

Minutes  
Resort Municipality Monthly Council Meeting  
Monday, November 16, 2020  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on November 16, 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 and Chris Robinson. CAO – Brenda MacDonald. Administrative Assistant - Heather Hay.

**ABSENT:** Bill Drost joined the meeting at 5:08 p.m.

**VISITORS:** Lloyd Adams, Vic Greenwood and Bill Power.

**1. CALL TO ORDER:**

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

**2. APPROVAL OF AGENDA:**

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the agenda be adopted as presented. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

**3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES OCTOBER 19, 2020:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the Monthly Council Meeting Minutes of October 19, 2020 be adopted as presented. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

**4. George Noble and Mary Jane Ready – North Rustico Rink:**

Mayor Jelley moved the item until later in the agenda based on them being on the agenda at 6:31 p.m.

**5. DECLARATION OF CONFLICTS OF INTEREST:**

There were no conflicts of interest declared.

**6. COMMITTEE REPORTS:**

**Planning Board / Signage Report:**

**Development Permit applications:**

**Follow Up Permits:**

Planning Board Chair Clark Dunning commented on the follow up permits and advised that they are still waiting for additional information.

Councillor Drost joined the meeting.

**Development Permit applications:**

Raspberry Point Oyster Co. Inc. (PID # 92700 – Cavendish Road) – an application was received to construct a privacy fence of 180' long X 7' tall. It was moved by George, seconded by Lee that approval be granted in

principle subject to: 1) the fence being located on the site in accordance with the site plan and 2) the planning board questioned the structure and the support for it based on the size and height of it. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Councillor Robinson was absent from the vote as his camera was not on and he was dealing with a call.

Raspberry Point Oyster Co. Inc. (PID #92692 – Cavendish Road) – an application was received to construct an addition onto the existing building of 11.75' X 7.5'. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the permit request be denied based on the fact that the size of the structure with the addition exceeds the allowable size for accessory buildings in the R1 zone. All in favor 5, 1 non-voting. Motion Carried.

**Other:**

**Walkway:**

A request was sent to ACOA for funding. Dan Glenn has been hired to do the site work on the South Side of Route 6.

A terms of reference will be reviewed by the Council at the next meeting for the terms of the committee.

**Permits issued by the CAO and Council:**

John & Maureen Boyne - to construct a one storey summer cottage of 46' X 45' including decks at property # 944017 at Seawood Drive.

Morgan Murphy - to construct a two storey summer cottage of 40' X 30' with decks at property #1117753 at Wygant Place

Ann Ledgerwood - to construct a one storey summer cottage of 38' X 28' with a deck at property # 1122159 at Wygant Place

Lisa Driscoll - to construct an accessory building of 16' X 12' for storage only at property # 571174 at Forest Hills Lane.

Ana-Maria Klizs -to construct a one storey summer cottage of 55' X 35 with decks and an accessory building of 12' X 8' for storage only at property # 400432 at Bayview Drive

Ian and Christine Dovey - to construct a two storey summer cottage of 36' X 21'6" (West Side) with a breezeway of 16'8" with a one storey section of 34' X 21'6" (East side) with decks at property # 400440 at Bayview Drive.

Ian and Christine Dovey - to locate a pod for furniture on the property for five months from the date of issue of this permit until April 3, 2021 at property # 400473 at Bayview Drive.

Stacey Clark - to locate a sea can on the property as an accessory building for storage only of 20' X 8' at property # 480269 at 137 Bayview Drive.

**"In Camera Matters"**

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. Motion Carried.

**Subdivision / Lot Consolidation Application:**

*Montgomery Cavendish Cottages - (PID # 232868 – Sunset Lane).*

*Eddy MacKenzie (PID # 694745 - Cavendish Road).*

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer to come out of camera under section 119(2)(e) of the Municipal Government Act. All in favor 5, 1 non-voting. Motion Carried.

Montgomery Cavendish Cottages. (PID # 232868 – Sunset Lane) - an application was received to subdivide the property into 6 lots. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the application be denied based on the fact that it does not meet the requirements of the Zoning and Subdivision Control Bylaw based on the subdivision requirements and access requirements to the lot. All in favor 5, 1 non-voting. Motion Carried.

Eddy MacKenzie (PID # 694745 - Cavendish Road) – an application was received for a change of use permit to allow for a multi-family dwelling as well as to amend the overall vacant land condominium development. All information has been submitted. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the matter be taken to a public meeting for review and comment from the public. All in favor 5, 1 non-voting. Motion Carried.

**Sea Cans:**

Planning board members raised concerns over sea cans and whether or not this is something that the municipality wants throughout the area for development as accessory buildings.

Concern was also raised by the planning board over the Council making a decision to review an application when the matter was tabled by the planning board as the application was incomplete and no recommendation was made on the application by the planning board. The committee understands that they only make recommendations but wondered if something is tabled at the planning board how it moves forward at the Council. The committee asked about getting legal advice on this matter so that they understand the process moving forward.

It was decided that Mayor Jelley would attend the next planning board meeting and explain the role of planning board and permit approvals.

**Watershed Group:**

Amy is to contact Mayor Jelley about a letter of support for the project.

**6.A.a. Zoom Meetings:**

CAO advised that zoom meetings are allowed but the office still has to have a presence at all times as the public has to have a place to come to so that they can attend the meeting as not everyone has access to computers and the internet.

**6.A.b. Official Plan Bylaw Review and Draft:**

Council made some amendments to the Official Plan and Bylaw Review Draft.

It was moved by Council Clark Dunning, seconded by Deputy Mayor Lowther that the amended RFP be sent to tender. All in favor 5, 1 non-voting. Motion Carried.

**6.B. Monthly Finances:**

Councillor Brammer presented the monthly Finances for October 31, 2020. The revenues were \$263,664.16 and the expenses were \$259,987.26. It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the monthly finances for October 31, 2020 be adopted as presented. All in favor 5, 1 non-voting. Motion Carried.

**6.B.1. Budget Process 2021:**

Councillor Brammer advised that the budget process for 2021 is in the meeting package. The dates were accepted by the Council.

**6.B.2. Audit Letter:**

Michelle Burge had provided the Council with a letter on the 2019 audit. All items on the letter have been addressed.

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

**6.C.1 Speed Radar Signs:**

Monthly Stats are in the package.

**Yearly Monitoring Costs:**

Yearly fee for the monitoring costs have been paid for.

**6.C.2. Route 13 Trail project:**

Flower box at Anne Shirley Motel has to be completed as well as seeding of the ditch at Marco Polo Land. They cannot find anyone to complete the work this year on the flower box so it may be the spring before it is completed.

**Cawnpore Lane Trail:**

It was moved by Mayor Jelley, seconded by Councillor Brammer that \$2,000.00 be allocated towards surveying costs for Cawnpore Lane. All in favor 5, 1 non-voting. Motion Carried.

**6.C.3. Route 6 Bike Path:**

Awaiting information from Alan Aitken.

Mayor Jelley passed the Chair to Deputy Mayor Lowther.

**6.C.4. Stanley Bridge Project:**

ACOA has funded 75% of the costs for the consultant to complete the site work on Route 6.

It was moved by Mayor Jelley, seconded by Councillor Brammer that the Council rescind the original motion for \$2,000.00 for the consultant costs on Route 6 and that based on funding allocations that it be increased to \$6,000.00 or consultant costs for the Route 6 walkway project. All in favor 5, 1 non-voting. Motion Carried.

**6.C.5.a. Swimming Rock Steps:**

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that \$1,690.00 plus HST be approved for the removal of the bottom section of the Swimming Rock Steps. All in favor 5, 1 non-voting. Motion Carried.

CAO raised concerns by the contractor on having the steps fixed first prior to them being taken out.

Council advised that the engineer asked for them to be removed first and then be fixed based on the engineer's comments.

Mayor Jelley will deal with the contractor on the step removal.

**4. George Noble and Mary Jane Ready – North Rustico Rink:**

George and Mary Jane presented information on the rink and looking for support in donations to the rink.

Council raised concerns over the process and not being kept advised of the process as it was moving forward with the new rink.

Council will await the funding package information on the rink and will then make a decision on whether or not the municipality will contribute to the fundraising or provide support through other ways.

Mayor Jelley thanked Mary Jane and George for attending the meeting and providing information to the Council.

**6.C.6. Terms of Reference Trails, Paths and Recreation Committee:**

Mayor Jelley advised that a terms of reference were in the meeting package.

Mayor Jelley advised that the committee would consist of Deputy Mayor Lowther, Phyllis Carr, Dale Larkin, Jeff Squires and himself as Chair.

It was moved by Mayor Jelley, seconded by Councillor Drost that the terms of reference be approved. All in favor 5, 1 non-voting. Motion Carried.

A meeting will be set up with the committee to meet within the next two weeks.

Deputy Mayor Lowther passed the Chair back to Mayor Jelley.

**Montgomery Park:**

Deputy Mayor Lowther raised concern over the grass still not taking at the Montgomery Park and the Coles should be contacted regarding it.

The CAO will contact Coles with the concerns on the grass seeding.

**6. Emergency Services Committee:**

**6.D.1. Emergency Plan:**

Some additional information has been received from Parks Canada for the plan.

Discussions are also being held with the Emergency Measures Office. They will require to see a draft of the Emergency Plan at least a few months prior to the plan being approved by the municipality to ensure that all information is covered before it is submitted to the province.

Councillor Robinson will meet with the CAO to go over and work on the emergency plan.

**6.D.2. COVID – 19:**

Staff are working on updating protocols as needed to meet Public Health requirements. Masks are being used more frequently by people coming into the office.

Some meetings are being held with social distancing in place as some committees like to meet in person.

Councillor Robinson commented on looking at air purifiers for the space as that has been a concern with COVID-19.

CAO will get the air systems ordered.

**7. Cavendish Sewer Utility:**

**Cavendish Sewer - Monthly updates and engineering:**

The Harold Trace property went to Utility Sale at the courthouse. The highest bid came in just under the reserve bid. A 10% deposit was posted for the property and the person has 15 days to review the deeds and information on the property.

Engineers are looking at the information on the lifts stations and the projects as well as the inspection process for the municipality. Some changes have been made to the inspection process on properties and the utility has approved the inspection requirements as set out by the engineer.

Inspection fees will now be \$650.00 plus HST for property owners connecting to the municipal sewer and the costs shall be borne by the developer for the inspection fees.

Lift Station # 4 is still being reviewed by the engineers, the project will not be going forward this fall based on timelines. Funding was paid back to the infrastructure office for the bills that were paid out, since the project was cancelled from going through this process based on the costs of the tenders.

The Gas Tax project funds are being looked at for the project.

**8. BUSINESS ARISING FROM MINUTES:**

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

Arrivals and Departures has confirmed that the municipal project costs have been paid out in full as per the contract with the municipality.

A final claim has been submitted to ACOA for the project to close it out.

The Communities of Interest component of the project will now be completed through Tourism Cavendish Beach.

Councillor Clark Dunning let the meeting as he was not feeling well.

**Maritime Electric Trees:**

Mayor Jelley had his staff plant the trees at the Swimming Rock and the Stewart Homestead Community Park. Mayor Jelley is to provide pictures of the before and after of the tree planting to the municipal office to submit to Maritime Electric.

**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:**

Mayor Jelley provided a draft Memorandum of Understanding that was prepared by the committee. It is in the meeting package for the Council's review

**8.C.1. Memorandum of Understanding:**

The Committee met and came up with a draft Memorandum of Understanding that is in the meeting package for the Council's review.

It was moved by Deputy Mayor Lowther, seconded by Councillor Drost that the Memorandum of Understanding for the Destination Management Fund be adopted as presented. All in favor 5, 1 non-voting. Motion Carried.

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

Awaiting an update on the draft agreement that was provided to David Macneill as the municipal maintenance staff completed the cleaning at the site this year because of COVID-19.

**8.E. Generator:**

Mayor Jelley met with Jamie Fox and discussion was held regarding applying for funding for support of a generator. Minister Fox asked for a breakdown of the space to be sent through to his department for review and to contact Kellie Mulligan regarding a funding application through Rural Development.

Funding will not be available until 2021 as the current budget has been spent.

Mayor Jelley did speak with Janet Wood on the generator and she had no issues with it, but he still has to speak with the Province on it.

**8.F. Municipal Office Lease:**

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

Concern was raised on the sewer gas smell coming through the building in the winter months as the biggest issue of concern for air quality of the staff while working in the building and it being unsafe to be in when the gas smell is coming through the building.

Another e-mail will be sent to her with the deadline of the final Council meeting on December 14, 2020 to respond by.

**8.G. Engineering - CBCL:**

Engineers are working on projects for the municipality based on the list that was provided to them. We are waiting for responses on some of the matters.

**8.H. Councillor Position:**

It was moved by Councillor Drost, seconded by Councillor Brammer that a by-election be called on February 9, 2021. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Richard Moore will be the Returning Officer.

**8.I. Island Studies Work Placement:**

Spencer Thompson is in the process of completing interviews with local residents. The project is to be completed prior to the Christmas Holidays.

**8.J. RV Charging Stations:**

A letter has been received from Maritime Electric on an update on the charging stations.

The Council agreed that the current location will work for the charging station.

**8.K. Diversity, Turnover and Innovation in the Tourism Sector:**

No additional information has been received since the zoom meeting with her on November 2, 2020.

Deputy Mayor Lowther commented on coming up with ideas for newcomers and then no one from the government departments or groups follows through with the new business owners after giving them ideas or suggestions or to see what other assistance may need to be provided to them .

Councillor Drost will be attending his third Community Navigators Meeting and will raise the concern of the newcomers to the group.

**9. New Business:**

**9.A. FPEIM Annual Meeting:**

A copy of the Annual Meeting package for FPEIM is in the meeting package for the Council's reference.

**9.B. Safe Restart Agreement:**

Municipal Affairs has sent through an agreement to the municipality and funding is available to municipalities per capita as well as for additional costs incurred due to COVID-19 for the office with supplies and equipment.



It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the Council approve the request for the safe restart program. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

The municipality will purchase the necessary equipment through this program to allow the municipal office to have all the equipment needed for meetings to be able to see, hear and communicate effectively.

**9.C. Snow Removal Tender:**

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the snow removal tender from Snowie Road Contracting be approved at a cost of \$7,130.00 with half of the costs to be paid for by the Province of PEI. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

**9.D. CAO's Evaluation 2020:**

A date has yet to be set for the evaluation to be completed for 2020.

Mayor Jelley is to set up the meeting prior to the next Council meeting.

**10. Concerns:**

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

There were no Councillor's Concerns.

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

**10.B.1. Lisa Hashie – Swimming Rock.**

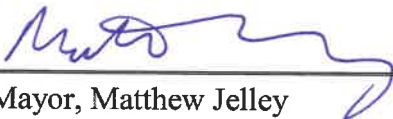
Concerns have been raised on the metal fence at the swimming rock and whether or not it is going to remain at the site.

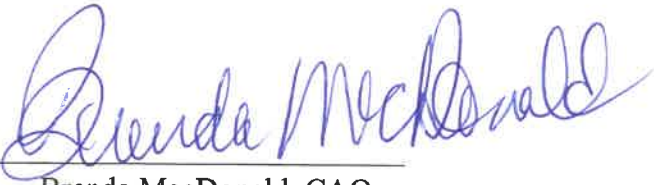
An e-mail was sent to her advising of the issues at the site following hurricane Dorian and the safety issues and why the fence was installed.

There were no other concerns by the residents that attended the meeting.

**11. ADJOURNMENT:**

Mayor Jelley adjourned the meeting at 8:25 p.m.

  
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Mayor, Matthew Jelley

  
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Brenda MacDonald, CAO