

Minutes  
Resort Municipality Monthly Council Meeting  
July 18, 2022  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on July 18, 2022 at the Resort Municipality Office.

**PRESENT:** Mayor Matthew Jelley, Deputy Mayor Linda Lowther. Councillor George Clark Dunning, Councillor Kay Hryckiwi, Councillor Lee Brammer and Councillor Robinson. Zoom - Councillor Bill Drost. CAO - Brenda MacDonald and Deputy CAO Heather Hay.

**ABSENT:** Nil.

**VISITORS:** Sandy MacKay and Jim Brown. Zoom – Vic & Moe Greenwood, Sue Humby and Lloyd Adams. Jody MacLeod CBCL.

**1. CALL TO ORDER:**

Mayor Jelley called the meeting to order at 5:03 p.m.

**2. APPROVAL OF AGENDA:**

It was moved by Councillor Robinson, seconded by Deputy Mayor Lowther that Dog Park Public Meeting be added to the agenda under New Business - 8.F. All in favor 6, 1 non-voting. Motion Carried.

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the agenda be adopted as amended. All in favor 6, 1 non-voting. Motion Carried.

**3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES JUNE 20, 2022:**

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Monthly Council Meeting Minutes of June 20, 2022 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

**4. DECLARATION OF CONFLICTS OF INTEREST:**

Mayor Jelley declared a conflict of interest on an application for Action Attractions Ltd.

Mayor Jelley advised that if any conflicts arise with a board member during the meeting to ensure that they raise the conflict and leave the meeting.

**5. COMMITTEE REPORTS:**

**5.A.1. 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 from 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.

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 the Inn, new stone fire pit and seating and a new pergola of 25' X 40'. Awaiting comments from the Department of Environment on the septic.

Alexander and Darlene MacKay – PID # 706150 & 706127 (9946 Cavendish Road) – an application was received to have a petting farm on the property along with the construction of two structures, picnic tables and play items for the animals on the property. Awaiting comments from the Department of Health and Wellness, the Provincial Fire Marshal's Office, that confirmation be received on the lot consolidation of the property for the business, that a performance bond be posted, that a development agreement be entered into, meets the requirements of the *Building Codes Act*, meets the requirements of the Department of Agriculture and that the property be rezoned.

AMD PEI Growth Inc. - PID # 232413 (8572 Cavendish Road) – an application was received to add coffee service to the existing retail space and combine retail space 0 and 1 into one space. Awaiting comments from the Department of Health and Wellness, the Provincial Fire Marshal's office and the *Building Codes Act*.

**Subdivision Application:**

Dale Gallant – PID # 729087 (Cavendish Road) – an application and preliminary plan was received to subdivide the property into 33 lots. Awaiting comments from the Department of Transportation on the road and storm water plan, meets the requirements of the Department of Environment, that all the lots meet the province-wide minimum standards, that a final survey plan be completed, that an Environmental Impact Statement be completed with the storm water management plan and that a subdivision agreement be entered into.

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 also 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 with a storm

water management plan. The development is a major development with special permit uses 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.

Richard and Sharon MacNeill – PID # 841049 (MacNeill Lane) – an application was received to subdivide 1 lot off of the main property and consolidate it with PID # 830687 (Kent MacNeill). Application was tabled until the rezoning request proceeds forward and a survey plan is completed.

Richard and Sharon MacNeill – PID # 841049 (36 MacNeill Lane) – an application was received to subdivide 1 lot off of the property for the rental cottages. Application was tabled until the rezoning request proceeds forward and a survey plan is completed.

Gary & Linda Lowther and Others: - PID # 1144179 – (Cavendish Road) – Awaiting information on a lot consolidation deed to consolidate PID # 645515 with PID # 1144179, that a subdivision agreement be entered into, that a storm water management plan be completed, that the application and survey plan be reviewed by the municipal legal counsel, that the roads meet all requirements of the Department of Transportation, Infrastructure and Energy, meets the requirements of the Department of Environment and that a special permit use be applied for on the triplex lot by the developer for approval of the use requested with a public meeting to gather feedback from adjacent landowners.

**Major Development / Special Permit Use:**

Dale Gallant – PID # 729087 – a public meeting was held on April 25, 2022 at 7:00 p.m. to gather feedback from adjacent property owners on the proposed development. A decision to be made on the major development and special permit use based on the input received at the public meeting. Awaiting approval of the subdivision application and that a subdivision agreement be entered into with the developer.

**Temporary / Transient Use Permit:**

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 additional information from the owners of the campground, Provincial Fire Marshal's Office, Liquor Control Commission, Department of Health and wellness as well as proof of insurance.

**Development Permits:**

Montgomery Cavendish Cottages Inc. (Stuart Drummond) – PID # 232868 – Sunset Lane – an application was received to construct an accessory building of 8' X 10' on the property for storage only. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that Council denies the permit, as it is a request for an accessory building on a vacant lot with no main structure on the property and does not meet the requirements of the 2017 Zoning and Subdivision Control (Development) Bylaw. All in favor 6, 1 non-voting. Motion Carried.

EKMC Holdings Inc. – PID # 92908 – 155 Seawood Drive – 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 Deputy Mayor Lowther that the Council approve the application in principle 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.

Rachel & Luke Dockstader – PID # 899278 – 238 Forest Hills Laneway – 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 approve the application in principle 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.

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

**Demolition Permit:**

Action Attractions Ltd. – PID # 92635 – 9018 Cavendish Road – to demolish the existing pool, fence and deck and 5 structures on the property. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council recommend approval in principle subject to: 1) that the materials be tarped when hauled away from the site and 2) any debris that falls on the road shall be picked up by the developer. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley returned to the meeting

**Subdivision Application:**

Les Zielinski – PID # 1011675 – Cavendish Road – an application was received to subdivide 4, (5 acre lots) off of the main property. The information was incomplete as no perc tests were completed and based on the preliminary survey plan submitted, the owner cannot meet the lot size requirements for the four lots so more details and information are required in order for the application to proceed forward.

**Temporary / Transient Use Application:**

The Graham Inn – PID # 763755 – 7910 Cavendish Road – an application was received to have a tent on the property for a wedding on August 13, 2022 for 80 people and then a smaller brunch event on August 14, 2022. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther 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 Health and Wellness, 3) meets the requirements of the Liquor Control Commission and 4) that security be on site for the event. All in favor 6, 1 non-voting. Motion Carried.

Marco Polo Land – PID # 232298 – 7406 Route 13 – an application was received to have fireworks on the property on August 13, 2022 (Storm Date – August 14, 2022). It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that Council approve the application in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's Office, 2) that proof of insurance be provided and 3) that the New Glasgow Fire Department be on site. All in favor 6, 1 non-voting. Motion Carried.

Marco Polo Land – PID # 232298 – 7406 Route 13 – an application was received to have fireworks on the property on September 3, 2022 (Storm Date – September 4, 2022) It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council approve the application in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's Office, 2) that proof of insurance be provided and 3) that the New Glasgow Fire Department be on site. All in favor 6, 1 non-voting. Motion Carried.

**Liquor License Request:**

CFMPEI Inc- (Island Favorites) – 8989 Cavendish Road – to have a liquor license on the property. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council deny the Liquor License request as no permit was submitted for approval of the new space to the Provincial Fire Marshal's office, the Department of Health and Wellness or the Liquor Control Commission. All in favor 6, 1 non-voting. Motion Carried.

The owner will be advised of the development permit process.

**Official Plan and Bylaw Review:**

Additional feedback was sent to the municipal legal counsel for further review on the documents.

**Permits Issued by the CAO:**

Angela and Andrew McNabb – to construct an addition onto the existing deck of 2' X 29' and to add a hot tub of 86" X 86".

Steve Boodram – to locate solar panels on the roof of the existing house.

**Other:**

There was no other business.

**Liquor License Request:**

Cavendish Boardwok (9110 Cavendish Road) – a dining room liquor license request was sent through for approval from 11:30 a.m. – 8:30 p.m. daily. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that Council approve the request for a liquor license from 11:30 a.m. – 8:30 p.m. daily 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.

**5.A.1. CBMF After Action Meeting:**

It was decided by Council that a public meeting would be held on July 26, 2022 for the CBMF After Action meeting as well as a meeting on the dog park.

Councillor Robinson, Deputy Mayor Lowther and Councillor Hryckiwi had met to discuss the dog park and are in the process of preparing a presentation to bring to a public meeting.

Councillor Drost commented on the dog park being a great idea and that it could be more that the just public sector and could include dog grooming, dog sitting, day kennels, etc.

All options are on the table for the public meeting as it is preliminary stages only with no discussions on a location.

**Official Plan Amendment Resolution – PID # 841049:**

**Whereas** an application was received from Sharon MacNeill to amend the Resort Municipality General Land Use Map in the Official Plan 2017 to re-designate a 6.7-acre portion of this parcel from the current Rural & 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 22-5, 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 6.7-acre portion of PID # 841049 from Rural and Open Space to Residential. All in favor 6, 1 non-voting. Motion Carried.

**Approval of Second Reading Official Plan Amendment - PID # 841049:**

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the second reading of the official plan amendment be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

**Adoption of Official Plan Amendment – PID # 841049:**

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Official Plan Amendment be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

**Zoning Amendment – Sharon MacNeill (36 MacNeill Lane) – PID # 841049:**

**Whereas** an application was received from Sharon MacNeill (MacNeill Lane) – to amend the Zoning Map of the Zoning and Subdivision Control (Development) Bylaw 2017 to rezone a 6.7-acre portion of this parcel from the current RR (Rural) to R1 (Residential) Zone.

**And whereas** zoning bylaw amendment 22-6, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

**Be it resolved** that zoning bylaw amendment 22-6, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Council approve a bylaw amendment to amend the Zoning map to show a 6.7-acre portion of PID # 841049 from the current RR (Rural) to R1 (Residential) Zone be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

**Approval of Second Reading Rezoning Amendment – PID # 841049:**

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the second reading of the rezoning amendment be approved as presented. All in favor 6, 1 non-voting, 1 absent. Motion Carried.

**Adoption of Rezoning Amendment – PID # 841049:**

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the rezoning amendment be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

**Jeremy Johnston Property – Seawood Estates:**

It was moved by Councillor Robinson, seconded by Councillor Hryckiwi that the Council grant an additional 90 days to the property owner to complete the work to remove everything from the property as the development permit is not going forward. All in favor 6, 1 non-voting. Motion Carried.

**5.B. Monthly Finances:**

Councillor Brammer presented the monthly Finances for June 30, 2022. The revenues were \$165,671.42 and the expenses were \$172,346.53. It was moved by Councillor Brammer, seconded by Councillor Robinson that the monthly finances for June 30, 2022 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

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

Councillor Robinson commented on a draft agreement with the fire departments that is being looked at. A meeting will be held with each of the three fire departments to get comments from them on services and working on an agreement going forward.

The fire departments will be asked about details on the shared services agreement finalized as the current agreement is not signed by the departments. The municipality has to be accountable to the taxpayers and needs a more defined agreement that specifies costs and what is being provided for those costs.

**5.C.1 Emergency Shelters / Generator:**

The municipality will continue to follow up with the EMO Office to see if there has been any progress on working to push government and assist the municipality with being able to have a generator at the municipal office building.

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

**5.D.1. Deficiencies Route 6 and Cawnpore Lane:**

Lighting was fixed on MacCoubrey Lane.  
Streetlight brackets were turned around.

**5.D.2. Pricing Brackets – Solar Lighting Grahams Lane:**

Pricing was provided by Atlantic Systems Manufacturing.  
Belmont Metal has not yet provided any quote.

This agenda item was tabled for the present time based on costs for the brackets.

CAO advised that the company would also like to see the template as they felt that there may be some duplication with the bracket parts.

**5.D.3. Active Transportation Trail:**

Route 6 East trail is to be completed in the fall and the tender should be going out within the next month by the Department of Transportation. Funding for \$75,000.00 was approved.

Route 6 West to Stanley Bridge was denied.

**Lawn Mower:**

CAO advised Council of some issues with the deck on the tractor lawn mower.

Mayor Jelley will meet with maintenance staff to discuss the drive on and what the next steps might be.

**6. Cavendish Sewer Utility:**

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

Awaiting information from Paul Crant's Manager at the Bank of Montreal on the sewer loans as no further information had been provided by Paul.

A meeting was held with the engineers on LS # 4. Timelines are expected to be the spring to start the project based on parts and generators being 50 weeks out for delivery. A tender is expected to be completed to go out in the fall. An issue was raised on MacCoubrey Lane, and some damage was done to a sewer pipe with the walkway construction on Route 6. The pipe was dug up and fixed.

**7. Business Arising from Minutes:**

**7.A. Literary Tour Panels:**

Mayor Jelley reached out to Harvey and Harvey has not returned his calls. The Mayor and Deputy Mayor will draft a letter to Harvey and if no response, then the municipality will use the legal route.

**7.B. Breakdown of Permits Issued.**

Councillor Drost provided information on the breakdown of permits issued to date but did not have time to prepare a written report.

Based on the number of permits the funds would not pay for a full-time inspector.

Based on the current process it appears that the best option would be to continue with the current process of the province completing this work. The province has recently hired another inspector, so this should assist with the backlog of applications.

The municipality could review this process over the next year and possibly work with another municipality to assist with costs.

All inspectors have to have National Building Code training as well to complete the inspections.

**8. New Business:**

**8.A. Summer Student:**

Job postings were sent out to fill the two summer student positions. One for the office and one for maintenance position. Job postings are still listed.

Only applications received to date have been from Foreign Workers who don't qualify through the funding programs and are overseas.

**Water Study:**

Water Study was moved down on the agenda since the Council was ahead of schedule.

**8.C. Wellness Grant:**

Information is in the package from Kim McClintick. The Department of Health and Wellness has launched the 2022-2023 Wellness Grant Program's Community Catalyst Grant for Island municipalities.

The Wellness Grant Program aims to support collaborative approaches, involving many stakeholders and community partners, to address the social determinants of health and prevent chronic diseases. In addition to specific criteria, all projects funded through the program must address at least one of the following areas:

- Physical Activity
- Tobacco Reduction
- Healthy Eating
- Responsible Alcohol Use
- Mental Wellness

This year, the Wellness Grant Program is offering the Community Catalyst Grant which provides Island municipalities with up to \$5,000 to support building local capacity for wellness. Applications are open online for this health promotion funding and can be submitted until **Friday, September 2, 2022**.

If Council is aware of any ideas, please advise the municipal office.

**8.D. Electric Kick Scooters:**

Information is provided in the meeting package for input from the Council from FPEIM on a draft set of regulations. Information only.

**8.E. Torch Relay:**

Information is provided in the meeting package for Torch Representatives. Information will be sent out in the newsletter looking for submissions. Michael Bergeron was suggested as one representative to nominate.

**8.F. Dog Park:**

This was discussed earlier on the agenda.

**9. Concerns:**

**9.A. Councillors:**

**Dog Park:**

Councillor Robinson talked about the dog park and conservation in the area and filling a gap. There is a property on Route 6 East that has a very good cranberry patch as well that could be tied into this project.

Deputy Mayor Lowther advised that the public meeting would gather input from the public to see what the public wants as no location has yet been chosen.

**9.B. Residents:**



**9.B.1. Ruth Phillips:** A letter was received from Ruth Phillips regarding properties that she felt were unsightly in the municipality as they are not cutting the grass. The properties were checked, and the grass was cut. It is not another property owner's responsibility to go on someone else's property to cut their grass or trespass without the owner's consent.

**9.B.2. Sandy MacKay** – A letter was received from Sandy MacKay regarding his property and his plans for the renovations and timelines for work based on some concerns being raised to the Office. Councillor Drost advised that he was not aware of any concerns.

CAO advised that a few calls has been received and the property owner was made aware of the concerns and provided an update, but no written concerns were received at the office.

**9.B.3. Frank Morrison** – A letter was received from Frank Morrison on Smoke Free Places and areas in which restrictions have been placed in the province. Information only.

There were no comments raised from the public attending the meeting through zoom.

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the meeting go "In Camera" under section 119(1)(F) of the Municipal Government Act. All in favor 6, 1 non-voting. Motion Carried.

#### **10. "In Camera" "Code of Conduct Bylaw"**

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther to come out of camera in accordance with Section 119(2)(e). All in favor 6, 1 non-voting. Motion Carried.

#### **Code of Conduct Bylaw:**

Mayor Jelley read out the document with the revised changes, including the definition for Paid Agent as well as the sections that moved in the document to align with the definition change.

It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the first reading of the Code of Conduct Bylaw be approved as read. All in favor 6, 1 non-voting. Motion Carried.

Mayor Jelley welcome Jody MacLeod to the meeting.

#### **Water Study:**

Mayor Jelley advised that at the last Council meeting a decision was made to have the engineer come and discuss the work and costs of looking at exploring information on a water study and this was also discussed as part of the Strategic Plan Priorities for the municipality.

Jody discussed the current sewer system and the ribbon development in the area.

Deputy Mayor Lowther advised that the Council needs costs on what it would be to look at a study and Jody is to report on a proposal, scope of work and a price.

Councillor Hryckiwi left the meeting at 7:15 p.m.

Councillor Brammer advised that the Council would like to be proactive and looking at options and costs rather than being reactive and waiting until something is needed.

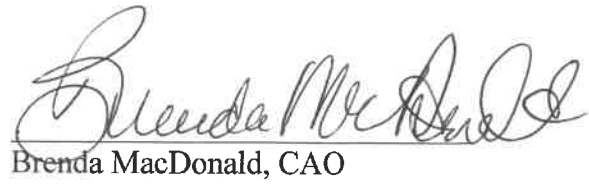
Jody will work on a price, scope and information for the Council.

**11. ADJOURNMENT:**

Mayor Jelley adjourned the meeting at 7:36 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO