffic control during the event. A contract has been signed with the province on policing services during CBMF weekend.

RCMP officers that attended last year will be returning for the event this year. There will be policing services in the area 24 hours a day during CBMF weekend.

Overflow parking will be determined prior to the 2019 festival so that it is in place prior to the event.

Mayor Jelley thanked Staff Sergeant Shane Hubley for attending the meeting and moved back to agenda item 7.A.

Cavendish Beach Music Festival Permits:

Sea Cross Inc. – PID # 232033 – 8779 Cavendish Road – to use building 16b for a box office from July 1 – 8, 2019. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that approval be granted. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Tourist Mart – PID # 233130 - 8934 Cavendish Road – an application was received to have temporary parking on the property from July 5 – 8, 2019. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval be granted in principle subject to: 1) that a porta pottie be provided, 2) that lighting be provided and 3) that security be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival – PID # 1037423 – 8779 Cavendish Road – an application was received to have a solar powered bike on the site to transport people. It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that approval be granted in principle subject to: 1) that insurance be provided and 2) that the bike be secured on the site at the end of the day to ensure that there are no issues with it being used. All

in favor 5, 1 non-voting, 1 absent. Motion Carried.

Sea Cross Inc. - PID # 232033 – 8779 Cavendish Road – an application was received to have a solar powered bike on the site to transport people. It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that approval be granted in principle subject to: 1) that insurance be provided and 2) that the bike be secured on the site at the end of the day to ensure that there are no issues with it being used. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Sea Cross Inc. – PID # 232033 – 8779 Cavendish Road – to use the road sign for the property from July 1 to July 5, 2019 for the box office. It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that signage be allowed on the property for the Box Office only from July 1 – 5, 2019. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival – PID # 1037423 – 8779 Cavendish Road – to locate an RBC shipping container on the property. 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 Provincial Fire Marshal's office, 2) meets the requirements of the Department of Health and Wellness, 3) that stamped drawings be provided, and 4) that all approvals and development agreement be completed for the CBMF event. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival - PID # 1037423 – 8779 Cavendish Road – to locate an RCMP trailer at the top of the site. It was moved by Councillor Clark Dunning, seconded by Councillor Drost that approval be granted in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's office, 2) meets the requirements of the Department of Health and Wellness, and 3) that all approvals and development agreement be completed for the CBMF event. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival - PID # 1037423 – 8779 Cavendish Road – to locate a Bell Viewing Structure on the site. It was moved by Councillor Clark Dunning, seconded by Councillor Drost that approval be granted in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's office, 2) meets the requirements of the Department of Health and Wellness, 3) that stamped drawings be provided, and 4) that all approvals and development agreement be completed for the CBMF event. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival - PID # 1037423 – 8779 Cavendish Road – to locate a Monster Energy structure on the site. 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 Provincial Fire Marshal's office, 2) meets the requirements of the Department of Health and Wellness, 3) that stamped drawings be provided, and 4) that all approvals and development agreement be completed for the CBMF event. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival - PID # 1037423 – 8779 Cavendish Road – to locate a Toyota structure on the site. 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 Provincial Fire Marshal's office, 2) meets the requirements of the Department of Health and Wellness, 3) that stamped drawings be provided, and 4) that all approvals and development agreement be completed for the CBMF event. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival - PID # 1037423 – 8779 Cavendish Road – to locate a Bacardi structure on the site. It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that approval be granted in

principle subject to: 1) meets the requirements of the Provincial Fire Marshal's office, 2) meets the requirements of the Department of Health and Wellness, 3) that stamped drawings be provided, and 4) that all approvals and development agreement be completed for the CBMF event. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival - PID # 1037423 – 8779 Cavendish Road – to locate a Soleil structure on the site. It was moved by Councillor Clark Dunning, seconded by Councillor Drost that approval be granted in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's office, 2) meets the requirements of the Department of Health and Wellness, 3) that stamped drawings be provided, and that all approvals and development agreement be completed for the CBMF event. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley moved back to agenda item # 6 as Jamie MacLeod, Richard Blacquiere and Brodie O'Keefe had arrived at the meeting.

6. LCC – JAMIE MACLEOD / RICHARD BLACQUIERE / BRODIE O'KEEFE – CBMF:

19+ bracelets will not be used during the 2019 event as the Liquor Control Commission has already decided on that after it was reviewed by the Commission.

- Concerns were raised from Council on a decision for no bracelets without having any input from the municipality.
- There will be two lines coming into the festival for 19 – 30 and 30+
- The public will be required to have up to date ID's on them at all times.
- Code of conduct will have all information in the mail outs for people attending the event.
- Bracelets will be cut off for the weekend for anyone that is caught giving liquor to minors or for false ID information.
- Campground banding will happen at Island campgrounds just prior to the event. There will be no off-Island banding happening this year due to people reproducing bands last year.
- Jamie MacLeod was questioned on the Minister for his department and he advised that he thought it was Darlene Compton.
- A public meeting will be held prior to June 14, 2019 on the 2019 event as per the event policy.
- There will continue to be a two-drink limit at the site.
- There will be no selling of Cannabis at the site. There will only be a tent for information and education. There will be a location for the people with cards that allow them to have it for medicinal purposes only.

Mayor Jelley thanked Jamie MacLeod and Richard Blacquiere for attending the meeting. Brodie O'Keefe remained at the meeting.

7.A.1. CBMF Licensing:

It was moved by Councillor Drost, seconded by Deputy Mayor Lowther that a letter be sent to the Minister regarding the process with the Liquor Control Commission and the decision to allow for no bracelets prior to consulting with the municipality. The letter should also address the behaviour of Jamie MacLeod and his approach to dealing with the Council at the meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley, Brodie O'Keefe and Councillor Clark Dunning will meet to discuss the location and height of the fence on Forest Hills Lane.

It was moved by Councillor Drost, seconded by Deputy Mayor Lowther to support no bracelets for 19+ as a one-year trial for 2019 and that a decision will be made following the event on future years. All in favor 4,

1 non-voting, 1 absent, 1 neigh. Motion Carried.

7.A.2. David Rutherford Performance Bond Release:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the performance bond be released in full, as the work has been completed on the property. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.A.3. Tax Rate Group Bylaw:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the tax rate group bylaw be brought to the public at the next meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.A.4. Borrowing Bylaw:

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the borrowing bylaw be brought to the public at the next meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.A.5. Fees Bylaw:

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that the fees bylaw be brought to the public at the next meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.A.6. Dangerous and Unsightly Premises Bylaw:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Dangerous and Unsightly Premises bylaw be brought to the public at the next meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.A.7. Summary Proceedings Bylaw:

It was moved by Councillor Drost, seconded by Councillor Clark Dunning that the Summary Proceedings bylaw be brought to the public at the next meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.A.8 Planning Board Member:

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that Stig Andersen be appointed as the new planning board member. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

A property owner from Seawood Estates has offered his name for the vacancy and the Council will decide at their next meeting.

7.A.9 Joshua Collins:

Information was presented on the National Building Code by Joshua Collins as follows: *The enforcement date of the National Building Code and related Act and Regulations will be finalized ahead of our consultation on the draft regulations. We will certainly reach out once we have dates in place. Because we do not have the Act or regulations in place it would be inappropriate for me to guide your municipality on how to deal with both the Architects Act and the Engineering Profession Act. The two associations have jointly created a resource guide outlining the types of projects requiring professional design. You may wish to approach one of the associations to receive a copy. It is my understanding that both associations are also open to fielding questions in order to clarify their requirements.*

7.B. Monthly Finances:

Councillor Brammer presented the monthly finances for March 31, 2019.

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the revenues of \$447,803.86 and the expenses of \$406,749.00 be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Brammer presented the monthly finances for April 30, 2019.

It was moved by Councillor Brammer, seconded by Councillor Lowther that the revenues of \$26,155.00 and the expenses of \$13,534.33 be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.B.1. Infrastructure Office Staff Changes:

Information has been received on the infrastructure office staff changes as Garth Simmons will be retiring at the end of June.

7.B.2. Capitalization Policy:

The draft policy will be sent to the accountant for review and comments and will be presented at the next meeting.

7.C. Trails and Paths Committee:

Infrastructure projects were applied for and waiting for an update on the funding applications.

7.D. Emergency Services Committee:

Meetings are ongoing with the service providers to work on the bylaw.

7.D.1. Citizens on Patrol:

A survey will be completed by Councillor Robinson for the next Council meeting and the Council will determine which questions will go out in the questionnaire to the public.

8. Cavendish Sewer Utility:

8.A. Monthly Updates and Engineering:

The sewer utility board will be meeting over the next month for updates as a member has been sick.

No updates were received from Driftwood Landing.

The lagoon drawdown was completed.

9. BUSINESS ARISING FROM MINUTES:

9.A. Destination Management Fund:

The fund will be announced, and the link will be sent out for applicants to apply this week.

9.B. Heritage Park and Historical Centre Committee:

The maintenance building will be moving to the Cavendish Visitor Information Centre. Mayor Jelley will place a marker where the building will be located.

Maintenance Building:

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that there no more than \$15,000.00 be spent to move the building to the visitor centre. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Park Names:

It was moved by Councillor Clark Dunning, seconded by Councillor Drost that three names be sent out to the community for consultation on the new name of the Heritage Park including Founders' Park, Montgomery Park and Cavendish Park. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Playground Equipment:

It was moved by Deputy Mayor Lowther, seconded by Councillor Drost that no more than \$15,000.00 in additional money be spent for the playground equipment and that the project be completed in two contracts. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Literary Tour Funding Amendment:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that \$3,250.00 be allocated in additional funds to the literary tour component of the project. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

9.C. Internet – North Rustico:

Awaiting information from Eastlink on current pricing for the project to be completed as well as confirmation from the Province on funding availability.

Bell Aliant is also running new cable to the area, so it is felt that there should be something coming in the next few months for better service to Route 6 in this area.

9.D. Pictorial Record:

Not all Council members were in attendance for the meeting. It was decided that this agenda item will be removed from the agenda.

10. NEW BUSINESS:

10.A. Town of North Rustico Funding Requests:

It was moved by Councillor Clark Dunning, seconded by Councillor Drost that \$500.00 be allocated to the Town of North Rustico for their yearly events. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

10.B. Town of Summerside – Support on the Bridge Toll Effort:

It was moved by Councillor Drost, seconded by Deputy Mayor Lowther that Councillor Drost prepare a letter for the Mayor's signature to support the Bridge Toll Effort. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

10.C. New Horizons Program:

Information only.

10.D. Request for Student-led Project on Rip Currents:

No funding allocated for project.

10.E. Awards – MCH Day:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the North Rustico Harbour Inn be nominated for the business beautification award. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Council Members will provide input to the CAO on the residential beautification award as well as the Dr. Kent Ellis Memorial Award. Information will also be sent out in the municipal newsletter.

11. CONCERNS:

11.A. Councillor's Concerns:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer 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.

12.1 Bylaw Amendment: Smooth Coat Drywall Ltd. - 9940 Cavendish Road. Awaiting for information from the owner and the payment of fees for a public meeting.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the meeting be opened to the public in accordance with clause 119(2)(e) of the Municipal Government Act. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

No decisions were made while in camera.

Councillor Drost returned to the meeting.

12.2 RFP Engineering:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that references be checked for the top choices and await comments from the sewer utility board for final decision based on the best price and available services to complete the project. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

12.3 Agreement with David Macneill:

Mayor Jelley is working on the agreement with David Macneill.

12.4 RFP Proposals L.M. Montgomery Community of Interest Project Management.

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that Arrivals and Departures be awarded the contract at a cost of no more than \$40,000.00. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

12.5 RFP Strategic Plan:

It was moved by Councillor Drost, seconded by Councillor Singleton that the references be checked for the top two companies and that the budget not go over \$40,500.00 that was projected. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

12.6 CAO's Evaluation:

Contract is being reviewed.

13. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 10:35 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO