

Minutes  
Resort Municipality Monthly Council Meeting  
December 11, 2023  
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on December 11, 2023, at the Resort Municipality Office.

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

**ABSENT:** Ryan Simpson.

**VISITORS:** Jim Brown.

**1. CALL TO ORDER:**

Mayor Jelley called the meeting to order at 5:05 p.m.

**2. APPROVAL OF AGENDA:**

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

**3. APPROVAL OF MONTHLY COUNCIL MEETING NOVEMBER 20, 2023:**

It was moved by Deputy Mayor Lowther, seconded by Councillor Clark Dunning that the Monthly Council Meeting Minutes of November 20, 2023, be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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

Deputy Mayor Lowther advised that she had conflicts under planning board applications.

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.

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

**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*.

Fairways Cottages Inc. – PID # 232348 (7402 Route 13) - An application was received to locate an 8' X 6' barrel sauna on the property. 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 Department of Environment, 2) meets the requirements of the Department of Health and Wellness and 3) meets the requirements of the *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Deputy Mayor Lowther returned to the meeting.

Kay and Tony Wakelin – PID # 894741 – 346 Simpson Mill Road – an application was received to subdivide one lot off of the main property. A new preliminary plan was received, It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther that the application be denied as it does not meet the requirements of the Zoning and Subdivision Control (Development) Bylaw. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

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 information was sent to the Department of Environment on sewer servicing and we are awaiting their comments.

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 not been provided for the separate lot to be subdivided for the rental cottage property. It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that the subdivision and lot consolidation of one lot be approved based on a lot consolidation deed being completed as well as the access to be deeded to the lot. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Development Permits:**

Cavendish Beach Music Festival Inc. - PID #1037423 - (8779 Cavendish Road). A new application was received to have a temporary permit for the Sommo Event on September 13-14, 2024. It was moved by Councillor Clark Dunning, seconded by Councillor Hryckiwi that Council to 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 Health, 3) meets the requirements of the Liquor Control Commission, 4) meets the requirements of RCMP, 5) that a development agreement be entered into and 6) that a performance bond be paid. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Sharat and Smita Prakash – PID # 763755 - 7610 Cavendish Road – a request was received for a liquor license on the property. It was moved by Deputy Mayor Lowther, seconded by Councillor Hryckiwi that approval in principle be granted 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) parking to be provided for the proposed development and 5) septic capacity to be confirmed for the development. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Subdivision Permit:**

Richard and Roger Moore – PID # 232080- (Route 13) - 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 approval in principle be granted subject to: 1) meets the requirements of the Department of Transportation for access, 2) a perc test will need to be completed on the property for the soil category and 3) meets all requirements of the Zoning and Subdivision Control (Development) Bylaw. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Raspberry Point Oyster Co. Inc. – PID # 231654 (Cavendish Road) – an application was received to change the use of the house into a rental property and to construct a deck onto the existing cottage. It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) a stamped drawing being provided by the engineer. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Raspberry Point Oyster Co. Inc. – PID # 442608 (Cavendish Road) – an application was received to install roof mounted solar panels on the existing building. It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that approval in principle be granted subject to: 1) a stamped drawing being provided by the engineer. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Other:**

Councillor Clark Dunning thanked the planning board for the work over the past year and advised that he looks forward to working with everyone in 2024.

**Official Plan and Bylaw Review:**

**Official Plan Resolution:**

**Whereas** the Council of the Resort Municipality has approved the 2023 Official Plan;

**And whereas** Council has considered the following general criteria:

- Conformity with applicable legislation;
- Community objectives;
- Changes in technical content; and
- Water and sewer and other infrastructure plans.

**Be it resolved** that the Official Plan RM-2023-OP-1, be hereby approved.

It was moved by Councillor Simpson, seconded by Hryckiwi Lowther, that the Council approve the September 14, 2023, Official Plan. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Second Reading – Official Plan:**

It was moved by Councillor Simpson, seconded by Councillor Hryckiwi, that the Council approve the second reading of the Official Plan. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Adoption:**

It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the Official Plan RM-2023-OP-1 be adopted. All in favor 5, 1 non-voting 1 absent. Motion Carried.

**Land Use Bylaw Resolution:**

**Whereas** the Council of the Resort Municipality has reviewed the 2023 Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico Land Use Bylaw.

**And whereas** Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico Land Use Bylaw RM-2023-LUP-1, has been reviewed.

**Be it resolved** that the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico Land Use Bylaw RM-2023-LUP-1, be approved as presented.

It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that the Council approve the September 14, 2023, Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico Land Use Bylaw. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Second Reading:**

It was moved by Councillor Brammer, seconded by Councillor Hryckiwi, that the Council approve the second reading of the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico Land Use Bylaw. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**Adoption:**

It was moved by Councillor Brammer, seconded by Councillor Hryckiwi that the Land Use Bylaw be adopted as presented. All in favor 5, 1 non-voting. 1 absent. Motion Carried.

**5.A.1. Wendell Murphy Performance Bond Release:**

It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the performance bond be released based on all conditions of the development agreement being met. All in Favor 5, 1 non-voting, 1 absent. Motion Carried.

**5.A.2. Andrew Wigston Return of Rezoning Fee:**

It was moved by Councillor Clark Dunning, seconded by Councillor Brammer that the rezoning fee of \$100.00 be kept, but the public meeting ad costs be returned since the request did not go forward to a public meeting. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**5.B. Monthly Finances:**

The Monthly Finances for November 30, 2023, were presented. The revenues were \$378,407.74 and the expenses were \$369,458.94. It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the monthly finances for November 30, 2023, be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**5.B.1. Budget Process:**

A draft budget and information was presented to the Council as a starting point for review. Council will consider any projects or ideas as the budget process continues.

A meeting will be schedule in January with the accountant to go over information for the budget process.

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

**5.C.1. New Glasgow Fire Department:**

New Glasgow Fire Department was met with and the new building is under construction for the Fire Department that will allow more space for the fire trucks and training space.

The Food Bank worked with Our Lady of Hope and 20 turkey dinners were delivered throughout the area.

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

Central Coastal Tourism Partnership is working with the province and they have contracted Noye and Noye Construction to update the scenic lookout area. They will remove all existing scenic lookout structures and prepare an 8' X 10' gravel surface for a future 3' X 5' interpretive panel. There will be a consultation process to gather information for each new panel and the municipality will have input into it.

Dates have been set for winter mixers and will be sent out to Council members.

The space was at capacity for the Christmas mixer as a number of people did not register. More chairs will be needed for future events and for the space as decisions are being made on the future of the space.

**Housing Accelerator Fund:**

No updates have been received to date on the Housing Accelerator Fund.

**6. Cavendish Sewer Utility:**

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

The sewer utility board met and reviewed information from the Bank of Montreal. Work is being completed to secure a new 5-year loan with the bank for infrastructure work and a payout of a loan from Provincial Credit Union.

Legal letters will now be sent out to sewer customers over 90 days owing, that have not responded to the municipal letter about going to collection as the next step.

**8. Business Arising from Minutes:**

**8.A. Literary Tour Panels:**

Trying to find someone to remove the panels to get them sent to Halifax to be changed.

One panel was destroyed after Parks removed it from the lookout. Parks will pay to replace the sign.

**8.B. Strategic Plan:**

A session will be planned for the new year and the CAO will send out information to the Council on a date once it is set.

*“In camera”*

**7.A. Legal – Special Events:**

*Mayor Matthew Jelley moved back to Section 7.A. as legal counsel was in attendance at the meeting.*

*It was moved by Councillor Clark Dunning, seconded by Councillor Brammer to go in camera for legal advice based on Section 119(1)(f) and 119(1)(e) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.*

*Mayor Jelley thanked the lawyers for coming to the meeting.*

Mayor Jelley moved on to 11.A. Unsightly Properties.

It was moved by Councillor Hryckiwi, seconded by Councillor Clark Dunning to go in camera based on Sections 119(2)(e) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

**7.A. Legal – Special Events:**

Information was presented by legal counsel.

Council requested information from the legal counsel on three additional items.

Legal Counsel will come back with additional information to the Council Meeting.

**11.A. Unsightly Properties:**

A second letter will be sent to the owner and the Mayor will follow up with them on the issues and concerns as well listing the additional issues on the property.

**8.B. 1) Energy Independence:**

Councillor Brammer advised that until any updates are received on the Visitor Information Centre there is nothing that can be done on the project.

**2) Extended Year-Round Activities:**

Councillor Simpson and Councillor Robinson will bring back information to the next meeting on discussions with Tourism Cavendish Beach.

**3) Dog Park:**

**3.A.1. RFP for Land Acquisition and Sustainability Analysis:**

A draft document was submitted. The Mayor will discuss the draft document with Councillor Robinson as some items still needed to be addressed to be more specific on the location of the land and the number of acres to be looked at for the dog park and the Strategic Priorities.

**4) Emergency Preparedness:**

We are still working on securing a generator for the building and updating property owners on being prepared in the event of an emergency in the area.

Councillor Hryckiwi will follow up with the Church in North Rustico to see if there is a generator for a warming centre.

**5) Community Hub / Municipal Building:**

Information was received from Danny Cusack with Parks Canada.

A meeting will be scheduled with the Holly Hinds and the Deputy Minister of Transportation.

**6) Wayfinding:**

Awaiting additional funding availability through the Province of PEI to see if the project can fall under the 2024 budget items.

**8.C. Destination Management Fund:**

The Destination Management Fund Committee will be advised that the municipality is proceeding with the wayfinding project and is removing the Active Transportation Trail Project as nothing had been done to date on it.

A quarterly update on approved projects will be provided to the Council.

**8.D. Water Study:**

The engineers will present the final information and answer any questions to the Council at the January meeting.

**9.A. Municipal Affairs:**

An updated list of information was presented from Municipal Affairs on programs and changes in other municipalities.

**10. Concerns:**

**10.A. Councillors:**

Councillor Robinson wished everyone a Merry Christmas.

Mayor Jelley wished everyone a Merry Christmas and thanked them for their work throughout the year.

**10.B. Resident's Concerns.**

There were no residents' concerns.

**11. ADJOURNMENT:**

Councillor Clark Dunning adjourned the meeting at 7:45 p.m.



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Mayor, Matthew Jelley



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CAO, Brenda MacDonald