

Minutes  
Resort Municipality Monthly Council Meeting  
March 20, 2023  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on March 20, 2023, at the Resort Municipality Office.

**PRESENT:** Mayor Matthew Jelley. Deputy Mayor Linda Lowther, Councillors George Clark Dunning, and Ryan Simpson. Zoom – Councillors Lee Brammer and Chris Robinson. CAO - Brenda MacDonald, Deputy CAO – Heather Hay.

**ABSENT:** Kay Hryckiw.

**VISITORS:** Jim Brown. Zoom: Sandi Lowther, Sherry MacInnis, Lloyd Adams, Ben Jelley and Bill Drost.

**1. CALL TO ORDER:**

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

**2. APPROVAL OF AGENDA:**

Deputy Mayor Lowther advised that the HR Committee would like to add an update to the agenda under “*in camera*” business at the end of the meeting.

Deputy Mayor Lowther advised that under Section 7.E. Destination Management Fund should be added.

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

**3. APPROVAL OF MONTHLY COUNCIL MEETING MINUTES FEBRUARY 27, 2023:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Simpson that the Monthly Council Meeting Minutes of February 27, 2023, be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**APPROVAL OF PUBLIC MEETING MINUTES FEBRUARY 27, 2023:**

It was moved by Councillor Simpson, seconded by Councillor Robinson that the Public Meeting Minutes of February 27, 2023, be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**APPROVAL OF SPECIAL COUNCIL MEETING MINUTES MARCH 1, 2023:**

It was moved by Councillor Simpson, seconded by Councillor Clark Dunning Special Council Meeting of March 1, 2023, be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**4. DECLARATION OF CONFLICTS OF INTEREST:**

Mayor Jelley declared a conflict of interest on a development permit for Maritime Fun (PEI) Group Ltd., Greenfield Capital Inc.

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:**

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 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 of the *Building Codes Act*.

KMAC Rentals Ltd. – PID # 506177 – Cavendish Road – an application was received to construct 4, one storey rental cottages 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.

**Sommo Festival - Cavendish Beach Music Festival** – an application was received to have a temporary/transient use permit for a second event on July 14 – 15, 2023 from 12:00 noon – 11:00 p.m. 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 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 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.

Andrew and Joanne Wigston – PID # 778100 – 7936 Cavendish Road – an application was received to subdivide three lots on the main property. Application was tabled until the official plan and bylaw review is completed.

BGB Holdings – PID # 937144 and 233437 – Cavendish Road – an application was received to consolidate PID # 937144 with PID # 233437. Awaiting a final survey plan to be completed.

**Rezoning Application:**

Andrew and Joanne Wigston – PID # 778100 – 7936 Cavendish Road – an application was received to rezone the property from RR (Rural) to R1 (Residential) Zone. Tabled until the Official Plan and Bylaw Review are completed.

**Development Permits:**

Patrick McNally & Ariana Bochenek – PID # 715011 – 11 Bayview Drive – an application was received for a change of use from a summer 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.

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

Maritime Fun Group (PEI) Ltd. – PID # 233197 – 8986 Cavendish Road – an application was received to locate a ride of 30' X 30 with an 8' X 8' maintenance building on the property in the previous location of the bumper car building. 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, 2)

meets the requirements of the Department of Environment and 3) meets the requirements of the Provincial Fire Marshal's Office. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Greenfield Capital Inc. – PID # 231977 – 8863 Cavendish Road – an application was received to locate a building of 12' X 16' on the property for storage. 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, 2) meets the requirements of the Department of Environment and 3) meets the requirements of the Provincial Fire Marshal's Office. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley returned to the meeting.

Paul Scully – PID # 480350 – 4 Wygant Place – an application was received to change the use of the existing summer 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. Motion Carried.

**Liquor License:**

Cavendish Marina & Beach Resort Inc. – PID # 411124 – a letter was received to have a new leased food service to Nish Dominic to have a restaurant and lounge license from 12:00 noon – 9:00 p.m. on weekdays and 9:00 a.m. – 9:00 p.m. on weekends and holidays. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council approve the request in principle 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 Liquor Control Commission. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Rezoning:**

Roger Birt Ltd. – a revised application was received for a rezoning, major development and special permit use for the property. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the application be brought to a public meeting for the Rezoning, Major Development and Special Permit use request. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Clark Dunning advised that the planning board went in camera to discuss the Official Plan and Bylaw Review.

**Official Plan and Bylaw Review:**

Councillor Clark Dunning advised that the Planning Board reviewed the changes to the document and looks forward to seeing the final document for review and the discussion on roads in private subdivisions.

**Special Event Guidelines:**

Councillor Clark Dunning advised that a motion was made by planning board regarding the Special Event Guidelines becoming part of the bylaw under the bylaw review for the municipality.

Mayor Jelley passed the Chair to Deputy Mayor Lowther.

Mayor Jelley advised that the bylaw review is 18 months into the review, so it is late for planning board to ask to stop the process.

Councillor Clark Dunning advised that the planning board felt that with all the issues that came up during the public meetings and comments and the impact on the community that they felt that this should be part of the bylaw to make it have more regulations.

It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Council accept the recommendation of planning board to have a new section called Special Events and that they be incorporated into the Zoning and Subdivision Control (Development) Bylaw, that the document be reviewed by the lawyer and planner to ensure that the document is part of the main bylaw and is updated as part of the 5 year review and that all sections are covered under the bylaw including temporary / transient use permits and that the draft document come back to the planning board and the Council for review. All in favor 0, 5 nays, 1 abstaining, 1 non-voting. Motion Denied.

It was moved by Councillor Simpson, seconded by Deputy Mayor Lowther that the planning board work on the Special Event Guidelines and use the resources of the planning and the legal counsel to assist them and that the guidelines be looked at as an amendment to the Zoning and Subdivision Control Development Bylaw. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**FOLLOW UP PERMIT:**

Sea Cross Inc. – PID # 2323033 – 8779 Cavendish Road – Lone Oak Brewing – updated information was received from all government departments to finalize approval of the development.

**5.A.1. Cavendish Beach Music Festival Taxi Staging Area:**

A request was received from Holly Hinds for the Taxi Staging Area.

It was moved by Councillor Clark Dunning, seconded by Ryan Simpson that the Province allow Cavendish Beach Music Festival to have the taxi staging area at the Cavendish Visitor Information Centre during July 6-8 and July 14 – 15, 2023. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**5.A.2. Ron and Sandra LeBlanc:**

The property owners advised that the surveyor is away until March 27, 2023.

The CAO will follow up with the surveyor and the property owners for an update prior to the April 17, 2023, meeting.

**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.

**5.4.1. – 6. Letters received regarding CBMF Decision:**

Letters were received from the following people following the decision of Council on CBMF.

Barbara Graham-Ritz, Margaret MacEachern, Rita Kelly, Helene Ganter, Seaside Cottages and Stephen McCluskey.

CAO advised that all letters were in package for the Council. Information only.

**5.4.7. Ben Murphy – request for letters on Sommo Event:**

It was moved by Councillor Simpson, seconded by Deputy Mayor Lowther that the letters from February 15, 2023, be provided to Ben Murphy. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**5.4.8. Carla Campbell – Seawood Estates:**

A letter was received from Carla Campbell regarding roads in Seawood Estates and infilling on permits.

Property owners do need to complete an infilling permit if they are infilling their property and it has to be approved by the Department of Environment. The municipality has no jurisdiction on private roads and the owner of the subdivision would have to be contacted regarding water being diverted onto roadways.

**5.B. Monthly Finances:**

Councillor Brammer presented the monthly Finances for February 28, 2023. The revenues were \$382,319.67 and the expenses were \$493,737.38. It was moved by Councillor Brammer, seconded by Councillor Robinson that the monthly finances for February 28, 2023, be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**5.B.1. 2023 – 2024 Resort Municipality Budget:**

Councillor Brammer presented the 2023-2024 Resort Municipality Budget. The revenues were \$551,603.00 and the expenses are \$551,603.33. It was moved by Councillor Brammer, seconded by Councillor Simpson that the 2023 / 2024 Resort Municipality Budget be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Brammer lost his signal and was out of the meeting.

Deputy Mayor Lowther presented the 2023-2024 Resort Municipality tax rate. It was moved by Deputy Mayor Lowther, seconded by Councillor Simpson that the 2023 / 2024 Resort Municipality tax rates at \$.20 / \$100.00 for non-commercial and \$.30 / \$100.00 for commercial tax rates be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**5.B.2. 2023 – 2024 Sewer Budget:**

Deputy Mayor Lowther presented the 2023-2024 Sewer Budget. The revenues were \$406,800.00 and the expenses are \$406,800.00. It was moved by Deputy Mayor Lowther, seconded by Councillor Simpson that 2023 / 2024 Sewer Budget be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**2023 – 2028 Sewer Utility Capital Budget:**

Deputy Mayor Lowther presented the 2023-2024 Sewer Utility Capital Budget. The revenues were \$446,424.15 and the expenses are \$446,424.15. It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that 2023 / 2024 Sewer Utility Capital Budget be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**5.B.3. 2023 – 2028 Resort Municipality Capital Budget:**

Deputy Mayor Lowther presented the 2023-2024 Resort Municipality Capital Budget for 2023 / 2024. The revenues were \$2,203,855.95 and the expenses are \$2,203,855.95. It was moved by Deputy Mayor Lowther, seconded by Councillor Simpson that 2023 / 2024 Resort Municipality Capital Budget be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Brammer rejoined the meeting.

**5.B.4. 2023 – 2024 Reserve Budget:**

Deputy Mayor Lowther presented the 2023-2024 Reserve Budget for a total budget of \$303,039.00 unrestricted surplus and a restricted surplus of \$36,756.59. It was moved by Deputy Mayor Lowther, seconded by Councillor Brammer that the 2023 – 2024 Reserve Budget be adopted. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**5.C. Emergency Services Committee:**

The CAO is working with the EMO office on a desk top exercise.

**5.D. Parks and Recreation Committee:**

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

**6. Cavendish Sewer Utility:**

**6.A. Monthly Updates and Engineering:**

Still working with Paul Crant's Manager at the Bank of Montreal on the sewer loans.

Sewer Tender was awarded to Toombs.

Awaiting Parks Canada letter for the Department of Environment on the land ownership for the lift station to allow the project to proceed.

**7. Business Arising from Minutes:**

**7.A. Literary Tour Panels - translation:**

A meeting will be held with Harvey on the panels prior to the next Council meeting.

**7.B. Water Study:**

CBCL provided an update on the water study and expect to have more details for the April 17, 2023, Council meeting.

**7.C. Web Site:**

Website is active.

Fillable forms are now on the site for all applications.

**7.D. Strategic Plan:**

Deputy Mayor Lowther reminded all Council members of their assignments on the Strategic Plan review and to have information prepared for the next Council meeting.

**7.E. Destination Management Fund:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that Councillor Robinson fill Deputy Mayor Lowther's place on the Destination Management Fund Committee. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

There is currently \$84,910.87 in the Destination Management Fund.

The municipality will submit an application for the Active Transportation Trail work on the South side of Route 6 to the fund.

**8. New Business:**

**8.A. FPEIM:**

**8.A.1. FPEIM Board Members:**

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. If anyone is interested in attending please advise the CAO.

**8.B. Funding Available for Resilient Communities:**

The program will have funding requirements available on April 1, 2023.

A copy of the Charlottetown and Summerside Tourism Levy was provided to the Council.

**8.C. Tourism Levy:**

The Tourism Levy will be reviewed further during the next several months along with consultations with tourism associations as well as operators.

**9. Concerns:**

**9.A. Councillors:**

No Councillor's concerns were addressed.

**9.B. Residents:**

Sandi Lowther commented on the Tourism Levy agenda item. She advised that the decision on the Sommo Event impacted 90% of accommodations operators and she reiterated that the Council, in its decision, ignored the majority of accommodation operators to allow them to proceed ahead with the event and now the Council is saying they want the accommodation operators' money with a tourism levy. She advised that she feels there should be a cooling period on any discussion on a tourism levy at this time.

Jim Brown asked about some discussion at the start of the meeting on a threat to Council. Council advised that there was no discussion on the question as it was a private matter.

CAO and Deputy CAO left the meeting.

10. *"In Camera:"*

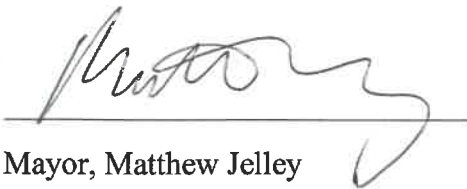
It was moved by Deputy Mayor Lowther, seconded by Councillor Simpson to go in camera under section 119(1)(D) of the Municipal Government Act under HR matters. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was moved by Deputy Mayor Lowther, seconded by Councillor Simpson to come out of camera under section 119(2)(E) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

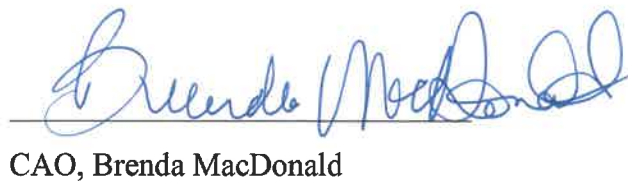
CAO and Deputy CAO returned to the meeting.

**10. ADJOURNMENT:**

Mayor Jelley adjourned the meeting at 7:27 p.m..



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Mayor, Matthew Jelley



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CAO, Brenda MacDonald