

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

The Monthly Council Meeting of the Resort Municipality was held on November 21, 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 Ryan Simpson. Deputy CAO – Heather Hay. Zoom - Councillor Chris Robinson.

ABSENT: CAO – Brenda MacDonald

VISITORS: Alexander MacKay & Stig Andersen. (Zoom) Lloyd Adams and Sharat Prakash

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

Item 10.d – Planning Board Members Concerns was added to 10.d. under “In Camera” items.

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

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

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that the Monthly Council Meeting Minutes of October 17, 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. and Action Attractions 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 and meets the requirements of the *Building Codes Act*.

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 # 763755 (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 on the septic system.

AMD PEI Growth Inc – Property # 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. Awaiting comments from the Department of Health & Wellness and the Provincial Fire Marshal's Office.

Temporary / Transient Use:

Cavendish Beach Music Festival - Property # 1037423 (8779 Cavendish Road) - an application was received to have the 2023 music festival from July 5 – 8, 2023. 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

Subdivision Application:

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.

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 Environmental 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) – a preliminary application was received to subdivide the property into lots. 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.

Subdivision Permit Application:

West Highland Contractors Ltd. – PID # 694976 – 9095 Cavendish Road – an application was received to subdivide one lot off of the main property of 30' deep X 150' wide to consolidate with PID # 456673. It was moved by Councillor Clark-Dunning, seconded by Deputy Major Lowther to approve the application in principle subject to: 1) that a survey plan be completed of the property and 2) that the subdivided portion of property be consolidated with PID # 456673. All in favor 6, 1 non-voting. Motion Carried.

Kay & Tony Wakelin – Property # 894741 – 346 Simpson Mill Road – an application was received to subdivide one lot off the main property. The application was tabled as all lot sizes were not provided on the drawing and the property was showing a portion of the land that would be remaining as being landlocked. The council did not make a decision as all the information was not on the drawing.

Development Permit Application:

Sea Cross Inc. – PID # 232033 – 8779 Cavendish Road – an application was received to change the use of the existing building into a food service and retail outlet, to construct a canopy for a beer garden of 20' X 38' and to construct a new kitchen area of 16' X 17'8". It was moved by Councillor Clark-Dunning, seconded by Councillor Hrycki to approve the application in principle subject to: 1) meets the requirements of the Department of Health & Wellness, 2) meets the requirements of the Provincial Fire Marshal's Office, 3) meets the requirements of the Liquor Control Commission and 4) meets the requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

Sea Cross Inc. – PID # 232033 – 8779 Cavendish Road – an application was received to change the use of the existing storage building into a bike rental space of 26' X 15'3". It was moved by Councillor Clark-Dunning, seconded by Councillor Simpson to approve the application in principle subject to: 1) meets the requirements of the Department of Health & Wellness, 2) meets the requirements of the Provincial Fire Marshal's Office and 3) that the building be moved to the new location on the property in accordance with the updated site plan to be provided by Wil Lawrence. All in favor 6, 1 non-voting. Motion Carried.

Blue Heron Enterprises Inc. – PID # 233833 – 7381 Cavendish Road – an application was received to construct a new warehouse of 100' X 60'. It was moved by Councillor Clark-Dunning, seconded by Deputy Mayor Lowther to approve the application in principle 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 *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

Deputy Mayor Lowther left the room due to a conflict of interest.

Cavendish Maples Inc. – PID # 233270 – 43 Hammies Lane – an application was received to construct a two-storey rental cottage of 50' X 44' with decks on the property. It was moved by Councillor Clark-Dunning, seconded by Councillor Hryckiwiw to 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 Tourism, 3) that a septic permit be provided for the on-site sewage system and 4) meets the requirements of the *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Deputy Mayor Lowther returned to the meeting.

Sharat and Smita Prakash – PID # 763755 – 7910 Cavendish Road – an application was received to construct an animal shed and fence on the property, as well as to revise their original plans on the property. It was moved by Councillor Clark-Dunning, seconded by Councillor Simpson to approve the application in principle subject to: 1) meets the requirements of the Department of Health & Wellness, 2) meets the requirements of the Provincial Fire Marshal's Office, 3) the rezoning approval being completed, 4) parking requirements to be met and 5) meets the requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

Sharat and Smita Prakash – PID # 763755 – 7910 Cavendish Road – an application was received to revise their original plans on the property for the development. It was moved by Councillor Clark-Dunning, seconded by Deputy Mayor Lowther to approve the application in principle subject to: 1) meets the requirements of the Department of Health & Wellness, 2) meets the requirements of the Provincial Fire Marshal's Office, 3) meets the requirements of the Department of Environment and 4) meets the requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

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

Sandspit Entertainment Ltd. – PID # 233197 – 8986 Cavendish Road – an application was received to construct an addition of 30' X 20' onto the existing bumper car building. 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 3) meets the requirements of the Department of Health and Wellness and 4) meets the requirements of the *Building Codes Act*. All in favor 5, 1 non-voting. 1 absent. Motion Carried.

Action Attractions Ltd. – PID # 92635 – **9737 Cavendish Road** – an application was received to infill the property. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that approval in principle be granted subject to: 1) meets the requirements of the Department of Environment. All in favor 5, 1 non-voting. 1 absent. Motion Carried.

Mayor Jelley returned to the meeting.

Temporary / Transient Use Permit:

Tourism Cavendish Beach – PID # 232405 – 7591 Cawnpore Lane – an application was received for a licensed event on December 17, 2022 from 2:00 – 4:00 p.m. It was moved by Councillor Clark-Dunning, seconded by Councillor Robinson to approve the application in principle subject to: 1) meets the requirements of the Department of Health & Wellness, 2) meets the requirements of the Provincial Fire Marshal's Office, 3) meets the requirements of the Department of Transportation and 4) meets the requirements of the Liquor Control Commission. All in favor 6, 1 non-voting. Motion Carried.

Signage Permit Application:

David Kent (Lori MacKinnon) – PID # 233445 – 7775 Cavendish Road – an application was received to construct a primary sign on the property of 4' X 4'. It was moved by Councillor Clark-Dunning, seconded by Councillor Hryckiwi to approve the application in principle subject to: 1) a letter be provided by David Kent for approval of the sign to be located on his property on the edge of the right-of-away. All in favor 6, 1 non-voting, 1. Motion Carried.

Sharat and Smita Prakash Official Plan Amendment and Rezoning Amendment Readings: PID # 763755:

Official Plan Amendment Resolution Second Reading – 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 Clark Dunning, seconded by Deputy Mayor Lowther 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 Second Reading Official Plan Amendment - PID # 763755:

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 # 763755:

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 – Sharat and Smita Prakash (7910 Cavendish Road) – PID # 763755 – Second Reading:

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 Clark Dunning, seconded by Councillor Simpson 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 6, 1 non-voting. Motion Carried.

Approval of Second Reading Rezoning Amendment – PID # 763755:

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

Adoption of Rezoning Amendment – PID # 763755:

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.

Official Plan and Bylaw Review:

Work continues with the legal council and the planner. Councillors expressed concern over the length of time it was taking.

5.B. Monthly Finances:

Councillor Brammer presented the monthly Finances for October 31, 2022. The revenues were \$441,262.33 and the expenses were \$316,516.86. It was moved by Councillor Brammer, seconded by Councillor Hryckiwiw that the monthly finances for October 31, 2022 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

5.C. Emergency Services Committee:

Councillor Hryckiwiw and Councillor Robinson met to go over ideas to engage the public and all levels of government regarding post-tropical storm Fiona and lessons that were learned. They are working toward a survey or a public meeting. A draft list of questions was circulated as a starting point for a survey. It was suggested that a Google forms survey with a follow-up meeting to present the results could be tied into the next council meeting. Councillor Robinson thanked the mayor for all the help he provided during the power outages. It was noted that several other businesses and individuals contributed as well. It was noted that there is a meeting next week with Federal Emergency Preparedness Minister Bill Blair regarding Climate Change & Federal Funding.

5.D. Trails and Paths Committee:

Councillor Simpson reported that work was scheduled to resume on Tuesday on the Active Transportation Project on Route 6. There will be a subcontractor that will prepare the walkway for the winter, and it will be completed in the spring.

6. Cavendish Sewer Utility:

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 on LS # 4. The utility is waiting for a breakdown of information on the project and potential costs for it.

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 December Council Meeting.

7.B. Water Study:

A meeting has been scheduled to start the process on the Cavendish Potable Water System Study with CBCL.

7.C. Web Site:

Work is continuing on the website. Several councillors still need pictures. It was noted that out of date meeting notices should be removed. Emails will be added for Council Members.

7.D. Charge Point Costs:

Costs to renew the cloud-based information system for the electric charging stations was presented. It was decided that it would not be renewed at this time based on costs.

7.E. HST:

The Resort Municipality does not charge HST as it is a not-for-profit organization.

7.F. CAO's Evaluation:

A meeting has not been scheduled yet.

8. New Business:

8.A. Snow Removal Tender:

It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the tender for Snowie Road Contracting be awarded at a cost of \$9,800.00 plus HST. All in favor 6, 1 non-voting. Motion Carried.

8.B. FPEIM:

The Land for Housing Project does not apply to the Resort Municipality as we have no land. Information only.

8.C. Community Foundation:

The municipality is not eligible for this program. We could write letters of support for any businesses that want to participate. No monetary value would be provided only letters of support.

8.D. Municipal Council Orientation:

There was a three-hour session in North Rustico on November 15. Brenda MacDonald – CAO, Heather Hay – Deputy CAO and Councillor Ryan Simpson attended.

8.E. Anne Round Table:

There were about 25 people in attendance with many ideas on how to celebrate the 150 Anniversary of Anne for 2024. The report will be ready by the new year and then the partners and leads will be decided.

8.G. Office Computers:

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that \$3,000.00 be allocated to replace the office computers. All in favor 6, 1 non-voting. Motion Carried.

9. Concerns:

9.A. Councillors:

Deputy Mayor Lowther thanked everyone for their help with Remembrance Day Service and Reception. Thank you notes will be sent to those people involved. There was a discussion on winterizing the VIC north doors for winter to have some events. The Women's Institute hopes to work with council to hold some functions.

9.B. Residents:

Stig Andersen:

Stig Andersen gave an update to Council on his tree planting initiative. His group has worked with children and planted 50 trees in the area. He indicated that the group's objective was not to restore trees lost in Fiona but to create opportunities for the children to have a connection to the trees they planted. He asked for the continued interest from Council. Mayor Jelley indicated that there was support from Council to continue this work.

Alexander MacKay:

A question was asked if there was public consultation in the Resort Municipality on what projects Gas Tax Funds were spent on. Mayor Jelley explained how the public process works during the budgeting process and that direction is given for five-year intervals and the current list is in place until 2024.

10. "In Camera":

It was moved by Councillor Simpson, seconded by Councillor Clark-Dunning that the meeting go in camera based on Section 119(1)(e) for agenda items 10.a.b. and c and under 119(1)(c) for agenda item 10.d. All in favor 6, 1 non-voting. Motion Carried.

10.a) Ron and Sandra LeBlanc: 119(1)(e)

10.b) Wendell and Wendell Murphy: 119(1)(e)

10.c) Alexander and Darlene MacKay: 119(1)(e)

10.d) Planning Board Members Concerns: Section 119(1)(c)

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

10.a) Ron and Sandra LeBlanc:

More time was granted for the request and the office will continue to follow up with the property owners.

10.b) Wendell and Loretta Murphy:

More time was granted for the request and the office will continue to follow up with the property owners.

10.c) Alexander MacKay Darlene MacKay:

It was moved by Councillor Simpson, seconded by Councillor Robinson that when all conditions of the Development Agreement are met, the CAO may release the Performance Bond. All in favor 6, 1 non-voting. Motion Carried.

10.d) Planning Board Members Concerns:

It was moved by Councillor Robinson, seconded by Councillor Simpson that the appointment of Alexander MacKay to the Planning Board be revoked effective immediately as he no longer has the confidence of the Council to serve in this position. All in favor 6, 1 non-voting. Motion Carried.

Brenda MacDonald:

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiw that the Municipality donate \$1,000.00 to the memorial trust fund for Cyrus MacDonald and \$100 to be donated to the QEH Provincial Renal Clinic in memory of Michael Larter. All in favor 6, 1 non-voting. Motion Carried.

11. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 7:30 p.m..

A handwritten signature in blue ink, appearing to read "Jelley", written over a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to read "Brenda McArthur", written over a horizontal line.

CAO