



**Regular Meeting of Council  
Monday, May 10, 2010 at 7:00 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  
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  
Wayne Long – Events Development Officer  
Beth Johnston – Communications Officer  
David Hooley – City Solicitor  
Sharon MacKinnon – Legislative Clerk

**Regrets:** Phil Handrahan – Director of Fiscal and Development Services  
Ron Atkinson – Economic Development Officer

Mayor Lee called the meeting to order and welcomed everyone to the Council Chambers.

**Minutes of the previous meeting were by motion adopted:  
Regular Meeting – April 12, 2010**

**1. 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 May was presented to the Organizing Committee for the Canadian Open Synchronized Swimming Championships and Junior Team Trials.

**2. Police & Bylaw Enforcement – Councillor Rob Lantz**

Councillor Lantz indicated his Committee's report was included in the weekend package. He reported the Community Consultative Group would meet on May 13. He updated Council on two successful Community Policing programs - Operation ID and the Parenting Techniques Program. He further

reported Police Services, with funding from local businesses, is launching a Bicycle Registration Program and a Graffiti Awareness Program.

In response to a question regarding time spent in assigned policing zones throughout the City, Councillor Lantz indicated patrol units are in their designated area when not required elsewhere; however, he would have to report back to Council concerning the time allotted to each zone per shift.

A question was raised concerning the possibility of a police lockup within City limits. Councillor Lantz indicated this kind of facility was suggested in past but his Committee could review the matter again.

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

**RESOLVED:**

That the Public Works Manager be authorized to paint or install siding on the residence, remove old wood and any other materials or debris, clean up and properly dispose of same, at the owners expense, on property located at 76 – 78 Bayfield Street (PID #360917) 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 Rob Lantz**  
**Seconded by Councillor Cecil Villard**

**RESOLVED:**

That Hillside Pontiac Buick GMC be awarded a portion of the vehicle tender for the supply of a 2009 Chev Impala (lease buy back) for \$11,883.00 plus applicable taxes.

**CARRIED 10-0**

**Moved by Councillor Rob Lantz**  
**Seconded by Councillor Cecil Villard**

**RESOLVED:**

That Reliable Motors be awarded a portion of the vehicle tender for the supply of three (3) 2010 Dodge Charger Police Package Vehicles in the amount of \$64,418.17 plus applicable taxes.

**CARRIED 10-0**

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

Councillor Bernard indicated his Committee's report was included in the weekend package. He noted the hot asphalt-patching machine worked very well throughout the winter. He further mentioned information which can be found on the City's website with respect to Public Works projects and street closures.

A question was raised regarding nearby property owners on Belvedere Avenue and if they were in agreement with the Belvedere Avenue roundabout. Councillor Bernard indicated that letters were written and signed off by landowners affirming agreement of the project.

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

**RESOLVED:**

That, per the publicly advertised tender for Street Asphalt Rehabilitation 2010, the low submission of Island Construction Ltd. in the amount of \$1,658,292.50 (all taxes extra) be accepted.

This expenditure has been previously approved in the 2010 budget per New Deal funding.

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

In response to a question concerning warranties offered on street asphalt by construction companies, Councillor Bernard referred the question to the Public Works Manager who noted the City has one-year maintenance coverage in contracts similar to the Province.

**CARRIED 10-0**

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

**RESOLVED:**

That, per the publicly advertised tender for Contracted Asphalt Patching of Streets 2010, the only submission of Island Construction Ltd. in the amount of \$149,375.00 (all 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 Hot Mix Asphalt Supply 2010, the only submission of Island Construction Ltd. in the amount of \$118,854.00 (all taxes extra) be accepted.

**CARRIED 10-0**

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

**RESOLVED:**

That, per the invited quote for Asphalt Testing Services, the low submission of Fundy Engineering & Consulting in the amount of \$18,300.00 (all taxes extra) be accepted.

This will be an expenditure of New Deal funds.

**CARRIED 10-0**

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

**RESOLVED:**

That, per the public tender for Ready Mix Concrete Supply, the low submission of C.R.M. Ready Mix Ltd. at a 32 MPa price of \$212.09 per cubic meter (all taxes extra) be accepted.

**CARRIED 10-0**

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

**RESOLVED:**

That, per the invited Request for Quotation on engineering consultant services for the design work portion of “2010 Storm Pipe Construction - Package C”, the low submission of Coles Associated Ltd. in the amount of \$11,200.00 (all taxes extra) be accepted.

This will be an expenditure of 2010 Capital funds.

**CARRIED 10-0**

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

**RESOLVED:**

That, per the invited Request for Quotation on engineering consultant services for the design work portion of “2010 Storm Pipe Construction - Package D”, the low submission of MHE Engineering Consultants in the amount of \$10,310.00 (all taxes extra) be accepted.

This will be an expenditure of 2010 Capital funds.

**CARRIED 10-0**

**4. Water/Sewer Utility & Environment – Councillor Danny Redmond**

Councillor Redmond indicated his Committee’s report was included in the weekend package. He updated Council on initiatives within the department such as the Water Conservation Program, the Organizational Review and the Brighton North Inflow and Infiltration Reduction Project.

It was suggested the City’s main sewer line on Westcombe Crescent be flushed more often due to a history of sewer backup problems. Councillor Redmond indicated the Committee would follow up and advise.

In response to a question with respect to metering, Councillor Redmond indicated all new construction would require installation of water meters.

**5. Planning/Heritage & Arts/Culture – Councillor Kim Devine**

Councillor Devine indicated her Committee’s report was included in the weekend package. She reminded everyone of Catherine Hennessey’s tribute dinner at the Delta Prince Edward on Friday, May 14.

Concern was raised with regard to an ongoing issue with noise due to heavy truck traffic using an industrial pit off Kensington Road. Councillor Devine will have Planning staff review the matter to ensure all Zoning and Development Bylaws are being followed.

It was requested the Committee revisit a request to operate a kiosk at the former double decker bus location on Queen Street in front of the Confederation Centre. Councillor Devine noted there are other businesses interested now in that location, however the Committee will follow up.

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

**RESOLVED:**

That the request to relocate the ticket kiosk for the Harbour Hippo Tours onto a portion of the City's right-of-way next to Founders Hall 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 Rob Lantz**

**RESOLVED:**

That the request to proceed to the public consultation phase to consider an amendment to the Waterfront Plan to permit the construction of an infill development on the property located at 4 Prince Street (PID# 841536) be approved.

Councillor Devine and some Council members indicated they were not in support of this request based on the negative feedback at the November 2008 Public Meeting relating to dense development on the waterfront and Council's rejection of an infill development in February 2010. It was noted by other members the size of the overall development for this site would be reduced by 12 units from the original application in 2008 and holding a public meeting was part of the process for Council to obtain information in order to make an informed decision.

**CARRIED 6-4**

**Councillors Devine, Villard, Bernard and Hilton registered "nay" votes**

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

**RESOLVED:**

That the request for a projecting sign to be located on the wall of the building at 179 Queen Street (PID# 342139), 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 Rob Lantz**

**RESOLVED:**

That the request for a lot consolidation of two parcels of land located at 69 MacWilliams Road (PID# 663823) to permit an addition to the L.M. Montgomery School, subject to the receipt of pinned survey plans, be approved.

**CARRIED 10-0**

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

**RESOLVED:**

That the request for a sandwich board sign to be located on the corner of Kent Street and Queen Street for the art gallery located at 88 Kent Street (PID# 342196), 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.

It was suggested downtown merchants be provided with information concerning sandwich board sign regulations on City right-of-ways. Councillor Devine indicated this had been discussed and will be carried out.

**CARRIED 10-0**

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

**RESOLVED:**

That the application for wooden windows at 27 Water Street, PID# 335554, as presented to Heritage Board, be approved.

**CARRIED 10-0**

**6. Economic Development & Tourism – Councillor David MacDonald**

Councillor MacDonald indicated his Committee's report was included in the weekend package. He noted the Committee had discussed the concept of a pedestrian mall on Kent Street between Queen Street and University Avenue which would operate during the summer. It was suggested a meeting be held with business owners in this area to ensure they are on side and consult with both Fire and Police Services before bringing it back to Council. It was further mentioned the University Avenue streetscape plan should be considered in the overall master plan.

Questions were raised regarding the proposed outdoor venue at the Imperial Oil site on Grafton Street. Councillor MacDonald indicated the site design has yet to be determined. He further noted the area is a Comprehensive Development Zone and with the change in use, a public meeting will be required.

**7. Human Resources & Pension – Councillor Mitchell Tweel**

Councillor Tweel indicated his Committee's report was included in the weekend package. He recognized Pauline Toombs on her retirement as Recording Secretary effective June 01 and thanked her for her 33 years of service.

**Moved by Councillor Mitchell Tweel  
Seconded by Councillor Melissa Hilton**

**RESOLVED:**

That City Council adopt the City of Charlottetown “Smoking in the Workplace Disciplinary Guidelines” as attached.

In response to a question regarding smoking prohibited in City vehicles, Councillor Tweel confirmed this was included in these guidelines.

**CARRIED 10-0**

**Moved by Councillor Mitchell Tweel  
Seconded by Councillor Melissa Hilton**

**RESOLVED:**

That, per the publicly advertised Request for Proposals for an Occupational Health and Safety Audit, the submission from Safety Excellence Management (SEM) in the amount of \$5,245.00 (all taxes extra) be accepted.

**CARRIED 10-0**

**8. Parking & Transit – Deputy Mayor Stu MacFadyen**

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

A question was raised inquiring if all downtown businesses were contacted by the Charlottetown Area Chamber of Commerce and the Downtown Charlottetown Inc. concerning the Parking Strategy. Deputy Mayor MacFadyen indicated the Committee would take this under advisement and follow up.

**9. Executive Policy & Event Attraction – Councillor Peter McCloskey**

Councillor McCloskey indicated his Committee’s report was included in the weekend package.

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

**RESOLVED:**

That the City of Charlottetown request Elections PEI to hold a plebiscite during the 2010 election for the purpose of receiving public input into the City of Charlottetown electoral process.

Councillor McCloskey was requested to confirm the costs for holding this plebiscite. In response to a question regarding the need for an educational campaign prior to the election, Councillor McCloskey indicated information would be made available.

**CARRIED 10-0**

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

**RESOLVED:**

That the City of Charlottetown request Elections PEI to include the following plebiscite questions on the 2010 election ballot:

1. Are you in favor of keeping the existing system of electing Councillors to represent a single ward? (No/Yes)
2. If the existing system were to change, which method of electing Councillors would you prefer?
  - (a) Mixed System which combines some Councillors elected “at large” and some ward Councillors; (No/Yes)
  - (b) At Large whereby all Councillors would be elected by all electors (No/Yes).

A long discussion took place on the clarity of the questions. It was suggested by Councillor Lantz and agreed to by Councillor McCloskey that Question 2 be worded as (a) **OR** (b) and remove the (No/Yes) in both clauses.

**Moved by Councillor Melissa Hilton**  
**Seconded by Councillor Mitchell Tweel**

**RESOLVED:**

That the motion detailing the plebiscite questions on the 2010 election ballot be deferred.

**TIE VOTE 5-5**

**Councillors Tweel, Bernard, Redmond, Hilton and McCloskey registered “yea” votes**  
**Councillors MacDonald, Villard, Lantz, Devine and MacFadyen registered “nay” votes**  
**Mayor Lee broke the tie and voted against the deferral**

Vote was taken on the amended resolution as follows:

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

**RESOLVED:**

That the City of Charlottetown request Elections PEI to include the following plebiscite questions on the 2010 election ballot:

1. Are you in favor of keeping the existing system of electing Councillors to represent a single ward? (No/Yes)
2. If the existing system were to change, which method of electing Councillors would you prefer?
  - (a) Mixed System which combines some Councillors elected “at large” and some ward Councillors;
  - OR**
  - (b) At Large whereby all Councillors would be elected by all electors.

**CARRIED 10-0**

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

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



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

**RESOLVED:**

That the City of Charlottetown transfer \$5,000 from Event Attraction Reserves to fund the IAAF World Junior Track & Field Training Camp.

This transfer represents no increase to the 2010 City Budget.

**CARRIED 10-0**

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

**RESOLVED:**

That the Finance #1 resolution dated March 30, 2010, an interest rate swap contract with Royal Bank of Canada be rescinded and the following resolution be brought forward:

That the City of Charlottetown enter into an agreement with Royal Bank of Canada to borrow up to \$30,000,000 by way of a bankers acceptance loan and interest rate swap.

The Mayor and 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 dispose of 37 – 39 St. Peter’s Road (PID #274191) in an ‘as is’ condition for \$50,000 plus approximately 560 square feet on the northeast corner of PID #274175.

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 purchase the property at 9 McKinnon Road (PID #374207) for the purposes of the University Avenue Widening project at a cost of \$80,000.

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 support the Benevolent Irish Society (BIS) application for funding *for a proposed new building* under the Island Community Fund subject to it being understood that the City of Charlottetown is not a funding partner;

That the application does not impact any applications that the City of Charlottetown may have made or will make; and

That the project is in compliance with all requirements of the City of Charlottetown Zoning and Development Bylaw and any other City Bylaws.

It had been determined the existing building was to be renovated rather than constructing a new building; therefore Council agreed to amend the resolution to exclude the words “for a proposed new building”.

**CARRIED 10-0**

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

**RESOLVED:**

That the submission from Reliable Motors for three (3) 2010 half-ton crew cab trucks at a cost of \$21,777.00 (taxes excluded) per unit be accepted.

These will be 48-month lease-purchases through a City selected financial institution and paid from the Fleet Management budget.

A question was raised as to why City departments are not consistent with regards to leasing and purchasing vehicles. Councillor Villard indicated most departments would likely exercise the option of leasing because of the costs associated with an outright purchase; however the Committee would follow up and advise.

**CARRIED 10-0**

**11. Urban Beautification & Forestry – Councillor Kim Devine**

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

It was suggested the City consider a public awareness campaign on water conservation. Councillor Devine indicated she would take this matter back to her Committee but suggested all Committees and Departments should be looking at this important issue.

**12. Fire & Emergency Measures – Councillor Melissa Hilton**

Councillor Hilton indicated her Committee’s report was included in the weekend package. She announced Allan Tilley was the successful candidate for the Firefighter II position.

**13. New Business**

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

**RESOLVED:**

That the appointment of John Abbott as Chairperson of the Charlottetown Civic Centre Board of Directors for a three (3) year term, as nominated by His Worship Mayor Clifford Lee, be approved.

Mayor Lee noted the current Chairperson, Stan MacPherson, tendered his resignation after ten years of service and thanked Mr. MacPherson for his contribution to the Charlottetown Civic Centre.

**CARRIED 10-0**

**The meeting adjourned at 8:55 PM**