

Minutes
Resort Municipality Monthly Council Meeting
Monday, January 18, 2021
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on January 18, 2021 at the Resort Municipality Office and electronically with Zoom.

PRESENT: In Person: Mayor Matthew Jelley. Zoom: Deputy Mayor Linda Lowther, Councillors: Bill Drost, Lee Brammer and Chris Robinson. CAO – Brenda MacDonald. Administrative Assistant - Heather Hay.

ABSENT: George Clark Dunning.

VISITORS: In Person: Jim Brown. Zoom: Joan and Earl Reid, Maxine Rennie, Peggy Miles, Vic Greenwood, Lloyd Adams and Diane MacKenzie.

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 Robinson, seconded by Deputy Mayor Lowther 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 DECEMBER 14, 2020:

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the Monthly Council Meeting Minutes of December 14, 2020 be adopted as presented. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

APPROVAL OF PUBLIC MEETING MINUTES DECEMBER 14, 2020:

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the Public Meeting Minutes of December 14, 2020 be adopted as presented. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

There were no conflicts of interest declared.

5. COMMUNITY NAVIGATOR PROGRAM:

Mayor Jelley welcomed Maxine Rennie and Peggy Miles to the meeting.

Maxine and Peggy made a presentation on the Community Navigator Program and the services that they offer.

- They work with International, seasonal, and permanent residents.
- They have set up their office in Kensington Town Office building last June and can meet with the public at their office as well as at resident or business owner's location.
- They will send updates to go out in the municipal newsletter for property owners and business owners.
- Peggy will sit down and follow up with the Council on potential projects and will follow up through the municipal office to set up a meeting.

Mayor Jelley advised that he had chaired the planning board meeting as Councillor Clark Dunning was unable to, so the CAO will present the planning board report as secretary of the committee and the Council will make all motions on the planning board report for the meeting.

6. COMMITTEE REPORTS:

Planning Board / Signage:

Follow Up Permits:

The CAO commented on the follow up permits and advised that they are still waiting for additional information on the applications.

Fiona Mitchell (PID # 760215 – Carberry Court) – an application was received to construct a summer cottage of 30' X 40' with decks. Awaiting for confirmation on the purchase of the property.

The Cavendish Motel Inc. (PID # 522102 - Cavendish Road) – an application was received to construct a swimming pool of 32' X 16', with an 8' deck surrounding the pool. Awaiting comments from the Department of Health and the Province must approve a building permit under the National Building Code.

Swept Away Cottages – (PID # 624379 - Cavendish Road) – an application was received to construct one 1-bedroom cottage, seven 2-bedroom cottages and three 3-bedroom cottages, one laundry facility, a pool, a water building and a pool equipment building. Awaiting information from the owner and the Department of Health on the pool permit, development agreement and performance bond.

Raspberry Point Oyster Co. Inc. (PID #92692 – Cavendish Road) - an application was received to change the use of an accessory building into a private detached garage and to construct an addition onto the existing building of 11' 8 7/8" ' X 7'5 3/8". Awaiting confirmation of the lot consolidation.

Development Permit applications:

Justin Clark (PID # 999060 – Angus Campbell Lane) – an application was received to locate a shed on the property as an application was approved by the CAO for a main building on the property. It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther, that approval in principle be granted subject to: 1) that the main building must be under construction with the foundation completed by June 30, 2021, if it is not, then the accessory building shall be removed from the property immediately. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Evelyn Howatt (PID # 431122 – 9 Howatt's Lane) – an application was received to construct a 1 ½ storey summer cottage of 25' X 24' on the property. It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that approval be granted based on the drawing received and based on the established front yard setback being lesser than 50' on the adjoining properties with the shared roadway on Howatt's Lane. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Eddie MacKenzie (PID # 694745 / PID # 1805415 - 8420 Cavendish Road) – an application was received for a change of use for a special permit use for a multi-family dwelling at PID # 1805415, as well as to amend the plans for the vacant land condominium development (original parcel # 694745).

The CAO advised that there are two items that need to be dealt with on the permit request and each matter will be discussed separately.

Change of Use for a Special Permit Use for a Multi-Family Dwelling PID # 1805415 (8420 Cavendish Road):

The CAO confirmed that there were letters received prior to the public meeting from Keri and Paul Winsor, Lloyd and Judy Adams, Bill and Dee Power and Paul and Judy Bent that were read out at the public meeting for the record and provided to the planning board for their information and review prior to the planning board meeting.

The CAO confirmed that the planning board received a copy of the minutes of the Public Meeting on December

14, 2020 for their information and review prior to the planning board meeting.

The CAO confirmed that there were e-mails received following the public meeting from Lloyd and Judy Adams on December 18, 2020; Vic and Moe Greenwood on December 19, 2020; Neill and Darlene Lawless on December 20, 2020; Keri and Paul Winsor on December 16, 2020; a letter from Joanne Stewart on December 20, 2020.

The CAO advised that the development permit application had been amended by the developer to remove tourist accommodation facility from the application as he decided to have long term rentals in a multi-family dwelling.

The CAO read out submissions from Katie Morello, the legal counsel for Eddie MacKenzie, dated December 17, 2020 as a follow up to information that was presented at the public meeting in response to some of the questions raised.

The CAO read out Sections 7.2 and 7.3 of the Zoning and Subdivision Control (Development) Bylaw for the RD2 (Resort Accommodations) Zone as well as the criteria for the special permit uses.

7.2 PERMITTED USES

No Building or Structure or part thereof and no Parcel of Land shall be used for purposes other than:

- (1) Single Family Dwellings
- (2) Summer Cottages or Seasonal Residences
- (3) Tourist Accommodation Facilities
- (4) Personal Service Shops
- (5) Accessory Buildings
- (6) Private Garages
- (7) Business Office or Professional Office pursuant to the provisions of Section 4.46
- (8) Historic Sites

7.3 SPECIAL PERMIT USES

(1) Notwithstanding Section 7.2 above, Council may issue a Development Permit for the following Uses subject to such conditions as Council deems necessary:

- (a) Duplex Dwellings/Semi-Detached Dwellings
 - (b) Convenience Stores
 - (c) Multiple Family Dwellings
 - (d) Condominiums
 - (e) Community Care Facilities
 - (f) Child Care Facilities
 - (g) Group Homes
 - (h)
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
- (a) the Development is deemed appropriate and complements the scale of the existing adjacent development;
 - (b) the Development has sufficient landscape buffer around the periphery of the Property;
 - (c) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
 - (d) Property Owners within 61 metres (200 feet) to the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;

- (e) a public meeting is held to receive comments on the proposed Use, notice of which shall be placed a minimum of seven clear days prior to the meeting in a newspaper circulated in the area indicating in general terms the nature of the application and the date, time and place of the meeting; and
- (f) all other relevant provisions of this Bylaw are met.

The CAO noted that the developer did not follow the proper process by developing the property prior to applying for and receiving approval for the development to take place.

It was also noted that the developer amended his application to remove the request for a tourist accommodation facility and confirmed that, there would be no short term rentals, only long term rentals on the property.

It was also pointed out that the developer has not been able to rent the property since the fall and has experienced lost rental income as a result of his failure to secure the necessary approvals for the development and that his decision to eliminate short term rentals for the property may likewise result in a loss of income. So there has been a penalty imposed on them for the loss of rentals and the timelines for a decision on the application as well as the fact that the developer himself has decided to do long term rentals instead of short term rentals.

After reviewing the list of permitted uses in the RD2 zone, it was determined that the proposed development would be similar to the uses of neighboring properties.

In reviewing the requirements of a special permit use under Subsection 7.3 of the Bylaw, it was noted that property owners were notified under clause 7.3(2)(d) and invited to a public meeting and that a public meeting was held to gather input from adjacent landowners which included the following:

1. Concerns that were raised over access have been dealt with by Transportation, Infrastructure and Energy with approval of the access to the property and approval has been received for the Multi-Family Dwelling from the department.
2. Concerns that were raised over water and swales will be addressed through the approval by the Department of Environment and approval has been received from the Multi-Family Dwelling from the department.
3. Concerns that were raised on the sewer and water on the property will be addressed through approval by the Department of Environment and the approval has been received for the Multi-Family Dwelling from the department.

It was moved by Councillor Drost, seconded by Councillor Brammer that the application for a special permit use for a multi-family dwelling be approved in principle subject to: 1) meeting the requirements of the Department of Transportation, Infrastructure and Energy, 2) meeting the requirements of the Department of Environment, 3) meeting the requirements of the National Building Code through Inspection Services, 4) meeting the requirements of the Provincial Fire Marshal's office, 5) entering into a development agreement, 6) posting a performance bond, 7) that the development agreement include a requirement for the developer to provide confirmation of the long term tenants in the multi-family dwelling every six months and 8) all of the conditions in Katie Morello's legal letter be included in the development agreement. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Eddie MacKenzie - PID # 694745 (8420 Cavendish Road) – an application was received to amend the vacant land condo development. It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that the vacant land condominium be approved in principle subject to: 1) meeting the requirements of the Department of Environment, 2) meeting the requirements of the Department of Transportation, Infrastructure and Energy, 3) entering into a development agreement, 4) posting a performance bond and 5) all conditions from Katie Morello's legal letter be included in the development agreement. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Inn at the Pier – (PID # 411124) (9796 Cavendish Road) – an application was received to have a small event centre, new space in the marina office and public washroom along with a large terrace and beach area. The application was tabled as it was incomplete. The owner will be advised that he should deal with the Department of Environment initially to see what their comments are on the proposed development based on the shoreline. Additional information is needed as the measurements were not provided to the mean high water mark on the property, the Department of Environment will need to review the proposal and will need measurements and details on the plan with the man-made beach structures, etc. on the property.

Ronnie & Irene Blacquiere – (PID # 233569) (Cavendish Road) - an application was received to construct a single family dwelling with an attached garage and decks. It was moved by Deputy Mayor Lowther, seconded by Chris Robinson that approval in principle be granted subject to: 1) meets the requirements of the Department of Transportation, Infrastructure and Energy for access, 2) meets the requirements of the Department of Environment, 3) that a sewage disposal permit be provided, 4) that the permit shall be issued upon purchase of the property and 5) that this use is being approved for the property based on low density development for residential use on the property and the permitted uses currently allow for summer cottages and seasonal residences as an as of right use on the property. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Variance Request:

Eddie MacKenzie – (PID # 1805415) – an application was received to have a minor variance on the front yard setback for the property. It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that a minor variance request be denied for the property based on the fact that the developer has not been able to meet the requirements of Section 15.1.1. 1) the opinion of Council the general intent of the Bylaw can continue to be upheld, 2) Council is assured that the variance being sought is merely minor in nature, and 3) the applicant for the permit has been able to document a compelling reason why the requirements of this Bylaw cannot be precisely met. As the developer constructed the steps as a new addition onto the structure and did not seek approval from the municipality prior to constructing the steps. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Subdivision applications:

Steve Dimond – (PID # 719492 and 761692) – an application was received to subdivide one portion of the land off of PID # 761692. Four Winds Lane. A preliminary plan has been received. It was moved by Councillor Robinson, seconded by Councillor Brammer that approval in principle be granted subject to: 1) clarification on the lot consolidation on the property with a lot consolidation deed being provided, 2) clarification on the lot size, 3) that the final survey plan be provided and 4) payment of subdivision and lot consolidation fee. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

St. Lawrence Motel – (PID # 233676) – an application was received to subdivide the existing property into two parcels. A preliminary plan has been received. It was moved by Councillor Robinson, seconded by Councillor Brammer that approval in principle be granted subject to: 1) meets the requirements of the Department of Environment, 2) that a letter of comfort be provided by Parks Canada, 3) that a final survey plan be provided and 4) payment of subdivision fee. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Kelly Doyle (PID # 684787 – Gulf Shore Highway) – a preliminary application has been received to subdivide the property into two parcels of land. It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that approval be granted in principle subject to: 1) that a perc test be provided, 2) that a letter of comfort be provided by Parks Canada, 3) that a final survey plan be provided and 4) payment of subdivision fee. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

Permits issued by the CAO:

Justin Clark (PID # 999060 – Angus Campbell Lane – to construct a two storey summer cottage of 34' X 23' with decks. (Approved in principle subject to septic permit paperwork being provided.)

Kenny Singleton – (PID # 586081) – 12 Burns Avenue - to locate solar panels on the roof of the existing summer cottage.

Official Plan and Bylaw Review Plan for review:

A meeting has been set for January 20, 2021 at 9:30 a.m. to meet with the planning board to start the plan review with the consultant and outline the process moving forward. A message will be sent out to property owners as well to see if someone will sit and represent the various committees outside of planning board members.

Other:

Walkway.

Funding has been approved for the Active Transportation Trail construction plans for Cawnpore Lane. No word on funding for the Route 6 Active Transportation Trail has been received to date.

Bill Power:

Bill advised that Lloyd had to leave the meeting early but wanted to raise a concern for him over input on the resident's concerns on the property development for Eddie MacKenzie to the board and thanked them for all the work they do for the community.

6.A.1. Public Meeting request for comments following public meeting:

It was decided that the CAO would check with other municipalities to determine their process following a public meeting on comments that were received after the public meeting and whether they are sent to the developer for their review and feedback following the public meeting.

6.A.2. SJ Murphy Planning and Consulting – Official Plan Review:

The first meeting will be held on January 20, 2021. The first meeting will be focused on process and expectations, everyone will be asked to think of the issues and concerns that they would want the consultant to include in the early analysis. The consultant is looking to develop the start of a survey and it would be helpful to know if board members have specific questions or topic areas they feel it would be important to include.

6.B. Monthly Finances:

Councillor Brammer presented the monthly Finances for December 31, 2021. The revenues were \$324,082.49 and the expenses were \$322,687.22. It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the monthly finances for December 31, 2021 be adopted as presented. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

A finance meeting was held with Michelle Burge, Mayor Jelley, Councillor Brammer the CAO and administrative assistant to start the budget review process.

A long discussion was held around actual vs. budget expenses.

A meeting will be held with Mayor Jelley, Deputy Mayor Lowther, Councillor Brammer the CAO and administrative assistant to go over the Strategic Priorities and to set a budget meeting.

The reserve funds will be looked at as part of the budget review and the allocation to them.

The Active Transportation Trail will be part of the budget review.

The new rink in North Rustico will be part of the public meeting process on the budget review.

Loan rates are currently low with the banks and it may be an opportunity to look at paying out sewer loans and paying the funds back to the municipality.

6.B.1. Montgomery Park Funds:

ACOA is reviewing the yearly financial report on the Montgomery Park Project. Awaiting word back from them on the project based on the budget and information presented with the removal of the Communities of Interest component.

6.C. Emergency Services Committee:

6.C.1. Emergency Plan:

A session was held on December 16, 2020 and a copy of the presentation is in the meeting package.

The Chair of the Emergency Services Committee will need to be available to the community. This will have to be reviewed further by the Council as part of the EMO plan review.

6.C.1.A. Municipal Emergency Support Project:

CAO's Update:

Cindy MacDougall who worked with the EMO office is doing a project with FPEIM and is working with municipalities to provide input on their EMO plans. She has been contacted regarding meeting with the community and we are waiting for a response back.

6.C.2. COVID – 19:

CAO's Update:

The municipal office is following all public health protocols.

6.D. Trails and Paths Committee:

6.D.1 Speed Radar Signs:

Monthly Stats are in the package.

The RCMP have received the stats on the speeds. The CAO will follow up to see if they have done any further review on the numbers.

6.D.2. Cawnpore Lane Trail – Active Transportation:

The application was approved for funding of the project.

We have to get three bids for the engineering works for construction costs to proceed and have the work completed by March 31, 2021.

The CAO has reached out to engineers for pricing.

6.C.3. Route 6 Bike Path:

Alan Aitken is still reviewing the details as there are a number of projects that the department is currently working on.

6.C.4. Stanley Bridge Project:

No decision has been made yet on the Stanley Bridge Project by the Active Transportation Office. A meeting was held with the committee on January 15, 2021 to discuss the trail project and to discuss the options on the project.

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

Tom Harland has provided input that the mid-section of the steps should be removed as well. The work has not been done on the stair section that was removed. Tom had talked with Livingston Steel Inc. and they have not advised about fixing the steps.

Tom has reiterated to install a permanent foundation under the steps before they are installed in 2021.

A decision was made to contact Highfield Construction and ask them for a price on removing the other sections of steps from the Swimming Rock.

6.C.6. Old-Fashioned Streetlights:

CAO's Update:

Two streetlight tops on the old-fashioned streetlights on Cavendish Road came off and were damaged. The electrician was able to make one work from the pieces of the two that came off. There is one new light at Don's that will need to be installed in its place.

The streetlights on Route 13 are out and the contractor is aware of it and will be working on them once time and weather permits.

7. Cavendish Sewer Utility:

7.A. Cavendish Sewer - Monthly updates and engineering:

Parks Canada met with the sewer utility on December 18, 2020 to discuss expansion at the National Park Campground adjacent to the lagoons as well as about expansion of the lagoons.

Lagoon property – land based irrigation. Information was left with Parks Canada to provide additional information back to the municipality and we are still waiting for that to be received.

8. BUSINESS ARISING FROM MINUTES:

8.A. Municipal Office Lease:

The lease paperwork is still at the municipal office. There is still an ongoing issue with sewer gas smell in the building that has to be resolved. Holly Hinds has been out from the province and she is to be called directly now when there is a smell.

Government staff have been out to look at ventilation in the building as well to provide her with some suggestions.

8.B. Island Studies Work Placement:

All interviews have been completed. We are waiting for the final report to be provided.

8.C. EV Charging Stations:

Maritime Electric contacted the office as some other municipalities wanted the location of the charging station changed. We confirmed that all documents were signed with the province and the municipality for the location that was approved for the Visitor Information Centre and to proceed with the project.

8.D. By-Election:

The By-Election has been scheduled for February 22, 2021. The by-election must be held on a Monday. The complete election schedule has been provided in the meeting package.

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that the Municipal Election Officer - Brenda MacDonald, Deputy Election Officer - Heather Hay and Returning Officer be Richard Moore for the By-Election. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

9. New Business:

9.A. Ride Sharing Services:

Mayor Jelley advised that KARI has been in touch with him regarding ride sharing services in the municipality for 2021.

A temporary permit and proof of insurance will need to be provided to the municipality as part of the temporary permit application.

9.B. CAO's Evaluation 2020:

Mayor Jelley will send the information to the Council for the next meeting.

10. Concerns:

10.A. Councillor's:

10.B. Resident's:

10.B.1. Monty Drummond.

It was moved by Deputy Mayor Lowther, seconded by Council Brammer that the information be provided to Monty Drummond based on the following requirements:

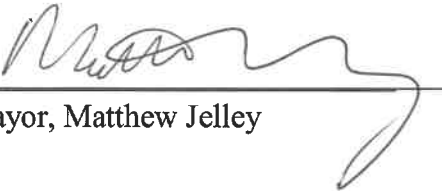
- 1) the bylaws can be provided electronically to him or he can view them here at the office.
- 2) the original bylaws and template that he is requesting is not in our possession and he will have to get this information from the province.
- 3) We will provide the property owner with 12 years of subdivision permit document information on the subdivision permit only as the survey plans cannot be copied or distributed.
- 4) The property owner be charged \$20.00 per hour for the staff time to review and copy the documents as well as the \$.10 per sheet for photocopying costs.
- 5) A \$200.00 deposit be paid to the municipality prior to any documents being copied or any work being completed on the request.
- 6) Based on the time taken to complete the request, the developer will then be advised that additional costs may apply and payment will be required in full prior to the documents being released to him. All in favor 4, 1 non-voting, 1 absent. Motion Carried.

10.B.2. Sandi and Scott Lowther:

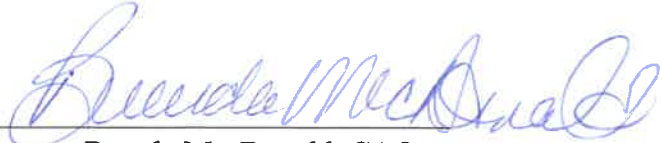
Concern has been raised over the streetlights not being on for five weeks on Route 13. The Contractor and the Council were advised of the light situation on December 18, 2020. The Contractor was contacted again on January 14, 2021 and has not yet had a chance to check the lights. The property owner had been advised of the contractor's comments.

11. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 7:34 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO