



**Regular Meeting of Council
Monday, August 08, 2011 at 4:30 PM**

Mayor Clifford Lee presiding

Present: Deputy Mayor Stu MacFadyen Councillor David MacDonald
Councillor Rob Lantz Councillor Terry Bernard
Councillor Jason Coady Councillor Edward Rice (arrived 4:40 PM)
Councillor Mitchell Tweel Councillor Cecil Villard
Councillor Melissa Hilton

Also: Joseph Coady – DPS Donna Waddell – DCS
Paul Johnston – PWM Don Poole – PM
Scott Ryan – FM Wayne Long – EvenDO
Dan Hughes – HRM Laurel Palmer Thompson – PDO
Paul Smith – PC Danielle Gillian – PDO
Ron Atkinson – EconDO Frank Quinn – PRC
Wendy Reid – CP Sharon MacKinnon – CC

Regrets: Councillor Danny Redmond Roy Main – CAO
Phil Handrahan – DFDS Craig Walker – UM
Sue Hendriken – PRM Randy MacDonald – FC
Beth Johnston – CO

Mayor Lee called the meeting to order and welcomed everyone to the Council Chambers. He noted there were two additional resolutions under Water & Sewer Utility.

**Minutes of the previous meetings were by motion adopted:
Regular Meeting – July 11, 2011**

REPORTS OF COMMITTEES / RESOLUTIONS

1. Water & Sewer Utility – Councillor Edward Rice

Councillor Villard, on behalf of Councillor Rice, indicated the Committee's report was included in the weekend package.

Councillor Tweel requested, on behalf of the Shell Fishers of Charlottetown Harbour, answers to the questions raised at the July 11 Council Meeting regarding the closure of the Charlottetown Harbour due to sewage contamination and reiterated the questions, as follows:

1. Given the rash of recent closures in the Charlottetown harbour due to excess sewage overflow, what's the plan for the City to fix the problem?
2. Is it true that the City has set aside a sum of money to separate the combined storm/sanitary sewer system for the Spring Park combined system?
3. If the Mayor and City Council is concerned about the health and safety risk of excess sewage going into the harbour, what's our duty to inform the public?

The Shell Fishers also forwarded a supplementary question ... *as a followup to the Mayor's public statement on CBC Compass on July 12 that this issue was now the number one priority of City Council* ... Does this mean that previously allocated money will now be directed to fixing the sewage problem and if so, how much money will be allocated and when will that work start?

Councillor Villard indicated he would forward the questions to the Committee Chair. He further indicated discussions are underway with federal and provincial governments for funding.

**Moved by Councillor Mitchell Tweel
Seconded by Councillor Cecil Villard**

RESOLVED:

That Birt & MacKay Backhoe Services be awarded the Watermain Replacement tender in the amount of \$392,832.71 GST included.

Further that this will be expensed out of the 2011 Utility Capital Budget.

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

CARRIED 8-0

**Moved by Councillor Mitchell Tweel
Seconded by Councillor Cecil Villard**

RESOLVED:

That Atlantic Industrial Cleaners be awarded the Supply of Service for Hauling and Disposal of Sludge tender in the amount of \$213,740 (GST excluded).

Further that this will be expensed out of the 2011 Utility Operating Budget with the cost amortized over a five-year period.

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

CARRIED 8-0

Councillor Edward Rice arrived at the meeting.

**Moved by Councillor Mitchell Tweel
Seconded by Councillor Cecil Villard**

RESOLVED:

That Jamac Painting and Sandblasting Ltd. be awarded the Pollution Control Plant Secondary Digester Maintenance tender in the amount of \$424,200 (GST included).

Further that this will be expensed out of the 2011 Utility Capital Budget.

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

CARRIED 9-0

2. Planning & Heritage – Councillor Rob Lantz

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

In response to a question regarding who can submit an application for a development on a property, Councillor Lantz indicated the property owner or an agent of the owner can make application.

A question was raised with respect to Council receiving notification on variances and/or zoning requests within their wards in advance of the public. Councillor Lantz indicated he would have the Department review this matter.

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

RESOLVED:

That the request for a lot consolidation, a variance to the lot area requirement and a variance to the side yard setback for the purpose of erecting a three story, 12 unit apartment building at 26 & 30 Spring Street (PID#s 353508 & 535490) be rejected.

CARRIED 9-0

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

RESOLVED:

That the request for a variance to the average front yard setback from 6 feet to approximately 1.6 feet to accommodate a verandah/covered porch at 75 Spring Park Road (PID #354795) be approved.

CARRIED 9-0

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

RESOLVED:

That the request for a variance to the average front yard setback from 32 feet to an average of 20.9 feet and to reduce the flankage yard requirement from 19.7 feet to an average of 10 feet to accommodate an attached garage at 4 Corrigan Court (PID #694869) be rejected.

Councillor Lantz indicated the applicants who were in attendance at the meeting were unaware that the structure could impede the site lines for approaching traffic at the nearby intersection and suggested the resolution be deferred.

Moved by Councillor Rob Lantz
Seconded by Councillor David MacDonald

RESOLVED:

That the request for a variance to the average front yard setback from 32 feet to an average of 20.9 feet and to reduce the flankage yard requirement from 19.7 feet to an average of 10 feet to accommodate an attached garage at 4 Corrigan Court (PID #694869) be deferred.

CARRIED 9-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for variances (lot area – from the Bylaw requirement of 37,890.6 sq ft to approximately 22,340 sq ft; height from 39.4 feet to approximately 58.0 feet; front yard from 7.7 feet to 0 feet; rear yard from 19.7 feet to 0 feet; flankage (side) yard from 0 feet to approximately 20 feet) to allow for a 22 unit building on property at 41 – 51 Richmond Street (PID#s 339903 & 339895), subject to the signing of a Development Agreement, be approved.

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

Councillor Lantz advised that all variances were previously approved by Council and the reapplication was necessary as the one-year time frame for the previous variance approvals had expired.

In response to a question concerning the draft Development Agreement attached to the resolution, Councillor Lantz indicated the draft agreement provided was for information purposes only and the final version would be consistent with the approved resolution.

CARRIED 9-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a variance to the front yard setback from 27.1 feet to approximately 16 feet to accommodate an attached garage at 10 Scott Street (PID #520320) be approved.

CARRIED 9-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request from Eastlink to erect communication towers at 270 Norwood Road and 12 Upton Road, subject to Provincial Highways access approval for the Upton Road tower, be approved.

Councillor Lantz noted the applicants have followed the guidelines as set out by Industry Canada which has the sole authority for communication tower approvals. He further noted that letters were sent out to residents in the vicinity of the two towers as per the Bylaw with no responses received on either application.

In response to a question concerning the Zoning and Development Bylaw regulation for communication towers, Councillor Lantz referred the question to the Planning Manager who explained notices are sent to property owners advising of the height of the proposed development.

CARRIED 9-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a lot consolidation at 47-49 Edward Street (PID#s 345173 & 345181), subject to the receipt of signed pinned survey plans, be approved.

CARRIED 9-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the Eastern Gateway Waterfront Master Plan be accepted as a strong and clear framework to help guide future development, public capital projects and private development decisions for the Eastern Gateway area of the City of Charlottetown.

Councillor Lantz noted that the City of Charlottetown, along with Urban Strategies, was awarded the Atlantic Planners Institute's 2011 Award of Planning Excellence – Physical Plans and Design for the Eastern Gateway Waterfront Master Plan.

CARRIED 9-0

3. Economic Development & Tourism – Councillor Jason Coady

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

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

Councillor Bernard, on behalf of Councillor Redmond, indicated the Committee's report was included in the weekend package.

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

Deputy Mayor MacFadyen indicated his Committee had not met since the last Council Meeting. He noted the Cultural Capital projects are progressing well and encouraged Council to attend the Art in the Open festival on August 27.

6. Bylaws, Policies, Transit & Communications – Councillor Mitchell Tweel

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

In response to a question concerning wheelchair accessibility of the buses, Councillor Tweel indicated that seven (7) buses are fully accessible at this time.

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

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

A question was raised on the total amount of the City's long term debt. Councillor Villard will ensure a response is provided.

8. Urban Beautification & Forestry – Deputy Mayor Stu MacFadyen

Deputy Mayor MacFadyen indicated his Committee had not met since the last Council Meeting.

9. Protective & Emergency Services – Councillor David MacDonald

Councillor MacDonald indicated his Committee's report was included in the weekend package. He announced Tim Mamyne was the successful candidate for Deputy Fire Chief and will commence his new duties on September 06, 2011. He noted the Charlottetown Fire Department was nominated for the Community Impact Award through the Greater Charlottetown Area Chamber of Commerce. Councillor MacDonald further noted traffic calming measures and a speed sensor device were set up and tested recently in a downtown location. These mechanisms will be moved around to other areas as they are adapted to work within the City's responsive needs, eg. emergency, snow clearing, etc.

In response to a question inquiring if the traffic calming measures fall within the National Transportation Standards, it was explained the National Transportation Standards control traffic at intersections and traffic calming measures control speed on streets.

An update on the review of stop sign locations was requested including those originally proposed for removal and those reconsidered.

Moved by Councillor David MacDonald

Seconded by Councillor Cecil Villard

RESOLVED:

That, per the publicly advertised expression of interest for a "Custom, Triple Combination Fire Engine", the submission of Metalfab Ltd. in the amount of \$456,778.00 (taxes extra) be accepted.

The lease financing will be as arranged by the Finance Department at the end of the year.

CARRIED 9-0

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

Councillor Hilton indicated her Committee's report was included in the weekend package. The Volunteer of the Month Award for August was presented to Jenny Likely, founding member of the Greater Charlottetown Area Adult Mixed Soccer League.

In response to a question regarding the recent waiving of fees for two requests in light of the recent approval of rental fee increases at City facilities, it was explained each request is considered on an individual basis.

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

RESOLVED:

That the City of Charlottetown authorizes the use of Confederation Landing for the 2011 Les Francolies de Charlottetown, subject to terms and conditions in the attached Licensing Agreement.

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

CARRIED 9-0

It was noted this festival is one of the Cultural Capital events.

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

RESOLVED:

WHEREAS the City of Charlottetown recognizes the importance of public awareness as to the possible cause, symptoms, impact and prevention of brain injuries in the participation of sport and leisure activities;

AND WHEREAS the City of Charlottetown recognizes the important role that the Brain Injury Association of Prince Edward Island plays in educating the public on brain injury prevention;

THEREFORE BE IT RESOLVED that the City of Charlottetown, through its Parks and Recreation Department, support the Brain Injury Association of Prince Edward Island by displaying public educational materials related to the prevention of brain injuries in its community centres and sport facilities.

CARRIED 9-0

11. Public Works & Street Lighting – Councillor Terry Bernard

Councillor Bernard indicated his Committee's report was included in the weekend package. He reported this year's street resurfacing contract is progressing well with many streets completed.

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

RESOLVED:

That, per the publicly advertised tender for “2011 Storm Sewer – Package B” regarding ditch infilling, the low submission of Island Coastal Services Ltd. in the amount of \$1,027,531.91 (gst extra) be accepted.

This will be an expenditure of Capital and New Deal funds as previously approved in the 2011 budget.

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

**CARRIED 7-2
Councillors Lantz and Tweel registered “nay” votes**

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

RESOLVED:

That, per the publicly advertised tender for “3 Ton Truck - SFA”, the submission of BJ’s Truck Center in the amount of \$89,994.33 (taxes extra) be accepted.

This will be an expenditure of Capital funds previously approved in the 2011 budget.

CARRIED 9-0

12. Integrated Community Sustainability Plan – Councillor Rob Lantz

Councillor Lantz indicated his Committee’s report was forwarded electronically to Council. He noted the Committee is working on a Community micro-grants sustainability project; as well, a policy and bylaw review will be undertaken in September looking at sustainability issues.

13. New Business

There was no new business.

The meeting adjourned at 5:30 PM