



**Regular Meeting of Council
Monday, March 08, 2010 at 7:00 PM**

Mayor Clifford Lee presiding

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

Also: Joseph Coady – Director of Public Services
Donna Waddell – Director of Corporate Services
Scott Ryan – Finance Manager
Paul Johnston – Public Works Manager
Sue Hendricken – Parks and Recreation Manager
Craig Walker – Utilities Manager
Paul Smith – Chief of Police
Randy MacDonald – Fire Chief
Don Poole – Planning Manager
Laurel Palmer-Thompson – Planning & Development Officer
Ron Atkinson – Economic Development Officer
Beth Johnston – Communications Officer
David Hooley – City Solicitor
Sharon MacKinnon – Legislative Clerk
Tracey McLean – Administrative Assistant

Regrets: Councillor Terry Bernard
Councillor Mitchell Tweel
Roy Main – Chief Administrative Officer
Phil Handrahan – Director of Fiscal and Development Services
Wayne Long - Events Development Officer

Mayor Lee called the meeting to order. He welcomed former Charlottetown Mayor, George MacDonald, to the Chamber.

Minutes of the previous meeting were by motion adopted:

Regular Meeting – February 08, 2010
Public Meeting – February 11, 2010
Public Meeting – February 23, 2010
Public Meeting – February 25, 2010

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

Councillor Devine indicated her Committee's report was included in the weekend package. She reported the Committee is continuing to gather information regarding amendments to the Street

Vending Bylaw. She noted that signs for rezoning parcels of land are already posted however they are looking at using larger signs to better inform the public.

Moved by Councillor Kim Devine

Seconded by Councillor Peter McCloskey

RESOLVED:

That the request for an amendment to Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property at the corner of Malpeque Road and Spencer Drive (PID# 388140 & part of PID#s 388215 & 390740) from Highway Commercial (C-2) Zone and Comprehensive Development Area (CDA) Zone to Shopping Centre Commercial (C-3) Zone be approved, along with the lot consolidation, subject to a pinned subdivision plan being submitted, and further the City is to negotiate a Development Agreement to include such items as infrastructure cost-sharing, phases, design features of the site (e.g. landscaping, sidewalks, transit stop, bike racks, storm runoff and sustainable features) provided that the Agreement shall be subsequently approved by Council.

Councillor Devine advised the development agreement was not included with the resolution however when the agreement is negotiated, it will come before Council for approval.

In response to a question regarding an access road for the proposed development, Councillor Devine indicated it would be addressed in the agreement.

A question was raised concerning infrastructure cost sharing. Councillor Devine referred the question to the Planning Manager who then advised that the developer did agree to cover infrastructure costs during Phase I such as slip lane roads and lights at Malpeque Road.

CARRIED 8-0

Moved by Councillor Kim Devine

Seconded by Councillor Peter McCloskey

RESOLVED:

That the request for an amendment to Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential and to Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property at 136 Upton Road (PID# 773051) from Single-detached Residential (R-1S) Zone to Low Density Residential (R-2) Zone and Medium Density Residential (R-3) Zone as per the plan be approved subject to the developer entering into a Development Agreement (e.g. townhouses and townhouse condos to be individually owned units, berm be installed along highway, landscaping and parkland etc).

It was noted area residents attended a public meeting on February 25, 2010 concerning the request and most were not in favour of the proposed rezoning.

DEFEATED 8-0

**Moved by Councillor Kim Devine
Seconded by Councillor Rob Lantz**

RESOLVED:

That the request for an amendment to Appendix “A” – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential and to Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property at 136 Upton Road (PID# 773051) from Single-detached Residential (R-1S) Zone to Low Density Residential (R-2) Zone and Medium Density Residential (R-3) Zone as per the plan be rejected.

It was suggested Planning Board review ways to avoid spot rezoning parcels of land, such as subdivisions, which have already been developed.

CARRIED 8-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

That the request for a variance to the side yard setback from the required 6 feet to approximately 1 foot to permit the addition of a carport to the side of the dwelling located at 80 Green Street (PID# 354175) be approved.

CARRIED 8-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

That the request to proceed to the public consultation phase to consider a lot consolidation of the properties located at 38-44 Palmers Lane (PID#s 275156, 275164 & 275180) for the construction of Grouped Dwellings be approved.

CARRIED 8-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

That the request to encroach on the Kent Street sidewalk with three tables and chairs by approximately 2.5 feet for 56 University Avenue (PID# 344382), subject to the signing of an Encroachment Agreement, be approved.

CARRIED 8-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

That the request to operate a Catering Business as a Home Occupation out of a portion of

the dwelling located at 84 Newland Crescent (PID# 408237) be approved.

CARRIED 8-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

That the application for wooden window inserts at 6 Sunset Drive, PID# 366831, as presented to Heritage Board, be approved.

CARRIED 8-0

1st and 2nd readings of Zoning and Development Bylaw

To amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property at the corner of Malpeque Road and Spencer Drive (PID# 388140 & part of PID#s 388215 & 390740) from Highway Commercial (C-2) Zone and Comprehensive Development Ar4ea (CDA) Zone to Shopping Centre Commercial (C-3) Zone.

**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

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

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 8-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

That the Chairman reports progress of the Committee and that the Bylaw be adopted without amendments.

CARRIED 8-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

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 8-0

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

2. Urban Beautification & Forestry – Councillor Kim Devine

Councillor Devine indicated her Committee had not met since the last Council Meeting. She noted the City of Charlottetown recently hosted the 2010 WinterLights Symposium and Awards that saw over 100 attendees from across the country take part.

3. Fire & Emergency Measures – Councillor Melissa Hilton

Councillor Hilton indicated her Committee’s report was included in the weekend package. She reported that John Chandler, Joe Kerwin, Kent Mitchell, Shane Ross and Josh Morrison are all new recruits currently involved in the Level 1 Firefighter Program and Ryan MacMillan has just started as a new volunteer with Station 1.

4. 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 March was presented to the Organizing Committee of the 2010 East Coast Short Course Swimming Championships.

5. Police & Bylaw Enforcement – Councillor Rob Lantz

Councillor Lantz indicated his Committee’s report was included in the weekend package. He reported on new community crime prevention programs like Operation ID and Neighbourhood Watch. Charlottetown Police Services launched their new website recently (<http://www.charlottetownpolice.com>) and Councillor Lantz noted the site has already been a helpful tool with building community relations and in solving crimes.

6. Public Works & Street Lighting – Councillor Terry Bernard

Deputy Mayor Stu MacFadyen, on behalf of Councillor Bernard, indicated the Committee’s report was included in the weekend package.

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

Councillor Redmond indicated his Committee’s report was included in the weekend package. He noted his Committee feels strongly on conducting a review of the Utility Department and hoped that Council would support this new initiative.

Moved by Councillor Danny Redmond

Seconded by Councillor Melissa Hilton

RESOLVED:

Whereas the City of Charlottetown Council has approved General Rules and Regulations for the operation of the Charlottetown Water and Sewer Utility.

Be It Resolved that the City of Charlottetown approve amendments to the General Rules and Regulations, Part 4 - Services, Sections 4.5 and 4.6, Part 5 - Billing and Metering,

Sections 5.5, 5.6, 5.10 and 5.19 and Part 6 - Extension of Services, Section 6.12 as shown on the attached.

CARRIED 8-0

8. Economic Development & Tourism – Councillor David MacDonald

Councillor MacDonald indicated his Committee had not met since the last Council Meeting. He noted on the East Coast Music Awards recently held in Sydney, Nova Scotia and was impressed with the presentation put together by the Host Committee and City staff for the 2011 ECMAs to be held in Charlottetown. Councillor MacDonald congratulated all Island award recipients as well as Doug Gallant for receiving the Media Person of the Year Award.

9. Human Resources & Pension – Councillor Mitchell Tweel

Councillor Hilton, on behalf of Councillor Tweel, indicated the Committee's report was included in the weekend package. She congratulated Tracey McLean and Jeremy Pierce as successful candidates in the Administrative Assistant - Administration and Arenas Superintendent competitions, respectively. Retirements included Sgt. Mike Quinn from Police Services and Jamie Cottingham, Arenas Superintendent.

10. Parking & Transit – Deputy Mayor Stu MacFadyen

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

Moved by Deputy Mayor Stu MacFadyen

Seconded by Councillor Rob Lantz

RESOLVED:

That the February 23, 2010, resolution approving new rates for parking meters and parkades be amended by delaying parkade increases until April 01, 2010, and adjusting the monthly rate at Fitzroy Parkade as follows:

·\$75.00 effective April 01, 2010

·\$90.00 effective April 01, 2011

CARRIED 7-1

Councillor Redmond registered a "nay" vote

11. Executive Policy & Event Attraction – Councillor Peter McCloskey

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

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

Councillor Villard indicated his Committee had not met since the last Council Meeting. He advised that the City budget will be brought down on Thursday, March 25, 2010.

Moved by Councillor Cecil Villard

Seconded by Councillor Peter McCloskey

RESOLVED:

That the City of Charlottetown purchase the 33-foot right-of-way between PID #531327 and PID #681262 leading to its Evergreen Drive park at PID #676213.

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

CARRIED 8-0

**Moved by Councillor Peter McCloskey
Seconded by Councillor Kim Devine**

RESOLVED:

That the City of Charlottetown execute the attached Memorandum of Understanding to establish an easement for storm water piping, to release itself from liability regarding the storm water piping, and to purchase the portion of PID #386128 currently being leased to the City.

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

CARRIED 8-0

13. New Business

**Moved by Deputy Mayor Stu MacFadyen
Seconded by Councillor Kim Devine**

RESOLVED:

That the appointment of Jack MacDonald to the Urban Beautification and Forestry Committee, as nominated by His Worship Mayor Clifford Lee, be approved.

CARRIED 8-0

The meeting adjourned at 7:45 PM