
A Special Meeting of the Georgetown Town Council was held in the Council Chambers on 3/20/2017, at 7:30 p.m.



**MINUTES
GEORGETOWN
TOWN COUNCIL
SPECIAL PUBLIC
MEETING**

**Monday,
March 20, 2017
7:30 p.m.**

Mayor Lewis Lavandier
Deputy Mayor Mark Stephen
Councillor Ronald Gallant
Councillor Phillip Hebert
Councillor Cody Jenkins
Councillor Cindy MacLean
Councillor Faye McQuillan
CAO Tonya Perry



Council Attendance: Deputy Mayor Mark Stephen
Councillor Ronald Gallant
Councillor Phillip Hebert
Councillor Cody Jenkins
Councillor Cindy MacLean
Councillor Faye McQuillan

Regrets: Mayor Lewis Lavandier

Gallery Attendants: Charlotte MacAulay, the Eastern Graphic, Tim Mair, Dorothy Macdonald, Daryl Macdonald, Michael Gallant, Barb Mazzerolle, Gerald MacKenzie.

1.0 Call to Order

Deputy Mayor Mark Stephen as Acting Mayor in the absence of Mayor Lewis Lavandier called the meeting to order at 7:30 p.m.

2.0 Approval of Agenda: 3/20/2017

- **Moved for approval by Councillor F. McQuillan.**
- **Seconded by Councillor R. Gallant. Motion Carried.**

2.1 Additions to Agenda. None.

2.2 Conflict of Interest Provision

Part VI, Section 23 of the *PEI Municipalities Act*, which maintains that no member of Council shall derive any profit or financial advantage from his/her position as a member of Council and, where a member of Council has any pecuniary interest in or is affected by any matter before the Council, shall declare his/her interest therein and abstain from voting and discussion thereon.

Declaration - None.

2.3 Be advised that we are recording these proceedings; If anyone else is recording we would ask that you please declare same. **None.**

3.0 Acting Mayor Mark Stephen gave a general explanation of the purpose of tonight's Special Meeting. Proposal to introduce Town of Georgetown Bylaw 2017-2 A Bylaw to Amend - TOWN OF GEORGETOWN ZONING & SUBDIVISION CONTROL (DEVELOPMENT) BYLAW 2009. He Then turned the floor over to the Planning and Development Committee Chair Phillip Hebert who advised that the proposed amendments deal with the following matters: a change to the existing bylaw through a bylaw to amend same: Town of Georgetown Bylaw 2017-2 A Bylaw to Amend -

TOWN OF GEORGETOWN ZONING & SUBDIVISION CONTROL (DEVELOPMENT)
BYLAW 2009 changes proposed as follows:

Proposed Amendment # 1 Effective April 17, 2017 the Town of Georgetown Zoning & Subdivision Control (Development) Bylaw 2009 Bylaw is proposed to be amended by adding a new number 3 under Section 5 “GENERAL PROVISIONS FOR ALL ZONES”. To be included in new number Section 5.3: Town Council may permit use in all zones in accordance with approved permits issued and approved by council pertaining to proposed Licensing and Street Vendor Bylaw.

3.1 Presentations from the floor – Question and Answer Period – Floor open to the General Public to make presentation(s) and ask questions. Floor was open to receive input and questions:

Public Input

The following people made the noted comments:

3.1.1 Daryl Macdonald, resident and business owner

- a. Asked Town Council to clarify about the background of the proposed new licensing bylaw, is it specific to proposals received, or for the common good of the future?
- b. Inquired about the nature of the received proposal.
- c. Can Council deal with business proposal without changing our development bylaw and creating a new licensing bylaw? Gave an example that perhaps a vehicle could be towed in and out and parked by the waterside. There are access roads to the beach, and a launch on the west side of West St. – being a small stretch of road leading to the beach where people can walk down to the beach and launch a dory from that point. Just as there is an extension to Fitzroy St. providing access to the public to the shore, I would like to suggest to see a business person /proposed entrepreneur park their vehicle/trailer during daylight hours and conduct their business on the beach using the West St. access, monies can be transferred/handled/collected on the beach providing instruction on safe use and handling of a kayak/canoe takes place in the water on the beach. I’m not sure if the Town has jurisdiction below the highwater mark. If anybody had any jurisdiction over this type of enterprise it may be people renting to people to have a license to handle a small sailboat or motorized small craft, I don’t know enough about that, maybe that’s not applicable here.
- d. Conveyed that this is a tremendous business opportunity to this community. That we have a tremendous natural recreation resource that brought this community together in the very first place, our harbor and our adjacent rivers. It’s a natural recreation that has been used for commerce over the years and it can still be used for that and tourism. For locals to have the opportunity to have in their back yard someone that is going to teach them the safe use and handling of small craft, I think that is tremendous for the young people in our community in particular. We really aren’t that seaworthy. This is something that can add to the recreational enjoyment of

the local community and also be an attraction to visitors and bring in tourists into our community. There is a lot of people that would come here spend the night and do a day trip up the Brudenell River or Montague River on a kayak. There is business opportunity for the local accommodations. There are restaurants that I am sure would be only too glad to serve a meal before or after their journey. This is something that is a positive in every way shape or form.

- e. Conveyed that there are too many things that we let into this community that in some way take away from it. Let's try not to open a door here where we have a bylaw which is an invitation for people to come into the community on wheels and cherry pick. I think that would be a mistake.
- f. Proposes Council write a letter to business proposal and say yes, we are very happy to try to make this happen we don't feel we need to be involved in any kind of zoning or bylaw changes or anything of that nature. Things to think about to be addressed would be parking noise, who knows, litter.
- g. Described being in business in Georgetown for 38 years, you only make a profit for a few months of the year, the rest of the year you are taking a big chunk of that profit to ride over the winter months. Everything here is very fragile, it's not just the school, businesses here are very fragile. Don't put something into place that says okay, we've allowed for that, you just have to pay this much per day/week/month and schedule the weeks for payments.
- h. Expressed caution of making changes that are setting precedents.
- i. Take into consideration fairness for those businesses in the community that keep their doors open 365.
- j. If we get a genuine issue with this type of business in the community then Town should revisit the licensing bylaw for further discussion at that time.

3.1.2 Gerald MacKenzie, resident and G.A.D.C. and Housing Authority Member

- a. Expressed concerns about the GADC advertised daily rentals that weren't taken advantage of, and concerns to prevent people coming in to Town selling out of the back of trucks.
- b. Stressed that we do not want to impede on the availability of daily rentals at the GADC shops.

3.1.3 Barb Mazerolle, resident and Chair of Georgetown & Area Development Corporation

- a. Asked if we put the licensing bylaw in place, would this not promote mobile users?
- b. The G.A.D.C. is concerned that we have a building that we are working hard to fill, and the licensing bylaw would be opening the door to encourage mobile businesses.
- c. I feel that the fear is that this licensing bylaw will encourage mobile businesses, now I feel that Council has addressed that is not the case. Perhaps this is a good thing.

3.1.4 Tim Mair, resident and Chair of the Georgetown Port Inc.

- a. Noted a mis-print 5.3 should have been 5.1.3 in the advertisement.
- b. Tim Mair discussed insurance examples, i.e. Port Authority.
- c. Stated that the powers Council has needs to be investigated more.
- d. Requested for Council to look further at the wording, and possible solution to have a public meeting whenever local businesses may be adversely affected.
- e. Precedent setting needs to be carefully considered.
- f. Asked what recourse would I have as a resident if Town Council approved an application under the licensing bylaw that affected the enjoyment of my property? I would like to see something added to protect the residents and business owners in the bylaw so that their input would be considered, so that there is always some recourse within the bylaw for them.
- g. Stated that he would encourage Council looking at new businesses that don't impede on current businesses, it should be looked at on a case by case basis / scenarios. Not to compete with existing.
- h. Discussed cruise ship scenario and encouraging development of new businesses in the town to assist in attracting the cruises.
- i. Requested Council to look at encouraging the use of empty houses in our business district.
- j. Mentioned that the former tank farm is a potential growing area for development.

3.1.5 Michael Gallant, resident, former Mayor

- a. Noted that businesses are allowed in any residential zone as long as that business does not take up any more than 25% of the building, if it goes over more than 25% than it has to be rezoned.
- b. Asked Council, do you put something in there that you can, maybe, regulate, or do you go as it is. Making sure that anything that the Province has purview over, who enforces, how do you enforce? Short of taking people to court that is the only way right now to enforce. It should be noted that the bylaw change is for any zone within the municipality. It also could be problematic when giving out a license to a proposed business under the licensing bylaw, where the development bylaw can be appealed with IRAC. The licensing bylaw cannot be appealed with. I think the licensing concept is good, but it is how you merge the two together and protect the businesses that are here and have invested into the town with their infrastructure, and how you put the licenses in effect so that they are not going to egregiously affect, but actually promote the existing businesses in your community. That is the dynamic that you have work with.
- c. The Municipality has residual powers to contact the Province to assist with unwanted mobile shops.
- d. The licensing bylaw has only been given first reading, which is a reading in general, it has not been given 2nd reading yet, and is not completed.

- e. It should be incumbent upon an applicant for mobile business that they consult with the neighbors.

On behalf of the Planning Board, Councillor P. Hebert advised that the business proposal is not for on the beach, it is for using a portion of Town property. I see the licensing bylaw will be a safe guard to the businesses that are in Georgetown. I think it's actually beneficial for the businesses in Georgetown as protection.

Councillor P. Hebert, Planning Chair advised that we have a history of vendors coming in that we would benefit from having a bylaw to allow us to have permits and enforce same.

Councillor P. Hebert advised that it is for a water sport business, for approximately 4 month term.

Councillor P. Hebert and Council engaged in a general discussion with gallery regarding same. I'm a believer that being cautious is a good thing. If we have another business that is not competing with what we have, that is the intent, to bring in new business, not competing. Site plan, noise control, and other safe guards are in the licensing bylaw to protect us going forward. We are open to adding clauses to it. We have already added clauses to it that businesses made suggestions to add.

Gave general agreement to sit down and work on the licensing bylaw with input from the business community to address concerns before 2nd reading of that and 1st reading of the Development Bylaw Amending Bylaw.

Acting Mayor M. Stephen advised that the licensing bylaw would have stipulations to govern areas for trucks to set up and stipulations for the periods they can be set up. We are trying to develop a way to control who, what and when they come in.

Councillor Cody Jenkins, planning board member, gave a description of the current slipway, and liability protection.

Acting Mayor Stephen asked if there were any other presentations or input from the public.

Reading of any correspondence received from the Public. None. CAO advised of a telephone call from a concerned resident that suggested they would send in correspondence, but didn't. They wanted Council to consider that Georgetown is a heritage community that this heritage appeal is a big tourism draw, we don't want to do anything that would lessen it with mobile businesses that are not ascetically pleasing.

Acting Mayor Stephen advised there has been a lot of input for the Planning Committee to discuss before making a recommendation to Council regarding first reading of the bylaw to amend our development bylaw.

- 4. As there was no further business, Acting Mayor Stephen called for Adjournment.**

Minutes recorded by:
Former C.A.O. Tonya Perry, C.A.O.
And Submitted by:
Dorothy Macdonald, C.A.O.
April 17th, 2017

Mark Stephen, Deputy, Mayor

Dorothy Macdonald, C.A.O.