

Minutes
Resort Municipality Monthly Council Meeting
November 20, 2023
5:00 p.m.

The Monthly Council Meeting of the Resort Municipality was held on November 20, 2023, at the Resort Municipality Office.

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

ABSENT: Kay Hryckiw.

VISITORS: Jim Brown and Ryan Lowther. Zoom: Erna Watters, Ben Jelley and Lloyd Adams.

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

It was moved by Councillor Simpson, 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 OCTOBER 16, 2023:

It was moved by Councillor Clark Dunning, seconded by Councillor Robinson that the Monthly Council Meeting Minutes of October 16, 2023, be approved as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

4. DECLARATION OF CONFLICTS OF INTEREST:

Mayor Jelley and Deputy Mayor Lowther advised that they 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:

Chair Clark Dunning advised that there was no follow up information on the 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.

Councillor Clark Dunning read out the information from the Department of Transportation for the record.

It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that based on the updated information from the Department of Transportation that a condition will need to be added to the subdivision agreement for lots 14 and 15 that prior to any development being approved that an entranceway permit has to be issued by the Department of Transportation based on the road elevation. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Subdivision Application:

Gary & Linda Lowther and Others: - PID # 1144179 – (Cavendish Road) – An application was received for a 16 lot subdivision. 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 and 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.

Deputy Mayor Lowther returned to the meeting.

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.

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, meets the requirements of the Department of Transportation and a perc test to be completed on the property.

West Highland Contractors Ltd. – an application was received to subdivide a .10 acre Parcel off of PID # 694976 and to consolidate it with PID # 456673. Awaiting final survey plan.

Roger Birt Inc. – PID # 723874 – Cavendish Road – an application was received to subdivide 33 lots on the property. Awaiting final plans from the developer.

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. Awaiting updated survey plan and that the proposed subdivision meets all requirements of the bylaw.

Development 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. Awaiting an update on the structure from the owners and approval under the *Building Codes Act*.

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.

Cavendish Beach Music Festival Inc. - PID #1037423 - (8779 Cavendish Road). An application was received to have a temporary permit for the Sommo Event on either September 6-7 or September 13-14, 2023. 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 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.

Glenn Campbell and Tara Chitnis – PID # 1804004 - (39 Landing Drive). An application was received to construct an addition onto the existing summer cottage of 16' X 8'. 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 condo corporation and 2) meets the requirements of the *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Cole Whiteway and Marie Dubé – PID # 456673 – (85 Simpson Mill Road). An application was received to locate solar panels on the roof of the existing mini-home. It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther, that Council approve the application in principle subject to: 1) engineered stamped drawings, 2) meets the requirements of the *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Subdivision Permit:

John and Rhonda Melanson – PID # 677609 – (16 Pickering Place). An application was received to subdivide the property into two lots. Letters were sent out to adjacent landowners allowing them until November 10, 2023, to send in any written feedback. Only one call was received at the municipal office to date looking for information. No written comments were received.

Moved by Councillor Clark Dunning, seconded by Councillor Simpson that Council approve the application in principle subject to: 1) that a survey plan be completed to meet all requirements and setbacks in the Zoning and Subdivision Control (Development) Bylaw. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Permits issued by CAO:

Permits issued by the CAO were read out.

Raspberry Point Oyster Co. Inc. – PID # 771832 – 9539 Cavendish Road - an application was received to place a floating dock on the property. It was moved by Councillor Clark Dunning, seconded by Councillor Simpson that approval in principle be granted subject to: 1) meets the requirements of the Department of Environment, 2) meets the requirements of the Department of Fisheries and Oceans and 3) meets all requirements of the *Building Codes Act*. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

Sharat and Smita Prakash – an application was received for a licensed facility. There was not enough detail to make a decision based on the information provided. More information is needed for the next meeting.

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

Greenfield Capital Inc, - PID # 708255 – (198 Forrest Hills Lane). An application was received to construct a building of 38' X 37.5' for a washroom / bathhouse. 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 Provincial Fire Marshal's Office, 2) meets the requirements of the Department of Health, and 3) meets the requirements of the Department of Environment. All in favor 4, 1 non-voting, 2 absent. Motion Carried.

Mayor Jelley returned to the meeting.

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 Clark Dunning, seconded by Deputy Mayor Lowther, that the Council approve the September 14, 2023, Official Plan. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

First Reading – Official Plan:

It was moved by Councillor Clark Dunning, seconded by Deputy Mayor Lowther, that the Council approve the first reading of the Official Plan. 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.

First Reading:

It was moved by Councillor Clark Dunning, seconded by Councillor Simpson, that the Council approve the first 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.

5.A.1. Mandatory Code of Conduct Training:

Council members were all sent information from Municipal Affairs on Mandatory Code of Conduct Training that is required to be completed by each Council Member by March 31, 2024.

5.B. Monthly Finances:

The Monthly Finances for October 31, 2023, were presented. The revenues were \$341,566.73 and the expenses were \$336,356.18. It was moved by Councillor Brammer, seconded by Deputy Mayor Lowther that the monthly finances for October 31, 2023, be adopted as presented. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

5.B.1. Budget Process:

A budget schedule and information is in the package for review by the Council on the 2024 / 2025 budget process.

A draft budget will be presented at the December meeting.

5.C. Emergency Services and Wellness Committee:

5.C.1. New Glasgow Fire Department:

Discussion was held on a dry hydrant.

Work needs to be done with the Department of Transportation to maintain the culvert. Mayor Jelley will follow up on this item with the Department of Transportation.

The Fire Departments also have to renew the dry hydrant permit with the province to allow for it.

5.C.2. Access Roads – Campgrounds:

Comments were raised on access roads at the campgrounds.

Information will be sent out on the municipal newsletter once information has been received from Emergency Measures and Tourism PEI to see what they have in place for operators under their departments.

5.C.3. Reception Centre Resiliency Fund:

Funding is available through the province for Reception Centre Resiliency. This could be used for funding for the Cavendish VIC, but no final decision is yet made on the building.

5.C.4 Hurricane Fiona Recovery Fund:

Funding is available federally to allow for assistance to rebuild, recover and restore community life as a result of the hurricane.

5.D. Parks and Recreation Committee:

5.D.1 Remembrance:

A dedication to be made in Remembrance of Herbie Moore for a bench at Montgomery Park with a sign.

Councillor Simpson and Councillor Brammer will work on a list of criteria for remembrances of people in the community and have a policy for dealing with this type of request.

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:

Updated information has been received from Jean MacDougall at the Halifax office and Yue Yang as our new loans officer at the Charlottetown Branch with BMO. Things have been slow even with the new loan officer.

We are working on having the new loan completed as well as the existing loan at the Provincial Credit Union put into one loan.

Collection letters were sent out to sewer customers over 90 days owing. The first step was a sewer utility letter with a deadline to pay, the second letter will be sent from municipal legal counsel if no response is received by the deadline to the first letter of November 17, 2023.

7. Business Arising from Minutes:

7.A. Literary Tour Panels:

Work needs to be done to get the existing panels removed and sent to Halifax for the panels to be updated. CAO will work with Mayor and maintenance staff to see what can be done to have the signs removed.

7.B. Strategic Plan:

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.

A draft document was submitted. The CAO will review the final information and bring it back to the Council for the December meeting.

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.

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. A follow up will be sent to Danny Cusack and Holly Hinds for a meeting.

6) Wayfinding.

Destination Management Fund approved \$25,000.00 for the project.

Deputy Mayor Lowther will send out the list of Strategic Plan Objectives and the committee members for each item will come back with their budgets for the December meeting.

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.

7.D. Water Study:

A draft report was provided.

Additional information was requested from the engineer on changes between the last two documents.

CAO will follow up on information.

8. New Business:

8.A. Snow Removal Tender:

Two tenders were received. One from Snowie Road Contractor and the other from Red Dirt Ground Work.

It was moved by Councillor Brammer, seconded by Councillor Simpson that the bid from Snowie Road Contractor be approved at a cost of \$10,780.00 plus HST. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

8.B. Community Navigators:

It was decided at the present time that there was no one to fill the position from the municipality on the board. Information will continue to be sent out from the municipal office that they provide to us and we will also continue to send people through to their office for information.

8.B. Active Transportation:

The municipality will apply for funding on the trail system Route 6 West from the intersection towards Hammies Lane by the December 1 deadline.

9. Concerns:

9.A. Councillors:

Councillor Robinson wanted to recognize Herbie Moore as a good neighbor and great community resident that will be sadly missed.

9.B. Resident's Concerns.

9.B.1. Eric Blacquiere drainage issue on Route 6:

Concerns were raised on Route 6 drainage as a result of new subdivisions created off of Route 6 East. Information was sent to Phillip Gotell at the Department of Transportation. The Department of Transportation will follow up on the drainage issue.

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

9.B.2. Ryan and Diane Lowther letter to Council:

A letter was received from Ryan and Diane Lowther regarding concerns over the approval process of the development permit for lot # 9 and the timelines.

Ryan Lowther commented on his concerns during the process, about Development Agreements and the requirement to have them registered or not, information from his own lawyer on the agreements as well as about working on the requirements for quickening the timelines for documents to be completed and approved.

Mayor Jelley advised that there is a process in place for Development Agreements that are registered on properties and that they hold developers accountable for the terms and conditions of their agreements. He advised that it transfers with the deed, so that all parties are aware of the agreement that is in place on the property and their requirements to follow it.

Mayor Jelley advised that there were some delays due to moving parts with signatures of all parties and information coming in and out of province and with the various people involved.

Deputy Mayor Lowther returned to the meeting.

Remembrance:

Jim Brown asked for additional information on the remembrance bench for Herbie Moore.

Mayor Jelley clarified that there would be a dedication to Herbie Moore at Montgomery Park.

It was moved by Deputy Mayor Lowther, seconded by Councillor Simpson that the meeting go “*in camera*” in accordance with Section 119(1)(d) and 119(1)(e) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

10. “In Camera”

10.A. HR Committee. (119)(1)(d)

10.B. Unsightly Properties. (119)(1)(e)

10. “In Camera”

10.A. HR Committee. (119)(1)(d)

Information will be provided to the CAO from the Council on the updated information on the contract.

10.B. Unsightly Properties. (119)(1)(e)

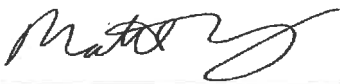
Deadline to have property cleaned up is November 23, 2023.

A decision will need to be made at the next Council Meeting.

It was moved by Councillor Brammer, seconded by Councillor Clark Dunning that the meeting come out of camera in accordance with Section 119(2)(e) of the Municipal Government Act. All in favor 5, 1 non-voting, 1 absent. Motion Carried.

11. ADJOURNMENT:

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



Mayor, Matthew Jelley



CAO, Brenda MacDonald