

Minutes
Resort Municipality Monthly Council Meeting
Monday, August 17, 2020
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on August 17, 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: Nil.

VISITORS: Lloyd Adams, Bill Power, Mike Duffy, Peter Fullerton, Sandi and Scott Lowther.

1. CALL TO ORDER:

Mayor Jelley called the meeting to order at 5:00 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 6, 1 non-voting. Motion Carried.

3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES JULY 20, 2020:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Monthly Council Meeting Minutes of July 20, 2020 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

APPROVAL OF SPECIAL COUNCIL MEETING MINUTES AUGUST 7, 2020:

Councillor Drost wanted an amendment to the minutes to include the section on the in camera information to planning board. He stated that based on the *Municipal Government Act* that unless it is a land, legal or human resource issue that it should not be in camera.

It was moved by Councillor Robinson, seconded by Councillor Drost that the Special Council Meeting Minutes of August 7, 2020 be adopted as amended. All in favor 6, 1 non-voting. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

Deputy Mayor Lowther advised that she had a conflict of interest under resident's concerns Section 9B Scott and Sandi Lowther and she will remove herself from the meeting at that time.

5. COMMITTEE REPORTS:

Planning Board / Signage Report:

Sunny Gallant – PID # 456699 (40 Cape Road) – Additional information was received from the owner and she is no longer looking for a transient use permit and will be continuing with her development project on the site. She has made other arrangements for living somewhere else

while construction is taking place on the property.

Development Permit applications:

Fiona Mitchell (PID # 760215 – Carberry Court) – an application was received to construct a summer cottage of 30' X 40' with decks. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval in principle be granted subject to: 1) that the summer cottage be connected to the municipal sewer and 2) that the property be purchased. All in favor 6, 1 non-voting. Motion Carried.

David Macneill (Bell Mobility) – (PID #232439) – an application was received to locate a cell tower on the property. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that approval in principle be granted subject to: 1) the tower is to be located on the site in accordance with the site plan. All in favor 6, 1 non-voting. Motion Carried.

Lori MacKinnon (PID # 233403 – 7721 Cavendish Road) – an application was received to construct a one storey storage building of 60' X 50'. 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) that the storage building is used for personal use only for storage, 3) review by the province under the National Building Code and 4) that the building is located 20' from the current commercial building on the property. All in favor 6, 1 non-voting. Motion Carried.

Cavendish Breeze Inn (PID # 232074 – 40 Memory Lane) – an application was received to locate a hot tub on the pool deck. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson 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 Health and Wellness and 3) review by the province under the National Building. All in favor 6, 1 non-voting. Motion Carried.

Subdivision Application:

George, Kenneth & Ian Stewart – (PID # 23.1639) – an application was received to subdivide 4 acres off of the main property. 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. All in favor 6, 1 non-voting. Motion Carried.

Rezoning Applications:

George, Kenneth & Ian Stewart – (PID # 231639) - an application was received to rezone the new 4 acre property from RD2 (Resort Accommodations) to C1 (General Commercial). It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that the rezoning request be brought forward to a public meeting. All in favor 6, 1 non-voting. Motion Carried.

Estate of Brian Stevenson (Kim Doucette) (PID # 729087 – Cavendish Road) – an application was received to rezone the remainder of the property from the current RR (Rural) to RD2 (Resort Accommodations). It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the rezoning request be brought to a public meeting. All in favor 6, 1 non-voting,

Motion Carried.

Temporary / Transient Use Permit:

Marco Polo Land – (PID # 232298) – (7406 Route 13) - An application was received to have fireworks on the property on August 15, 2020, from 8:30 p.m. – 10:00 p.m. (Rain Date – August 14, 2020). 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, 2) that the Resort Municipality is named as additional insured under Fireworks FX Insurance Policy, 3) that the New Glasgow Fire Department shall be on site during the fireworks event and that any costs for the fire department to be on site shall be at Marco Polo Land’s expense. All in favor 6, 1 non-voting. Motion Carried.

Marco Polo Land – (PID # 232298) – (7406 Route 13) - An application was received to have fireworks on the property on September 5, 2020 from 9:00 p.m. – 10:00 p.m. 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 Provincial Fire Marshal’s office, 2) that the Resort Municipality is named as additional insured under Fireworks FX Insurance Policy, 3) that the New Glasgow Fire Department shall be on site during the fireworks event and that any costs for the fire department to be on site shall be at Marco Polo Land’s expense All in favor 6, 1 non-voting. Motion Carried.

MCH Day – 100447 PEI Inc. (PID # 947499) – (Avonlea Blvd.) – An application was received to have MCH Day on September 5, 2020 from 11:30 a.m. – 2:30 p.m. It was moved by Councillor Clark Dunning, seconded by Councillor Singleton that approval be granted subject to: 1) meets the requirements of the Provincial Fire Marshal’s office and 2) meets the requirements of the Department of Health and Wellness. All in favor 6, 1 non-voting. Motion Carried.

Other:

Walkway: Councillor Clark Dunning advised that the only update on the walkway at this point is that Barbara Weeks is the new Executive Director with CDC and will be in touch with the municipality on the potential project.

Councillor Clark Dunning provided the planning board with some information on the current trail system that is in place.

Cavendish Beach Music Festival:

(PID # 1037423 – 8779 Cavendish Road) - An application was received to move the Administration building from one location on the property to another. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that approval be granted subject to: 1) that the building is located on the site in accordance with the attached site plan. All in favor 6, 1 non-voting. Motion Carried.

“In Camera Matters”.

In Camera Matters were discussed. Council’s position on in camera matters is that the only matters that should go “In Camera” deal with land, legal and human resource matters.

Planning Board advised that they felt that in some cases they needed to discuss items in camera to get the discussion going on an item and to be allowed to speak openly on the matter, but that they will follow the direction of the Council.

5.B. Monthly Finances:

Councillor Brammer presented the monthly Finances for July 31, 2020. The revenues were \$121,217.76 and the expenses were \$137,248.02.

It was moved by Councillor Brammer, seconded by Councillor Robison that the monthly finances for July 31, 2020 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

5.C. Trails and Paths Committee:

5.C.1 Speed Radar Signs:

Monthly stats are in the meeting package as well as an e-mail from Craig Eveleigh with the RCMP who has assigned Cst. Bryce Haight to work in the area. Cst. Haight has a very extensive traffic related background and was just recently transferred here from a specialized traffic unit in NS. They are going to have a look at the traffic flow and the number of collisions that have occurred in the area that are speed related to determine if there is a speeding issue.

5.C.2. Route 13 Trail project:

The province is moving forward with the project. Some concerns have been raised by property owners on issues that have been happening during the project as well as about the timelines for the construction.

5.C.3. Route 6 Bike Path:

Awaiting a response from Alan Aitken at the Department of Transportation regarding the Route 6 bike path.

5.C.4. Stanley Bridge Project:

A zoom call was held with Mayor Jelley, Deputy Mayor Lowther, Barbara Weeks and the CAO on August 14, 2020 to discuss the Stanley Bridge Project as well as the Cavendish Road South side walkway project. Barbara is going to update the RFP and send it back to the Mayor and Deputy Mayor for review. She will also talk with the committee Chairs for the project and a meeting will be set up with the group to discuss the next steps.

5.C.5 Dawn Moase – Culvert Route 6 – Mariner’s Cove and Clark’s Lane.

Dawn Moase was contacted with the Council’s request to get the property owners and the municipality together for a meeting on the culvert on Route 6, Mariner’s Cove and Clark’s Lane. Dawn Moase advised that it is not her that would hold a meeting as it is John Gallant’s department. John Gallant was contacted and he advised that he has been working with Jason Affleck at the Department of Environment and that they planned to do some work this fall. He was advised of the Council’s request to hold a meeting and Parks Canada with regards to some work that they are planning on with the ponds. John will speak with Brad Parsons his boss and get back to the municipal office on a meeting.

5.C.6. Abutment Crosswalk:

Island Coastal Services will complete work on the abutment as part of the Route 13 project.

5.C.7. Cell Tower Entrance to Property:

Bell is looking to have 24' of the walkway removed for the entrance into the property.

The CAO will contact Bell to get additional information from them on the driveway entrance.

5.C.8. Swimming Rock Municipal Park Steps:

A bill was received from Livingstone Steel Inc. for payment of the steps. Council has to sign off on the steps.

5.D. Emergency Services Committee:

5.D.1. EMERGENCY MEASURES PLAN:

The 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.

5.D.2. COVID-19:

Staff are working on updating protocols as needed to meet Public Health requirements.

5.D.3. Calian's Report disaster response efforts:

A report has been provided by the province on the disaster response efforts.

Information will be added to the disaster plan from the report.

6. Cavendish Sewer Utility:

A. Monthly Updates and Engineering:

The court ruled in the utility's favor regarding the selling of the Tracz Property. Work is in process with the legal counsel to have this completed. Notice had to be sent to the owner with the court order to make him aware of the next steps prior to the selling the property.

Driftwood Landing – Notification has been sent to the Condo Corporation regarding snow removal in the subdivision during the winter months as the antenna was broken at the lift station and work had to be completed to fix it. The security company felt that it was as a result of snow being blown on the station during the winter.

LS # 4 tender closed and the project came in over budget again. The sewer utility is looking at various options to do the work and is checking with the Gas Tax office on project work as well as the next date for accepting applications.

7. BUSINESS ARISING FROM MINUTES:

7.A. Heritage Park and Historical Committee:

A one year review was completed with Deputy Mayor Lowther, Cyndi at Island Coastal Services Ltd. and Nick White at Coles Associates on August 17, 2020.

Deputy Mayor Lowther will meet with the landscaper to go over some items with them that Cyndi and Nick had discussed regarding how things are completed at the park.

The CAO will arrange for the landscaper to meet with Deputy Mayor Lowther on their next visit to the Park.

7.B. Liquor Control Commission Letter:

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

7.C. Destination Management Fund:

Awaiting new information to be submitted to the Council on the fund, committee setup and terms of reference. CBMF has submitted an application to the fund but there was no call for applications to be received to date.

7.D. Agreement with David Macneill:

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

7.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.

7.F. Draft Strategic Plan:

A public meeting will be held at the North Rustico Lion's Club on August 18, 2020 from 6:00 – 8:00 p.m. People can come to the public meeting or join through zoom. For anyone coming in person, they must register based on the numbers that we are allowed of 50.

7.G. Municipal Office Lease:

Awaiting information on the lease from Holly Hinds with the Department of Transportation, Infrastructure and Energy. The three concerns with the building lease were sent through to her and we are awaiting comments back from her office on them. 1) Sewer gas smell issue during the winter months, 2) washrooms being cleaned on a regular basis and timelines for maintenance to be completed.

7.H. MCH Day:

The event will be held on September 5, 2020 from 11:30 a.m. – 2:30 p.m. at the Stewart Homestead Community Park.

7.I. Business Beautification Award:

One submission was received to date and it was for a Council member's business. It was decided that a request for submissions would be sent once more in the weekly updates.

7.J. Residential Beautification Award:

No submissions were received.

It was decided that a request for submissions would be sent once more in the weekly updates.

7.I. Raspberry Point Staff List Request:

An e-mail was received from Lucas Linkletter They discussed the municipality's request this morning, and would prefer to approach the request as something employees have an option to provide the information, if they so wish. He asked us to provide them with a paper to fill out and gather information on a voluntary basis.

The office can complete a questionnaire and is just wondering if there is something specific that the Council is looking to ask besides the general information on the name, address, phone number, e-mail. Are you a resident? Are you looking for a place to rent / buy?

Council to provide feedback once the discussion is had on how recruiting families is discussed in the context of the strategic plan.

7.K. Engineering RFP:

The Council will review the three submissions that have been received and score them as well as the Cavendish Sewer Utility to determine who will be the new engineer for the Resort Municipality.

8. NEW BUSINESS:

8.A. Zero Emission Funding:

Paperwork was received and is in the meeting package. This time the funding is for education and awareness activities related to EVs and charging.

The Province is looking at putting something together from a province-wide awareness perspective (they are just in the very early stages of putting together a proposal of what this might look like).

When they look through the guidelines for the program, it seems like there is a lot of flexibility about what kind of programs/initiatives could be submitted.

They wondered if a potential project that could be of interest to some municipalities could be the purchase of an EV for awareness and education purposes (i.e., ride share program, test drives, education campaigns). When the Province reached out to NRCan on this, they did not get an explicit yes or no (just a response that "projects that aim to increase awareness of ZEVs, and public charging and refueling infrastructure, through education and capacity-building activities to ultimately support a greater adoption of ZEVs by Canadians" will be considered).

Information only.

8.B. CAO's Holidays:

The list of the CAO's holidays were in the package.

9. Concerns:

9.A. Councillor's Concerns:

Deputy Mayor Lowther advised that a new infrastructure program has been announced by the Federal Government and the municipality should check into it for funding availability for projects.

9.B. Resident's Concerns:

Fairways Cottages – a letter was received regarding the impact of the Route 13 work and Active Transportation trail project to the business owner and their concerns for projects happening in the Municipality during the summer months.

Sandi questioned each Council member on their opinion on the project going forward during peak season.

When questioned, five councillors expressed their continued support for the project and one councillor indicated that they now wish it had been delayed. The discussion continued with Sandi expressing her dissatisfaction and closed with Council noting that they appreciated her input.

Deputy Mayor Lowther returned to the meeting.

Perry Potofsky – an e-mail was received with concerns over not being able to get back to PEI and not being able to care for the property this year. Grass has been cut.

Queens County Condo Corporation – an e-mail was received regarding the neighboring property and the fact that they were not notified about the development. They were advised that the house was being renovated and no permit was required for renovations. They then advised that the house is now being listed on kijiji as a three bedroom and one bedroom apartment.

They were advised that the information would be brought forward to the Council to the meeting tonight.

Bill Power commented on the development and the concerns that were raised to him by condo owners in Driftwood Landing as he is the President of the Association. Bill also had many conversations with Eddy MacKenzie and there was never any talk with him about multi-family dwellings on the property.

Richard Moore – Gulf Shore Highway Beach Access at Flat Rock – Richard raised concerns over there being no beach access with stairs only a steep embankment for the public to be able to get down to the water below the Moore Property. He is looking to the municipality for support of steps in this area.

Mayor Jelley will raise this matter with Parks Canada at the next meeting with them.

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.

10.1. Eddy MacKenzie:

10.2. Dangerous and Unsightly Premises Bylaw:

10.3. 2018 & 2019 CAO Evaluations:

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

10.1 Eddy MacKenzie:

A letter will be sent through to Eddy MacKenzie advising that his development is in non-compliance with the 2017 Zoning and Subdivision Control (Development) Bylaw and he has not been granted a special permit use for a multi-family dwelling as the property was approved for a vacant land condominium and a farmhouse and that he has until August 31, 2020 to respond to the Council with an update.

10.2. Dangerous and Unsightly Premises Bylaw:

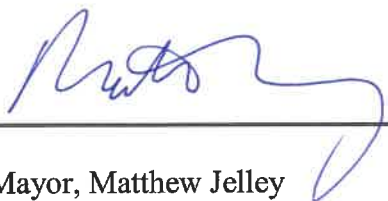
All properties that were sent letters and contacted have cleaned up their properties and cut the grass.

10.3. 2018 CAO's Evaluation & 2019 CAO's Evaluation:

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

11. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 6:45 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO