

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

The Monthly Council Meeting of the Resort Municipality was held on October 21, 2019 at the Resort Municipality Office.

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

ABSENT: Lee Brammer. Kenny Singleton and Chris Robinson were absent for the first portion of the meeting.

VISITORS: Tom Harland.

1. CALL TO ORDER:

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

2. 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 3, 1 non-voting, 3 absent. Motion Carried.

3. APPROVAL OF CBMF PUBLIC MEETING JUNE 11, 2019:

It was moved by Deputy Mayor Lowther, seconded by Councillor Drost that the CBMF Public Meeting for June 11, 2019 be adopted as amended. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

APPROVAL OF CBMF PUBLIC MEETING JULY 29, 2019:

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the CBMF Public Meeting for July 29, 2019 be adopted as amended. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

APPROVAL OF MONTHLY COUNCIL MEETING MINUTES SEPTEMBER 16, 2019:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the Monthly Council Meeting Minutes of September 16, 2019 be adopted as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

Mayor Jelley declared a conflict of interest under Section 5.B and 5C. Planning Board.

Councillor Bill Drost declared a conflict of interest under Section 9. Planning Board - Smooth Coat Drywall.

6. COMMITTEE REPORTS:

Follow Up Permits:

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.

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 and to construct an addition onto the existing building. Awaiting comments from the Department of Health and Wellness.

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. Awaiting comments from the Department of Health and Wellness.

Swept Away Cottages – PID # 624379 (Cavendish Road) – an application was received to construct one, 1 bedroom cottage of 30' X 24' with a deck, eight 2 bedroom cottages of 30' X 32' with a deck and three, 3 bedroom cottages 36' X 28' with a deck, one 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'. Awaiting comments from the Department of Transportation, Infrastructure and Energy and the Department of Environment.

Helen Stewart - PID # 231662 (Cavendish Road) – an application was received to change the zoning on a portion of the property from RR (Rural) to R1 (Residential). Awaiting additional information from the Department of Transportation and Infrastructure Renewal prior to going to a public rezoning meeting.

Building Permits:

Phil Davison – (40 Clarks Lane) - Application was tabled as it was incomplete.

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

Forest Hills Estates Partnership – PID # 232009 – (8821 Cavendish Road) – an application was received to change the use of the shed into a carriage house. It was moved by Councillor Clark Dunning, seconded by Councillor Drost that approval in principle 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 2, 1 non-voting, 4 absent. Motion Carried.

Councillor Singleton joined the meeting.

Sandspit Entertainment Ltd. – PID # 233197 (8986 Cavendish Road) - an application was received to construct an addition of 16' X 16' onto the existing maintenance building. It was moved by Councillor Clark Dunning, seconded by Councillor Drost that approval in principle be granted subject to: 1) meets the requirements of the Provincial Fire Marshal's office, 2) meets the requirements of the Department of Environment and 3) that stamped drawings be provided. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Sandspit Entertainment Ltd. – PID # 233197 (8986 Cavendish Road) - an application was received to relocate an existing accessory building of 18' X 14' from the centre of the property to the rear of the property. 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 Provincial Fire Marshal's office and 2) meets the requirements of the Department of Environment. All in favor 2, 1 non-voting, 1 nay, 3 absent. Motion Carried.

Mayor Jelley returned to the meeting and resumed his position.

Rezoning:

Estate of Brian Stevenson – PID # 232702 (Cavendish Road) – to rezone the property from RR (Rural) to R1 (Residential). A public meeting will follow the Council Meeting tonight.

Upland Planning and Design Studio – sessions.

Information sessions were held on October 10, 2019.

Documents were in the meeting package from Upland Planning & Design Studio on the initial review.

Information will be presented to the public as the process moves forward.

History on the area was discussed during the sessions.

Planning Board recommended that perhaps someone who is working on their Masters at UPEI might be interested in working on the history.

“In Camera”

*** a) ***Smooth Coat Drywall / Philip Gallant:***

Councillor Bill Drost advised that he would remove himself from the meeting out of respect for the Council for the meeting that night, but in future that he has no business interest, no vehicles or any involvement with Philip Gallant and will not be removing himself from any future meetings.

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 3, 1 non-voting, 3 absent. Motion Carried.

No decisions were made while in camera.

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 3, 1 non-voting, 3 absent. Motion Carried.

Philip Gallant:

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton, that the municipality send a letter to the property owner regarding used cars and vehicles being parked on the property and that is not a permitted use under the Resort Municipality Zoning and Subdivision Control (Development) Bylaw and that he shall have until November 8, 2019 to remove them from the property. All in favour 3, 1 non-voting, 3 absent.

Councillor Drost returned to the meeting.

*** b) ***Sid & Marianne Curtis.***

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.

No decisions were made while in camera.

It was moved by Councillor Singleton, 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 3, 1 non-voting, 3 absent. Motion Carried.

6.A.1. Council Procedures and General Business Bylaw Second Reading:

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that the second reading be approved. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Approval of Second Reading of the Bylaw:

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that approval of the second reading be granted. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Adoption of the Bylaw:

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that the bylaw be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

6.A.2. West Highland Contractors Ltd. PID # 231597:

Second Reading – West Highland Contractors Ltd. Amendment: (Simpson Mill Road) – PID # 231597 – Official Plan Amendment Resolution

Whereas an application was received from West Highland Contractors Ltd. to amend the Resort Municipality Official Plan General Land Use Map for a portion of land from Resort Commercial land use to Resort Accommodations land use;

And whereas Council has considered the following general criteria:

- Conformity with applicable legislation;
- Community objectives;
- Changes in technical content; and
- Water and sewer and other infrastructure plans;

Be it resolved that the official plan amendment 2019-1, to amend the 2017 Official Plan General Land Use Map be hereby read a second time.

It was moved by Councillor Drost, seconded by Councillor Clark Dunning that the Council amend the Official Plan General Land Use Map to change the designation of a portion of Provincial Parcel # 231597 from the Resort Commercial Zone to the Resort Accommodations Zone. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Adoption of the Official Plan Amendment:

It was moved by Councillor Clark Dunning, seconded by Councillor Drost that the Council amend the Official Plan General Land Use Map to change the designation of a portion of Provincial Parcel # 231597 from the Resort Commercial Zone to the Resort Accommodations Zone. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

6.A.3. Second Reading – West Highland Contractors Ltd. (Simpson Mill Road) – PID # 231597:

Whereas an application was received from West Highland Contractors Ltd. for Simpson Mill Road, PID # 231597 for a zoning amendment from the Resort Commercial Zone to the Resort Accommodations zone under the Resort Municipality, 2017 Zoning and Subdivision Control (Development) Bylaw 2019-2 to change the zoning map from (RD4) Resort Commercial Zone to (RD2) Resort Accommodations Zone;

And whereas zoning bylaw amendment 2019-2, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw was read a first time at the Special Council Meeting on October 3, 2019.

Be it resolved that zoning bylaw amendment 2019 – 2, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be hereby read a second time.

It was moved by Councillor Drost, seconded by Deputy Mayor Lowther that the bylaw amendment to amend the Zoning map to show a portion of Property # 231597 from the current Resort Commercial (RD4) Zone to RD2 (Resort Accommodations) Zone be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Approval of Second Reading:

It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that the second reading of the

Zoning Amendment for PID # 231597 to change a portion of the land from the current Resort Commercial (RD4) Zone to RD2 (Resort Accommodations) Zone be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Adoption of bylaw amendment:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the bylaw amendment to amend the Zoning map to show Property # 231597 from the current Resort Commercial (RD4) Zone to RD2 (Resort Accommodations) Zone be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

6.A.4. West Highland Contractors Ltd. PID # 694984:

Second Reading – West Highland Contractors Ltd. Amendment: (Simpson Mill Road) – PID # 694984 – Official Plan Amendment Resolution

Whereas an application was received from West Highland Contractors Ltd. to amend the Resort Municipality Official Plan General Land Use Map for a portion of the land from Resort Campground land use to Resort Accommodations land use;

And whereas Council has considered the following general criteria:

- Conformity with applicable legislation;
- Community objectives;
- Changes in technical content; and
- Water and sewer and other infrastructure plans;

Be it resolved that the official plan amendment 2019-1, to amend the 2017 Official Plan General Land Use Map be hereby read a second time.

It was moved by Councillor Drost, seconded by Deputy Mayor Lowther that the Council amend the Official Plan General Land Use Map to change the designation of Provincial Parcel # 694984 from the Resort Campground Zone to the Resort Accommodations Zone. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Adoption of the Official Plan Amendment:

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that the Official Plan Amendment for PID # 694984 General Land Use Map to change the designation of a portion of Provincial Parcel # 694984 from the Resort Commercial Zone to the Resort Accommodations Zone be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

6.A.3. Second Reading – West Highland Contractors Ltd. (Simpson Mill Road) – PID # 694984:

Whereas an application was received from West Highland Contractors Ltd. for Simpson Mill Road, for a portion of PID # 694984 for a zoning amendment from the Resort Campground Zone to the proposed Resort Accommodations zone under the Resort Municipality, 2017 Zoning and Subdivision Control (Development) Bylaw 2019-2 to change the zoning map for a portion of the property from (RD3) Resort Campground Zone to (RD2) Resort Accommodations Zone;

And whereas zoning bylaw amendment 2019-2, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw was read a first time at the Special Council Meeting on October 3, 2019.

Be it resolved that zoning bylaw amendment 2019 – 2, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be hereby read a second time.

It was moved by Councillor Singleton, seconded by Clark Dunning that the bylaw amendment to amend the Zoning map to show a portion of Property # 694984 from the current Resort Campground (RD3) Zone to RD2 (Resort Accommodations) Zone be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Approval of Second Reading:

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that the second reading of the Zoning Amendment for a portion of PID # 694984 from the current Resort Campground (RD3) Zone to RD2 (Resort Accommodations) Zone be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Adoption of bylaw amendment:

It was moved by Deputy Mayor Lowther, seconded by Councillor Drost that the bylaw amendment to amend the Zoning map to show a portion of Property # 694984 from the current Resort Campground (RD3) Zone to RD2 (Resort Accommodations) Zone be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried

6.A.6. Recreational Vehicles:

Information was collected from a number of municipalities on RV's and campers and whether they are or are not allowed in other jurisdictions and how they deal with them..

Information will be confirmed with Summerside and then the information will be forwarded on to Upland Planning & Design Studio.

6.A.7. Performance Bond – Hennie Hoekstra:

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that the performance bond for Marco Polo Land be released. All in favor 4, 1 non-voting, 2 absent. Motion carried.

6.B. Monthly Finances:

The CAO presented the monthly Finances for August 31, 2019. The revenues were \$177,082.10 and the expenses were \$178,492.94.

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the monthly finances for August 31, 2019 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

The CAO presented the monthly Finances for September 30, 2019. The revenues were \$211,472.59 and the expenses were \$219,226.13.

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that the monthly finances for September 30, 2019 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Councillor Robinson joined the meeting.

6.B.1. MRSB Letter:

A letter was provided by MRSB on the 2018 – 2019 audit.

6.C. Trails and Paths Committee:

6.C.1. Don MacLeod Electric:

LED streetlight upgrades were discussed as a price had been received from Don MacLeod Electric for Route 6.

It was moved by Councillor Singleton, seconded by Councillor Robinson that up to \$5,000.00 be allocated towards streetlight upgrades and that the CAO will work on a location for the money to be spent based on existing light standards. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

A review will also be completed on the various subdivisions within the municipality to determine what areas will be looked at for adding streetlights.

The CAO will contact SEAL to see if there has been any discussion over lighting in the subdivision.

5. TOM HARLAND:

Route 13 Walkway Project:

Tom has met with the province and is working with them to see if they will complete the road work at the same time as the walkway on Route 13. No commitment has been finalized on the construction project to date.

LS # 4:

Revised costs were presented on the project along with an alternative for the station upgrades. A tender will be prepared to be finalized within two weeks to go out to the public.

Lagoon irrigation: A meeting will be scheduled with Parks Canada to discuss options of working with Parks Canada on land based irrigation.

Outfall Work:

The work on the outfall relocation was approved by the Department of Environment and has been completed.

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that the meeting be recessed to allow for the public meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was moved by Councillor Drost, seconded by Councillor Singleton that the meeting be opened at 7:20 p.m.. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

6.D. Emergency Services Committee:

6.D.1. Citizens on Patrol:

Councillor Robinson will determine how many surveys were completed to update the Council at the next meeting to make a decision on whether it is viable or not to proceed.

6.D.2. Parks Canada Stats Information:

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

Deputy Mayor Lowther advised that occupancy numbers are available on a monthly basis from Tourism PEI.

6.D.3. EMO Letter:

A letter was received from the EMO office thanking the municipality for their updates during Hurricane Dorian.

7. Cavendish Sewer Utility:

7.A. Monthly Updates and Engineering:

Driftwood Landing:

- the municipal legal counsel is working on the easement agreement.
- We are gathering the list of inventory from Toombs for the development.
- We are also working on getting an agreement from the condo owners for the development.

Sampson Property:

- Work has been completed at the property with the house, septic system, tile field removed and the well decommissioned.

Outfall:

- Tom Harland prepared a drawing and information for the moving of the outfall. Morley Foy at the Department of Environment has approved the work and a survey will need to be completed at the site once the work has been completed.

Outstanding Sewer Customers:

- Customers that are over 90 days in arrears of their billing have been sent notices.

If payments are not received by October 31, 2019, then the next step will be for legal notices as well as contacting the banks for people that have mortgages.

Water and Sewer Regulations:

- A session was held on October 17, 2019 at Red Shores. Feedback is being accepted on the regulations. Training will need to be completed every four years for DRO's.

8 BUSINESS ARISING FROM MINUTES:

8.A. Heritage Park and Historical Committee

The Literary Tour is being worked on and the signs are being located at each of the sites.

Communities of Interest:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that \$61,000.00 of the total project funds be allocated to the Communities of Interest project. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Opening Ceremony:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that up to \$1,600.00 be allocated out of Community Projects to the opening ceremonies budget. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8.B. Internet – North Rustico:

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

8.C. Letter to the Liquor Control Commission:

Mayor Jelley to prepare a letter.

8.D. Letter to Maritime Electric:

Mayor Jelley to prepare a letter.

8.E. EV Funding Group Submission:

It is expected that a decision will be made in the next year on the funding submission. All information will be distributed through Maritime Electric.

Discussion was had over the safety of someone using the charging stations and Councillor Drost advised that it is safer than putting gas in your car.

8.F. Reception / Warming Centre:

A motion was made at the last Council meeting to allocate funding from the Gas Tax Funds towards a generator. Since that meeting discussions were held with the Gas Tax Funders. Generators other than for sewer lift stations are not qualified for funding under the current program.

Mayor Jelley and Deputy Mayor Lowther will meet with government members to discuss the funding parameters and ask why this would not be eligible based on ongoing weather patterns and power issues.

8.G. Workshop Stanley Bridge:

Deputy Mayor Lowther attended a session in Stanley Bridge on projects being worked on in the area that may include some new trails.

Mayor Jelley and Councillor Clark Dunning will attend the next session.

9. NEW BUSINESS:

9.A. FPEIM Semi-Annual Meeting:

The meeting will be in Souris on October 26, 2019. Anyone interested in attending should be advised the CAO.

10. Concerns:

10.A. Councillor's Concerns:

Councillor Robinson advised that he would be interested in participating in the session on drones and that it could be useful for Emergency Services in the area.

Council Member Disclosure Statements:

Awaiting electronic version of the file from Municipal Affairs.

10.B. Resident's Concerns:

A concern was raised over a driveway flooding on the Gulf Shore Highway from construction on an adjacent property.

The CAO will check out the property and report back to the Council.

A concern was raised on an unsightly property on Sunset Lane.

The CAO will check out the property and report back to the Council.

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 5, 1 non-voting, 1 absent. Motion Carried.

- **** *Agreement with David Macneill.*
- **** *Cavendish Services Ltd. Performance Bond.*
- **** *Destination Management Fund. (Linda)*
- **** *Code of Conduct Bylaw / Access to Information Regulations.*
- **** *Statue Design*
- **** *2018 CAO's Evaluation. The Committee will meet prior to the next Council Meeting.*
- **** *2019 CAO's Evaluation. The 2019 Evaluation will be completed following the 2018 Evaluation.*

No decisions were made while in camera.

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 5, 1 non-voting, 1 absent. Motion Carried.

Agreement with David Macneill:

Mayor Jelley will send through a revised document to David Macneill for review and then provide the Council with a copy of the agreement prior to the next Council Meeting.

Cavendish Services Ltd. Performance Bond:

It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that \$20,000.00 of the bond be released with \$5,000.00 to be held until an agreement has been reached on the walkway.

Destination Management Fund:

Mayor Jelley will speak with Jeff Squires to see where the process stands, the process at meetings and to get things moving forward for the next intake of funds and report back at the next meeting.

Code of Conduct Bylaw / Access to Information Regulations:

Information was sent through for review from the legal counsel. Questions on the information have been sent through to Municipal Affairs for comments from them on the regulations.

Statue Design:

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that the municipality proceed with an agreement with Kate MacDonald Butler, the Resort Municipality, Grace Curtis and Nathan Scott for a four way split on the reproduction of the L.M. Montgomery "Glimpse of Beauty" statue. *All in favour 5, 1 non-voting, 1 absent. Motion Carried.*

2018 CAO's Evaluation. The Committee will meet prior to the next Council Meeting.


2019 CAO's Evaluation. The 2019 Evaluation will be completed following the 2018 Evaluation.

12. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 8:10 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO