

Minutes  
Resort Municipality Monthly Council Meeting  
Monday, November 20, 2017  
4:30 p.m.

The Monthly Council Meeting of the Resort Municipality was held on November 20, 2017 at the Resort Municipality Office.

**PRESENT:** Acting Chair - Kay Hryckiwi: Councillors - Edmond Richard, George Clark Dunning and Gwen Wyand. CAO – Brenda MacDonald.

**ABSENT:** David Gauthier joined the meeting at 4:40 p.m.  
Linda Lowther joined the meeting at 4:45 p.m..  
Matthew Jelley joined the meeting at 6:10 p.m..

**VISITORS:** Nil.

**1. CALL TO ORDER:**

Acting Chair Hryckiwi called the meeting to order at 4:31 p.m..

**2. APPROVAL OF AGENDA:**

It was moved by Councillor Wyand, seconded by Councillor Richard that the agenda be adopted as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

**3. DECLARATION OF CONFLICT OF INTEREST:**

Councillor Lowther declared a conflict of interest on the permit application for Sandspit Entertainment Ltd.

**4. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES OCTOBER 16, 2017:**

It was moved by Councillor Richard, seconded by Councillor Clark Dunning that the monthly Council meeting Minutes of October 16, 2017 be adopted as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

**5. CORRESPONDENCE:**

Correspondence items for October for which actions are required are listed on the agenda.

**6. COMMITTEE REPORTS:**

**Building Permit Applications:**

Fred Elkins – PID # 849901 – (9029 Cavendish Road) – an application was received to construct a new fence of 6'h X 143' long. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) that the fence be located on the Elkins property. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Don & Rita Carmichael – PID # 442483 (Gulf Shore Parkway) – Application was tabled until further information is provided on the access for the property.

North Rustico Home Centre – PID # 233833 (7381 Cavendish Road) – an application was received to construct a three storey addition onto the existing Home Hardware store of 40' X 85'. It was moved by Councillor Richard, seconded by Councillor Wyand 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, 3) that a special permit be granted to allow the height of the structure to go to 31', 4) that a comprehensive site plan be provided, 5) that a development agreement be entered into, 6) that a performance bond of \$10,000.00 be posted, 7) that the final plan by Coles Associates be stamped, 7) that the signed

Building Code Design Certificate be provided by Coles Associates and payment of legal and registry fees. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Councillor Gauthier joined the meeting.

Susan Roberts – PID # 233320 (38 Friendly Lane) - an application was received to construct an addition onto the existing cottage of 8' X 6' for a mud room. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval be granted subject to: 1) the addition being located on the cottage in accordance with the site plan. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Odeh Zaidan – PID # 233411 (132 Cape Road) – application was tabled as it was incomplete.

Roman Catholic Episcopal Corporation – PID # 687137 (75 Reid Road) – an application was received to construct an accessory building of 12' X 10' on the property for storage only. It was moved by Councillor Richard, seconded by Councillor Wyand that approval be granted subject to: 1) the storage building shall be located on the site in accordance with the site plan. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Councillor Lowther joined the meeting.

Andrew Sark – PID # 232405 (7591 Cawnpore Lane) – the application was tabled until a letter has been received from the Province for approval of use of the space.

Councillor Lowther left the meeting due to a conflict of interest on the permit for Sandspit Entertainment Ltd..

Sandspit Entertainment Ltd. – PID # 231977 – (8863 Cavendish Road) – an application was received to have a special permit use to construct a new building of 60' X 26' for a car / pet wash area. It was moved by Councillor Richard, seconded by Councillor Wyand that the request be brought to a public meeting. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Councillor Lowther returned to the meeting and resumed the position of Acting Chair.

#### **Temporary Permits:**

Christine Perry & Gary Kelley – PID # 92927 (Cavendish Road – Swimming Rock) – an application was received to have a wedding at the Swimming Rock property on August 11, 2018 from 2:00 p.m. – 6:00 p.m.. It was moved by Councillor Richard, seconded by Councillor Wyand that weddings continue to be allowed at the municipal parks, provided it is for the wedding event only with no food or alcohol and that Councillor Lowther Councillor Clark Dunning and Councillor Hryckiwi will work on a policy document to deal with weddings. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

#### **Follow up Permits:**

Dale Gallant – PID #232249 (Clarence Lane / Route 13) – Awaiting information from the engineer on the sewer system.

Cavendish Tourism Complex Development Inc. – Awaiting information from the engineer on the revised drawing and the Storm Water Management Plan.

Bill & Michelle DeBlois – PID # Lot 17-1 (507 Gulf Shore Parkway West) – Awaiting the Perc Tests for the property as well as the sewerage disposal permit.

Kenny Singleton – Bosom Buddies Cottages – PID # 660829 – (84 MacCoubrey Lane) - a final detailed site plan was provided for the property. It was moved by Councillor Richard, seconded by Councillor Hryckiwi that approval be granted subject to: 1) the three rental cottages shall be located on the site in accordance with the site

plan, 2) meets the requirements of the Provincial Fire Marshal's office, 3) a detailed site plan with all measurements shall be provided and 4) the cottages shall be connected to the municipal sewer. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Municipal Government Act / National Building Code Act:**

The Municipal Government Act will require a number of new bylaws and changes. We are awaiting the final regulations from the Province.

National Building Code Act: A new staff person has been hired and the regulations are under review by the legal counsel of the province. No date has been established as to when the information will be ready to go to municipalities.

**Parks Canada:**

**Fees:**

- More information on fees for 2018 will be coming out soon.
- Brad Oraniuk will be looking at the trees near the entrance to the Visitor mentioned to me that he had been talking to you about the trees that have been obstructing view near the VIC. He told me that he and/or his staff would be checking it out and would see what can be done. But he didn't provide a further update in time for your meeting today.

**Green Gables Redevelopment project:**

The project is now moving into phase 2 which will include the construction of a new visitor centre that will house the gift shop, ticketing, orientation area, exhibits and washrooms. They are also developing concepts for interpretive exhibits and other media for the new visitor centre as well as the grounds and trails.

On behalf of Parks Canada, Public Services and Procurement Canada recently awarded a construction contract valued at \$5.9 million to Williams, Murphy and MacLeod Ltd. to complete this work. Construction will begin this week and the work is anticipated to be completed in the fall of 2018. It was originally scheduled for completion in June 2018, however, following comments received from bidders, our architectural consultant recommended a later completion date for the visitor centre. The extra time will allow for possible delays in work due to winter conditions and frost.

Due to the later completion date, they will be using the same strategies for operations during the construction period in 2018 as they did in 2017. A welcome kiosk will remain near the parking lot with a nearby washroom trailer; visitors will route through the new access path and bus drop off will remain by the welcome trailer. Parking will be available throughout the season. The Green Gables gift shop will also remain in the renovated barn until the spring of 2019.

Following comments received at a stakeholder meeting that was held on October 5, they have been continuing to develop the interpretive concept plan with the consultants. Stakeholders will have another opportunity to review the final plan in late January before detailed design has been completed. The exhibits and interpretive elements will be installed following the completion of Phase 2 and will be ready for opening in spring of 2019.

Construction is beginning on site this week and a construction perimeter will be established with appropriate signage. During this time, the site (barnyard, grounds around house and trails) remains accessible to visitors. Visitors are asked to park in the upper parking lot (bus parking area) and use the access lane to gain entry to the site. (Note- this is the same protocol we have asked visitors to use when visiting during the shoulder season and off season in the past). For questions, please contact 902-963-7874 or email [greengables.info@pc.gc.ca](mailto:greengables.info@pc.gc.ca). *Please note, that visitors can book a special appointment to view the House until November 30 (contact info same as above).*

**Oceanview project:**

Recently, Parks Canada reached out for comments on a proposal for the rehabilitation of Oceanview. A public meeting was held on October 18 to present the project objectives and concept plan. Thirteen people attended and we received a lot of great suggestions and feedback. We also received some comments on the project via email. The Parks Canada team along with the consultants will carefully consider all comments as the design is further developed.

Chantelle MacDonald, the project coordinator, sent out the meeting notes from our October 18th meeting, as well as a summary of questions and comments that she received by email, to the people who attended the meeting or provided feedback. They will update you on the progress of the design development in January 2018. If you have questions, please contact Chantelle at 902-672-1277.

Cavendish Beach Music Festival – PID # 1037423 (8779 Cavendish Road) – an application was received to locate two containers on the property for washroom buildings of 42' X 8'. It was moved by Councillor Richard, seconded by Councillor Gauthier that approval in principle be granted subject to: 1) meets the requirements of the Department of Health and Wellness, 2) meets the requirements of the Provincial Fire Marshal's office, 3) that the elevation plan be provided of the structures and the connection to the existing building and 4) that the site plan show the location of the containers with the setbacks between the closest structures and the property lines to be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Signage Bylaw Review:**

It was decided by the Council that that the legal review would wait until the new regulations are in place for the Municipal Government Act to allow the lawyer to have all updates when completing the review.

**6.A.1. West Highland Contractors – Second Reading:****Rezoning Application:****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 from Rural land use to proposed Resort Campground 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 2017-5, to amend the 2017 Official Plan be hereby formally adopted.

It was moved by Councillor Gauthier, seconded by Councillor Wyand that the Council amend the Official Plan General Land Use Map to change the designation of Provincial Parcel # 694984 from the Rural Zone to the Resort Campground Zone. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**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, PID # 694984 for a zoning amendment from the Rural zone to the proposed Resort Campground zone under the Resort Municipality, 2017 Zoning and Subdivision Control (Development) Bylaw 2017-3 to change the zoning map from (RR) Rural to (RD4) Resort Campground;

**And whereas** zoning bylaw amendment 2017-5, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw was read a first time at the Council Meeting on October 16, 2017.

**Be it resolved that** zoning bylaw amendment 2017 – 5, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be hereby read a second time.

It was moved by Councillor Richard, seconded by Councillor Wyand that the bylaw amendment to amend the Zoning map to show Property # 694984 from the current Rural (RR) Zone to RD3 (Resort Campground) Zone be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Approval of second reading:**

**Whereas** an application was received from West Highland Contractors Ltd. for Cavendish Road, PID # 694984 for a zoning amendment from the Rural zone to the proposed Resort Campground zone under the Resort Municipality, 2017 Zoning and Subdivision Control (Development) Bylaw 2017-3 to change the zoning map from (RR) Rural to (RD4) Resort Campground;

**And whereas** zoning bylaw amendment 2017-5, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw was read a first time at the Council Meeting on July 17, 2017.

**And whereas** zoning bylaw amendment 2017-5, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw was read a second time at this Council Meeting.

**Be it resolved that** zoning bylaw amendment 2017 – 5, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be hereby approved.

It was moved by Councillor Hrycki, seconded by Councillor Wyand that the bylaw amendment to amend the Zoning map to show Property # 694984 from the current Rural (RR) Zone to RD3 (Resort Campground) Zone be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**6.A.2. West Highland Contractors – Adoption of Amendment:**

**ADOPTION OF BYLAW AMENDMENT:**

**Whereas** an application was received from West Highland Contractors Ltd. for Cavendish Road, PID # 694984 for a zoning amendment from the Rural zone to the proposed Resort Campground zone under the Resort Municipality, 2017 Zoning and Subdivision Control (Development) Bylaw 2017-5 to change the zoning map from (RR) Rural to (RD3) Resort Campground;

**And whereas** zoning bylaw amendment 2017-5, a bylaw to amend the 2017 Zoning and Subdivision Control

(Development) Bylaw was read **and approved at two separate meetings of Council held on different days;**  
**Be it resolved that** zoning bylaw amendment 2017 – 5 a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be formally adopted.

It was moved by Councillor Gauthier, seconded by Councillor Hryckiwi that the bylaw amendment to amend the Zoning map to show Property # 694984 from the current Rural (RR) Zone to RD3 (Resort Campground) Zone be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**6.A.3 Sunny Gallant – Composting Toilets:**

It was decided by Council that the comments from the Department of Environment would be sent along to the municipal lawyer for review and comments back to the Council based on the bylaw.

**6.A.4. Unsightly Properties:**

Awaiting further information from the property owners that were sent letters.

**6.A.5. Plan Survey Drawings and**

A letter was received from the PEI Road Builders and the Construction Association regarding detailed information that is required on tenders going out in municipalities, so that the contractors know exactly what is being priced out when bidding on contracts.

**6.B. MONTHLY FINANCIAL REPORT:**

It was moved by Councillor Hryckiwi, seconded by Councillor Richard that the revenue of \$280,838.73 and the expenses of \$243,597.72 ending September 30, 2017 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was moved by Councillor Hryckiwi, seconded by Councillor Wyand that the revenue of \$304,584.08 and the expenses of \$255,358.69 ending October 31, 2017 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**6.B.1. Yearly Budget:**

It was moved by Councillor Clark Dunning, seconded by Councillor Gwen Wyand that the municipality prepare a 15 month budget for 2018 / 2019. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**6.C. TRAILS AND PATHS REPORT:**

**6.C.1. Boardwalk Repairs:**

Work has started again on the walkway project and is expected to be completed by the end of the week.

**6.C.2. Lights:**

It was decided by Council that more information would be looked at on the solar lighting for the Grahams Lane Trail prior to a final decision being made on installing new lighting.

**6.C.3. Map Stops and Signage:**

Awaiting final map stops to be received from Technomedia.

**6.C.4. Banner Brackets:**

It was decided that the banner brackets would be installed in the spring.

**6.D. FIRE COMMITTEE REPORT:**

Councillor Clark Dunning advised that there were no updates from the fire departments.

**6.E. TCBI:**

New Board members were added to the board at the Annual Meeting on November 8, 2017

Councillor Hryckiwi is no longer a member as she completed her term on the board.

It was decided to approach Tourism Cavendish Beach to see if Councillor Hryckiwi could still be the liaison to

meet with Tourism Cavendish Beach prior to the monthly meetings for updates.

A copy of the meeting package and budgets were provided in the meeting package.

**6.F. CCTP:**

Annual Meeting will be held in Victoria on November 15, 2017 at 9:00 a.m..

**7. CAVENDISH SEWER UTILITY REPORT:**

**7.A. Monthly Updates and engineering:**

A pump contract was sent through from Andre Velden.

It was moved by Councillor Gauthier, seconded by Councillor Wyand that \$550.00 be allocated towards the yearly contract for monitoring as LS # 1 – Cranberry Village. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**7.B. Driftwood Landing:**

The property owners have responded back with some items to be dealt with and have questioned the engineer's response to the video based on input from the company that completed the work for them.

**8. BUSINESS ARISING FROM MINUTES:**

**8.A. Internet Servicing:**

Work is expected to be completed within a couple of weeks.

A contact person will be provided by Eastlink for property owners to contact to set up for servicing.

**8.B. Route 13 Crosswalk:**

Chair Jelley met with Alan Aitken and he sees no issues with a crosswalk on Route 13 near the Haunted Wood Walk, provided that the paths are adjacent from one another and that the municipal walkway is extended down to the Haunted Wood Walk.

**8.C. Invitation to participate in municipal collaboration:**

Councillor Richard attended the session and there was a big attendance at the event. He thought that there would be more direction on communities working together, but it seemed to focus more on immigration.

**8.D. Human Resources Terms of Reference, Human Resources Personnel and Practice Policy and Human Resources CAO Job Description:**

It was moved by Councillor Richard, seconded by Councillor Clark Dunning that the Human Resources Terms of Reference, Human Resources Personnel and Practice Policy and the Human Resources CAO Job Description be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

**9. NEW BUSINESS:**

**9.A. FPEIM:**

**9.A.1. FPEIM Semi Annual Meeting:**

The Semi-Annual Meeting was held in Montague on November 4, 2017.

- Large attendance at the meeting by municipalities;
- Coastal Communities were discussed and the concerns in these areas;
- Marijuana legalization and its impacts were discussed;
- Population growth and immigration was discussed;

Councillor Lowther passed the Chair to Chair Jelley.

**9.A.2. FPEIM Harassment and Discrimination Policy:**

Information was sent through from FPEIM.

Chair Jelley advised that there are policies at a number of places and it would basically state that verbal or physical abuse will not be tolerated.

**9.B. Dell Warranty:** Information will be gathered from Dell on the extended computer warranty costs.

**9.C. SNOW REMOVAL TENDER:**

It was moved by Councillor Gauthier, seconded by Councillor Hryckiwi that the snow removal tender of from Snowie Road Contractor at a cost of \$4,200.00 plus HST be accepted as all information has been received with the tender. All in favor 6, 1 non-voting. Motion Carried.

**9.D. Municipal Capital Expenditures Grant:**

Councillor Lowther, Councillor Clark Dunning and the CAO attended a session on the new grant. Municipalities will get 10% of the costs of any capital projects back including any leases that the municipality has for equipment.

A letter was sent expressing interest for the municipality and we are awaiting for the contracts to be sent through for approval of the program.

The CAO left the room while discussion took place on the evaluation.

**9.E. CAO's Evaluation:**

Administrator's Evaluation was completed at the end of the meeting by Council only as the Administrator was not met with to date as part of the yearly review.

**10.A. CONCERNS:**

**10.A.1. Councillors Concerns:**

Chair Jelley advised that when he met with Alan Aitken at the Department of Transportation they did a drive through the area and discussed crosswalks in the area near the Cavendish Tourist Mart and Avonlea Cottages and one near Avonlea Village.

Chair Jelley advised that the standards need to be approved for the crosswalk and some work is needed on Cawnpore Lane for extending the trail, but it is workable.

Chair Jelley advised that he is meeting with David MacNeill and Laurie Carruthers to discuss the trail for the site and the municipal park as they are trying to eliminate some issues of people walking into the site and not paying. He will have more information to present at the next meeting.

Chair Jelley also advised that Sandi Lowther had talked with him on behalf of Tourism Cavendish Beach about doing an Anne Statue at the corner of the property.

**10.B. Residents:**


Evelyn Stewart expressed concerns over no internet access being available to her when the servicing is going by her property.

Eastlink was contacted and they advised that it would cost \$35,000.00 to service the area between the Boardwalk and the Bay Vista Motel.



Council requested that Eastlink be contacted again.

**11. ADJOURNMENT:** Chair Jelley adjourned the meeting at 7:05 p.m.



Chair, Matthew Jelley