

Minutes
Resort Municipality Monthly Council Meeting
February 27, 2023
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on February 27, 2023, at the Resort Municipality Office.

PRESENT: Councillors George Clark Dunning, Kay Hryckiwi, Chris Robinson and Ryan Simpson. Zoom – Deputy Mayor Lowther and Councillor Brammer. Brenda MacDonald – CAO, Deputy CAO – Heather Hay.

ABSENT: Mayor Matthew Jelley.

VISITORS: Jim Brown, Richard Moore, Brad Trivers, Ben Murphy. Zoom: Sandi Lowther, Darcy Butler, Adam Hickey, Ben Jelley, Jillian O'Halloran, Chad Heron, Brodie O'Keefe, Sherry MacInnis, Lloyd Adams.

1. CALL TO ORDER:

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

Deputy Mayor Lowther advised that the Mayor had another commitment, but he will try to join the meeting when he is available.

2. APPROVAL OF AGENDA:

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

3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES JANUARY 16, 2023:

It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that the Monthly Council Meeting Minutes of January 16, 2023, be approved as presented. All in favor 5, 1 absent, 1 non-voting. Motion Carried.

APPROVAL OF PUBLIC MEETING MINUTES FEBRUARY 6, 2023:

It was moved by Councillor Hryckiwi, seconded by Councillor Simpson that the Public Meeting Minutes of February 6, 2023, be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

No conflicts of interest were declared.

Deputy Mayor Lowther 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:

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. Awaiting comments from Department of Health, Provincial Fire Marshal's office and a more detailed floor plan to be provided for Department of Health.

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. Awaiting comments from the Provincial Fire Marshal's Office and a septic permit to be provided.

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". Awaiting comments from the Provincial Fire Marshal's Office, Department of Health and Wellness, Liquor Control Commission and approval under the *Building Codes Act*.

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. Renovations can be completed based on all parking requirements being met for the proposed development, Provincial Fire Marshal's Office and the Department of Health and Wellness. Awaiting an update on the structure from the owners and approval under the *Building Codes Act*.

KMAC Rentals Ltd. – PID # 506177 – Cavendish Road – an application was received to construct four, one storey rental cottage of 30' X 38' with a verandah and deck. Awaiting final survey plan from the owners.

The Graham Inn – an application was received to have a temporary / transient use permit for food service and a liquor license on the property from February 10 – April 30, 2023, for in house guests and day guests. Awaiting information from Department of Health and Wellness, Fire Marshal's office and an update from the owners on parking and the septic system.

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. Awaiting information from Provincial Fire Marshal's Office, Department of Health and Wellness, Liquor Control Commission, proof of insurance, performance bond and Development Agreement.

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 survey plan to be provided and approval from the Department of Transportation for the access.

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 survey plan is completed.

Sharon MacNeill – PID # 841049 (36 MacNeill Lane) – an application was received to subdivide 1 lot off the property for the rental cottages. Application was tabled until the 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.

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. Awaiting drawing from the owner from a surveyor and the lot consolidation deed.

Kay and Tony Wakelin – PID # 894741 – 346 Simpson Mill Road – an application was received to subdivide one lot off the main property. Awaiting an updated survey plan showing the property not being landlocked to be received and a perc test to be completed on the property.

Sommo Festival:

An application was received for a temporary / transient use permit for a second event on July 14 – 15, 2023.

There were a total of 29 letters and e-mails received up to the public meeting on February 6, 2023, that were read out at the meeting. There were a total of 25 letters and e-mails received up to the deadline of February 15, 2023.

One e-mail was received on February 16, 2023, after the deadline provided in all notices.

It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the letter received after the February 15, 2023, deadline not be accepted, based on the fact that it was not received within the specified deadlines for written submissions on the event. All in favor 1, 4 nay, 1 non-voting. Motion Denied.

Council agreed to accept the letter received after the deadline.

Councillor Clark Dunning advised that a copy of all letters and e-mails were provided to the Council for their review for the meeting and that a copy of the minutes of the Public Meeting on February 6, 2023, were also sent to the Council for their review for the meeting.

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council deny the application for the July 14 – 15, 2023, 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 3, 2 nay, 1 non-voting. Motion Carried.

Rezoning Application: Andrew Wigston – PID # 778100 – 7936 Cavendish Road – an application was received to change the zoning on the property from the current RR (Rural) Zone to R1 (Residential) Zone for a proposed new subdivision that they are looking to create. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the application be tabled until the Official Plan and Bylaw Review are completed. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Subdivision Application:

Andrew and Joanne Wigston – PID # 778100 – 7936 Cavendish Road – an application was received to subdivide three lots on the main property. It was moved by Councillor Clark Dunning, seconded by Councillor

Simpson that the application be tabled until the Official Plan and Bylaw Review are completed. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

BGB Holdings – PID # 937144 and 233437 – Cavendish Road – an application was received to consolidate PID # 937144 with PID # 233437. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that approval be granted in principle subject to: 1) that a final survey plan be completed and 2) that a lot consolidation deed be completed. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Roger Birt Inc. – PID # 723874 – Cavendish Road – an application was received to subdivide 44 lots on the permit application with 33 lots being shown on the environmental plan that was provided. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the application be tabled as the application is incomplete, the survey plan and environmental document are inconsistent with one another for the number of lots as well as issues of zoning on the property with the proposed uses need to be resolved. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Development Permits:

Kathleen & Rick Finlayson – Unit 8 – PID # 1814276 – 7195 Route 13 - an application was received to change the use of the existing cottage into a rental cottage. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiw that 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 5, 1 non-voting, 1 absent. Motion Carried.

Parkview Farms Inc. – PID # 232637 – 8214 Cavendish Road - an application was received to replace and construct an addition onto the existing barn for a total space of 220' X 80'. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiw that Council approve the application in principle subject to: 1) meets the requirements of the Department of Agriculture, 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 5, 1 non-voting, 1 absent. Motion Carried.

Parkview Farms Inc. – PID # 232637 – 8214 Cavendish Road – an application was received to replace a portion of the existing building of 60' X 34'. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that Council approve the application in principle subject to: 1) meets the requirements of the Department of Agriculture, 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 5, 1 non-voting, 1 absent. Motion Carried.

Parkview Farms Inc. – PID # 493460 – 9 Isidores Lane – an application was received to close in the existing deck and cover in balcony. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve the application in principle subject to: 1) meets the requirements of the Department of Tourism, 2) meets the requirements of the Provincial Fire Marshal's Office, and 3) meets the requirements of the *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Justin Chiasson – PID # 1814243 – 7195 Route 13 – an application was received to change the use of the existing cottage into a rental cottage. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson 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 5, 1 non-voting, 1 absent. Motion Carried.

Jesse Assing – PID # 600825 – 32 Wygant Place - an application was received to change the use of the existing cottage into a rental cottage. It was moved by Councillor Clark Dunning, 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 5, 1 non-voting, 1 absent. Motion Carried.

Greg Grover – PID # 825638 – 57 Stanley Road – an application was received to change the use of the existing cottage into a rental cottage. 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 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.

Fairways Cottages – PID # 232348 – 7420 Cavendish Road – an application was received to construct a building of 12' X 10' for washers and dryers for guests. 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 Department of Tourism, 2) meets the requirements of the Provincial Fire Marshal's Office and 3) meets the requirements of the *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Temporary / Transient Use Permit:

John Carroll – PID # 233080 – 8808 Cavendish Road – a temporary / transient use application was received to have parking on the property from July 6 – 8, 2023. Councillor Clark Dunning read out an e-mail from the RCMP regarding the proposed parking. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that Council deny the application based on Section 4.25 of the Zoning and Subdivision Control (Development) Bylaw and the e-mail response provided by the RCMP regarding safety concerns. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival Inc. – PID # 1037423 - 8779 Cavendish Road – a temporary / transient use application was received to have the RCMP trailer of 40' X 28' on site from June 28 – July 15, 2023. 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 Department of Provincial Fire Marshal's office, 2) that proof of insurance be provided, 3) that a development agreement be entered into, 4) that a performance bond be posted, and 5) that lighting be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Tourist Mart Inc. – PID # 233130 – 8934 Cavendish Road – a temporary / transient use application was received to have parking on the property from July 5 – 8, 2023 for the Cavendish Beach Music Festival. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that Council approve the application in principle subject to: 1) that proof of insurance be provided, 2) that a development agreement be entered into, 3) that a performance bond be posted, 4) that security be provided, 5) that porta potties be provided and 5) that lighting be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Signage Permits:

Cavendish Beach Music Festival – PID # 1037423 – 8779 Cavendish Road - an application was received to have signage on the property from July 5 – 9, 2023. It was moved by Councillor Clark Dunning, seconded by

Councillor Hryckiwi that Council approve the application in principle subject to: 1) the signs being located on the property in accordance with the site plan. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival – Street Banners – Route 6 and 13 – an application was received to locate street banners on Route 6 and 13 during the music festival. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that Council approve the application in principle subject to: 1) the banners being located on the municipal streetlights brackets just prior to the event and that they are removed once it is over. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Official Plan and Bylaw Review:

The planner and legal counsel are going to meet with Council to discuss any of the final changes to the document. An updated plan was provided to the planning board for their review and comments.

Special Event Guidelines:

A review to be completed by the planning board with recommendations on the guidelines.

Permits issued by the CAO:

Stephanie MacDonald – PID # 920223 – Bayview Drive – approval to construct a 1.5 storey summer cottage of 51' X 46' with decks.

Other Business:

Inn at the Pier – a letter was received regarding changing siding, installing heat pumps and a new tenant for the licensed restaurant area on the property.

A letter will need to be provided from the owner to the Council regarding the new tenant's information and hours for the restaurant for a letter of support for the Liquor Control Commission.

Maritime Fun Group (PEI) Ltd.: PID # 589358 – 9018 Cavendish Road - An application was received to change the use of a portion of the building into an arcade and relic attraction. It was moved by Councillor Clark Dunning, seconded by Councillor Hrycki that the Council approve the application 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 *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

5.A.2. Land Use Planning in Review:

Stewart McKelvey provides a yearly update to Council each year on land use planning and the year in review. A copy was in the package.

5.A.2 Ron and Sandra LeBlanc:

An e-mail was provided by the owner advising that they hired a surveyor last year. Nothing further has been received to date.

5.A.3 Wendell and Loretta Murphy:

A survey plan was received from the owner showing that he is too close to the property line on the front and side yard setback. The owner is waiting for a contractor to move the structure once the ground is suitable to move it. A copy of the survey plan was in the package.

5.B. Monthly Finances:

Councillor Brammer presented the monthly Finances for January 31, 2023. The revenues were \$439,421.66 and the expenses were \$462,992.44. It was moved by Councillor Brammer, seconded by Councillor Simpson that the monthly finances for January 31, 2023, be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

5.B.1. Statement of Municipal Taxes:

A yearly breakdown of the statement of Municipal Taxes has been provided from the Province of PEI. There was an amount of \$1,263.23 owing to the province from adjustments in 2022 and will be removed from the next installment.

5.C. Emergency Services Committee:

5.C.1. Survey Results:

The Committee is planning a table-top exercise with the emo office as part of the yearly EMO plan.

Councillor Robinson and Councillor Hryckiw presented the results on the Fiona survey questionnaire.

5.D. Parks and Recreation Committee:

No updates received to date on the Route 6 Central Trail project through the Active Transportation Fund.

5.D.1. Bridge Work

An update was provided by Neill Lawless and is in the meeting package. There will be some bridge closures of 20 minutes each coming up to allow for the installation of the new bridge's centre span precast girders.

6. Cavendish Sewer Utility:

6.A. Monthly Updates and Engineering:

Awaiting information from Paul Crant, Manager at the Bank of Montreal on the sewer loans as no further information has been provided by Paul. Paul has now advised that he was waiting for more information from the sewer utility and had not received it to proceed. The Mayor had responded back to him that no further information had been requested of the sewer utility.

There had been some issues with two sewer loans and the payments not being taken out during the year. There was an issue with the bank and the amortization period so for some reason the loans stopped coming out. We are awaiting a response from Paul Crant, Manager on the loans and the adjustments in interest due to their error as we have had to contact them regarding the loans not being taken out of the account as they are direct payment.

6.A.1. Tender Review:

The tender closed from CBCL on LS # 4 and two bids were received.

It was moved by Councillor Clark Dunning, seconded by Ryan Simpson that the sewer tender submitted by Toombs Plumbing and Heating Ltd. for \$446,424.15 plus HST be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

6.A.2. Climate Change Fund:

Dale Larkin sent information through to the sewer utility to see if funding could be applied for through the climate change fund. An application will be submitted by the municipality by the deadline for funding. All costs for the project will be paid for by the developer for any work that is completed on the project.

7. Business Arising from Minutes:

7.A. Literary Tour Panels - translation:

A new response was received from Harvey Sawler in response to the Mayor's message on the literary tour panels with his request for information to complete his investigation.

7.B. Water Study:

Tim at CBCL spoke to Colin Walker our hydrogeologist last week. He is nearly finished the draft portion of his work/reporting. We are expecting him to be done within the next week. They will review it after that and will likely reach out to the municipality with some questions/discussion surrounding possible options before proceeding with the water distribution system modelling and completing the remainder of the draft report. Updates will be provided as they become available.

7.C. Web Site:

Technomedia has made the new website active. The fillable forms still need to be completed for the site.

7.D. Winterizing of Cavendish VIC:

Work was completed twice in the VIC space. The second weather proofing worked much better and the space is comfortable for people to be in during the winter months.

7.E. Community Mixer Event:

The mixer went well on February 13, 2023, 42 people attended in person and there were 10 deliveries made to people that were registered to attend but were unable to as they were ill. It was well received by the people that were ill as well. We were thanked by all for bringing the community together and hosting events and the public said that they looked forward to the next one.

7.F. Strategic Plan:

Deputy Mayor Lowther sent out information to the Council and not everyone responded. Council agreed the information was good.

8. New Business:

8.A. MADD Sponsorship:

No donation to be made, as funding is provided to Crime Stoppers.

8.B. FPEIM:

A package has been sent from FPEIM regarding their Annual Meeting coming up in Souris on April 24, 2023. If anyone is interested in attending, please contact the municipal office. There is also an election for officers.

8.D. Community Services Recovery Fund:

A session was held on January 12, 2023, at 3:00 p.m. The municipality is unable to apply for funding through this program.

9. Concerns:

9.A. Councillors:

No Councillor's concerns were addressed.

9.B. Residents:

Ben Murphy asked for clarification on the vote on the Sommo Event. Deputy Mayor Lowther confirmed that the vote was passed to deny the festival.

The CAO advised that the budget meeting is being held and we need to proceed to the Visitor Centre for that meeting.

10. ADJOURNMENT:

Deputy Mayor Lowther adjourned the meeting at 6:35 p.m..



Mayor



CAO