

Minutes
Resort Municipality Monthly Council Meeting
Monday, July 15, 2019
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on July 15, 2019 at the Resort Municipality Office.

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

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

VISITORS: Sunny Gallant and Jim Brown.

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

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

Mayor Jelley joined the meeting.

3. APPROVAL OF COUNCIL MEETING MINUTES JUNE 17, 2019:

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council Meeting Minutes of June 17, 2019 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

Councillor Drost raised concerns over the right to be heard and whether there was any updates on this matter.

The CAO had advised that discussions were held with municipal affairs and the legal counsel and the information was provided to the Mayor.

4. DECLARATION OF CONFLICT OF INTEREST:

Mayor Jelley declared a conflict of interest under Section 6.A. Planning Board - Marco Polo Land as well as Sandspit Entertainment Ltd..

Bill Drost declared a conflict of interest under Section 6.A. Planning Board - Smooth Coat Drywall.

Mayor Jelley and Deputy Mayor Lowther declared a conflict of interest under Section 7. Cavendish Sewer Utility.

5. COMMITTEE REPORTS:

PLANNING BOARD / SIGNAGE COMMITTEE:

Fred Schreiner and Linda Natzmer – (Four Winds Lane) – an application was received to construct a one and a half storey summer cottage of 64' X 63' with decks. Awaiting septic permit information.

West Highland Contractors – (Sunset Campground) – PID # 694976 – 9095 Cavendish Road – an application was received to have a euro bungy on the property from June 15 – September 15, 2019. Awaiting Engineers drawings.

West Highland Contractors – PID # 231597 – Simpson Mill Road – the lot consolidation deeds have been finalized for the property.

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

Building Permits:

Sunny Gallant – PID # 456699 - (94 Cape Road) – an application was reviewed to construct a cottage on the property of 16' X 20' 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 Environment, 2) that a sewage disposal permit be issued, and 3) meets the requirements of the Department of Transportation. All in favor 6, 1 non-voting. Motion Carried.

Terry Keenan - PID # 1106657 (Seawood Drive) – an application was received to construct a cottage of 54.7' X 39.5' with decks. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that approval be granted subject to: 1) the cottage shall be connected to the private water system and 2) the cottage shall be connected to the municipal water system. All in favor 6, 1 non-voting. Motion Carried.

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

Councillor Drost assumed the position of Acting Mayor.

Sandspit Entertainment Ltd. – PID # 231977 (8863 Cavendish Road) – an application was received to construct a commercial / retail building of 48' X 35' for commercial / retail use. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that approval be granted 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) stamped drawings were provided from an engineer and an architect. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Council moved on to agenda item 7 – Cavendish Sewer Utility while the Mayor and Deputy Mayor were absent due to a conflict of interest.

Gary Lowther - Request for information was sent along to IRAC and the legal counsel for review by the sewer utility board.

Deputy Mayor Lowther returned to the meeting and resumed her position.

Marco Polo Land Inc. – PID # 232298 - 7406 Route 13 – an application was received to locate the water elements in the wading pool area. A letter has been received from Coles Associates for the planning board and the Council's review. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that approval be granted to go to the next phase of the development to install the water fixtures as per the engineer's recommendation subject to: 1) the engineer's letter from Coles Associates, 2) that a development agreement be entered into, 3) meets the requirements of the Department of Environment, 4) meets the requirements of the Provincial Fire Marshal's office, 5) that a performance bond be posted and 6) that the water elements shall not be open to the public until all stamped drawings are provided by the engineer and the final information submitted to the Council on all the approvals. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Marco Polo Land – PID # 232298 – 7406 Route 13 – an application was received to have fireworks on the property on August 9, 2019 (storm date August 10, 2019). Awaiting approval from the fire marshal's office.

Marco Polo Land – PID # 232298 – 7406 Route 13 – an application was received to have fireworks on the property on August 31, 2019 (storm date September 1, 2019). Awaiting approval from the fire marshal's office.

Mayor Jelley returned to the meeting.

Permits issues by the CAO:

Adam Doiron – A deck permit of 16' X 22' was issued for property # 869289.

Taxi Permits:

Cavendish Tourist Mart Inc. – an application was received to have Cavendish Taxi on the property from July 5 – September 15, 2019. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that approval be granted subject to: 1) proof of insurance, license and registration to be provided. All in favor 6, 1 non-voting. Motion Carried.

Mayor Jelley resumed his position.

Other:

A Reminder of the Strategic Planning Session on July 16, 2019 at 1:00 p.m. in the lower office was discussed for those that can attend.

5.B. Cavendish Beach Music Festival:

The event went well overall.

The two drink max was questioned on what that means at the site when ordering at the bar.

The Senior Ops team were happy with this year's event and thought that it was the best one to date.

A request for input, feedback, comments and suggestions will be sent out in the municipal updates to respond back by July 15, 2019.

Weather monitoring worked well but there were some concerns with the EMO office and the process that happened between Friday and Saturday.

Maritime Electric was discussed with regards to the power outage issues and the fact that they need to be part of the Senior Ops team as well. Council noted that a meeting needs to be held with them regarding power issues in the municipality to find ways to resolve them. It was felt that a letter should be sent to Maritime Electric asking what exactly the problem is and when is it going to be fixed.

A letter will be sent to Maritime Electric to Angus Orford and an invitation will be sent to them to attend a Council meeting.

There was also some concerns raised over campgrounds from the RCMP during this year's event with some issues that happened. It was recommended that a meeting needs to be held with Tourism PEI on this as well.

5.C. Kenneth Grooves:

A letter was received from the subdivision owner with his comments on the review process for permits within the subdivision.

The municipal Council is responsible to follow their own regulations and it is the owner's responsibility to enforce the covenants on the properties.

6. Michelle Burge – Audits:

The 2018/2019 Resort Municipality non-consolidated statements were presented.

The \$5,000.00 allocation for transit service needed to be changed from donations to community projects.

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the Resort Municipality non-consolidated statements be approved as amended. All in favor 6, 1 non-voting. Motion Carried.

The 2018/2019 Cavendish Sewer Utility non-consolidated statements were presented.

It was moved by Councillor Brammer, seconded by Councillor Robinson that the Cavendish Sewer Utility non-consolidated statements be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

The 2018/2019 Resort Municipality consolidated statements were presented.

The \$5,000.00 allocation for transit service needed to be changed from donations to community projects as per the changes to the Resort Municipality non-consolidated statements.

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the Resort Municipality consolidated statements be approved as amended. All in favor 6, non-voting. Motion Carried.

The Council also discussed auditing services being sent out to RFP in the fall for a five year duration.

6.D.1. Second Reading Tax Rate Group Bylaw:

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that the second reading of the Tax Rate Group Bylaw be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Drost, seconded by Councillor Clark Dunning that the minutes of the second reading of the Tax Rate Group Bylaw be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the Tax Rate Group Bylaw be adopted as presented. Motion Carried.

6.D.2. Second Reading Borrowing Bylaw:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the second reading of the Borrowing Bylaw be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Deputy Mayor Lowther, seconded by Councillor Drost that the minutes of the second reading of the Borrowing Bylaw be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Deputy Mayor Lowther, seconded by Councillor Drost that the Borrowing Bylaw be adopted as presented. Motion Carried.

6.D.3. Second Reading Fees Bylaw:

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the second reading of the Fees Bylaw be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the minutes of the second reading of the Fees Bylaw be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the Fees Bylaw be adopted as presented. Motion Carried.

6.D.4. Dangerous and Unsightly Property Bylaw:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the second reading of the Dangerous and Unsightly Property Bylaw be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the minutes of the second reading of the Dangerous and Unsightly Property Bylaw be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Robinson, seconded by Deputy Mayor Lowther that the Fees Bylaw be adopted as presented. Motion Carried.

6.D.5. Summary Proceedings Bylaw:

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the second reading of the Summary Proceeding Bylaw be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the minutes of the second reading of the Summary Proceedings Bylaw be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Robinson, seconded by Councillor Brammer that the Summary Proceedings Bylaw be adopted as presented. Motion Carried.

6.D.6. Cavendish Sewer Utility Bylaw:

The Cavendish Sewer Utility Bylaw will be sent back to legal counsel to review the definition of generator as well as the check valve and plumbing requirements through IRAC and the imprisonment term for someone violating the bylaw.

6.E. Monthly Finances:

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

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the revenues of \$83,446.84 and the expenses of \$130,977.84 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

6.E.1. Heritage Park Project Budget Amendments:

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that \$86,000.00 from Gas Tax Funds, \$34,780.38 from the Recreation Fund and \$20,003.32 be used from the Community Projects Fund to complete the Montgomery Park Project. All in favor 6, 1 non-voting. Motion Carried.

Moving of maintenance building:

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that \$5,405.00 be approved for moving of the maintenance building under the revised budget. All in favor 6, 1 non-voting. Motion Carried.

Maple Trees:

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that \$600.00 be allocated for the additional costs of the maple trees under the revised budget. All in favor 6, 1 non-voting. Motion Carried.

6.F. Trails and Paths Committee::

6.F.1. Quote on Walkway:

It was moved by Councillor Drost, seconded by Councillor Clark Dunning that up to \$3,000.00 be approved for

engineering work for the sidewalk replacement on Route 13. All in favor 6, 1 non-voting. Motion Carried.

6.G. Emergency Services Committee:

6.G.1. Citizens on Patrol:

A survey was prepared and some recommended changes were made. Councillor Robinson will complete the work and send it to the CAO to be sent out in the weekly updates.

7. Cavendish Sewer Utility:

7.A. Monthly Updates and Engineering:

Costs were received for work to be completed by the engineer to review what is needed for LS# 4.

It was moved by Councillor Drost, seconded by Councillor Clark Dunning that up to a maximum of \$4,200.00 be allocated for engineering work on LS # 4. All in favor 6, 1 non-voting. Motion Carried.

8. BUSINESS ARISING FROM MINUTES:

8.A. Destination Management Fund:

A meeting will be called with the committee members to do a review of the applications submitted.

A request will also be made to Cavendish Beach Music Festival for the 2018 and 2019 figures for the ticket sales for the festival to have the new amount for the fund.

8.B. Heritage Park and Historical Centre Committee:

The Heritage Park project is moving along and there have been some issues along the way. Getting the grass growing has been a challenge with the contractor and the weather as it is not being watered regularly.

8.B.1. Tourism PEI Funding Application:

Opening Ceremony:

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that \$5,500.00 be approved by the municipality for the opening ceremony with an additional \$5,000.00 to be applied for from the Province and an additional \$5,000.00 to be applied for from ACOA for a total of \$15,500.00 for the opening event. All in favor 6, 1 non-voting. Motion Carried.

8.B.2. Maurice Bernard:

An agreement was provided by Harvey with Maurice Bernard on the website pictures. This has been sent to the legal counsel for review.

8.B.3. Communications Requirements:

A letter was received from Jesse MacDougall on the Communications Requirements for projects under the Gas Tax Funding program.

8.C. Upland Planning and Design Studio:

A progress report was in the meeting package from the company along with their first billing.

8.D. Internet – North Rustico:

Awaiting information from Eastlink on current pricing for the project and an update from Bell on what they are doing.

9. NEW BUSINESS:

9.A. Trout River Environmental Committee:

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that \$100.00 be donated to the Trout River Environmental Committee. All in favor 6, 1 non-voting. Motion Carried

9.B. Dr. Herb Dickieson Letter:

A letter was in the meeting package on Physician shortage on PEI. Information only.

9.C. Maritime Electric Tree Planting Program:

An application will be submitted to the Tree Planting Program at Maritime Electric and a request will also be submitted for the 2020 year as well.

10.A. Councillor's Concerns:

Deputy Mayor Lowther raised a concern over the location of the 50 km/h sign on Route 13.

- Dawn Moase at the Department of Transportation, Infrastructure and Energy will be contacted on the speed sign and the approaching speed sign on Route 13.

Councillor Robinson commented on an old-fashioned streetlight being out near Captain Kidd's. The CAO advised that Don MacLeod Electric had been contacted regarding some lights being out in the area.

Councillor Drost raised concerns regarding the interpretation of Conflict of Interest and the Right to be heard.

Mayor Jelley commented on the process regarding Conflict of Interest and the Right to be heard based on the Municipal Government Act as well as the municipal requirements of the Council Procedures and General Business Bylaw. The Mayor repeated the information that was received from Municipal Affairs staff to Council and advised Councillor Drost that he could get his own legal interpretation.

It was decided that the CAO would contact Municipal Affairs for their input as well as legal counsel again to get something in writing on the right to be heard.

10.B. Resident's Concerns:

Sunny Gallant was in attendance at the meeting and she advised that she felt that the concert was better overall this year and there were less garbage issues on the Cape Road.

Sunny Gallant advised that she was interested in sitting on Council or a committee since she moved back to the Province as some people in the North Rustico area had stated that they felt that an everyday person should be on Council.

Mayor Jelley confirmed with Sunny that the Council is voted in by the electors for the Resort Municipality and encouraged her to put forth her name at the next election. If a committee position opens up her name could be put forward to sit on one of those.

Garbage Dumpsters – a concern was raised over garbage dumpsters on a property. The CAO checked them and there were no issues on the property with garbage and the dumpsters were a little rusty but that is the company that supplies the equipment's responsibility to have them painted and not the business owners.

11. "In Camera Matters"

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 6, 1 non-

voting. Motion Carried.

11.1. Agreement with David Macneill:

Mayor Jelley is working on the agreement with David Macneill for the cleaning of the restrooms in the park.

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

11.2. Smooth Coat Drywall:

A decision was received from IRAC on an appeal.

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the meeting be opened to the public in accordance with clause 119(2)(e) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

No decisions were made while in camera.

Councillor Drost returned to the meeting.

11.3 Constructing without a permit:

All developments require development permit approval in the Resort Municipality. Property owners building without a permit are contravening the bylaw.

11.4. Green Village Accommodations:

A copy of the development agreement will be provided to the Council for review at the next monthly meeting.

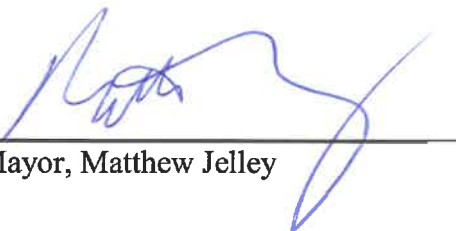
The CAO left the meeting due to a conflict of interest on the CAO's evaluation.

11.5. CAO's Evaluation:

No information was provided.

12. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 9:15 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO