

Minutes
Resort Municipality Special Council Meeting
March 1, 2023
5:00 p.m.

The Special Council Meeting of the Resort Municipality was held on March 1, 2023, at the Resort Municipality Office.

PRESENT: Mayor Matthew Jelley. Councillors George Clark Dunning, Kay Hryckiw, Ryan Simpson and Chris Robinson. Zoom - Councillor lee Brammer. Brenda MacDonald – CAO, Deputy CAO – Heather Hay.

ABSENT: Deputy Mayor Lowther.

VISITORS: Jim Brown, Richard Moore and Aubrey Bell. Zoom: Tony Davis, Ben Jelley, Colin Travis, Kim Doyle, Adam Lowther, Stu Nearby, Bill Power, Adam Hickey, Sherry MacInnis, Chad Heron, Tiffany Astle, Rilla Dawson, Bernie L., Phil Davison, Shirley Campbell, CBCTV, Erna Watters, Lloyd Adams, Taylor Jack, Darcy Butler, Tracey Singleton, Jillian O’Halloran, Richard Blacquiere, Gardiner MacNeill, Colin Travis, Gordon Toombs, Brodie O’Keefe, Andrew Chisholm, Lundy 8, Bill Drost, Chris Myer and Tracey Allen.

1. CALL TO ORDER:

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

Mayor Jelley advised that Deputy Mayor was unable to attend the meeting as she is out of province and had another commitment.

Mayor Jelley advised that a Special Meeting was called under Section 121(1)(b) of the Municipal Government Act.

Mayor Jelley advised that a special meeting of the Council shall be called by the Chief Administrative Officer when requested in writing to do so by a majority of council members. This has been completed and is the purpose of tonight’s meeting.

Mayor Jelley advised that the meeting was held to discuss the motion of the planning board to deny the Sommo Festival.

Mayor Jelley advised that Councillor Hryckiw was the Councillor who questioned her vote following the decision of the Council at the February 27, 2023, Special Council Meeting.

Mayor Jelley advised that the Council wants to be transparent and as clear as they can be on the decision from the meeting.

Mayor Jelley advised that the meeting is managed by a number of documents as was stated. The Municipal Government Act was talked about and the Code of Conducts is an approved bylaw of the Municipality..

Decision affected by private interest:

A council member is in a conflict of interest if, in relation to a matter under consideration by the council, the member or a person closely connected to the member:

- (a) has any pecuniary interest;
- (b) is a shareholder, officer, agent or director of a corporation or any other organization that has dealings or contracts with the municipality; or

(c) is a party to dealings or a contract with the municipality or is a member of a partnership that has dealings or a contract with the municipality.

Decision affected by private interest:

A council member is in a conflict of interest if the member makes a decision or participates in making a decision in the execution of his or her office while at the same time the member knows or ought reasonably to know that the member's private interests or the private interests of a person closely connected to the member affected the member's impartiality in the making of the decision.

Obligation of member:

A council member who is in a conflict of interest as described in subsection (1) or (2) shall (a) declare the member's interest in the matter before the council;

(b) remove himself or herself from the council meeting and any other meeting when the matter is discussed;

(c) abstain from the discussion and voting on the matter; and

(d) not attempt in any way, before, during or after a meeting, to influence the discussion or voting on any question, decision, recommendation or other action to be taken involving a matter in which the member has a conflict of interest.

2. APPROVAL OF AGENDA:

It was moved by Councillor Simpson, seconded by Councillor Hryckiwi, that the agenda be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

3. DECLARATION OF CONFLICTS OF INTEREST:

Mayor Jelley read out the information on Conflicts of Interest in the Municipal Government Act.

Mayor Jelley advised that if any member of Council feels that they are in a conflict to declare that interest now. No conflicts of interest were declared.

4. PLANNING:

Sommo Festival – Cavendish Beach Music Festival:

Mayor Jelley indicated that he is clearly not an expert on this matter.

Mayor Jelley advised that a motion to rescind to deny the vote and a vote in favor would rescind the motion.

If a motion is defeated than another option can be looked at.

It was moved by Councillor Robinson, seconded by Councillor Hryckiwi to rescind the decision of the Council on the February 27, 2023, minutes on the Sommo Festival to deny the festival. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the planning board recommend to the Council to deny the application for the July 14 – 15, 2023, Sommo Festival Event based on the following:

- 1) the letters received from the public until the February 15, 2023, deadline;
- 2) comments made at the public meeting;
- 3) the Special Event Guidelines;
- 4) the Zoning and Subdivision Control (Development) Bylaw; and

5) the impact on the surrounding land Uses. All in favor 2, 3 nay, 1 absent, 1 non-voting. Motion Denied.

It was moved by Councillor Robinson, seconded by Councillor Hryckiwi to approve the Sommo Festival subject to certain conditions including: 1) this is an approval for a one time event only on July 14 – 15, 2023, to explore the feasibility and impacts of the event, 2) that a one percent per dollar per ticket sales be charged for strategic funds be completed, 3) a development agreement to be entered into, 4) that a performance bond be paid, proof of insurance to be provided, 5) that adequate parking be provided, 6) meets the requirements of the Provincial Fire Marshal's office, 7) meets the requirements of the Liquor Control Commission, 8) meets the requirements of the Department of Health and Wellness, 9) that adequate policing and security be provided, and 9) that any additional costs for cleaning up the community be borne by the developer.

Amended Motion:

It was moved by Councillor Robinson, seconded by Councillor Hryckiwi to approve the Sommo Festival subject to certain conditions including: 1) this is an approval for a one time event only on July 14 – 15, 2023, to explore the feasibility and impacts of the event, 2) a development agreement to be entered into, 3) that a performance bond be paid, proof of insurance to be provided, 4) that adequate parking be provided, 5) meets the requirements of the Provincial Fire Marshal's office, 6) meets the requirements of the Liquor Control Commission, 7) meets the requirements of the Department of Health and Wellness, 8) that adequate policing and security be provided, and 9) that any additional costs for cleaning up the community be borne by the developer. All in favor 3, 2 nay, 1 absent, 1 non-voting. Motion Carried.

Mayor Jelley advised that in relation to the fee that was discussed by Councillor Robinson that the Municipal Government Act has a provision for a Tourism Levy under Section 161 of the Act and that the Council can explore this option going forward to increase funds for strategic investment in the municipality.

Mayor Jelley advised that the City of Summerside and the City of Charlottetown currently have this in place.

Mayor Jelley read out the Municipal Government Act on the Tourism Levy.

Tourism accommodation levy - A Council may, by bylaw, impose a tourism accommodation levy on any person who for a daily charge, fee or remuneration purchases accommodation at a tourism establishment in the municipality.

Mayor Jelley advised that this can be reviewed by the Council at the next meeting as a fee established for Strategic Planning and fees for that.

The CAO will get a copy of the Tourism Levy for the City of Charlottetown and the City of Summerside to provide to the Council for the next meeting.

5. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 5:48 p.m..



Mayor



CAO