

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

The Monthly Council Meeting of the Resort Municipality was held on January 17, 2022 at the Resort Municipality Office and electronically with Zoom.

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

ABSENT: Administrative Assistant Heather Hay.

VISITORS: Zoom: Vic Greenwood, Lloyd Adams, Bill Power and Samantha Murphy.

1. CALL TO ORDER:

Mayor Jelley called the meeting to order at 5:02 p.m.

2. APPROVAL OF AGENDA:

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

3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES DECEMBER 13, 2021:

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that the Monthly Council Meeting Minutes of December 13, 2021 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

No conflicts of interest were declared.

Mayor Jelley advised that the Council are property owners and are involved with the review of the Official Plan and Bylaw as well as the Council Remuneration Bylaw, but they are the elected decision makers so there is no conflict of interest in reviewing these matters.

5. COMMITTEE REPORTS:

Building and Signage Permits:

Follow Up Permits:

Swept Away Cottages – (PID # 624379 - Cavendish Road) – an application was received to construct 1, 1 bedroom cottage, 7, 2 bedroom cottages and 3, 3 bedroom cottages, 1 laundry facility, a pool, a water building an a pool equipment building. Awaiting information from the owner and the Department of Health on the pool permit, development agreement and performance bond.

Anne's Windy Poplars - PID # 232215 (7195 Route 13) – an application was received to enclose the pool with a building on the site of 50'x 40'. Awaiting comments from the Department of Health and Wellness, the Provincial Fire Marshal's office and stamped drawings to be provided.

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

Marco Polo Land Inc. – PID # 232298 (7406 Route 13) – an application was received to locate a tarp building on the property of 70' X 30'. Awaiting stamped drawings and comments from 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 requirements of 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 system.

Change of Use – Special Permit Use:

Anne's Windy Poplars - PID # 232215 (7195 Route 13) – an application was received to change the use of the property to a vacant land condominium. Awaiting information from the Department of Transportation, Infrastructure and Energy, Provincial Fire Marshal's office and the Department of Environment.

Subdivision Application:

Estate of Brian Stevenson – PID # 729087 (Cavendish Road) – an application was received to subdivide 17.96 acres off of the main property. Awaiting comments from the Department of Transportation on Access, that the perc tests be completed for the property to meet the requirements of the Zoning and Subdivision Control (Development) Bylaw and that a final survey plan be completed.

Estate of Brian Stevenson – PID # 729087 (Cavendish Road) – an application was received to subdivide 44 acres off of the main property. Awaiting comments from the Department of Transportation on Access, that the perc tests be completed for the property to meet the requirements of the Zoning and Subdivision Control (Development) Bylaw and that a final survey plan be completed.

Alex Gallant – to subdivide 0.04 acres from PID # 999052 and consolidate it with PID # 999060 on Angus Campbell Lane. Awaiting a final plan from the surveyor and confirmation on the ownership of the property.

Jennie Macneill – an application was received to subdivide Property # 232512 (8523 Cavendish Road) into two lots. Awaiting a more detailed plan be provided, 2) meets the setback requirements for the new boundary lines and 3) that a final survey plan be provided of the property.

Abby Lane PEI Inc. – an application was received to subdivide Property # 496844 (397 Simpson Mill Road) into two lots. Awaiting information from the Department of Transportation on access and a new survey plan.

Official Plan / Rezoning Amendments:

Judy and Wayne (Darcy) Gallant (Cavendish Road) PID # 642074 (Cavendish Road):

Official Plan Amendment Resolution:

Whereas an application was received from Judy and Wayne (Darcy) Gallant to amend the Resort Municipality Official Plan General Land Use Map to change the designation of a 14 acre portion of PID # 642074 from Rural and Open Space to Residential;

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 21-6, to amend the 2017 Official Plan General Land Use Map be hereby approved.

It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that the Council amend the Official Plan General Land Use Map to change the designation of a 14 acre portion of Provincial Parcel # 642074 from Rural and Open Space to Residential use. All in favor 6, 1 non-voting. Motion Carried.

Approval of Second Reading Official Plan Amendment:

It was moved by Councillor Hryckiwi, seconded by Deputy Mayor Lowther that the second reading of the official plan amendment 21-6 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

Adoption of Official Plan Amendment:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Official Plan Amendment 21-6 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

Zoning Amendment – Judy and Wayne (Darcy) Gallant - (Cavendish Road) – PID # 642074:

Whereas an application was received from Judy and Wayne (Darcy) Gallant for Cavendish Road, PID # 642074 for a zoning amendment from the Rural (RR) Zone to R1 (Residential) Zone under the Resort Municipality, 2017 Zoning and Subdivision Control (Development) Bylaw to change a 14 acre portion of land on the zoning map from (RR) Rural Zone to (R1) Residential Zone;

And whereas zoning bylaw amendment 21-7, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

Be it resolved that the zoning bylaw amendment 21-7, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

It was moved by Councillor Hryckiwi, seconded by Deputy Mayor Lowther that the Council approve a bylaw amendment to amend the Zoning map to show a 14 acre portion of Property # 642074 from the current Rural (RR) Zone to R1 (Residential) Zone be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

Approval of Second Reading Zoning Amendment:

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the second reading of the zoning amendment 21-7 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

Adoption of Zoning Amendment:

It was moved by Deputy Mayor Lowther, seconded by Councillor Drost that the zoning amendment 21-7 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

Official Plan / Rezoning Amendments:

Judy and Wayne (Darcy) Gallant (Cavendish Road) PID # 1137355 (Cavendish Road):

Official Plan Amendment Resolution:

Whereas an application was received from Judy and Wayne (Darcy) Gallant to amend the Resort Municipality Official Plan General Land Use Map to change the designation of a .5 acre portion of PID # 1137355 from Rural and Open Space to Residential;

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 21-8, to amend the 2017 Official Plan General Land Use Map be hereby approved.

It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that the Council amend the Official Plan General Land Use Map to change the designation of a .5 acre portion of Provincial Parcel # 1137355 from Rural and Open Space to Residential use. All in favor 6, 1 non-voting. Motion Carried.

Approval of Second Reading Official Plan Amendment:

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther Hryckiwi that the second reading of the official plan amendment 21-8 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

Adoption of Official Plan Amendment:

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning that the Official Plan Amendment 21-8 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

Zoning Amendment – Estate of Brian Stevenson (Cavendish Road) – PID # 1137355:

Whereas an application was received from Judy and Wayne (Darcy) Gallant for Cavendish Road, PID # 1137355 for a zoning amendment from the Rural (RR) Zone to R1 (Residential) Zone under the Resort Municipality, 2017 Zoning and Subdivision Control (Development) Bylaw to change a 14 acre portion of land on the zoning map from (RR) Rural Zone to (R1) Residential Zone;

And whereas zoning bylaw amendment 21-9, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

Be it resolved that the zoning bylaw amendment 21-9, a bylaw to amend the 2017 Zoning and Subdivision Control (Development) Bylaw be approved.

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that Council approve a bylaw amendment to amend the Zoning map to show a .5 acre portion of Property # 1137355 from the current Rural (RR) Zone to R1 (Residential) Zone be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

Approval of Second Reading Zoning Amendment:

It was moved by Councillor Robinson, seconded by Councillor Clark Dunning that the second reading of the Zoning amendment 21-9 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

Adoption of Zoning Amendment:

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that the zoning amendment 21-9 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

Development Permits:

Alexander and Darlene MacKay – (9946 Cavendish Road) – an application was received to construct a page wire fence on the property of 733’L X 4’ – 5’ H. Application was tabled as more information was needed based on the size of the fence.

Temporary / Transient Use Application:

West Highland Contractors Ltd. – (9095 Cavendish Road) – an application was received for a temporary / transient use permit for a yard sale on the property on June 4, 2022 from 9:00 a.m. – 2:00 p.m. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council approve the application in principle subject to: 1) the yard sale shall be for campers staying at the campground to sell at only, 2) the property owner shall ensure that traffic is not parking along the sides of the public road and 3) that the yard sale is not open to businesses to set up at the yard sale. All in favor 6, 1 non-voting. Motion Carried.

West Highland Contractors Ltd. – (9095 Cavendish Road) – an application was received for a temporary / transient use permit for a concert at the site from 11:00 a.m. – 11:00 p.m. on August 19 – 20, 2022. Council tabled the application as it was incomplete and more information is required from the owner.

Change of Use:

Jacob Zachariah Eapen – (587501 - 40 Boyle Crescent) – an application was received to change the use of the existing cottage into a rental. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council approve the change of use in principle subject to: 1) meets the requirements of the Provincial Fire Marshal’s office and 2) meets the requirements of the *Building Codes Act*. All in favor 6, 1 non-voting. Motion Carried.

Mayor Jelley advised that based on the concerns raised by planning board members on Avonlea Village – private roads, restrictions on private roadways for heavy equipment and theft on properties that these items should be dealt with as resident’s concerns and should not be on the planning board agenda as they are not planning related matters dealing with land use development.

Councillor Clark Dunning advised that he will bring the information forward to the planning board at the next meeting.

5.B. Samantha Murphy – Official Plan and Bylaw Review:

Mayor Jelley moved on to the Official Plan and Bylaw Review on the agenda as Samantha Murphy had joined the meeting.

Mayor Jelley welcomed Samantha to the meeting and thanked her and her team for their work on the Official Plan and Bylaw Review and the work that has been accomplished to date. He noted that it was very ambitious as they did not just cut and paste in the documents and that they have worked at all sections of the documents including the Strategic Plan.

Council Members made changes to the draft Official Plan document. Samantha will provide changes to the documents based on the feedback from the Council made during the meeting.

Mayor Jelley confirmed with Council that a special Council meeting would be held on January 24, 2022 at 5:00 p.m. for two hours to discuss the land use bylaw and zoning changes.

Mayor Jelley thanked Samantha Murphy for attending the meeting.

Mayor Jelley moved back to the planning board report on the agenda.

Subdivision Permit:

Andrew Wigston – (PID #'s 778100 and 806976) - an application was received to subdivide the properties into three lots from the existing properties to have two single family lots and one hobby farm lot. Council tabled the application as it was incomplete and more information is required by the owner on the land.

Permits Issued by the CAO: (PID # 607838 – Driftwood Lane) Sue Tobin – approval was granted to construct a 1 ½ storey summer cottage of 68' X 46' including decks in Seawood Estates.

Other:

Dale Gallant – (PID # 729087) – information was received on the drawing for the proposed subdivision for his property but the application was not provided as well as information on the subdivision was incomplete. Council tabled the application as it was incomplete.

5.C. Monthly Finances:

Councillor Brammer presented the monthly Finances December 31, 2021. The revenues were \$424,547.32 and the expenses were \$420,179.36. It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the monthly finances for December 31, 2021 be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

Councillor Brammer advised that the Mayor, the CAO and himself would be meeting with the auditor on January 18, 2022.

Staff Bonus:

It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the Deputy CAO receive a bonus of \$450.00 for 2021. All in favor 6, 1 non-voting. Motion Carried.

Municipal Office Lease:

It was moved by Councillor Brammer, seconded by Councillor Robinson that the five year lease with the Province of PEI be completed at a cost of \$10,290.00 annually for the main office, storage office in the basement and the maintenance building on the property. All in favor 6, 1 non-voting. Motion Carried.

5.D. Emergency Services Committee:

5.D.1. Emergency Measures Bylaw:

Mayor Jelley read through the Emergency Measures Bylaw to the public.

It was moved by Councillor Hryckiwi, seconded by Councillor Robinson that first reading of the Emergency Measures Bylaw RMEMB1 be approved as presented. All in favor 6, 1 non-voting. Motion Carried.

5.D.2. Emergency Plan:

The Emergency Measures plan was presented to the Council.

It was moved by Councillor Robinson, seconded by Councillor Drost that the Emergency Plan be approved subject to clarification about the use of the word Chiefs in the document. All in favor 6, 1 non-voting. Motion Carried.

5.E. Trails and Paths Committee:

5.E.1 Picnic Shelters:

The engineer provided an update on the project as it will not be completed by mid-January as the Sperra staff are dealing with COVID-19 and isolating. Awaiting an update from CBCL.

6. Cavendish Sewer Utility:

6.A. Cavendish Sewer - Monthly updates and engineering:

The Cavendish Sewer Utility met with the engineers on January 14, 2022 to discuss LS # 4.

Some outstanding customers have paid their fees and others are still being dealt with as they have until January 17, 2022 to pay their outstanding bills. The next steps will be to go to their lenders and make them aware of the outstanding amounts.

7. Business Arising from Minutes:

7.A. Council Remuneration Member:

The minutes from the Council Remuneration Committee are in the package with the recommendations for the Mayor, Deputy Mayor, Planning Board Chair and Council positions.

a. Council Honorariums – leaving prior to completion of term:

If a Council member leaves prior to the end of their term that they be paid out their honorarium amount on a prorated basis, based on the monthly allowance up until the date of their resignation for time served.

b. Council Honorariums – missing meetings:

Council members be paid their regular honorarium rate per month for missed meetings provided that there are no more than three missed meetings without a valid reason.

c. Travel Rate for Council inside the municipality:

There will be no allocation for travel to meetings within the community for Council.

Council should continue to be paid the monthly travel rate for meetings outside the municipality based on the government travel rate each month.

d. Mayor's Honorarium:

\$3,800.00 per year with no yearly increases until the next honorarium review.

e. Deputy Mayor's Honorarium:

\$2,850.00 per year with no yearly increases until the next honorarium review.

f. Council Honorarium:

\$1,900.00 per year with no yearly increases until the next honorarium review.

g. Planning Board Position:

Planning Board Chair receive an additional \$600.00 in addition to their Council Honorarium base for the year based on the number of meetings and commitment to this position with no increases until the next honorarium review.

h. Cavendish Sewer Utility Position:

The Sewer Utility Chair receive an additional \$300.00 in addition to the Mayor's Honorarium or in the case of a Councillor filling the position as Chair of the committee, be added to the Council Honorarium base with no increases until the next honorarium review.

i. Attendance at General Meetings outside the municipality for Council Members:

There shall be no additional allocation of monies to the Mayor or Council members for attendance at general meetings outside the municipality as that would be part of their yearly honorarium.

i. Attendance at Public Meetings for Major Variances, Rezoning, Major Developments and Special Permit Use Meetings only: A \$50.00 flat fee per meeting will be added to the honorarium based on the Mayor / Deputy Mayor and Councillor attending the entire meeting. If the member does not stay for the entire meeting, then no allocation will be provided.

It was moved by Councillor Hrycki, seconded by Deputy Mayor Lowther that the Council approve sections A-J of the Council Remuneration Committee's report as presented. All in favor 6, 1 non-voting.

Mayor Jelley and Deputy Mayor Lowther thanked the Remuneration Committee for their work on behalf of the Council.

7.B. Maritime Electric Charging Station:

The charging station is now operational and an update was sent out in the municipal newsletter.

Councillor Drost suggested having an official opening of the charging station in the spring as this is one of the mandates of the Strategic Plan.

Community Navigators:

Councillor Drost commented on the Community Navigators Program and information that they circulated on Immigration Information Session for Employers. The information will be sent out in the weekly updates.

7.C. Staff Bonus:

This was addressed under the monthly finances on the agenda.

8. New Business:

8.A. Municipal Office Lease:

This was addressed under the monthly finances on the agenda

9. Concerns:

9.A. Councillors:

The CAO advised that a price is needed on the snow removal around the charging station as it was not in place when the contract was put out. The CAO will reach out to the contractor.

9.B. Residents:

Avonlea Village – Private Roads:

Peter Fullerton recommended to Council that a note be sent to property owners in Forest Hills Subdivision advising them that Avonlea Village is not an access to their property. He suggested that perhaps it could be sent out in the weekly updates.

Information will be sent out in the weekly updates advising the public to stay off of their neighbors property.

Restrictions on Private Roadways for heavy equipment:

A request was made to see if the Council could review restrictions on Private Roadways during winter months with heavy equipment accessing the roadways.

The Homeowners Association and the subdivision owner should have their own restrictions in place for private roads.

Theft on Properties:

There were some thefts on properties in Seawood Estates recently.

A suggestion was made that something be sent out in the weekly updates alerting people to watch out for their neighbors' and property and if they see anything suspicious and to alert the RCMP. Information will be sent out in the weekly updates.

Councillor Hryckiw advised that the concerns of garbage were dealt with on the CBMF Property.

John Gamble and Fred Schreiner – concerns were raised over development on the commercial property adjacent to their property.

No action to be dealt with at this time as the property is being used for a residence and hair salon and has been approved for these uses.

Bill Power – Streetlight – A question was raised on the streetlight for Driftwood Landing entrance. CAO advised that things have been held up due to COVID-19, but that the streetlight installation is on the list of projects to be completed.

It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer to go "*In Camera*" under section 119(1)(f) of the Municipal Government Act. All in favor 6, 1 non-voting. Motion Carried.

10. "In Camera" Matters:

10.A. Literary Tour Panels:

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiw to come out of "*in camera*" under section 119(2)(e) of the Municipal Government Act. All in favor 6, 1 non-voting. Motion Carried.

10. "In Camera" Matters:

10.A. Literary Tour Panels:

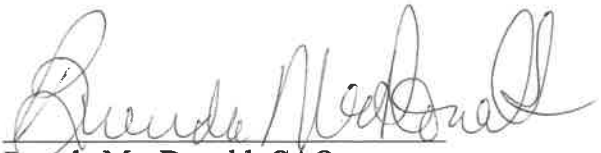
Mayor Jelley will meet with Harvey Sawler to address concerns over the translation of the Literary Panels. The translation has now been reviewed by three (3) interpreters who have found translation errors. The Mayor will report back at the next meeting.

11. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 8:30 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO