

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

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

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

**ABSENT:** Lee Brammer.

**VISITORS:** Nil.

**1. CALL TO ORDER:**

Mayor Jelley called the meeting to order at 5:04 p.m..

Mayor Jelley advised that there is a blue binder on the table for each of the Council members with a copy of the current bylaws, official plan and special event guidelines in the document. There will be some additional copies of bylaws added once they are signed off by the province.

**2. SWEARING IN OF NEW COUNCILLORS:**

Mayor Jelley, Deputy Mayor Lowther, Chris Robinson, George Clark Dunning, Kenny Singleton and Bill Drost read out their oath of office.

**3. APPROVAL OF AGENDA:**

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

**“In Camera Items” – Conflicts of Interest:**

Mayor Jelley advised the Council that there were some items to be dealt with “*in camera*” and that there were items where members would have a conflict of interest and, once those items come up on the agenda, that if a Council member is affected by the item, then they will be asked to leave the meeting without comment, once discussion is complete, the member will be asked to return to the meeting.

**Requests for Information by e-mail:**

Deputy Mayor Lowther advised the Council that if a request for information is sent out by the CAO or the Council then all Council members should hit reply to all when responding back, so that each member is aware of the discussion.

Councillor Drost questioned the process of having to leave the meeting when discussion is held on a request for information by a Councillor or the public. He felt that the Councillor or the individual should be allowed to stay at the meeting while the discussion and decision is made on the request. He asked for further clarification to be sought on this matter for the next meeting.

Information will be gathered from the legal counsel on this matter.

**Planning Board Meetings:**

Mayor Jelley advised that the planning board meetings are recommendations only from the planning board. All decisions on permit applications are made by the Council. Sometimes it is to support the recommendation from the committee while others may be to defeat or amend their motion based on the application or additional information provided.

**Voting Process:**

Mayor Jelley commented on the voting process. He advised that you can vote for a motion, you can vote against a motion but if you abstain under the new Municipal Government Act than that is considered a vote in support of the motion.

Mayor Jelley advised that if someone is not in favor of a motion then they should make sure that their vote on the matter is clear.

**Council Meeting Start Time:**

Mayor Jelley advised that Council meetings start at 5:00 p.m. and each member is expected to be on time for the meeting.

**Cell Phones:**

If Councillors receive a call during the meeting, then they are asked to excuse themselves and leave the meeting to take the call.

**Legal Information:**

Mayor Jelley advised that legal information is privileged when requested on a matter and is for the Council's review only, provided that the Councillor is not part of the information being discussed and in that case is not part of the discussion on the matter.

**Release of Information:**

If a member of the public or a Councillor requests information on a matter, the request shall be addressed by the Council at the next monthly Council meeting.

**Quorum:**

There are four Councillors required for a quorum at all Council Meetings.

The CAO will send out a schedule with the dates for the remaining Council Meetings for 2018 and for the complete year for 2019.

**4. COMMITTEES OF COUNCIL:**

Mayor Jelley commented on each of the committees and the commitment required to each committee to the Council.

Mayor – Matthew Jelley

Deputy Mayor – Linda Lowther

Cavendish Sewer Utility – Matthew Jelley and George Clark Dunning

Planning Board / Signage Committee – George Clark Dunning

Heritage Park / Lucy Maud Montgomery Destination Committee- Linda Lowther, George Clark Dunning, Chris Robinson.

Emergency Services Committee – Chris Robinson

Trails and Paths Committee –Kenny Singleton

CBMF Senior Ops Members – Matthew Jelley, George Clark Dunning.  
Human Resources Committee – Bill Drost, Matthew Jelley and George Clark Dunning  
Destination Management Committee – Linda Lowther and Matthew Jelley  
Finance Committee – Lee Brammer

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the new Council committee members be accepted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**5. APPROVAL OF SPECIAL COUNCIL MEETING MINUTES AUGUST 20, 2018:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the Council Meeting Minutes of August 20, 2018 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried

**6. DECLARATION OF CONFLICT OF INTEREST:**

Deputy Mayor Lowther declared a conflict of interest on section 5(a) and 6(a) of the planning board report on the agenda.

Councillor Drost declared a conflict of interest on section 8.A.1. of the planning board minutes and on Section 8.A.3. and 8.A.4. of the Council Meeting agenda.

**7. CORRESPONDENCE:**

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

**8. COMMITTEE REPORTS:**

**Planning Board:**

Mayor Jelley moved the agenda items 8.A.1, 8.A.3 and 8.A.4. up on the agenda due to the conflicts of interest with Councillor Drost.

**Follow Up On Permits:**

Councillor Clark Dunning updated the Council on the following permits:

Cavendish Services Ltd. - PID # 512871 (7550 Route 13) – A revised site plan has been received. Awaiting for the Development Agreement to be completed and payment of permit fee and bonds.

Cavendish Tourism Complex Development Inc. – PID # 232447 – (Cavendish Road) – Awaiting for the owner to sign the development agreement and pay for 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. Architect's plans are required for this proposal.

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. – an application was received to construct 11 waterpark elements into the swimming pool area. The Department of Environment wanted more information on water and waste consumption for the proposed project.

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.

Deputy Mayor Lowther left the meeting due to a conflict of interest on Stacy MacInnis and Cavendish Maples Inc. permits.

**Subdivision / Lot Consolidation Permit:**

Stacy MacInnis – Cavendish Maples Inc. - an application was received to consolidate PID # 684316 with PID # 672972. It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that approval be granted in principle subject to: 1) payment of lot consolidation fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

**Building Permits:**

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. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that approval be granted in principle subject to: 1) the cottages being connected to the municipal sewer, 2) meets the requirements of the Provincial Fire Marshal's office, 3) meets the requirements of Quality Tourism Services, and 4) that a lot consolidation deed be completed. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Deputy Mayor Lowther returned to the meeting.

Councillor Drost left the meeting due to a conflict of interest in relation to Smooth Coat Drywall.

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 4, 1 non-voting, 2 absent. Motion Carried.

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.

Councillor Drost returned to the meeting.

Estate of James Clark – an application was received to locate a prefab house on the property of 46' X 16' with a deck. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval be granted in principle subject to: 1) the property being purchased by the new owner, 2) that an on-site septic system be installed by Blue Heron Enterprises and 3) that the access to the property be approved by the Department of Transportation, Infrastructure and Energy. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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. It was moved by Councillor Clark Dunning, seconded by Councillor Drost that approval be granted subject to: 1) confirmation on the on-site septic system that it can handle the new unit, 2) that architect's stamped drawings being provided and 3) payment of building permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Parks Canada:**

Homestead Trail – the realignment is expected to be completed this fall, along with a map to show people the way around the trail.

Haunted Wood Walk – work is expected to start around September 15, 2018 on the trail. The trail will still be open during construction, but may need to be closed from Mid-October to Mid-November.

Grahams Lane Kiosk – work is expected to start this fall. Contracting issues have been challenging in getting the work completed. The roadway is expected to be wider at the entrance to the kiosk on Grahams Lane.

Cavendish Campground- is open until September 30, 2018.

A question was raised by Planning Board asking if Parks had considered keeping it open past September 30, 2018?

Barb advised that the availability of staff to work as well as budgets becomes an issue.

Jeff asked if Parks could provide stats to the planning board on the campground during the season.

Barb confirmed that she would find out the numbers and send them back to the municipal office.

Green Gables House is moving along, but contracting has been slow based on staff. It is now expected to be completed by December 15, 2018.

George commented on concerns that he had with a new landscape feature near the generator and the lift station as it appears that it is going to keep water based on the construction and could create some issues for the supplier to deliver to the tanks or for the contractor to easily access the station.

Barb will check into this further.

Operations Cavendish Campground – services for the season for interpretation, surf guards are finished. Trails are open.

Cavendish Beach – work on the new boardwalk is expected to start this fall. Parks took comments at the public meeting on make the boardwalk wider, having rest stops as well as shaded areas for people.

Tree cutting / cleanup – the area around the Cavendish Visitor Information Centre will be looked at this fall as Parks has received funding for fire reduction in the Cavendish Area.

Barb advised that Ocel had received a complaint at Green Gables from a family from Quebec on the lack of a bike path from the Campground to Green Gables and it not being acceptable for families while biking.

Jeff asked if the municipality would look into this further to see if this is something that can be looked at to expand in the area as part of the inventory for visitors to be able to access.

Parks Canada Fee public meeting – A meeting will be held in Dalvay to get input from the public on the fees for 2019 onward as operators will no longer be able to purchase the shoulder season passes to provide to their guests. If anyone is interested in attending, please contact Tara McNally MacPhee.

Planning Board questioned Barb on the government cottage.

Barb advised that it is still slated for demolition.

The CAO advised her that Phil Davison had tried to find the tender on-line, but was unable to on the demolition of the building as he is quite interested in purchasing the cottage and moving it to the property.

Barb advised that she would bring the concerns of the planning board back to Joe and Bill, but that perhaps the Council should write a letter to Parks Canada with their concerns on the demolition of the building.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that a letter be sent to Parks Canada regarding the demolition of the government cottage when some community people have expressed interest in the building. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Cavendish Beach Music Festival:**

2019 Permit Application – Planning Board tabled the application based on the fact that the information submitted is based on the 2018 festival site plan. Clarification is needed on whether or not there are any planned changes for the 2019 event.

**Public Meeting:**

Comments were received from Ruth Phillips and Murdock Morrison and were reviewed by the planning board, as well as comments from the public meeting.

Councillor Clark Dunning noted his concerns with the fence since the festival started and these concerns still continue to this day on his property and the neighbors continue to be disrupted each year by people coming through the fence as it is not properly secured.

**CBMF Performance Bond** – It was moved by Councillor Clark Dunning, seconded by Councillor Drost that the performance bonds be returned for 2018 to the Music Festival. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Permits issued by the CAO:**

**Ellen Davis** – a permit was issued to make a covered patio at the front of the cottage on the existing deck.

**8.A.2 David Rutherford and Rhonda Cathcart:**

An application was received to construct a one storey cottage of 32' X 30' with decks. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that a letter be sent to David advising him that a permit can be issued for his property subject to: 1) that a development agreement be entered into giving him until June 30, 2019 to complete the work on the house, decks and landscaping, 2) that a performance bond of \$2,000.00 be posted to ensure completion of the work, 3) payment of permit fee, 4) payment of legal fees and 5) confirmation that the septic system has been installed on the property. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**8.A.2. Wood Wheeler Inc.:**

Based on the original approval on the property, it was determined that the terms of the development agreement were met with the coffee shop.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that a letter be sent to Mike Wheeler cautioning him on any future development on the site and that permits are required and need to meet the *Architect's Act* and the *National Building Code Act* that is currently being worked on by the province. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley left the meeting and Deputy Mayor Lowther assumed the Chair.

**8.B. MONTHLY FINANCIAL REPORT:**

The CAO presented the monthly finances for August 31, 2018. Revenue was \$183,404.34 and the expenses were \$218,192.30.

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the monthly finances for August 31, 2018 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Mayor Jelley returned to the meeting and resumed his position as Mayor.

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

Trail Work is being looked at as part of the Park Project on Route 13 with the crosswalk and the existing walkway.

Mayor Jelley advised that Don MacLeod Electric raised concerns to him on the ballards not being accessible any longer at the bottom of the trail on Cawnpore Lane due to the fence posts being installed for the new property.

**Grahams Lane Trail Lights:**

Deputy Mayor Lowther advised that the Sustainable Design Engineering Program has not selected the streetlight project for the upcoming year.

Councillor Drost advised that he would check with some of his lighting sources to see if there were some alternatives to the solar lights.

**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. FIRE COMMITTEE REPORT:**

There were no updates from the fire departments.

**8.E. TCBI and CCTP:**

These items will be updated when new information is received each month by the CAO.

**9. CAVENDISH SEWER UTILITY REPORT:**

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

Driftwood Landing submitted additional information on the sewer project.

The sewer board has sent them through the final list of requirements in order for the sewer utility to take on the line.

A final easement has been completed by Stewart McKelvey for review on the properties owned by Action Attractions and Sandspit Entertainment Ltd.

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.

IRAC has sent through a list of the Municipal Sewerage Utilities General Rules and Regulations. The sewer utility will need to review the regulations for connections of new properties as well as connections of new businesses on existing properties. IRAC has advised that it is clear in the regulations who the costs are for billings of services. The sewer board will review this at their next meeting.

**9.B. Blaine & Marie Roberts:**

A request was received to allow for sewer hauling from the property in Stanley Bridge. Information is required from the Department of Environment on whether the Sewer Utility can allow this to be hauled to the lift station.

The sewer board will make a final decision on the request at their next meeting.

**10. BUSINESS ARISING FROM MINUTES:**

**10.A. Destination Management Fund:**

Deputy Mayor Lowther will work with Kim Doyle to get the process moving forward to get the application on-line so that the public can access the project fund.

Mayor Jelley will arrange to meet with Jeff Squires to get the fund announced.

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

Doug Coles is working on getting the drawings finalized to present to the committee and the Council. Feedback was received at the public meeting on September 6, 2018.

David Macneill is in agreement with the crosswalk and site changes.

It was moved by Councillor Lowther, seconded by Councillor Singleton that the tender be drawn up for the Park project, but that nothing would be sent out until it is presented to the committee and Council and that the funding partners have made their commitment to proceed forward with the project. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**10.C. Internet – North Rustico:**

Mayor Jelley will follow up with the province on the funding for this 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 CAO advised that a request was sent through to the province on using the former warden's space and they have advised that they are reviewing the request by the municipality and will advise when a decision has been made.

**11. NEW BUSINESS:**

**11.A. FPEIM:**

There are no updates from FPEIM.

**11. B. Funding Request – Town of North Rustico:**

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that \$2,000.00 be contributed to the cenotaph project in North Rustico. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**11.C. PEI Police Association:**

The Resort Municipality supports the RCMP as they police the area for the municipality.

**11.D. EMO Training:**

A list of information was in the package on upcoming training sessions.



Councillor Robinson would be interested in some sessions in 2019, as the new Emergency Services Representative.

**12. CONCERNS:**

**12.A. Councillors Concerns:**

Deputy Mayor Lowther advised that the meeting was a little longer tonight getting the new Council familiar with the process.

Councillor Drost advised that there are some permits that could be addressed by the CAO and that would eliminate some time on the planning board matters.

Mayor Jelley advised that the CAO has some authority for issuing permits, but this is something that can be reviewed based on the bylaws moving forward.

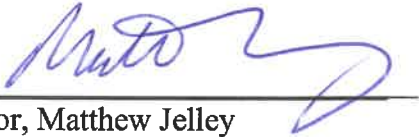
Former Councillor Gwen Wyand commented on the flowers at the municipal office and advised that it makes the space feel more welcoming.

A Council Supper was held to welcome new Council members and thank the outgoing members on September 6, 2018.

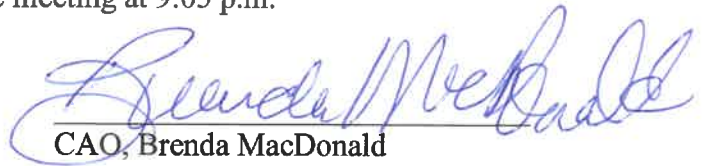
**12.B. Residents:**

Bill DeBlois – Mayor Jelley will ask Eastlink to look at pricing internet servicing for the Cape Road to Doyles Cove as part of the North Rustico Internet Project.

**13. ADJOURNMENT:** Mayor Jelley adjourned the meeting at 9:05 p.m.



Mayor, Matthew Jelley



CAO, Brenda MacDonald