

Minutes  
Resort Municipality Monthly Council Meeting  
December 13, 2021  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on December 13, 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: Vic Greenwood and Smita Prakash.

**1. CALL TO ORDER:**

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

**2. APPROVAL OF AGENDA:**

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

**3. APPROVAL OF MINUTES OF OCTOBER 18, 2021:**

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the minutes of October 18, 2021 be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**APPROVAL OF MONTHLY COUNCIL MEETING MINUTES NOVEMBER 15, 2021:**

It was moved by Councillor Hryckiwi, seconded by Councillor Drost that the minutes of November 15, 2021 be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**APPROVAL OF PUBLIC MEETING MINUTES DECEMBER 1, 2021:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that the public meeting minutes of December 1, 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 and Jeff Carmody.

**5. COMMITTEE REPORTS:**

**Building and Signage Permits:**

**Official Plan and Bylaw Review:**

The planner is working on the changes to the draft documents. The planner has advised that she has spent hundreds of additional hours on the plan and bylaw review to date.

Once she completes the changes from planning board, the draft documents will then be sent to the Council and then to the municipal legal counsel before going to the public.

If Council only wants minor changes made to the documents than that can be accommodated, but if there are major changes required then the budget will need to be looked at.

**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, a 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.

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.

Marco Polo Land Inc. – PID # 232298 (7406 Route 13) – an application was received to locate three yurts on the property. Awaiting stamped drawings and comments from the Department of Health and Wellness, and the Provincial Fire Marshal's office.

Marco Polo Land Inc. – PID # 232298 (7406 Route 13) – an application was received to change 11 sites from 2 way sites into 3 way sites. Awaiting stamped drawings and comments from the Department of Health and Wellness, Department of Environment and the Provincial Fire Marshal's office.

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 stamped drawings and comments from the Provincial Fire Marshal's office.

**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.

**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 – to subdivide 0.02 acres from PID # 999052 and consolidate it with PID # 999060 on Angus Campbell Lane.

Justin Clark – to subdivide Parcel B (0.01 acres) and Parcel C (0.01 acres) from PID # 999060 and consolidate it with PID # 999052 on Angus Campbell Lane.

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 requirements of the Provincial Fire Marshal's Office and meets the requirements of the *Building Codes Act*.

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 3) that a final survey plan be provided of the property.

Councillor Robinson joined the meeting.

**Development Permits:**

**Development Permit Application:**

Sea Cross Inc. – PID # 826107 (60 Reid Road) – an application was received to construct an addition onto the existing house of 13' 6 ½" X 12' 2 ½" and to change the unit into a rental cottage. It was moved by Councillor Clark Dunning, Deputy Mayor Lowther that the Council approve in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's Office, 2) meets the requirements of Quality Tourism Services and 3) information to be provided by the owner on connection to the municipal sewer or that the existing septic system has capacity for the addition and 4) meets all requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

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

**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.

**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 Brammer 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.

**Approval of Second Reading Official Plan Amendment:**

It was moved by Councillor Hryckiw, seconded by Councillor Drost that the second reading of the official plan amendment be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Adoption of Official Plan Amendment:**

It was moved by Councillor Hryckiw, seconded by Councillor Clark Dunning that the official plan amendment be adopted as presented. All in favor 5, 1 non-voting, 1 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 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 Drost 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 Second Reading Rezoning Amendment:**

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

**Adoption of Rezoning Amendment:**

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

**Subdivision Permit:**

Abby Lane PEI Inc. – a new application was received to subdivide Property # 496844 (397 Simpson Mill Road) into two lots.

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council approve in principle subject to: 1) meets the requirements of the Department of Transportation and Infrastructure, 2) the deck on the pool shall be moved to meet the side yard setbacks between the two lots and 3) a final survey plan to be completed. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Deputy Mayor Lowther returned to the meeting.

**Rezoning Application:**

Judy and Darcy Gallant – an application was received for an official plan and bylaw amendment for PID #'s 642074 and 1137355 to rezone the property from RR (Rural) to R1 (Residential).

**Official Plan / Rezoning Amendments:**

Judy and Wayne (Darcy) Gallant (Cavendish Road) PID # 642074 (Cavendish Road):

**Official Plan Amendment Resolution:**

**Whereas** an application was received from Judy and Wayne (Darcy) Gallant to amend the Resort Municipality Official Plan General Land Use Map to change the designation of a 14 acre portion of PID # 642074 from Rural and Open Space to Residential;

**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 21-6, to amend the 2017 Official Plan General Land Use Map be hereby approved.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council amend the Official Plan General Land Use Map to change the designation of a 14 acre portion of Provincial Parcel # 642074 from Rural and Open Space to Residential use. All in favor 6, 1 non-voting. Motion Carried.

**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 6, 1 non-voting. Motion Carried.

**Zoning Amendment – Judy and Wayne (Darcy) Gallant - (Cavendish Road) – PID # 642074:**

**Whereas** an application was received from Judy and Wayne (Darcy) Gallant for Cavendish Road, PID # 642074 for a zoning amendment from the Rural (RR) Zone to R1 (Residential) Zone under the Resort Municipality, 2017 Zoning and Subdivision Control (Development) Bylaw to change a 14 acre portion of land on the zoning map from (RR) Rural Zone to (R1) Residential Zone;

**And whereas** zoning bylaw amendment 21-7, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

**Be it resolved** that zoning bylaw amendment 21-7, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council approve a bylaw amendment to amend the Zoning map to show a 14 acre portion of Property # 642074 from the current Rural (RR) Zone to R1 (Residential) Zone be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

**Approval of First Reading Zoning Amendment:**

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the first reading of the zoning amendment be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

**Official Plan Amendment Resolution:**

**Whereas** an application was received from Judy and Wayne (Darcy) Gallant to amend the Resort Municipality Official Plan General Land Use Map to change the designation of a .5 acre portion of PID # 1137355 from Rural and Open Space to Residential;

**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 21-8, to amend the 2017 Official Plan General Land Use Map be hereby approved.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council amend the Official Plan General Land Use Map to change the designation of a .5 acre portion of Provincial Parcel # 1137355 from Rural and Open Space to Residential use. All in favor 6, 1 non-voting. Motion Carried.

**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 6, 1 non-voting. Motion Carried.

**Zoning Amendment – Estate of Brian Stevenson (Cavendish Road) – PID # 1137355:**

**Whereas** an application was received from Judy and Wayne (Darcy) Gallant for Cavendish Road, PID # 1137355 for a zoning amendment from the Rural (RR) Zone to R1 (Residential) Zone under the Resort Municipality, 2017 Zoning and Subdivision Control (Development) Bylaw to change a 14 acre portion of land on the zoning map from (RR) Rural Zone to (R1) Residential Zone;

**And whereas** zoning bylaw amendment 21-9, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

**Be it resolved that** zoning bylaw amendment 21-9, 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 Council approve a bylaw amendment to amend the Zoning map to show a .5 acre portion of Property # 1137355 from the current Rural (RR) Zone to R1 (Residential) Zone be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

**Approval of First Reading Zoning Amendment:**

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the first reading of the Zoning amendment be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

**Walkway:**

MacCoubrey Lane project was completed and there are some deficiencies on lighting on MacCoubrey Lane as well as Cawnpore Lane. Stanley Bridge Trail Project is being worked on with the Province of PEI.

**Other:**

Smita Prakish from the Graham Inn joined the planning board meeting and gave a brief introduction about herself and her plans for the property.

**Official Plan and Land Use Bylaw:**

The CAO will send the latest draft Official Plan and Land Use Bylaw to the Council once it is received from the Consultant. The Council will review the draft document at the next Council Meeting.

**5.B. Monthly Finances:**

Councillor Brammer presented the monthly Finances November 30, 2021. The revenues were \$396,698.76 and the expenses were \$366,118.24. It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the monthly finances for November 30, 2021 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

**Budget Schedule:**

A budget schedule for 2022 / 2023 was presented to the Council.  
A meeting will be scheduled with the auditor by January 31, 2022.

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

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

A meeting was scheduled for December 16, 2021 to meet with the Emergency Services Co-Chairs to go over the documents and a draft will be presented to the Council for the January meeting.

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

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

Project has been completed and there may be some adjustments needed based on rain and weather. Lighting issues are still being worked on by the contractor.

**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 completed. Landscaping will need to be looked at in the spring. There are some issues with lighting that need to be fixed as part of the contract.

**5.D.2. Picnic Shelters:**

Work has been started on the project. The project is scheduled to be completed by December 31, 2021.

**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. The engineers are working on run times and information on LS # 4.

Some customers with outstanding bills are being sent letters and a follow up will now be completed by the legal counsel as some parties have not responded to the initial letter.

**7. Business Arising from Minutes:**

**7.A. Council Remuneration Member:**

The three board members have met with the Mayor and Deputy Mayor as well as the Council Members who took part in the meeting.

A recommendation will be provided from the Council Remuneration Committee to the Council on the honorariums for the 2022 / 2023 budget.

**7.B. UPEI Engineering Project – Grahams Lane:**

Deputy Mayor Lowther provided an update from the School of Sustainable Design and a copy of the proposed report was in the meeting package.

**7.C. Maritime Electric Charging Station:**

Maritime Electric is working on finalizing the details with all parties to set up at the Visitor Centre and hopes to start the project on December 13, 2021 for the installation of the station.

City of Charlottetown provided some details on their costs and monies collected.

There were some concerns with Parks Canada as they wanted to add additional fees for a licensing agreement. The Mayor reached out to the Superintendent of Parks Canada as well as Federal MP's and there was an agreement that the fee would be waived.

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that \$3.00 / hour be charged for charging at the station. All in favor 6, 1 non-voting. Motion Carried.

Council also discussed reviewing fees for the station after the season to determine usage and costs.

**7.D. Queen's Jubilee Funding:**

Funding is available of the Queen's Jubilee Funding.

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that up to \$2,500.00 be allocated towards funding an event for the Queen's Jubilee for the Remembrance Day Service. All in favor 6, 1 non-voting. Motion Carried.

**8. New Business:**

**8.A. Legion Royal Command:**

The Twentieth Anniversary Edition of the book is coming out.

It was moved by Councillor Brammer, seconded by Councillor Drost that \$250.00 be allocated for an ad in the booklet. All in favor 6, 1 non-voting. Motion Carried.

**8.B. Traffic Logix Corporation:**

It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that \$920.00 including tax be paid to Traffic Logix for the yearly monitoring costs of the speed signs. All in favor 6, 1 non-voting. Motion Carried.

**8.C. Clim Atlantic:**

A session is being held to bring together climate change practitioners from throughout Atlantic Canada on January 12, 2022 from 10:00 – 12:00 if anyone would like to attend the session, please register.

**9. Concerns:**

**9.A. Councillors:**

Deepest Sympathy – Councillor Drost advised that Michelle Burge our accountant recently lost her mother. A sympathy card will be sent to her.

**9.B. Residents:**

Donnie Maund – Donated a Founding Families History book to the community. A thank you card will be sent to him by the municipality.

The CAO and Deputy CAO left the meeting.

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

**10. "In Camera" Matters:**

**10.A. CAO's Evaluation:**

**10.B. Staff Bonus:**

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi to come out of "*in camera*" under section 119(2)(e) of the Municipal Government Act. All in favor 6, 1 non-voting. Motion Carried.



**10. "In Camera" Matters:**

**10.A. CAO's Evaluation:**

The Human Resource Committee will meet with the CAO on December 17, 2021 at 11:00 a.m.

**10.B. Staff Bonus:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiw that the CAO receive a bonus of \$800.00, the Deputy CAO receive a bonus of \$350.00 and the maintenance staff receive a bonus of \$100.00 in gift cards. All in favor 6, 1 non-voting. Motion Carried.


**Heath Care Reimbursement:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the Council adopt the recommendation of the Human Resources Committee to create a Healthcare Reimbursement Fund to benefit Brenda MacDonald retroactive to September 1<sup>st</sup>, 2021, and until at least March 31, 2022. The fund, upon presentation of a list of receipts will reimburse up to \$1000 per month for healthcare and associated expenses. All in favor 6, 1 non-voting. Motion Carried.

**11. ADJOURNMENT:**

Mayor Jelley adjourned the meeting at 7:02 p.m.

  
\_\_\_\_\_  
Mayor, Matthew Jelley

  
\_\_\_\_\_  
Brenda MacDonald, CAO