

Minutes
Resort Municipality Monthly Council Meeting
November 15, 2021
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on November 15, 2021 at the Resort Municipality Office and electronically with Zoom.

PRESENT: In Person: Mayor Matthew Jelley, Deputy Mayor Lowther, Councillor: George Clark Dunning and Councillor Kay Hryckiwi. Zoom: Councillors: Bill Drost and Lee Brammer. Councillor Robinson joined the meeting at 5:04 p.m. In Person: CAO: Brenda MacDonald and Administrative Assistant: Heather Hay.

ABSENT: Nil.

VISITORS: In Person: Jim Brown. Zoom: Diane MacKenzie, Lloyd Adams, Sandy MacKay and Cody MacEachern. Eddie MacKenzie and Smita Prakash joined the meeting at 5:13 p.m.

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 Hryckiwi 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 OCTOBER 18, 2021:

The minutes were tabled until the next monthly meeting.

APPROVAL OF MINUTES OF PUBLIC MEETING NOVEMBER 8, 2021:

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the minutes of November 8, 2021 be approved 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 Planning Board items concerning the Estate of Brian Stevenson, John Carroll and the Cavendish Sewer Utility.

5. COMMITTEE REPORTS:

Follow Up Permits:

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 meets the requirements of 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 meets the requirements of the *Building Codes Act*.

Marco Polo Land Inc. – PID # 232298 (7406 Route 13) – an application was received to locate three yurts on the property. Awaiting information from the Provincial Fire Marshal's office and a comprehensive site plan and meets the requirements of the *Building Codes Act*.

Marco Polo Land Inc. – PID # 232298 (7406 Route 13) – an application was received to change 11 sites from two way sites into three way sites. Awaiting information from the Provincial Fire Marshal's office, the Department of Environment, a comprehensive site plan to be provided and meets the requirements of the *Building Codes Act*.

Marco Polo Land Inc. – PID # 232298 (7406 Route 13) – an application was received to locate a tarp building on the property of 70' X 30'. Awaiting information from the Provincial Fire Marshal's Office, a comprehensive site plan to be provided and meets the requirements of 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 from the Department of Transportation, Infrastructure and Energy, Provincial Fire Marshal's office, the Department of Environment and meets the requirements of the *Building Codes Act*.

Subdivision Application:

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.

Subdivision Application:

Alex Gallant – an application was received to subdivide 0.04 acres from PID # 999052 and consolidate it with PID # 999060 on Angus Campbell Lane. Awaiting a completed survey plan of the property.

Jamil Dow – Property # 232959 (8544 Cavendish Road) - an application was received to construct an addition of 32' X 28' to increase the retail space on the existing building. Awaiting comments from the Provincial Fire Marshal's Office and meets the requirements of the *Building Codes Act*.

Subdivision Application:

Abby Lane PEI Inc. – an application was received to subdivide Property # 496844 (397 Simpson Mill Road) into two lots. Awaiting comments from the Department of Transportation, Infrastructure and Energy, meets the septic requirements for the proposed lots, that clarification be received on the roadway as it has to be 66' wide to meet the bylaw requirements and a final survey plan to be completed.

Jennie Macneill – an application was received to subdivide Property # 232512 (8523 Cavendish Road) into two lots. Awaiting a more detailed plan be provided, 2) meets the setback requirements for the new boundary lines and that a final survey plan be provided of the property.

Rezoning Application:

Estate of Brian Stevenson – an application was received to subdivide Property # 729087 (Cavendish Road) into a two phase subdivision for a proposed total of 40 lots. It was moved by Councillor Clark Dunning, seconded

by Councillor Hryckiwi that the Council proceed to a public meeting. All in favor 6, 1 non-voting. Motion Carried.

Temporary / Transient Use Permit:

AMD PEI Grown Inc. – PID # 232413 (8572 Cavendish Road) – an application was received to have a wine tasting event on the property on November 13, 2021. Awaiting comments from the Department of Health and Wellness, Provincial Fire Marshal's office and the Liquor Control Commission.

AMD PEI Grown Inc. – PID # 232413 (8572 Cavendish Road) – an application was received to have a cider tasting event on the property on November 27, 2021. Awaiting comments from the Department of Health and Wellness, Provincial Fire Marshal's office and the Liquor Control Commission.

AMD PEI Grown Inc. – PID # 232413 (8572 Cavendish Road) – an application was received to have a side coffee cart on November 6, 14, November 20, 28 and December 4 and 11, 2021. Awaiting comments from the Department of Health and Wellness, Provincial Fire Marshal's office and the Liquor Control Commission.

Official Plan and Bylaw Review:

The planner is working on the draft documents.

A letter was received from Sandy MacKay regarding two properties he is purchasing in Stanley Bridge PID # 706127 and 706150 He is requesting that zoning for these properties be changed from General Commercial (C1) to Resort Commercial (RD4) as part of the plan review. This will be reviewed as part of the Official Plan and Bylaw Review as the process moves forward.

Councillor Robinson joined the meeting.

Follow Up Permits:

Councillor Clark Dunning advised that there was no follow up information on the follow up permits for sections 5A – P.

Development Permits:

Action Attractions Ltd. PID # 706127 – (Cavendish Road) – an application was received to install a 733' fence of 5' in height around the property. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) clarification to be provided on the type of fence being used and 2) meets all requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

Action Attractions Ltd – PID # 706150 – (9946 Cavendish Road) – an application was received to change the use of the property for a hair salon of 23' X 12'. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi 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, 3) clarification to be provided on the plan for the uses of the structure, 4) clarification on the type of siding for the structure and 5) meets all requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

Eddie MacKenzie – PID # 1805506 – (Jems View) – an application was received to construct a one and a half storey vacant land condo of 61'9" X 71' including attached garage and decks. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that approval in principle be granted subject to: 1) the

vacant land condo shall be connected to the private sewer utility and 2) meets all requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

Change of Use Application:

Nirmala Chinnappareddy – PID # 612986 (42 Boyle Crescent) – an application was received to change the use of the summer cottage into a rental cottage. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) meets the requirements of the Provincial Fire Marshal’s office and 2) meets the requirements of the Department of Tourism. All in favor 6, 1 non-voting. Motion Carried.

Temporary / Transient Use Permit:

Tourism Cavendish Beach – an application was received to hold an event on November 20, 2021 from 10:00 a.m. – 12:00 noon. 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 Provincial Fire Marshal’s office, 2) meets the requirements of the Department of Health and Wellness and 3) meets the requirements of the Liquor Control Commission. All in favor 6, 1 non-voting. Motion Carried.

Rezoning Applications:

Judy and Darcy Gallant – an application was received to rezone PID #'s 647702 and PID # 1137355 from RR (Rural) to R1(Residential). It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council take the request to a public meeting for feedback. All in favor 6, 1 non-voting. Motion Carried.

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

John Carroll - PID # 509562 – an application was received to locate a deck of 28’ X 10’ onto the property. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that approval in principle be granted subject to: 1) the deck being located on the site in accordance with the site plan and 2) meets all requirements of the *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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 a 44 acre portion 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 21-4, to amend the 2017 Official Plan General Land Use Map be hereby approved.

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council amend the Official Plan General Land Use Map to change the designation of a 44 acre portion of Provincial Parcel # 729087 from Rural and Open Space to Accommodations use. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Drost was absent for this portion of the meeting.

Approval of First Reading Official Plan Amendment:

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the first reading of the official plan amendment be approved as presented. All in favor 4, 1 non-voting, 2 absent.

Councillor Drost returned to the meeting.

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 44 acre portion of land on the zoning map from (RR) Rural Zone to (RD2) Resort Accommodations Zone;

And whereas zoning bylaw amendment 21-5, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

Be it resolved that zoning bylaw amendment 21-5, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve a bylaw amendment to amend the Zoning map to show a 44 acre portion of Property # 729087 from the current Rural (RR) Zone to RD2 (Resort Accommodations) Zone be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Approval of First Reading Rezoning Amendment:

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the first reading of the rezoning amendment be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Deputy Mayor Lowther returned to the meeting.

Permits issued by the CAO:

Resort Municipality – approved to remove four existing picnic shelters and construct four new ones of 10' X 10'.

Walkway:

MacCoubrey Lane and Cawnpore Lane Trail has been completed.

The CAO advised that the Department of Transportation had issues with landscaping based on the time of year and soils and they expect to return in the spring to complete any deficiencies and will also assess any water issues.

Stanley Bridge Trail Project is still under review by the province

5.B. Monthly Finances:

Councillor Brammer thanked Councillor Hryckiwi for completing the report at the last monthly meeting.

Councillor Brammer presented the monthly Finances October 31, 2021. The revenues were \$364,315.61 and the expenses were \$252,673.50. It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the monthly finances for October 31, 2021 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

Budget Schedule:

A budget schedule for 2022 / 2023 will be presented at the December meeting.

Snow Removal:

A bid was received from Snowie Road Contracting.

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the snow removal contract be approved for Snowie Road Contracting at a cost of \$7,250.00 plus HST with proof of insurance to be provided to the municipality. All in favor 6, 1 non-voting. Motion Carried.

Active Transportation:

The deadline for submissions is December 3, 2021 for 2022 projects.

The municipality will be submitting an application for the completion of Route 6 East as well as for the Stanley Bridge Project from the Inn at the Pier to the corner in Stanley Bridge.

5.C. Emergency Services Committee:

5.C.1. Emergency Plan:

A copy of the Draft report and recommendations were sent to Councillors Robinson and Hryckiwiw for review from the Department of Environment.

The CAO will wait to hear from Councillor Robinson and Hryckiwiw once they review the report to schedule a meeting to go over the document.

5.D. Trails and Paths Committee:

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

Project has been substantially completed and there may be some adjustments needed based on rain and weather.

Stanley Bridge Trail Project:

The Department of Transportation is still working on some ideas for this portion of the project. Nothing will be done until the spring.

Route 6 East to MacCoubrey Lane and Cawnpore Lane:

Project has been substantially completed. Landscaping will need to be looked at in the spring.

There are some issues with lighting that are being looked at by the municipal electrician to see if the issue is as a result of the work or general maintenance.

5.D.2. Speed Signs:

The speed sign stats are in the package.

The data is being reviewed by the RCMP on a regular basis so it was felt that it was not needed to be on the agenda each month.

5.D.3. Picnic Shelters:

The Engineers missed one of the shelters to be taken down as part of the project and the expected cost is \$1,364.00 plus HST to remove it.

It was moved by Councillor Brammer, seconded by Councillor Hryckiwiw that \$1,364.00 be allocated towards the removal of the shelter. All in favor 6, 1 non-voting. Motion Carried.

5.D.4. UPEI Engineering Project:

Deputy Mayor Lowther met with the engineering students from the School of Sustainable Design on October 26, 2021. The group is working on some solutions to the lighting issue and she will have more information by November 25, to bring to the Council for the next meeting.

6. Cavendish Sewer Utility:

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

The sewer utility recently met and decisions were made on some requests for servicing as well as to explore some new projects. Work is being completed with the engineers on this.

Engineers are working on run times and information on LS # 4.

Some outstanding customers are being sent letters for bills not being paid as per the utility policy for collections on outstanding bills.

7. Business Arising from Minutes:

7.A. Council Remuneration Member:

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that Richard Moore, Lloyd Adams and Bill Power be the Council Remuneration Committee. All in favor 6, 1 non-voting. Motion Carried.

7.B. Maritime Electric Charging Station:

Adam MacKenzie from Maritime Electric sent the paperwork on the charge station for the Visitor Centre. Council will review the information and bring back a recommendation to the next meeting.

8. New Business:

8.A. Municipal Electoral Officer and Deputy Municipal Electoral Officer:

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that the CAO will be the Municipal Electoral Officer and the Deputy Municipal Electoral Officer will be Heather Hay for the 2022 election. All in favor 6, 1 non-voting. Motion Carried.

8.B. CAO's Evaluation:

Deputy Mayor Lowther, Councillor Brammer and Councillor Robinson as well as Mayor Jelley as ex-officio will complete the CAO's evaluation and then meet with the CAO to go over her evaluation and the yearly process.

9. Concerns:

9.A. Councillors:

Break-Ins:

Councillor Robinson commented on some recent break-ins that happened at the Post Office as well as at one of the condo developments and he wondered about having cameras at the intersections.

It was decided that a note would be put into the municipal newsletter reminding people about break-ins this time of year.

Election Changes:

Deputy Mayor Lowther wanted to confirm from the last meeting that there were no changes for the Resort Municipality under the MGA changes with elections.

It was confirmed that there were no changes to the Resort Municipality under the amendments.

Remembrance Day:

Deputy Mayor Lowther thanked the CAO and Deputy CAO for their work on Remembrance Day. There were about 60 people in attendance and about 35 – 40 came back for the lunch. This will be planned as a yearly event for the Resort Municipality moving forward.

Canada Post:

Canada Post and Postal Codes was discussed. No response has been received to date on the matter.

Concert Site:

Councillor Hryckiw raised concerns over garbage around the concert site. The CAO will send an e-mail to Ben Murphy over the garbage.

Jim Brown left the meeting at 5:53 p.m.

9.B. Residents:

Darrell Doucette sent an e-mail regarding the garbage truck dumping garbage at 11:00 p.m. now.

Cavendish Country Inn has talked with the garbage hauler a few times now about their pick up time for garbage.

The CAO, Deputy CAO and Councillor Drost left the meeting for discussion on Human Resource Matters.

10. "In Camera" Matters:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning to go "*In Camera*" under section 119(1)(d) of the Municipal Government Act. All in favor 6, 1 non-voting. Motion Carried.

Human Resource Matters:


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

11. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 7:16 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO