

Minutes
Resort Municipality Monthly Council Meeting
June 21, 2021
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on June 21, 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: Nil.

VISITORS: In Person: Jim Brown. Zoom: Vic Greenwood, Bill Power, Lloyd Adams, Eddie MacKenzie and Katie Morello.

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the agenda be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

3. APPROVAL OF MONTHLY COUNCIL MEETING MAY 17, 2021:

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that the Monthly Council Meeting Minutes of May 17, 2021 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

Mayor Jelley declared a Conflict of Interest under Section 5A for Planning Board – Marco Polo Land and Sandspit Entertainment Ltd.

Deputy Mayor Lowther declared a Conflict of Interest under Section 5A for Planning Board – Estate of Brian Stevenson and Inn at the Pier.

Councillor Bill Drost raised a conflict of interest under Section 5a for planning board - Inn at the Pier
Deputy Mayor Lowther will Chair the meeting in the Mayor's absence.

5. COMMITTEE REPORTS:

5.A.1. Planning Board / Signage:

Official Plan and Bylaw Review Plan for review:

- A letter was received from Stephanie Scharf supporting Monty Drummond's request for changes to the subdivision requirements and the size of an access road for a subdivision on private roads.
- Seaside Cottages sent a letter supporting Monty Drummond's request for the size of an access road in a private subdivision.
- Seaside Cottages sent a letter about allowing camping in the RD2 Zone as campgrounds are allowed to have cabins in the RD3 Zone.
- The letters were sent along to the planner as part of the review of the Official Plan and Bylaws. 49 survey responses were received. A breakdown of information was received from the planner regarding timelines for meetings and updates on the plan review moving forward.
- There was a request to review sea can containers and temporary storage containers as part of the Official Plan and Bylaw Review.

Follow Up Permits:

Councillor Clark Dunning read out the information on the follow up permits.

A planning board member commented on the event permits and asked why were they being held up as they should go through quickly.

The Permits for the events are currently being held up by the developers as the government departments are waiting for information from the developers and until it is received the permits cannot be issued by the Municipality.

Development Permit applications:

Jamil Dow – PID # 232959 - (8544 Cavendish Road) – an application was received to locate an accessory building of 16' X 12' on the property. 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 Provincial Fire Marshal's office and 2) meeting all requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

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

Sandspit Entertainment Ltd. PID # 231977 - (8863 Cavendish Road) – an application was received to construct a concrete slab of 706.5 sq. ft., to construct a wooden front deck of 481 sq. ft. and to construct a wooden side deck of 675 sq. ft. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Council approve the application in principle subject to: 1) meeting all requirements of the *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Marco Polo Land – PID # 232298 - (7406 Route 13) – an application was received to locate a booth of 6' X 8' for check-ins on the property. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve the application in principle subject to: 1) meeting all requirements of the Provincial Fire Marshal's Office and 2) meeting all requirements of the *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Marco Polo Land – A letter was received from Marco Polo Land about the waterpark at the site and noting that the owner had cancelled the school trips to the Park based on the letter from the municipality. The owner was looking for the Council to review her request again based on her booking process for the waterpark. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the position remains the same based on the development permit, the development agreement and the Zoning and Subdivision Control (Development) Bylaw and that the waterpark is to be used only for registered guests that are staying overnight in the park and not for the general public. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley returned to the meeting.

Cavendish Lodge and Cottages – PID # 231746 – (7 Moore Road) – an application was received to construct a fence on the property of 6'h X 70'l. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council approve the application in principle subject to: 1) meeting all requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

Subdivision Application:

John Brewer – PID # 232207 (Route 13) – an application was received to subdivide the existing property into 6 lots. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve the application in principle subject to: 1) meeting all requirements of the Department of Transportation,

Infrastructure and Energy, 2) that the perc tests be completed for the property to meet the requirements of the Zoning and Subdivision Control (Development) Bylaw and 3) the final survey plan be completed once clarification is received from the Department of Transportation on the access. All in favor 6, 1 non-voting. Motion Carried.

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

Estate of Brian Stevenson – PID # 729087 (Cavendish Road) – to subdivide 17 acres off of the main property. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiw that the Council approve the application in principle subject to: 1) meeting all requirements of the Department of Transportation, Infrastructure and Energy, 2) that the perc tests be completed for the property to meet the requirements of the Zoning and Subdivision Control (Development) Bylaw and 3) the final survey plan be completed once clarification is received from the Department of Transportation on the access. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Deputy Mayor Lowther returned to the meeting.

Walkway:

MacCoubrey Lane: Tenders are being worked on by the Province for the roadwork on Route 6 and 13 with the paved shoulders. Only a portion will be completed this year from MacCoubrey Lane to the market.

Cawnpore Lane Trail: we are waiting for comments back from Parks Canada on the Environmental Review as well as input from L'nuey.

Stanley Bridge Trail: We are waiting for input from the Department of Transportation on the project.

Permits issued by CA0:

Christine Dovey - PID # 480293 (167 Bayview Drive) - To have a temporary / transient use permit for a storage container on the property until October 25, 2021.

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

Other:

Inn at the Pier – a letter was received for a dining room and lounge liquor license with live entertainment inside and out. The dining room stops serving at 8:00 p.m. so the latest the license would be to 10:00 p.m. on the site. Entertainment will be between 5 – 8 or 4 – 6 p.m. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiw that the Council approve in principle for a dining room lounge liquor license from 11:00 a.m. – 10:00 p.m. daily for inside and outside the facility in the licensed areas. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Deputy Mayor Lowther and Councillor Drost returned to the meeting.

Signage Permit Applications:

Parks Canada – PID # 232405 (Cavendish Grove) – a letter was received asking for the Council to revisit their decision on the Parks sign of 20' W X 7' 2 9/16" at the front of the Cavendish Grove property.

Janet Wood from Tourism PEI provided information on Parks signage in other areas of the province for Mayor Jelley. The sign in Skmaq Port-La-Joye is 100 sq. ft. and the new one in Brackley is 60 sq. ft. so both signs are smaller than the one proposed for the municipality.

It was moved by Councillor Chris Robison, seconded by Councillor Hryckiwi that the application be denied as it does not meet the requirements of the signage bylaw. All in favor 6, 1 non-voting. Motion Carried.

Parks Canada will be advised that the Council is in agreement with allowing a sign up to 80 sq. ft. based on the three languages being on the sign and the setbacks from the road for the proposed sign.

Parks Canada – PID # 232405 (Cavendish Road) – an application was received to locate three signs of 24” X 30” adjacent to the municipal park bench regarding Hurricane Dorian information. It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the Council approve the signs in principle subject to: 1) meets the requirements of the Department of Transportation, Infrastructure and Energy and 2) that Parks meet with the maintenance staff to determine the best location for the signs. All in favor 6, 1 non-voting. Motion Carried.

Parks was contacted on a sign at the Haunted Wood that could be considered offensive by some as a concern was raised at the planning board meeting.

5.A.1. Katie Morello - Eddie MacKenzie: Information was held in Camera at the end of the meeting.

5.A.2. Agriculture and Land:

A letter was received from Hon. Bloyce Thompson that a report will be presented from the Land Matters Advisory Committee and it will take some time to consider the recommendations of the committee. They want municipalities to be aware of the timelines as recommendations from the Advisory Committee may result in changes to legislated requirements for municipal planning documents, including the official plan and bylaws. The municipal planner is aware of this process as well.

Jim Brown left the meeting at 6:09 p.m.

5.B. Monthly Finances:

Councillor Brammer presented the monthly Finances for May 31, 2021. The revenues were \$56,763.42 and the expenses were \$17,162.27. It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the monthly finances for May 31, 2021 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

5.B.1. Financial Reporting:

The province has sent out a sheet with financial reporting requirements being extended because of COVID-19.

5.B.2. Draft Audited Statements:

The Draft Audited Statements are in the meeting package for review.

The auditor will attend the next meeting to review the documents with the Council.

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.

Councillor Robinson had sent through a request on the hashtag being added for Cavendish for sending information out for emergencies.

A copy of the document will be sent along to the EMO office for review and comments back to the Council before the final document will be completed.

5.D. Trails and Paths Committee:

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

The municipality is working with the Department of Transportation to complete the work on the project. L'neuy is now working on the review of the project for the government and we are waiting for final confirmation from Parks Canada as to when the review will be completed.

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 is getting ready to put the project out to tender. It will be done with the tendering of the roadway shoulder projects on Route 6 and 13.

5.D.2. Swimming Rock Steps:

CBCCL is reviewing options for the base of the steps. The Swimming Rock site will not be reopened until the steps are fixed.

5.D.3. Montgomery Park Shelters:

CBCCL was working on a design for new shelters. The current ones can have some additional brackets added to it for the season, but new shelters will be completed in the fall / spring.

5.D.4. Speed Signs:

Speed Sign information is in the meeting package. No update was provided this month from the RCMP.

5.D.5. Swimming Rock Signage:

The maintenance staff was able to remove, repair, paint and reinstall the sign on the rock at the Swimming Rock. The wooden sign was also moved to the other side of the fence in the Park.

6. Cavendish Sewer Utility:

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

Rate increase has been sent out by IRAC, is on the municipal website and was sent out in the weekly updates. The public has until July 2, 2021 to send in written submissions to IRAC.

7. Business Arising from Minutes:

7.A. Engineering Projects:

Councillor Robinson and Councillor Drost were to complete information on the solar panel project at the lagoon and bring it forward to the Council.

7.B. MCHDAY:

The event has been rescheduled for September 4, 2021 based on Celebrate Canada Guidelines.

7.C. Healthy Communities Initiative:

No feedback was received for potential projects.

7.D. Parks Canada – Gulf Shore Highway:

An e-mail was received from Bill Courtney advising that they have hired a contractor to repair the dips at multiple culverts and work has been completed.

8. New Business:

8.A. Dr. Kent Ellis Volunteer Award:

Nominations are being accepted in recognition of outstanding commitment to Volunteerism in the Community. Deadline to submit nominations is August 2, 2021.

8.B. Business Beautification Award:

Nominations are being accepted in recognition of business owners that have significantly enhanced the community, through outstanding commitment to the beautification of their property.

8.C. Residential Beautification Award:

Nominations are being accepted in recognition of property owners that have significantly enhanced the community, through outstanding commitment to the beautification of their property.

8.D. ParticipACTION and disc golf pop-up:

They are looking for host communities to hold events at for the disc golf pop-up. Information will be sent to the Cavendish Beach Music Festival.

8.E. COVID Warriors:

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that Brenda MacDonald and Heather Hay be submitted for the Award. All in favor 6, 1 non-voting. Motion Carried.

8.F. Age Friendly PEI.

The CAO will contact Age Friendly PEI to see what activities and initiatives they may have to support AF- Living Environments across PEI, where all ages are welcome.

8.G. Council Committees:

Emergency Services Committee:

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that Councillor Hryckiw be added as Co-Chair to the Emergency Services Committee with Chris Robinson. All in favor 6, 1 non-voting. Motion Carried.

Human Resource Committee:

It was moved by Councillor Hryckiw, seconded by Councillor Clark Dunning that Councillor Robinson, Councillor Brammer and Deputy Mayor Lowther be the Human Resource Committee. All in favor 6, 1 non-voting. Motion Carried.

8.H. Bylaw Updates:

8.H.1. General Update:

The lawyer will be asked to prepare an updated draft of the Access to Information Bylaw for the next meeting. The Code of Conduct and other bylaws will be looked at with the Province for any updates.

8.H.2. Access to Information:

A draft bylaw was circulated by the lawyer to the Council in the spring of 2020 and we were waiting for clarification from Municipal Affairs on the regulations as the lawyer had raised concerns on them.

9. Concerns:

9.A. Councillors:

Remuneration Committee:

The CAO will send out a request for people to participate in the Remuneration Committee to start the review for 2022.

Chip Wagon – Stanley Bridge:

Councillor Hryckiw asked about the Chip Wagon in Stanley Bridge. The Harbour Authority is under Federal Jurisdiction and it provides approval of businesses.

North Rustico Arena – Sod Turning:

Councillor Drost asked if the municipality was invited. No invitation was sent but space would be limited due to COVID-19 restrictions.

Architect’s Act:

Councillor Drost commented on revisions to the Architect’s Act on May 13, 2021 and advised that there are other municipalities that have sheets for the public to follow when applying for permits. The CAO will check into the information for the next meeting.

9.B. Residents:

Erna Watters and Stephanie Scharf’s comments were covered under the Planning Board item on the agenda.

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

“In Camera”

10.A. Human Resource Matters:

10.B. Eddie MacKenzie:

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

10.A. Human Resource Matters:

The Human Resource Committee will follow up on the matter.

10.B. Eddie MacKenzie:

Katie Morello asked the Council about looking at the application as two separate applications.

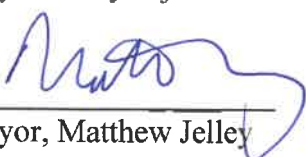
Mayor Jelley advised that the municipal legal advice was that the proposed development and drawing was contrary to the development agreement and the bylaws and cannot be approved until all information that has been requested is completed.

Request for Information:

It was moved by Councillor Brammer, seconded by Councillor Clark Dunning that the election information from 2018 be provided. All in favor 6, 1 non-voting. Motion Carried.

11. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 8:04 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO