

Minutes
Resort Municipality Monthly Council Meeting
Monday, May 28, 2018
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on May 28, 2018 at the Resort Municipality Office.

PRESENT: Mayor – Matthew Jelley. Deputy Mayor Linda Lowther. Councillors: George Clark Dunning, Kay Hryckiwi, David Gauthier. and Gwen Wyand. CAO – Brenda MacDonald.

ABSENT: Nil.

VISITORS: Donna Nicholson.

1. CALL TO ORDER:

Mayor Jelley called the meeting to order at 5:02 p.m..

2. APPROVAL OF AGENDA:

Cheryl Stevens letter was added to the agenda under Section 10B. Resident's Concerns.

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

3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES APRIL 16, 2018:

It was moved by Deputy Mayor Lowther, seconded by Councillor Wyand that the Monthly Council Meeting Minutes of April 16, 2018 be adopted as presented. All in favor 5, 1 non-voting. Motion Carried

4. DECLARATION OF CONFLICT OF INTEREST:

Mayor Jelley declared conflicts of interest on planning board items for Shining Waters Family Fun Park Ltd. and Sandspit Entertainment Ltd. for the Ships Pub and Galley liquor license.

Deputy Mayor Lowther declared a conflict of interest on the e-bicycles for the Car Wash at Sandspit Entertainment Ltd..

5. CORRESPONDENCE:

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

Deputy Mayor Lowther asked about the notice for the newsletter on lighting for signs and where they are positioned on properties.

The CAO advised that the notice would be sent out in the next update.

6. COMMITTEE REPORTS:

Building Permit Applications:

David Macneill – PID # 232439 (8521 Cavendish Road) – an application was received to move a building onto the property of 18'5" X 14'2" as well as to construct a breezeway joining the old and new building of 5' X 18' for a historical building for the visitors and public. It was moved by Councillor Clark Dunning, seconded by Councillor Wyand that approval be granted in principle subject to: 1) that a comprehensive site plan be provided, 2) that clarification be received from the Architect's on whether stamped drawings are needed for this development, 3) meets the requirements of the Provincial Fire Marshal's office, and 4) payment of permit fee.

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

Blue Heron Enterprises (Home Hardware) – PID # 233833 (7381 Cavendish Road) – an application was received to construct a one storey addition onto the existing building of 18' X 40' for retail space. It was moved by Councillor Clark Dunning, seconded by Councillor Gauthier that approval be granted subject to: 1) meets the requirements of the Provincial Fire Marshal's Office, 2) the addition shall be located on the site in accordance with the plan and 3) payment of permit fee. All in favor 5, 1 non-voting. Motion Carried.

Temporary Permits:

West Highland Contractors (Sunset Campground) – PID # 694976 (9115 Cavendish Road) – an application was received to have a bungee activity on the property from June 23 – September 3, 2018. It was moved by Councillor Clark Dunning seconded by Councillor Wyand that approval in principle be granted subject to: 1) meets the requirements of the Department of Health, 2) meets the requirements of the Department of Inspection Services, 3) meets the requirements of the Provincial Fire Marshal's office and 4) payment of permit fee. All in favor 5, 1 non-voting. Motion Carried.

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

Shining Waters Family Fun Park Ltd. – PID # 947499 (8885 Cavendish Road) – an application was received to hold Multi-Cultural Community Heritage Day on June 30, 2018. From 11:30 a.m. – 2:30 p.m. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) meets the requirements of the Department of Health and Wellness and 2) meets the requirements of the Provincial Fire Marshal's office. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley returned to the meeting.

Mickey Mehmoodi (Red Sand Tours) PID # 232074 (40 Memory Lane) – an application was received to operate a taxi from the property from May 28 – October 31, 2018. It was moved by Councillor Clark Dunning, seconded by Councillor Gauthier that approval be granted subject to: 1) the taxi service operates out of the Cavendish Breeze Inn property. All in favor 5, 1 non-voting. Motion Carried.

Liquor License Request:

CFMPEI Inc. (Island Favorites) – PID # 231910 (8989 Cavendish Road) - an application was received to have a dining room liquor license on the property from 11:30 a.m. – 8:00 p.m. daily. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval be granted subject to: 1) meets the requirements of the Provincial Fire Marshal's office and 2) meets the requirements of the Department of Health and Wellness. All in favor 5, 1 non-voting. Motion Carried.

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

Sandspit Entertainment Ltd (Ships Company Pub and Galley) – PID# 231977 – (8863 Cavendish Road) - a request was made as part of their liquor license to allow for live entertainment on the deck each weekend (weather permitting) from 8:00 – 10:00 pm. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) meets the requirements of the Department of Health and Wellness and 2) meets the requirements of the Provincial Fire Marshal's office. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley returned to the meeting.

Change of Use:

Logan Dawson – PID# 926220 (10 Heron Court) A request was received from Logan Dawson to allow his cottage to be turned into a rental cottage in Seawood Estates. It was moved Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval be granted subject to: 1) meets the requirements of the Department of Tourism and 2) meets the requirements of the Provincial Fire Marshal's office. All in favor 5, 1 non-voting. Motion Carried.

Subdivision / Lot Consolidation:

West Highland Contractors – (PID# 694984 / 231597 – Simpson Mill Road) – A request was made for a subdivision /lot consolidation on the property. The CAO met with the owners of the property and a change has been made to the plans and two new requests have been received for rezonings that will be sent back to the planning board for their review and comments.

Signage Permits:

Jamil Dow – an application was received to construct a new primary sign of 96" X 48" and a secondary sign of 54" X 36". It was moved by Councillor Clark Dunning, seconded by Councillor Wyand that approval in principle be granted subject to: 1) the drawing on the signs to be provided by the sign company and 2) the primary sign shall be located in the front yard on the property. All in favor 5, 1 non-voting. Motion Carried.

Follow up Permits:

Action Attractions Ltd. – PID # 589358 – (9018 Cavendish Road) – Awaiting comments from the owner.

Don & Rita Carmichael and Angelo and Janice Leonarduzzi – Awaiting survey information to resolve the right-of-way issue.

Andrew Sark – PID # 232405 (7591 Cawnpore Lane) – Awaiting information from the province.

Eric MacLauchlan – PID # 936955 (MacCoubrey Lane) – Awaiting an updated site plan from the owner.

Melanie Numsen – PID # 1803931 – (9 Landing Drive) – Awaiting information on the setbacks.

CFM PEI Inc. – PID # 231910 – (8989 Cavendish Road) – Awaiting final comments from the Department of Tourism, Health and the Provincial Fire Marshal's office.

Cavendish Services Ltd. - PID # 512871 (7550 Route 13) – Awaiting information from the owner based on the comments from the Department of Transportation, Infrastructure and Energy on the proposed drive thru and the changes that are required for the proposed development.

Glenn Gaudet – PID # 509562 (8812 Cavendish Road) – Awaiting comments from the Department of Health and Wellness, the Development Agreement needs to be completed and the performance bond paid.

Cavendish Tourism Complex Development Inc. – PID# 232247 – (Cavendish Road) – Awaiting developer to agree to all terms and conditions of the development agreement and payment of the bond, permit and legal fee.

CFMPEI INC. - PID# 231910 (8989 Cavendish Road) – bungee activity- Awaiting payment of fee for the permit application.

Signage Bylaw:

The CAO commented on the public meeting that was held on the Signage bylaw as well as some recommended

changes following the meeting on Special Event Signage and Multiple Signs. The first reading of the regulations will take place on May 28, 2018.

Municipal Government Act / National Building Code Act:

The CAO updated the committee on the regulations and that we are still working on amendments to the Municipal Government Act and waiting for the regulations to be provided on the Act.

Parks Canada: (Barb was unable to attend and sent through a written report)

Green Gables Project Update:

Parking lot work is on schedule. Curbing to start this week, paving to start June 1, line painting mid-June. All work in the parking lot will be complete by June 29. We have had no issues with the diminished capacity in the parking lot due to the work. Access lane in to the house remains open to emergency and delivery vehicles.

Temporary signage is in place; however, we have had a number of comments about visitors not being able to find the site from Route 6. The lines for the turning lane will be painted by the first of June and the Parks Canada identification sign for the site will be moved as soon as work at the entryway is complete (scheduled for mid-June). These 2 items should help alleviate confusion. In the meantime, we will have additional signage at the old entrance driveway to point the direction to the new entrance...

Final delivery of timbers for the building construction is scheduled for next week.

Development of interpretive content is ongoing and coming along well.

Piping Plover Nesting

The closure at Cavendish Main Beach has been removed as the pair have moved to another location. To date there are two nests located on Cavendish Sandspit.

Entrance kiosk project

The kiosks at Cawnpore Lane and North Rustico entrances are scheduled for completion by opening day on June 13. The work is progressing well.

Cavendish Beach Facility

The buildings have been refreshed with new shingles and roof and solar water heating will be installed soon.

The boardwalk to the beach will be replaced--it will be designed this summer and constructed in the fall. There may be a need to relocate the dune crossing slightly for better protection of the dunes as well as to make the beach access wheelchair accessible. We will be meeting with the contractor (WSP) soon to discuss and will be able to share more information in the near future on when consultations will be held.

Cavendish East Facility

The well is aging and needs to be replaced and the washrooms themselves are in poor repair. Janitorial staff report that very few people have been using the washrooms in recent years. We reviewed options and, considering that we have a plan in place to relocate the washroom facility to Oceanview when funding becomes available, a decision was made recently to bring in a portable washroom to the former Cavendish Beach East facility for visitors to use this year.

Trails

Work on Homestead Trail resurfacing has started--will be done by loop so people can still use parts of the trail. Back loop is closed until early June. Whole trail will re-open in mid-July and work will resume in the fall on the

section that needs to be realigned. Signage will be in place throughout.

Work on Haunted Wood Trail to begin in mid-September--resurfacing and repair of bridges. It will also be done in sections so that people can still use parts of the trail and access to the Macneill property will be maintained throughout. Signage will be in place.

Cavendish Beach Music Festival:

Cavendish Beach Music Festival – PID # 1037423 (8779 Cavendish Road) – Application was tabled.

Raspberry Point Oyster Co. Inc. – PID # 232041 – (Cavendish Road) – Application was tabled.

Sea Cross Inc. – PID # 232033 – (8779 Cavendish Road) – Application was tabled.

Cavendish Beach Music Festival – PID # 1037423 (8779 Cavendish Road) – Application was tabled.

Sea Cross Inc. – PID # 232033 (8779 Cavendish Road) – Application was tabled.

Cavendish Boardwalk – Liquor License Request:

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that a letter of support be provided for a dining room / lounge liquor license for the hours of 11:00 a.m. – 11:00 p.m. All in favor 5, 1 non-voting. Motion Carried.

CBMF Public Meeting:

A meeting be held on June 4, 2018 with the Special Council meeting.

Other:

Councillor Clark Dunning talked about the state of the Green Gables Post Office. The CAO will contact the post office staff to see who the contact person is.

Signage Bylaw:

Self-Support Signs were discussed.

Self-Supporting Signs mounted in an affixed location and not attached to any Building or structure shall have a maximum vertical height of sixteen feet above the natural grade level.

Notwithstanding Section 5.3.a.

Where there are less than 6 Businesses on the Property, Self-Supporting Signs, mounted in an affixed location and not attached to any Building of structure shall have a maximum vertical height of twenty feet above the natural ground level.

Notwithstanding Section 5.3.b.

Where there are more than 6 Businesses on the Property, Self-Supporting Signs, mounted in an affixed location and not attached to any Building of structure shall have a maximum vertical height of twenty-eight feet above the natural ground level.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the signage bylaw be adopted as amended. All in favor 5, 1 non-voting.

Bylaw Enforcement Bylaw:

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

Election Bylaw – It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that the Election Bylaw be adopted as presented. All in favor 5, 1 non-voting. Motion Carried.

Municipal Grant Bylaw – It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that the Election Bylaw be adopted as presented. All in favor 5, 1 non-voting. Motion Carried.

Tax Rate Group Bylaw – It was moved by Councillor Wyand, seconded by Councillor Clark Dunning that the Tax Rate Group Bylaw be adopted as presented. All in favor 5, 1 non-voting. Motion Carried.

6.A.2. Summary Proceedings Bylaw:

It was moved by Councillor Gauthier, seconded by Deputy Mayor Lowther that the Summary Proceedings Bylaw be taken to a public meeting. All in favor 5, 1 non-voting. Motion Carried.

6.A.3. Election Process:

The Election process has been put into place by the province and some provisions have been made to still allow municipal staff to complete a number of parts of the election process.

Samantha Murphy sent through comments on the timing for all processes to be in place for the election based on the lawyers concerns on the legislative process and she has advised that there will be changes by the minister for timing and to continue with the process as they know there will be challenges with the first election process.

6.A.4. Cavendish Beach Music Festival:

Mayor Jelley commented on the Senior Ops meeting that was held and that the festival site will be zero tolerance this year with the fully licensed venue.

The RCMP are looking for a formal agreement between the province and the RCMP for police servicing for the event.

6.A.5. Liquor Control Commission:

An updated letter was received from Quentin Bevan, but a follow up letter was not received in response to the questions that were sent through from the municipality.

6.A.6. Municipal Affairs Update:

A newsletter update was in the meeting package with upcoming deadlines for bylaw changes.

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

6.A.7. E-Bicycle business at Sandspit Entertainment Ltd. at the Car / Pet Wash:

It was moved by Councillor Clark Dunning, seconded by Councillor Gauthier that the e-bicycles be approved as a new business at Sandspit Entertainment Ltd. in the car / pet wash building. All in favor 3, 1 non-voting, 2 absent. Motion Carried.

Mayor Jelley and Deputy Mayor Lowther returned to the meeting.

6.A.8. MGA Conflict of Interest Guidelines:

The lawyer had sent through comments on the conflict of interest guidelines for Council's information on the process to follow when declaring conflicts of interest.

6.A.9: Unsightly Properties:

Two properties were cleaned up.

One property has not yet responded to the letter. The lawyer will be asked for instructions on the next steps for this property.

One property has asked to have a meeting. A meeting will be scheduled with the owners over the next week.

One property owner has asked for an extension. It was decided that a letter be sent to this landowner asking them for a timeline for work to be started on the property.

6.B. MONTHLY FINANCIAL REPORT:

The CAO presented the monthly finances for April 2018. Revenue was \$75,372.79 and the expenses were \$64,211.43.

It was moved by Councillor Hryckiwi, seconded by Councillor Gauthier that the monthly finances for April 30, 2018 be adopted as presented. All in favor 5, 1 non-voting. Motion Carried.

6.C. TRAILS AND PATHS REPORT:

The new welcome signs have been installed by Kenny Pineau.

Highfield Construction was back on site completing some final work on the new cement walkway by the cemetery.

Alan Aitken had sent through some information on a new crosswalk and walkway on Route 6 as part of the new access at Green Gables House.

It was decided that a request would be sent for more detail on the crosswalk as well as the walkway that they are discussing and who will be paying for it for the next meeting.

Don MacLeod was sent a list with some old-fashioned streetlights that are out on Cawnpore Lane and Route 6 East.

A copy of the planned review was sent through from UPEI on the low-level lighting project that we hope they will work on in the fall.

Chris Robinson / Stephanie Scharf entrance:

The Department of Transportation has approved an access to their property. The owners now want the wood walkway removed.

A price will be obtained by the CAO from the local contractors on getting the work completed.

Route 13:

Concerns were raised over the ditch area on the East side of the road.

The CAO will contact John Gallant for the third time as the concerns were raised over the side of the ditch being collapsed a month ago.

6.D. FIRE COMMITTEE REPORT:

There were no updates from the Fire Departments.

6.E. TCBI:

The RCMP Rider Program is still under review based on changes needed from the RCMP for the rider and the additional costs required.

A copy of the reports from the Annual General Meeting is in the package.

6.F. CCTP:

The CCTP are having a number of training sessions, if anyone is interested in attending please contact their office.

Mayor Jelley raised concerns over signage on Grahams Lane for no dogs and advised that it is not a welcoming sign to visitors and looks quite official.

The CAO will advise Parks Canada of the Council's concerns.

7. CAVENDISH SEWER UTILITY REPORT:

7.A. Monthly Updates and engineering:

- The pumps are LS # 3 – Green Gables have been fixed at a cost of \$14,779.27.
- Driftwood Landing – we are still waiting for a response from the condo board.

- We have received some payments on the outstanding sewer customers, but there is still some owing.

- No information has been received from IRAC to date regarding having a process in place either through the water and sewer regulations or through the utility tariff to allow the utility to bill customers in advance for services each year similar to the process in place with Maritime Electric. By allowing this to happen the utility would then have the fees paid in advance.

- A revised easement has been sent out from Stewart McKelvey for review on the properties owned by Action Attractions and Sandspit Entertainment Ltd. We are waiting for the agreement to be sent out to be signed once all parties agree to the terms and conditions.

- Lagoon drawdown was completed on schedule.

8. BUSINESS ARISING FROM MINUTES:

8.A. Destination Management Fund:

8.A.1 Terms of Reference:

The application form was completed by Kim Doyle and is working fine.

A formal agreement has to be signed by the parties for the fund and a formal press release will be made for the fund so that the public knows about it and how it can be applied for.

8.B. Heritage Park and Historical Committee:

Deputy Mayor Lowther advised that the RFP was posted and that she had met with three companies on May 25, 2018 at the municipal park, as well as talked with one company by phone on the RFP.

8.C Awards:

Beautification Awards:

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that Kent and Sharon Gallant be nominated for the Residential Beautification Award. All in favor 5, 1 non-voting. Motion Carried.

It was moved by Councillor Clark Dunning, seconded by Councilor Gauthier that G. Willikers Ltd. be nominated for the Business Beautification Award. All in favor 5, 1 non-voting. Motion Carried.

Dr. Kent Ellis Memorial Award:

It was moved by Deputy Mayor Lowther, seconded by Councillor Gauthier that Dick and Judy Rowell be nominated for the Dr. Kent Ellis Memorial Award. All in favor 5, 1 non-voting. Motion Carried.

8.D. Internet Meeting:

Mayor Jelley advised that the application had been submitted to the province for funding and they asked for some additional work to be completed on pricing out the Cape Road to service all the businesses in this end of the Community. We are waiting for a response back, as the province would need to provide this additional funding to the project in order for it to go forward.

8.E. Council Remuneration Review:

It was decided that the CAO would bring the Council's comments back to the committee for one final review.

8.F. Water Testing:

Water testing has begun at the municipal office. There were a few issues the first week, but things are working fine.

9. NEW BUSINESS:

9.A. FPEIM:

9.A.1 FPEIM Annual Meeting:

The FPEIM Annual Meeting was held at the Dutch Inn on April 30, 2018 and everything was great.

- Discussions were had on Rural Municipalities providing a better quality of life.
- They encouraged municipalities to join FCM.
- Minister Richard Brown advised that his department is working on bringing forward more tax credits to municipalities.
- Mark Arendz was the guest speaker.
- The Minister's Forum may be held at a different time at the next meeting.
- The Frank and Dorothy Lewis Strength Award was presented as they attended events in all parts of the Island while he was Lieutenant Governor.
- The semi-annual meeting for FPEIM will be held in January 2019 since the elections for new Councillors are in the fall.

Charlottetown received the Municipal Achievement Award and Terry Bernard from Charlottetown received the Bruce Yeo Memorial Award.

9.B. Town of North Rustico Canada Day:

It was moved by Councillor Hryckiwi, seconded by Deputy Mayor Lowther that \$500.00 be allocated to Canada Day activities in North Rustico. All in favor 5, 1 non-voting. Motion Carried.

9.C. Horizons for Seniors Program:

Information only.

10. CONCERNS:

10.A. Councillors Concerns:

Councillor Clark Dunning was asked by some people why the crosswalks are not painted with the zebra lines.

The CAO will check with the Department of Transportation, Infrastructure and Energy.

Mayor Jelley advised that at the last Senior Ops Meeting Gordie Lund advised the group that it would be his last meeting.

The Parks Canada sign was discussed on Route 6 and the fact that Parks did not present the information to the Council on the location of it for the site.

The sign was moved off of the walkway and the Department of Transportation, Infrastructure and Energy agreed for it to be located on the roadway with orange cones around it.

10.B. Residents:

Donna Nicholson raised concerns over the bylaw and not being able to have trailers on your property.

Mayor Jelley advised that there has been a trailer bylaw in place in the municipality for a number of years now and the challenge is having something in place for all areas of the municipality that the public is agreeable to as one temporary permit for a trailer for a short duration leads to a permanent residence on another property and how do you control it?

A letter was also received from Cheryl Stevens on the bylaw and trailers on properties.

It was recommended that they work on coming up with some suggestions for the Council on trailers that would work for the whole community.

Bonnie Arnold – Reflectors for posts on Grahams Lane.

It was decided that the CAO would check into some options on this.

State of Grahams Lane with paving:

Concerns were raised over the pavement on Grahams Lane and that it needs to be fixed with the holes that are in the pavement.

Route 6 Paving: Noreen Heighton sent a copy of a letter that was sent to the Province regarding the state of Route 6 East.


A reminder will be sent in the weekly updates about the bylaw regarding trailers being on properties.

There being no residents in attendance Mayor Jelley moved on to adjourn the meeting.

11. ADJOURNMENT: Mayor Jelley adjourned the meeting at 8:00 p.m.



Mayor, Matthew Jelley



CAO, Brenda MacDonald