



**Regular Meeting of Council  
Monday, May 14, 2012 at 7:00 PM**

**Mayor Clifford Lee presiding**

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

**Also:**            **Roy Main – CAO**                                      **Donna Waddell – DCS**  
                         **Phil Handrahan – DFDS**                              **Scott Ryan – FM**  
                         **Paul Smith – PC**                                      **Randy MacDonald – FC**  
                         **Paul Johnston – PWM**                              **Sue Fraser – PRM**  
                         **Craig Walker – UM**                                      **Dan Hughes – HRM**  
                         **Richard MacEwen – UAM**                              **Wayne Long – EvenDO**  
                         **Hope Gunn – PDO**                                      **Ron Atkinson – EconDO**  
                         **David Hooley – CS**                                      **Tracey McLean- RMC**

Mayor Lee called the meeting to order.

Councillor Redmond requested clarification regarding the City's contribution for travelling costs associated with hosting the Dallas Stars in 2010 and 2011. The Regular Council Meeting minutes from April 10, 2012 stated the contribution over two years was \$35,000. Mayor Lee advised Council the amount was \$35,000 per year for a total of \$70,000.

**Minutes of the previous meeting were by motion adopted:**  
                         **Regular Meeting – April 10, 2012**  
                         **Public Meeting – April 30, 2012**

**REPORTS OF COMMITTEES / RESOLUTIONS**

**1.      Urban Beautification & Forestry – Deputy Mayor Stu MacFadyen**

Deputy Mayor MacFadyen indicated his report was included in the weekend package. He extended condolences to family members on the loss of former City of Charlottetown employees, Walter MacIntyre and George Bambrick. A moment of silence was held.

Deputy Mayor MacFadyen encouraged everyone to attend Arbour Day activities on Friday, May 18 in Victoria Park.

**2.      Protective & Emergency Services – Councillor David MacDonald**

Councillor MacDonald indicated his report was included in the weekend package. He reported Fire Services 2012 Smoke Alarm Campaign continues and stressed the importance of functioning smoke

alarms and carbon monoxide detectors. Councillor MacDonald further reported that Police Services will increase patrols of motorcycles to ensure requirements of the Highway Traffic Act are followed regarding these types of motor vehicles. He announced that Police Services, in conjunction with Murphy Pharmacies, initiated a new program where unused and expired medications will be collected from seniors.

A question was raised regarding an initiative which was taken off the priority list during the 2012 budget process. Councillor MacDonald indicated the Chief and Deputy Chiefs in consultation with the Committee and CAO identified priority items to be addressed in the budget and hiring two additional police officers was not a priority at that time.

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

**RESOLVED:**

That Hillside GM be awarded a portion of the vehicle tender for the supply of a 2011 Chev Impala (lease buy back) for \$15,100.00 plus applicable taxes.

**CARRIED 10-0**

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

**RESOLVED:**

That Fair Isle Ford be awarded a portion of the vehicle tender for the supply of two (2), Ford Taurus Police Package Vehicles (2013) in the amount of \$43,100.00 plus applicable taxes.

**CARRIED 10-0**

**3. Parks, Recreation & Leisure Activities – Councillor Melissa Hilton**

Councillor Hilton indicated her report was included in the weekend package. Volunteer of the Month Award for May was presented to the Organizing Committee for the Esso Cup National Female Midget Hockey Championships.

In response to an update request regarding a proposed letter to be sent to the University of Prince Edward Island with respect to fees charged to seniors to use the walking track at the CARI complex, Councillor Hilton indicated a letter will be sent to the Athletic Director.

A question was raised relating to a percentage of soccer registration fees going towards the Indoor Soccer Complex in Stratford. Councillor Hilton indicated soccer clubs set their own fees however she will follow up and advise.

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

**RESOLVED:**

That the City of Charlottetown grants permission to the 2012 National Old Timers Baseball Federation Championships Organizing Committee to sell merchandise on site at Memorial Field for the duration of their event from August 2-6th, 2012.

Further that the Organizing Committee be granted permission to erect and operate a Beer Tent on Site, as per the conditions set out in the Alcohol in Parks Policy (attached) and only for the dates and times as follows:

- Thursday, August 2nd, 6-9pm
- Friday, August 3rd, 12 -9pm
- Saturday, August 4th, 12 -9pm
- Sunday, August 5th, 12-9pm
- Monday, August 6th, 12-9pm (only if necessary)

**CARRIED 9-1**

**(Deputy Mayor MacFadyen recorded a "nay" vote)**

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

**RESOLVED:**

That the City of Charlottetown accepts the bid of \$23,864.11 from Playpower for equipment at Winsloe Soccer Park, Highfield Park, Richmond Hill Park, Joe Ghiz Park, Rosedale Park and Bell Heights Park Phase One and the bid of \$8,396.00 from Henderson for equipment at Bell Heights Park Phase Two and the bid of \$2,442.83 from Jambette for equipment at G. Stewart McKay Park. In addition, \$27,200.00 be approved for playground installation and contingency costs for the City's 2012 playground projects.

This amount is within the approved 2012 Parks and Recreation Capital Budget.

**CARRIED 10-0**

**4. Public Works & Street Lighting – Councillor Terry Bernard**

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

It was suggested the Committee consider a way to deal with property damage caused by snow plows when negotiating a new agreement with contractors. Councillor Bernard indicated the Committee will take it under advisement.

**5. Integrated Community Sustainability Plan – Councillor Rob Lantz**

Councillor Lantz indicated his Committee's report was forwarded electronically to Council. He reported the Committee discussed the development of a partnership with urban watershed groups which would assist the City on development sites with issues like silt and sand run off. He noted applications have been received and a panel created to review funding requests under the Community Micro Grants Project.

**6. Water & Sewer Utility – Councillor Edward Rice**

Councillor Rice indicated his report was included in the weekend package. He recognized Gary Gallant who retired on May 1, 2012 and thanked Mr. Gallant for 35 years of dedicated service. He noted the Rain Barrel Promotion is underway with 71 barrels sold to date and 391 applications have been submitted thus far in 2012 for the Toilet Replacement Rebate Program.

It was suggested that Council be provided with an up to date report of where the Committee is with respect to the new water source. Councillor Rice indicated the Committee will follow up and advise.

In response to a question regarding the draft agreement on services with Miltonvale Park, Councillor Rice referred the question to the Utility Manager who indicated a meeting with Miltonvale Park's Solicitor to discuss two items of concern was rescheduled from May 9 to Tuesday, May 15, 2012.

**Moved by Councillor Edward Rice  
Seconded by Councillor Cecil Villard**

**RESOLVED:**

That the City of Charlottetown accepts the proposal for consulting services from CBCL Ltd. in the amount estimated at \$48,840 (taxes extra) for the Consulting Engineering Services on the Fox Run Drive Water and Sewer Extensions project.

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

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

**CARRIED 10-0**

**Moved by Councillor Edward Rice  
Seconded by Councillor Cecil Villard**

**RESOLVED:**

That M&M Resources Inc. be awarded the 2012 Utility Biosolids Receiving, Transportation, Storage and Disposal tender in the amount of \$35.00 per Tonne, GST extra, for a contract term of 5 years.

Further that this will be expensed out of the 2012-2016 Utility Operating Budget

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

**CARRIED 10-0**

**Moved by Councillor Edward Rice  
Seconded by Councillor Cecil Villard**

**RESOLVED:**

Whereas, the City of Charlottetown is moving forward in the implementation of the goals and actions of the Integrated Community Sustainability Plan (ICSP);

Whereas, the ICSP states Improved Water Resource Management through the implementation of water conservation practices, is a goal;

Whereas, the City of Charlottetown has taken steps to develop Water Conservation Plan;

Be It Resolved That effective immediately, the City/Utility shall meter all customers where a new swimming pool, as defined in the City of Charlottetown Zoning and Development By-Law, is constructed or install on the customers property;

Effective December 31, 2012 the City/Utility shall meter all customers where an existing swimming pool, as defined in the City of Charlottetown Zoning and Development By-Law, is located on the customer's property.

There was much discussion on the definition of *swimming pool* as contained in the City of Charlottetown Zoning and Development Bylaw and concern was raised regarding the wording of the resolution. It was suggested that the motion be deferred.

**Moved by Councillor Rob Lantz**  
**Seconded by Councillor Terry Bernard**

**RESOLVED:**

Whereas, the City of Charlottetown is moving forward in the implementation of the goals and actions of the Integrated Community Sustainability Plan (ICSP);

Whereas, the ICSP states Improved Water Resource Management through the implementation of water conservation practices, is a goal;

Whereas, the City of Charlottetown has taken steps to develop Water Conservation Plan;

Be It Resolved That effective immediately, the City/Utility shall meter all customers where a new swimming pool, as defined in the City of Charlottetown Zoning and Development By-Law, is constructed or install on the customers property, be deferred.

Effective December 31, 2012 the City/Utility shall meter all customers where an existing swimming pool, as defined in the City of Charlottetown Zoning and Development By-Law, is located on the customer's property.

**DEFEATED 7-3**

**(Councillors Tweel, Coady, Hilton, MacDonald, Rice and Villard recorded "nay" votes)**

It was suggested the wording of the resolution be amended. Mayor Lee advised that the resolution will be reviewed by the City Solicitor and Utility Manager then brought back to Council this evening under New Business.

**7. Planning & Heritage – Councillor Rob Lantz**

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

In response to an update request concerning a proposed development of a 24-unit apartment building on Pine Drive, Councillor Lantz indicated the developers have been requested to complete a traffic study.

In response to questions concerning concept plans for the outdoor events site near the waterfront, Councillor Lantz noted that two different studies, commissioned by the Charlottetown Area Development Corporation (CADC), include the events site however the Eastern Gateway Study does not include a parking lot located on the north east side of Grafton. He further noted the

Committee would have to meet with CADC for further clarification on what direction they intend to take in the short term.

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

**RESOLVED:**

That the request for Turf and Surf Tours to locate the tickets kiosks and bus stops 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 2012 season only, subject to the signing of an Encroachment Agreement, and having 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.

Councillor Lantz noted this agreement is very similar to the one in 2011. He further noted that the CEO of the Confederation Centre of the Arts was consulted on the matter and had no major concerns.

**CARRIED 9-0**  
**(Councillor Rice out of the room during the vote)**

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

**RESOLVED:**

That the request from Charlottetown Harbour Authority Inc. (CHAI) to hold the Bootlegger's Ball at the Seaport Event Centre in the fall of 2012 (for this year only), be approved.

**CARRIED 9-0**  
**(Councillor Rice out of the room during the vote)**

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

**RESOLVED:**

That, pursuant to the requirements of Section 20 of the Planning Act, R.S.P.E.I., 1988, Cap. P-8, and the requirements of Section 2.1 of the Zoning and Development Bylaw, Council hereby appoints Ira Birt and Sharon MacKinnon as designate Development Officers / Licensing Inspectors to administer provisions of the Zoning & Development Bylaw with the exception of multi-residential, commercial, industrial, institutional, subdivision developments, rezoning and variances applications; and to administer any other Bylaws under the Planning Department regarding Licensing Inspection applications.

This designation of authority shall cease if the job duties of these employees no longer

require the designation, if the employees terminate employment with the City of Charlottetown, or upon further written notice.

**CARRIED 10-0**

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

**RESOLVED:**

That the request to operate a mobile cart / tricycle primarily for selling sightseeing tours and Confederation Centre event tickets for the 2012 summer season, subject to the signing of an Encroachment/Licensing Agreement, be approved.

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

It was noted this application as well as similar ones could be dealt with appropriately within a different committee in the future.

**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 the proposed Zoning & Development Bylaw amendments, as attached, be approved.

**CARRIED 10-0**

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

**RESOLVED:**

That the request for a variance to the rear yard setback from the permitted 26.2 feet to approximately 19.7 feet for the construction of a second apartment building at 516 North River Road (PID #388132), pending the signing of a Development Agreement with regard to the proximity of the building and the adjacent ball diamond, be approved.

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 application for exterior alterations at 185 King Street, PID# 337246, as presented to Heritage Board and with final details to be approved by the Heritage Officer, be approved.

**CARRIED 10-0**

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

**RESOLVED:**

That the application for storefront window replacement at 142 Richmond Street, PID# 339135, 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 rear addition at 12 Kent Street, PID# 341701, as presented to Heritage Board and as per Dak Design Dwgs. dated February 7, 2012, be approved.

**CARRIED 10-0**

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

**RESOLVED:**

That the application for exterior detailing, signage and window replacements at 97 Queen Street, Dominion Building, PID# 339051, as presented to Heritage Board and as per Chandler Architecture Dwgs. submitted April 27, 2012, be approved.

**CARRIED 10-0**

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

**RESOLVED:**

That the application for seasonal signage and banners at 130 Queen Street, Confederation Centre, PID#340422 and 28 University Avenue, The Mack, PID#342774, as presented to Heritage Board, be approved.

**CARRIED 10-0**

**3rd reading of the “Zoning and Development Bylaw”**

To amend 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 add “Retail Store” as a permitted use for the property located at 100 ½ Water Street (PID# 335208).

**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 10-0**



**3<sup>rd</sup> reading of the “Zoning and Development Bylaw”**

To amend 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 add “Offices” as a permitted use for the property located at 119 Water Street (PID# 335927).

**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 10-0**

**8. Intergovernmental Affairs – Councillor Cecil Villard**

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

Questions were raised concerning City Council’s involvement with the draft proposals to the Charlottetown Area Municipalities Act (CAMA). Mayor Lee indicated the proposed document is being developed by the Province of Prince Edward Island and when the draft is completed, it will be circulated to 75 municipalities throughout the province for their input and feedback.

**Moved by Councillor Cecil Villard**

**Seconded by Councillor Melissa Hilton**

**RESOLVED:**

Whereas the Canadian Government is close to concluding negotiations with the European Union on a Comprehensive Economic and Trade Agreement (CETA) with participation from Provinces and Territories;

And Whereas the Canadian government is negotiating trade agreements with other countries;

NOW THEREFORE BE IT RESOLVED that the Federal Government be advised that the City of Charlottetown:

1. Endorses the seven principles developed by the FCM for the federal government to apply to CETA or any future trade deal.
2. Requests that the provision of water and sewer services be retained in public hands.
3. Requests that the trading of bulk water not be included within any trade agreement.

And further that this resolution be referred to the Honourable Minister G. Shea requesting that it be brought to the immediate attention of all Federal representatives involved with the negotiation of CETA or any other like trade agreements, and Premier R. Ghiz requesting the Government of Prince Edward Island to support the position of the City of Charlottetown.

Councillor Villard advised he received a copy of proposed amendments this evening from the Council of Canadians concerning the resolution however he did not have a chance to review the information. It was agreed the resolution be deferred until the Intergovernmental Affairs Committee has time to review and discuss the amendments.

**9. Economic Development & Tourism – Councillor Jason Coady**

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

An update was requested regarding the status of the former Kays Building on Queen Street. Councillor Coady advised that the Committee did not meet with any external organizations since their last Committee meeting in April.

**Moved by Councillor Jason Coady  
Seconded by Councillor Edward Rice**

**RESOLVED:**

That City Council approve the Interim Memorandum of Understanding (MOU) with Tourism Charlottetown Inc. and the Hotel Association of PEI as attached.

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

**CARRIED 10-0**

**Moved by Councillor Jason Coady  
Seconded by Councillor Edward Rice**

**RESOLVED:**

That City Council approve the Special Events Reserve Fund Guidelines as attached.

**CARRIED 10-0**

**10. Human Resources, Pension & Administration – Councillor Danny Redmond**

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

**11. Bylaws, Policies, Transit & Communications – Councillor Mitchell Tweel**

Councillor Tweel indicated his report was included in the weekend package. He provided a brief update concerning the status of the Customer Service Tracking System and the Communications Officer Position.

In response to questions with respect to the Customer Service Tracking System, Councillor Tweel indicated that monthly reports could be generated by the system. He then referred the other question to the CAO who reported that a steering committee of himself, City Managers with the assistance of Deltaware Systems is overseeing the project.

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

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

In response to a request, Councillor Villard indicated he would provide all Council members with a copy of the auditor's management letter pertaining to the 2011 financial statements for the City and Water & Sewer Utility.

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

**RESOLVED:**

That the City of Charlottetown accepts the following Financial Statements as presented by ArsenaultBestCameronEllis for the year ended December 31, 2011 (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 Melissa Hilton**

**RESOLVED:**

That the City of Charlottetown accept the tender for Gasoline & Diesel Fuel as submitted by Irving Oil for a 4 cents/litre discount.

**CARRIED 10-0**

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

**RESOLVED:**

That the City of Charlottetown agree to release a small portion of a sewer easement at 17 Kenwood Circle (PID#827816).

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

**CARRIED 10-0**

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

**RESOLVED:**

That the Finance Department proceed with dispersal of a pathway between the properties of 7 & 9 Westcomb Crescent, offering equal portions to each abutting property, with the new owners covering all associated costs in deed transfer.

**CARRIED 10-0**

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

**RESOLVED:**

That the City of Charlottetown support the Theodore Tugboat event in Charlottetown July of 2012 with funding of \$10,000 from the City's Special Events Reserve Fund. This represents no increase to the 2012 City budget.

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

**CARRIED 10-0**

**1<sup>st</sup> & 2<sup>nd</sup> readings of the "2012 Borrowing Bylaw"**

To introduce a 2012 Borrowing Bylaw for the borrowing for certain capital and operating expenditures.

**Moved by Councillor Cecil Villard  
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 10-0**

**Moved by Councillor Cecil Villard  
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 10-0**

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

**RESOLVED:**

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

**CARRIED 10-0**

**Moved by Councillor Cecil Villard  
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 10-0**

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

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

An update was requested regarding the creation of an events policy. Deputy Mayor MacFadyen indicated the Committee will follow up.

**14. New Business**

The City Solicitor briefly explained the amendments which were made to the Water & Sewer Utility Resolution #3 that was initially brought forward earlier in the meeting.

**Moved by Councillor Edward Rice  
Seconded by Councillor Cecil Villard**

**RESOLVED:**

Whereas, the City of Charlottetown is moving forward in the implementation of the goals and actions of the Integrated Community Sustainability Plan (ICSP);

Whereas, the ICSP states Improved Water Resource Management through the implementation of water conservation practices, is a goal;

Whereas, the City of Charlottetown has taken steps to develop Water Conservation Plan;

Be It Resolved That effective immediately, the City/Utility shall meter all customers where a new or used swimming pool, as defined in the City of Charlottetown Zoning and Development By-Law, is constructed or installed on the customer's property;

Effective December 31, 2012 the City/Utility shall meter all customers where an existing swimming pool, as defined in the City of Charlottetown Zoning and Development By-Law, is located on the customer's property.

**CARRIED 9-1  
(Councillor Bernard recorded a "nay" vote)**

**Meeting adjourned at 9:15 PM**