

Minutes  
Resort Municipality Monthly Council Meeting  
Monday, September 16, 2019  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on September 16, 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, George Clark Dunning and Kenny Singleton were absent for the first portion of the meeting.

**VISITORS:** Jim Brown, Tom Harland and Marcus King.

**1. CALL TO ORDER:**

Deputy Mayor Lowther called the meeting to order at 5:13 p.m.

**2. APPROVAL OF AGENDA:**

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

Mayor Jelley joined the meeting.

**3. APPROVAL OF COUNCIL MEETING MINUTES AUGUST 19, 2019:**

It was moved by Councillor Brammer, seconded by Councillor Robinson that the Council Meeting Minutes of August 19, 2019 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Councillors Clark Dunning and Councillor Singleton joined the meeting.

**4. DECLARATION OF CONFLICT OF INTEREST:**

Bill Drost declared a conflict of interest under Section 7.A. Planning Board - Smooth Coat Drywall.

Chris Robinson declared a conflict regarding a sign application under Section 7 A.

Chris Robinson declared a conflict of interest under Section 7.A. Planning Board – Chris Robinson and Stephanie Scharf Signage.

**5. PARKS CANADA:**

Mayor Jelley provided updates from Parks Canada on the trail system and trees following the storm.

Mayor Jelley met with the incident command team on site at Green Gables House each day during the storm and power outage.

Parks crews are working on getting the trails open but some will not be available to the public until the spring as there are so many trees down.

Green Gables House is up and operational. There were some issues, as the new structure does not have a generator. Cavendish Campground has had significant damage at the site. They are going to be getting stricter with the public accessing the area as although people have been told not to access the site, the crews have to stop for 15 minutes every time someone steps on site due to safety precautions.

Mayor Jelley resumed his position.

## **6. TOM HARLAND & MARCUS KING:**

### **Lift Station #4:**

Tom Harland presented information to the Council on LS # 4 on Cavendish Road.

Clarification was requested on the project and pricing for it based on the information presented and the budget that is allocated by the municipality.

It is expected that the tender could be put out this fall with the project being completed in the spring.

### **Boardwalk Review:**

The Route 13 walkway project and alternatives on the walkway were discussed.

Prices are being reviewed for the project and the engineer is working with the Department of Transportation, Infrastructure and Energy on the storm sewer and a multi-use trail in this area.

The engineer will continue to try to secure a commitment from government on the project.

Mayor Jelley, Councillor Singleton and Tom Harland will set up a meeting with Stephen Yeo.

### **Lagoon irrigation:**

The engineer was asked to work on the possibility of land irrigation from the treated effluent and report back to the Council on options for it.

## **7. COMMITTEE REPORTS:**

### **7.A. Planning Board:**

West Highland Contractors – PID # 231597 – Simpson Mill Road – the lot consolidation deeds have been finalized for the property. A request has been received to complete a rezoning on the lands from RD4 (Resort Commercial) to RD2 (Resort Accommodations). Public Meeting to follow.

Official Plan Amendment – a request has been received to change a portion of PID # 231597 on the Official Plan General Land Use Map from resort campground to resort accommodations. Public Meeting to follow.

West Highland Contractors – Portion of PID # 694984 – Simpson Mill Road – the lot consolidation deeds have been finalized for the property. Zoning Map Amendment – a request has been received to rezone on a portion of the lands from RD4 (Resort Commercial) to RD2 (Resort Accommodations) Public Meeting to follow.

Official Plan Amendment – a request has been received to change a portion of PID # 694984 on the Official Plan General Land Use Map from resort campground to resort accommodations. Public Meeting to follow.

Dr. Gary MacLean – PID # 233221 - (54 Stewart Lane) – an application was reviewed to construct an addition onto the existing cottage of 26' X 27'2". Awaiting comments from the province on the septic system.

Jeremy Johnston - PID # 1064823 (Seawood Drive) – an application was received to construct a two storey summer cottage of 58' X 45' with decks. Awaiting decision on the sewer connection location by the owner.

Fairways Cottages Inc. – PID # 232348 (7420 Route 13) – an application was received to construct a rental cottage of 36' X 24'. Awaiting a final decision on the location of the new cottage and a detailed revised drawing by the owner.

**Building Permits:**

Sea Cross Inc. – PID # 232033 (8779 Cavendish Road) – an application was received to change the use of an existing building of 60' X 46' from retail into a licensed restaurant. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval in principle be granted subject to: 1) meets the requirements of the Department of Health and wellness, 2) meets the requirements of the Provincial Fire Marshal's office, 3) that stamped engineered drawings be provided and 4) that stamped architect's drawings be provided. All in favor 6, 1 non-voting. Motion Carried.

Sea Cross Inc. – PID # 232033 (8779 Cavendish Road) – an application was received to change the use of an existing building of 50' X 30' from retail into a licensed restaurant. It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that approval in principle be granted subject to: 1) meets the requirements of the Department of Health and wellness, 2) meets the requirements of the Provincial Fire Marshal's office, 3) that stamped engineered drawings be provided and 4) that stamped architect's drawings be provided. All in favor 6, 1 non-voting. Motion Carried.

Swept Away Cottages – PID # 624379 (Cavendish Road) – an application was received to construct 1, 1 bedroom cottage of 30' X 24' with a deck, 8, 2 bedroom cottages of 30' X 32' with a deck and 3, 3 bedroom cottages 36' X 28' with a deck, 1 laundry facility of 18' X 18', a pool / water building of 20' X 10', and a pool of 20' X 40' with a deck around the pool of 31' X 48'. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther 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, 4) meets the requirements of the Department of Transportation, Infrastructure and Energy, 5) the drawing shows a cottage on the proposed right-of-way that has to be moved and an application to move it must be received for it, 6) the right-of-way has to be resolved as it is crossing two properties and 7) cottages shall be connected to the municipal sewer. All in favor 6, 1 non-voting. Motion Carried.

**Rezoning:**

Estate of Brian Stevenson – PID # 232702 (Cavendish Road) – to rezone the property from RR (Rural) to R1 (Residential). It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval in principle be granted subject to: 1) meets the requirements of the Department of Environment, 2) meets the requirements of the Department of Transportation, Infrastructure and Energy and 3) that the drawing be provided showing how the parcel will be split for the three properties. All in favor 6, 1 non-voting. Motion Carried.

**SIGNAGE:**

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

**Chris Robinson** – PID # 1003748 (8527 Cavendish Road) – an application was received to construct a sign of 6' X 4' for the Salty Fox rental cottage. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval be granted. All in favor 6, 1 non-voting, Motion Carried.

Councillor Chris Robinson returned to the meeting.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther to recess the meeting until the Public Rezoning Meeting was completed. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther to start the meeting again at 7:30 p.m.. All in favor 6, 1 non-voting. Motion Carried.

**UPLAND PLANNING AND DESIGN STUDIO:**

It was decided that a call would be made to Upland Planning and Design Studio on the process to date and that it needs to change. If any Council members wish to take part in the call then they can contact the CAO.

Each Council member agreed to contact 10 property owners to invite them to the public session.

**Shared Services:**

Deputy Mayor Lowther advised that the Central Development Corporation is looking to work with municipalities for shared services and they could attend a Council meeting to provide some information.

**Thank You** – A request was made from the Planning Board that a letter be sent out to Transportation, Infrastructure and Energy as well as Parks Canada and Maritime Electric on the work that was completed in the area during the storm.

The CAO advised that a letter needs to be sent to the business owners that helped out during the storm as well.

Mayor Jelley will complete a letter to be sent out to the various departments.

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

\*\*\*\*\* ***"In Camera"***\*\*\*\*\*

\*\*\*11) ***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 5, 1 non-voting, 1 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 5, 1 non-voting, 1 absent. Motion Carried.

*No decisions were made while in camera.*

**Smooth Coat Drywall:**

Based on the decision made by the Island Regulatory and Appeals Commission in favour of the Resort Municipality in relation to Smooth Coat Drywall Ltd., and no appeal having been filed to the PEI Court of Appeal, the planning board recommends starting legal proceedings for non-compliance with the 2017 Zoning and Subdivision Control (Development) Bylaw.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther, that the municipality take all necessary actions under the Planning Act and the 2017 Zoning and Subdivision Control (Development) Bylaw to start legal proceedings to enforce compliance with the bylaw and to restrain breach of the bylaw. All in favour 5, 1 non-voting, 1 absent.

Councillor Drost returned to the meeting.

**7.A.1. Building Codes Act Administration and Enforcement Regulations:**

The CAO talked about the National Building Code and the changes that are coming into effect. Regulations for

commercial properties will take effect in 2020 and residential properties will come into effect in 2021.

The CAO and Councillor Bill Drost sent through comments on the National Building Code Regulations.

**National Building Code Inspections:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the municipality enter into an agreement with the province for inspections for the National Building Code to be completed by them and that a further review be completed in 2021 to determine if this is the process that the Council wants to continue with for inspections. All in favor 6, 1 non-voting. Motion Carried.

**7.A.2. Council Procedures, Conduct and General Business Bylaw:**

The bylaw was tabled until additional information and clarification is received from the lawyer.

**7.A.3. Cavendish Sewer Utility Bylaw First Reading:**

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

It was moved by Councillor Robinson, seconded by Councillor Clark Dunning that approval of the first reading of the Cavendish Sewer Utility Bylaw be approved as presented. All in favor 6, 1 non-voting. Motion Carried,

**7.B. Monthly Finances:**

Councillor Brammer presented the monthly finances for August 31, 2019.

The monthly finances were tabled until clarification is received on the Capital Projects in the budget information.

**Credit Card Limit:**

It was moved Councillor Brammer, seconded by Deputy Mayor Lowther to increase the credit card limit to \$5,000.00. All in favor 6, 1 non-voting. Motion Carried.

**7.C. Trails and Paths Committee:**

The Swimming Rock has sustained a lot of damage with trees down, steps being twisted, loss of the landing for the steps and the erosion of the bank.

The adjustor has been out and we are waiting for confirmation back from them on what is and isn't covered.

**7.D. Emergency Services Committee:**

**7.D.1. Citizens on Patrol:**

The survey will be sent out again in the weekly updates

**7.D.2.Parks Canada Stats Information:**

Stats information was requested from Parks Canada and we are still waiting to receive the data.

It was also suggested that the exit survey results for the Green Gables Shore should be available from Tourism PEI.

**7.D.3.North Rustico Fire Department:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that \$50.00 be allocated towards a prize for the fire department fundraiser. All in favor 6, 1 non-voting. Motion Carried.

**Reception Centre:**

The Town of North Rustico asked about having some volunteers from the Resort Municipality to help out with the warming centre in North Rustico as a number of property owners went to their warming centre during the power outage.

Council asked to get information about a generator for the Municipal Office Space to have a warming centre available in the municipality as well as to be able to have the incident command centre available at the municipal office based on the recent power outage so that there is something available to property owners in the municipality.

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that \$60,000.00 be allocated through the Gas Tax Funds for a permanent generator for the municipal office. All in favor 6, 1 non-voting. Motion Carried.

**8. Cavendish Sewer Utility:**

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

Driftwood Landing has presented additional information on the sewer list that was requested in order for the line to be taken over by the sewer utility. The sewer utility board will be meeting within the week to review the information.

Infrastructure Funding was approved for LS #4 at Herbie Moore's.

The outfall needs to have work completed on it. Gordon has been advised to proceed to have the work completed with the engineer and the Department of Environment.

The roof of the maintenance building needs to be looked at as there are issues with the soffit and the roof needs to be shingled. The CAO will check with the maintenance staff to see if this is something that he can complete.

**9. BUSINESS ARISING FROM MINUTES:**

**9.A. Heritage Park and Historical Committee**

**9.A.1. Heritage Park Opening**

Opening went well and everyone enjoyed it.

A thank you card was received from Donna Nicholson to the municipality for the event.

Harvey is working on having the signs completed for the location.

A Just for Fun section will be added to the website on the Literary Tour for some other locations to be added. The map for the website was reviewed. There will be a dancing Anne at the Heritage Park location on the map.

**9.A.2. Speed Radar Signs:**

Speed Radar Signs will be installed by the Department of Transportation, Infrastructure and Energy.

**9.B. Strategic Plan Updates:**

This was discussed earlier in the meeting under planning board.

**9.C. Internet – North Rustico:**

Awaiting for details from Kim Champion at Eastlink on current pricing for the project.

**9.D. Letter to the Liquor Control Commission:**

Mayor Jelley to prepare a letter.

**9.E. Letter to Maritime Electric:**

Mayor Jelley to prepare a letter.

**9.F. Speed Sign:**

Dawn Moase has agreed to change the placement of the sign at Marco Polo Land on Route 13.

**10. NEW BUSINESS:**

**10.A. EV Funding Group Submission:**

Paperwork was sent through with a Memorandum of Understanding through Maritime Electric for three locations in the Resort Municipality.

One that the community would contribute funding to at the Cavendish Visitor Information Centre. One at the North Rustico Home Hardware that would be paid for by the owner and one at the Cavendish Flea Market that would be paid for by the owner.

It was moved by Councillor Drost, seconded by Councillor Brammer that the Resort Municipality sign the memorandum of understanding to be part of the joint funding request for the charge stations through Maritime Electric. All in favor 6, 1 non-voting. Motion Carried.

**10.B. Canadian Union of Public Workers:**

Information only.

**11.A. Councillor's Concerns:**

No Councillor's Concerns were raised.

**Council Member Disclosure Statements:**

Council Member Disclosure Statements were presented to the Council to complete again as they have been required to be returned since the election. Councillors asked for electronic copies so they can be filled out on computer.

**11.B. Resident's Concerns:**

There were no resident's concerns raised.

**12. "In Camera Matters"**

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 6, 1 non-voting. Motion Carried.

**12.1. Agreement with David Macneill:**

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

**12.2. Green Village Accommodations:**

Legal Counsel sent through their recommendation on Green Village Accommodations.

**12.3. Cavendish Services Ltd. Performance Bond:**

Performance bond release was discussed.

**12.4. Destination Management Fund:**

Information will be presented at the October Council Meeting.

**12.5. CAO's Evaluation:**

This item was discussed while the CAO was out of the meeting.

*No decisions were made while in camera.*

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 6, 1 non-voting. Motion Carried.

**12.2. Green Village Accommodations:**

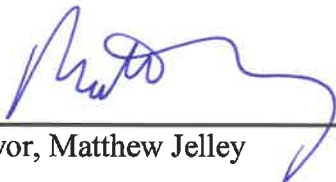
It was moved by Councillor Clark Dunning, seconded by Councillor Singleton to keep the performance bond for non-compliance of the development agreement. All in favor 6, 1 non-voting. Motion Carried.

**12.3. Cavendish Services Ltd. Performance Bond:**

It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that the performance bond be kept until a long term solution has been provided by the owner on the walkway area and until such time as all requirements of the development agreement are met. All in favor 6, 1 non-voting. Motion Carried.

**12. ADJOURNMENT:**

Mayor Jelley adjourned the meeting at 9:25 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO