

Minutes
Resort Municipality Monthly Council Meeting
Monday, February 21, 2019
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on February 21, 2019 at the municipal office.

PRESENT: Mayor Jelley. Councillors: George Clark Dunning, Bill Drost and Chris Robinson. CAO – Brenda MacDonald.

ABSENT: Deputy Mayor Linda Lowther, Kenny Singleton and Lee Brammer.

VISITORS: Jim Brown.

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the agenda be adopted as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Section 7.B. will be discussed at the end of the meeting “*In Camera*”.

3. APPROVAL OF COUNCIL MEETING MINUTES JANUARY 21, 2019:

It was moved by Councillor Drost, seconded by Councillor Robinson that the Council Meeting Minutes of January 21, 2019 be adopted as amended. All in favor 3, 1 non-voting, 3 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 5.A. Chris Robinson declared a Conflict of Interest under the Statue RFP for the Heritage Park 7.B.3.

5. COMMITTEE REPORTS:

5.A. PLANNING BOARD:

Follow up Permits:

Cavendish Tourism Complex Development Inc. – PID # 232447 – (Cavendish Road) Awaiting information from the owner on the development agreement and performance bond.

West Highland Contractors Ltd. – Simpson Mill Road. Awaiting for information from the lawyer in the lot consolidation deed to go to a public meeting.

West Highland Contractors Ltd. – PID # 694976 – Simpson Mill Road. Awaiting for information from the lawyer on the lot consolidation deed to go to a public meeting.

CFM PEI Inc. – (Former Flea Market) (8989 Cavendish Road) – PID # 231910. Awaiting for Architect’s Drawings from the owner.

Cavendish Beach Music Festival (8776 Cavendish Road) – PID # 1037423 - Awaiting additional information on the application that will also require engineer’s drawings and possible architect’s drawings.

Building Permits:

Melanie Assing – PID # 600825 (32 Wygant Place) an application was received to change the use of the existing cottage into a rental unit. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson 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 3, 1 non-voting, 3 absent. Motion Carried.

Stuart Drummond (Montgomery's Cavendish Cottages) – PID # 563908 (68 Sunset Lane) an application was received to construct two rental cottages of 34' X 24' with decks. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that approval be granted subject to: 1) meets the requirements of the Department of Tourism, 2) meets the requirements of the Provincial Fire Marshal's office, 3) meets the requirements of the Department of Environment and 4) that a comprehensive site plan be provided. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Sea Cross Inc. – PID # 231720 (9139 Cavendish Road) an application was received expand the Coastal Culture space into one of the existing retail spaces and to make an existing retail space smaller. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that approval be granted subject in principle subject to: 1) meets the requirements of the Department of Tourism and 2) meets the requirements of the Provincial Fire Marshal's office and 3) that stamped drawings being provided. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Cavendish Sewer:

Cavendish Services Ltd. – PID # 512871 (7550 Route 13) the property owner is looking for a new sewer connection to the property. This will be reviewed by the Cavendish Sewer Utility and the engineer will need to do an inspection of the connection once it is installed.

National Building Code:

No updates have been received from the province on the National Building Code as it is still under review.

"In Camera":

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson 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 3, 1 non-voting, 3 absent. Motion Carried.

Jim Brown left the meeting.

Darren Toombs – an appeal was filed against the development permit approval.

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 used 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 Clark Dunning, seconded by Councillor Robinson that the meeting be opened to the public in accordance with clause 119(2)(e) of the Municipal Government Act. All in favor 3, 1 non-voting, 1 absent. Motion Carried.

No decisions were made while "in camera".

Jim Brown and Councillor Drost returned to the meeting.

Parks Canada:

Parks will no longer attend the planning board meeting. They will now attend the monthly Council meeting on a quarterly basis and provide updates to the Council.

Karen Jans will attend the meetings on a quarterly basis on behalf of Parks Canada and if any questions or concerns arise between the meeting dates they will be sent to Parks Canada by the Council.

5.A.2. Council Remuneration Bylaw:

Mayor Jelley read out the Council Remuneration Bylaw.

Amendments were made to Section 3.3 on the addition to the amount for the \$500.00 for the planning board chair and on section 3.6 for the Consumer Price Index to add Prince Edward Island to the information.

It was moved by Councillor Drost, seconded by Councillor Robinson that the Council approve the Council Remuneration Bylaw as amended. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

5.A.3. First Reading Council Remuneration Bylaw:

It was moved by Councillor Drost, seconded by Councillor Robinson that the first reading of the Council Remuneration Bylaw be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

5.A.4 Council Procedures, Conduct and General Business Bylaw:

Council will review the draft bylaw as well as the template from the province and bring back their comments for the next Council Meeting.

5.A.5. List of Bylaws:

It was decided by the Council that a compliant section would be added to the list.

Mayor Jelley asked for the lawyer to review the Reserve Fund Bylaw for the next meeting.

The recommendations to Municipal Affairs on the Access to Information and Protection of Personal Information Regulations, Records Retention Regulations and General Regulations will be sent through to John Dewey at FPEIM for their reference as well.

5.B. MONTHLY FINANCIAL REPORT:

The CAO presented the monthly finances for January 31, 2019. Revenue was \$383,736.19 and the expenses were \$375,563.89.

It was moved by Councillor Clark Dunning, seconded by Councillor Drost that the monthly finances for January 31, 2019 be adopted as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Monthly Finances:

Credit Card:

Provincial Credit Union will no longer be offering the Global Credit Card, so the municipality needs to apply for a new card to allow for purchases to be made by the CAO for municipal expenses.

It was moved by Councillor Drost, seconded by Councillor Clark Dunning that the CAO, Brenda MacDonald be authorized to apply for a Visa Credit Card with the Provincial Credit Union with a credit limit of \$2,500.00 for

municipal expenses. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

5.B.1. Building Permit Fees / Performance Bonds:

This agenda item was tabled until the March meeting as Councillor Brammer was absent.

5.B.2. Gas Tax Funds 2019 - 2024:

Sanitary Collection & Treatment

\$353,605.00 \$153,605.00 left from 2014 – 2019 Gas Tax Funds
 \$200,000.00 allocated from 2019 – 2024 Gas Tax Funds

Review and Implementation of Active and Mobile Transportation Methods

\$210,705.00 \$60,705.00 left from 2014 – 2019 Gas Tax Funds
 \$150,000.00 allocated from 2019 – 2024 Gas Tax Funds

Strategic Development Plan / Official Plan

\$100,000.00 \$50,000.00 left from 2014 – 2019 Gas Tax Funds
 \$50,000.00 allocated from 2019 – 2024 Gas Tax Funds

Tourism Heritage Park

\$160,000.00 \$100,000.00 allocated towards park project 2019 – 2024 Gas Tax Funds

Signage / Gateways

\$25,000.00 \$25,000.00 being rolled over from 2014 – 2019 to 2019 – 2024 Gas Tax Funds allocation.

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Gas Tax Funds allocation for 2019 – 2024 be adopted as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

5.B.3. Operating Budget, Capital Budget and 5-year Capital Expenditure Program:

The CAO will work on a draft budget and present it to the Council.

A public meeting will be held on March 4, 2019 with a storm date on March 5, 2019 to get feedback from the public.

5.B.4 Alex Dalziel:

The CAO will set up a meeting with Alex Dalziel to review the software program with the province to see if it something suitable for the municipality.

5.B.5 Asset Management Opportunity:

The CAO will check into the program with the AIM Network for further information on the benefits for the municipality.

5.B.6 Audit:

It was moved by Councillor Drost, seconded by Councillor Clark Dunning that the audit costs of \$4,800.00 plus HST be approved for the 2018 audit and that the additional fees for the additional reports will be billed separately. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Council also advised that the 2019 audit will be put out to an RFP for quotes later in the year.

5.C. TRAILS AND PATHS REPORT:

The CAO advised that various types of lighting were looked at for the Grahams Lane Trail. Concerns were raised over theft and damage of lights based on the closeness of them to the ground. It was suggested that Maritime Electric lighting could be reviewed as an option for lighting.

5.C.1. Banner Signs:

The CAO will check with some sign companies on prices for doing banners.

5.D. EMERGENCY SERVICES REPORT:

A draft report is being worked on.

A meeting is being scheduled with the three fire departments to get their input into the report as well as any concerns or issues that they see in the area that need to be addressed.

6. CAVENDISH SEWER UTILITY REPORT:

6.A. Monthly Updates and Engineering:

- We are waiting for a date from Toombs on the Sampson Property demolition due to the weather.
- Driftwood Landing – no updates have been received from the condo corporation.
- IRAC is still reviewing utility matters.
- The Utility will be meeting soon to go over sewer matters.

It was moved by Councillor Clark Dunning, seconded by Councillor Chris Robinson that the audit costs from MRSB of \$5,800.00 be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

6.B. Stamped Drawings:

The Department of Environment has confirmed that stamped drawings have a number of other clauses added to them as in a number of cases more than one engineer or company may be involved with the plan so other clauses are being added so that one engineer is not taking the full responsibility of the plan. They have advised that by the time legal proceedings were completed on taking an engineer to task on a matter that the costs for the legal proceedings would outweigh dealing with the sewer matter to have it resolved by the utility.

7. BUSINESS ARISING FROM MINUTES:

7.A. Destination Management Fund:

Brodie O'Keefe has worked on a press release for the announcement of the fund. A quote is needed from the Mayor and Tourism Cavendish Beach to complete the announcement. The Mayor will provide his comments to Deputy Mayor Lowther.

7.B. 1 – 4 was moved to the end of the agenda.

7.B.5. Historical Preservation and Business Request:

A response will be sent through to the company advising them that they would have to contact individual business owners for permission to access their property.

7.C. Internet – North Rustico:

A meeting will be scheduled with the property owners in North Rustico to see if they are still interested in contributing to the costs to assist with the project.

7.D. Cavendish Visitor Information Centre:

The province decided that they had to get an agreement with all parties in the building to allow the municipality to take over the space, so work had to stop. An agreement has now been sent for signing for the municipality to take over the space.

7.E. North Star Arena:

Mayor Jelley and Councillor Drost attended the meeting in Hunter River on January 23, 2019.

The only commitment that was made by the municipality was that we would try to help North Rustico secure funding for a study.

8. NEW BUSINESS:

8.A. FPEIM:

Resolutions and nominations are due by March 15, 2019 to the FPEIM office.

8.B. RFP Strategic Plan / Official Plan / Zoning and Subdivision Control Bylaw:

Deputy Mayor Lowther will bring a draft to the March meeting.

8.C. Pitch-In Canada:

Information only as Women's Institute Annual Roadside Cleanup is held on May 11, 2019.

8.D. Stanley Bridge Centre:

A donation request was received from Jim Brown asking for a \$500.00 donation towards an ad on the Stanley Bridge Centre site. This item was tabled until the March meeting, so that all Council are present to provide feedback on this matter.

8.E. Pictorial Record:

A picture of the Council will be taken at the next Council meeting for the Pictorial Record.

8.F. Epilepsy Association of Nova Scotia:

This agenda item will be dealt with at the March Council Meeting.

"In Camera":

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson 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 3, 1 non-voting, 3 absent. Motion Carried.

Jim Brown left the meeting.

7.B. Heritage Park and Historical Committee:

7.B.1. Agreement – David Macneill:

Mayor Jelley will work on a revised agreement based on the lawyer's feedback and bring the agreement back to the Council.

7.B.2. Literary Tour RFP:

One submission was received and it was above the budgeted amount.

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that Deputy Mayor be allowed to negotiate the contract with the company to a maximum budget of \$130,000.00. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

A smaller committee will be made up of the current committee that will continue to work on the Literary Tour RFP Project.

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

7.B.3. RFP Statue:

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the statue RFP for Nathan Scott be accepted as presented based on him being the highest score and the lowest bid for the project. All in favor 2, 1 non-voting, 4 absent. Motion Carried.

Councillor Robinson returned to the meeting.

7.B.4. Coles Associates Tender Proposal:

It was moved by Councillor Clark Dunning, seconded by Councillor Bill Drost that the Tender Proposal for the Heritage Park Project be approved to go to tender. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the meeting be opened to the public in accordance with clause 119(2)(e) of the Municipal Government Act. All in favor 3, 1 non-voting, 1 absent. Motion Carried.

No decisions were made while "in camera".

9. CONCERNS:

9.A. Councillor's Concerns:

Councillor Drost has a copy of an RFP from another municipality so he will work on a draft RFP for the Council to review for engineering services.

Mayor Jelley advised that the briefing notes for the meeting are appreciated to update the Council on the agenda matters and that they help move things along.

9.B. Resident's Concerns:

Information will be posted on the municipal weekly updates on the location where people can donate for the Fyfe Family after the fire on their property.

CAO's Evaluation:

The CAO left the meeting while discussion took place on the CAO's Evaluation.

The CAO returned to the meeting.

Mayor Jelley will have a draft contract to bring to the next Council meeting for the CAO's review and it will be prepared by Stewart McKelvey with hopes to have the final agreement signed at the April 15, 2019 Council Meeting.

The CAO will update the roles of the CAO based on the contract and the Municipal Government Act for the March meeting.

10. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 9:35 p.m.



Mayor, Matthew Jelley



CAO, Brenda MacDonald