



**Regular Meeting of Council
Monday, September 12, 2011 at 4:30 PM**

Mayor Clifford Lee presiding

Present: Deputy Mayor Stu MacFadyen Councillor David MacDonald
Councillor Rob Lantz Councillor Danny Redmond
Councillor Jason Coady Councillor Edward Rice (arrived 4:35 PM)
Councillor Mitchell Tweel Councillor Cecil Villard
Councillor Melissa Hilton

Also: Roy Main – CAO Donna Waddell – DCS
Joseph Coady – DPS Phil Handrahan – DFDS
Paul Johnston – PWM Don Poole – PM
Dan Hughes – HRM Sue Hendriken – PRM
Craig Walker – UM Randy MacDonald – FC
Paul Smith – PC Tim Mamyne - DFC
Ron Atkinson – EconDO Laurel Palmer Thompson – PDO
Allan MacKenzie – SFO Danielle Gillian – PDO
Karen Campbell – CP Beth Johnston – CO
Wayne Long – EvenDO Sharon MacKinnon – CC

Regrets: Councillor Terry Bernard Scott Ryan – FM

Mayor Lee called the meeting to order. He recognized and welcomed the City's new Deputy Fire Chief, Tim Mamyne.

Councillor Lantz noted there was one additional resolution (#12) under Planning & Heritage.

**Minutes of the previous meetings were by motion adopted:
Regular Meeting – August 08, 2011**

REPORTS OF COMMITTEES / RESOLUTIONS

1. Planning & Heritage – Councillor Rob Lantz

Councillor Lantz indicated his Committee's report was included in the weekend package. He noted this year has been a banner year for construction, in particular with new residential and industrial-commercial development, and permit values increased by approximately \$12 million over the same time last year.

In response to a question concerning the exterior façade of the Holman Grand Hotel, Councillor Lantz indicated members of the Committee met with the hotel developer and were shown exterior architectural detailing which is to be installed by late autumn.

Councillor Coady declared a conflict of interest and abstained from the discussion and vote on the following resolution.

Moved by Councillor Rob Lantz

Seconded by Councillor Melissa Hilton

RESOLVED:

That the request for a variance to the front yard setback from the average 82 feet to approximately 123.3 feet for the property located at 30 Bridle Path Lane (PID# 1005644) be approved.

CARRIED 8-0

Moved by Councillor Rob Lantz

Seconded by Councillor Jason Coady

RESOLVED:

That the request for a variance to the front yard setback from the average 77 feet to approximately 136.15 feet for the property located at 26 Bridle Path Lane (PID# 1045905) be approved.

CARRIED 9-0

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 “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.

CARRIED 8-1

(Councillor Rice registered a “nay” vote)

Moved by Councillor Rob Lantz

Seconded by Councillor Jason Coady

RESOLVED:

WHEREAS the City of Charlottetown is the Authority having jurisdiction over land use matters within the City of Charlottetown;

AND WHEREAS an appeal was filed by Don MacKinnon with the Island Regulatory and Appeals Commission on March 02, 2011;

AND WHEREAS the Island Regulatory and Appeals Commission, in Order No. LA-11-08 dated August 04, 2011 ordered the City to approve the rezoning of the property located at 81 Royalty Road (PID# 948208) from Low Density Residential Single (R-2S) to Low Density Residential (R-2);

AND WHEREAS the City of Charlottetown is now required to pass the within Resolution to bring the decision of the Island Regulatory and Appeals Commission into effect;

THEREFORE BE IT 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 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 be approved.

Councillor Lantz noted the application was previously rejected by Council; however, the developer successfully appealed the decision through IRAC and the City has been ordered to rezone the property.

Questions were raised regarding the City’s costs associated with IRAC appeal processes. It was suggested the Finance Department track the costs of these appeals and look at putting a policy in place for future appeals.

CARRIED 6-3

(Councillors Villard, MacFadyen & MacDonald registered “nay” votes)

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 “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone a portion of the property (PID# 773051) located at Upton Road and the Bypass Highway from Single-detached Residential (R-1S) Zone to Low Density Residential (R-2) Zone be approved.

A question was raised regarding past rezoning applications for this property. Councillor Lantz noted there were at least two previous rejected applications and one unsuccessful appeal to Island Regulatory Appeals Commission (IRAC); however, the present application is strictly for residential use.

CARRIED 9-0

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 “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 9-0

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 "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 9-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a variance to allow a reduction to the side yard setback from 6 feet to approximately 3.6 feet to permit the construction of an attached garage at 18 Smallwood Crescent (PID# 366476) be approved.

CARRIED 9-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a lot consolidation at 410 Mount Edward Road (PID#s 441147 & 384081) to permit the construction of an Industrial Service Mall be approved.

CARRIED 9-0

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) to permit the construction of an apartment building be rejected.

Councillor Lantz indicated if the consolidation was approved, the 49-unit apartment building would meet all necessary requirements and not need any variances or rezoning; however a Development Agreement would be required. Several issues were raised with regards to parking, access, stormwater management and green space; therefore, it was suggested this matter be deferred.

Moved by Councillor Cecil Villard
Seconded by Deputy Mayor Stu MacFadyen

RESOLVED:

That the request for a lot consolidation at 521 – 525 Malpeque Road (PID#s 145425, 145433, 751628) to permit the construction of an apartment building be deferred.

CARRIED 9-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the application for a canopy to extend over the City right-of-way across the front of the Velvet Underground building at 160 Prince Street (PID# 343012), 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 9-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a variance to the front yard setback from 32 feet to an average of 21.2 feet and to the flankage yard requirement from 19.7 feet to an average of 11.2 feet to accommodate an attached garage at 4 Corrigan Court (PID #694869) be approved.

Councillor Lantz noted the application was deferred at the Regular Meeting of Council in August due to sight line issues. The applicant has since met with Planning Board and a compromise was reached.

CARRIED 9-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the application for an addition and new dormer window at 29 Fitzroy Street, Stamper Residence, PID# 345629 as presented to Heritage Board and as per DWG. NO. WWC11-012 JULY 2011 be approved.

CARRIED 9-0

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 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 bylaw to amend the “City of Charlottetown Zoning and Development Bylaw” be read a first time.

CARRIED 9-0

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 9-0

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 9-0

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 9-0

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 regarding the Charlottetown Area Development Corporation’s independent consultant’s structural review of the former Kays Building, Councillor Coady indicated he had not been given a time frame for completion but will follow up. He further noted the study is being costed solely by CADC.

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

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

In response to a question concerning Marathon’s Human Resources Plan, Councillor Redmond advised that management continues to work on an action plan.

It was requested that Council be provided with the legal costs relating to labour negotiations, conciliations and grievances.

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

Deputy Mayor MacFadyen indicated his Committee had not met since the last Council Meeting. He mentioned successful summer events such as Art in the Open, SummerFest, Old Home Week and the Jazz and Blues Festival. He also encouraged everyone to take in the upcoming Dallas Stars training camp, PEI International Shellfish Festival and Fall Flavours.

In response to a suggestion to hold the Art in the Open event over a weekend versus one evening, Deputy Mayor MacFadyen indicated the Committee is looking to continue the event on an annual basis and will take the suggestion under advisement. Ann Carriere, Cultural Capitals Coordinator, was thanked for her work on this project.

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

Councillor Tweel reported his Committee met at noon that day. With respect to transit, he noted that hydraulic lifts are currently being installed on the buses to resolve accessibility issues. A draft contract between Charlottetown, Cornwall and Stratford and the contractor has been prepared. He further noted a draft proposal has been prepared for a Customer Tracking Program which should be tendered and implemented by the end of 2011.

In response to a question relating to a permanent downtown bus depot, Councillor Tweel indicated the location has not yet been determined.

Moved by Councillor Mitchell Tweel

Seconded by Deputy Mayor Stu MacFadyen

RESOLVED:

WHEREAS Canada's future sustainable development is dependent on public transit;

WHEREAS fast, affordable and accessible public transit is vital to the movement of people in cities and communities and has immeasurable social, environmental, economic and health benefits;

WHEREAS public transit plays a central role in urban and metropolitan regions by contributing to cleaner air, lowering greenhouse gas emissions, lessening congestion and reducing the pressure for more roads;

WHEREAS investments in public transit infrastructure benefit the people of Canada by creating thousands of new jobs and revitalizing local economies;

AND WHEREAS better public transit results in cleaner and more productive cities and communities in which people can access the jobs and services that are needed for economic growth;

THEREFORE BE IT RESOLVED the City of Charlottetown support Bill C-615 to establish a National Public Transit Strategy;

BE IT FURTHER RESOLVED that a letter of support be forwarded to Prime Minister Stephen Harper, Charlottetown Member of Parliament Sean Casey and Premier Robert Ghiz.

CARRIED 9-0

6. 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 request for a listing of City Departments whose 2011 budgets were either reduced or increased over 2010 budgets, it was noted this information is contained in the budget document.

Moved by Councillor Cecil Villard

Seconded by Councillor Melissa Hilton

RESOLVED:

That the City of Charlottetown enter into a Sponsorship Agreement with the PEI Rocket Hockey Club as per the attached.

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

CARRIED 9-0

Moved by Councillor Cecil Villard

Seconded by Councillor Melissa Hilton

RESOLVED:

That the City of Charlottetown enter into a five-year Joint Management Agreement with the Charlottetown Civic Centre Management Inc (CCCMI) and the Province of Prince Edward Island as per the attached.

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

A question was raised concerning honorariums paid to the Board of Directors for the CCCMI. Councillor Villard indicated he would provide Council with a copy of the Board of Director's honorarium policy.

CARRIED 9-0

7. Urban Beautification & Forestry – Deputy Mayor Stu MacFadyen

Deputy Mayor MacFadyen indicated his Committee had not met since the last Council Meeting.

An update regarding old-fashioned street lights for the eastern portion of Fitzroy Street was requested. Deputy Mayor MacFadyen indicated that due to the high cost of this type of lighting, expansions into new areas are not within the budget at this time.

8. Protective & Emergency Services – Councillor David MacDonald

Councillor MacDonald indicated his Committee's report was included in the weekend package. He mentioned the successful events hosted by the City on September 10 and 11 to commemorate the

911 10-year anniversary memorial weekend. With the recent start of the school year, he noted Police Services had distributed brochures in 10 school zones promoting school safety and Public Works had completed the school zone street markings. Police Services continues with traffic calming measures utilizing the speed monitoring device with success targeting problem areas for additional enforcement.

Councillor Tweel suggested and Councillor MacDonald agreed to attend a community meeting to discuss the results from a recent speed monitoring test on Upper Prince Street and Walthen Drive.

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 September was presented to the organizing committee of the 2011 Atlantic Midget Baseball Championships held in September. She further advised the Parks and Recreation 2011-2012 Fall/Winter Program Brochures have been distributed.

A progress report was requested on the Regional Active Transportation Study. Councillor Hilton indicated an update would be provided.

Update requests were requested on the history of baseball book; naming City arena dressing rooms after former NHL hockey legends; and the East Royalty Soccer Clubhouse. Councillor Hilton indicated the Committee is actively looking for funding to have the baseball history book published in paperback; the Committee is drafting a policy respecting the naming of facilities, fields and arena dressing rooms; and the East Royalty Clubhouse will be taken back to the Committee for discussion.

It was further suggested the Committee consider partnering with others and look into the installation of lights at the Canada Games facility at UPEI. Councillor Hilton indicated she would take this back to the Committee.

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

RESOLVED:

That the bid of \$46,800.00 (GST excluded) by Williams Murphy MacLeod Ltd. be accepted as the successful bid for the Cody Banks Elevator Expansion project.

This amount is within the approved 2011 Parks and Recreation Capital Budget.

CARRIED 9-0

10. Public Works & Street Lighting – Councillor Terry Bernard

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

In response to a question regarding the installation of a coordinated lighting system at the corner of Prince and Euston Streets, Deputy Mayor MacFadyen indicated this project would be completed this fall.

11. Integrated Community Sustainability Plan – Councillor Rob Lantz

Councillor Lantz indicated his Committee's report was forwarded electronically to Council. He reported on a couple of upcoming events: Gil Penalosa on September 29; community dialogue series called Pecha Kucha, dates to be announced; and a community micro grant program for sustainability initiatives.

12. Water & Sewer Utility – Councillor Edward Rice

Councillor Rice indicated his Committee's report was included in the weekend package. He advised he had included in the report a resolution requesting the prioritization of all sources of government funding to the City go towards the combined sewer separation and the water supply development. As of the afternoon of the Council Meeting, he did not have a seconder for the resolution. He stressed both projects were urgent and the City needed to prioritize both projects.

It was noted Council, at its Committee of the Whole Meeting held September 01, agreed the Spring Park Combined Sewer Separation project was the Utility's number one priority and that the Intergovernmental Affairs Committee should meet with the Premier and the Minister of Environment to discuss funding.

On a suggestion that a regional wastewater / water system be discussed with adjacent municipalities to see if there was merit in obtaining regional funding, Councillor Rice felt the time had past for regional discussions.

There was no seconder for the resolution; therefore, the resolution was not able to be placed on the floor.

Councillor Tweel requested, on behalf of the Shell Fishers of Charlottetown harbour, written responses to questions raised at the August 08 Council Meeting regarding the closure of the Charlottetown harbour due to sewage contamination and reiterated the questions, as follows:

1. 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?
2. 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?
3. Immediately following the media attention on the issue of dumping raw sewage and waste into the Charlottetown harbour, the Mayor went on the CBC Compass supper hour news on the evening of July 12 and publicly stated that this issue was now the number one priority of City Council. Does this mean that previously allocated money will now be directed to fixing the sewage problem and if so, how much money will be allocated and when will that work start?

13. New Business

There was no new business.

The meeting adjourned at 6:25 PM.