

Minutes  
Resort Municipality Monthly Council Meeting  
April 15, 2024  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on April 15, 2024, at the Resort Municipality Office.

**PRESENT:** Mayor Matthew Jelley, Councillors George Clark Dunning, Kay Hryckiwi and Ryan Simpson.  
Zoom: Councillors Lee Brammer and Chris Robinson. Deputy CAO – Heather Hay.

**ABSENT:** Deputy Mayor Linda Lowther, Brenda MacDonald – CAO.

**VISITORS:** Jim Brown.

**1. CALL TO ORDER:**

Mayor Jelley called the meeting to order at 5:09 p.m.

**2. APPROVAL OF AGENDA:**

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

**3. APPROVAL OF MONTHLY COUNCIL MEETING MARCH 18, 2024:**

It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Monthly Council Meeting Minutes of March 18, 2024, be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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

Mayor Jelley advised that he had conflicts under the planning board applications for Maritime Fun Group (PEI) Ltd and Greenfield Capital Inc. and Councillor Hryckiwi had a conflict on a permit for Kay and Victor Hryckiwi.

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:**

Roger Birt Inc. – PID # 723874 – Cavendish Road – Awaiting information from the developer on the perc tests that need to be completed by the owner or a letter from the Minister of Municipal Affairs advising that he does not need a perc test completed for every lot to meet the Province-Wide Minimum Development Standards, that a storm water management plan be completed, that the private road be constructed and signed off by an engineer licensed to practice in the Province of PEI, that an agreement providing for the long term ownership and maintenance of the Private Road is 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, that a subdivision agreement be entered into once all requirements have been met and that a performance bond be posted.

Ernest and Sharon MacEwen – PID # 815902 – Reid Road – an application was received to subdivide 5 lots off of the main property. Awaiting final survey plan to be submitted from the owner and naming of the roadway.

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. The current plan as shown does not meet the requirements of the Zoning and Subdivision Control (Development) Bylaw. Information was sent along to the owner to allow him to provide the updated information on the plan to meet the bylaw requirements.

Eagles Glenn Golf Inc. – PID # 432195 – Cavendish Road – an application was received to subdivide one lot off of the main property. Application was incomplete and tabled.

Richard and Roger Moore – PID # 232470 – Cavendish Road - an application was received to subdivide 1 acre off of the main property. Awaiting a perc test to be completed, a final survey plan and the 66' wide right-of-way to be provided with the registered agreement on the roadway.

**Temporary Permits:**

Cavendish Beach Music Festival Inc. - PID #1037423 - (8779 Cavendish Road). An application was received to hold the 2024 Cavendish Beach Music Festival from July 5-7, 2024. Awaiting comments from the Provincial Fire Marshal's Office, Department of Health, Liquor Control Commission, RCMP, that a development agreement be entered into and that a performance bond be paid.

Cavendish Beach Music Festival Inc. - PID #1037423 - (8779 Cavendish Road). An application was received to hold the 2024 Sommo Festival from September 13 - 14, 2024. Awaiting comments from the Provincial Fire Marshal's Office, Department of Health, Liquor Control Commission, RCMP, that a development agreement be entered into and that a performance bond be paid.

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. Awaiting letter from the owner of the road, development agreement to be completed and a performance bond to be posted.

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. Awaiting approval from the Provincial Fire Marshal's office, a development agreement to be completed and a performance bond to be posted.

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. Awaiting a development agreement to be completed and a performance bond to be posted.

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. Awaiting approval from the Provincial Fire Marshal's office, that a development agreement be entered into and a performance bond to be posted.

**5. Development Permits:**

Cavendish Beach Music Festival – PID # 1037423 – 8779 Cavendish Road - an application was received to locate containers on the property for villas of 73' X 50' with decks. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiw that the 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, 3) meets the requirements of the Liquor Control Commission, 4) that a comprehensive site plan be provided with correct measurements to the closest structures and boundary line setbacks and 5) stamped drawings being provided of the structure. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Councillor Hryckiw left the meeting.

Kay and Victor Hryckiw – PID # 233569 – Cavendish Road – an application was received to construct a single family dwelling on the property of 105' X 66' including garage and 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 Transportation, 2) meets the requirements of the Department of Environment, 3) that the owners be allowed to construct a single family dwelling in the C1 zone based on restrictions on the property with the laneway and the new bylaw standards and the community encouraging year round dwellings. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Councillor Hryckiw returned to the meeting.

Sue Humby and Jane Woodley – PID # 92403 – 4880 St. Mary's Road – an application was received to construct two sections of fence of 25'1 X 5'h as well as to construct a new deck of 14' X 20'. 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 Health, 2) meets the requirements of the Provincial Fire Marshal's office. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Marco Polo Land- PID # 232298 – 7410 Route 13 – an application was received to construct 10 yurts on the property, to upgrade the water system and to upgrade the two way sites on the property. 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 Environment, 3) meets the requirements of the Department of Health, 4) that a comprehensive site plan be provided with correct measurements to the closest structures and boundary line setbacks and 5) meets the requirements of the Department of Tourism. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Temporary Permit:**

Sea Cross Inc. - PID # 232033 – 8779 Cavendish Road – an application was received to have parking on the property for the Cavendish Beach Music Festival from July 4 – 7, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiw that the Council approve the application in principle subject to: 1) that a development agreement be entered into, 2) that lighting be provided, 3) that security be provided, 4) that porta potties be provided and 5) that proof of insurance be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Sea Cross Inc. - PID # 232033 – 8779 Cavendish Road – an application was received to have parking on the property for the Sommo Festival from September 13-14, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Council approve the application in principle subject to: 1) that a development agreement be entered into, 2) that lighting be provided, 3) that security be provided, 4) that

porta potties be provided and 5) that proof of insurance be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Raspberry Point Oyster Co. Inc. - PID # 232041 – Cavendish Road – an application was received to have parking on the property for the Cavendish Beach Music Festival from July 4 – 7, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Council approve the application in principle subject to: 1) that a development agreement be entered into, 2) that lighting be provided, 3) that security be provided, 4) that porta potties be provided and 5) that proof of insurance be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Raspberry Point Oyster Co. Inc. - PID # 232041 – Cavendish Road – an application was received to have parking on the property for the Sommo Festival from September 13-14, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council approve the application in principle subject to: 1) that a development agreement be entered into, 2) that lighting be provided, 3) that security be provided, 4) that porta potties be provided and 5) that proof of insurance be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival Inc. – PID # 1037423 – 8779 Cavendish Road – an application was received to have fireworks on the property on July 6 for the Cavendish Beach Music Festival from 10:45 – 11:05 p.m. rain date July 7, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Brammer 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 hours will need to be extended for the concert event in the development agreement. All in favor 4, 1 nay, 1 non-voting, 1 absent. Motion Carried.

Cavendish Beach Music Festival Inc. – PID # 1037423 – 8779 Cavendish Road – an application was received to have fireworks on the property for the Sommo Festival on September 13 from 10:45 – 11:05 p.m. rain date September 14, 2024. 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 Provincial Fire Marshal's office, and 2) that the hours will need to be extended for the concert event in the development agreement. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Tourist Mart – PID # 233130 – 8934 Cavendish Road – an application was received for parking during the Cavendish Beach Music Festival on July 4 – 7, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve the application in principle subject to: 1) that a development agreement be entered into, 2) that lighting be provided, 3) that security be provided, 4) that porta potties be provided and 5) that proof of insurance be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cavendish Tourist Mart – PID # 233130 – 8934 Cavendish Road – an application was received for parking during the Sommo Festival on September 13 – 14, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Council approve the application in principle subject to: 1) that a development agreement be entered into, 2) that lighting be provided, 3) that security be provided, 4) that porta potties be provided and 5) that proof of insurance be provided. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Mayor Jelley left the meeting.

Maritime Fun Group (PEI) Ltd. – PID # 233197 – 8986 Cavendish Road – an application was received to have parking for the Cavendish Beach Music Festival from July 4 – 7, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Council approve the application in principle subject to: 1) that a development agreement be entered into, 2) that lighting be provided, 3) that security be provided, 4) that porta potties be provided and 5) that proof of insurance be provided. 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 have parking for the Sommo Festival from September 13-14, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Council approve the application in principle subject to: 1) that a development agreement be entered into, 2) that lighting be provided, 3) that security be provided, 4) that porta potties be provided and 5) that proof of insurance be provided. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Greenfield Capital Inc. – PID # 231977 – 8863 Cavendish Road – an application was received to have parking on the property for the Sommo Festival on September 13 – 14, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Council approve the application in principle subject to: 1) that a development agreement be entered into, 2) that lighting be provided, 3) that security be provided, 4) that porta potties be provided and 5) that proof of insurance be provided. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Mayor Jelley returned to the meeting.

**Banner Permit:**

Central Coastal Tourism Partnership – Route 6 and 13 – an application was received to locate 10 banners on the poles from July 2 – September 28, 2024, for the LMM Montgomery 150 Celebrations. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council approve the application in principle subject to: 1) that the banners be installed and removed by Central Coastal Tourism Partnership at their expense, and 2) that the banners from CBMF were approved first, so the two groups will need to work out where the banners go if there is any overlap of them on the same poles. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Liquor License Request:**

CFM PEI Inc. - Island Favourites – PID # 231910 – 8989 Cavendish Road – a letter was received to have a Dining Room Liquor License from Mid-June until Mid-September from 11:00 a.m. – 7:00 p.m. daily. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that the Council approve the dining room liquor license request in principle subject to: 1) the hours be from 11:00 a.m. – 7:00 p.m. daily, 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.

**Permits Issued by the CAO:**

Blue Heron Construction – PID # 1080902 – St. Mary's Road – to construct a single-family dwelling of 30' X 40' with decks.

Todd and Rebecca MacDonald – PID # 585620 – 54 Seawood Drive – to construct an one story

building of 22' X 13'2" for storage only.

**Other:**

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. An Environment Impact Assessment has been received. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi proceed to public meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Zoning Map – It was moved by Councillor Clark Dunning, seconded by Councillor Simpson to proceed with the Zoning Map as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**5.B. Monthly Finances:**

The Monthly Finances for March 31, 2024, were presented. The revenues were \$426,888.35 and the expenses were \$542,066.08. It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the monthly finances for March 31, 2024 be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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

Councillor Robinson brought forward concerns regarding forest fire evacuation plans for campgrounds and his concern to mitigate the outcome. The council indicated that there are already several tabletop meetings during the year now that addressed many different disaster situations and felt no more were needed.

**6. Cavendish Sewer Utility:**

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

LS # 4 is being finalized with the testing and the generator arrived on site. The electricians are working to get everything finalized at the site and operational with the generator.

Bank of Montreal loan for the sewer utility had to be reviewed again and a second long term loan completed based on the draws being a few months apart for the original loan. A new rate of 5.35 was completed and signed on April 12, 2024. Final draw is to be completed by the bank as soon as they can complete it.

Some work was done on Stanley Road in Seawood Estates as a result of the settling of the road following the work that was done on the sewer line in the fall.

**7. Business Arising from Minutes:**

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

The panels are being worked on and expected to be completed at the end of April.

**7.B. Strategic Plan:**

Awaiting information.

**7.B.1. Community Hub:**

Awaiting information from Parks Canada and the Province of PEI.

**7.B.2. Planning matters:**

Awaiting quotes from planners.

**7.B.3. Walkway Project:**

CBCL was met with on April 10, 2024 and are going to bring back a price and information on the work to be completed on the walkway project.

**7.B.4. Extended Year Round Activities:**

No update.

**7.B.5. Land Suitability and Analysis:**

The RFP was sent out and closes on April 25, 2024 at 2:00 p.m.

**7.B.6. Wayfinding:**

It was moved by Councillor Simpson, seconded by Councillor Hryckiwi that \$10,000 be added to the Wayfinding Project. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**7.B.7. Protecting View Plains:**

No new information.

**7.B.8 Bylaw Enforcement:**

The Bylaw Enforcement Company was contacted for a list of services and pricing. Awaiting information.

**8. New Business:**

**8.A.Montgomery 150 Update:**

No update.

**8.B. FPEIM Annual Meeting:**

Annual Meeting will take place on April 29, 2024 at the Charlottetown Hotel.  
If any Council member is interested in attending, they should advise the CAO.

**8.C. Labour and Employment Solutions:**

Stewart McKelvey held some sessions on Labour and Employment Solutions and things to be careful on when having interviews and hiring as well as protocols for offices.

**9. Concerns:**

**9.A. Councillors:**

Mayor Jelley requested that we ask the province to paint the parking lot lines and handicap spaces in front of the municipal office.

Councillor Robinson indicated that the flags needed replacing at the Cavendish Visitor Information Centre and the Green Gables Post Office.

**9.B. Resident's Concerns:**

No concerns were received.

**\*\*\*"In Camera"\*\*\* (6:50 – 7:00)**

**10 (A) Roger Birt Inc. \*\*\*\*\* Section 119(1)(f)**

**(B) Unsightly Property Section 119(1)(f)**

It was moved by Councillor Hryckiwi, seconded by Councillor Brammer to go in camera under Section 119(1)(f) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

It was moved by Councillor Simpson, seconded by Councillor Hryckiwi 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.

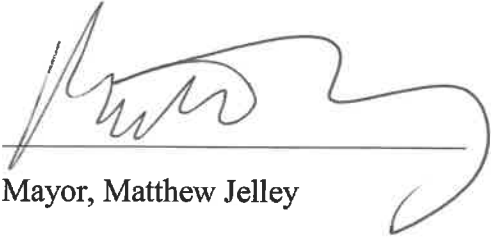
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No decisions were made while in camera.

It was moved by Councillor Simpson, seconded by Councillor Hryckiw to retain legal counsel regarding the concerns over the unsightly property. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**12. ADJOURNMENT:**

Mayor Jelley adjourned the meeting at 6:37 p.m.



Handwritten signature of Matthew Jelley in black ink, consisting of a stylized 'M' and 'J' followed by a long horizontal line and a large flourish.

Mayor, Matthew Jelley



Handwritten signature of Brenda MacDonald in blue ink, featuring a large 'B' and 'M' followed by a horizontal line and a flourish.

Brenda MacDonald, CAO