

Minutes
Resort Municipality Monthly Council Meeting
September 19, 2022
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on September 19, 2022 at the North Rustico Lion's Club.

PRESENT: Mayor Matthew Jelley, Deputy Mayor Linda Lowther. Councillor George Clark Dunning, Councillor Kay Hryckiw, Councillor Lee Brammer, Councillor Ryan Simpson and Councillor Chris Robinson. CAO - Brenda MacDonald and Deputy CAO Heather Hay.

ABSENT: Nil.

VISITORS: Jim Brown.

1. CALL TO ORDER:

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

2. PRELIMINARY MATTER:

Councillor Lee Brammer read out his oath of office as he was unable to attend the September 1, 2022 Council Meeting for the Swearing in of Council.

3. APPROVAL OF AGENDA:

It was moved by Councillor Robinson, seconded by Councillor Simpson that the agenda be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES AUGUST 15, 2022:

It was moved by Councillor Clark Dunning, seconded by Councillor Lowther that the Monthly Council Meeting Minutes of August 15, 2022 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

APPROVAL OF SPECIAL COUNCIL MEETING MINUTES SEPTEMBER 1, 2022:

It was moved by Councillor Robinson, seconded by Councillor Brammer that the Special Council Meeting Minutes of September 1, 2022 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

Councillor Lowther advised that she had a conflict on the agenda under planning board applications for Cavendish Maples Cottages.

Mayor Jelley advised that he has a conflict on the agenda under planning board applications for Sandspit Entertainment Ltd.

Mayor Jelley advised that if any conflicts arise with a Council member during the meeting to ensure that they raise the conflict and leave the meeting without comment.

5. COMMITTEE REPORTS:

5.A. Building and Signage Permits:

Follow Up Permits:

Marco Polo Land Inc. – PID # 232298 (7406 Route 13) – an application was received to locate ten 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.

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

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 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.

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 is approved by the Minister and a survey plan is completed.

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 is approved by the Minister 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.

Les Zielinski – PID # 1011675 – Cavendish Road – to subdivide 4, (5 acre lots) off of the main property. Awaiting additional information from the developer on the lot sizes and perc tests.

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 at the public meeting and the comments received on the development. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve the application in principle subject to: 1) that the subdivision application be approved and 2) that a subdivision agreement be entered into with the developer.

CFMPEI Inc: (Island Favourites) – 8989 Cavendish Road – to have a liquor license on the property. Awaiting information from the owner of the property.

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

Development Permit Application:

Cavendish Maples Cottages – PID # 672972 – 73 Avonlea Boulevard - an application was received to construct an addition onto the existing rental cottage of 17' X 21'. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval be granted 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 5, 1 non-voting, 1 absent. Motion Carried.

Gary Mitchell Arsenault – PID # 641662 – 83 Bayview Drive – an application was received for a change of use application from a summer cottage into a rental cottage. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval be granted 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 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Lowther returned to the meeting.

Mayor Jelley left the meeting due to a conflict

Sandspit Entertainment Ltd. – PID # 233197 – 8986 Cavendish Road – an application was received to relocate the bumper car building and the train shelter on the property. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that approval in principle be granted subject to: 1) meets the requirements of the Department of Environment, 2) meets the requirements of the Provincial Fire Marshal's office and 3) meets the requirements of the Department of Health and Wellness. All in favor 5, 1 non-voting. 1 absent. Motion Carried.

Mayor Jelley returned to the meeting.

AMD PEI Growth Inc. – PID # 232413 – 8572 Cavendish Road – an application was received to have a snow cone operation on the property where the former coffee snack area was on the property. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that approval be granted in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's office and 2) meets the requirements of the Department of Health and Wellness. All in favor 6, 1 non-voting. Motion Carried.

Temporary / Transient Use Permit:

Cavendish Beach Music Festival – PID # 1037423 – 8779 Cavendish Road – an application was received to have the 2023 music festival from July 5 – 8, 2023. Preliminary application only. The following information needs to be received: 1) comprehensive site plan, 2) comments from the Department of Health and Wellness, 3) comments from the Provincial Fire Marshal's office, 4) comments from the Liquor Control Commission, 5) comments from the RCMP, 6) development agreement, 7) performance bond and 8) proof of insurance. All in favor 6, 1 non-voting. Motion Carried.

Official Plan and Bylaw Review:

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

Rezoning Meeting:

Sharat & Smita Prakash – a public rezoning meeting will be held on September 19, 2022 at 5:00 p.m. at the North Rustico Lion's Club.

Cavendish Beach Music Festival Return of Performance Bond:

It was moved by Councillor Clark Dunning, seconded by Councillor Lowther that \$2,000.00 be retained on the main festival bond for non-compliance of the agreement and that \$1,000.00 be retained on the parking bond for non-compliance of the agreement. All in favor 6, 1 non-voting. Motion Carried.

Planning Board Retirement:

Arnold Smith is selling his cottage and will no longer be a property owner in the municipality and is stepping down from his position.

A request for names for the planning board vacancy will be sent out in the weekly updates.

A presentation will be made to Arnold Smith for his work on planning board from 1989 – 2022. During the Remembrance Day Ceremonies.

Work is currently underway on the 2022 Remembrance Day Ceremony.

5.B. Monthly Finances:

Councillor Brammer presented the monthly Finances for August 31, 2022. The revenues were \$289,618.58 and the expenses were \$245,616.39. It was moved by Councillor Brammer, seconded by Councillor Hryckiwiw that the monthly finances for August 31, 2022 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

5.B.1. Audit Letter:

MRSB sent out an audit letter on some items on the period ended March 31, 2022.

CAO confirmed that the three items on the letter were addressed.

5.C. Emergency Services Committee:

Meetings were held with the two departments and information was gathered and shared with them.

A notice will be sent out to property owners in the weekly updates regarding trees blocking driveways as well as about 911 civic address signs and ensuring that they are visible for the fire departments when coming to properties for calls.

5.C.1 Emergency Shelters / Generator:

Bradley MacIsaac from the EMO Office sent through a response and is hoping to get back with more information within the month to the municipality on the emergency shelter.

5.D. Trails and Paths Committee:

5.D.1. Active Transportation Trail – Route 6 East:

Awaiting information on the tender from the Province and a construction start date.

5.D.2. Federal Programs for Consideration:

Councillor Robinson provided some information on Federal Programs for possible funding of a dog park.

Programs are available for funding of projects, but not for land purchase. The new committee will review funding and information on a dog park.

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.

Laird Ferguson from CBCL is working on the project with Parks Canada on LS # 4. The utility is waiting for a breakdown on information on the project and potential costs for it.

A transfer switch was replaced on LS # 9 that was causing some issues with the station.

7. Business Arising from Minutes:

7.A. Literary Tour Panels - translation:

Mayor Jelley and Councillor Lowther were to complete a letter to Harvey Sawler on the literary tour panels and the translation for them. A draft had been provided by the Deputy Mayor for the Mayor to review and he will have something for the October Council Meeting.

7.B. Water Study:

A project breakdown and proposed costs have been received on the Cavendish Potable Water System Study and Conceptual Design Layout from Jody MacLeod with CBCL.

Council had some questions on sections 301 and 302 for clarification.

It was moved by Councillor Robinson, seconded by Councillor Lowther that \$30,000.00 plus HST be allocated to CBCL for the Cavendish Potable Water System Study and Conceptual Design Layout. All in favor 6, 1 non-voting. Motion Carried.

9. New Business:

9.A. Council Committees:

Finance Chair – It was moved by Councillor Hryckiwi, seconded by Ryan Simpson that Lee Brammer be nominated to the position of Finance Chair. All in favor 6, 1 non-voting. Motion Carried.

Planning Board Chair – It was moved by Councillor Hryckiwi, seconded by Ryan Simpson that George Clark Dunning be nominated to the position of Planning Board Chair. All in favor 6, 1 non-voting. Motion Carried.

HR Committee Chair – It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that Councillor Lowther be the Human Resource Chair and that Councillor Brammer and Councillor Simpson will sit on the committee with her. All in favor 6, 1 non-voting. Motion Carried.

Parks and Recreation Chair – It was moved by Councillor Lowther, seconded by Councillor Brammer that Ryan Simpson be nominated to the position of Parks and Recreation Chair. All in favor 6, 1 non-voting. Motion Carried.

Emergency Services and Community Wellness Chairs – It was moved by Councillor Clark Dunning, seconded by Councillor Lowther that Councillor Robinson and Councillor Hryckiwi be the Emergency Services and Community Wellness Chairs. All in favor 6, 1 non-voting. Motion Carried.

Deputy Mayor - Mayor Jelley appointed Linda Lowther as the Deputy Mayor.

Strategic Plan and Partnerships – It was moved by Councillor Robinson, seconded by Councillor Simpson that Councillor Lowther be the Chair of the committee and that Councillor Hryckiwi and Councillor Brammer will sit on the committee with her. All in favor 6, 1 non-voting. Motion Carried.

9.B. Website:

It was moved by Councillor Lowther, seconded by Councillor Hryckiwi that \$3,000.00 be allocated to updating the municipal website. All in favor 6, 1 non-voting. Motion Carried.

9.C. Age Friendly PEI:

A workshop is being held on November 2, 2022 from 10:00 a.m. – 3:00 p.m. Information will be sent out in the weekly updates.

9.D. Canadian Urban Forest Conference:

The City of Charlottetown is hosting a conference from October 3 – 5, 2022.

9.E. PEI Harm Reduction Services:

Information was provided by FPEIM on the Harm Reduction Services offered in PEI.

9.F. Breaking Barriers Together:

A letter was received from Deb Le Boulch from Breaking Barriers together regarding support they are looking for from municipalities on RCMP and Canadian Military and behaviour. Information only.

9.G. Subdivision and Development Regulations:

FPEIM sent through changes on 2022 Subdivision and Development Regulation changes.

10. Concerns:

10.A. Councillors:

Queen's Jubilee Funding:

Councillor Lowther advised that funding was approved for the Queen's Jubilee Funding and there are some modifications to the funding now since the passing of the Queen.

Councillor Lowther, Councillor Hrycki, Councillor Clark Dunning and Councillor Brammer and Councillor Simpson will meet to discuss the plans for Remembrance Day Ceremonies and the funding of the Jubilee portion of the event.

Council Meetings:

Councillor Robinson asked if the municipality would continue to have zoom meetings based on COVID concerns and immune compromised people.

Mayor Jelley advised that Zoom meetings will continue as the municipality continues to have more people engaged through this process.

10.B. Residents:

David Romcke – concerns were raised on the adjacent lands and the development that has taken place. The CAO will reach out to the neighboring property for clarification on the infilling on the property.

11. “In Camera”:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the meeting go in camera based on Section 119(1)(f). All in favor 6, 1 non-voting. Motion Carried.

Seawood Estates:

Trim Acres:

Inn at the Pier.

Seawood Estates – Wendell and Loretta Murphy – concerns on the setbacks on the property for the front and side yard setbacks were raised.

The property owner and the lawyer will be consulted for further information.

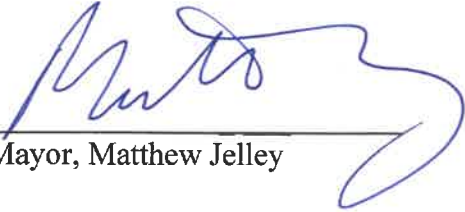
Trim Acres – Ron and Sandra LeBlanc – concerns were raised on the setbacks for the property on Trimmings Lane. Further information to be obtained by the owners on the survey of the property.

Inn at the Pier – A wedding took place on the site with no application being applied for to the municipality. Follow up to be checked on with the lawyer on the event.

It was moved by Councillor Robinson, seconded by Councillor Clark Dunning that the meeting be opened to the public based on Section 119(2)(E). All in favor 6, 1 non-voting. Motion Carried.

12. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 7:07 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO