

Minutes
Resort Municipality Monthly Council Meeting
October 17, 2022
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on October 17, 2022 at the Resort Municipality Office.

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

ABSENT: Deputy Mayor Linda Lowther and Councillor Ryan Simpson.

VISITORS: Jim Brown and Sandy MacKay. (Zoom) Lloyd Adams, Vic and Moe Greenwood.

1. CALL TO ORDER:

Mayor Jelley called the meeting to order at 5:04 p.m.

2. APPROVAL OF AGENDA:

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

3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES SEPTEMBER 19, 2022:

It was moved by Councillor Brammer, seconded by Councillor Robinson that the Monthly Council Meeting Minutes of September 19, 2022 be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

APPROVAL OF SPECIAL COUNCIL MEETING MINUTES SEPTEMBER 19, 2022:

It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the Special Council Meeting Minutes of September 19, 2022 be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

No conflicts of interest were declared.

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.

Development Permit Application:

James Hotel Group Inc. – PID # 232066 – 46 Memory Lane – an application was received to construct a 2 storey addition onto the existing garage of 52' X 28' to be used as a 2 bedroom, 2 bathroom apartment rental and staff unit and laundry area. It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the Council approve the application 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.

Mark Generoux – PID # 92759 – 18 Seawood Drive – an application was received to have a change of use from a summer cottage into a rental cottage. It was moved by Councillor Brammer, seconded by Councillor Robinson that the Council approve the application 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.

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:

Gary Mitchell Arsenault – PID # 641662 – 83 Bayview Drive to install solar panels on the roof of the existing cottage.

Joshua & Jill Leon –PID # 498287 – 8 St. Lawrence Avenue - to construct a deck onto the existing cottage of 8' X 40' and to construct a sunroom of 12' X 22'.

Rezoning Meeting:

Sharat & Smita Prakash – PID # 763755 – 7910 Cavendish Road - a public rezoning meeting was held on September 19, 2022 at the North Rustico Lion's Club.

Official Plan Amendment Resolution – PID #763755:

Whereas an application was received from Sharat and Smita Prakash to amend the Resort Municipality General Land Use Map in the Official Plan 2017 to re-designate a 2.31 acre parcel from the current Accommodations to Resort Commercial;

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 22-7, to amend the 2017 Official Plan General Land Use Map be hereby approved.

It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the Council amend the Official Plan General Land Use Map to change the designation of a 2.31 acres of PID # 763755 from Accommodations to Resort Commercial. All in favor 6, 1 non-voting. Motion Carried.

Approval of First Reading Official Plan Amendment - PID # 763755:

It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the first reading of the official plan amendment be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Zoning Amendment – Sharat and Smita Prakash (7910 Cavendish Road) – PID # 763755:

Whereas an application was received from Sharat and Smita Prakash (7910 Cavendish Road) – to amend the Zoning Map of the Zoning and Subdivision Control (Development) Bylaw 2017 to rezone a 2.31 acre parcel from the current RD2 (Resort Accommodations) to RD4 (Resort Commercial) Zone.

And whereas zoning bylaw amendment 22-8, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

Be it resolved that zoning bylaw amendment 22-8, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

It was moved by Councillor Brammer, seconded by Councillor Clark Dunning that the Council approve a bylaw amendment to amend the Zoning map to show 2.31 acre PID # 763755 from the current RD2 (Resort Accommodations) to RD4 (Resort Commercial) Zone be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Approval of First Reading Rezoning Amendment – PID # 763755:

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the first reading of the rezoning amendment be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Other:

CAO advised that the municipality will be holding Remembrance Day Service and Diamond Jubilee Celebration on November 11, 2022

Sharat & Smita Prakash – a revised plan was received for a development permit application for Smita and Sharat Prakash to be reviewed by the Council as it came in after the permit deadline. The new application will be sent to the planning board for review at the next meeting.

Two planning items will be moved until the end of the meeting to be discussed “*in camera*”.

5.A.1. CBMF Development Agreement:

The development agreement can be reviewed with the developer in 2023 but certain conditions will remain with hours, drink limits and fencing.

Motion:

It was moved by Council Robinson to consider possible avenues such as CBMF special event fees and to allocate a specific amount of money for projects in the municipality.

There was no seconder to the motion and it was defeated.

5.A.2. Planning Board Member:

Arnold Smith and Stig Andersen need to be replaced on the planning board as they have resigned from the committee. Two names were submitted for the positions: Julia Gaudet and Lynn Reed.

It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that Julia Gaudet and Lynn Reed be the two replacements on Planning Board. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

5.B. Monthly Finances:

Councillor Brammer presented the monthly Finances for September 30, 2022. The revenues were \$338,338.94 and the expenses were \$265,805.11. It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the monthly finances for September 30, 2022 be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

5.C. Emergency Services and Community Wellness:

Meetings were held with the two fire departments and information was gathered and shared with them. A summary was provided on the meeting with New Glasgow Fire Department.

Still waiting to schedule a meeting with New London Fire Department.

5.C.1. Generator:

No further updates have been received from Bradley MacIsaac at the EMO office.

5.C.2. Hurricane Fiona:

Damage done to most properties in the community.

Business owners and residents are cleaning up their properties and some businesses that remain open for the shoulder season and winter months and are open for business.

Councillor Robinson and Councillor Hryckiwi will complete a questionnaire to send to the public for feedback on lessons learned from the hurricane and to find out what could be done differently. Council will review the list of questions at their next meeting for approval.

A list will be completed by the committee members as well on who needs to be thanked for businesses that contributed to the warming centre with supplies.

5.C.3. Warming Centre:

The Cordial Café at Green Gables Heritage Place acted as the Warming Centre during the hurricane. Mayor Jelley, Councillor Kay Hryckiwi, Councillor Clark Dunning and Heather Hay worked at the Café daily and also visited throughout the area checking on the public. The Café at Green Gables Heritage Place worked well for the warming centre. The public used the facility from Monday – Sunday. The public also got water and used showers at Maritime Fun Group.

Councillor Hryckiwi and Heather Hay went out throughout the community telling people that the warming centre was open as communication was not great with the power out to so many.

5.C.4 Thanksgiving Event:

The Province and Resort Municipality handed out 48 turkey dinners to property owners on Thanksgiving. A big thank you to the province for providing the meal and to Councillor Clark Dunning and the CAO for distributing the meals. It was very well received by property owners.

5.D. Trails and Paths Committee:

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

Trail work is set to start within the week.

Trees at municipal park need to be removed by a professional company, so we are waiting for timelines for the tree removal.

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 number of challenges were dealt with during Hurricane Fiona. Toombs Plumbing dealt with the issues and some stations are still without power.

6.B. UPEI Project – Lagoons:

UPEI has not approved the project for the lagoons that had been sent through for the fall semester.

7. Business Arising from Minutes:

7.A. Literary Tour Panels - translation:

Mayor Jelley advised that he will have a letter completed prior to the next Council meeting.

7.B. Water Study:

Jody MacLeod had provided an update on the proposed water study.

Jody MacLeod was advised to proceed with the study. Timeline of the report is to be clarified.

7.C. Website:

Technomedia is working on the updates to the website.

8. New Business:

CAO's Evaluation:

The HR Committee will set up a date to complete the evaluation.

9. Concerns:

9.A. Councillors:

Remembrance Day – November 11, 2022

We are working with Parks Canada on access to the site for Remembrance Day.

Food has been confirmed by the Glasgow Mill. Lieutenant Governor will be in attendance.
Arnold Smith will receive an award for his years on planning board from 1989 – 2022.
Sarah Simpson will play the bagpipes.
Kristen MacLean will play the last post.

9.B. Residents:

John Boyne – a letter was received from John Boyle regarding the trees in front of properties in Seawood Estates.

Councillor Brammer read a letter into the record from John Boyne as a follow up to the letter in the meeting package on the tree removal in private subdivisions and that the province agreed to do it as part of the tree removal program.

Bill Power advised that he wanted to thank the Mayor, Councillor Hryckiwi, Heather Hay and businesses that assisted during the power outage. It was greatly appreciated that people came down and checked on property owners and advised them about the space being open and where to get water and showers.

Lloyd Adams advised on the same information as Bill Power and people worked hard in the community together during Hurricane Fiona.

Vic and Moe Greenwood also commented advising that it was appreciated on the efforts that happened during the hurricane.

Sandy MacKay:

Mayor Jelley advised that a letter was received from Sandy MacKay just at the meeting tonight.

Sandy provided copies to the Council Members.

Mayor Jelley advised that the letter would be addressed at the meeting.

Sandy MacKay read out his letter for the record and his concerns over the duress he was put under to sign the agreement for his development and pay the bond and the fees because of the bad weather coming and having to get the animals on site.

Mayor Jelley advised that the development permit lists the conditions on it.

Mayor Jelley advised that there is a process in place for performance bonds fees, legal fees and registry fees that are all borne by the developer for the costs in relation to their project.

Mayor Jelley advised that a breakdown of the fees for the development would be provided to the developer.

Mayor Jelley advised that the municipality worked with the developer and that there were several changes made to the plans during the project and each time there were changes the agreement had to be modified to add the changes.

Mayor Jelley advised that the development agreement was brought to the developer as soon as it was ready and was completed as quickly as it could because of all of the changes that were being made during the process.

Sandy MacKay advised that if he can get the HST back on his fees then he would like to do that.

The CAO advised that the fees are broken down differently based on the invoices as the municipality is not set up to charge HST to property owners.

The CAO will confirm with the accountant on the process for fees on billings to property owners for their fees on agreements.

10. "In Camera":

It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that the meeting go in camera based on Section 119(1)(e). All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Ron and Sandra LeBlanc
Wendell and Loretta Murphy

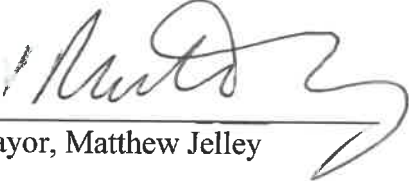
It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that the meeting be opened to the public based on Section 119(2)(E). All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Ron and Sandra LeBlanc – It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that a location certificate on a survey plan be provided of the location of the new cottage and that a response be provided by November 21, 2022. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

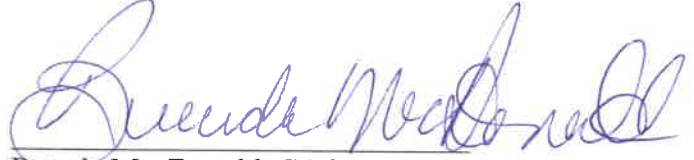
Wendell and Loretta Murphy – It was moved by Councillor Hryckiwi, seconded by Councillor Robinson that a survey be completed of the property to determine the location of the structure and that an update be provided to the Council by November 21, 2022. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

11. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 7:09 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO