

Minutes
Resort Municipality Monthly Council Meeting
April 19, 2021
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on April 19, 2021 at the Resort Municipality Office and electronically with Zoom.

PRESENT: Zoom: Mayor Matthew Jelley, Deputy Mayor Linda Lowther, Councillors: Bill Drost, Lee Brammer and Chris Robinson. In Person: Councillors George Clark Dunning, Kay Hryckiwi. CAO – Brenda MacDonald and Heather Hay.

ABSENT: Nil.

VISITORS: In Person: Jim Brown. Zoom: Vic Greenwood, Tanyia Kingyens, Earl Reid and Bill Power.

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

Deputy Mayor Lowther wanted to add Swimming Rock signage to the agenda under 5.D.3.

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that the agenda be adopted as amended. All in favor 6, 1 non-voting. Motion Carried.

3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES MARCH 15, 2021:

It was moved by Councillor Hryckiwi, seconded by Councillor Robinson that the Monthly Council Meeting Minutes of March 15, 2021 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

APPROVAL OF PUBLIC MEETING MINUTES MARCH 15, 2021:

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that the Public Meeting Minutes of March 15, 2021 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

Mayor Jelley and Deputy Mayor Lowther declared a Conflict of Interest on the application for Sandspit Entertainment Ltd. under planning board.

Deputy Mayor Lowther and Councillor Drost declared a Conflict of Interest on the application for the Inn at the Pier under planning board.

Mayor Jelley advised that when he and Deputy Mayor Lowther leave the meeting due to a conflict that he assigns Councillor Hryckiwi as the interim Chair during his absence.

5. COMMITTEE REPORTS:

Planning Board / Signage:

Councillor Clark Dunning advised he had updated the planning board based on input from the Council at the last monthly meeting. He noted that the motions from the planning board need to be worded differently as the planning board recommends to Council approval in principle for applications subject to the conditions required on the motions going forward and that the permits are issued subject to getting a building permit under the *Building Codes Act* from the Province of PEI.

Official Plan and Bylaw Review:

The consultant is looking for an update from the planning board and the Council on the proposed survey and whether there will be any prize draw for completion of the survey. There is also meetings being scheduled with the various interest groups. Information was provided to the consultant about the prize draws based on Council's decision at the meeting.

Follow Up Permits:

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 *Building Codes Act*.

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

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 and the Province must approve a building permit under the *Building Codes Act*.

Eddie MacKenzie (PID # 694745) (1805415) (8420 Cavendish Road) – an application was received 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). Awaiting information on the declaration and bylaws for the vacant land condominium as well as the signing of the development agreement and payment of the performance bond and the Province must approve a building permit under the *Building Codes Act*.

Anne's Windy Poplars - PID # 232215 (7195 Route 13) – an application was received to enclose the pool with a building on the site of 50'x 40'. Awaiting comments from the Department of Health and Wellness, the Provincial Fire Marshal's office and stamped drawings to be provided and the Province must approve a building permit under the *Building Codes Act*.

Change of Use – Special Permit Use:

Anne's Windy Poplars - PID # 232215 (7195 Route 13) – an application was received to change the use of the property to a vacant land condominium. Awaiting a decision from the Department of Environment, Department of Transportation, Infrastructure and Energy and the Province must approve a building permit under the *Building Codes Act*.

Inn at the Pier – PID # 411124 (9796 Cavendish Road) – an application was received to put in a retaining seawall on the property. Awaiting comments from the Department of Environment, Provincial Fire Marshal's office, the Department of Health and Wellness and the Province must approve a building permit under the *Building Codes Act*.

Temporary / Transient Use Permit:

Ian, Kenneth and George Stewart – PID # 231639 (Cavendish Road and Simpson Mill Road) – an application was received to hold a wedding on the property on September 4, 2021 from 11:00 a.m. – 12:00 a.m. Awaiting

comments from the Department of Health and Wellness, the Provincial Fire Marshal's office and the Liquor Control Commission and the Province must approve a building permit under the *Building Codes Act*.

Development Permit applications:

101472 PEI Inc. (Cavendish Sunset Campground) – PID # 1048298 (9095 Cavendish Road) – an application was received to change the use of an existing space from retail into a tea and cold food service take-out. It was moved by Councillor Clark Dunning, seconded by Councillor Drost 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 Health and Wellness and 3) meets the requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

Rod and Tanyia Kingyens (The Pearl) – PID # 233429 (7792 Cavendish Road) – an application was received to construct three, 10' X 12' pavilions for coverage for dining on the property. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval be granted in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's Office, 2) meets the requirements of the Department of Health and Wellness, 3) meets the requirements of the Liquor Control Commission and 4) meets the requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

Island Style – PID # 232959 (8544 Cavendish Road) – an application was received to construct an addition onto the existing building of 32' X 28' to increase the existing retail space. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval be granted in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's Office and 2) meets the requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

Deputy Mayor Lowther and Councillor Drost left the meeting due to a conflict of interest.

Inn at the Pier – PID # 411124 (9796 Cavendish Road) – an application was received to reconstruct the privacy fence on the East side of the property giving cover to the kitchen entrance, within the fence the plan is to replace the watersport rental office as in previous application and add another ticket office of 5' X 16' to be used to record and track restaurant guests as they enter, within the fenced area they will be adding additional washrooms of 7' X 16'. They are also planning to add 2 fabricated gazebos of 12' X 16' on the site. The seawall has not been mentioned in the application but the plan is to secure a secondary bank on the shore as was in the original plan. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval be granted in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's Office, 2) meets the requirements of the Department of Health and wellness, 3) meets the requirements of the Department of Environment, 4) meets the requirements of the Liquor Control Commission and 5) meets the requirements of the *Building Codes Act*. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

The CAO noted that Kevin Arsenault from the Department of Environment had contacted the municipal office just prior to the planning board meeting and they had met on site with the owner and that changes were going to be made to the plan.

Councillor Drost returned to the meeting.

Mayor Jelley advised that he feels that it is good for the community that businesses are continuing to expand during these challenging times.

Mayor Jelley and Deputy Mayor Lowther left the meeting due to a conflict of interest.

Mayor Jelley passed the Chair to Councillor Hryckiwi.

Sandspit Entertainment Ltd. – PID # 231977 (8863 Cavendish Road) to change the existing access width on the property. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that approval in principle be granted subject to: 1) meets the requirements of the Department of Transportation, Infrastructure and Energy and 2) meets the requirements of the Department of Environment. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Mayor Jelley and Deputy Mayor Lowther returned to the meeting.

“In Camera Matters”

Earl Reid, Garth Reid, Anne Berkholtz, Barbara Schuler – PID # 231571 (Simpson Mill Road) – an application was received to subdivide two parcels off of the main property.

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi to go *“In Camera”* to discuss matters falling under clauses 119(1)(f) of the Municipal Government Act. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi to come out of Camera in accordance with Section 119(2)(e). All in favor 6, 1 non-voting. Motion Carried.

Earl Reid, Garth Reid, Anne Berkholtz, Barbara Schuler – PID # 231571 (Simpson Mill Road) – an application was received to subdivide two parcels off of the main property.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval in principle be granted subject to: 1) meets the requirements of the Department of Transportation, Infrastructure and Energy and 2) that the final survey plan be completed showing all requirements of Section 17 of the Resort Municipality Zoning and Subdivision Control (Development) Bylaw. All in favor 6, 1 non-voting. Motion Carried.

Permits issued by the CAO:

Joanne Poirier and Kevin Blacquiere - PID # 720441 – (89 Seawood Drive) – to construct a one storey accessory building of 18’ X 12’ for storage only.

Joanne Poirier and Kevin Blacquiere – PID # 720441 – (89 Seawood Drive) – to construct an attached garage of 32’ X 24’ with a 8’ breezeway attached to the existing summer cottage.

Walkway:

Updates were provided on the route 6 Trail Project coming from MacCoubrey Lane and the Cawnpore Lane Trail project as well as about the Stanley Bridge Project and that it was still under review by the Department of Transportation, Infrastructure and Energy.

5.A.1. Public Meeting Process:

Draft comments were sent to the Council for review.

Deputy Mayor Lowther recommended an amendment to paragraph three from Minutes to Comments.

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the Public Meeting Process Policy be adopted as amended. All in favor 6, 1 non-voting. Motion Carried.

5.A.2. Sharing Services of a Development Officer:

Miltonvale Park has offered shared services with other municipalities for a development officer.

The municipal office currently does this work now for all development permit applications through our review process. If the municipality in future takes on the building permit approval process from the province then this should be explored further for the services of a development officer, but the current process seems fine.

Some other municipalities have also taken on the services of the development officer and the officer is now at full services and no longer available.

5.A.3. Official Plan Review Incentive:

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that two \$50.00 Food Island Gift Cards be purchased as two prizes for draws for the surveys that are completed by the public on the Official Plan and Bylaw Review. All in favor 6, 1 non-voting. Motion Carried.

5.A.4. Matt Dickieson – Performance Bond Release:

It was moved by Councillor Clark Dunning, seconded by Councillor Drost to release the bond in full. All in favor 6, 1 non-voting. Motion Carried.

5.B. Monthly Finances:

Councillor Brammer presented the monthly Finances for March 31, 2021. The revenues were \$405,118.67 and the expenses were \$369,106.32. It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the monthly finances for March 31, 2021 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

The auditor is working on the financial statements and information should be presented for the next meeting on May.

5.B.1 Canada Community Building Fund:

The Canada Community Building fund has replaced the Gas Tax Fund.

Council wanted to clarify if the addition \$100,000.00 that was allocated to the 2021 funds could go towards the trail projects. The CAO will confirm with Jesse MacDougall with the Gas Tax Office.

5.C. Emergency Services Committee:

5.C.1. Emergency Plan:

We are continuing to work with locals on the plan for volunteers and services that they may be able to provide.

We hope to have the document in draft form for the next meeting for review.

5.C.2. EMO Virtual Emergency Management Professional Development.

A letter is in the meeting package regarding some virtual sessions that the EMO office is working on. The CAO has signed up and if anyone from Council wants to participate they can sign up as well.

5.D. Trails and Paths Committee:

5.D.1 Cawnpore Lane Trail – Active Transportation:

CBCCL is working on the plans for the project and work is expected to be completed prior to March 31, 2021.

Stanley Bridge Trail Project:

Awaiting information from the province on the trail project.

Route 6 East to MacCoubrey Lane and Cawnpore Lane:

Funding was applied for from ACOA for the trail and we are waiting for the final information on the revised trail plan from Transportation, Infrastructure and Energy.

Councillor Drost asked for the drawings to be sent to the Council for review on the trail project. The drawings will be sent to the Council following the meeting.

5.D.2. Streetlights:

5.D.2.A. Fixtures:

It was moved by Councillor Hrycki, seconded by Councillor Brammer that \$6,338.80 be approved for new lighting fixtures for Cavendish Road. All in favor 6, 1 non-voting. Motion Carried.

5.D.2.B. Retrofit:

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that \$4,951.80 be approved for lighting retrofit on Cawnpore Lane out of the March 31, 2020 budget. All in favor 6, 1 non-voting. Motion Carried.

5.D.3. Swimming Rock Panel:

The maintenance staff will move the panel at the Swimming Rock once he returns to work for the season.

Central Coastal Tourism Partnership will be contacted as well regarding their damaged sign at the park that needs to be fixed.

6. Cavendish Sewer Utility:

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

The utility had directed MRSB to complete a rate increase proposal for IRAC.

There have been a number of challenges this past year with costs increasing and revenue decreasing.

The utility cannot carry a surplus or have a reserve so we are limited on how funds can be received without an increase in rates.

7. Business Arising from Minutes:

7.A. Destination Management Fund:

A copy of the signed agreement is in the meeting package.

7.B. MOU Resort Municipality / CBMF / Liquor Control Commission:

A copy of the signed document is in the meeting package. All government department approvals are still part of the approval process.

7.C. Community Navigator Program:

A copy of a proposed agenda is in the meeting package from Peggy Myles for review by Council to see if they want to sit down and meet and work with her on these agenda items. The CAO will meet with Peggy and work on MCH Day as well as how the municipality can work together to help newcomers.

7.D. Engineering Projects:

The three projects are in the meeting package that were applied for to UPEI from the municipality.

Councillor Robinson and Councillor Drost will work on a proposal for a solar panel project for the lagoons and submit to the Council as a potential fourth project for UPEI to consider.

ICIP Funding – The CAO will send through billings from Maritime Electric for Councillor Drost to review and provide feedback as a possible project for the infrastructure program.

Council felt that there was not sufficient time to complete the application by April 30, 2021.

8.A. FPEIM Annual Meeting:

FPEIM Annual Meeting is on April 26, 2021. If anyone is interested in attending, please advise the CAO.

8.B. PEI Police Association:

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that \$200.00 be allocated towards funding an ad in their brochure based on the fact that it is remaining on the Island to assist with suicide prevention. All in favor 6, 1 non-voting. Motion Carried.

9.A. Councillor's Concerns:

Needles / Sharps Container:

Councillor Hryckiwi commented on finding needles on the trail.

The CAO had advised there were two calls received at the office regarding needles as well. Staff picked up the needles and disposed of them.

Council decided that a sharps container should be installed in the municipal washrooms. The CAO will check into buying a sharps container.

Grahams Lane Trail:

Deputy Mayor Lowther commented on the Grahams Lane Trail and that some work needs to be done to the trail.

It was decided to check with Island Coastal and the maintenance staff to see what might be needed in this area.

AED Sign / Fentanyl Overdose Kit:

Councillor Robinson advised that he has an AED sign on his property and carries a fentanyl overdose kit. The kit will soon be expiring and he is willing to keep it on his property but wondered if this is something that the municipality could support buying.

It was decided that the CAO would check on whether or not there are any implications if the municipality were to purchase a fentanyl kit and what is required for someone to be able to treat someone.

9.B. Residents Concerns:


There were no residents concerns raised.

10. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 6:58 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO