



**Regular Meeting of Council
Monday, June 14, 2010 at 4:30 PM**

Mayor Clifford Lee presiding

Present: Deputy Mayor Stu MacFadyen Councillor David MacDonald
Councillor Kim Devine Councillor Terry Bernard
Councillor Rob Lantz Councillor Peter McCloskey
Councillor Melissa Hilton Councillor Cecil Villard
Councillor Mitchell Tweel Councillor Danny Redmond

Also: Roy Main – Chief Administrative Officer
Joseph Coady – Director of Public Services
Donna Waddell – Director of Corporate Services
Phil Handrahan – Director of Fiscal and Development Services
Paul Johnston – Public Works Manager
Sue Hendricken – Parks and Recreation Manager
Craig Walker – Utilities Manager
Dan Hughes – Human Resources Manager
Paul Smith – Police Chief
Randy MacDonald – Fire Chief
Don Poole – Planning Manager
Wayne Long – Events Development Officer
Beth Johnston – Communications Officer
Allan MacKenzie – Senior Finance Officer
Karen Campbell – City Solicitor
Sharon MacKinnon – Legislative Clerk

Regrets: Scott Ryan – Finance Manager
Ron Atkinson – Economic Development Officer

Mayor Lee called the meeting to order and welcomed everyone to the Council Chambers. He extended condolences, on behalf of Council and staff, to Don Poole and his family on the passing of his father and to Sue Hendricken and her family on the passing of her mother.

Minutes of the previous meetings were by motion adopted:
Regular Meeting – May 10, 2010
Public Meeting – June 08, 2010

1. Police & Bylaw Enforcement – Councillor Rob Lantz

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

It was requested speed limits be reduced from 50 km/h to 40 km/h on MacRae Drive and East Royalty Road. As well, Police Services was requested to determine if a school zone is still required on Lower

Malpeque Road and if the speed limit along that section could be reviewed and possibly increased from the existing 30 km/h. Councillor Lantz indicated this matter is currently under review.

In response to a question regarding the hours of operation of the downtown police depot on Kent Street, Councillor Lantz confirmed a civilian member of Police Services is on staff Monday to Friday, 9 AM – 3 PM.

Councillor Lantz was requested to provide an updated copy of the Police Review Study recommendations reflecting what has been completed to date. He indicated this would be followed up.

Moved by Councillor Rob Lantz
Seconded by Deputy Mayor Stu MacFadyen

RESOLVED:

That the Public Works Manager be authorized to cut grass, remove any other materials or debris, clean up and properly dispose of same, at the owners expense, on property located at 8 Avonlea Drive (PID #464040) in the City of Charlottetown in accordance with the terms of the Dangerous, Hazardous and Unsightly Bylaw of the City of Charlottetown.

A question was raised with respect to the process to be taken if this property requires another clean up. Mayor Lee advised the Charlottetown Area Municipalities Act (CAMA) currently requires the City to bring a resolution back to Council for each order.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Deputy Mayor Stu MacFadyen

RESOLVED:

That the Public Works Manager be authorized to cut grass, 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

A question was raised regarding the status of the proposed amendments to the Charlottetown Area Municipalities Act (CAMA). It was noted the amendments were not brought forward at the last session of the Provincial Legislature; however, the Executive Policy & Event Attraction Committee continues to discuss the matter with the Province.

2. Public Works & Street Lighting – Councillor Terry Bernard

Councillor Bernard indicated his Committee's report was included in the weekend package. He noted the Mount Edward Road/Allen Street roundabout will be open next week and a mock roundabout clinic will be held on Saturday, June 19 at the Charlottetown Mall.

In response to a question concerning the process of rating streets scheduled for repair or repaving, Councillor Bernard indicated Public Works staff collects data which is then electronically tabulated on a 'worst to best' basis.

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

RESOLVED:

That, per the publicly advertised tender for “2010 Major Projects – Package A” regarding ditch infilling, the low submission of Birt & MacKay Backhoe Services Ltd. in the amount of \$517,233.15 (gst extra) be accepted.

This will be an expenditure of New Deal funds as previously approved in the 2010 budget.

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

CARRIED 10-0

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

RESOLVED:

That, per the publicly advertised tender for “2010 Major Projects – Package B” regarding ditch infilling, the low submission of Birt & MacKay Backhoe Services Ltd. in the amount of \$556,705.05 (gst extra) be accepted.

This will be an expenditure of New Deal funds as previously approved in the 2010 budget.

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

CARRIED 10-0

3. Water/Sewer Utility & Environment – Councillor Danny Redmond

Councillor Redmond indicated his Committee’s report was included in the weekend package. He noted the Utilities Department Organization & Operation Review and Evaluation proposals will be reviewed by the Committee this coming week. He further noted that as part of the Inflow and Infiltration Reduction Project, the Brighton North Sanitary sewer shed has been completed. Councillor Redmond suggested the Planning Department should look at having developers remove any excess soil left on properties when developments are completed to ensure there is no runoff into nearby streams.

Concern was raised once again with respect to the infrequency of flushing main sewer lines in problem areas. Councillor Redmond indicated he would forward the concern onto the Utility Manager.

**Moved by Councillor Danny Redmond
Seconded by Councillor Cecil Villard**

RESOLVED:

That the City of Charlottetown accept the proposal for consulting services from Coles Associates Ltd. in the amount estimated at \$40,790 (taxes extra) for the Consulting Engineering Services on the PCP Gravity Thickener Covers.

Further that this will be expensed out of the 2010 Utility Capital Budget.

CARRIED 10-0

4. Planning/Heritage & Arts/Culture – Councillor Kim Devine

Councillor Devine indicated her Committee's report was included in the weekend package.

Moved by Councillor Kim Devine

Seconded by Councillor Peter McCloskey

RESOLVED:

That the request to locate a kiosk and drop off/pick up area for the Double-decker Buses in the area in front of the Confederation Center, 130 Queen Street (PID#340422) for the 2010 season only, subject to the signing of an Encroachment Agreement, be approved.

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

CARRIED 10-0

Moved by Councillor Kim Devine

Seconded by Councillor Peter McCloskey

RESOLVED:

That the request to operate a mobile cart / tricycle primarily for promotional purposes of the Transit, bus tours, and double decker tours and the possible sale of event tickets at the Confederation Centre of the Arts for 2010, subject to the signing of an Encroachment Agreement, be approved.

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

A question was raised as to why an encroachment agreement was necessary for a mobile cart. Councillor Devine referred the question to the Planning Manager who noted this is the standard agreement used in this kind of circumstance to ensure the City is covered for liability insurance on the street right-of-way.

CARRIED 9-1

Councillor MacDonald registered a "nay" vote

Moved by Councillor Kim Devine

Seconded by Councillor Peter McCloskey

RESOLVED:

That the request to renew the Development/Encroachment Agreements for the outdoor patios to be located in the parking spaces in front of Casa Mia, 129-131 Queen Street (PID#340232) and Sims Restaurant, 86 Queen Street (PID#338415) for the 2010 season only, be approved.

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

CARRIED 10-0

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

Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

That the request for a lot area variance from the required 22,605 sq ft to approximately 18,302 sq ft to permit the construction of a 15-unit apartment building at 315 University Avenue (PID# 358416) be approved.

It was suggested by Councillor Devine and agreed to by Councillor McCloskey that the entrance on University Avenue be designed to look like the main access to the building although residents would primarily use the rear entrance. This will be included with the permit conditions.

CARRIED 9-0

Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

That the request to proceed to the public consultation phase to consider a request to rezone a portion (approximately 3.4 acres) of the Horseshoe Hills Estates Subdivision (PID# 846164) from Low Density Residential Single (R-2S) Zone to Narrow Single-detached Residential (R-1N) Zone be approved.

CARRIED 10-0

Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

That the request to proceed to the public consultation phase to consider a request to rezone a portion of the Gwenwood Estates Subdivision from Low Density Residential Single (R-2S) Zone to Low Density Residential (R-2) Zone be approved.

CARRIED 10-0

Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

That the request to encroach on the City of Charlottetown's right-of-way by approximately 3.5 ft to permit the construction of a covered front step and landing at 53-57 Edward Street (PID# 345207), subject to the signing of an Encroachment Agreement, be approved.

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

CARRIED 10-0

Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

That the request to amend Phase I of the Waterfront Development Concept Plan and Appendix “G” of the City of Charlottetown Zoning and Development Bylaw – List of Approved Properties in the Comprehensive Development Area Zone and their Permitted Uses – to allow a 10-unit condo as infill development at 4 Prince Street (PID# 841536) be approved.

Councillor Devine indicated she was not in support of this request as the application does not meet the guidelines which currently exist in the Waterfront Plan. A couple of Councillors spoke in favor with one noting that although some residents feel the large undeveloped portion of property in question should be a green space or park, it needs to be understood the property is owned by a private developer.

DEFEATED 7-3

Councillors Devine, Hilton, Tweel, MacDonald, Bernard, Villard and Redmond registered “nay” votes

Moved by Councillor Kim Devine
Seconded by Councillor Cecil Villard

RESOLVED:

That the request to amend Phase I of the Waterfront Development Concept Plan and Appendix “G” of the City of Charlottetown Zoning and Development Bylaw – List of Approved Properties in the Comprehensive Development Area Zone and their Permitted Uses – to allow a 10-unit condo as infill development at 4 Prince Street (PID# 841536) be rejected.

CARRIED 7-3

Deputy Mayor MacFadyen and Councillors Lantz and McCloskey registered “nay” votes

Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

That the requests 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 will proceed through the rezoning process and submitted for approval at Council's earliest opportunity once the purchase of land identified as PID#841494 has been completed.

And that the request to rezone 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, and to approve the request to consolidate this portion of the lot with PID# 365668, subject to the receipt of pinned survey plans; and to amend Appendix “A” - Future Land Use Map of the Official Plan - for portions of PID# 640847 and 825927, from Recreation to Concept Planning Area will proceed through the rezoning process and submitted

for approval at Council's earliest opportunity once the purchase of land identified as PID #365668 has been completed.

Councillor Devine noted the resolution deals strictly with the use of the land and the development agreement that will govern how the site is used will come back before Council at a later date.

A question was raised regarding the intent of the resolution. Councillor Devine indicated it is to allow the Charlottetown Area Development Corporation (CADC) to proceed with purchasing the property.

CARRIED 8-2

Councillors Redmond and Tweel registered "nay" votes

Moved by Councillor Kim Devine

Seconded by Councillor Peter McCloskey

RESOLVED:

That the request for the use of sidewalk tables and chairs of approximately 18-inch width, to be located at 62 Queen Street (PID# 336990), subject to the signing of an Encroachment Agreement, be approved.

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

CARRIED 10-0

Moved by Councillor Kim Devine

Seconded by Councillor Peter McCloskey

RESOLVED:

That the City of Charlottetown agrees to enter into a Development Agreement with Plazacorp Master Limited Partnership for a development project at the corner of Malpeque Road and Spencer Drive (PID# 388140 & part of PID#s 388215 & 390740) as per the attached.

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

A question was raised concerning the resolution wording used 'that the City agrees to enter into' rather than 'that the City enter into'. It was explained negotiations are still taking place with some conditions in the agreement attached to the resolution; if the changes are housekeeping in nature, the agreement will be signed; if substantial changes are required, the agreement will come back to Council. It was further noted an agreement is null and void when no action is taken within a 12-month period.

In response to a question regarding infrastructure costs relating to the project, Councillor Devine indicated the Developer is responsible for Phase One expenditures. She further noted the City would then determine what improvements if any would be required for Phase Two and the City would cover those costs.

CARRIED 9-1

Councillor Tweel registered a "nay" vote

Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

That the City of Charlottetown approve Downtown Charlottetown Inc's application for the development of a Farmer's Market, and that the parking spaces on the east side of Queen Street be closed between Richmond Street and Dorchester Street, and extending north to Grafton Street upon further request, for 12 consecutive Sundays between July 04 and September 19, 2010, with the signing of a Pedestrian Mall Agreement, as per Section 3.1 of the Pedestrian Mall Bylaw. This closure will not disrupt traffic on Queen Street and the sidewalks between the closed parking spaces and adjacent businesses will remain unobstructed for use by all pedestrians. The hours of operation shall be from 9:00am to 6:00pm which includes time permitted for set up and site clean up.

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

CARRIED 10-0

1st reading 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 Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

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

CARRIED 8-0

Councillors Redmond and Tweel registered "nay" votes

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

5. Economic Development & Tourism – Councillor David MacDonald

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

6. Human Resources & Pension – Councillor Mitchell Tweel

Mayor Lee introduced the City's new Human Resources Manager, Dan Hughes. Councillor Tweel indicated his Committee's report was included in the weekend package. He reported the initial phase of the Occupational Health and Safety Audit has begun.

7. Parking & Transit – Deputy Mayor Stu MacFadyen

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

A question was raised again concerning wheelchair accessibility on the City's buses. Deputy Mayor MacFadyen reaffirmed that all City transit buses are fully accessible.

In response to an update request for a bus shelter in the Hemlock Court area, Deputy Mayor MacFadyen indicated the shelter should arrive in the very near future.

**Moved by Deputy Mayor Stu MacFadyen
Seconded by Councillor Rob Lantz**

RESOLVED:

That the City of Charlottetown make an application for \$125,000 through the Capacity Building Fund to fund a five-year Strategic Plan for the Charlottetown Transit System.

In response to a question if this funding would include new bus shelters, Deputy Mayor MacFadyen indicated the application for funding is to review the overall existing operation of the Greater Charlottetown Area Transit System.

CARRIED 10-0

8. Executive Policy & Event Attraction – Councillor Peter McCloskey

Councillor McCloskey reported his Committee met earlier that day. He thanked City staff for their participation in successful Natal Day activities held over the past weekend.

**Moved by Councillor Peter McCloskey
Seconded by Councillor Rob Lantz**

RESOLVED:

That the request from P R Entertainment to host a July Concert Series on Victoria Row on July 02 and July 30, 2010 be denied.

CARRIED 10-0

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

Councillor Villard indicated his Committee's report was included in the weekend package. He brought forward a Notice of Motion to introduce the 2010 Borrowing Bylaw.

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

RESOLVED:

That the City of Charlottetown accepts the following Financial Statements as presented by ArsenaultBestCameronEllis for the year ended December 31, 2009 (copies attached to this resolution).

- City of Charlottetown Consolidated Financial Statements
- Charlottetown Water & Sewer Corporation Financial Statements
- City of Charlottetown Superannuation Plan
- Charlottetown Water & Sewer Corporation Superannuation Plan

CARRIED 10-0

Moved by Councillor Cecil Villard
Seconded by Councillor Terry Bernard

RESOLVED:

That the City of Charlottetown makes application for the Island Community Fund as follows:

<u>Project</u>	<u>Amount</u>
Priority #1 Sports Fields Restoration Project	\$415,000
Priority #2 Victoria Park Restoration Project	\$350,000

Further that the City of Charlottetown understands and commits that it will be responsible for its designated share of the total eligible cost of the project and will assume responsibility for any/all operating and maintenance costs resulting from these projects.

CARRIED 10-0

Moved by Councillor Cecil Villard
Seconded by Councillor Terry Bernard

RESOLVED:

That the City/Utility implement the following rates for outside fire protection effective for 2010:

Hydrant charge – Water, Maintenance, and Capital:	\$793.00
Hydrant charge – Water and Maintenance:	\$702.00

CARRIED 10-0**10. Urban Beautification & Forestry – Councillor Kim Devine**

Councillor Devine indicated her Committee's report was included in the weekend package.

11. Fire & Emergency Measures – Councillor Melissa Hilton

Councillor Hilton indicated her Committee's report was included in the weekend package.

12. Parks, Recreation & Leisure Activities – Deputy Mayor Stu MacFadyen

Deputy Mayor MacFadyen indicated his Committee's report was included in the weekend package. The Volunteer of the Month Award for June was presented to Joe Ryan.

It was suggested a draft research document prepared by Brian Lewis regarding the history of baseball on PEI be officially printed. Deputy Mayor MacFadyen indicated the Committee is already looking into this.

It was suggested a master plan be developed for Victoria Park due to its significance to the City. Deputy Mayor MacFadyen indicated his Committee would follow up and advise.

Moved by Deputy Mayor Stu MacFadyen
Seconded by Councillor David MacDonald

RESOLVED:

That the City of Charlottetown enter into a License agreement with Cycling Prince Edward Island for the development and maintenance of a mountain bike trail in East Royalty Park under the terms and conditions as set out in the attached agreement.

Further it is understood that there is no budgetary impact to the City of Charlottetown in either capital or operational budget.

CARRIED 10-0

**Moved by Deputy Mayor Stu MacFadyen
Seconded by Councillor David MacDonald**

RESOLVED:

That the City of Charlottetown enter into a Memorandum of Understanding with the Murphy's Community Centre for the development and operation of a Teen Centre Pilot Project under the terms and conditions as set out in the attached agreement and as approved in the 2010 Parks and Recreation Program Budget.

CARRIED 10-0

13. New Business

**Moved by Councillor Peter McCloskey
Seconded by Deputy Mayor Stu MacFadyen**

RESOLVED:

Whereas the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction;

Whereas FCM's National Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the prestige required to carry the municipal message to the federal government.

Be It Resolved that Council of the City of Charlottetown endorse Mayor Clifford Lee to represent Prince Edward Island on the FCM's National Board of Directors; and

Be It Further Resolved that Council assumes all costs associated with Mayor Clifford Lee attending FCM's National Board of Directors meetings.

CARRIED 10-0

The meeting adjourned at 6:00 PM