



**Regular Meeting of Council
Monday, April 11, 2011 at 7:00 PM**

Mayor Clifford Lee presiding

Present: **Deputy Mayor Stu MacFadyen** **Councillor David MacDonald**
 Councillor Rob Lantz **Councillor Danny Redmond**
 Councillor Cecil Villard **Councillor Jason Coady**
 Councillor Terry Bernard **Councillor Edward Rice**
 Councillor Melissa Hilton **Councillor Mitchell Tweel**

Also: **Roy Main – Chief Administrative Officer**
 Joseph Coady – Director of Public Services
 Donna Waddell – Director of Corporate Services
 Phil Handrahan – Director of Fiscal & Development Services
 Paul Johnston – Public Works Manager
 Sue Hendricken – Parks and Recreation Manager
 Don Poole – Planning Manager
 Dan Hughes – Human Resources Manager
 Scott Ryan – Finance Manager
 Paul Smith – Police Chief
 Randy MacDonald – Fire Chief
 Craig Walker – Utilities Manager
 Ron Atkinson – Economic Development Officer
 Wayne Long – Events Development Office
 Beth Johnston – Communications Officer
 Wendy Reid – City Solicitor
 Sharon MacKinnon – City Clerk

Mayor Lee called the meeting to order and welcomed everyone to the Council Chambers.

Minutes of the previous meetings were by motion adopted:
 Regular Meeting – March 14, 2011
 Public Meeting – March 30, 2011

REPORTS OF COMMITTEES / RESOLUTIONS

1. Protective & Emergency Services – Councillor David MacDonald

Councillor MacDonald indicated his Committee's report was included in the weekend package. He announced the appointment of Greg Shaw as District Fire Chief of Station 2.

An update was requested regarding a plan of action for all-day parkers north of Euston Street. Councillor MacDonald indicated Police Services recognizes there are issues and will be identifying problem areas and addressing them as resources permit.

In response to a question concerning the review of truck routes and signage, Councillor MacDonald advised Police Services is in the process of reviewing all truck routes and he anticipates some feedback at the next Committee meeting.

Councillor MacDonald introduced a Notice of Motion to amend the Traffic Bylaw to amend authority and empowerment provisions for the Protective Services Committee.

2. Parks, Recreation & Leisure Activities – Councillor Melissa Hilton

Councillor Hilton indicated her Committee had not met since the last Council Meeting. The Volunteer of the Month Award for April was presented to the organizing committee for the 2011 Eastern Canadian Ringette Championship.

**Moved by Councillor Melissa Hilton
Seconded by Councillor David MacDonald**

RESOLVED:

That the City of Charlottetown agrees to contribute \$9,000 to the Regional Active Transportation Study being planned for the Greater Charlottetown Area, as approved in the 2011 Parks and Recreation operational budget and as per the terms and conditions set out in the attached Terms of Reference.

CARRIED 10-0

3. Public Works & Street Lighting – Councillor Terry Bernard

Councillor Bernard indicated his Committee's report was included in the weekend package. He noted an upgrade to the signals at the intersection of Prince Street and Euston Street will soon go to tender. The Sidewalk Inspection & Maintenance Program previously adopted as a departmental policy is coming forward for formal adoption by Council to further assist with legal issues. He advised that a presentation to Council by the Watershed Group regarding the Wright's Creek and Andrew's Pond siltation project will be arranged to provide a progress update.

In response to a comment regarding crosswalk painting, Councillor Bernard indicated that crosswalks in school zones are a priority of the department.

**Moved by Councillor Terry Bernard
Seconded by Councillor Cecil Villard**

RESOLVED:

That, as per the conditions of the 2010 public tender for Topsoil Supply including renewal for the 2011 season, the low submission of M&M Resources Inc. at a price of \$93.18 per 15 cubic yard load (all taxes extra) be accepted.

CARRIED 10-0

**Moved by Councillor Terry Bernard
Seconded by Councillor Cecil Villard**

RESOLVED:

That, as per the conditions of the 2010 public tender for Backhoe & Truck Rental for Culvert

Services, including renewal for the 2011 season, the low submission of Lea MacDonald Construction at a combined hourly price of \$63.69 per hour (all taxes extra) be accepted.

CARRIED 10-0

**Moved by Councillor Terry Bernard
Seconded by Councillor Cecil Villard**

RESOLVED:

That, as per the conditions of the 2010 public tender for Hourly Backhoe Rental, including renewal for the 2011 season, the attached submissions be accepted and called out in the following order as required.

CARRIED 10-0

**Moved by Councillor Terry Bernard
Seconded by Councillor Cecil Villard**

RESOLVED:

That the attached Sidewalk Inspection and Maintenance Program as the annual policy directive in these service provisions be adopted.

In response to a question concerning sidewalk inspections, Councillor Bernard advised a Public Works staff member will be assigned to perform the inspections. To a subsequent question regarding the replacement of sidewalks to the 5.5 ft minimum standard, Councillor Bernard indicated 'worst first' sidewalks are prioritized.

CARRIED 10-0

4. Integrated Community Sustainability Plan – Councillor Rob Lantz

Councillor Lantz indicated his Committee's report was forwarded electronically to Council the latter part of the previous week. He noted presentations had been provided to the Committee on water conservation and the Wright's Creek Project.

5. Water & Sewer Utility – Councillor Edward Rice

Councillor Rice indicated his Committee had not met since the last Council Meeting.

6. Planning & Heritage – Councillor Rob Lantz

Councillor Lantz indicated his Committee's report was included in the weekend package.

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the request to allow a patio on the sidewalk in front of the Homburg Hotel, 123 Grafton Street (PID# 342311) subject to the signing of an Encroachment Agreement, be approved.

CARRIED 9-1

(Councillor Rice registered a "nay" vote)

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the request from Leonhard's Café & Bakery, 42B University Avenue (PID# 342741), for an amendment to the existing Encroachment Agreement to permit the operation of their sidewalk patio during the East Coast Music Awards, and also an amendment to permit the operation of their patio until 2015, be approved.

CARRIED 10-0

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the Amending Agreement (as attached) for off-lot parking at 31 Queen Street (PID# 335638) for the Gahan House Restaurant, be approved.

CARRIED 10-0

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the request to erect two tents during the 2011 East Coast Music Awards for the Globe World Flavors and Fishbones Restaurants located on Victoria Row (Richmond Street) be approved;

Further, that the existing attached Agreement under the Pedestrian Mall Bylaw for Victoria Row be renewed to 2015 subject to review by the City Solicitor.

CARRIED 10-0

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the request to relocate the ticket kiosks and bus stops for Turf and Surf Tours on a portion of the City's right-of-way next to Founder's Hall and in front of the Confederation Centre (as attached) for the 2011 season only subject to the signing of an Encroachment Agreement, the final design of the structure approved by the Planning Committee, and a public liability insurance policy in a form and in an amount of at least one million dollars (\$1,000,000) naming the City as an additional named insured be approved;

And further, that the applicants be advised that the City will be reviewing its bylaws which may necessitate changes for such requests in subsequent years.

The Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.

CARRIED 10-0

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the variance to allow a reduction to the frontage requirement from 72.2 feet to approximately 27 feet and a reduction to the lot area requirement from 6,996.8 sq. ft. to approximately 2,268 sq. ft. to allow a single family dwelling to be converted to a two-unit duplex for the property located at 164 Sydney Street (PID# 338319) be approved.

A comment was expressed for record purposes that this property is used as part of a larger inn complex and not as a stand-alone duplex. In response to a question regarding required parking for this development, it was noted parking requirements have been met.

CARRIED 10-0

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the request to proceed to the public consultation phase to consider rezoning the property located at 238 Norwood Road/MacRae Drive (PID# 191726) from Low Density Residential Single (R-2S) Zone to Single-detached Residential (R-1L) Zone be approved.

CARRIED 10-0

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the request for a variance to allow a reduction to the side yard requirement from 14.8 feet to approximately 13.4 feet to allow a 15-unit apartment building to be constructed on the property located at 5-7 Rockcliffe Avenue (PID # 397026) be approved.

CARRIED 10-0

2nd & 3rd readings of Zoning and Development Bylaw

To amend Appendix “G” of the Zoning and Development Bylaw “List of approved properties in the Comprehensive Development Area Zone and their Permitted Uses” for the lands located on the south side of Grafton Street and identified as PID# 825943, 841494, a portion of 825950 and a portion of 338921 as per the submitted Development Concept Plan which includes the development of an Entertainment/Concert Venue with asphalt and landscaped areas as proposed, a ticket office, entrance gates, and parking for approximately 121 cars and 6 buses.

And to amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw and to rezone the properties north of Grafton Street, identified as PID# 365668 and 365924, a portion of 825927 and a portion of 336537 from CDA – Comprehensive Development Area to P – Parking Zone; and to rezone a portion of PID# 640847 from Open Space to Parking.

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the said bylaw be read a second time and that the bylaw be committed to a Committee of the Whole Council, and the Mayor be Chairman of the Committee.

**CARRIED 9-1
(Councillor Redmond registered a “nay” vote)**

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the Chairman reports progress of the Committee and that the Bylaw be adopted as amended.

**CARRIED 9-1
(Councillor Redmond registered a “nay” vote)**

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the bylaw be now engrossed as a City Bylaw and that it be entitled the “City of Charlottetown Zoning and Development Bylaw” and that it be read a third time at this Public Meeting of Council.

**CARRIED 9-1
(Councillor Redmond registered a “nay” vote)**

**Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady**

RESOLVED:

That the “City of Charlottetown Zoning and Development Bylaw” be read a third time and that the said Bylaw do now pass.

**CARRIED 9-1
(Councillor Redmond registered a “nay” vote)**

Councillor Lantz introduced a Notice of Motion to amend the Building Code Bylaw.

Congratulations were extended to former Councillor Kim Devine on her recent appointment to the Heritage Board of Canada.

7. Economic Development & Tourism – Councillor Jason Coady

Councillor Coady indicated his Committee’s report was included in the weekend package. He thanked the Protective and Emergency Services Committee for meeting with the Chamber of Commerce regarding the loitering issue outside downtown businesses on Kent Street. He noted the Committee should very shortly receive the Province’s financial report on Tourism Charlottetown Inc which will expedite the Memorandum of Understanding between TCI and the City. He also announced that a children’s Discovery Center will open this summer in the downtown area.

8. Human Resources, Pension & Administration – Councillor Danny Redmond

Councillor Redmond indicated his Committee's report was included in the weekend package. He congratulated Chantal Laybolt as the successful candidate for Administrative Assistant – Administration and welcomed Lenny Murphy to the position of Occupational Health and Safety Coordinator. A recent information session on the new Canada Pension Plan changes was held for staff and well attended.

9. Advanced Planning, Priorities & Special Events – Deputy Mayor Stu MacFadyen

Deputy Mayor MacFadyen indicated his Committee's report was included in the weekend package. He encouraged everyone to attend the 2011 East Coast Music Award festivities which start April 14.

An update was requested regarding Brian Lewis' draft research document on the history of baseball on PEI. Deputy Mayor MacFadyen indicated the Committee is continuing to work on this project. It was suggested someone from Holland College journalism or UPEI might be willing to assist. It was noted funding could be available through the Cultural Affairs division of the Provincial Government.

**Moved by Deputy Mayor MacFadyen
Seconded by Mitchell Tweel**

RESOLVED:

That the City of Charlottetown ratify the attached Contribution Agreement with the Department of Canadian Heritage for funding under the Cultural Capitals of Canada designation for 2011.

The Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.

CARRIED 10-0

**Moved by Deputy Mayor MacFadyen
Seconded by Mitchell Tweel**

RESOLVED:

That the City of Charlottetown enter into agreements with Skate Canada and Skate PEI to host the 2012 Skate Canada Adult Figure Skating Championship.

The Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.

CARRIED 10-0

**Moved by Deputy Mayor MacFadyen
Seconded by Mitchell Tweel**

RESOLVED:

That the City of Charlottetown support and endorse a bid submission to host the 2014 Acadian Games.

CARRIED 10-0

10. Intergovernmental Affairs, Transit & Communications – Councillor Mitchell Tweel

Councillor Tweel indicated his Committee had not met since the last Council Meeting.

In response to several questions with regard to the Transit Strategic Report, Councillor Tweel indicated the Committee is reviewing the Report recommendations and will bring a report to Council in the very near future.

Moved by Councillor Mitchell Tweel

Seconded by Councillor David MacDonald

RESOLVED:

That the City of Charlottetown congratulate the Province of PEI for recognizing the importance of public transit on Prince Edward Island and in particular, the City of Charlottetown, and the inclusion of \$180,000 funding in the 2011 Provincial budget towards the operation of the Charlottetown Area Regional Transit System.

In response to a question regarding Provincial funding, it was confirmed this is the first year the Province has provided financial support for operational purposes.

CARRIED 10-0

11. Finance, Audit, Tendering & Public Property – Councillor Cecil Villard

Councillor Villard indicated his Committee had not met since the last Council Meeting. He congratulated CAO Roy Main on his recent recognition as Sports PEI Official of the Year.

12. Urban Beautification & Forestry – Deputy Mayor Stu MacFadyen

Deputy Mayor Stu MacFadyen indicated his Committee's report was included in the weekend package.

It was suggested at least some of the adopt-a-corner areas which encountered winter damage be repaired before the upcoming ECMAs.

In response to questions relating to the street paver replacement on Lower Queen Street, Deputy Mayor MacFadyen indicated the area layout will be reviewed, larger trees planted, and different tree grates installed.

13. New Business

Councillor Redmond declared a conflict of interest and abstained from the discussion and vote on the following resolution.

Moved by Councillor Jason Coady

Seconded by Councillor Cecil Villard

RESOLVED:

Whereas the City of Charlottetown has adopted an Integrated Community Sustainability Plan;
Whereas the Social Pillar Goal #12 is increase accessibility and inclusivity to services;
Therefore Be It Resolved that the City of Charlottetown adopt the Disability Lens Tool as a guiding Principle wherever possible in the development of new programs and initiatives.

CARRIED 9-0

Meeting adjourned at 8:15 PM