

Minutes
Resort Municipality Monthly Council Meeting
June 17, 2024
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on June 17, 2024, at the Resort Municipality Office.

PRESENT: Acting Mayor Linda Lowther. Deputy Mayor Lee Brammer. Councillors – Kay Hryckiwi and George Clark Dunning.
Brenda MacDonald – CAO, Deputy CAO – Heather Hay.

ABSENT: Ryan Simpson and Chris Robinson

VISITORS: Jim Brown. Zoom – Sandy MacKay and Mike Duffy.

1. CALL TO ORDER:

Acting Mayor Lowther called the meeting to order at 5:00 p.m.

2. APPROVAL OF AGENDA:

It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that the agenda be approved as presented. All in favor 4, 1 non-voting, 2 absent. . Motion Carried.

3. APPROVAL OF MONTHLY COUNCIL MEETING MAY 27, 2024:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Monthly Council Meeting Minutes of May 27, 2024, be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF SPECIAL COUNCIL MEETING JUNE 5, 2024:

It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that the Special Council Meeting Minutes of June 5, 2024, be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF PUBLIC MEETING JUNE 5, 2024:

It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that the Public Meeting Minutes of June 5, 2024, be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

Acting Mayor Lowther advised that she had a conflict under the planning board applications.

Councillor Hryckiwi advised that she had a conflict under planning board applications.

Acting Mayor Lowther advised that if any conflicts arise with a Council member during the meeting to ensure that they raise the conflict and leave the meeting without comment.

5. COMMITTEE REPORTS:

5.A. Municipal Affairs:

An update was received from Robert Zilke at Municipal affairs advising that there is a three-week timeline for review of the official plan and bylaw and that they were starting the review process. He said that he would keep the municipality in the loop of where the review was. They now require digital copies of the documents for the review process, so the information was sent to him digitally.

Acting Mayor Lowther read out documentation provided by municipal affairs on the transition process with the old and new bylaws during the Official Plan and Bylaw Review and how they suggested that the Council deal with ongoing applications.

5.B. Planning Board / Signage Applications:

Chris Robinson – PID # 1053990 – 8537 Cavendish Road – an application was received for a change of use on the property into a two-bedroom Bed and Breakfast. Access on the property still needs to be widened.

Subdivision Application:

Roger Birt Inc. – PID # 723874 – Cavendish Road – Awaiting information from the developer on the perc tests that need to be completed by the owner or a letter from the Minister of Municipal Affairs advising that he does not need a perc test completed for every lot to meet the Province-Wide Minimum Development Standards, that a storm water management plan be completed, that the private road be constructed and signed off by an engineer licensed to practice in the Province of PEI, that an agreement providing for the long term ownership and maintenance of the Private Road is registered in the Province's Land Registry Office, binding on the Owner of the Private Road, the Lot Owner making application for the Development Permit, and their respective heirs, successors and assigns, that a subdivision agreement be entered into once all requirements have been met and that a performance bond be posted.

Subdivision Application:

Greenfield Capital Inc. – PID # 708255 (198 Forest Hills Lane) – an application was received to subdivide a portion of PID # 708255 and consolidate it with PID # 802132. Awaiting a detailed survey plan being provided and a lot consolidation deed being provided.

Greenfield Capital Inc. – PID # 802124 (Forest Hills Lane) – an application was received to consolidate PID # 802124 with PID # 708255. Awaiting a detailed survey plan being provided and a lot consolidation deed being provided.

Temporary permit applications:

Cavendish Beach Music Festival Inc. - PID #1037423 - (8779 Cavendish Road). An application was received to hold the 2024 Cavendish Beach Music Festival from July 5-7, 2024. Awaiting comments from the Provincial Fire Marshal's Office, Department of Health, Liquor Control Commission, RCMP, that a development agreement be entered into and that a performance bond be paid.

Cavendish Beach Music Festival Inc. - PID #1037423 - (8779 Cavendish Road). An application was received to hold the 2024 Sommo Festival from September 13 - 14, 2024. Awaiting comments from the Provincial Fire Marshal's Office, Department of Health, Liquor Control Commission, RCMP, that a development agreement be entered into and that a performance bond be paid.

Ernest and Sharon MacEwen – PID # 815902 – Reid Road – an application was received to subdivide 5 lots off of the main property. Awaiting final survey plan to be submitted from the owner and naming of the roadway.

Eagles Glenn Golf Inc. – PID # 432195 – Cavendish Road – an application was received to subdivide one lot off of the main property. Application was incomplete and tabled.

Richard and Roger Moore – PID # 232470 – Cavendish Road - an application was received to subdivide 1 acre

off of the main property. Awaiting a perc test to be completed, a final survey plan and the 66' wide right-of-way to be provided with the registered agreement on the roadway.

AMD PEI Growth Inc. – PID # 232413 (8572 Cavendish Road) – an application was received to change the use of the space into a scooter rental space. Awaiting information from Parks Canada.

Les Zielinski – PID # 1011659 – (Janina's Way) – an application was received to construct two rental cottages of 20' X 44'. Awaiting for information from the owner, Department of Transportation and the Department of Environment.

Wayne and Judy Gallant – PID # 642074 (Cavendish Road) – an application was received to construct a rental cottage, a shop and a single family dwelling. Awaiting a decision on the bylaw.

George, Kenneth and Ian Stewart – PID # 231639 – (Simpson Mill Road) – an application was received to construct three rental cottages of 29' X 28' with decks. Awaiting information from the owner on sewer and a comprehensive site plan.

Greenfield Capital Inc. – PID # 708255 – (Forest Hills Lane) – an application was received to construct 18 camp sites. Awaiting information from the Provincial Fire Marshal's office, Department of Health and the Department of Environment.

Diane Godin – PID # 232140 – (8586 Cavendish Road) – an application was received to change the use of the property. Awaiting a comprehensive site plan and floor plans of the buildings on how the proposed change of use will be set up on the property.

CFM PEI Inc. – PID # 231910 – (8989 Cavendish Road) – an application was received to construct of 50' X 30' for a summer cottage. Awaiting a completed application from the owner and the comprehensive site plan with the proper use listed on the plan for the intended use on the property.

Temporary Permits:

Cavendish Beach Music Festival – (227 Forest Hills Lane) - (PID # 566869) – an application was received for access to the property and parking for RCMP vehicles from July 2 – 8, 2024. Awaiting letter from the owner of the road, development agreement to be completed and a performance bond to be posted.

Cavendish Beach Music Festival – (227 Forest Hills Lane) – (PID # 566869) – an application was received to have the RCMP headquarters on the property from July 2 – 8, 2024. Awaiting approval from the Provincial Fire Marshal's office, a development agreement to be completed and a performance bond to be posted.

Cavendish Beach Music Festival – (227 Forest Hills Lane) - (PID # 566869) – an application was received for access to the property and parking for RCMP vehicles from September 11 – 15, 2024 for the Sommo Festival. Awaiting a development agreement to be completed and a performance bond to be posted.

Cavendish Beach Music Festival – (227 Forest Hills Lane) – (PID # 566869) – an application was received to have the RCMP headquarters on the property from September 11 – 15, 2024 for the Sommo Festival. Awaiting approval from the Provincial Fire Marshal's office, that a development agreement be entered into and a performance bond to be posted.

Cavendish Beach Music Festival – PID # 1037423 – 8779 Cavendish Road - an application was received to locate containers on the property for villas of 73' X 50' with decks. Awaiting approval from the Provincial Fire Marshal's office, Liquor Control Commission, Department of Health and Wellness and that stamped drawings be provided.

Cavendish Beach Music Festival Inc. – PID # 1037423 – 8779 Cavendish Road – an application was received to have fireworks on the property on July 6 for the Cavendish Beach Music Festival from 10:45 – 11:05 p.m. rain date July 7, 2024. Awaiting festival approval, all requirements of the development agreement to be met and a performance bond to be posted.

Cavendish Beach Music Festival Inc. – PID # 1037423 – 8779 Cavendish Road – an application was received to have fireworks on the property for the Sommo Festival on September 13 from 10:45 – 11:05 p.m. rain date September 14, 2024. Awaiting festival approval, all requirements of the development agreement to be met and a performance bond to be posted.

Cavendish Tourist Mart – PID # 233130 – 8934 Cavendish Road – an application was received for parking during the Cavendish Beach Music Festival on July 4 – 7, 2024. Awaiting festival approval, all requirements of the development agreement to be met and a performance bond to be posted.

Cavendish Tourist Mart – PID # 233130 – 8934 Cavendish Road – an application was received for parking during the Sommo Festival on September 13 – 14, 2024. Awaiting festival approval, all requirements of the development agreement to be met and a performance bond to be posted.

Maritime Fun Group (PEI) Ltd. – PID # 233197 – 8986 Cavendish Road – an application was received to have parking for the Cavendish Beach Music Festival from July 4 – 7, 2024. Awaiting festival approval, all requirements of the development agreement to be met and a performance bond to be posted.

Maritime Fun Group (PEI) Ltd. – PID # 233197 – 8986 Cavendish Road – an application was received to have parking for the Sommo Festival from September 13-14, 2024. Awaiting festival approval, all requirements of the development agreement to be met and a performance bond to be posted.

Greenfield Capital Inc. – PID # 231977 – 8863 Cavendish Road – an application was received to have parking on the property for the Sommo Festival on September 13 – 14, 2024. Awaiting festival approval, all requirements of the development agreement to be met and a performance bond to be posted.

Sea Cross Inc. - PID # 232033 – 8779 Cavendish Road – an application was received to have parking on the property for the Cavendish Beach Music Festival from July 4 – 7, 2024. Awaiting festival approval, all requirements of the development agreement to be met and a performance bond to be posted.

Sea Cross Inc. - PID # 232033 – 8779 Cavendish Road – an application was received to have parking on the property for the Sommo Festival from September 13-14, 2024. Awaiting festival approval, all requirements of the development agreement to be met and a performance bond to be posted.

Raspberry Point Oyster Co. Inc. - PID # 232041 – Cavendish Road – an application was received to have parking on the property for the Cavendish Beach Music Festival from July 4 – 7, 2024. Awaiting festival approval, all requirements of the development agreement to be met and a performance bond to be posted.

Raspberry Point Oyster Co. Inc. - PID # 232041 – Cavendish Road – an application was received to have parking on the property for the Sommo Festival from September 13-14, 2024. Awaiting festival approval, all requirements of the development agreement to be met and a performance bond to be posted.

Cavendish Beach Music Festival – PID # 1037423 (8779 Cavendish Road) – an application was received to locate a Red Bull Truck and trailer of 14'L X 8'W X 8.5h on the property. Awaiting information from the Provincial Fire Marshal's office and the Department of Health and Wellness.

Cavendish Beach Music Festival – PID # 1037423 (8779 Cavendish Road) – an application was received to locate a Bell Container of 10' X 20' trailer of 14'L X 8'W X 8.5h on the property. Awaiting information from the Provincial Fire Marshal's office and the Department of Health.

Cavendish Beach Music Festival – PID # 1037423 (8779 Cavendish Road) – an application was received to locate an Atlantic Lotto truck of 16'w X 14.2'd on the property. Awaiting information from the Provincial Fire Marshal's office and Department of Health.

Rezoning Applications:

Wayne and Judy Gallant (Mike Buote) – Cavendish Road – an application was received to rezone the property from Residential to Resort Accommodations. Awaiting bylaw changes.

Greenfield Capital Inc. – 708255 – (198 Forest Hills Lane) – an application was received to rezone a portion of the property from RD3 to R1. Awaiting bylaw changes.

Greenfield Capital Inc. – 802124 – (Forest Hills Lane) – an application was received to rezone a portion of the property from R1 to RD3. Awaiting bylaw changes.

Acting Mayor Lowther left the meeting due to a conflict of interest.

Temporary / Transient Use Permits:

Gary and Linda Lowther – PID # 1173368 – 9 Jayne's Way – an application was received to locate a trailer on the property during construction from June 5 – November 6, 2024. Council approved the application as it was for a short term duration only. It was moved by Councillor Clark Dunning, seconded by Councillor Lee Brammer that a temporary permit be issued to allow the trailer to be located on the property from June 5 – July 15 only and that it be moved on or before July 15, 2024 to PID # 1172550 as soon as the site is ready based on the information provided by the owner about the lot conditions and safety. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Ryan and Dianne Lowther – PID # 1172550 – 15 Jayne's Way – an application was received to locate a trailer on the property during construction from June 7 – October 31, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that a temporary permit be issued to allow the trailer to be located on the property from July 15 or earlier until October 31, 2024 to PID # 1172550 as soon as the site is ready based on the information provided by the owner about the lot conditions and safety. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Acting Mayor Lowther returned to the meeting.

Subdivision:

Richard and Roger Moore – PID # 232280 – Route 13 – an application was received to subdivide a lot of 220' X 220' off of the main property. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval be granted subject to: 1) meets the requirements of the Department of Transportation, 2) that perc test be provided, and 3) that a detailed survey plan be provided. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Permits Issued by CAO:

Heather Steele and Mark Flood – PID # 665315 – (138 Seawood Drive) - To change the use of the summer cottage into a rental cottage.

Wendell and Loretta Murphy – PID # 520908 – (212 Seawood Drive) - To change the use of the summer cottage into a rental cottage.

Suzanne and Paul Tobin – PID # 607838 – (61 Driftwood Lane) - To locate an accessory building of 16' X 10' on the property for storage only.

Gary and Linda Lowther – PID # 1173368 (Jayne's Way) - To have a seasonal transient use permit to locate a travel trailer on the property from June 1 – October 31, 2024, while construction is happening on the property .

Cavendish Beach Music Festival Inc. – PID # 1037423 – 8779 Cavendish Road - To locate a cell tower on the property from June 7 – September 30, 2024.

CBMF Public Meeting:

The public meeting was held on June 5, 2024. No written comments were received following the public meeting.

5.C. Monthly Finances:

The Monthly Finances for May 31, 2024, were presented. The revenues were \$105,742.74 and the expenses were \$81,408.46. It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the monthly finances for May 31, 2024, be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

5.D. Emergency Services and Wellness Committee:

North Rustico is getting a new rescue boat.

Working on a boating course for a sea rescue.

Working with Parks Canada on a roping exercise in the park.

5.E.Parks and Recreation:

5.E.1 Bench Dedication:

A draft is being worked on for a policy and information will be presented at the next Council meeting.

6. Cavendish Sewer Utility:

6.A. Monthly Updates and Engineering:

An acting Sewer Chair was chosen.

Residential customers have been sent their yearly billing.

Business Customers will be sent out after the meters are read in early July.

7.Business Arising from Minutes:

7.A.1.Community Hub:

Awaiting information from Parks Canada and the Province of PEI.

7.B.2.Planning matters:

Awaiting information from the planning consultant from Dillon Planning.

7.B.3.Walkway Project:

No decision has been made to date on the Active Transportation Project.

7.B.4.Extended Year Round Activities:

No update.

7.B.5. Land Suitability and Analysis:

Further information is to be reviewed with the owner of the property as well as information on what would be in a proposed park and then public consultation.

7.B.6. Wayfinding:

It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that the \$25,000.00 that was allocated to the wayfinding project be withdrawn as the funding from the government will not allow the project to be completed based on phases of funding being proposed. All in favor 4, 1 non-voting, 2 absent. . Motion Carried.

Steve Haslam from the Department of Transportation will be checked with on the sign location on Route 6 in North Rustico.

7.B.7.Protecting View Plains:

Councillors Robinson and Clark Dunning will get together soon and will gather pictures of the lookout areas.

7.B.8 Bylaw Enforcement:

A meeting will be set up with the Bylaw Enforcement Company.
References will be checked.

7.B.By-Election:

The CAO provided a schedule to the province for the upcoming By-Election for the Mayor's Position as Matthew Jelley had stepped down from his position on June 3, 2024.

It was moved by Councillor Brammer, seconded by Councillor Clark Dunning that the By-Election will be held on August 12, 2024. Advanced poll will be August 10, 2024. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

It was moved by Councillor Brammer, seconded by Councillor Clark Dunning that the MEO be assigned to Brenda MacDonald and the Deputy MEO be assigned to Heather Hay for the By-Election. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that Richard Moore be assigned as the Returning Officer for the By-Election. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

7.C.MCH Day:

MCH Day will be held on June 22 from 11:30 – 2:30 p.m.

7.D. Dr. Kent Ellis Award and 7.E Beautification Awards were moved to the end of the agenda.

8.New Business:

8.A.Montgomery 150 Update:

Events will be happening throughout the year.

Photo exhibits are up at the Visitor Centre and will be changing throughout the summer.

9. Concerns:

9.A. Councillors:

Allan MacEachern could be asked to come to do some work for Remembrance Day and speak to the public. He completed a lot of research on Myrtle Webb and Green Gables Heritage Place.

Maintenance position – we are trying to recruit someone for the position.

A landscaper has been hired to complete maintenance at the Park for the summer.

9.B. Resident's Concerns:

Concerns were raised about having dogs on leash and not running free on properties.

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the Council go in camera under Section 119(1)(d, e and f). All in favor 4, 1 non-voting, 2 absent. . Motion Carried.

10. **** "In Camera" (7:00 – 7:30)

a. Awards. (119)(1f)

b. Legal – interim planning policy. 119(1)(f)

c. Legal – Request to reconsider decision. 119(1)(f)

d. Unsightly Properties. 119(1)(e)

e. HR Committee. 119(1)(d)

Information was presented by the HR Committee.

10.A. Dr. Kent Ellis Memorial Award:

Award recipient was chosen.

Richard Moore will be presented the award.

Beautification Awards:

Award recipient was chosen.

Business – Jane and Sue Chocolates.

Residential – Kerin & Paul Winsor.

10. A Legal – interim planning policy. 119(1)(f)

Information was provided by the legal counsel on the interim planning policy.

No further action was taken by Council on the interim planning policy.

Councillor Hryckiwi left the meeting due to a conflict of interest.

10.B. Legal – Request to reconsider decision. 119(1)(f)

Information has been sent to IRAC. The legal counsel must now review all information to present on the file to IRAC on behalf of the Council since an appeal has been filed against the municipality.

Greenfield Capital Inc.:

It was moved by Councillor Clark Dunning, seconded by Councillor Lee Brammer that the Council advise the property owner that if he completes all requirements of Section 17 of the Zoning and Subdivision Control (Development) Bylaw for the subdivision and lot consolidation that his application can be reviewed. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Councillor Hryckiw returned to the meeting.

c. Unsightly Properties. 119(1)(e)

The property in Forest Hills Subdivision is continuing to be monitored for clean up based on the bylaw.

An issue was raised about an unsightly property on Sunset Lane.

It was moved by Councillor Hryckiw, seconded by Councillor Brammer that a letter be sent to the property owner outlining the issues with the unsightly property. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

d. HR Committee. 119(1)(d)

Information was reviewed by the HR Committee with the Council.

11. ADJOURNMENT:

Acting Mayor Lowther adjourned the meeting at 7:03 p.m.



Acting Mayor, Lee Brammer



Brenda MacDonald, CAO