

Minutes
Resort Municipality Monthly Council Meeting
August 21, 2023
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on August 21, 2023, at the North Rustico Lion's Club.

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

ABSENT: Kay Hryckiw.

VISITORS: Paul Bent and Mike Duffy were present for a portion of the meeting.

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

Mayor Jelley added Destination Management Fund to the agenda under 8.D.

It was moved by Deputy Mayor Lowther, 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 JULY 17, 2023:

It was moved by Councillor Simpson, seconded by Councillor Clark Dunning 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.

APPROVAL OF SPECIAL COUNCIL MEETING JULY 31, 2023:

It was moved by Deputy Mayor Lowther, seconded by Councillor Simpson that the Special Council Meeting Minutes of July 31, 2023, be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

APPROVAL OF PUBLIC MEETING JULY 31, 2023:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Public Meeting Minutes of July 31, 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.

Deputy Mayor Lowther declared a conflict of interest under planning board applications on the agenda.

5. COMMITTEE REPORTS:

5.A. Building and Signage Permits:

Follow Up Permits:

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*.

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. Access on the property still needs to be widened.

Wayne and Judy Gallant – PID # 642074 – Cavendish Road – an application was received to construct a one and a half storey dwelling of 42' X 40' with a breezeway of 18' X 14' and a garage of 30' X 40'. Awaiting a final site plan.

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

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.

Gary & Linda Lowther and Others: - PID # 1144179 – (Cavendish Road) – a subdivision agreement be entered into, 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.

Kay and Tony Wakelin – PID # 894741 – 346 Simpson Mill Road – an application was received to subdivide one lot off of 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.

Roger Birt Inc. – PID # 723874 – Cavendish Road – Awaiting information to be signed off by the Minister on the rezoning, submission of final subdivision plan, approval from the Department of Transportation on the access, approval from the Department of Environment on the sewer plan and water servicing plans for the subdivision, any infilling permits will need to be submitted for approval, and a subdivision agreement to be entered into with the developer.

Deputy Mayor Lowther left the meeting due to a conflict of interest.

Development Permits:

Gary Lowther & Others – PID # 1144179 (Lot 9) Jayne's Way. An application was received to construct a single-family dwelling of 53' X 76' that includes decks and a garage. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Council approve the application in principle subject to: 1) that the lot be approved for access by the Department of Transportation prior to the road being developed, 2) 3) that a development agreement be entered into and 4) that the structures not be occupied or sold until an occupancy permit has been granted and 5) meets the requirements of the *Building Codes Act*. All in favor 3, 1 non-voting, 2 absent. Motion Carried.

Gary Lowther & Others – PID # 1144179 (Lot 9) Jayne's Way. An application was received to construct a private detached garage of 36' X 26' for storage only. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the Council approve the application in principle subject to: 1) that a development agreement be entered into, 2) that the structures not be occupied or sold until an occupancy permit has been granted and the road, 3) meets the requirements of the Department of Transportation and 4) meets the requirements of the *Building Codes Act*. All in favor 3, 1 non-voting, 2 absent. Motion Carried.

Gary Lowther & Others – PID # 1144179 (Lot 10) Jayne's Way - An application was received to construct a single-family dwelling of 60' X 80' that includes decks and a garage. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Council approve the application in principle subject to: 1) that the subdivision be approved, 2) that substantial completion of the road be completed by the developer, 3) that a development agreement be entered into and 4) that the structures are not to be occupied or sold until an occupancy permit has been granted and the road signed off by the Department of Transportation and 5) meets the requirements of the *Building Codes Act*. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Deputy Mayor Lowther returned to the meeting.

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

Scarlet's Ideal Country Life Inc. – PID # 232009 – 8821 Cavendish Road. An application was received to move two, 3-bedroom cottages of 24' X 36' with a deck, to move one, 3-bedroom cottage of 24' X 30' with a deck, and to move one, 2-bedroom cottage of 23' X 26' with a deck. 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, 2) meets the requirements of the Department of Tourism, 3) meets the requirements of the Department of Environment. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Maritime Fun Group (PEI) Ltd. – PID # 233197 - 8986 Cavendish Road – an application was received to construct a bumper boat pond of 70' X 90' on the property. 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 Provincial Fire Marshal's office, 2) meets the requirements of the Department of Environment, and 3) meets the requirements of the Department of Health and Wellness. All in favor 4, 1, non-voting, 2 absent. Motion Carried.

Mayor Jelley returned to the meeting.

Change of Use:

Alyssa Hartwell – PID # 480285 – 16 Heron Court – 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 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.

5626634 Manitoba Ltd. – PID # 232215 (Lot 15) – 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 to 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 4, 1 non-voting, 2 absent. Motion Carried.

Temporary Permits:

Cavendish Beach Music Festival Inc. – PID # 1037423 – 8779 Cavendish Road – an application was received to hold the Cavendish Beach Music Festival on July 4 – 7, 2024. It was moved Councillor Clark Dunning, seconded by Councillor Brammer 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, 3) meets the requirements of the Liquor Control Commission, 4) that a development agreement be entered into, 5)

that comments be provided by the RCMP and 6) that proof of insurance be provided. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Cavendish Beach Music Festival Inc. – PID # 1037423 – an application was received to hold the Sommo Event on July 12 – 13, 2024 from 12:00 noon – 11:00 p.m. 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 Provincial Fire Marshal's office, 3) meets the requirements of the Liquor Control Commission, 4) that a development agreement be entered into, 5) that comments be provided by the RCMP and 6) that proof of insurance be provided. All in favor 1, 4 nay, 1 non-voting, 1 absent. Motion Denied.

Subdivision Applications:

West Highland Contractors Ltd. – an application was received to subdivide .10 Parcel off of PID # 694976 and to consolidate it with PID # 456673. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Council approve the application in principle subject to: 1) that the owners of PID # 456673 submit a lot consolidation form and deed for the property and 2) that the final survey plan be completed. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Sharon MacNeill – PID # 841049 - MacNeill's Lane – an application was received to subdivide 5.9 acres off of the main parcel and consolidate it with PID # 830687 and an application was received to subdivide 2.47 acres off of the main property. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council approve the application in principle subject to: 1) that the owners of PID # 830687 submit a lot consolidation form and deed for the property, 2) that a final survey plan be completed and 3) that a letter of comfort be provided by Parks Canada. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Signage Permits approved by the CAO.

Planning Board Chair Clark Dunning advised that the signage permits that were issued by the CAO are shown in the meeting package.

Permits issued by CAO:

Planning Board Chair Clark Dunning advised that the development permits that were issued by the CAO are shown in the meeting package.

Liquor License Request Extension of hours:

Cavendish Marina and Beach Resort Inc. - An application was received to have an extension of hours for alcohol service until 12:00 midnight for a wedding on September 3, 2023. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson, that the Council approve the application in principle subject to: 1) that the license be extended until 12:00 midnight, 2) meets the requirements of the Department of Health and Wellness, 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.

CBMF / Sommo Comments:

Letters were in the meeting package and were circulated by e-mail as well.

Official Plan and Bylaw Review:

Public Meeting on the Official Plan and Bylaw Review will take place at 7:00 p.m. following the Council Meeting.

5.A.1. Draft Code of Conduct Bylaw:

Mayor Jelley read out the Draft Code of Conduct Bylaw for the public.

It was moved by Deputy Mayor Lowther, seconded by Councillor Robinson that the Code of Conduct Bylaw be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

First Reading Code of Conduct Bylaw:

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the first reading of the Code of Conduct Bylaw be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

5.B. Monthly Finances:

The Monthly Finances for July 31, 2023, were presented. The revenues were \$147,307.24 and the expenses were \$190,345.92. It was moved by Councillor Brammer, seconded by Councillor Robinson that the monthly finances for July 31, 2023, be adopted as presented. All in favor 5, 1 non-voting, 1 non-voting. Motion Carried.

Mayor Jelley moved on to Resident's Concerns up to 6. On the agenda due to the time left to complete the meeting prior to the public meeting.

6. Concerns:

6.A. Residents:

6.A.1. Jeremy Stiles – Letter was received concerning the Official Plan and Land Use Bylaw and concerns over rental properties.

6.A.2. Letter of Concern – Unsigned:

Council dismissed the letter of concern since it was unsigned by anyone regarding their concerns over travel trailers. If a property owner is not prepared to sign their name to a letter then no response will be provided as there is no one to formally respond to about the complaint.

6.A.3 Megan Skinner – Biographies of Council.

Deputy Mayor Lowther advised that she was prepared to work with Council members on writing up their biography for the website if they like. They are to contact her directly with their information.

6.A.4. Paul Bent – Speeding Gulf Shore Highway:

Paul Bent sent in two e-mails regarding speeding on the Gulf Shore Highway. Both Parks Canada and the RCMP were made aware of the issues. RCMP have asked staff for more patrol to take place when they are in the area.

Mayor Jelley moved CBMF Performance Bond to number 7 on the agenda.

It was moved by Councillor Simpson, seconded by Deputy Mayor Lowther to go in camera in accordance with section 119(1)(e) of the Municipal Government Act..

7. "In Camera"

CBMF Performance Bonds:

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

CBMF Performance Bonds:

It was moved by Councillor Simpson, seconded by Councillor Brammer, that the bonds for CBMF have \$1,000.00 be removed for non-compliance with the time of the event not being meet and \$1,000.00 be removed for non-compliance for the parking and not having a secure fence structure located on the property the full length of the property. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8. ADJOURNMENT:

Mayor Jelley adjourned the meeting at 7:00 p.m.



A handwritten signature in blue ink, appearing to read 'Matthew Jelley', written over a horizontal line.

Mayor, Matthew Jelley



A handwritten signature in blue ink, appearing to read 'Brenda MacDonald', written over a horizontal line.

CAO, Brenda MacDonald