



**Regular Meeting of Council
Monday, August 13, 2012 at 4:30 PM**

Mayor Clifford Lee presiding

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

Also: **Donna Waddell – DCS** **Paul Smith – PC**
 Randy MacDonald – FC **Paul Johnston – PWM**
 Sue Fraser – PRM **Dan Hughes – HRM**
 Richard MacEwen – UAM **Allan MacKenzie - SFO**
 Wayne Long – EvenDO **Laurel Thompson – PDO**
 Hope Gunn – PDO **Donna Hurry – TO**
 Jennifer Gavin – CO **David Hooley – CS**
 Tracey McLean- RMC

Regrets: **Roy Main – CAO** **Phil Handrahan – DFDS**
 Scott Ryan – FM **Craig Walker – UM**
 Ron Atkinson – EconDO

Mayor Lee called the meeting to order.

Minutes of the previous meeting were by motion adopted:
 Regular Meeting – July 09, 2012
 Public Meeting – July 25, 2012
 Public Meeting – August 07, 2012

Deputy Mayor MacFadyen extended congratulations to Mayor Lee who recently received the Queen Elizabeth II Diamond Jubilee Medal.

By request, Parks, Recreation & Leisure Activities was moved to the beginning of the Committee Reports.

REPORTS OF COMMITTEES / RESOLUTIONS

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

Councillor Hilton indicated her Committee's report was included in the weekend package. Volunteer of the Month Award for August was presented to the 2012 National Oldtimers Baseball Federation Tournament Organizing Committee.

**Moved by Councillor Melissa Hilton
Seconded by Councillor Cecil Villard**

RESOLVED:

That the City of Charlottetown accepts the bid of \$135,900 (GST) from MacLean Construction and the architectural fees from N46 of \$7,450 (GST) for renovations to the Victoria Park Pool Building. And further that \$38,350 is transferred from other projects within the approved capital budget for Parks and Recreation for 2012 into this account.

CARRIED 10-0

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

RESOLVED:

That the Charlottetown Civic Centre Management Inc. (CCCM) be authorized to proceed with a capital project to provide a spotlight and camera area for large shows as outlined in the attached summary.

Further that these funds will come from the existing allotment of \$50,000 for the CCCMI in the 2012 Capital Budget for Parks and Recreation.

CARRIED 10-0

Mayor Lee moved Planning & Heritage to the second agenda item to accommodate those in attendance regarding planning issues.

2. Planning & Heritage – Councillor Rob Lantz

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

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

RESOLVED:

That the proposed development for 4 Queen Street (PID# 1045343) (Convention Centre) pending the signing of a Development Agreement as attached, be approved.

CARRIED 10-0

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

RESOLVED:

That the request to amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Institutional and to amend Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone a portion of the property located at 414 Lower Malpeque Road and Lyne Avenue (portion of PID# 145359) from Single-detached Residential (R-1S) Zone to Institutional (I) Zone; and to consolidate two parcels with a common PID #145359 subject to receipt of a pinned survey plan, to permit the expansion of the Highfield Cemetery be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

RESOLVED:

That the request to amend Appendix “A” – Future Land Use Map of the Official Plan from Low Density Residential to Commercial and to amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property at 554 Malpeque Road (PID# 145763) from Single-detached Residential (R-1L) Zone to Highway Commercial (C-2) Zone, be approved; and that future development on this property shall require a connection to the City’s sewer services.

CARRIED 9-1
Councillor Coady registered a “nay” vote

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

RESOLVED:

That the request to amend Appendix “A” – Future Land Use Map from Low Density Residential to Commercial and to amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the properties at 450, 460 and 466 Malpeque Road (PID#s 135004, 134999, 134981) from Single-detached Residential (R-1L) Zone and Low Density Residential Single (R-2S) Zone to Highway Commercial (C-2) Zone be approved.

CARRIED 7-3
Councillors Coady, Redmond and Tweel registered “nay” votes

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request to amend Appendix “A” – Future Land Use Map of the Official Plan from Medium Density Residential to Commercial and to amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property at 11 Young Street (PID# 369108) from Medium Density Residential (R-3) Zone to Downtown Mixed Use (DMU) Zone and to consolidate two parcels PID 369108 and PID 369199 subject to receipt of a pinned survey plan, to permit a parking lot be approved.

Concern was raised regarding this commercial encroachment into the neighbourhood. Councillor Lantz indicated the City’s Official Plan encourages the redevelopment of the University Avenue Malls south of Belvedere Avenue and where possible, the expansion of the existing malls. He further indicated the property being developed is a very small portion of land.

CARRIED 9-1
Councillor Tweel registered a “nay” vote

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request to proceed to the public consultation phase to consider amendment to Appendix “A” – Future Land Use Map of the Official Plan from Industrial to Commercial and to amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and

Development Bylaw to rezone the property at 20-22 Garfield Street (PID#s 279034, 279042 & 691477) from Light Industrial (M-1) Zone to Mixed Use Corridor (MUC) Zone be approved.

CARRIED 10-0

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

RESOLVED:

That the request for a height variance from the required 39.4 feet to approximately 41.8 feet to permit the construction of a 36-unit apartment building on the property at 5 & 7 Falconwood Drive (PID#s 278200 & 278218) be approved; and that the lot consolidation approved by resolution of Council on December 10, 2001, for the said property be reconfirmed.

CARRIED 10-0

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

RESOLVED:

That the application to operate a French fry wagon on the vacant lot adjacent to 4 Prince Street (PID# 841536) be approved for approval to the end of October 2012 only.

CARRIED 10-0

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

RESOLVED:

That the request for a lot consolidation at 541 Malpeque Road (PID#s 145490, 1014083, 145508), subject to the receipt of pinned survey plans, be approved.

CARRIED 9-1

Councillor Tweel registered a “nay” vote

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

RESOLVED:

That the application to consolidate a portion of PID# 387795 with the property located at 201 Buchanan Drive (PID# 721506), subject to the receipt of pinned survey plans, be approved.

CARRIED 10-0

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

RESOLVED:

That the Heritage component of the application for development of 4 Queen Street, PID#1045349 (Convention Centre), as per Chandler Architecture Drawings dated April 6, 2012, and as presented to Heritage Board, be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the application for a ground sign at 2 Pownal Street (Charlottetown Yacht Club), PID#335083, as presented to Heritage Board and with the signing of an Encroachment Agreement, be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the application for temporary concert series signage to be removed by September 5, 2012, on Victoria Row, as presented to Heritage Board, be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the application for signage at 115 Richmond Street (The Guild – Ars Longa), PID#340182, as presented to Heritage Board, be rejected.

Councillor Lantz noted the sign does not meet the requirements of the City's bylaws nor the PEI Liquor Control Act.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the Heritage component of the application for a chip wagon at 4 Prince Street, PID#841536, as presented to Heritage Board, be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

RESOLVED:

That the application for renovations to the Brighton Shore Front Range Light, as presented to Heritage Board, be approved.

CARRIED 9-1

Councillor Coady registered a "nay" vote

1st and 2nd readings of the "Zoning and Development Bylaw"

To amend Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the properties at 450, 460 and 466 Malpeque Road (PID#s 135004, 134999 & 134981) from Single-detached Residential (R-1) Zone and Low Density Residential Single (R-2S) Zone to Highway Commercial (C-2) Zone.

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

RESOLVED:

That the bylaw to amend the “City of Charlottetown Zoning and Development Bylaw” be read a first time.

CARRIED 9-1
Councillor Coady registered a “nay” vote

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

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 Coady registered a “nay” vote

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

RESOLVED:

That the Chairman reports progress of the Committee and that the bylaw be adopted without amendment.

CARRIED 9-1
Councillor Coady registered a “nay” vote

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

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 the next Public Meeting of Council.

CARRIED 9-1
Councillor Coady registered a “nay” vote

1st and 2nd readings of the “Zoning and Development Bylaw”

To amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property at 554 Malpeque Road (PID# 154763) from Single-detached Residential (R-1) Zone to Highway Commercial (C-2) Zone.

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

RESOLVED:

That the bylaw to amend the “City of Charlottetown Zoning and Development Bylaw” be read a first time.

CARRIED 9-1
Councillor Coady registered a “nay” vote

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

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 Coady registered a “nay” vote

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

RESOLVED:

That the Chairman reports progress of the Committee and that the bylaw be adopted without amendment.

CARRIED 9-1
Councillor Coady registered a “nay” vote

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

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 the next Public Meeting of Council.

CARRIED 9-1
Councillor Coady registered a “nay” vote

1st and 2nd readings of the “Zoning and Development Bylaw”

To amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone a portion of the property located at 414 Lower Malpeque Road and Lyne Avenue (portion of PID# 145359) from Single-detached Residential (R-1) Zone to Institutional (I) Zone.

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the bylaw to amend the “City of Charlottetown Zoning and Development Bylaw” be read a first time.

CARRIED 10-0

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 10-0

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 without amendment.

CARRIED 10-0

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 the next Public Meeting of Council.

CARRIED 10-0

1st and 2nd readings of the “Zoning and Development Bylaw”

To amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property at 11 Young Street (PID# 369108) from Medium Density Residential (R-3) Zone to Downtown Mixed Use (DMU) Zone.

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the bylaw to amend the “City of Charlottetown Zoning and Development Bylaw” be read a first time.

CARRIED 9-1

Councillor Tweel registered a “nay” vote

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 Tweel 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 without amendment.

CARRIED 9-1

Councillor Tweel 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 the next Public Meeting of Council.

CARRIED 9-1
Councillor Tweel registered a “nay” vote

3. Public Works, Street Lighting & Transit – Councillor Terry Bernard

Councillor Bernard indicated his report was included in the weekend package. He noted that tenders have closed for snow plowing/de-icing contracts and that a clause to withhold payment to address excessive damage from snow clearing has been added to the contract. Councillor Bernard advised that the Public Works Department ceased laying sods on ditch infill projects and took sweeper trucks out of operation to help with water conservation however once the water levels permit, those operations will resume.

In response to a question regarding the Brighton Shore Front Range Light, Councillor Bernard indicated renovations should begin by the end of August 2012.

Moved by Councillor Terry Bernard
Seconded by Councillor Cecil Villard

RESOLVED:

That, per the publicly advertised tender for “Winter Street Services – Priority Routes”, the low submission of Label Construction and Sanitation in the amount of \$3,808.55/km (taxes extra) be accepted.

A question was raised with respect to tender specifications. Councillor Bernard indicated that the successful bidder has to abide by the contract and provide a certain amount of equipment necessary to carry out services.

CARRIED 10-0

Moved by Councillor Terry Bernard
Seconded by Councillor Cecil Villard

RESOLVED:

That, per the publicly advertised tender for “Winter Street Services – North-West Section”, the low submission of Label Construction and Sanitation in the amount of \$2,856.00/km (taxes extra) be accepted.

CARRIED 10-0

Moved by Councillor Terry Bernard
Seconded by Councillor Cecil Villard

RESOLVED:

That, per the publicly advertised tender for “Winter Street Services – North-East Section”, the low submission of Label Construction and Sanitation in the amount of \$3,281.61/km (taxes extra) be accepted.

CARRIED 10-0

4. Water & Sewer Utility – Councillor Edward Rice

Councillor Rice indicated his report was included in the weekend package. He noted Utility staff is preparing recommended changes to the General Rules and Regulations, which forms part of the current Water and Sewer Bylaw, that would clarify improper use or waste of water.

Moved by Councillor Edward Rice
Seconded by Councillor Cecil Villard

RESOLVED:

That the City of Charlottetown accepts the tender for construction from Island Coastal Services Limited in the amount of \$880,491.26 (GST included) for the extension of water and sewer services to Fox Run Drive.

Further that this will be expensed out of the 2012 Utility Capital Budgets.

The Mayor and CAO are hereby authorized to execute the agreement to implement this resolution.

It was noted that some area residents were concerned with the cost of hooking up to the service. Councillor Rice indicated it is the Utility's mandate to equally supply water and sewer services to all parts of the city. He further indicated billing will not start for another two years and at that time residents have a choice to either pay a monthly rate or the full hookup fee.

CARRIED 7-3

Councillors Coady, Redmond and Tweel registered "nay" votes

Moved by Councillor Edward Rice
Seconded by Councillor Cecil Villard

RESOLVED:

That the City of Charlottetown accepts the tender for construction from Island Coastal Services Limited in the amount of \$1,232,234.61 (GST included) for the Spring Park Combined Sewer Separation – Phase 1B Forcemain Sewer.

Further that this will be expensed out of the 2012 Utility Capital Budgets.

The Mayor and CAO are hereby authorized to execute the agreement to implement this resolution.

CARRIED 10-0

5. Administrative Services – Councillor Cecil Villard

Councillor Villard indicated his report was included in the weekend package. He noted an invitation has been extended to Minister Gail Shea requesting a meeting to review potential federal job losses in PEI.

An update was requested regarding the status of the Human Resources Study conducted in 2008. Councillor Villard indicated he will follow-up on the matter and advise.

Councillor Villard was requested to provide information regarding awarding of contracts/tenders. Councillor Villard indicated the Committee will take it under advisement.

Moved by Councillor Cecil Villard
Seconded by Councillor Terry Bernard

RESOLVED:

That, Reliable Motors be awarded the tender for "4x4 Half Ton Short Box Utility Vehicle",

in the amount of \$38,071.32 (taxes included).

CARRIED 10-0

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

RESOLVED:

That the City extend the lease agreement with Bell for the property on Kensington Road (portion of PID# 690966) as outlined in the attached agreement subject to negotiating an agreeable price.

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

CARRIED 10-0

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

RESOLVED:

That the Finance Department proceed with dispersal of the property between 286 and 290 Patterson Drive (PID#s 813618 & 800367) to the owners of 286 Patterson Drive with the new owners covering all associated costs in deed transfer and with the City retaining an easement on the property to protect and maintain the trunk storm water sewer and the trunk sanitary sewer infrastructure located there.

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

CARRIED 10-0

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

RESOLVED:

That the City of Charlottetown approve to release that portion of the sanitary sewer easement that is no longer required over 5 Falconwood Drive (PID#s 278200 and 278218).

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

CARRIED 10-0

6. Economic Development & Culture – Deputy Mayor Stu MacFadyen

Deputy Mayor MacFadyen indicated his report was included in the weekend package.

In response to a question concerning the PEI 2014 Inc. Board of Directors, Deputy Mayor MacFadyen indicated the City's representative is Wayne Long, Events Development Officer.

It was suggested that the City continue to attract other professional sports teams to setup training camps in Charlottetown such as the Dallas Stars did in 2010 and 2011.

A question was raised as to who was responsible for negotiating the contract relating to the Dallas

Stars training camp. Deputy Mayor MacFadyen referred the question to Mayor Lee who indicated that Wayne Long, Alan Stewart, Shane Turner and himself negotiated on the City's behalf in 2010. He further indicated that just Mr. Long and he were involved in the negotiations in 2011.

7. Advanced Planning & Priorities – Councillor Jason Coady

Councillor Coady indicated his report was included in the weekend package.

A question was raised as to what one can expect with regard to this plan as opposed to previous waterfront plans. Councillor Coady indicated he would follow up and advise.

In response to a question concerning restricted parking signs erected near the east end of the waterfront, Councillor Coady indicated the Committee will take it under advisement.

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

RESOLVED:

That the City of Charlottetown engage the services of Ekistics Planning & Design to conduct the Charlottetown Waterfront Master Plan as per their submission to the Request For proposal at a cost of \$56,650 plus applicable taxes.

CARRIED 10-0

8. Urban Beautification & Sustainability – Deputy Mayor Stu MacFadyen

Deputy Mayor MacFadyen indicated his report was included in the weekend package.

9. Protective & Emergency Services – Councillor David MacDonald

Councillor MacDonald indicated his report was included in the weekend package. He noted home inspections of smoke detectors continue and once again stressed the importance of functioning smoke alarms. He indicated that inmate fees incurred by Police Services for temporary incarceration have increased considerably therefore the Committee requested to meet with Community & Correctional Services to discuss the matter.

In response to a question regarding the incarceration fee, Councillor MacDonald noted the Province initially charged \$4.50/day as a meal allowance however the cost is now \$25/day.

Concern was raised with regard to the late night operation of a restaurant located on Queen Street in the downtown. Councillor MacDonald indicated the Committee is aware of the issue and the problem will be addressed.

**Moved by Councillor David MacDonald
Seconded by Councillor Cecil Villard**

RESOLVED:

That the Public Works Manager be authorized to repair or replace the eaves and roof of the residence, repair or replace the shingles, windows and siding, properly secure the residence to prevent animal life from entering and any other repairs deemed necessary by a City Building Inspector. Also to remove any other materials or debris, to clean up and properly dispose of same, at the owners expense, on the property located at 46/48 Longworth Avenue

(PID# 364166) in the City of Charlottetown in accordance with the terms of the Dangerous, Hazardous and Unsightly bylaw of the City of Charlottetown.

CARRIED 10-0

**Moved by Councillor David MacDonald
Seconded by Councillor Cecil Villard**

RESOLVED:

That the Public Works Manager be authorized to repair or replace the eaves /gutters of the residence. To repair, paint or replace the shingles, repair or replace windows, properly secure the residence to prevent animal life from entering and any other repairs deemed necessary by a City Building Inspector. Also to remove any other materials or debris, to clean up and properly dispose of same, at the owners expense, on the property located at 17 Granville Street (PID# 358994) in the City of Charlottetown in accordance with the terms of the Dangerous, Hazardous and Unsightly bylaw of the City of Charlottetown.

CARRIED 10-0

**Moved by Councillor David MacDonald
Seconded by Councillor Cecil Villard**

RESOLVED:

That the Public Works Manager be authorized to cut grass, remove any fallen trees and subsequent under growth that would lead to the existence of animal life. Remove any vehicles that display an expired inspection sticker thus being considered a derelict vehicle. Repair or replace shingles of the residence and accessory building, repair or replace the roof and eaves, paint entire structures and any other repairs deemed necessary by a City Building Inspector. Remove any other materials or debris, clean up and properly dispose of same, at the owners expense, on property located at 31 Kirkwood Drive (PID# 370841) in the City of Charlottetown in accordance with the terms of the Dangerous, Hazardous and Unsightly Bylaw of the City of Charlottetown.

CARRIED 10-0

10. New Business

There was no new business.

Meeting adjourned at 6:10 PM