

Minutes  
Resort Municipality Monthly Council Meeting  
Monday, December 19, 2016  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on December 19, 2016 at the Resort Municipality Office.

**PRESENT:** Chair Matthew Jelley. Councillors: Linda Lowther, Gwen Wyand, Kay Hryckiwi, David Gauthier and George Clark Dunning. Administrative Assistant - Darlene Howell.

**ABSENT:** Councillor - Edmond Richard and CAO - Brenda MacDonald.

**VISITORS:** Nil.

**1. CALL TO ORDER:**

Chair Jelley called the meeting to order at 5:20 p.m.

**2. DECLARATION OF CONFLICT OF INTEREST:**

Matthew Jelley declared a conflict of interest as he had a permit application in the package.  
Kay Hryckiwi declared a conflict of interest as she had a permit application in the package.

**3. APPROVAL OF AGENDA:**

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that the agenda be adopted as presented. All in favor 5, 1 non-voting. Motion Carried.

**4. APPROVAL OF MONTHLY COUNCIL MEETING NOVEMBER 21, 2016:**

Councillor Lowther advised that there are some punctuation changes that need to be made in the minutes.

It was moved by Councillor Gauthier, seconded by Councillor Wyand that the Monthly Council Minutes of November 21, 2016 be adopted as amended. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**APPROVAL OF PUBLIC MEETING OFFICIAL PLAN AMENDMENT NOVEMBER 21, 2016:**

It was moved by Councillor Clark Dunning, seconded by Councillor Gauthier that the Public Meeting Official Plan Amendment Minutes be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**APPROVAL OF PUBLIC MEETING REZONING AMENDMENT NOVEMBER 21, 2016:**

Councillor Lowther advised that on page three, fourth paragraph now reads: Chair Jelley advised that unless a permit or denied then that would be when Irac would get involved. Should read: *Chair Jelley advised that unless a permit is granted or denied then that would be when IRAC would get involved.*

It was moved by Councillor Gauthier, seconded by Councillor Hryckiwi that the Public Meeting Rezoning Amendment minutes be adopted as amended. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**5. CORRESPONDENCE:** Correspondence items for November for which actions are required are listed on the agenda.

Chair Jelley turned the Chair to Vice-Chair Lowther so he could present the planning board report as

Planning Board Chair Richard was absent from the meeting.

**COMMITTEE REPORTS:**

**Planning Board Report:**

**Planning Board Members:**

Councillor Jelley advised that he attended the planning board meeting and there was a full quorum and George attended as a visitor. There was some discussion on the planning board's roles and responsibilities.

Councillor Jelley advised that the information is in the planning board minutes that was discussed with the board. He talked with the board about the process and approving permits in a timely manner as well as thanked them for their work on the board.

Councillor Jelley advised that there will now be five planning board members that will include Edmond Richard, Arnold Smith, Joel Watters, Peter Fullerton and Linda Young who has replaced Garth MacNeill. Barb MacDonald from Parks Canada is on the board and is ex-officio.

Councillor Jelley commented on the public meeting that will be held in the Visitor Center following the Council Meeting tonight.

Public Meeting on the Official Plan Amendment – December 12, 2016 at 7:00 p.m..

Public Rezoning Amendment Meeting – December 12, 2016 at 7:20 p.m..

Public Meeting – Major Development – December 12, 2016 at 8:00 p.m..

Councillor Jelley advised that the public meeting process requires two meetings for every rezoning request because the General Land Use Map designates specific zones and is not laid out in general terms so when a rezoning request is received in most cases there is also a requirement for a change to the General Land Use Map in the Official Plan, based on how the municipality's mapping is done.

**6. Building Permits:**

CFMPEI Inc. (8989 Cavendish Road – PID # 231910) – an application was received to construct a shed of 36' X 12' onto the existing building. It was moved by Councillor Jelley, second by Councillor Hryckiwi that approval 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) the building shall not be used for human habitation, 4) the building shall be used as a storage building with a washroom only, 5) the building shall be constructed in accordance with the attached site plan and 6) payment of permit fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Subdivision Application:**

Hunter Warehousing – (Reid Road PID #) – an application was received to subdivide 43.14 acres off of the property. It was moved by Councillor Jelley, seconded by Councillor Wyand that approval be granted subject to: 1) the survey plan shall meet all requirements of the Zoning and Subdivision Development (Control) Bylaw as per section 17, 2) the final survey plan shall be dated and signed by Jamie Clow and 3) payment of subdivision fee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Official Plan Amendment** – (7840 Cavendish Road - PID # 233395) – Krzysztof and Margaret Opydo - An application was received to rezone the property from RR (Rural) to RD3 (Resort Campground).

It was moved by Councillor Jelley, seconded by Councillor Gauthier that after review of the Official Plan provisions and the rezoning provisions contained in section 16 of the Bylaw, as well as the Bylaw provisions for both the RR Zone and the RD3 Zone, that planning board and Council recommends that

the amendment to the General Land Use Map be denied under the Zoning and Subdivision Control (Development) bylaw for the following reasons:

- 1) Section 1.4 sets the scope for the bylaw - Scope - No dwelling, business, trade, or industry shall be located, nor shall any building or structure be erected, altered, used or have its use changed, nor shall any land be subdivided, consolidated or used in the Resort Municipality, except in conformity with this Bylaw and subject to the provisions contained herein.
- 2) Section 13.2 PURPOSE  
The Rural Zone is established principally to retain the natural beauty and rural character of the area, and to retain the low density uses of land where no municipal water or sewer utility services will be provided in the foreseeable future.
- 3) The property in question is not located in the serviced core area of the municipality.

Planning Board considered the following official plan provisions.

- 4) 3.3.4 Physical

To establish a plan for future development which maximizes the efficient use of public Infrastructure and minimizes land use conflicts.

- 5) 4.4 **COMMERCIAL**

**OBJECTIVES**

- To minimize conflicts between commercial development and farmers, seasonal and year round residents, and the National Park.
- To ensure that commercial development can be efficiently and appropriately serviced.
- To limit commercial development in rural areas.

- 6) **Policy PC-5: Resort Campground**

It shall be the policy of Council to designate all existing campground facilities within the Planning Area as a Resort Campground zone. Given the potential environmental impacts of such facilities, future developments shall be carefully controlled.

**Plan Action:**

No further land shall be designated as Resort Campground.

New campground applications may be considered but shall proceed via a re-zoning application and shall be subject to a comprehensive Environmental Impact Assessment.

- 7) Section 3.32 of the Official Plan –

To preserve our rural lifestyles and rural values.

To keep productive farmland in agricultural use until it is required for appropriate development.

To support the long term economic viability of farming in the Planning Area.

To minimize land use conflicts between farmers, residents and tourism operators.

To accommodate a range of limited, compatible development in rural areas.

To encourage responsible farming and forestry practices.

8) **Section 4.2 of the Official Plan –**

**Policy PA-1: Zoning**

Council shall identify an area primarily for agriculture and compatible rural land uses. This will include all rural lands outside the boundaries of the developed core area and not currently approved for development. Limited tourism and residential development may be permitted where it is environmentally appropriate and compatible with adjacent farming activities. Land shall not be removed from the rural designation until it is required for more intensive uses and subject to an impact assessment.

**Plan Action:**

- The Development Bylaw shall designate as Rural Reserve (RR) all those lands which are not currently approved for development and are outside the boundaries of the core area.
- Within this zone, agricultural activities shall be given priority and protected.
- Limited residential and small scale accommodation uses shall be permitted where such development is compatible with adjacent agricultural activities.

**5.0 GENERAL LAND USE PLAN**

In formulating the General Land Use Plan, Council has applied the following criteria:

- land use conflicts shall be minimized
  - agricultural areas shall be protected
  - commercial development shall be focused in the serviced core area
- 9) In addition to the relevant official plan and bylaw provisions, planning board also considered the comments made at the public meeting and the attached written submissions from members of the community, which illustrate that land conflicts will be created if the rezoning and/or official plan amendment are approved.

**Discussion:**

Councillor Jelley advised that a letter was received following the public meetings and planning board meeting from Chris Opydo with a suggestion on altering the plan of the proposed campground based on input at the public meeting.

Councillor Jelley advised that the proposal was still for a campground and that the official plan amendment and rezoning questions needed to be dealt with first.

All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Rezoning Amendment** – (7840 Cavendish Road - PID # 233395)

It was moved by Councillor Jelley, seconded by Councillor Gauthier that after review of the rezoning provisions contained in section 16 of the Bylaw, as well as the Bylaw provisions for both the RR Zone and the RD3 Zone that the amendment to the Zoning and Subdivision Development (Control) Bylaw Zoning Map be denied under the Zoning and Subdivision Control (Development) bylaw for the following reasons:

- 1) Section 1.4 sets the scope for the bylaw - Scope - No dwelling, business, trade, or industry shall be located, nor shall any building or structure be erected, altered, used or have its use changed, nor shall any land be subdivided, consolidated or used in the Resort Municipality, except in conformity with this Bylaw and subject to the provisions contained herein.
- 2) Section 13.2 PURPOSE  
The Rural Zone is established principally to retain the natural beauty and rural character of the area, and to retain the low density uses of land where no municipal water or sewer utility services will be provided in the foreseeable future.
- 3) The property in question is not located in the serviced core area of the municipality.

Planning Board and Council considered the following official plan provisions.

- 4) 3.3.4 Physical

To establish a plan for future development which maximizes the efficient use of public infrastructure and minimizes land use conflicts.

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All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Dangerous and Unsightly property Bylaw:**

It was moved by Councillor Jelley, seconded by Hryckiw that the revision to the Dangerous and Unsightly Property Bylaw to include implement of husbandry be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Letter from Peter Fullerton – from SEAL:**

Concerns were raised in a letter as well as pictures presented to planning board over equipment being located on the property owned by Raspberry Point Oyster Co. Inc. at PID # 92700 located in a R1 (Residential Zone) in Seawood Estates.

It was moved by Councillor Jelley, seconded by Councillor Clark Dunning that Scott Linkletter be advised that the use on the property does not comply with section 6.2 of the bylaw and that all equipment and materials shall be removed from the property no later than April 30, 2017. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Parks Canada:**

No Parks representative was in attendance for the meeting but a report was sent following the meeting and is in the meeting package for information.

Some permit applications were received following the planning board meeting.

Councillor Hryckiw left the room due to a conflict of interest on the development permit for her property.

**100242 PEI Inc.:**

An application was received to move a storage building of 8' X 12' on the property from the current location adjacent to the store on the property to adjacent to the house. It was moved by Councillor Jelley, seconded by Councillor Gauthier that approval be granted subject to: 1) that a detailed site plan be shown on where the building will be located on the property in relation to the existing structures and setbacks, 2) that the building shall be used for storage only, 3) that the building shall not be used for human habitation and 4) payment of building permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Councillor Hryckiw returned to the meeting.

Chair Jelley left the meeting due to a conflict of interest on the permit applications.

Sandspit Entertainment Ltd. (18 Moore Road – PID # 458182) – an application was received to renovate the lobby of 30'6" X 16'9". It was moved by Councillor Clark Dunning, seconded by Councillor Gauthier that approval 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) the area shall be constructed in accordance with the attached site plan and 4) payment of building permit fee. All in favor 4, 1 non-voting, 2 absent. Motion Carried

Applications received after the planning board meeting.

**Forest Hill Estates Partnership:**

An application was received to construct a sign of 48" X 35 7/8" as well as to construct a secondary sign of 48" and 35 7/8" on property #'s 232009, 232017 and 232025. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiw that approval be granted subject to: 1) the signs being

located on the site in accordance with the attached site plan and 2) the signs being constructed in accordance with the size provided by the owner. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Vice-Chair Lowther asked for clarification on the planning board meeting date.

Chair Jelley returned to the meeting.

**6.A.1. Travel Trailer:**

It was moved by Councillor Jelley, seconded by Councillor Hryckiwi that Section 4.49 of the bylaw shall be amended to add the following wording:

- (3) *Notwithstanding subsection 4.49(1) above, an Owner of a Parcel of Land may occupy a Recreational Trailer or Recreational Vehicle on his Parcel of Land if:*
  - (a) *the Owner has obtained a Development Permit for the construction of a Dwelling on that Parcel of Land;*
  - (b) *the work has commenced on that Parcel of Land; and*
  - (c) *the Owner has received a Transient or Temporary Use permit from the Council pursuant to section 4.25 of this Bylaw.*

All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**6.A.2. Susan Roberts:**

It was moved by Councillor Jelley, seconded by Councillor Wyand that a letter be sent to the owner regarding the location of the new accessory building and the fact that the building must meet the requirements of the bylaw as per the permit approval. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**6.A.3. Readings of the Official Plan and Zoning and Subdivision Development (Control) Bylaw:**

It was decided that the readings would be completed in January at the Council meeting with a storm date of January 23, 2017 if needed.

Vice-Chair Lowther passed the Chair back to Chair Jelley.

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

The monthly finances for November 30, 2016, were presented. Revenue was \$265,518.56 and the expenses were \$291,651.71. It was moved by Councillor Hryckiwi, seconded by Councillor Lowther that the monthly finances ending November 30, 2016 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**6.B.1. New Computer:**

It was moved by Councillor Hryckiwi, seconded by Councillor Wyand that an allocation of up to \$2,000.00 be allocated to the Chair to purchase a new computer and software for the municipal office. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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

**6.C.1 Walkway Assessment:**



Chair Jelley advised that there are two old-fashioned streetlights that were damaged by motor vehicles last year and they are still not replaced and the CAO will look after that in the New Year and follow up on it.

Chair Jelley advised that the Report on the walkway assessment can be followed up by the CAO. Prices can be obtained for spring work on the projects based on the assessment and will be reviewed by Council on the various options and costs to determine what will proceed forward.

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

No updates to report.

6.E. **TCBI:**

Councillor Hryckiw commented on new board members for Tourism Cavendish Beach as follows:

President – Sandi Lowther

Vice – President – Kevin Champion

Treasurer – Isaac MacPherson

Secretary – Steve Arnold

Steve Murphy, Adam Hickey and Linda Larkin are also new board members.

6.F. **CCTP:**

No updates to report.

7. **CAVENDISH SEWER UTILITY REPORT:**

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

Parks Canada and the collection of their fees for service is an ongoing issue.

Power flickers at the Reid Road lift station occurred during the changing of Maritime Electric poles and caused some alarm calls.

Lagoon drawdown was approved by the Department of Environment and must be completed by December 23, 2016. Toombs is presently working on the drawdown.

**Our Lady of Hope Retreat Center:**

A recommendation was received from the Island Regulatory and Appeals Commission on the rate structure for the new retreat center based on the IRAC Tariff. It was moved by Councillor Gauthier, seconded by Councillor Lowther that the rates provided by IRAC be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Bond Return Request – Action Attractions Ltd.:**

It was moved by Councillor Lowther, seconded by Councillor Hryckiw that the bond release of \$1,000.00 for completion of all terms of the Development Agreement be returned to Actions Attractions Ltd. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8. **BUSINESS ARISING FROM MINUTES:**

8.A. **Internet Servicing:**

Chair Jelley advised that two prices were received on internet servicing.

Eastlink provided a cost of \$125,000.00 that would service Seawood Estates, the retreat center and Inn at the Pier.

Bell Aliant provided a cost of \$385,000.00 that would service Seawood Estates as well as from MacCoubrey Lane to the Cavendish Boardwalk.

Chair Jelley advised that the potential funding sources could be 1/3 provincial, 1/3 federal and 1/3 municipal and as part of the municipal contribution that each property owner within Seawood Estates would be required to contribute \$500.00 per household. We are awaiting a commitment from property owners within Seawood Estates on this.

8.B. **Signage RFP:**

A meeting will be held on December 20, 2016 at 1:30 p.m. with Harvey Sawler and an extension will be made to the timelines for the report based on the timing of the approval of the RFP and meeting with various business owners. Dan Glenn has already taken the lead and obtained various bylaws from other Resort Municipalities.

8.C. **Destination Management Fund:**

Meeting was held in December and there is a draft text agreement, but they are still negotiating a dollar value for the fund for 2018 with CBMF. A meeting will be held on January 12, 2017 and at that time they expect a proposal from Jeff on an amount and that will be added to the agreement.

8.D. **Bruce & Nancy Creighton:** Agenda item was deferred to the next meeting.

8.E. **Copier:** Agenda item was deferred to the next meeting.

8.F. **Staff Person:** Darlene Howell was hired to work with the municipality and will be working on Monday, Wednesday and Friday year-round and other times that may be established by the administrator when required.

8.G. **Snow Removal:**

Toombs Plumbing and Heating were awarded the contract for 2016 / 2017.

8.H. **AMA PEI:**

The administrator will update the information at the next meeting.

8.I. **Trail Ride Property:**

The province is working on having the trailer removed.

8.J. **Cameras on Route 6 and 13:**

Suggestion of cameras being installed to assist when vandalism happens in the area. Awaiting information from the province.

8.K. **Administrator's Christmas Bonus:**

It was moved by Councillor Hryckiwi, seconded by Councillor Wyand that a \$400.00 bonus be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8.L. **Administrator's Evaluation:**

Deferred to the next meeting.

9. **NEW BUSINESS:**

9.A. **FPEIM:**

December meeting was held at the Brothers Two in Summerside.

9.A.1. **Municipal Government Act:**

Municipal Government Act is moving forward by the province. Several recommended changes have been adopted. Communities are awaiting a copy of the final document.

9.A.2. **Mini Grant for Family Violence Prevention Week:**

Information was in the package.

9.A.3. **Dalhousie Executive Local Government Leaders Program:**

Information from Dalhousie was in the package.

9.B. **EMO Training:**

Information was provided in the meeting package and Council members can advise the administrator if they wish to attend any training sessions.

9.C. **West Prince Solar:**

Information was in the package.

9.D. **Mike Duffy – Things to know about Chinese Tourists:**

Information was in the package.

10. **CONCERNS:**

10.A. **COUNCILLORS –**

No concerns were raised.

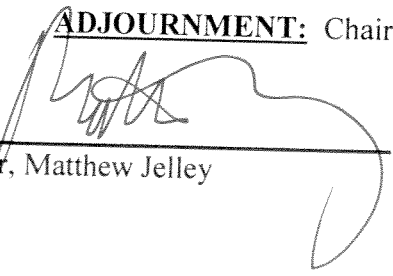
10.B. **RESIDENTS:**

Sunny Gallant – a letter was submitted with concerns over the rezoning of Krzysztof and Margaret Opydo's property. Addressed as part of the Council's decision on the request.

Winfried Krueger – a letter was submitted with concerns over not knowing about the rezoning request from Krzysztof and Margaret Opydo.

Council Lowther will write to her directly to address her concerns as she can submit her request to the municipality for the weekly notifications and be aware of everything happening in the community.

11. **ADJOURNMENT:** Chair Jelley adjourned the meeting at 7:00 p.m.

  
\_\_\_\_\_  
Chair, Matthew Jelley

