

Minutes
Resort Municipality Monthly Council Meeting
July 17, 2023
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on July 17, 2023, at the Resort Municipality Office.

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

ABSENT: Lee Brammer.

VISITORS: Jim Brown. Zoom: Lloyd Adams, Moe Greenwood, Sandi Lowther and Erna Watters.

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

Mayor Jelley advised that under 9(b)(4) to add Darlene Jones and under 9(b)(5) to add Darrell Doucette.

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the agenda be approved as amended. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

3. APPROVAL OF MONTHLY COUNCIL MEETING JUNE 19, 2023:

It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Monthly Council Meeting Minutes of July 17, 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 under planning board applications on the agenda.

Councillor Kay Hryckiwi declared a conflict of interest under planning board application on the agenda for Greenfield Capital Inc.

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.

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, comments from the 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*.

Chris Robinson – PID # 1053990 – 8537 Cavendish Road – an application was received for a change of use on the property into a two-bedroom Bed and Breakfast. Awaiting work to be completed on the driveway addition to meet bylaw requirements and the Department of Transportation's comments.

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 one 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 one lot off of 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 of the main property. An updated plan was received, now we are awaiting the perc test and final site plan.

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. Awaiting rezoning to be signed off by the Minister.

Development Permits:

Alexander and Darlene MacKay – PID # 706150 – 9946 Cavendish Road – an application was received to locate solar panels on the roof of the existing structure. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Council approve the application in principle subject to: 1) the stamped drawings being provided by the engineer. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Clifton Harding – PID # 999029 – Angus Campbell Lane – an application was received to construct a rental cottage of 47'6" X 49'6" with decks. 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.

George MacEwen – PID # 92668 (Lot B) – Cavendish Road – an application was received to move a building onto the property of 28' X 20' with a covered in deck of 8' X 16'. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council approve the application in principle subject to: 1) meets the requirements of the Department of Environment, 2) that a moving permit be obtained from the Department of Transportation and Infrastructure and 3) that a septic permit be approved. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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

Greenfield Capital Inc. – PID # 708255 – (198 Forest Hills Lane) – an application was received to construct a storage building of 50' X 40'. 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 Environment and 2) meets the requirements of the Provincial Fire Marshal's Office. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Mayor Jelley and Councillor Hryckiwi returned to the meeting.

Change of Use:

John Boyne – PID # 944017 – (176 Seawood Drive) – an application was received to change the use of the 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 Provincial Fire Marshal's office. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Temporary Permit:

CFM PEI Inc. – PID # 231910 – (8989 Cavendish Road) - an application was received to have e-scooters on the property from July 1 – September 30, 2023. Application was incomplete.

AMD PEI Growth – PID # 232413 – (8572 Cavendish Road) – an application was received to have e-scooters on the property from July 1 – September 30, 2023. Application was incomplete.

102282 PEI Inc. - Anne Shirley Motel & Cottages – PID # 232389 – (7542 Route 13) – an application was received to have e-scooters on the property from July 1 – September 30, 2023. Application was incomplete.

Green Gables Bungalow Court – PID # 232405 – (8663 Cavendish Road) - an application was received to have e-scooters on the property from July 1 – September 30, 2023. Application was incomplete.

Innovation Enterprises Inc. – PID # 472027 – (8925 Cavendish Road) - an application was received to have e-scooters on the property from July 1 – September 30, 2023. Application was incomplete.

101472 PEI Inc. (Sunset Campground) – PID # 1048289 - (9095 Cavendish Road) – an application was received to have e-scooters on the property from July 1 – September 30, 2023. Application was incomplete.

Marco Polo Land – PID # 232298 – (7406 Route 13) – an application was received to have e-scooters on the property from July 1 – September 30, 2023. Application was incomplete.

101704 PEI Inc. (Captain Kidd's Dairy Bar) – PID # 1068964 – (8528 Cavendish Road) – an application was received to have e-scooters on the property from July 1 – September 30, 2023. Application was incomplete.

It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the CAO be able to grant approval for the applications once all necessary information has been received from the developer and each of the landowners where the permit has been requested for. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Marco Polo Land – PID # 232298 – (7406 Route 13) – an application was received to have fireworks on the property on August 12, 2023. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the approve the application in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's office and 2) that the New Glasgow Fire Department be on-site when the fireworks are happening. All in favor 4, 1 nay, 1 non-voting, 1 absent. Motion Carried.

A notice will be sent to property owners in the municipal newsletter as well advising them of the upcoming fireworks.

Marco Polo Land – PID # 232298 – (7406 Route 13) – an application was received to have fireworks on the property on September 2, 2023. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council approve the application in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's office and 2) that the New Glasgow Fire Department be on-site when the fireworks are happening. All in favor 4, 1 nay, 1 non-voting, 1 absent. Motion Carried.

A notice will be sent to property owners in the municipal newsletter as well advising them of the upcoming fireworks.

Liquor License Request Extension of hours:

CFM PEI Inc. – PID # 231910 – (8989 Cavendish Road) - an application was received to have an extension of hours for alcohol service from 11:00 a.m. – 1:00 a.m. at Cavendish Fish and Chips. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council approve the application in principle subject to: 1) the extension of hours until 1:00 a.m. are for inside the building only, the outside deck shall be limited to 12:00 midnight, 2) meets the requirements of the Department of Health, 3) meets the requirements of the Provincial Fire Marshal's office and 4) meets the requirements of the Liquor Control Commission. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

5.A.1. Official Plan and Bylaw Review:

Final changes are being completed. Council still has to review the map documents to complete the bylaw review to then bring it to the public in August.

5.A.2. Joel MacIsaac Performance Bond Refund:

It was moved by Deputy Mayor Lowther, seconded by Councillor Simpson that the performance bond be returned to Joel MacIsaac, as all conditions of the development agreement have been met. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

5.A.3. Ombuds PEI – Best Practice:

Information is in the meeting package from the Ombuds PEI office along with processes on closed meetings.

5.A.4. Electric Kick Scooters:

Information was received from the Province of PEI, Highway Safety and the RCMP and is included in the meeting package for the Council's review on e-scooters.

5.B. Monthly Finances:

The Monthly Finances for June 30, 2023, were presented. The revenues were \$110,885.09 and the expenses were \$111,907.25. It was moved by Councillor Hryckiw, seconded by Councillor Simpson that the monthly finances for June 30, 2023, be adopted as presented. All in favor 5, 1 non-voting, 1 non-voting. Motion Carried.

5.B.1. Refund / Waiver of Fees Application:

The Province of PEI is providing municipalities an application form to complete for property owners that need to rebuild from Fiona. Any development permit fees will be covered by the Province of PEI to the municipality for the new construction or renovation.

5.C. Emergency Services and Wellness Committee:

Councillor Hryckiw met with Donnie Blacquiére from the Food Bank in North Rustico.

An oil program is available for low income households.

A breakdown of information will be provided to the CAO to circulate in the municipal newsletter.

5.D. Parks and Recreation Committee:

5.D.1 Landscaping:

Ten companies had been contacted for pricing. To date, no companies have provided pricing or have advised that they cannot take on any additional work for 2023.

Councillor Robinson spoke about one item that he saw was at Point Prim Lighthouse. There is a panel with a dot on it and when you move it to a certain area you can see an image on it. Perhaps this is something that can be looked at for the area.

5.D.2. Green Gables Underpass:

Parks Canada has completed some infilling along the walkway on Route 6 where the work was done on the underpass and have created a small swale where the work was completed to allow the water to run off from the boardwalk.

The boardwalk will have to be looked at when being constructed again to ensure that it is elevated to be higher.

5.D.3. Cawnpore Lane Trail:

Parks Canada will have maintenance equipment in the area within the week and will remove the poison ivy and plantings that are out on the walkway.

5.D.4. Cavendish Active Transportation Trail:

Funding was applied for and denied under the Active Transportation Trail.

5.D.5. Children Playing Signs:

Department of Transportation will only put signs up near parks but will not put Children Playing signs up near an intersection due to safety concerns.

6. Cavendish Sewer Utility:

6.A. Monthly Updates and Engineering:

We are still working with Paul Crant and his Manager at the Bank of Montreal on the sewer loans and trying to get issues resolved with loans.

Business License was signed with Danny Cusack.

Business customers bills will be sent out later in July once Toombs reads the meters.

Mayor Jelley advised that during the festival and Canada Day weekend there were voltage issues in the area with Maritime Electric and although the station was upgraded a few years ago it is not handling the capacity with electricity in the area. The sewer utility had to run the generator for three days during the concert to ensure that there were no issues with the stations.

6.A.1. Climate Challenge:

At the present time, there are no projects to be reviewed by the municipality.

Deputy Mayor Lowther advised that the municipality has applied for a number of projects through funding programs, and they have all been turned down.

Ryan Simpson advised that he talked with the Climate Action group as well and the electric buses are being looked at for power during outages. He will check into this further and also bring up the information to Brad Trivers on Funding programs for the area.

7. Business Arising from Minutes::

7.A. Literary Tour Panels:

Translation has been completed and they are being sent to Harvey. Terry and Katsue will see the panels as well for review.

7.B. Strategic Plan:

1) Energy Independence.

Councillor Hryckiwi advised that there were no updates on this matter.

2) Extended Year-Round Activities.

Councillor Simpson and Councillor Robinson have not yet met go over the extended year-round activities for the next Council Meeting.

3) Dog Park.

Councillor Robinson and Councillor Hryckiwi were looking at areas for a dog park and are to come up with a plan to present to the Council.

4) Emergency Preparedness.

Councillor Hryckiwi commented on the 72 hours kit and putting it out in the newsletter again for people to be prepared.

5) Community Hub / Municipal Building.

Councillor Brammer and Mayor Jelley are waiting for an update from Parks Canada and Danny Cusack has not yet provided any feedback.

6) Wayfinding.

Deputy Mayor Lowther and Mayor Jelley worked on a modified application as the prices came in so high for the project, so the application will be for three signs now.

It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that the municipality apply to the Rural Growth Initiative Fund for wayfinding signs. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.C. Housing Accelerator Fund:

Deputy Mayor Lowther is preparing the application for the project and gathering information from Staff on permits issued for housing.

It was moved by Councillor Simpson, seconded by Councillor Hryckiwi that the municipality apply to the Housing Accelerator Fund. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

7.D. PEI Stepping Up annual planting to 1.3 million trees:

An application was applied for trees through the program in the municipal parks.

8.A. Local Choice PEI Campaign for Electoral Reform:

Prince Edward Island is in third place among the ten provinces of this nation-wide campaign. The current goal is to get a critical mass of municipalities on board to push upward to amend the Elections Act within the P.E.I.

Municipal Government Act in order to create enabling legislation, that would, among other things, allow municipalities a choice to adopt alternate voting systems (such as preferential ballots). No action to be taken at this time.

8.B. Terry Fox Run:

Abram's Village is inviting municipalities to their community on September 17, 2023, for the 43rd Annual Terry Fox Run. Information can be promoted in the municipal newsletter.

8.C. CBMF Events:

Concerns were raised over fencing before Canada Day and a big concern for property owners in the area.

Mayor advised that there were two back to back weekends for the event and the way the holiday ran government staff were off on Monday so the fences were put up earlier. It is Provincial Roads and Provincial Crews that are installing the fences and it is their timelines. It was felt that there should be something in place that fencing cannot be put up before the Canada Day weekend.

July 31, 2023, is the public meeting to review feedback from property owners, the Developer and Government departments on the event.

10. Concerns:

10.A. Councillors:

Newsletter:

Deputy Mayor Lowther advised that a paper newsletter has not gone out for some time and that one should be sent out for the Official Plan and Bylaw Review information.

The CAO advised that a paper newsletter will be sent out and will also advise property owners to sign up for the municipal newsletter and advise the office if they still wish to receive a hard copy of the newsletter.

Grahams Lane Trail:

Deputy Mayor Lowther asked about the Grahams Lane Trail.

CAO advised that Toombs had been contacted about the trail as well as Keir Doucette.

Toombs advised that Keir Doucette would be best to look at the trail based on the size of equipment needed for the project.

Strategic Priorities:

Councillor Robinson commented on Strategic Priorities and about engaging a realtor for acquisition of lands. It was moved by Councillor Robinson to hire a realtor and look at some possible options for acquiring land. No one seconded motion. Motion defeated.

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson to put out a request for interest for realtor services and that Councillor Robinson bring back a proposal with a process attached for the next meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

10.B. Residents:

Susan Johnston – concerns were received over festival parking and people entering the laneway and causing issues on the adjacent property based on fencing not being put up on the property. The issue was addressed for the second night with the RCMP being put at the end of the laneway.

Mary Mecher-Carlson raised concerns over the swimming rock and about having a clinic in the area.

The Swimming Rock is being worked on and we are awaiting approval from the Department of Environment to complete work at the site.

The Clinic is an item that can be worked on with the Gulf Shore Health Corporation and the Emergency Services and Health Committee.

Frank Morrison – Smoke Free Places.

Update is in package and no longer needs to come to the Council.

Darlene Jones – raised concerns over garbage at Stanley Bridge and bottles being left. Concerns should be raised with the Province of PEI as this area falls under their jurisdiction.

Darrell Doucette – concern over dogs. No Animal Control Bylaw in place in the municipality. Concerns over dogs parking late at night, contact the RCMP.

It was moved by Councillor Simpson, seconded by Councillor Clark Dunning to go in camera in accordance with Sections 119(1)(f) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

11. “In Camera”

11.a. Special Event Guidelines:

It was moved by Councillor Simpson, seconded by Councillor Hryckiw to come out of camera in accordance with section 119(2)(e) of the Municipal Government Act.

Special Event Guidelines:


It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiw that Special Events be added to the Zoning and Subdivision Control (Development) Bylaw and become part of the bylaw based on the sections provided by the lawyer and the planner and that Schedule F be added be in accordance with the Special Event Guidelines as amended from time to time being added to the section. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

12. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 7:05 p.m.



Mayor, Matthew Jelley



CAO, Brenda MacDonald