

Minutes
Resort Municipality Monthly Council Meeting
August 16, 2021
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on August 16, 2021 at the Resort municipality Office and electronically with Zoom.

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

VISITORS: In Person: Jim Brown and Ryan Lowther. Zoom: Vic Greenwood, Cody MacEachern, Sandra and Ron LeBlanc. Eddie MacKenzie joined the meeting at 5:49 p.m.

1. CALL TO ORDER:

Mayor Jelley called the meeting to order at 5:01 p.m.

2. APPROVAL OF AGENDA:

Deputy Mayor Lowther advised that the Awards should be put under “*In Camera*” to be discussed.

Mayor Jelley advised that the Awards can be moved to the end of the agenda.

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

3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES JULY 19, 2021:

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

APPROVAL OF PUBLIC MEETING MINUTES AUGUST 9, 2021:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Public Meeting Minutes of August 9, 2021 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

Deputy Mayor Lowther declared a Conflict of Interest under Section 5A for Planning Board – Fairways Cottages application and the Estate of Brian Stevenson.

Mayor Jelley declared a conflict of interest under Section 5A for Planning Board - Shining Waters Family Fun Park.

5. COMMITTEE REPORTS:

5.A. Planning Board / Signage:

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 pool equipment building. Awaiting information from the owner and the Department of Health on the pool permit, development agreement and performance bond.

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 fees.

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.

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 from the Department of Transportation, Infrastructure and Energy, Provincial Fire Marshal's office and the Department of Environment.

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.

Cavendish Beach Music Festival – PID # 1037423 – (8779 Cavendish Road) – an application was received to have an event on the site on August 27 – 28, 2021, from noon – 11:00 p.m. Awaiting comments from the Provincial Fire Marshal's office, the Department of Health and Wellness, the Liquor Control Commission, the RCMP to provide feedback on the event, a comprehensive site plan to be provided, a development agreement to be entered into, a performance bond be posted and proof of insurance to be provided with the municipality named as additional insured.

Subdivision Application:

John Brewer – PID # 232207 (Route 13) – an application was received to subdivide the existing property into 6 lots. Awaiting comments from the Department of Transportation on the access, proof of the existing access being 66' and that the owner has permission to intensify the use of the existing right-of-way based on the deed for the property for access and that the perc tests meet all requirements of the Zoning and Subdivision Control (Development) Bylaw.

Estate of Brian Stevenson – PID # 729087 (Cavendish Road) – an application was received to subdivide 17.96 acres off of the main property. Awaiting comments from the Department of Transportation on Access, that the perc tests be completed for the property to meet the requirements of the Zoning and Subdivision Control (Development) Bylaw and that a final survey plan be completed.

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. The Council approved signage up to a maximum of 80 sq. ft. only on the site based on the signage bylaw.

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

Development Permits:

Fairways Cottages – PID #232306 – 7420 Route 13 – an application was received to construct a 1 ½ storey building of 25' X 18' between the office and the laundry for an on-site manager's suite. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that approval in principle be granted subject to: 1) meets the requirements of the Province Fire Marshal's office, 2) meets the requirements of Quality Tourism Services and 3) meets the requirements of the *Building Codes Act*. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Deputy Mayor Lowther returned to the meeting.

Temporary / Transient Use Permits:

West Highland Contractors Ltd. – an application was received to have a yard sale on the property on August 28, 2021 from 9:00 a.m. – 5:00 p.m. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval in principle be granted subject to: 1) the yard sale shall be held from 9:00 a.m. – 5:00 p.m. only for Sunset Campground and the people camping at the campground only. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

West Highland Contractors Ltd. – an application was received to have a yard sale on the property on September 4, 2021 from 9:00 a.m. – 9:00 p.m. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the application be denied based on the yard sale being for 20 businesses to come into the property to set up and sell their products and it not meeting the requirements of the Zoning and Subdivision Control (Development) Bylaw section 4.25(6). All in favor 5, 1 non-voting 1 absent. Motion Carried.

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

Shining Waters Family Fun Park Ltd. – an application was received to have MCH Day on the property on September 4, 2021. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Council approve the application in principle subject to: 1) meets the requirements of the Department of Health and Wellness and 2) meets the requirements of the Provincial Fire Marshal's office. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Mayor Jelley returned to the meeting.

Major Variance Request:

Ron and Sandra LeBlanc – PID # 403956 (20 Isidores Lane).

Mayor Matthew Jelley read out the information from the property owners as well as from their Architect on the major variance request for the record.

Council reviewed Section 15 of the Resort Municipality Zoning and Subdivision Control (Development) Bylaw.

- (1) Council may authorize a minor variance to a maximum of 10% from the requirements of this Bylaw provided that in the opinion of Council the general intent of the Bylaw can continue to be upheld, Council is assured that the variance being sought is merely minor in nature, and the applicant for the permit has been able to document a compelling reason why the requirements of this Bylaw cannot be precisely met.
- (2) Council may authorize a variance of more than 10% from the requirements of this Bylaw, provided that in the opinion of Council the general intent of the Bylaw continues to be upheld, neighbouring properties will not be significantly or permanently injured, and the applicant for the permit has been able to document a compelling reason why the requirements of the Bylaw cannot be precisely met.
- (3) Variance applications shall be considered against the following tests for justifying a variance:

- (a) the Lot in question has peculiar physical conditions, including small Lot size, irregular Lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;
 - (b) strict application of all Bylaw standards would impose undue hardship on the applicant by excluding the applicant from the same rights and privileges for reasonable Use of the applicant's Lot as enjoyed by other Persons in the same Zone;
 - (c) the variance is of the least magnitude required to enable reasonable Use of the Lot; and
 - (d) the proposed variance would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.
- (4) All variance applications shall be in writing and signed by the Lot Owner.
- (5) Applications for variance of more than 10% from the requirements of this Bylaw shall also require the following:
- a) the Municipality's receipt of a fee sufficient to cover the estimated cost of the advertising and mailed notices required under this Section 15, the amount of such fee to be determined by Council;
 - b) requesting and considering the recommendation of Planning Board;
 - c) providing written notice, by ordinary mail, documenting the pertinent details of the application to all Property Owners within 120m (approximately 400 feet) of the boundaries of the subject Lot;
 - d) holding a public meeting to receive comments on the proposed variance, notice of which shall be placed at least a minimum of seven clear days prior to the meeting in newspaper circulating in the area, indicating in general terms the nature of the variance application and the date, time and place of the Council meeting at which it will be considered.
 - e) Authorization for a variance shall be documented and recorded in writing.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council take the request for a major variance request to a public meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Permits issued by CA0:

Susan Roberts – PID # 233320 – 38 Friendly Lane – To construct an addition onto the existing summer cottage of 7' X 12' with a deck of 22' X 10' with a 5' bump out.

Alex Gallant – PID # 999052 – Angus Campbell Lane - To construct a 1 storey house of 40' X 58' with decks.

Fiona Mitchell and Michael Bernard - To construct a one storey summer cottage of 30' X 40' with a porch of 5' X 9' and a deck of 40' x 10'.

Janet & Michael Keenan – PID # 1117019 – Wygant Place - To construct a one storey summer cottage of 63' X 44' with decks.

Krista MacKay – PID # Krista MacKay – PID # 233452 – 7717 Cavendish Road - To construct a private detached garage of 10'6" X 14'2" and to demolish the existing garage on the property.

Walkway:

MacCoubrey Lane and Cawnpore Lane Trail we are waiting for the tender to be completed by the province for the work that is expected to be started in the fall.

Stanley Bridge Trail Project is still under review by the province.

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

Official Plan / Rezoning Amendments:

Estate of Brian Stevenson (Cavendish Road) PID # 729087:

Official Plan Amendment Resolution:

Whereas an application was received from the Estate of Brian Stevenson to amend the Resort Municipality Official Plan General Land Use Map to change the designation of PID # 729087 from Rural and Open Space to Accommodations use;

And whereas Council has considered the following general criteria:

- Conformity with applicable legislation;
- Community objectives;
- Changes in technical content; and
- Water and sewer and other infrastructure plans;

Be it resolved that the official plan amendment 21-2, to amend the 2017 Official Plan General Land Use Map be hereby approved.

It was moved by Councillor Clark Dunning, seconded by Councillor Drost that the Council amend the Official Plan General Land Use Map to change the designation of Provincial Parcel # 729087 from Rural and Open Space to Accommodations use. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the first reading of the Official Plan amendment 21-2 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Zoning Amendment – Estate of Brian Stevenson (Cavendish Road) – PID # 729087:

Whereas an application was received from the Estate of Brian Stevenson for Cavendish Road, PID # 729087 for a zoning amendment from the Rural (RR) Zone to RD2 (Resort Accommodations) Zone under the Resort Municipality, 2017 Zoning and Subdivision Control (Development) Bylaw to change a 10 acre portion of land on the zoning map from (RR) Rural Zone to (RD2) Resort Accommodations Zone;

And whereas zoning bylaw amendment, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

Be it resolved that zoning bylaw amendment 21-3, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

It was moved by Councillor Clark Dunning, seconded by Councillor Drost that the Council approve a bylaw amendment 21-3 to amend the Zoning map to show a 10 acre portion of Property # 729087 from the current Rural (RR) Zone to RD2 (Resort Accommodations) Zone be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the first reading of the rezoning amendment 21-3 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Deputy Mayor Lowther returned to the meeting.

Other - Seawood Estates:

Councillor Clark Dunning updated Council on the Department of Environment issuing a Certificate of Approval to Seawood Estates Inc. to allow them 170 units in the subdivision.

Jim Brown left the meeting at 5:50 p.m.

MCH Day:

Reminder to Council of MCH Day on September 4, 2021 from 11:30 – 2:30 at Shining Waters Family Fun Park and that the Council needs to register if they are attending.

Walkway:

MacCoubrey Lane Trail - we are waiting for the tender to be completed by the Province.

Cawnpore Lane Trail – we are waiting for comments from Parks Canada and L'neuey as well for the tender to be put out by the Department of Transportation and Public Works.

Stanley Bridge Trail Project is still waiting information from the Province on the trail.

5.B. Monthly Finances:

Councillor Brammer presented the monthly Finances for July 31, 2021. The revenues were \$223,116.13 and the expenses were \$168,500.10. It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the monthly finances for July 31, 2021 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

5.B.1. Disaster Mitigation and Adaptation Fund:

Information was received from Darlene Rhodenizer at Municipal Affairs and the government is launching 2.0 Disaster Mitigation and Adaptation Fund. It is now a merit based system with projects to be funded between 1 to 20 million. It was noted that it appears that the Federal Funding would be 40% towards any projects.

The CAO will check with government on the funding breakdown for projects.

5.C. Emergency Services Committee:

5.C.1. Emergency Plan:

Bradley MacIsaac is reviewing the draft plan and getting information from the municipal office as he goes through the process.

5.D. Trails and Paths Committee:

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

Parks Canada and L'neuey have signed off on the project.

The tender will go out the week of August 17 - August 20, 2021 and will close in three weeks.

Project is expected to be started mid – late September.

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 project will run from MacCoubrey Lane to the hedgerow at David Macneill's

The tender will go out the week of August 17 - August 20, 2021 and will close in three weeks.

Project is expected to be started mid – late September.

Route 6 Soil Investigations:

CBCL has presented their findings on the soils from Route 6 under the wooden walkway and there was gravel and soil shown under the walkway where the samples were tested.

5.D.2. Swimming Rock Steps:

Three bids were received at the tender closing on August 10, 2021 at 1:00 p.m.
Diversified Divers at \$18,425.25

7305516 at \$28,300.00

JD Marine and Diving at \$37,108.16

The information provided by all companies met the requirements and timelines.

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the bid from Diversified Divers be approved as presented at a cost of \$18,425.25. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

5.D.3. Speed Signs:

The speed sign stats are in the package.

The RCMP have been out ticketing speeding violators in the area on a regular basis based on the stats.

6. Cavendish Sewer Utility:

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

The Sewer Utility is still waiting for a decision from IRAC on the Rate increase.

Richard Moore has put his name forward to sit on the sewer board to replace Vic Greenwood.

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that Richard Moore will be the new sewer utility representative. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley advised that 7.A.1, 2 and 3 will be discussed "*In Camera*" at the end of the meeting.

7. Business Arising from Minutes:

7.B. Age Friendly Communities:

The CAO met with Marcy Bouchie – Coordinator, Peter Holman – Co-Chair and Don Reid Treasurer with the Age Friendly Communities.

Information was circulated in the package as well as a new program by the Province for Age Friendly Recognition.

The program for Age Friendly goes from birth to death, so all ages are involved. The program also offers options for businesses to become age friendly by changing things in their stores and aisles that can make it age friendly for everyone whether it is allowing proper access in aisles for wheelchairs or walkers to get through easily to changing the height of shelves to make it easier for you to reach things for all heights. Businesses can be recognized and a sticker put on their building and they would also be on a list for people to know that they are age friendly.

Trails and paths can also be deemed as age friendly for the public and a lot of areas have a number of criteria met already but are not aware that they do.

They will come out and work with groups and organizations to assist them to become age friendly.

Information only at this time.

7.C. Eastlink Servicing – North Rustico:

Mayor Jelley advised that servicing the North Rustico area of the community started a few years ago and government funding was being looked at to help fund the project. No information or contract was signed with Eastlink and the work commenced with nothing being sent to the municipality until the project was completed and then we received a bill for \$15,600.00.

The CAO confirmed that we are working with the Department of Business and Innovation on funding assistance and Preston Llewellyn is working on it based on the funding application being completed by the municipality for the project with Joe Rowledge who has since retired. They expect to get back to the municipality over the next couple of weeks.

7.D. Access to Information and Protection of Personal Information Bylaw:

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that the Second Reading of the Access to Information and Protection of Personal Information Bylaw be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was moved by Councillor Clark Dunning, seconded by Councillor Drost that the Second Reading be approved. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was moved by Councillor Drost, seconded by Councillor Brammer that the Access to Information and Protection of Personal Information Bylaw be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Deputy Mayor Lowther asked about information on the following items:

Picnic Shelters – We are waiting for the RFP and drawings from the Engineer.

Letters to Canada Post – Postal Codes – A letter was sent to the Minister and we are awaiting a response.

Letters to Canada Post – Green Gables Post Office – A letter was sent to the Minister, and we are awaiting a response.

Remuneration Committee – We have received two names to sit on the committee and are working on a getting a third person.

Mayor Jelley asked if they would be meeting with the Council as part of the committee work.

CAO advised that normally they don't meet with the Council during the review process, but if that is something that Councils wants it can be addressed with the committee. Currently we have Bill Power and Lloyd Adams who have offered their names to sit on the committee.

8. New Business:

8.A. SEAL Meeting:

Deputy Mayor Lowther attended the meeting, there were about 20 people in attendance.

Peter Fullerton stepped down as President and the next executive will be looking for someone to fill that role.

There were questions on the water system and how they were able to get the number of new permits. This is all approved by the Department of Environment.

The next municipal election was discussed and anyone interested in running can put their name forward.

They were very complimentary about the Resort Municipality.

Deputy Mayor Lowther thanked the CAO for providing a report.

Ryan Lowther left the meeting at 6:40 p.m.

8.B. Housing Supply Challenge:

Information has been provided from FPEIM on the Housing Supply Challenge.

Deadline for applications is August 25, 2021.

8.C. Economic Growth, Tourism and Culture:

A letter was received from Minister MacKay about Ken Doyle and Mary Jane Ready regarding the goal of the Prince Edward Island Register of Heritage Place to recognize such places, acknowledging that an awareness of our past will help build strong communities in the future. The Doyle Barn at 490 Gulf Shore Highway is a registered heritage place under the Heritage Places Protection Act.

A letter will be sent by the Municipality to Ken Doyle and Mary Jane Ready congratulating them on their recognition of the heritage designation.

8.D. CAO's Holidays:

CAO's Holidays were provided.

9. Concerns:

9.A. Councillors:

Question was raised if anything further had been received from North Rustico on the new rink. No information has been received from the rink committee.

9.B. Residents:

No concerns were raised from residents.

10. "In Camera" Matters:

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther to go "In Camera" under section 119(1)(e) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley moved back to sections 7A. to 7.A.3. on the agenda.

7.A. MCH Day Awards:

7.A.1. Business Beautification Award.

7.A.2. Residential Beautification Award.

7.A.3. Dr. Kent Ellis Memorial Award.

It was moved by Councillor Clark Dunning, seconded by Councillor Drost to come out of camera under Section 119(2)(e) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.A. MCH Day Awards:

7.A.1. Business Beautification Award:

Nomination: Cavendish Services Ltd. – Cavendish Petro Canada

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that Cavendish Services Ltd. be nominated for the Business Beautification Award. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.A.2. Residential Beautification Award:

Nominations: Lourdes and Kevin O'Leary, Keri Winsor, Gerry Prevost.

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that Kevin and Lourdes O'Leary be nominated for the Residential Beautification Award. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.A.3. Dr. Kent Ellis Memorial Award:

Nominations: Terry Kamikawa & Katsue Masuda

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that Terry Kamikawa and Katsue Masuda be nominated for the Dr. Kent Ellis Memorial Award. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

11. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 6:37 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO