

Minutes
Resort Municipality Monthly Council Meeting
Monday, July 20, 2020
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on July 20, 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, Chris Robinson and Kenny Singleton. CAO – Brenda MacDonald.

ABSENT: Deputy Mayor Lowther was absent for the first portion of the meeting. Councillor Drost was absent for a portion of the meeting.

VISITORS: Daniel Brown, Sunny Gallant, Stig Andersen.

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 Robinson, seconded by Councillor Brammer that the agenda be adopted as Presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

3. APPROVAL OF SPECIAL COUNCIL MEETING MINUTES JUNE 4, 2020:

It was moved by Councillor Brammer, seconded by Councillor Robinson that the Special Council Meeting Minutes of June 4, 2020 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF MONTHLY COUNCIL MEETING MINUTES JUNE 15, 2020:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Monthly Council Meeting Minutes of June 15, 2020 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF PUBLIC MEETING MINUTES RASPBERRY POINT JULY 2, 2020:

It was moved by Councillor Brammer, seconded by Councillor Robinson that the Public Meeting Minutes of July 2, 2020 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF PUBLIC MEETING MINUTES WEST HIGHLAND CONTRACTORS JULY 6, 2020:

It was moved by Councillor Robinson, seconded by Councillor Brammer that the Public Meeting Minutes of July 6, 2020 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Deputy Mayor Lowther joined the meeting.

4. DECLARATION OF CONFLICTS OF INTEREST:

No conflicts of interest were declared.

Mayor Jelley advised that agenda item 5 - Sunny Gallant be moved until later on the agenda until she arrives at the meeting.

6. COMMITTEE REPORTS:

PLANNING BOARD / SIGNAGE:

Raspberry Point Oyster Co. Inc.– PID # 442608 (Cavendish Road) – an application was received to construct a one storey building of 226'1 X 150w' for storage, offices and a grading facility for oysters. A public meeting was held on the major variance request and the environmental impact assessment for the major development was presented. One comment has been received to date following the public meeting.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that a major variance request be approved as the elevation of the land and the building setback is a considerable distance from the road and will not compromise the view and rural landscape to allow the height to go to 43'6". All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that a development permit be approved subject to: 1) that the tree line be maintained at Cavendish Road with trees or shrubs to protect the rural landscape, 2) meets the requirements of the Department of Environment, 3) meets the requirements of the Department of Health and Wellness, 3) meets the requirements of the Provincial Fire Marshal's office and a Building Code Design Certificate to be completed; 4) that the building be connected to the municipal sewer, 5) that a development agreement be entered into, 6) that a performance bond be posted and 7) that a permit be approved by the province under the National Building Code. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Deputy Mayor Lowther requested that the CAO ask the company if they will have new employees working at the plant who might be approached about living in the area especially if they would be young families that are coming here.

First Reading – Official Plan Amendment:

West Highland Contractors (Cavendish Road) – PID # 694976:

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 to change the designation of a portion of PID # 694976 from Resort Campground to Residential 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 2020-1, to amend the 2017 Official Plan General Land Use Map be hereby read a first time.

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council amend the Official Plan General Land Use Map to change the designation of a portion of Provincial Parcel # 694976 from the Resort Campground to the Residential Zone. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Approval of First Reading – Official Plan Amendment:

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the first reading of the Official Plan Amendment be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

First Reading – Zoning Amendment – West Highland Contractors Ltd. (Simpson Mill Road) – PID # 694976:

Whereas an application was received from West Highland Contractors Ltd. for Simpson Mill Road, PID # 694976 for a zoning amendment from the Resort Commercial Zone to the Residential Zone under the Resort Municipality, 2017 Zoning and Subdivision Control (Development) Bylaw 2020-2 to change the zoning map from (RD3) Resort Campground Zone to (R1) Residential Zone;

And whereas zoning bylaw amendment 2020-2, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw was read,

Be it resolved that zoning bylaw amendment 2020 – 2, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be hereby read a first time.

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the bylaw amendment to amend the Zoning map to show a portion of Property # 694976 from the current Resort Campground (RD3) Zone to R1 (Residential) Zone be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Approval of First Reading:

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the first reading of the Zoning Amendment for PID # 694976 to change a portion of the land from the current Resort Campground (RD3) Zone to R1 (Residential) Zone be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

West Highland Contractors – PID # 694976 – Simpson Mill Road – an application was received to subdivide 4 lots off of the main property. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the four lot subdivision be approved in principle subject to: 1) the official plan and rezoning amendments being approved, 2) meets the requirements of the Department of Transportation, Infrastructure and Energy for access and 3) that a final survey plan be provided of the subdivision. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Development Permits & Amendment Requests:

Seawood Estates has a limit of 115 units that can be developed in the subdivision based on the current water system that is in place based on the approval by the Department of Environment. There are 113 units now within the subdivision and there is one application that was pending but now approved and two new applications that have been received for the planning board meeting.

First application received for Seawood Estates.

Andrew Foley - PID # 1114115 (Seawood Estates - Stanley Road) – an application was received to construct a one storey summer cottage of 26' X 40' with a deck. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval in principle be granted subject to: 1) the summer cottage being connected to the private water system, 2) the summer cottage being connected to the municipal sewer system, 3) inspection of the sewer connection shall be completed prior to the sewer connection being covered over. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Second application received for Seawood Estates.

Matthew Dickieson – PID # 1117746 – (Stanley Road) - an application was received to construct a one storey

summer cottage of 48' X 30' with a deck. Application was tabled because the water system is at capacity in Seawood Estates at 115 units based on the Department of Environment's standards.

Rustico Acres Cottages – PID # 704114 (Cavendish Road) – an application was received to construct a building of 24' X 20' for an office / residence. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval in principle be granted subject to: 1) clarification on the National Building Code and if a building permit is needed for this development, 2) clarification on a stamped drawing being required, 3) approval from the Department of Environment on the septic system and 4) approval from the Provincial Fire Marshal's office. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Kelly Doyle – PID # 885178 (Gulf Shore Highway) – an application was received to construct a two storey single family dwelling of 42' X 48' with decks. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that approval in principle be granted subject to: 1) a perc test will need to be completed, 2) a septic permit will need to be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Marco Polo Land – PID # 232298 – (Mayfield Road) – an application was received to install a tent on the site of 40' X 20'. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that approval in principle be granted subject to: 1) clarification from Josh Collins on the National Building Code that he thinks that the tent would be exempt under the National Building Code since it is for storage, 2) clarification on stamped drawings being provided and 3) meets the requirements of the Provincial Fire Marshal's office. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Subdivision Application:

Kelly Doyle – PID # 684787 – (Gulf Shore Highway) – a preliminary application was received to subdivide the property into two parcels of land. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval in principle be granted subject to: 1) Parks Canada providing a letter of comfort for access to the proposed new property and 2) that a survey plan be provided of the site along with a 66' wide right-of-way to be provided for each of the properties. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Permits approved by the CAO:

Susan Johnston – PID # 457820 – 8950 Cavendish Road – to construct a deck of 28' X 8'.

Kevin and Lourdes O'Leary – PID # 906537 – 105 Forest Hills Lane – to construct a one storey addition onto the existing cottage of 72' X 42'8”.

Paul and Sandy McGuire – PID # 751222 - Stanley Road – to construct a summer cottage of 72' X 42'8”.

Other:

Walkway – Cavendish Road – South Side

The municipality will follow up with CDC and the new replacement for Pam Schurman-Montgomery on the Stanley Bridge / Route 6 walkway project.

Sunny Gallant:

Mayor Jelley welcomed Sunny Gallant to the meeting.

Sunny Gallant presented her concerns and questions to the Council on the seasonal transient use permit request for her property and her development permit. Concerns were also expressed over the need for a development agreement, legal fees, and a performance bond. She also expressed concerns that her trailer was not defined as a tiny house. She was not aware that a trailer would not be allowed on the property.

Council addressed the seasonal transient use permit for the trailer, the development permit, the development agreement, the performance bond and the fact that Sunny could have a bank issue a letter of credit for her for the performance bond. Trailers were also discussed and how they are only allowed in Resort Campground properties based on the fact that they are registered as a travel trailer and the only zone that they are permitted in is the Resort Campground Zone in the municipality.

Mayor Jelley advised Sunny that the CAO would contact Sunny to advise her of the Council's decision on her request following the meeting.

Mayor Jelley thanked Sunny for coming to the meeting.

“In Camera Matters” – Sunny Gallant:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer 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.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the meeting be open to the public under clauses 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.

Sunny Gallant - It was moved by Councillor Robinson, seconded by Deputy Mayor Lowther that the development agreement be completed at the municipal office and that a letter of credit can be provided for the performance bond of \$500.00 prior to a seasonal transient use permit being issued for the property. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Drost joined the meeting.

6.A.1. 911 Private Road Naming on Subdivisions:

A letter was received from the 911 office regarding private road naming in subdivisions. When a subdivision is being created there is a requirement for the municipality that prior to final approval of the subdivision that the municipality must ensure that the survey plan has the private road name assigned to the plan prior to final approval being granted.

6.B. Monthly Finances:

Councillor Brammer presented the monthly Finances for June 30, 2020. The revenues were \$87,935.25 and the expenses were \$112,545.13.

It was moved by Councillor Brammer, seconded by Councillor Robison that the monthly finances for June 30, 2020 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

Councillor Brammer asked to move agenda items 9.A. and 9.E. up on the agenda due to timing as he had to leave the meeting for another commitment.

9.A. Insurance Renewal:

It was moved by Councillor Brammer, seconded by Councillor Robinson that the insurance renewal price of \$17,981.00 from Cooke Insurance for July 26, 2020 – July 26, 2021 for the Resort Municipality and the Cavendish Sewer Utility be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

Council recommend putting the insurance coverage out to tender in 2021.

9.E. Watershed Groups Request:

Hunter/Clyde Watershed Group:

It was moved by Councillor Brammer, seconded by Councillor Clark Dunning that \$100.00 be donated to the Hunter Clyde Watershed Group. All in favor 6, 1 non-voting. Motion Carried.

Trout River Watershed Group:

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.

6.C. Trails and Paths Committee:

6.C.1 Speed Radar Signs:

Monthly stats are in the meeting package as well as an e-mail from Craig Eveleigh with the RCMP. He has assigned a member and has reached out to the traffic enforcement staff as well and will follow up in a couple of weeks.

6.C.2. Swimming Rock Municipal Park Steps:

Swimming Rock steps are in the process of being completed and should be finished within two weeks.

6.C.3. Route 13 Trail project:

The project was delayed starting until July 20, 2020 due to additional work that was required on the storm sewer.

6.C.4. Route 6 Bike Path:

An e-mail was sent through to Alan Aitken at the Department of Transportation regarding the Route 6 bike path. Awaiting a response from Alan.

6.C.5. Stanley Bridge Project:

Gay MacPherson acknowledged receipt of our comments on the proposal for the trail and comments for changes to the document. The new staff person will be starting in August to replace Pam Schurman Montgomery and will follow up on the information.

6.C.6 Dawn Moose – Culvert Route 6 – Mariner’s Cove and Clark’s Lane.

John Gallant with the Department of Transportation, Infrastructure and Energy was contacted again regarding the culvert on Route 6 and he advised that no work can be completed until the Department of Environment reviews the situation, but he still felt that the culvert on the private land was part of the problem. They are planning to complete work in the fall on this area with the Department of Environment.

Council advised that a meeting should be held with all the landowners in one room to discuss the long term solution to the water issue in this area.

Parks Canada has a conservation team and staff are monitoring and counting fish in the ponds.

6.C.7. Abutment Crosswalk:

Island Coastal Services was contacted and we are waiting for a price from them on the work since they are completing the Route 13 project.

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. We are waiting for some

information from Arja at Parks Canada from the National Park.

6.D.2. COVID-19:

Staff are working with property owners on signing in procedures, social distancing and ensuring that they are not entering the space if they are supposed to be isolating.

7. Cavendish Sewer Utility:

A. Monthly Updates and Engineering:

A court date has been set for July 22, 2020 at 9:00 a.m. for Harold Tracz.

Driftwood Landing – easements were completed and registered. Some issues have been happening with the alarm monitoring at this station. Issue was found with the antennae as it is expected that a snow blower broke the antenna during the winter. Alarm is now monitoring properly.

Meters arrived for the sewer utility.

LS # 4 tender closes on July 22, 2020 at 12:00 noon.

7.A.1. Environment and Climate Change Regulations:

A copy of the information is in the package on the review on Environmental and Climate Change Regulations for Wastewater Utilities. Input is being received by municipalities on the regulations.

8. BUSINESS ARISING FROM MINUTES:

8.A. Heritage Park and Historical Committee:

8.A.1. Landscaping Montgomery Park:

A call was originally made to see if anyone locally could complete the work. One property owner provided input. A second lady sent in a submission following the deadline at a rate that was over what had been offered as the hourly rate and that all materials, rental of equipment was a separate price.

Emerald Isle Property Management was awarded the contract at a cost of \$1,500.00 for the season that includes all work, mulch, tree replacements.

Washroom cleaning – maintenance staff will maintain the washrooms for the summer during the weekdays based on the fact that David Macneill is not opening his property this summer. One extra hour per day will be paid to the maintenance staff for the cleaning.

Mayor Jelley agreed to maintain the bathrooms with his staff on the weekend.

8.B. Liquor Control Commission Letter:

A MOU was received and comments were sent back on it to Mayor Jelley. Awaiting further information.

8.C. Destination Management Fund:

Awaiting new information to be submitted to the Council on the fund, committee setup and terms of reference.

8.D. Agreement with David Macneill:

Awaiting an update on the draft agreement that was provided to David Macneill.

8.E. Generator:

Mayor Jelley was going to follow up with the Province as well as the Department of Tourism looking at installing a generator for the warming station at the Visitor Centre.

8.F. Draft Strategic Plan:

Council agreed to send the video through with it slowed down a bit. The consultant will be checked with on their availability to hold the public meeting possibly following the next Council meeting on August 17, 2020.

8.G. Municipal Office Lease:

Awaiting information on the lease from Holly Hinds with the Department of Transportation, Infrastructure and Energy.

8.H. Confederation Centre of the Arts Letter:

It was decided that the project was not going ahead for 2020.

8.I. Letter to Minister of Environment and Climate Change:

A response was received from the Minister confirming that the Parks fees would apply for 2020.

9. NEW BUSINESS:

9.B. Engineering RFP:

A letter was received from Tom Harland advising that due to personal reasons he will be stepping down as the engineer for the municipality and the sewer utility. He will complete the two existing projects that are being worked on. A tender will need to be advertised for engineering services.

The engineering RFP was sent out to the public and will close on August 13, 2020.

9.C. Municipal Nominee Program:

Information was received from FPEIM on the Municipal Nominee Program. The program will allow communities, chambers of commerce and local labour councils to directly sponsor permanent immigrants. Information only.

9.D. Community Navigation Steering Committee:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that Councillor Bill Drost sit on the committee. All in favor 6, 1 non-voting. Motion Carried. Deputy Mayor Lowther will sit on the committee as an alternate.

10. Concerns:

10.A. Councillor's Concerns:

Unightly properties were discussed and letters will be sent out to business and residential property owners.

9.B. Resident's Concerns:

Evan Gallant commented on high speed internet past the Cavendish Boardwalk.

Mayor Jelley advised that it will involve getting a group of people that are interested in working together in an area to get high speed internet.

Evan will work on talking with the neighbors to gather interest in the area.

The CAO will send Evan the Mayor's contact information, Kim Champion's contact information from Eastlink as well as the provincial staff information for internet.

10. "In Camera Matters"

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning to go "In Camera" to discuss matters falling under clauses 119(1)(e) of the Municipal Government Act. All in favor 6, 1 non-voting. Motion Carried.

11.1 Dangerous and Unsightly Premises Bylaw:

11.2 2018 & 2019 CAO Evaluations:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning to come out of *camera* to discuss matters falling under clauses 119(2)(e) of the Municipal Government Act. All in favor 6, 1 non-voting. Motion Carried.

No decision were made while in camera.

11.1 Dangerous and Unsightly Premises Bylaw:

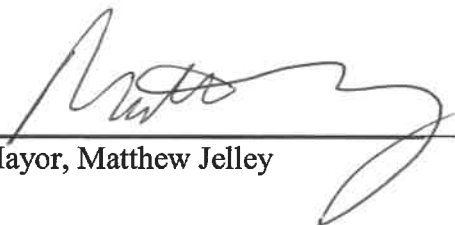
It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that letters be sent through to property owners with long grass for both residential and commercial properties throughout the area. All in favor 6, 1 non-voting. Motion Carried.

11.2 2018 CAO's Evaluation & 2019 CAO's Evaluation:

The committee is working with the legal counsel on finalizing the agreement.

12. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 7:40 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO