

Minutes  
Resort Municipality Monthly Council Meeting  
May 17, 2021  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on May 17, 2021 at the Resort Municipality Office and electronically with Zoom.

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

**ABSENT:** Bill Drost was absent for the first portion of the meeting and joined at 5:17 p.m.

**VISITORS:** In Person: Jim Brown. Zoom: Vic Greenwood, Earl Reid, Bill Power and Lloyd Adams.

**1. CALL TO ORDER:**

Mayor Jelley called the meeting to order at 5:02 p.m.

**2. APPROVAL OF AGENDA:**

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

**3. APPROVAL OF MONTHLY COUNCIL MEETING APRIL 19, 2021:**

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Monthly Council Meeting Minutes of April 19, 2021 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**4. DECLARATION OF CONFLICTS OF INTEREST:**

Mayor Jelley declared a Conflict of Interest under Section 10.B. on the agenda - Marco Polo Land.  
Deputy Mayor Lowther will Chair the meeting in his absence.

**5. COMMITTEE REPORTS:**

**5.A.1. Planning Board / Signage:**

**Follow Up Permits:**

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 Wellness 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 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 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 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 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*.

**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, the Liquor Control Commission and the Province must determine if a building permit is required under the *Building Codes Act* for the tent.

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. Awaiting comments from the Provincial Fire Marshal's Office and 2) a building permit is required under the *Building Codes Act*.

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. Awaiting the requirements of the Provincial Fire Marshal's Office, Department of Health, the Department of Environment, and the Liquor Control Commission as well as the required building permit under the *Building Codes Act*.

**Development Permits:**

David MacNeill (Bell Mobility Inc.) – PID # 232439 – (8521 Cavendish Road) – an application was received to locate an accessory building on the property of 6' X 8' for storage for the cell tower. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council approve the development in principle subject to: 1) meeting the requirements of the Provincial Fire Marshal's office and 2) meets all requirements of the *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Signage Permit Applications:**

Parks Canada – PID # 232405 (Cavendish Grove) – an application was received to construct a sign of 20'W X 7' 2 9/16" at the front of the property. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the application be denied based on the size of the sign not meeting the requirements of the Signage Bylaw based on the information submitted. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Parks Canada - Gulf Shore Highway:**

Deputy Mayor Lowther asked if there was any update from Parks Canada on the dip in the road on the Gulf Shore Highway near Sunset Lane. The CAO will follow up with Parks Canada as no input was received since the request was made to Parks Canada.

Andrew Wigston – (Cavendish Road) – PID # 806976 - Wigston Properties – Excavation Landscaping. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Council deny the application as the information that has been submitted lacks the necessary information to grant approval. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Temporary / Transient Permit:**

West Highland Contractors – PID # 694976 – (9095 Cavendish Road) – an application was received to have a temporary / transient use permit for a yard sale on the property sometime between May 21 and June 18, 2021 for people staying at the campground at PID # 694976. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiw that the permit be approved in principle subject to: 1) the date being clarified for the event, 2) that no cars shall be parked on Cavendish Road during the event and 3) that all cars shall be parked on the Sunset Campground property. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Drost joined the meeting.

Tourism Cavendish Beach - Parks Canada – PID # 232405 (8780 Cavendish Road) – an application was received to have a scavenger hunt for the Always Yours Cavendish Beach Chasing Rainbows / Lovers Lane event between June 4 – July 9, 2021. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve the application in principle subject to: 1) meeting the requirements of the Department of Health and Wellness, 2) meeting the requirements of the Provincial Fire Marshal's office, 3) that the date for the event be confirmed and 4) that Parks Canada confirms permission to use the site for the event. All in favor 6, 1 non-voting. Motion Carried.

Tourism Cavendish Beach - Parks Canada – PID # 232405 (590 Grahams Lane) – to have a 1 – 2 night fine dining event on the beach for the Always Yours Cavendish Beach event between June 4 – July 9, 2021. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council approve the application in principle subject to: 1) meeting the requirements of the Department of Health and Wellness, 2) meeting the requirements of the Provincial Fire Marshal's office, 3) that the date for the event be confirmed, 4) that Parks Canada confirms permission to use the site for the event and 5) meeting the requirements of the Liquor Control Commission. All in favor 6, 1 non-voting. Motion Carried.

Tourism Cavendish Beach - Parks Canada – PID # 232405 (8780 Cavendish Road) – take – out meals from various restaurants and enjoy the meal picnic style in a tent at the Park between June 4 – July 9, 2021. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiw that the Council approve the application in principle subject to: 1) meeting the requirements of the Department of Health and Wellness, 2) meeting the requirements of the Provincial Fire Marshal's office, 3) that the date for the event be confirmed, 4) that Parks Canada confirms permission to use the site for the event and 5) meeting the requirements of the Liquor Control Commission. All in favor 6, 1 non-voting. Motion Carried.

Tourism Cavendish Beach - Whitecap Entertainment – PID # 1037423 (8779 Cavendish Road – tent may be used for DJ entertainment for UFIT between June 4 – July 9, 2021. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council approve the application in principle subject to: 1) meeting the requirements of the Department of Health and Wellness, 2) meeting the requirements of the Provincial Fire Marshal's office and 3) that the date for the event be confirmed. All in favor 6, 1 non-voting. Motion Carried.

Tourism Cavendish Beach - Parks Canada – PID # 232405 (8780 Cavendish Road) – Stargazing at the Park between June 4 – July 9, 2021. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiw that the Council approve the application in principle subject to: 1) meeting the requirements of the Department of Health and Wellness, 2) meeting the requirements of the Provincial Fire Marshal's office, 3) that the date for

the event be confirmed and 4) that Parks Canada confirms permission to use the site for the event. All in favor 6, 1 non-voting. Motion Carried.

Tourism Cavendish Beach - Whitecap Entertainment – PID # 1037423 (8779 Cavendish Road). Cavendish Cabaret – an application was received for one event to take place in late June and one to be held in early July, 2021. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council approve the application in principle subject to: 1) meeting the requirements of the Department of Health and Wellness, 2) meeting the requirements of the Provincial Fire Marshal's office, 3) that the date for the event be confirmed and 4) meeting the requirements of the Liquor Control Commission. All in favor 6, 1 non-voting. Motion Carried.

Tourism Cavendish Beach - Whitecap Entertainment – (Cavendish Road and Route 13) – an application was received for banners to be located on the municipal streetlight brackets from May 31, 2021 – July 13, 2021. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council approve the application. All in favor 6, 1 non-voting. Motion Carried.

**Subdivision Permits:**

Stephen Dimond – PID # 719492. (Cavendish Road / Four Winds Lane) – an application was received to subdivide the property into 5 lots. The application was tabled by Council as it was incomplete and needs the following information:

- 1) the perc test was not completed so the Council is unable to determine if the proposed lots meet the requirements of the Zoning and Subdivision Control (Development) Bylaw.
- 2) there are no measurements provided of the lots that they are proposing on the plan.
- 3) there are no measurements for the proposed new laneway.
- 4) no confirmation was received on the access to the proposed lots and whether or not the intensity of use can be granted for the new lots on the existing Four Winds Lane or if another access would have to be looked at for the proposed lots;

**Walkway:**

Updates were provided on the walkway projects for MacCoubrey Lane, Cawnpore Lane Trail and Stanley Bridge Trail.

**Permits issued by CAO:**

Matthew Reid – PID # 231571 (Lot 21-2) – to locate a mini-home on the property of 56'X 16' with decks. Awaiting confirmation of the subdivision of the lot, sewage disposal permit to be provided, meeting the requirements of the *Building Codes Act*.

Kristen Dennis – PID # 231571 (Lot 21-2) – to locate a mini-home on the property of 75'X 16' with decks and a storage building of 8' X 15' for storage only. Awaiting confirmation of the subdivision of the lot, sewage disposal permit to be provided and confirmation of the storage building location not being in the front yard setback.

Lee Brammer – PID # 768077 (33 Bayview Drive) – to locate solar panels on the roof of the existing summer cottage. Meeting the requirements of the *Building Codes Act*.

Sea Cross Inc. – PID #'s 231720 and 1127808 – (9139 Cavendish Road) - To consolidate PID #'s 231720 and 1127828 into one property.

Raspberry Point Oyster Co. Inc. – PID #'s 92700 and 92692. (9652 Cavendish Road) To consolidate PID #'s 92700 and 92692 into one property.

Matthew Robert Jelley – PID #'s 232025, 232009 and 232017. (8821 Cavendish Road) – To consolidate PID #'s 232025, 232009, 232017 into one property.

**5.B. Monthly Finances:**

Councillor Brammer presented a new set of financial statements based on discussions with the accountant at MRSB and the finance committee.

Councillor Brammer presented the monthly Finances for April 30, 2021. The revenues were \$26,796.72 and the expenses were \$16,866.05. It was moved by Councillor Brammer, seconded by Councillor Hryckiw that the monthly finances for April 30, 2021 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

The auditor has completed the audit and is working on the final statements and reports for Municipal Affairs and IRAC.

**5.C. Emergency Services Committee:**

**5.C.1. Emergency Plan:**

A draft copy of the emergency services plan is in the meeting package for the Council's review.

The EMO office will review a copy of the draft plan prior to the Council approving the final plan to ensure that it meets all of the requirements of the Emergency Measures Office.

**5.C.2. Naloxone Kits:**

Information was gathered from the RCMP on Naloxone Kits and AED's.

It was decided by the Council that the municipality would not purchase Naloxone Kits based on expiry dates, training and number of doses required if someone were to need it and that it would be up to individual businesses and residents if they want to have it on their own property. The RCMP, Fire Departments and Paramedics also carry these kits with them in their vehicles.

**5.D. Trails and Paths Committee:**

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

The Department of Transportation will cost share the project at a cost of \$140,250.00 and this has been approved in principle.

**Stanley Bridge Trail Project:**

The Department of Transportation is still working on some ideas for this portion of the project.

**Route 6 East to MacCoubrey Lane and Cawnpore Lane:**

The Department of Transportation will cost share the project at a cost \$75,000.00 and this has been approved in principle.

**White Dots of Route 6:**

The Department of Transportation will be completing paved shoulders along Route 6 from MacCoubrey Lane down to the lookout on Route 6.

The Department of Transportation will also be completing paved shoulders on Route 13 from the Snowy Road to New Glasgow.

**5.D.2. Swimming Rock Steps:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiw that the municipality get CBCL to review the step issue at the Swimming Rock to determine the best option in fixing the steps and the base. All in favor 6, 1 non-voting. Motion Carried.

**5.D.3. Montgomery Park Shelters:**

A shelter has come down at the Montgomery Park and has been removed from the site. CBCL will be contacted to have them look at the shelters to determine if they can be fixed or if they have to be replaced.

**5.D.4. Montgomery Park Landscaping:**

It was moved by Councillor Hryckiw, seconded by Deputy Mayor Lowther that the quote from Emerald Isle Property Management be accepted for 2021 at a cost of \$1,400.00 plus tax. All in favor 6, 1 non-voting. Motion Carried.

**5.D.5. Canada Community Building Fund (Gas Tax Funds):**

It was moved by Councillor Brammer, seconded by Councillor Hryckiw that the \$100,000.00 additional allocation for the new Canada Community Building Fund be allocated to project 18.4.4 Active Transportation Improvements for trails and paths for the municipality. All in favor 6, 1 non-voting. Motion Carried.

**5.D.6. Speed Signs:**

Speed Sign information is in the meeting package.

No update was provided this month on the RCMP review of the signs.

**5.D.7. Swimming Rock Signage:**

Signage at the Swimming Rock Park that is now inside the fence will be moved to the other side of the wooden fence.

The iron fence that was located on the Island stone will be checked to see if it can be fixed or if it needs to be replaced.

The main park sign at the Swimming Rock Park will be installed at the site.

**6. Cavendish Sewer Utility:**

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

MRSB has submitted a draft rate increase proposal for IRAC to the Sewer Utility Board.

It is under review by the Board and is expected to go before IRAC in June 2021. A rate increase is proposed for the next five years based on rising costs and the impact of COVID-19.

Vic Greenwood submitted his resignation from the sewer board and Mayor Jelley thanked him for his work on the utility and his work on Driftwood Landing. The Sewer Utility will now be looking for a new person to sit on the sewer board.

**7. Business Arising from Minutes:**

**7.A. Engineering Projects:**

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

No information was available for the meeting.

**7.B. Draft Request for Decision:**

A draft paper was presented to the Council for a request for decision for their review and comments. The document provides additional information to the Council from the CAO on requests for decisions. Comments are at the end of the document and the CAO signs off on the information as well.

The document will proceed forward and can be customized for the municipality as the process moves forward.

**7.C. Sharps Containers:**

A number of companies were contacted regarding sharps containers. They are on back order based on COVID-19. T&K has ordered some for us but they are on back order and are expected to be in within the next three weeks.

**8.A. Work Study Practicum:**

Logan Dawson from UPEI is working on a project on the lagoons to come up with some options for land based irrigation. He will be working with Morley Foy at the Department of Environment as well as the sewer contractor to gather feedback. It is expected that this information will follow through to the School of Sustainable Design for review with their project in the fall.

**8.B. Healthy Communities Initiative:**

Funding is available for Healthy Communities Project funding until June 25, 2021.

Deputy Mayor Lowther asked the Council to look at a list of projects that they might like to see and she will send out an e-mail in a few weeks to gather feedback from the Council.

The CAO will gather additional information on funding requirements of the projects and how it works.

**9. Concerns:**

**9.A. Councillor's Concerns:**

**Eleanor MacNeill:**

Councillor Brammer thanked the CAO and the Administrative Assistant for their work on rallying the community to come to the Cemetery and show support for the MacNeill family on the passing of Eleanor MacNeill.

**Parks Canada:**

Deputy Mayor Lowther commented on the Avonlea Women's Institute and that they walk through the Park. There is a lot of discouragement with downed trees in the National Park and Cawnpore Lane. The whole community looks like a mess and what do we do about it.

Mayor Jelley brought the issue to Parks Canada about the trees since the morning after the hurricane. Deputy Mayor Lowther will invite Mayor Jelley on the next walk and some pictures may need to be taken and sent to Parks Canada.

An old-fashioned letter writing campaign from multiple groups in the area may have to be sent to Parks Canada as well. Deputy Mayor Lowther advised that perhaps the Parks Staff need to be invited on a walk to actually walk and see how things look in the area.

Councillor Drost advised that perhaps the province may be able to help out as when the hurricane happened, they said that no one would be left behind. If a list of private property owners who have not been able to get back to do work on their property were compiled, they may be able to get some assistance.

**Property owners notice in newsletter:**

Deputy Mayor Lowther advised that a notice should go out in the newsletter again reminding property owners about keeping their properties maintained and to help their neighbors if people cannot get back and that perhaps they have to make arrangements with grass cutters or their neighbors to look after their lawn until they get back.

The CAO will send a notice in the newsletter.

**MCHDAY:**

The CAO advised that the Federal Government has responded to her regarding MCH Day and there were three options: 1) to do the event virtually, 2) to cancel the event and 3) to postpone the event. We have requested to postpone the event and are awaiting confirmation from them that the event can go ahead in September.

**Resident's Concerns:**

Lloyd Adams – The Mayor read out a letter that was received requesting information being provided on Eddie MacKenzie's Development Agreement.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that a copy of the signed development agreement be provided to Lloyd Adams once it has been completed. All in favor 6, 1 non-voting. Motion Carried.

Margaret and Paul Bent – Official Plan comments were received as part of the plan review. Information was received on the size of right-of-ways for private road subdivisions. This will be reviewed as part of the official plan and bylaw review, but the municipality also has to be as stringent as the Provincial Standards and cannot be less stringent on any of its regulations.

Jim Brown left the meeting at 6:32 p.m..

Lloyd Adams thanked the Council for granting his request and for how hard people are working to make 2021 work.

Mayor Jelley advised that the Tourist Association came up with a great plan and they have stayed with it. It will be a smaller scale year again this year and they will continue to grow and build for a better 2022.

Bill Power thanked Vic Greenwood for his time on the sewer utility and everyone else for their work on behalf of the Community.

Mayor Jelley advised that there are three "*in-camera*" items that need to be dealt with and that the public will be put in the waiting room and then brought back to the meeting for a decision on the items.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther 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.

Councillor Robinson left the meeting at 7:01 p.m..

***"In Camera"***

***10.A. Montgomery Park Literary Tour Panels:***

Mayor Jelley left the meeting at 7:04 p.m. due to a conflict of interest.

***10. B. Marco Polo Land:***



**10.C. Eddie MacKenzie:**

It was moved by Councillor Clark Dunning, seconded by Councillor Drost to come out of camera in accordance with Section 119(2)(e). All in favor 4, 1 non-voting, 2 absent. Motion Carried.

**10.A. Montgomery Park Literary Tour Panels:**

Deputy Mayor Lowther will reach out to a translator and have them review the panel information and provide their feedback on the interpretation.

**Montgomery Park Literary Tour brochures:**

It was moved by Councillor Hryckiw, seconded by Councillor Brammer that \$400.00 be allocated to printing new brochures for the Montgomery Literary Tour and that Tourism Cavendish Beach would provide the remaining \$400.00. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

**10. B. Marco Polo Land:**

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the municipality write a letter letting them know that they are in violation of the Zoning and Subdivision Control (Development) Bylaw and their Development Agreement and that they have 10 days to respond to the proposed school trips at the water park. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

**10.C. Eddie MacKenzie:**

It was moved by Councillor Drost, seconded by Councillor Hryckiw that a letter be sent to Eddie MacKenzie giving him until June 4, 2021 to complete the site plan, complete the declaration and bylaws, sign the development agreement for the Vacant Land Condominium, and the Multi-Family Dwelling, payment of the performance bond, payment of legal fees and payment of the registry fee for the development agreement to be registered. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

If all information is not received by June 4, 2021, as outlined under Section 10.C., the Council will take further action to start legal proceedings against Eddie MacKenzie for non-compliance of the 2017 Zoning and Subdivision Control (Development) Bylaw.

**11. ADJOURNMENT:**

Deputy Mayor Lowther adjourned the meeting at 7:39 p.m.



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Mayor, Matthew Jelley



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Brenda MacDonald, CAO