



**Regular Meeting of Council
Monday, November 14, 2011 at 7:00 PM**

Mayor Clifford Lee presiding

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

Also: Donna Waddell – DCS Joseph Coady – DPS
Phil Handrahan – DFDS Scott Ryan – FM
Paul Johnston – PWM Don Poole – PM
Sue Hendriksen – PRM Dan Hughes – HRM
Craig Walker – UM Randy MacDonald – FC
Paul Smith – PC Beth Johnston – CO
Wendy Reid – CP Tracey McLean – RMC

Regrets: Roy Main – CAO Ron Atkinson – EconDO
Wayne Long – EvenDO Sharon MacKinnon – CC

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

Minutes of the previous meetings were by motion adopted:
Regular Meeting – October 11, 2011
Public Meeting – October 19, 2011

An update was requested regarding an independent consultant's structural review of the former Kays Building on Queen Street. Councillor Coady indicated that the Economic Development & Tourism Committee did not meet with the Charlottetown Area Development Corporation and he had not been given a time frame for completion but will follow up.

In response to questions with regards to the Public Works Superintendents review, Councillor Bernard indicated that the Public Works Committee initiated the internal review to improve services and it is currently being reviewed by senior management.

Condolences were extended, on behalf of Council and staff, to family members on the loss of City of Charlottetown employee Ricky Duncan and former employee Kay Robinson. A moment of silence was held.

By request, Intergovernmental Affairs was moved to the beginning of the Committee Reports to accommodate representatives of the Shellfish Association.

REPORTS OF COMMITTEES / RESOLUTIONS**1. Intergovernmental Affairs – Mayor Clifford Lee**

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

Questions were raised regarding the future use of the Gas Tax and if that money has been committed to funding the sanitary sewer separation project. Councillor Villard indicated this project is one of the most important initiatives before the City; it is important to keep moving forward with respect to funding however it would be premature to make any statement until appropriate funding arrangements are completely in place. Councillor Villard further noted that he would provide Council with the Gas Tax agreement which outlines the terms of that contract.

2. Economic Development & Tourism – Councillor Jason Coady

Councillor Coady indicated his Committee's report was included in the weekend package. He invited everyone to attend the 13th annual Charlottetown Santa Claus Parade on Saturday, November 26 at 5:00 PM.

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

Councillor Redmond indicated his Committee's report was included in the weekend package. He noted that the Occupational Health and Safety Coordinator, Lenny Murphy, has worked closely with management and City departments to update the Occupational Health & Safety Manual for 2011, Occupational Health & Safety policy has been reviewed and approved by the Human Resources Committee and implemented an up to date employee orientation program.

In response to a question regarding the posting of the Assistant Manager for Water & Sewer Utility position, Councillor Redmond indicated several applicants were interviewed recently and noted the Human Resources Manager can provide further details after the meeting.

In response to questions concerning contract negotiations with respect to all City unions, Councillor Redmond referred the question to the Human Resources Manager who advised that after the negotiation process in early 2010, it came to Council with wage numbers for each of the respective bargaining units. Negotiations concluded with exception of two bargaining units – 501 Civic and VACE. PANS is commencing arbitration in January 2012 with wages being the only issue remaining.

A question was raised regarding pensions. It was noted that pensions are the responsibility of the Human Resources, Pension and Administration Committee and separate from contract negotiations. Councillor Redmond noted that the Human Resources Committee will soon make a presentation to Council to update all pension matters.

Mayor Lee requested Planning & Heritage be moved to Item #4 of the Committee Reports to accommodate residents in attendance for some Planning items.

4. Planning & Heritage – Councillor Rob Lantz

Councillor Lantz indicated his Committee's report was included in the weekend package. He noted there has been discussion at various meetings that the Waterfront Master Plan needs to be reviewed

and updated. He suggested the Planning Committee will review the existing Waterfront Plan and look at how future development should proceed. However, since there is an application (lot adjacent to 4 Prince Street) before Council at this time, Council has the responsibility to process this application before making any decisions on the Waterfront Concept Plan. He informed Council that, as in the past, he is committed to supporting the application regarding the development on the waterfront.

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request to amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone a portion of the property at 412 St. Peters Road (PID# 1004100) from Single-detached Residential (R-1S) Zone to Low Density Residential (R-2) Zone be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request 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 as well as an amendment to the Waterfront Concept Plan to allow commercial, office and residential units for the vacant lot adjacent to 4 Prince Street (PID# 841536) be approved.

A lengthy discussion took place on the existing Waterfront Concept Plan and the need to review it to bring it in line with the goals of the City as a whole and also to the neighbourhood. It was emphasized the waterfront is the responsibility of the whole Council and not just of that ward. The Advanced Planning, Priorities and Special Events Committee has the mandate to conduct a comprehensive review of the Official Plan and Zoning and Development Bylaw which will include a review of the Waterfront Concept Plan

DEFEATED 7-3

(Councillors Bernard, Hilton, Redmond, Rice, MacDonald, Tweel & Villard registered “nay” votes)

Moved by Councillor Cecil Villard
Seconded by Councillor Melissa Hilton

RESOLVED:

That the request 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 as well as an amendment to the Waterfront Concept Plan to allow commercial, office and residential units for the vacant lot adjacent to 4 Prince Street (PID# 841536) be rejected.

CARRIED 7-3

(Deputy Mayor MacFadyen, Councillors Coady and Lantz registered “nay” votes)

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the application for a Home Occupation to operate a Wedding Planning and Rental Business for the property located at 14 Beach Street (PID # 365338) be approved.

It was noted that residents raised concerns regarding increased traffic on their street. It was suggested the application be deferred, sent back to Planning Board and have the applicant come back in to answer any questions raised by the residents.

Moved by Councillor Danny Redmond
Seconded by Councillor Mitchell Tweel

RESOLVED:

That the application for a Home Occupation to operate a Wedding Planning and Rental Business for the property located at 14 Beach Street (PID # 365338) be deferred.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request to amend Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the 15 remaining vacant lots on Wright Circle in the Love Subdivision (PID# 191783) from Low Density Residential Single (R-2S) Zone to Low Density Residential (R-2) Zone be approved.

CARRIED 9-1

(Councillor Bernard registered a "nay" vote)

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request to proceed to the public consultation phase to consider an amendment to Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Commercial and an amendment to Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the rear portion of the property at 223 Belvedere Avenue (PID #395103) from Low Density Residential (R-2) Zone to Parking (P) 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 24.6 ft to 14 ft for the property

located at 242 Norwood Road (PID # 635136) to permit an addition to the dwelling be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request to allow three (3) temporary buildings, for a one year period, in the Airport Zone, as per Section 4.61.6 of the Zoning and Development Bylaw, be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request to locate a 45.7 m high monopole cell phone tower on the property at 15 Walker Drive (PID# 701284) be approved.

In response to a question on rejecting the application, Councillor Lantz advised that Industry Canada has the final decision and can overrule City Council.

TIE VOTE 5-5

Councillors Lantz, Coady, Hilton, MacFadyen and Bernard registered “yea” votes
Councillors MacDonald, Redmond, Rice, Tweel and Villard registered “nay” votes
Mayor Lee broke the tie and voted for the motion
MOTION WAS CARRIED 6-5

1st and 2nd readings of the “Zoning and Development Bylaw”

To amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the 15 remaining lots on Wright Circle in the Love Subdivision (PID# 191783) from Low Density Residential Single (R-S2) Zone to Low Density Residential (R-2) Zone.

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

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 Rob Lantz
Seconded by Councillor Jason Coady

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 Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

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

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

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

1st and 2nd readings of the “Zoning and Development Bylaw”

To amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone a portion of the property at 412 St. Peters Road (PID# 1004100) from Single-detached Residential (R-1S) Zone to Low Density Residential (R-2) Zone.

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

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 Rob Lantz
Seconded by Councillor Jason Coady

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 Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

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

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

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

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

Deputy Mayor MacFadyen indicated his Committee’s report was included in the weekend package. He noted that in recognition of World Diabetes Day on November 14, the City of Charlottetown is displaying blue lights in the windows and on trees around City Hall.

It was suggested to the Committee that they look into organizing a NHL exhibition game in the near future. Deputy Mayor MacFadyen indicated the suggestion would be taken under consideration.

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

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

An update was requested with respect to a City bus shelter on Kensington Road which currently blocks traffic sight lines. The Director of Corporate Services will follow up and advise.

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

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

In response to a question concerning budget forecasts, Councillor Villard indicated the Committee can provide Council updated forecasts with respect to current City financial situations at anytime.

It was requested that minutes be provided from a meeting of the newly elected Council which was held in November 2010. Councillor Villard indicated he would take it under advisement.

8. Urban Beautification & Forestry – Deputy Mayor Stu MacFadyen

Deputy Mayor MacFadyen indicated his Committee’s report was included in the weekend package. He recognized the Committee, staff and citizens of Charlottetown for winning the award for Best Community in the International (large) Category at the annual Communities in Bloom Awards recently held in Quebec City.

Concern was raised with the amount of trees which have been removed from the downtown and that a strategy should be considered to replace those trees. Deputy Mayor MacFadyen indicated the Committee is looking at different approaches at replacing felled or diseased trees.

9. Protective & Emergency Services – Councillor David MacDonald

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

It was requested that the Police Department research the number of calls that an on duty officer would receive during a shift throughout the day, week, etc. Councillor MacDonald indicated this will be added to the agenda for the next Committee meeting.

In response to comments regarding the substantial drop in *Highway Traffic Act* violations from 2010 to 2011, Councillor MacDonald indicated that both Chief Smith and he are aware of the discrepancy and will further review.

Updates were requested regarding radar speed indicators, GPS devices and costs incurred for policing the PEI Marathon. Councillor MacDonald noted that portable radars are more practical since they can be installed at a fixed location and then moved when required; GPS systems have been installed in all police units and the Department billed the PEI Marathon Committee for 62 hours of service and anticipate on recouping approximately \$3,300.

It was suggested that the Committee look at adopting suggestions which were recently made by Gil Penalosa, Sustainability expert, with regard to safe mobility with motorized traffic. Councillor MacDonald indicated that traffic issues have been addressed already by implementing traffic calming measures, mobile radar monitoring throughout the city, intersection and street light reviews and will continue to work on the matter.

Moved by Councillor David MacDonald
Seconded by Councillor Danny Redmond

RESOLVED:

That the Public Works Manager be authorized to properly secure residence, cut grass, remove existing large waste bins (full) and any other materials or debris, to clean up and properly dispose of same, at the owners expense, on the property located at 17 Granville Street (PID # 358994) in the City of Charlottetown in accordance with the terms of the Dangerous, Hazardous and Unightly Bylaw of the City of Charlottetown.

CARRIED 10-0

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

Councillor Hilton indicated her Committee's report was included in the weekend package. Volunteer of the Month Award for November was presented to resident Bernie Connolly.

An update was requested with regard to a proposed clubhouse at the East Royalty Soccer fields. Councillor Hilton indicated that the Sherwood Parkdale Ranger Soccer Club did not contact the Committee with any plans as yet however she will advise if that changes.

11. Public Works & Street Lighting – Councillor Terry Bernard

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

Moved by Councillor Terry Bernard
Seconded by Councillor Cecil Villard

RESOLVED:

That, per the publicly advertised tender for "Heather-Barbour Storm Swale", the low submission of Island Coastal Services Ltd. in the amount of \$84,343.06 (GST extra) be accepted.

This will be an expenditure from within the existing 2011 Capital budget.

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

CARRIED 9-0

Councillor Bernard invited Council to attend the 10th anniversary celebration for the Hillsborough Youth Group on November 18th as well as the grand reopening of the Teen Zone at Murphy's Community Centre on November 25th.

12. Integrated Community Sustainability Plan – Councillor Rob Lantz

Councillor Lantz indicated his Committee's report was forwarded electronically to Council.

13. Water & Sewer Utility – Councillor Edward Rice

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

Moved by Councillor Edward Rice

Seconded by Councillor Cecil Villard

RESOLVED:

That City Council approves proceeding with an application for funding through the Capacity Building Fund – New Deals for Cities and Communities to proceed with a study to characterize overflows from the Spring Park Combined Sewer.

Further that the City expense their 1/3 share of this study through the Water and Sewer 2011 Operating Budget.

In response to a question regarding the study, Councillor Rice referred the question to the Utility Manager who indicated the study included within the application only allows the City to better predict information of Environment Canada's modelling and characterizations of overflows.

CARRIED 10-0

It was suggested that new applications for high volume water consumption such as car washes be carefully considered. Councillor Rice took this under advisement.

14. New Business

There was no new business.

The meeting adjourned at 9:15 PM.