

Minutes  
Resort Municipality Monthly Council Meeting  
Monday, May 25, 2020  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on May 25, 2020 at the Resort Municipality Office and electronically with Zoom.

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

**ABSENT:** Chris Robinson.

**VISITORS:** Daniel Brown, Lloyd Adams, Eleanor MacNeill, Brodie O’Keefe and John Warr.

**1. CALL TO ORDER:**

Mayor Jelley called the meeting to order at 5:01 p.m.

**2. APPROVAL OF AGENDA:**

Mayor Jelley moved Planning Board agenda item 6 - Sunny Gallant to “in Camera” at the end of the agenda under 11(4).

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

**3. APPROVAL OF SPECIAL COUNCIL MEETING MINUTES APRIL 20, 2020:**

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Special Council Meeting Minutes of April 20, 2020 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**APPROVAL OF MONTHLY COUNCIL MEETING MINUTES APRIL 20, 2020:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Singleton that the Monthly Council Meeting Minutes of April 20, 2020 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**4. DECLARATION OF CONFLICTS OF INTEREST:**

Deputy Mayor Lowther advised that she may have a conflict under Legal RFP and the Council can decide at that time if there is one or not.

**5. Red Cross – John Warr:**

John Warr presented information to the Council on the Community Outreach Project and how the Red Cross can assist municipalities when a disaster occurs in their area.

**6. COMMITTEE REPORTS:**

**Rezoning Application:**

West Highland Contractors – an application was received to rezone five lots from the current RD3 (Resort Campground) to R1 (Residential). It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that approval in principle be granted subject to: 1) meets the requirements of the Department of Transportation, Infrastructure and Energy, 2) meets the requirements of the Department of Environment, 3) that the perc tests be completed for the lot size requirements and 4) that a public meeting be held. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Subdivision Application:**

West Highland Contractors – an application was received to subdivide five lots off of the main 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 Department of Transportation, Infrastructure and Energy, 2) meets the requirements of the Department of Environment, 3) that a final survey plan be provided and 4) that the rezoning be completed. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Permits approved by the CAO:**

Michael Bergeron – an application was received to construct an accessory building of 20' X 12' for storage only at PID # 935502 (83 Wygant Place).

**Other:**

**Draft Strategic Plan Review:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that \$3,750.00 plus HST be allocated to the additional work in light of the challenges and opportunities of a Post COVID world on the Strategic Plan. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Temporary / Transient Permit: (Cavendish Drive-In Series)**

Brodie O'Keefe provided information for the Council on the Drive-In Series.

Cavendish Beach Music Festival – a temporary / transient permit application was received to hold a drive-in on four Saturdays between July 11 – August 29, 2020.

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 Environment, 2) meets the requirements of the Department of Health and Wellness, 3) meets the requirements of the Provincial Fire Marshal's office and 4) meets the requirements of the Liquor Control Commission. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Cavendish Beach Music Festival (Main Event):**

Cancelled due to COVID-19.

**6.B. Monthly Finances:**

Councillor Brammer presented the monthly Finances for April 30, 2020. The revenues were \$26,653.96 and the expenses were \$10,075.27.

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the monthly finances for April 30, 2020 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**6.B.1. Reserve Fund:**

It was decided that the Reserve Fund allocations would be tabled until the audit was completed.

**6.B.2. Tender Changes:**

Information was received by Councillor Drost as well as Samantha Murphy at Municipal Affairs on the tendering process and new changes required due to COVID-19 changes. Changes will be added to all tenders going forward.

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

**6.C.1. Streetlight Survey:**

Survey results were received from various subdivisions as well as throughout the municipality.

A detailed list of the subdivision lighting priorities that want lighting will be completed for the next meeting.

**6.C.2. Speed Radar Signs:**

Information on the monthly stats on the speed signs was in the monthly meeting package.

The Department of Transportation, Infrastructure and Energy will be installing the speed limit signs on the radar signs posts when they are in the area getting signs up for the summer.

**6.C.3. Swimming Rock Municipal Park Steps:**

Three RFP's were received from the Swimming Rock Steps RFP.

Livingston Steel Inc., APM MacLean Construction and WM&M 1993 Ltd.

It was moved by Councillor Singleton, seconded by Councillor Brammer that the RFP be awarded to Livingston Steel Inc. at a cost of \$24,000.00 plus HST. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**6.C.4 Swimming Rock Tree Cutting:**

Three prices received for the Swimming Rock Tree Cutting.

Doiron Tree Cutting, J&C Tree Cutting and Backwoods Tree Cutting.

It was moved by Councillor Singleton, seconded by Councillor Lowther that the tree cutting tender be awarded to Doiron Tree Cutting at a cost of \$1,600.00 plus HST. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**6.C.5. Grahams Lane Trail:**

There was some damage to the Grahams Lane Trail with work that was done by Parks Canada Jamie Hughes contacted the office to advise that the areas have been fixed up.

**6.C.6. Route 13 Project:**

The tender for the Route 13 project closes on May 27, 2020 with the Department of Transportation, Infrastructure and Energy.

**6.C.7. Dawn Moase – Culvert Route 6 – Mariner's Cove and Clark's Lane:**

John Gallant with the Department of Transportation, Infrastructure and Energy advised that the Department of Transportation, Infrastructure and Energy does not look after the culvert in this area as it is on private land. He advised that he did bring the matter to Jason Affleck who is the Environment Officer with the Department of Transportation and John had suggested that they run an overflow pipe in there and put it a little higher than the existing culvert as a possible solution. The Department of Transportation crew could not do anything at the site on the culvert itself as they would need a private contractor to do the work along with getting permits from the Department of Environment to work on the watercourse as this is something above the level of work that the staff from the Department of Transportation can do. John advised that he would follow up on the matter again with the Department Staff, but that no work can be done now regardless due to COVID-19.

The CAO will follow up with John Gallant again as the large culvert underneath the road is blocking as well and needs to be fixed.

**6.D. Emergency Services Committee:**

**6.D.1. EMERGENCY MEASURES PLAN:**

Plan is being worked on and the effects of COVID-19 are being looked at as well. Waiting for an update from EMO on protocols as well during this new process.

**6.D.2. COVID-19:**

Staff are working daily. The public can arrange to meet by appointment and we ensure social distancing when appointments are scheduled.

The office has had half doors made for the municipal office and cleaning protocols are being made after each person comes into the office.

Updates are provided daily to the EMO office on the municipality and any updates that we know of for changes to operations of businesses and their hours or start dates that have been provided as well as any information that they are looking for us to respond to.

**7. Cavendish Sewer Utility:**

**A. Monthly Updates and Engineering:**

The Lien process has been stopped due to COVID-19 as the date has been cancelled until the situation changes with COVID-19.

Driftwood Landing – we are now waiting for one property owner to return their information from their bank for the sewer utility to complete the paperwork on the easement. This has been delayed due to COVID-19.

Lagoon drawdown was completed on May 12, 2020.

The sewer utility is purchasing new meters. One, 1 1/2", two 3/4" meters and two, 1" meters. The sewer board is reviewing their options and a tariff adjustment is being considered based on the costs of the meters.

Seawood Estates Water System – information was received from Morley Foy and Ben Lannigan on the testing process for the water system and was included in the meeting package.

**8. BUSINESS ARISING FROM MINUTES:**

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

Prices were requested from four contractors on fixing the shelter that fell at Montgomery Park.

The consensus from the majority of Council was that the structure be removed from the site based on the costs that were received to fix the existing or to construct a new shelter based on the number of shelters that are currently at the site. Toombs Plumbing and Heating Ltd. have been advised to remove the shelter and the tree stump at the site.

A Montgomery Park Landscaping Position was sent out to the community looking to see if anyone is interested in working at the park for four hours a week at \$15.00 per hour. Deadline for submissions is June 8, 2020.

A load of enriched top soil and a load of sand gravel mix will be ordered for the maintenance staff to have for the season to be able to fill in spots when needed throughout the community.

**8.B. Liquor Control Commission Letter:**

The meeting was cancelled due to COVID-19.

The CAO will check on a date for the meeting to be held.

**8.C. Destination Management Fund:**

Nothing further has happened as everything has been delayed due to COVID-19.

**8.D. Agreement with David Macneill:**

We are waiting to hear from David Macneill on the agreement.

**8.E. Sustainable Communities Initiative:**

Staff have been taken away for COVID-19 work. A priority was already submitted for this year. Staff are hoping to get back to the initiative in the summer or early fall.

**8.F. Generator:**

Mayor Jelley did not have a chance to discuss the generator project with the province. He will update the Council at the next meeting.

**8.G. Eastlink Build:**

The build in the North Rustico end of the community is happening. There have been some issues with some property owner not wanting Eastlink on their property. If property owners are not allowing Eastlink on their property now, in the future any costs for servicing will be paid solely by the property owner as Eastlink will not contribute to the servicing costs of the property.

**8.H. Maritime Electric:**

The new three phase distribution line feeding from the Bagnall Road Substation to the Resort Municipality area will be completed within one month

**9. NEW BUSINESS:**

**9.A. Business Beautification Award:**

A business is chosen yearly to receive the business beautification award. Nominations are requested from property owners in the newsletter.

**9.B. Residential Beautification Award:**

A residential property owner is chosen yearly to receive the business beautification award. Nominations are requested from property owners in the newsletter.

**9.C. Dr. Kent Ellis Memorial Award:**

A volunteer is chosen yearly to receive the volunteerism award. Nominations are requested from property owners in the newsletter.

**9.D. Multi-Cultural Community Heritage Day:**

Events were scheduled at the Stewart Homestead Community Park on June 27, 2020. The event will now be held on September 5, 2020.

**9.E. Coles Associates:**

Coles Associates has provided information on two experienced and certified inspections staff that they have on staff on the National Building Code at their office.

**9.F. Legal RFP:**

Legal RFP's were received from four companies. Stewart McKelvey, McInnes Cooper, Cox & Palmer and Key Murray Law.

Five Council members prepared their scoring sheet for the legal RFP.

The sewer utility board needs to meet and prepare their scoring sheets as well. The decision on the legal RFP's was tabled until the next meeting.

**10. Concerns:**

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

**Grass Cutting:**

Deputy Mayor Lowther raised a concern on grass cutting as there are a number of properties that have not been cutting the grass on their properties.

Mayor Jelley will prepare a Mayor's message to send out to the municipality on the grass cutting.

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

**Sunny Gallant - Streetlight:**

The lighting on Cape Road will remain in its current location.

**Christine Stewart:**

Information will be sent along to Tourism Cavendish Beach and Christine Stewart will be advised of her information being sent along to them.

**Fairways Cottages:**

A request was received to provide Sandi with a copy of the letter that was sent to the Minister of Tourism regarding seasonal residents.

It was moved by Councillor Drost, seconded by Councillor Brammer that the letter be sent through to Fairways Cottages. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Daniel Brown:**

Daniel will contact the Mayor to discuss some of the meeting agenda items.

**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) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**11.1 Dangerous and Unsightly Premises Bylaw:**

**11.2 2018 CAO's Evaluation:**

**11.3 2019 CAO's Evaluation:**

**11.4 Sunny Gallant:**

*No decisions were made while in camera.*

It was moved by Councillor Drost, seconded by Councillor Singleton 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.

**11.1 Dangerous and Unsightly Premises Bylaw:**

A concern was raised regarding a property in Seawood Estates. The owner has cleaned up the property.

**11.2 & 11.3. 2018 CAO's Evaluation & 2019 CAO's Evaluation.**

The Human Resource Committee is working with the lawyer on contract changes.

**11.4. Sunny Gallant:**

An application was received to have a temporary / transient use permit to locate a travel trailer on the property from May 1 – December 1, 2020.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the property owner has 30 days to provide a provision of proof that the septic system was installed on the property.

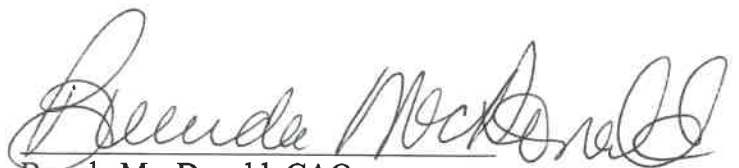
**Amended Motion:** It was moved by Councillor Drost, seconded by Councillor Clark Dunning that the property owner has 30 days from the date of this letter to provide the Resort Municipality with a Certificate of Compliance from Toombs Plumbing and Heating Ltd. confirming that the septic system and tile field have been installed on the Property in accordance with the septic permit. If the Certificate of Compliance is not received by the Resort Municipality within 30 days, then the travel trailer must be removed from the Property immediately.

If the Resort Municipality receives the Certificate of Compliance from Toombs Plumbing and Heating Ltd. within 30 days of the date of this letter, then Council will issue a temporary / transient use permit to allow the travel trailer to be located on the Property during the construction of the summer cottage, subject to the following conditions: a) the temporary/ transient use permit will be valid for a maximum of 5 months and shall only be in effect while construction is taking place on the summer cottage; b) the owner enter into a development agreement with the Resort Municipality to outline the terms and conditions with respect to the temporary/ transient use; and c) the owner post a \$500.00 performance bond. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**12. ADJOURNMENT:**

Mayor Jelley adjourned the meeting at 7:42 p.m.

  
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Mayor, Matthew Jelley

  
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Brenda MacDonald, CAO