



**Regular Meeting of Council
Tuesday, October 11, 2011 at 6:30 PM**

Mayor Clifford Lee presiding

Present: Deputy Mayor Stu MacFadyen Councillor Terry Bernard
Councillor Rob Lantz Councillor Danny Redmond
Councillor Jason Coady Councillor Melissa Hilton
Councillor Cecil Villard Councillor Mitchell Tweel (arrived 6:55 PM)

Also: Roy Main – CAO Donna Waddell – DCS
Joseph Coady – DPS Scott Ryan – FM
Paul Johnston – PWM Don Poole – PM
Sue Hendriken – PRM Paul Smith – PC
Craig Walker – UM Randy MacDonald – FC
Tim Mamyne – DFC Beth Johnston – CO
Ron Atkinson – EconDO Wayne Long – EvenDO
David Hooley – CP Sharon MacKinnon – CC
Tracey McLean – RMC

Regrets: Councillor David MacDonald Councillor Edward Rice
Phil Handrahan – DFDS Dan Hughes – HRM

Mayor Lee called the meeting to order. He thanked all firefighters for their commitment to the City and also to their families for their support. He, along with Councillor Danny Redmond, Vice-Chair of Protective and Emergency Services; Fire Chief Randy MacDonald; Deputy Chief District #1 Moe Sherry; and Deputy Fire Chief Tim Mamyne congratulated and presented certificates to:

Fire Service Management Program – Level 1
Chris Walsh

International Fire Service Training Association (IFSTA) Essentials – Level 1
Chris Hancock Kevin Hughes Drew Kearney
Joseph Kerwin Paul MacDonald Josh Morrison
Chris Oatway James Pickard Cynde Thompson
Brad Wonnacott

Firefighters Level I and Hazardous Materials Awareness
Trent Birt Jonathan Chandler Kelvin Jones
Joseph Kerwin Michael MacRae Kent Mitchell
Adam Upward

Hazardous Materials
Scott McCourt Rick Stanley

Councillor Redmond requested a friendly amendment be made to the Parks, Recreation & Leisure Activities section of the September 12 Regular Meeting Minutes to reflect that the Committee *consider partnering with others* and look into the installation of lights at the Canada Games facility at UPEI.

Minutes of the previous meetings were by motion adopted:

Regular Meeting – September 12, 2011

Public Meeting – September 26, 2011

REPORTS OF COMMITTEES / RESOLUTIONS

1. Intergovernmental Affairs – Mayor Clifford Lee

Councillor Villard indicated the Committee's report was included in the weekend package. He noted that once the Provincial Government announces its new cabinet, the Committee will continue discussions with the Minister of Environment regarding the combined storm/sanitary sewer system project.

2. Economic Development & Tourism – Councillor Jason Coady

Councillor Coady indicated his Committee's report was included in the weekend package. In response to a question from September's Council meeting, he advised Charlottetown Area Development Corporation's independent consultant's structural review of the former Kays Building on Queen Street would be released the third week of October. Councillor Coady highlighted events such as the 13th Annual Christmas Parade on November 26, the HMCS Charlottetown Run 4 Wishes fundraiser for the PEI Children's Wish Foundation on October 17, and the recent week long Ashibitsu student exchange on September 23.

2nd and 3rd readings of the "Transient Traders Bylaw"

To introduce a Transient Traders Bylaw to license transient vendors of retail goods in the City of Charlottetown.

Moved by Councillor Jason Coady

Seconded by Councillor Cecil Villard

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 7-0

Moved by Councillor Jason Coady

Seconded by Councillor Cecil Villard

RESOLVED:

That the Chairman reports progress of the Committee and that the Bylaw be adopted as amended.

CARRIED 7-0

**Moved by Councillor Jason Coady
Seconded by Councillor Cecil Villard**

RESOLVED:

That the Bylaw be now engrossed as a City Bylaw and that it be entitled the “Transient Traders Bylaw” and that it be read a third time at a Public Meeting of Council.

CARRIED 7-0

**Moved by Councillor Jason Coady
Seconded by Councillor Cecil Villard**

RESOLVED:

That the “Transient Traders Bylaw” be read a third time and that the said Bylaw do now pass.

CARRIED 7-0

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

Councillor Redmond indicated his Committee’s report was included in the weekend package. As a follow up to requests at September’s Council meeting, he advised the Human Resources Manager will provide a status report regarding Marathon’s Human Resources Plan, and a list of legal fees for labour relations has been included in this month’s Finance Committee report.

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

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

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

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

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

Councillor Villard indicated his Committee’s report was included in the weekend package. He indicated the Committee is working on budget guidelines for the 2012 budget.

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

RESOLVED:

That the City of Charlottetown renew its lease with the Province of PEI for the “Sherwood Civic Centre” building located on 152 St. Peter’s Road, now known as the “Charlottetown Fire Department Station 2”, for up to an additional five year period.

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

CARRIED 7-0

7. Urban Beautification & Forestry – Deputy Mayor Stu MacFadyen

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

8. Protective & Emergency Services – Councillor David MacDonald

Councillor Redmond, on behalf of Councillor MacDonald, indicated the Committee's report was included in the weekend package.

Moved by Councillor Cecil Villard

Seconded by Councillor Danny Redmond

RESOLVED:

That the Public Works Manager be authorized to cut grass, repair windows, fix roof of accessory building and 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 298 Euston Street (PID #347047) in the City of Charlottetown in accordance with the terms of the Dangerous, Hazardous and Unightly Bylaw of the City of Charlottetown.

CARRIED 7-0

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

Councillor Hilton indicated her Committee's report was included in the weekend package. The Volunteer of the Month Award for October was presented to the 2011 organizing committee and volunteers with the Prince Edward Island Marathon. She extended congratulations to City employees Mike Bradley and Lance Jones who coached the U16 girls to a gold medal in the Eastern Canadian Softball Championships; congratulations were also extended to three local soccer squads who participated at recent National Competitions.

10. Public Works & Street Lighting – Councillor Terry Bernard

Councillor Bernard indicated his Committee's report was included in the weekend package. He advised the Committee will be providing a construction and development activities update report to Council on a monthly basis effective immediately.

In response to a question concerning snow clearing of major routes within the City, Councillor Bernard indicated the Provincial Government elected not to renew the snow clearing contract and it has gone to public tender.

An update was requested with regards to realigning responsibilities of Public Works Superintendents. Councillor Bernard indicated this matter is currently being reviewed by senior management.

Moved by Councillor Terry Bernard

Seconded by Councillor Cecil Villard

RESOLVED:

That, per the publicly advertised tender for "Plow Equipment", the submission of Larochelle Equipment in the amount of \$87,949.00 (taxes extra) be accepted.

This will be an expenditure of Capital funds previously approved in the 2011 budget.

CARRIED 8-0

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

RESOLVED:

That, per the publicly advertised tender for "Sidewalk Machines" (2), the submission of Saunders Equipment in the amount of \$104,171.00 (taxes extra) for one (1) unit be accepted.

This will be an expenditure of Capital funds previously approved in the 2011 budget.

CARRIED 8-0

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

RESOLVED:

That, as per the conditions of the publicly advertised quote, the following submissions for Municipal Building Snow Clearing be accepted for the 2011/2012 season:

		Season cost (all taxes extra)
Sherwood Civic Bldg	Birt & MacKay Ltd	\$2,200.00
East Royalty Civic Bldg	Birt & MacKay Ltd	\$1,600.00
Hillsborough Park Civic Bldg	Birt & MacKay Ltd	\$1,300.00
JE Blanchard Bldg	Birt & MacKay Ltd	\$1,000.00
Kirkwood Dr Police Station	Birt & MacKay Ltd	\$2,200.00
West Royalty Civic Bldg	Lea MacDonald Const.	\$2,400.00

CARRIED 8-0

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

RESOLVED:

That, as per the conditions of the publicly advertised quote, the following submissions for Sidewalk Snow Clearing be accepted for the 2011/2012 season:

		Daily Standby	Hourly Operating
		(all taxes extra)	
Label Construction Ltd	3 units	\$47.95	\$61.29
Label Construction Ltd	2 units	\$60.00	\$68.00

CARRIED 8-0

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

RESOLVED:

That, per the publicly advertised tender for "Prince/Euston Signal Upgrades", the low submission of Island Coastal Services Ltd. in the amount of \$293,548.97 (GST extra) be accepted.

This will be an expenditure of New Deal funds as previously approved in the 2011 budget.

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

CARRIED 8-0

11. Integrated Community Sustainability Plan – Councillor Rob Lantz

Councillor Lantz indicated his Committee's report was forwarded electronically to Council. The Community Micro Grants project was launched October 03 with closing deadline of October 20.

More information was requested regarding the sustainable subdivision being proposed by Lewis Bros referenced in the ICSP report. Councillor Lantz indicated the developers have hired an experienced and progressive planner to design a sustainable community on a large area of land in the East Royalty area.

When asked if the recommendations contained in Stantec's ICSP Plan were being followed in relation to watersheds, Councillor Lantz indicated they are. Water resource management had been a high priority during the community dialogue sessions.

12. Water & Sewer Utility – Councillor Edward Rice

Councillor Villard, on behalf of Councillor Rice, indicated the Committee's report was included in the weekend package.

In response to a question on the standards being used for the water and sewer installations in Miltonvale Park, Councillor Villard indicated the specifications meet the Utility's standards.

Councillor Tweel, on behalf of the Shell Fishers of Charlottetown harbour, reiterated questions to City Council regarding the closure of the Charlottetown harbour due to sewage contamination:

1. Given the rash of recent closures in the Charlottetown harbour due to excess sewage overflow, what's the plan for the City to fix the problem?
2. Is it true that the City has set aside a sum of money to separate the combined storm/sanitary sewer system for the Spring Park combined system?
3. If the Mayor and City Council is concerned about the health and safety risk of excess sewage going into the harbour, what's our duty to inform the public?
4. Is it true the City of Charlottetown sent a letter on behalf of Mayor and Council to the Infrastructure Management Committee to prioritize finding and developing a new water source well field for future infrastructure funding? Nothing was mentioned about separating the storm/sanitary sewer system in the Spring Park area.

Councillor Villard advised a plan has been developed in terms of costing the project, financing the respective allocations and as well, the City is working with health officials.

A question raised as to why the City cannot start the separation project knowing that the Province has committed \$8 million and the City has committed \$8 million will be brought back to the Intergovernmental Affairs Committee.

13. Planning & Heritage – Councillor Rob Lantz

Councillor Lantz indicated his Committee's report was included in the weekend package. He indicated building permit values continue to be well ahead over last year.

In response to an update request on the inclusion of heritage property information within the real estate property disclosure form, Councillor Lantz reported he had spoken with the Chair of the Forms Committee for the Real Estate Association and will follow up again. The City's zoning inquiry form has also been amended to be more specific with heritage designations. He further indicated the Committee would entertain any suggestions relating to the financial component of the heritage grant program.

In response to a question, Councillor Lantz advised the heritage grant program provides grants on a percentage basis of the costs up to a maximum of \$4,000 per property and grants can be applied for every two years. The 2011 heritage grants budget is \$40,000.

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

RESOLVED:

That the request for a lot consolidation at 521-525 Malpeque Road (PID#s 145425, 145433, 751628), subject to receipt of pinned survey plans and the signing of a Development Agreement, to permit the construction of an apartment building, be approved.

CARRIED 8-0

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

RESOLVED:

That the request to proceed to the public consultation phase to amend Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property at 246 Norwood Road (PID# 661611) from Single-detached Residential (R-1L) Zone to Low Density Residential (R-2) be approved.

In response to a question, Councillor Lantz indicated surrounding properties are primarily zoned Low Density Residential (R-2).

CARRIED 8-0

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

RESOLVED:

That the request for a rear yard variance from the required 7.5 m (24.6 ft) to 4.4 m (14.5 ft) for the properties located at 180 Malpeque Road (Block 04-3b on approved survey plan and part of PID# 388249) be rejected.

Councillor Lantz indicated the rear setback request for this property, located in an industrial area across from Sears, is not significant and neighbouring properties would not be affected.

DEFEATED 8-0

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

RESOLVED:

That the request for a rear yard variance from the required 7.5 m (24.6 ft) to 4.4 m (14.5 ft) for the properties located at 180 Malpeque Road (Block 04-3b on approved survey plan and part of PID# 388249) be approved.

CARRIED 8-0

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

RESOLVED:

That the request for a variance to the front yard setback from 16m (52.5 feet) to approximately 36.2m (119 ft) for the new Spring Park School to be located at 30 Dunkirk Street (PID# 370833) be approved.

CARRIED 8-0

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

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.

After some discussion, it was decided to defer the resolution so members of Council could review the concerns expressed in two letters of opposition that will be forwarded to them.

**Moved by Councillor Danny Redmond
Seconded by Councillor Mitchell Tweel**

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 deferred.

CARRIED 7-1

(Deputy Mayor MacFadyen registered a “nay” vote)

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

RESOLVED:

That the application for wooden shingle siding and wooden window replacements at 180 Sydney Street, PID# 338244, as presented to Heritage Board, be approved.

CARRIED 8-0

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

RESOLVED:

That the application for window replacements for floor levels 2-6 (excludes ground floor and basement) at 97 Queen Street, PID# 339051 (former Dominion Building) as presented to Heritage Board, be approved.

CARRIED 8-0

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

RESOLVED:

That the application to proceed to public consultation to revoke the designation of 38-40 Upper Prince Street, PID#360495, as a Heritage Resource be rejected.

Councillor Lantz indicated he did not think the City has ever delisted a Heritage designated property. He felt this property offers significant historic value to the City having been the home of T H Haviland, former Mayor of Charlottetown, Lieutenant Governor of PEI and member of the Senate. The owners also participated in the heritage grant program receiving a \$1,000 heritage grant in 2008.

It was suggested the matter be deferred and the property owners meet with the heritage department to discuss the heritage grant that is available.

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

RESOLVED:

That the application to proceed to public consultation to revoke the designation of 38-40 Upper Prince Street, PID#360495, as a Heritage Resource be deferred.

Councillor Lantz reiterated that the heritage grant program should be reviewed by Council to compare grant allocations to current day costs for repairs. It was also noted that the average City taxpayer should not be required to subsidize heritage properties through their taxes.

CARRIED 8-0

3rd reading 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 81 Royalty Road (PID #948208) from Low Density Residential Single (R-2S) Zone to Low Density Residential (R-2) Zone and a portion from Low Density Residential Single (R-2S) Zone to Open Space (OS) Zone.

**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 8-0

14. New Business

Councillor Coady noted on September 22, the Civic Board for Persons with Disabilities Advisory Committee hosted an event to recognize the 25th Anniversary of the Rick Hansen Man in Motion Tour which was well attended and very successful. The City was presented with a medal by Mr. Hansen for hosting the event. He also noted the Mayor's Inclusion and Accessibility Awards banquet will be held on October 20 and Council is invited.

Monthly reports on all advisory boards/committee were requested to be included in the Council Meeting packages.

Meeting adjourned at 8:00 PM