

Minutes
Resort Municipality Monthly Council Meeting
March 21, 2022
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on March 21, 2022 at the North Rustico Lion's Club.

PRESENT: Deputy Mayor Lowther, Councillor George Clark Dunning, Councillor Kay Hryckiwi and Councillor Chris Robinson. CAO - Brenda MacDonald and Deputy CAO Heather Hay.

ABSENT: Mayor Matthew Jelley, Councillor Bill Drost and Councillor Lee Brammer.

VISITORS: Sandy and Darlene MacKay, Stig Andersen and Jim Brown.

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

It was moved by Councillor Robinson, seconded by Councillor Clark Dunning that the agenda be adopted as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES FEBRUARY 28, 2022:

It was moved by Councillor Hryckiwi, seconded by Councillor Robinson that the Monthly Council Meeting Minutes of February 28, 2022 be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

APPROVAL OF PUBLIC MEETING MINUTES MARCH 7, 2022:

It was moved by Councillor Hryckiwi, seconded by Councillor Robinson that the Public Meeting Minutes of March 7, 2022 be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

Deputy Mayor Lowther declared a conflict of interest under planning board applications for Fairways Cottages Inc.

Councillor Kay Hryckiwi declared a conflict of interest under planning board applications for KOA Campground.

5. COMMITTEE REPORTS:

Building and Signage Permits:

Follow Up Permits:

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 for 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.

Subdivision Application:

Gary and Linda Lowther – PID # 1144179 (Cavendish Road) – an application and a preliminary plan was received to subdivide the property into lots. Awaiting comments from the Department of Transportation, 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.

Dale Gallant – PID # 729087 (Cavendish Road) – an application and preliminary plan was received to subdivide the property into lots. Awaiting comments from the Department of Transportation, meets the requirements of the Department of Environment, that the lots meet the province-wide minimum standards, that a final survey plan be completed, that an Environmental Impact Statement be completed. The development is a major development with special permit uses listed for the development and will require a public meeting to go over the project once the necessary information has been submitted.

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 copy of the lot consolidation deed and the survey plan of the property.

Nancy Kearns – an application was received to subdivide 0.02 Acres from PID # 999060 and consolidate it with PID # 999052. Awaiting a copy of the lot consolidation deed and the survey plan of the property.

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

Abby Lane PEI Inc. – an application and preliminary plan was received to subdivide Property # 496844 (397 Simpson Mill Road) into two lots. Awaiting information from the Department of Transportation on access, meets all setback requirements for buildings to the property lines and that a survey plan be completed.

Andrew Wigston – (PID #'s 778100 and 806976 - an application and preliminary plan 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 property boundaries, the original farm parcel acreage and boundaries based on the previous survey plan that was approved for the property as well as the zoning of the property for the new proposed boundaries. This may require a rezoning of the lands proposed to be changed.

Roger Birt Inc. – (PID # 723874 – 138 Eagles Glenn Blvd.) – an application and preliminary plan was received to subdivide the Property into 48 lots. Awaiting information from the Department of Transportation on access, that the perc tests be completed for the property, that an Environment Impact Statement be completed. The development is a major development with special permit uses listed for the development and will require a public meeting to go over the project once the necessary information has been submitted.

Kevin MacNeill – (PID # 410985 - Route 13) – an application was received to subdivide the property into two lots. Awaiting comments from the Department of Transportation on access, a perc test to be completed on the property and a final survey plan to be completed.

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. Awaiting comments from the Department of Health and Wellness, Provincial Fire Marshal's Office and approval from the Liquor Control Commission.

Temporary / Transient Use Permit:

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. Awaiting comments from the Provincial Fire Marshal's Office, the Department of Health and wellness, the Liquor Control Commission, that proof of insurance be provided with the Resort Municipality named as additional insured, that a performance bond be paid and that a development agreement be entered into.

Cavendish Tourist Mart Inc. – (PID # 233130 – 8934 Cavendish Road) – an application was received to have a temporary / transient use permit on the property from July 6 – 9, 2022 for the Cavendish Beach Music Festival. Awaiting proof of insurance to be provided with the Resort Municipality named as additional insured, that a performance bond be posted, that a development agreement be entered into, and that lighting and security be provided.

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. Awaiting proof of insurance to be provided with the Resort Municipality named as additional insured, that a performance bond be posted, that a development agreement be entered into, and that lighting and security be provided.

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. Awaiting proof of insurance to be provided with the Resort Municipality named as additional insured, that a performance bond be posted, that a development agreement be entered into, and that lighting and security be provided.

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. Awaiting proof of insurance to be provided with the Resort Municipality named as additional insured, that a performance bond be paid, that a development agreement be entered into, that lighting and security be provided.

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 detailed information from the owner on the site layout, the Provincial Fire Marshal's Office and the Department of Health and Wellness.

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. Awaiting the final survey plan

and lot consolidation deed as well as approval from the Provincial Fire Marshal's Office and the Department of Tourism.

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.

Rezoning:

Alexander and Darlene MacKay - PID #'s 706150 & 706127 (9946 Cavendish Road) – a public meeting will be held following the Council Meeting.

Deputy Mayor Lowther left the meeting due to a conflict of interest and turned the Chair to Councillor Hryckiw.

Development Permits:

Fairways Cottages – PID # 232348 (7420 Route 13) – an application was received to construct an accessory building of 20' X 10' on the property. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve the application in principle subject to: 1) the building being located on the site in accordance with the site plan, 2) that the building is used for storage only and 3) meets the requirements of the *Building Codes Act*. All in favor 2, 1 non-voting, 4 absent. Motion Carried.

Fairways Cottages – PID # 232306 (7420 Route 13) – an application was received to demolish the existing laundromat of 22' X 14' on the property. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve the application in principle subject to: 1) any debris from the removal of the structure shall be tarped when being moved off of the site. All in favor 2, 1 non-voting, 4 absent. Motion Carried.

Deputy Mayor Lowther returned to the meeting and resumed her position as Chair.

Sharat and Smita Prakash – PID # (7910 Cavendish Road) – an application was received to add a new parking area 47'4" X 18', a new electrical room in the garage 6'9" X 3'8", building addition 6'10" X 7', new yoga pavilion of 20' X 20', two new three season cottages of 25' X 25' with a deck of 10'w X 39'6"l, new space allotted for new septic tile field 115' X 85', new sauna of 7' X 7', new door and deck on Inn, new stone fire pit and seating and a new pergola of 25' X 40'. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve the application in principle subject to: 1) meets the requirements of the Department of Environment, 2) meets the requirements of the Department of Health and Wellness, 3) meets the requirements of the Department of Tourism, 4) that the application for the Development Permit needs to be under the owner's name and signed by the owner, 5) that clarification be provided from the owner on the pergola and the use of it and 6) meets the requirements of the *Building Codes Act*. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Subdivision Application:

Richard and Sharon MacNeill – PID # 841049 (MacNeill Lane) – an application was received to subdivide one lot off of the main property and consolidate it with 830687 (Kent MacNeill). The application was tabled as it was incomplete as no preliminary drawing was provided of the subdivision.

Richard and Sharon MacNeill – PID # 841049 (36 MacNeill Lane) – an application was received to subdivide one lot off of the property for the rental cottage property to be separate from the farm property. The application was tabled as it was incomplete as no preliminary drawing was provided of the subdivision.

Official Plan and Bylaw Review:

Jane and Sue Chocolate – a letter was received asking for the property to be rezoned in the Official Plan and Bylaw Review to allow for an expansion of the property for commercial space. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council approve the change in zoning in principle subject to the completion of the Official Plan and Bylaw Review to allow the property to be changed to commercial zoning for the property. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Other:

Planning Board Member:

A new planning board member is required for the committee as Kyle Glover is no longer a property owner in the municipality. A request will be sent out in the newsletter and placed on the municipal website to fill the position.

Councillor Hryckiwi left the meeting due to a conflict of interest.

KOA Campground:

An application was received to add electrical and sewer services to sites 1 – 4. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve the application in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's Office, 2) meets the requirements of the Department of Environment and 3) meets the requirements of the Department of Tourism. All in favor 2, 1 non-voting, 4 absent. Motion Carried.

Councillor Hryckiwi returned to the meeting.

5.A.1. Sea Cross Inc. – Liquor License Request for La Rose Bistro:

A letter was received to have a dining room liquor license for La Rose Bistro from 11:00 a.m. – 9:00 p.m. daily at the site. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that a letter of support be sent for a dining room liquor license from 11:00 a.m. – 9:00 p.m. daily. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

5.A.2. Engineers and Architect's Drawings:

The municipal legal counsel was asked briefly about engineers and architects drawings for plans for property owners and she advised that if the drawings are sent by e-mail in .pdf version then they can be circulated to the Council only from the municipality office, but if we are only provided with a hard copy of the document then it must be viewed at the municipal office only and cannot be circulated.

Deputy Mayor Lowther read out comments from Councillor Drost who sent in his comments as he was unable to attend the meeting.

Deputy Mayor Lowther asked for the lawyer to provide a written rationale on the process for stamped drawings being provided to the office and distribution of the documents.

5.A.3. Parks Canada Management Plan:

A letter was in the meeting package from Parks Canada inviting the Council and property owners to participate in the Parks Canada Management Plan for Green Gables and engagement and public consultation in April 2022. If anyone from the Council would like to attend then they can let the CAO know.

Councillor Robinson questioned usage of Montgomery Park and if this would be something that would be looked at as part of the Parks Canada Management Plan.

Deputy Mayor Lowther advised that Montgomery Park is owned by the municipality and would not be part of the Parks Canada review, but if the municipality were to get approval for a summer student, then they could do a site survey during the summer.

Councillor Hryckiwiw presented the monthly finances since the Finance Chair was absent.

5.B. Monthly Finances:

Councillor Hryckiwiw presented the monthly Finances for February 28, 2022. The revenues were \$588,357.51 and the expenses were \$526,416.84. It was moved by Councillor Hryckiwiw, seconded by Councillor Clark Dunning that the monthly finances for February 28, 2022 be adopted as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried. Motion Carried.

5.B.1. 2022 / 2023 Budgets:

Councillor Hryckiwiw presented the yearly budget for the Resort Municipality for 2022 / 2023.

It was moved by Councillor Hryckiwiw, seconded by Councillor Clark Dunning that the total revenue for 2022 / 2023 of \$560,469.63 be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

It was moved by Councillor Hryckiwiw, seconded by Councillor Robinson that the total administration for 2022 / 2023 of \$349,300.00 be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

It was moved by Councillor Hryckiwiw, seconded by Councillor Robinson that the total expenditures for 2022 / 2023 of \$560,469.63 be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

It was moved by Councillor Hryckiwiw, seconded by Councillor Robinson that the balanced budget for 2022 / 2023 with the taxes to remain the same at \$.20/\$100.00 for non-commercial and \$.30 / \$100.00 for commercial be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Resort Municipality Capital Budget 2022 / 2023:

It was moved by Councillor Hryckiwiw, seconded by Councillor Robinson that the Capital Expenditures Budget for Capital Projects be approved for \$1,398,369.59.

Councillor Robinson asked about funding for a dog park and where that fits in within the budget.

Deputy Mayor Lowther advised that a location has to be found for a dog park and discussions held on what will be at the dog park, who maintains it, costs for maintaining it, etc. This will be discussed further as a project once more details have been completed.

The CAO advised that the Mayor had previously asked Councillor Robinson to come up with some potential locations and bring them back to the Council. Councillor Hryckiwiw agreed to work on the dog park project with Councillor Robinson.

All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Resort Municipality Reserves Account 2022 / 2023:

It was moved by Councillor Hryckiwiw, seconded by Councillor Robinson that the Reserves Account for 2022 / 2023 be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Cavendish Sewer Utility Budget:

It was moved by Councillor Hryckiwiw, seconded by Councillor Clark Dunning that the Revenue for the sewer utility at \$406,750.00 be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the Expenses for the sewer utility at \$406,750.00 for a balanced budget be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the sewer rates remain the same for 2022 / 2023 for the sewer utility. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Cavendish Sewer Utility Capital Budget:

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the Capital Budget at \$310,288.45 for revenue and expenses for a balanced budget be approved as presented. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Councillor Robinson asked about solar panels for the lift stations and if this is something that could be looked at. Deputy Mayor Lowther advised that the CAO can submit information through to UPEI asking them to look at this as a possible option for a project for the fall semester.

5.B.2 Budget Submissions:

Deputy Mayor Lowther thanked the public for their budget submissions.

Sandy MacKay – website work, forms and information to be updated by a student. The municipality has applied for a summer student and is waiting for funding approval to work on the website.

Stephanie Scharf – LED lights in old-fashioned streetlights. Review of the lumens on the lights will be completed as part of the next update on lighting as the lights were only recently changed over to LED lighting.

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. UPEI Project:

Deputy Mayor Lowther updated the Council on the project work to date by UPEI and that the group would be doing a presentation on April 5 or 7th and the Council could attend on zoom for the presentation if they like.

6. Cavendish Sewer Utility:

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

The sewer utility met on March 18, 2022.

The sewer utility passed the Sewer Operating Budget and the Sewer Capital Budget at the meeting.

The sewer utility approved proceeding forward with work on LS # 4 based on the Capital Budget.

The sewer utility approved changing the existing loans along with the one from Provincial Credit Union to the Bank of Montreal with a 5 year rate, 25 year amortization period with an annual payment.

The CMHC Sewer Loan will remain a separate loan until 2025.

7. Business Arising from Minutes:

7.A. Literary Tour Panels:

Mayor Jelley was not in attendance at the meeting so an update will be provided in April.

7.B. Canada Post Addresses:

Canada Post has followed up and has changed the addresses in the area so that everyone will now fall under the C0A 1N0 postal code.

8. New Business:

8A. Personnel Policy and Practice Policy:

The draft document is in the meeting package for review by the Council for the April meeting.

8.B. Code of Conduct Bylaw:

A draft Code of Conduct Bylaw is in the meeting package for review by the Council at the April meeting.

8.C. Service Standards:

A draft Service Standards document is in the meeting package for review by the Council at the April meeting.

8.D. Canada Game Volunteer Kit:

Canada Games is looking for volunteers. Information is in the meeting package for anyone interested in volunteering.

8.E. Jubilee Remembrance Day Ceremony:

Funding has been received for \$2,640.00 for a Jubilee Remembrance Day Ceremony. Deputy Mayor Lowther and Councillor Brammer will work on the event.

9. Concerns:

9.A. Councillors:

Councillor Robinson advised that earlier in the meeting there was some discussion on an off leash dog park.

Deputy Mayor Lowther advised Councillor Robinson to look at areas in the community that could be used for a park and all that could be located on the site. The Council can then see where it fits within existing funding programs and infrastructure funding. Councillor Hryckiwiw will work on the project with him.

9.B. Residents:

Sandy MacKay commented about the land taxes and the information on the budget. He advised that he only found out about it at the public meeting and wondered about having information about it on the website prior to the meeting.

Information is provided in the weekly updates to all property owners, is on the municipal website and can be found out from the municipal office during regular office hours.

Sandy MacKay raised concerns about the approval timelines for building permits from the Province of PEI as there are only two inspectors to approve permits for the whole Island.

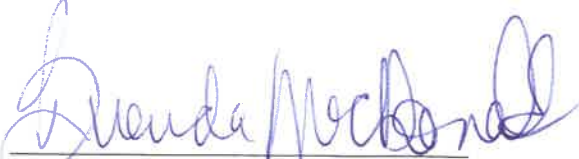
Deputy Mayor Lowther advised that both the Mayor and herself had met with the province on the issue of permits approvals with the National Building Code and raised concerns over having enough staff to complete approvals prior to the code being brought in.

10. ADJOURNMENT:

Deputy Mayor Lowther adjourned the meeting at 6:13 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO