

Minutes  
Resort Municipality Monthly Council Meeting  
Monday, January 18, 2016  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on January 18, 2016, at the North Rustico Lion's Club.

**PRESENT:** Chair Matthew Jelley. Councillors: Linda Lowther, Gwen Wyand, David Gauthier, Edmond Richard, Kay Hryckiwi and George Clark Dunning. Administrator, Brenda MacDonald.

**ABSENT:** Nil.

**VISITORS:** Nil.

1. **CALL TO ORDER:**

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

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

Chair Jelley advised that he would have a conflict with the application for Sunset Campground.

3. **APPROVAL OF AGENDA:**

It was moved by Councillor Lowther, seconded by Councillor Gauthier that the agenda be adopted as present. All in favor 6, 1 non-voting. Motion Carried.

a. **APPROVAL OF MONTHLY SPECIAL COUNCIL MEETING MINUTES NOVEMBER 3, 2015:**

It was moved by Councillor Wyand, seconded by Councillor Hryckiwi that the minutes of the special Council meeting of November 3, 2015 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

**APPROVAL OF MONTHLY COUNCIL MEETING MINUTES DECEMBER 14, 2015:**

Chair Jelley advised that on page 1, eleventh paragraph now reads: Councillor Richard advised that he had a conflict of interest with Fran Sark's application for the retreat center do to sitting on a committee in South Rustico. *Should read: Councillor Richard advised that he had a conflict of interest with Fran Sark's application for the retreat center due to sitting on a committee in South Rustico.*

Chair Jelley advised that on page six, fifth paragraph now reads ACOA has thanked for the submission for funding and advised that it is under review should read "*ACOA acknowledged receipt of the funding application for the municipality and advised that it is under review.*"

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that the monthly Council meeting minutes of December 14, 2015 be adopted as amended. All in favor 6, 1 non-voting. Motion Carried.

5. **CORRESPONDENCE:** Correspondence items for December that action is required on are listed on the agenda.

6. **COMMITTEE REPORTS:**

6.A. **Building Permit Applications:**

**Lori Toombs (7721 Cavendish Road)** – an application was received to construct an addition onto the existing garage of 20' X 24' on property # 233403. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that the application be denied based on the fact that the existing building is large

than the bylaw allows and with the addition that has been constructed without a permit it would be over 2 times larger than the size that is allowed under the Section 4.29 of the bylaw and that the additions to the building shall be removed. All in favor 5, 1 non-voting, 1 abstaining. Motion Carried.

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

**Temporary Permit Applications:**

**Sunset Campground. (9115 Cavendish Road)** – an application was received to locate a pedi cab business on property # 694976. It was moved by Councillor Richard, seconded by Councillor Lowther that the application be denied based on the fact that the Department of Transportation, Infrastructure and Energy has advised that they will not allow the pedi cabs to run on the highway and the application does not meet the requirements of Section 4.27 transient or temporary uses section of the bylaw. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Chair Jelley returned to the meeting.

**Official Plan Amendment and Rezoning Amendment Meetings:**

Meetings were to be held on January 18, 2016 starting at 7:00 p.m. at the North Rustico Lion's Club on the requests for Raspberry Point Oyster Company Inc. to change the zoning from C1 to RD4 for property #'s 231670 and 771832.

**Marco Polo Land:** – Issues are still being worked on with the property owner.

**6.A.1. Expansion of Services:**

Expansion of services have been approved as part of the expansion of powers under the Municipalities Act for the Resort Municipality by the Minister of Communities, Land and Environment on December 23, 2015.

Legal Counsel has sent a letter to the Minister of Municipal Affairs on proposed changes to the temporary resident status under the Municipalities Act. We are awaiting for comments to be received back.

**6.A.2. Irac Review:** - Jonathan Coady at Stewart McKelvey provided a copy of a recent decision by Irac regarding the City of Charlottetown and the Council's denial of a permit request. The information talks about the preparation, accuracy, transparency and lessons for municipalities.

This holiday decision from the Commission is a reminder for municipalities about the importance of:

- ensuring that councillors are prepared and properly informed about the content of any application that is before them for a decision;
- ensuring that the minutes for all meetings related to any application are recorded accurately and capture the actual reasons being expressed in favour of or against a project; and
- ensuring that letters to any parties affected by a decision of council explain and summarize why council made its decision.

**6.A.3. Bylaw Review: -**

Sections 4.45, 9.5 and 10.5 shall be changed so that the buffer zone between the C1/RD4 zone and a residential zone is 25'.

Section 2. no definition for sidewalks and the board felt that there should be since walkways are defined. Section 2.21 for Child Care Centers is confusing and needs to be looked at for how the section is worded and perhaps just define the Child Care Facilities Act.

Section 2.124 and 4.37 needs to be looked at for the life rings and poles to be removed.  
Section 2.141 Yurta definition needs to define a yurta only and the board felt that this is not clearly defined. Proposed definition was sent to the lawyer.  
Section 3. Tourist Attraction should be a defined term as opposed to attraction.  
Section 4.1G structures to be included with buildings in this section as it originally was.  
Section 4.1.1 Fences for farmers over 4' and why are they exempt when others have to apply?  
Section 4.27 question was raised over a specific section banning windmills similar to satellite dishes.  
Gasoline Storage limit was to be removed as petroleum storage itself fall under the provincial government rules.  
Question was raised on why group homes was removed from the regulations.  
Appendix D Architectural Details - Balconies may be utilized provided they do not extend over any public areas. Board felt that this would impact a number of businesses or potential new businesses with the wording in this section.

RCMP – The RCMP will be invited to the March Council meeting to discuss the music festival and police services for 2016.

**Parks Canada Update.**

Work is continuing on the upgrades to Cavendish Campground. The reservation system is going live on January 26, 2016 but there will only be a select number of sites available to book. The remainder of sites will be available to book in the spring. The campground will open on June 8, 2016 as usual.

**Parks Canada Infrastructure projects in Cavendish:**

Grahams Lane road work has been completed to the extent possible this fall. The final coat of pavement will be put on in the spring of 2016.

Work to the Cavendish Beach parking lot has been completed to the extent possible this fall. The second lot will receive a coat of asphalt before winter and the rest will be paved in the spring of 2016.

Repaving of the entrance and exit roads and motor coach parking area at Green Gables was completed as much as possible this fall and is in the final stages. Visitors can access this area now, but are encouraged to drive with caution. The final coat of asphalt will need to be put on in the spring of 2016.

Work will begin soon on the Haunted Wood Trail. The trail is being re-graveled and a bridge as well as the steps leading to the trail from Green Gables House will be replaced. While this work is taking place, The Haunted Wood trail will be closed to visitors. The refurbished trail will re-open in the spring of 2016.

Work has started to remove the kitchen shelter and roads at Cape Turner.

We are investigating the possibility of replacing the floating boardwalk section of the Cavendish Duneland's trail this spring if possible.

Cavendish Campground—Work on the new sewage lift station is ongoing and cutting is taking place to make some of the campsites larger. New electrical and sewer lines are being installed for the 3-way sites.

**6.B. MONTHLY FINANCIAL REPORT:** Councillor Hryckiwi advised that the revenue for December 31, 2016 was \$314,451.93 and the expenses were \$322,073.23. It was moved by Councillor Hryckiwi, seconded by Councillor Gauthier that the monthly finances ending December 31, 2015 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

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

**6.C.1. Graham's Lane Walkway and License Agreement Parks Canada:**

Awaiting for Joe Trainor to complete the license agreement. Chair Jelley will meet with Joe to discuss the agreement further.

**6.C.2. CDC Walkway Engineering Specs:**

Nicole Warren at the Central Development Corporation provided information on specs for a study by an engineer on the municipal walkway throughout the community. It was decided that the only item that needed clarification on the draft proposal was a deadline for the RFP to close.

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

New London Fire Department received confirmation on the rate increase for the 2016 dues of 5% being approved by council.

**7.E. Tourism Cavendish Beach:**

Meeting was taking place after the Council Meeting.

**7.E.A. Central Coastal Tourism Partnership:**

Derrick Hoare was elected as president for CCTP..

**8. CAVENDISH SEWER UTILITY REPORT:**

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

Irac Rate Increase is still under review.

Board is meeting soon to go over the sewer contract with the information provided by Toombs.

The boards at the blower house are still being worked on with the engineers and the panel shop for a less costly alternative.

Parks Canada has agreed to the breakdown in fees from 2009 – 2015 and Joe had advised that payment would be processed for the sewer utility.

LS # 7 – Marco Polo the transfer switch has been installed by MacLeod Electric.

LS # 9 – Raspberry Point lift station is still having problems when there is an issue with the power the generator is turning on, but no one is aware that it is on. All issues at this station were going to be resolved by the engineers so they have been contacted again as all the funds will be lost after February 15, 2016 if all claims have not been submitted to the infrastructure office.

LS # 5 the pump at Friendly Lane is expected to be in next week.

LS # 1 Cranberry Village a kit for each of the pumps costs \$9,000.00 to do each pump, provided that there are no issues when the pumps are taken apart and the bearings, wear plate and impellers are checked. It would cost \$30,000.00 to replace each pump with a new one.

Gordon is waiting to hear from the Panel Shop on the timelines in which it will take to have the existing pumps worked on as the kit to repair them has to come from Sweden and the company advised that they would not order the kit without having the pump. Gordon has advised them to order one kit for sure and advise when it will come in and then the utility board can decide when it is best to send the pump as he doesn't want it sitting in their shop for 6 – 8 weeks waiting to be fixed when it is needed in the station. He also

advised that when one pump is checked it may be determined that it is fine and the second pump may not need to be sent over and the board can decide on that.

We are still waiting for an invoice on the new panel for Green Gables from Andre at Xylem to make sure that the invoice is submitted ASAP and to use the description "Lift Station Upgrades" so it can be submitted to Infrastructure." Darrell Fisher has been asked to follow up on this as our deadline is approaching quickly.

It was moved by Councillor Gauthier, seconded by Councillor Hryckiwi that the sewer utility roll over \$125,000.00 of the short term sewer loan based on increased expenses for equipment as well as the infrastructure projects with the Bank of Montreal. All in favor 6, 1 non-voting. Motion Carried.

**8. Business Arising From Minutes:**

**8A. Website:**

Website will be live in January. All information that has been received to date has been put in place on the website.

**8.B. Internet Service:**

It was decided not to proceed with the RFP at this time as Eastlink is working on expanding services to meet the needs of the area.

Continue to meet with all service providers and push them on providing service to the area.

The municipality will have to pay for 5% of the costs for Nicole at CDC and we are awaiting for confirmation on this amount.

**8.C. Crime Stoppers:**

Letter was received thanking the municipality for their donation to the organization.

**9. NEW BUSINESS:**

**9.A. FPEIM:**

Meeting was delayed due to the weather this month.

The Annual Meeting will invite the MLA's that are associated with municipalities only and not all members.

A tender went out today for the municipal tool kit to help municipalities looking at the amalgamation process.

Discussions took place on the Judge Thompson report and the information on communities going forward with the tax base and the assessment values needed.

**9.B. Bill Courtney:**

Bill will be advised that any correspondence that is sent to him on behalf of the community will be copied to Barb MacDonald as she is the planning board representative and in cases where needed will also be copied to the Superintendent Karen Jans.

**9.C EMO Training:**

George Clark Dunning will attend the course on February 9, 2016.

**9.D. Police Officers Crime Prevention Fund:** The Municipality didn't provide a donation to the Police Officers Crime Prevention Fund as they support the PEI Crime Stoppers since the RCMP cover the municipality.

**9.E. Tobacco Free:** Frank Morrison is working on a project to have smoke free places in the province.

He would like to attend the next meeting of Council.

The municipality can work on having the municipal parks smoke free and also work with Tourism Cavendish Beach, the province and Parks Canada in relation to making the Visitor Centre property smoke free.

**9.F. Administrator's Evaluation:**

Evaluation was completed. Information of the Council and staff evaluations will be sent to the Council for review for the next monthly meeting.

**10. CONCERNS:**

**10.A. COUNCILLORS:**

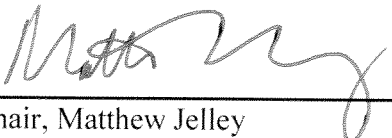
It was decided that the municipality would send in a request to FCM regarding hosting one of their board meetings in 2018.

Chair Jelley, Councillor Lowther and Councillor Richard will meet with Deputy Minister Steve MacLean to gather information from him on the municipal amalgamations and the province's view point on it as well as provide information to the Minister on the Resort Municipality and the fact that we are a fully functioning municipality. They will also meet with the Town of North Rustico to discuss the municipal boundaries and the municipality will set some standards if they are going to be part of the process in discussing the amalgamation process.

**10.B. RESIDENTS:**

There were no resident's concerns so Chair Jelley moved on to adjourn the meeting.

**11. ADJOURNMENT:** Chair Jelley adjourned the meeting at 6:45 p.m..

  
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Chair, Matthew Jelley  
Monthly Council Meeting