

Minutes
Resort Municipality Monthly Council Meeting
February 28, 2022
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on February 28, 2022 at the Resort Municipality Office and electronically with Zoom.

PRESENT: Zoom: Mayor Matthew Jelley, Councillor George Clark Dunning, Councillor Kay Hryckiw, Councillor Bill Drost and Councillor Chris Robinson. CAO - Brenda MacDonald and Deputy CAO Heather Hay.

ABSENT: Deputy Mayor Lowther joined the meeting at 5:34 p.m., Councillor Lee Brammer.

VISITORS: Zoom: Vic Greenwood, Stig Andersen, Sandy MacKay and Peter Fullerton joined at 5:19 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 Drost, seconded by Councillor Robinson that the agenda be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES JANUARY 17, 2022:

It was moved by Councillor Hryckiw, seconded by Councillor Drost that the Monthly Council Meeting Minutes of January 17, 2022 be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF SPECIAL COUNCIL MEETING MINUTES JANUARY 24, 2022:

It was moved by Councillor Hryckiw, seconded by Councillor Drost that the Special Council Meeting Minutes of January 24, 2022 be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF SPECIAL COUNCIL MEETING MINUTES FEBRUARY 3, 2022:

It was moved by Councillor Drost, seconded by Councillor Hryckiw that the Special Council Meeting Minutes of February 3, 2022 be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF SPECIAL COUNCIL MEETING MINUTES FEBRUARY 4, 2022:

It was moved by Councillor Drost, seconded by Councillor Hryckiw that the Special Council Meeting Minutes of February 4, 2022 be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

Mayor Jelley declared a conflict of interest under CBMF applications for Sandspit Entertainment Ltd..

5. COMMITTEE REPORTS:

Building and Signage Permits:

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.

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.

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*.

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". Awaiting a decision on the sewer and confirmation on the existing septic system having capacity or connection to the municipal sewer.

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 into 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:

Gary and Linda Lowther – PID # 1144179 (Cavendish Road) – a preliminary application was received to subdivide the property into lots. Awaiting comments from the Department of Transportation on Access, the Department of Environment, that the lots meet the province wide minimum standards and that a survey plan be completed for the property of the subdivision layout.

Alex Gallant – to subdivide 0.04 acres from PID # 999052 and consolidate it with PID # 999060 on Angus Campbell Lane. Awaiting final survey plan to show that it meets all requirements of the Zoning and Subdivision Control (Development) Bylaw and the lot consolidation deed.

C & G Properties – to subdivide 0.02 Acres from PID # 999060 and consolidate it with PID # 999052. Awaiting final survey plan to show that it meets all requirements of the Zoning and Subdivision Control (Development) Bylaw, change of ownership as the property is in the process of being sold and lot consolidation deed.

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.

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 on the access and a new plan from the owner.

Andrew Wigston – (PID #'s 778100 and 806976 - an application was received to subdivide the properties into three lots from the existing properties to have two single family lots and one hobby farm lot. Awaiting clarification from the owner on the lot measurements of the property.

West Highland Contractors Ltd. – (PID # 694976 - 9095 Cavendish Road) – an application was received for a temporary / transient use permit for a concert at the site from 11:00 a.m. – 11:00 p.m. on August 19 – 20, 2022. Awaiting more details from the owner on the plan for the site as well as comments from the Department of Health and Wellness, Provincial Fire Marshal's Office and the Liquor Control Commission.

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, stamped drawings to be provided, a comprehensive site plan to be provided with the pool structure building shown on it and meets the requirements of the *Building Codes Act*.

Anne's Windy Poplars - PID # 232215 (7195 Route 13) – an application was received to change the use of the property into a vacant land condominium. Awaiting information from the Department of Transportation, Infrastructure and Energy, Provincial Fire Marshal's office, Department of Environment, a comprehensive site plan to be provided, meets all requirements of the *Building Codes Act*, that a performance bond be posted and that a development agreement be entered into.

Subdivision Permits:

Kevin MacNeill – (PID # 410985 - Route 13) – an application was received to subdivide the property into two lots. It was moved by Councillor Clark Dunning, seconded by Council Hryckiwi that Council approve the application in principle subject to: 1) that the perc test be completed on the property and 2) meets the requirements of the Department of Transportation, Infrastructure and Energy. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Development Permits:

Alexander and Darlene MacKay – (9946 Cavendish Road) – an application was received to construct a page wire fence on the property of 733' L X 52'H. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval be granted in principle subject to: 1) that the fence be located on the site in accordance with the attached site plan and 2) meets the requirements of the Building Codes Act. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Sea Cross Inc. – (PID # 232033 – 8779 Cavendish Road) – an application was received to change the use of the existing building of 39' X 25'.5" into a restaurant / lounge. It was moved by Councillor Clark Dunning, seconded by Councillor Drost that approval be granted in principle 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) meets the requirements of the Liquor Control Commission and 4) that a letter be provided for the type of license and hours that is being requested for the restaurant / lounge. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Dale Gallant – (PID # 729087 (Lot 2) – an application was received to have a special permit for lots 1, 5, 9, 25, 26 and 27 for duplex units and multi-family units. Council tabled the application based on the information required for the subdivision application as each lot needs to be specified as to the type of development that is being proposed on it for the lot size category.

Temporary / Transient Use Application:

CBMF - (PID # 1037423 – 8779 Cavendish Road) – an application was received for a temporary / transient use permit to have a concert on the property from July 6 – 9, 2022. 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 Provincial Fire Marshal's Office, 2) meets the requirements of the Department of Health, 3) meets the requirements of the Liquor Control Commission, 4) that proof of insurance be provided with the Resort Municipality named as additional insured, 5) that a performance bond be paid, 6) that a development agreement be entered into and 7) that security be provided. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Cavendish Tourist Mart Inc. – (PID # 233130 – 8934 Cavendish Road) – an application was received to have a temporary / transient use permit for parking on the property from July 6 – 9, 2022 for the Cavendish Beach Music Festival. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) that proof of insurance be provided with the Resort Municipality named as additional insured, 2) that a performance bond be posted, 3) that a development agreement be entered into, 4) that lighting be provided and 5) that security be provided. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Sea Cross Inc. – (PID # 232033 – 8779 Cavendish Road) – an application was received to have a temporary / transient use permit for parking on the property from July 6 – 9, 2022 for the Cavendish Beach Music Festival. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) that proof of insurance be provided with the Resort Municipality named as additional insured, 2) that a performance bond be paid, 3) that a development agreement be entered into, 4) that lighting be provided and 5) that security be provided. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Raspberry Point Oyster Co. Inc. - (PID # 232041 – Cavendish Road) – an application was received to have a temporary / transient use permit for parking on the property from July 6 – 9, 2022 for the Cavendish Beach Music Festival. It was moved by Councillor Clark Dunning, seconded by Robinson that Council approve the application in principle subject to: 1) that proof of insurance be provided with the Resort Municipality named as additional insured, 2) that a performance bond be posted, 3) that a development agreement be entered into, 4) that lighting be provided and 5) that security be provided. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Mayor Jelley left the meeting due to a conflict of interest and turned the Chair to Councillor Hryckiwi.

Sandspit Entertainment Ltd. – (PID # 233197 – 8986 Cavendish Road) – an application was received to have a temporary / transient use permit for overflow parking on the property from July 6 – 9, 2022 for the Cavendish Beach Music Festival. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council grant approval in principle subject to: 1) that proof of insurance be provided with the Resort Municipality named as additional insured, 2) that a performance bond be paid, 3) that a development agreement be entered into, 4) that lighting be provided and 5) that security be provided. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Mayor Jelley returned to the meeting.

Change of Use Permit:

CG Properties Inc. (Nicole Kearns) – PID # 999060 - (338 Angus Campbell Lane) – an application was received to change the use of the existing summer cottage into a rental cottage. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council grant approval in principle subject to: 1)

meets the requirements of the Department of Tourism and 2) meets the requirements of the Provincial Fire Marshal's office. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Rezoning:

Alexander and Darlene MacKay – PID #'s 706150 & 706127 (9946 Cavendish Road) – an application was received to rezone the properties from C1 (General Commercial) to RD4 (Resort Commercial). It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council proceed to a public meeting to gather input from adjacent landowners on the development. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Permits Issued by the CAO:

Garth and Patricia Adams – PID # 762294 – (37 Stanley Road) – an application was received to construct a two storey addition of 34'6" X 25'6" onto the existing cottage as well as a deck of 16' X 45' X 40' X 16.

Other:

Councillor Clark Dunning advised that planning board that if there are any general inquiries on information not related directly to planning board's role in reviewing development permits, then the information should be sent to the Council as a resident's concern at the Council meeting.

Comments on the music festival were made and the fact that with there being new staff this year that they are being proactive and getting the applications in early.

Mayor Jelley advised that there are a couple of planning matters that will be addressed at the end of the meeting "In Camera".

Official Plan and Bylaw:

The latest drafts of the Official Plan and Bylaw have been sent to the municipal legal counsel for review. Once the documents are received back and any changes are addressed it will then go to a public meeting for review.

5.B. Monthly Finances:

Councillor Hrycki presented the monthly Finances for January 31, 2022. The revenues were \$451,139.98 and the expenses were \$435,730.97. It was moved by Councillor Hrycki, seconded by Councillor Clark Dunning that the monthly finances for January 31, 2022 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried. Motion Carried.

5.B.1. 2022 / 2023 Budget Meeting:

Mayor Jelley advised that the Budget Meeting will be held on March 7, 2022 at 6:30 p.m. at the North Rustico Lion's Club to gather input from property owners.

5.B.2. Snow Removal – Charging Station:

It was moved by Councillor Hrycki, seconded by Councillor Drost that an additional \$500.00 be allocated towards the costs of snow removal around the charging station. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Deputy Mayor Lowther joined the meeting at 5:34 p.m..

5.B.3. Cawnpore Lane Project:

We are waiting for clarification from the Province on the invoice amount.

5.C. Emergency Services Committee:

5.C.1. Emergency Plan:

The Emergency Measures plan is under review with the EMO office along with the Bylaw.

5.D. Trails and Paths Committee:

5.D.1 Picnic Shelters:

Picnic Shelters are complete. There is an issue near the edges where the corners join and the engineer is looking at that. Any deficiencies with the ground will be completed in the spring.

5.D.2. Bayview Bridge Replacement:

Mayor Jelley confirmed that he has been dealing with Neill Lawless with the Province and they have worked with both the municipality and the sewer utility to address any issues or concerns.

Worked is expected to start later this fall. A temporary bridge will be in place during construction and the Province has talked with business owners in this area to ensure there are no major impacts.

5.D.3. UPEI Project:

Deputy Mayor Lowther updated the Council on the project work to date by UPEI and that they will be having a session in the spring to update again on the project at UPEI. The project is expected to use the same low level lighting and have new brackets and screws to support the lights.

5.D.4. UPEI Project – New Submission:

The Council is asked to come up with any suggestions for new submissions to UPEI for a project consideration in the fall. Council members to advise the CAO of any proposals that they come up with.

5.D.5. Gateway Signage:

Mayor Jelley and Deputy Mayor Lowther met with Darcy Butler from Tourism Cavendish Beach to go over doing new structures for gateway signage and for the Visitor Information Centre Corner. Funds could be used from CCBF (Former Gas Tax Funds). This would allow the area to form a sense of place. The project is expected to be around \$200,000.00.

The municipality would look at putting new signs at the gateways of the community and smaller information signs for each community.

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that the municipality proceed to apply for funding for the Gateway project.

6. Cavendish Sewer Utility:

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

The sewer utility is waiting for the updates on the engineering for LS # 4 as well as costs for a possible extension on Route 6 to service the proposed new subdivisions.

We are still dealing with some outstanding customers for delinquent accounts.

7. Business Arising from Minutes:

7.A. Literary Tour Panels:

Mayor Jelley is to follow up on the panels with Harvey Sawler as he was unable to prior to the Council meeting.

7.B. Municipal Office Lease:

The municipal office lease has been signed for a five year duration.

8. New Business:

Election – Mail in ballots:

The Council agreed not to proceed with mail in ballots at this time for the 2022 election.

8.B. Canadian Congress – Black History Month:

The CAO and Deputy CAO attended the Zoom session. It was very informative and discussed simply things that happen in comments, rhymes and various forms that can be changed to allow everyone to feel included.

8.C. FPEIM Budge Submission:

The FPEIM Budget submission that was sent to the Province from FPEIM was circulated to municipalities.

9. Concerns:

9.A. Councillors:

Six streetlights were out in the North Rustico area and Maritime Electric was contacted to replace them.

9.B. Residents:

Avonlea Village – Private Roads:

No residents' concerns were raised.

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

10. "In Camera" Matters:

Roger Birt Inc. – (PID # 723874 – 138 Eagles Glenn Blvd.) – an application was received to subdivide the property into 48 lots.

Dale Gallant – (PID # 729087 (Lot 2) Cavendish Road – an application was received to subdivide the property into 33 lots.

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

Roger Birt Inc. (PID # 723874 – 138 Eagles Glenn Blvd.) – an application was received to subdivide the property into 48 lots.

Council tabled the application as it was incomplete and recommended that additional information is required including: 1) that the zoning of the property under the current Zoning and Subdivision Control (Development) Bylaw does not allow for single family dwellings on lots 21-3 to 21-18, 2) a decision to be made by the developer on what each of the lots will have located on it with the duplex, single family, multi-family uses, to ensure that the lot size meets the province-wide minimum standards, 3) that the perc test be completed on the property to determine what the lot sizes need to be based on the uses proposed, 4) based on the current Zoning and Subdivision Control (Development) Bylaw that the Development needs to be serviced with a public Road, 5) this is a major development and will require an environmental impact statement and storm water management plan prepared for the proposed development to bring to a public meeting and 6) there is no parkland dedication for a large subdivision in the core area, a decision to be made by the Council on whether there is just a fee accepted for parkland dedication or actual land to be allocated based on the size of the development.

Dale Gallant – (PID # 729087 (Lot 2) - Cavendish Road) – an application was received to subdivide the property into 33 lots. Council tabled the application as it was incomplete and the following information is required including: 1) a decision to be made by the developer on what each of the lots will have located on it with the duplex, single family, multi-family uses, to ensure that the lot size meets the province-wide minimum standards, 2) based on the current Zoning and Subdivision Control (Development) Bylaw that the Development

needs to be serviced with a public road and 3) that this is a major development and will require an environmental impact statement and storm water management plan prepared for the proposed development to bring to a public meeting. Application was tabled and a list of requirements will be sent to the owner and a meeting will be held with the owner to ensure that he understands the process going forward with the development and a public meeting.

Mayor Jelley and the CAO will meet with Stephen Birt and Dale Gallant on their proposals and to discuss the requirements for the information to move forward.

11. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 7:58 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO