

Minutes
Resort Municipality Monthly Council Meeting
February 26, 2024
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on February 26, 2024, at the Resort Municipality Office.

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

ABSENT: Councillor Lee Brammer and Councillor Ryan Simpson

VISITORS: Jim Brown.

1. CALL TO ORDER:

Mayor Jelley called the meeting to order at 5:06 p.m.

2. APPROVAL OF AGENDA:

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the agenda be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

3. APPROVAL OF MONTHLY COUNCIL MEETING JANUARY 15, 2024:

It was moved by Councillor Hryckiwi, seconded by Deputy Mayor Lowther that the Monthly Council Meeting Minutes of January 15, 2024, be approved as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

Mayor Jelley advised that he had conflicts under the planning board applications for Eagles Glenn Golf Course and the driveway access for Cavendish Beach Music Festival.

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:

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.

Subdivision Application:

Gary & Linda Lowther and Others: - PID # 1144179 – (Cavendish Road) – An application was received for a 16 lot subdivision. An updated survey plan was received for the subdivision. The new survey plan was reviewed by the planning board and comments are expected from the Department of Transportation, the Department of Environment and the developer's engineer.

Awaiting a subdivision agreement being 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.

Gary Lowther & Others:

Based on section 4.18 of the bylaw, it is only possible to have one main building on a lot, so Lot 10 cannot proceed at this time until the subdivision agreement is completed, and the subdivision is approved.

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. Awaiting the subdivision being approved, that substantial completion of the road be completed by the developer, that a development agreement be entered into, 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 meets the requirements of the *Building Codes Act*.

Roger Birt Inc. – PID # 723874 – Cavendish Road – Awaiting information from the developer on the survey plan for the project. Information was received from CBCL, the Department of Transportation, Municipal Affairs and the Department of Environment on sewer servicing.

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. A new survey plan was received for the lot consolidation only as access to a public road has been provided for the separate lot to be subdivided for the rental cottage property.

5. Development Permits:

Montgomery Cavendish Cottages Inc. (PID # 232868) (Sunset Lane) – an application was received to construct a summer cottage of 46' X 47' with decks. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiw that Council approve the application in principle subject to: 1) that the septic permit be provided and 2) comments from Parks Canada to allow the access. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

BGB Holdings Inc. – PID # 937144 – 7766 Cavendish Road - an application was received to construct a barn of 100' X 50' X 200' X 60'. It was moved by Councillor Clark Dunning. There was no seconder. Motion defeated.

It was recommended that under the new bylaw the zoning of the property will change and if the owner applied for a commercial building on the property, then the building could be constructed, provided that all information was received on a new application as well as approval from the Provincial Fire Marshal's Office, Department of Transportation and the Department of Environment.

Sea Cross Inc. – 8779 Cavendish Road – 232033 – to enclose the existing deck on the Turkey Tavern building of 36' X 20'. 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 Health, 2) meets the requirements of the Provincial Fire Marshal's office and 3) meets the requirements of the Liquor Control Commission. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Stanley Bridge Harbour Authority – PID # 459958 – 10056 Route 6 – an application was received to construct a building of 55'- 10 1/2" X 65 – 6 1/2". It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that application proceed subject to: 1) meets the requirements of the Department of Fisheries and Oceans, 2) that the hours of construction be from 7:30 a.m. to 7:30 p.m. and that any construction materials and debris be covered on the property so that it does not blow onto adjacent properties. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Raspberry Point Oyster Co. Inc. – PID # 771832 – 9539 Cavendish Road – an application was received to locate a building on the property of 20'3" X 12'3" for storage. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that Council approve the application in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's office and 2) meets the requirements of the Department of Transportation. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Sea Cross Inc. – PID # 232033 – 8779 Cavendish Road – an application was received to locate a building on the property of 16'4" X 14'4" for storage for Sanuel's. 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 Provincial Fire Marshal's office and 2) meets the requirements of the Department of Transportation. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Parkview Farms Inc. – PID # 232637 - 8214 Cavendish Road – an application was received to locate a liquid manure holding tank on the property of 110' X 110' on the property. It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that Council has determined that this is a major development, and an environment impact assessment will be required prior to going to a public meeting. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Parkview Farms Inc. – PID # 232637 - 8214 Cavendish Road – an application was received to construct an addition onto the existing barn of 112' X 100' on the property. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that 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 Agriculture, 3) the owners must determine which barn that they are going to construct as two applications had been received for this barn and 4) meets the requirements of the Department of Environment. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Colton Dawson – PID # 623298 - 11 Stanley Road – 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 Deputy Mayor Lowther that Council approve the application in principle subject to: 1) meets the requirements of the Provincial Fire Marshal's office and 2) meets the requirements of the Department of Tourism. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Subdivision Permit:

Ernest and Sharon MacEwen – PID # 815902 – Reid Road – an application was received to subdivide 5 lots off of the main property. 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 Transportation, 2) meets the requirements of the Department of Environment and 3) that a private road be allowed and that the developer provide a road agreement providing for the long term ownership and maintenance of the Private Road to be registered in the Province's Land Registry Office, binding on the Owner of the Private Road, the Lot Owner making application for the Development Permit, and their respective heirs, successors and assigns. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Andrew Wigston – PID # 806976 & PID # 778100 – 7936 Cavendish Road – an application was received to subdivide two pieces of land off of the property and consolidate it with PID # 806976. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that Council deny the application as it does not comply with the Zoning and Subdivision Control Bylaw. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Council advised that if the owner completes a revised application to comply with the setback requirements and the province-wide minimum lot size standards that the application could proceed.

Richard and Roger Moore – PID # 232470 – Cavendish Road - an application was received to subdivide 1 acre off of the main 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 Department of Transportation, 2) meets the requirements of the Department of Environment, 3) that a private road be allowed and that the developer provide a road agreement providing for the long term ownership and maintenance of the Private Road to be registered in the Province's Land Registry Office, binding on the Owner of the Private Road, the Lot Owner making application for the Development Permit, and their respective heirs, successors and assigns and 4) that a perc test be completed on the property. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

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

Eagles Glenn Golf Inc. – PID # 432195 – Cavendish Road – an application was received to subdivide one lot off of the main property. Council tabled the application based on the information being incomplete.

Temporary Permits:

Cavendish Beach Music Festival – (227 Forest Hills Lane) - (PID # 566869) – an application was received for access to the property and parking for RCMP vehicles from July 2 – 8, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that Council approve the application in principle subject to: 1) written approval from the owner of the road for access to the property, 2) that a development agreement to be entered into and 3) that a performance bond be paid. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Cavendish Beach Music Festival – (227 Forest Hills Lane) – (PID # 566869) – an application was received to have the RCMP headquarters on the property from July 2 – 8, 2024. It was moved by Councillor Hryckiwi, seconded by Councillor Hryckiwi that Council approve the application in principle subject to: 1) written approval from the owner of the road for access to the property, 2) that a development agreement to be entered into, 3) that a performance bond be posted and 4) meets the requirements of the Provincial Fire Marshal's office. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Cavendish Beach Music Festival – (227 Forest Hills Lane) - (PID # 566869) – an application was received for access to the property and parking for RCMP vehicles from September 11 – 15, 2024 for the Sommo Festival. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that Council approve the application in principle subject to: 1) approval from the owner of the road for access to the property, 2) that a development agreement to be entered into and 3) that a performance bond be posted. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Cavendish Beach Music Festival – (227 Forest Hills Lane) – (PID # 566869) – an application was received to have the RCMP headquarters on the property from September 11 – 15, 2024 for the Sommo Festival. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that Council approve the application in principle subject to: 1) approval from the owner of the road for access to the property, 2) that a development agreement to be entered into, 3) that a performance bond be posted and 4) meets the requirements of the Provincial Fire Marshal's office. All in favor 3, 1 non-voting, 3 absent. Motion Carried.

Mayor Jelley returned to the meeting.

Signage Permit:

Cavendish Beach Music Festival – Banner Permits (Route 6 and Route 13) – an application was received to locate banners on the poles 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) confirmation of the dates for the banners to be located on the poles and 2) that the signs advertise Cavendish Beach Music Festival only. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Cavendish Beach Music Festival – (8779 Cavendish Road) – (PID # 1037423) – an application was received to locate signs on the property for the Cavendish Beach Music Festival. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that Council approve the application in principle subject to: 1) the signs shall be for the Cavendish Beach Music Festival property and shall comply with the signage bylaw. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Cavendish Beach Music Festival – Banner Permits (Route 6 and Route 13) – an application was received to locate banners on the poles for the Sommo Festival. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the Council approve the application in principle subject to: 1) confirmation of the dates for the banners to be located on the poles and 2) that the banners advertise the Sommo Festival only. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Cavendish Beach Music Festival – (8779 Cavendish Road) - (PID # 1037423) to locate signs on the property for the Sommo Festival. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that Council approve the application in principle subject to: 1) the signs shall be for the Sommo Festival and shall comply with the signage bylaw. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Liquor License:

The Graham Inn – PID # 763755 – 7910 Cavendish Road – a new request was received for a Special Premise Liquor License. It was moved by Councillor Clark Dunning seconded by Deputy Mayor Lowther that Council approve the application in principle subject to: 1) that the Special Premise Liquor License be approved for a maximum of 25 people on the site, 2) that any other events over 25 people will require a temporary permit to be applied for each event at the site, 3) meets the requirements of the Liquor Control Commission, and 4) meets the requirement of the Provincial Fire Marshal's office. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Other:

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

CAO advised that a Matrix document was received from Municipal Affairs that needed to be completed on the Official Plan and Bylaw Review to ensure that it covers all new requirements under the province before they will start the review of the documents and maps. Information is being finalized by the planner.

5.A.2. Mapco changing to Mati:

The province has changed their assessment program over to Mati. We have updated our information and have secured our login and are using the new program daily for our assessment and tax information for property owners.

5.A.3. Bylaw Enforcement Officer:

Information was provided in the meeting package from other municipalities on services they use. There is one enforcement officer that does a number of municipalities on various days. We will reach out to her to check on availability of her services. This will also be looked at as part of the budget process.

5.B. Monthly Finances:

The Monthly Finances for January 31, 2023, were presented. The revenues were \$345,858.79 and the expenses were \$475,227.28. It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that the monthly finances for January 31, 2024, be adopted as presented. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

5.B.1. Budget:

The year-to-date expenses, capital budgets for the municipality and the sewer utility, reserve budget and 2023 / 2024 budgets were provided to the Council. A public meeting will be held following the Council meeting for public input into the 2024 / 2025 budget.

5.C. Emergency Services and Wellness Committee:

New Glasgow Fire Department is increasing fees for 2024 and 2025 and have sent in their request.

New London Fire Department is increasing their fees for 2024.

Stella Maris Church has a generator and can be open as a warming center in the event of an emergency and the municipality is welcome to send people there.

Councillor Hryckiwi and Deputy CAO Heather Hay attended a session at the Stanley Bridge Hall on Narcan. There is currently one kit at the municipal office.

5.C.1. Fire Safety Act:

Fire Departments are working on comments on the Fire Safety Act as the new Act still does not address medical emergency calls that the fire department responds to.

5.D. Parks and Recreation Committee:

A meeting was held with Councillor Simson and Councillor Brammer to discuss community recognition for the benches and options for the Council to review.

The Council felt that more work is needed on the dedication as the intent was that this was something to remember the matriarchs and patriarchs that have made significant contributions to the Community over the years.

6. Cavendish Sewer Utility:

6.A. Monthly Updates and Engineering:

LS # 4 is in the final stages of getting it set up.

Generator will not be here until the spring as it is on back order.

Generator at LS # 7 on Route 13 is having issues. A new part has been ordered but has been changed from the original construction and needs some adjustments. Sansom Equipment has been over to do installation and modifications of the part on February 23, 2024.

7. Business Arising from Minutes:

7.A. Literary Tour Panels:

The panels are being worked on and expected to be completed within a month.

7.B. Strategic Plan:

7.B.1. Community Hub:

The Mayor sent a letter about the building to the Province.

There is currently 7 years left on the current lease with the Province.

Parks has talked about a 10 year lease to the Province, but the municipality needs something longer term to invest in the space.

Karen Jans from Parks Canada has requested a short summary of the footprint that is expected to be used within the existing building and land with some key terms that are being looked at and they will review it and get back to the municipality.

Councillor Robison asked about the land suitability and analysis.

Mayor Jelley advised that he has to review the draft RFP and will come back with comments to the Council.

7.B.2. Planning matters:

Samantha Murphy has advised that she is unable to do any further planning matters at the present time due to some projects for other areas. She has provided a name of a contact and we are awaiting further information from her on how to contact this person regarding their services for the municipality.

7.B.3. Walkway Project:

CBCL will be hired to look at the existing walkways to determine next steps for upgrades and priority areas based on the current trail conditions.

8.A. Montgomery 150 Update:

The Committee received 30% of its ask for funds.

Photo club will have an exhibit at the Cavendish Visitor Information Centre.

They are looking at a historical illumination project at the corner of Route 6 and 13.

The funds focus on Montgomery and not Anne.

Looking to possibly have a sign on the road or in the air and at the welcome signs coming into the area.

They are looking to have the gateways branded. Looking for ideas from the Council on signage for the Montgomery 150 celebrations.

8.B. FPEIM:

Information was in the meeting package from FPEIM on their upcoming awards and meeting on April 29, 2024, in Charlottetown.

9. Concerns:

9.A. Councillors:

Green Gables house will be open on April 8, 2024, as it will be the first cruise ship of the year.

Cavendish Campground will have the new loop open this year at the campground.

Biggest year with cruise ships with 96 cruise ships expected.

9.B. Resident's Concerns:

Doug Carmody – is interested in Emergency Measures.

Doug will be contacted regarding the committee and its role for the municipality.

10. ADJOURNMENT:

Councillor Clark Dunning adjourned the meeting at 7:00 p.m.



Mayor, Matthew Jelley



CAO, Brenda MacDonald