



**Regular Meeting of Council
Monday, September 13, 2010 at 4:30 PM**

Mayor Clifford Lee presiding

Present: **Deputy Mayor Stu MacFadyen** **Councillor David MacDonald**
 Councillor Kim Devine **Councillor Danny Redmond**
 Councillor Rob Lantz **Councillor Peter McCloskey**
 Councillor Melissa Hilton **Councillor Cecil Villard**
 Councillor Terry Bernard

Also: **Roy Main – Chief Administrative Officer**
 Joseph Coady – Director of Public Services
 Donna Waddell – Director of Corporate Services
 Phil Handrahan – Director of Fiscal and Development Services
 Paul Johnston – Public Works Manager
 Sue Hendricken – Parks and Recreation Manager
 Dan Hughes – Human Resources Manager
 Scott Ryan – Finance Manager
 Paul Smith – Police Chief
 Randy MacDonald – Fire Chief
 Don Poole – Planning Manager
 Craig Walker – Utilities Manager
 Ron Atkinson – Economic Development Officer
 Wayne Long – Events Development Officer
 Beth Johnston – Communications Officer
 Karen Campbell – City Solicitor
 Sharon MacKinnon – City Clerk

Regrets: **Councillor Mitchell Tweel**

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 – August 09, 2010

Public Meeting – August 16, 2010

Public Meeting – August 30, 2010

1. Planning/Heritage & Arts/Culture – Councillor Kim Devine

Councillor Devine indicated her Committee's report was included in the weekend package. She noted planning consultants were recently hired to develop design guidelines for the 500 Lot Area.

Planning staff and Catherine Hennessey were recognized for organizing the well-attended East Royalty Heritage Day event.

Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

That the request to proceed to the public consultation phase to consider an amendment to Appendix “G” of the Zoning and Development Bylaw – List of Approved Properties in the Comprehensive Development Area and Their Permitted Uses – to permit mixed development on this site (i.e. commercial, townhouse dwellings, apartments/condos, community care type uses) for the property located at 207 Mount Edward Road (PID# 390468) be approved.

CARRIED 9-0

Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

That the request for a variance to the front yard setback from the required 50 feet to approximately 43 feet for the dwelling located at 44 Donald Drive (PID# 768044) be approved.

Councillor Devine reported the developer of this property did not locate the dwelling as per the site plan approved with the application. A Stop Work Order was issued in August and the applicant followed through with a variance request for the front yard setback. She noted the City’s Zoning and Development Bylaw does not provide the authority to penalize a non-conforming development and the only recourse is through the court system. A lengthy discussion ensued on the intent and interpretation of “average set backs”. It was agreed that the application be deferred for further clarification.

Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

That the request for a variance to the front yard setback from the required 50 feet to approximately 43 feet for the dwelling located at 44 Donald Drive (PID# 768044) be deferred and further clarification on average set backs be provided to Council.

CARRIED 9-0

Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey

RESOLVED:

That the request to proceed to the public consultation phase to consider rezoning nine (9) lots in the Gwenwood Subdivision (PID# 392936) from Low Density Residential Single (R-2S) Zone to Low Density Residential (R-2) Zone be approved.

Concern was expressed that residents had already voiced objection and presented a petition at the July 07 Public Meeting against the rezoning of lots in this area to a higher density.

DEFEATED 5-4

Councillors Hilton, McCloskey, Redmond, Bernard & MacDonald registered “nay” votes

Moved by Councillor Kim Devine

Seconded by Councillor Melissa Hilton

RESOLVED:

That the request to proceed to the public consultation phase to consider rezoning nine (9) lots in the Gwenwood Subdivision (PID# 392936) from Low Density Residential Single (R-2S) Zone to Low Density Residential (R-2) Zone be rejected.

CARRIED 8-1

Councillor Lantz registered a “nay” vote

Moved by Councillor Kim Devine

Seconded by Councillor Peter McCloskey

RESOLVED:

That the request to amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the vacant lot adjacent to 54 Greensview Drive (PID# 385997) from Single-detached Residential (R-1L) Zone to Low Density Residential (R-2) Zone be approved.

CARRIED 9-0

Moved by Councillor Kim Devine

Seconded by Councillor Peter McCloskey

RESOLVED:

That the request for a lot consolidation of the properties located at 35-45 Pond Street and 16-20 Summer Street (PID #s 368092, 368027, 368084, 368035, 368076, 368068, 368043, & 368050), and a variance to the density from 20.3 units to 21 units, and a reduction in the rear yard setback from 26.2 feet to approximately 18.6 feet, be approved.

CARRIED 9-0

Moved by Councillor Kim Devine

Seconded by Councillor Peter McCloskey

RESOLVED:

That the request to amend Appendix “A” of the City of Charlottetown Zoning and Development Bylaw to designate the property located at 11 Richmond Street (PID# 339713) as a Heritage Resource be approved.

CARRIED 9-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

That the request to amend Appendix “G” – List of Permitted Uses in the Comprehensive Development Area – of the City of Charlottetown Zoning and Development Bylaw to permit a dental office on the ground floor, staff room and office storage in the basement, two residential apartments on the second floor and a residential unit on the third floor of the property located at 140 Water Street (PID# 335349) be approved.

CARRIED 9-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

That the application for renovations at 43 Queen Street (PID#335646) and 45-49 Queen Street (PID#335653) as presented to Heritage Board and as per Coles Associates Scope of Work and Drawings submitted August 23, 2010, with details to be confirmed by the Heritage Officer, be approved.

CARRIED 9-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

That the application for renovations at 140 Water Street, PID#335349, as presented to Heritage Board and as per Island Drafting Drawings submitted August 25, 2010, with final details to be confirmed by the Heritage Officer, be approved.

CARRIED 9-0

1st and 2nd readings of Zoning and Development Bylaw

To amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the vacant lot adjacent to 54 Greensview Drive (PID #385997) from Single-detached Residential (R-1L) Zone to Low Density Residential (R-2) Zone.

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

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 Kim Devine
Seconded by Councillor Peter McCloskey**

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 Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

That the Chairman reports progress of the Committee and that the Bylaw be adopted without amendments.

CARRIED 9-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

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

1st and 2nd readings of Zoning and Development Bylaw

To amend Appendix “G” – List of Permitted Uses in the Comprehensive Development Area – of the City of Charlottetown Zoning and Development Bylaw to permit a dental office on the ground floor, staff room and office storage in the basement, two residential units on the second floor and a residential unit on the third floor of the property of 140 Water Street (PID #335349).

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

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 Kim Devine
Seconded by Councillor Peter McCloskey**

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 Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

That the Chairman reports progress of the Committee and that the Bylaw be adopted without amendments.

CARRIED 9-0

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

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

1st and 2nd readings of Zoning and Development Bylaw

To amend Appendix “A” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to designate the property at 11 Richmond Street (PID #339713) as a Heritage Resource.

**Moved by Councillor Kim Devine
Seconded by Councillor Peter McCloskey**

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 Kim Devine
Seconded by Councillor Peter McCloskey**

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 Kim Devine
Seconded by Councillor Peter McCloskey**

RESOLVED:

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CARRIED 9-0

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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

Councillor Devine renewed the Notice of Motion to amend the Building Code Bylaw.

2. Economic Development & Tourism – Councillor David MacDonald

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

1st reading 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 David MacDonald
Seconded by Councillor Cecil Villard

RESOLVED:

That the bylaw to introduce the "Transient Traders Bylaw" be read a first time.

CARRIED 9-0

3. Human Resources & Pension – Councillor Mitchell Tweel

Councillor Hilton, on behalf of Councillor Tweel, indicated the Committee's report was included in the weekend package. She acknowledged recent hirings: Troy Cudmore and Kenny Murphy, Parks Maintenance Workers; Jill Stewart, Administrative Assistant, Administration; and Laura MacPherson, Sustainability Officer (term position).

4. Parking & Transit – Deputy Mayor Stu MacFadyen

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

5. Executive Policy & Event Attraction – Councillor Peter McCloskey

Councillor McCloskey indicated his Committee had not met since the last Council Meeting.

6. 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 support the Salvation Army's operation of a homeless shelter through an annual operating grant of \$15,000 commencing in 2011 pending their taking possession of the "Bedford MacDonald House" subject to the Salvation Army

reaching a satisfactory agreement with the Province.

And further that the Mayor and CAO are hereby authorized to enter into an agreement addressing the grant.

CARRIED 9-0

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

RESOLVED:

That the City of Charlottetown support the Stars for Life Foundation Inc.'s home and resource centre through a \$3,000 grant in 2010 to offset building permit fees and a five year grant in lieu of municipal property taxes commencing in 2011.

And that the Mayor and CAO are hereby authorized to enter into an agreement addressing the grant and tax relief.

CARRIED 9-0

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

RESOLVED:

That the City of Charlottetown enter into the attached Municipal Infrastructure Lending Program agreement through Canada Mortgage and Housing Corporation (CMHC) for:

1. a non-assignable loan in the amount of \$5,093,879 repayable over a 20 year period as per attached, to finance the City's 2009 Street Infrastructure program.
2. a non-assignable loan in the amount of \$2,309,900 repayable over a 20 year period as per attached, to finance the City's 2009 Waste Water program.

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

CARRIED 9-0

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

RESOLVED:

That the Police & Bylaw Enforcement Committee be permitted to transfer \$4,800 as per the attached documentation, to the Parks, Recreation & Leisure Activities 2010 Budget.

This transfer represents no overall increase in the 2010 City Budget.

CARRIED 9-0

1st reading of the "2010 Borrowing Bylaw"

To introduce a 2010 Borrowing Bylaw for the borrowing for certain capital and operating expenditures.

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

RESOLVED:

That the bylaw to introduce the “2010 Borrowing Bylaw” be read a first time.

CARRIED 9-0

7. Urban Beautification & Forestry – Councillor Kim Devine

Councillor Devine indicated her Committee had not met since the last Council Meeting. She congratulated the winners of the recent Make Charlottetown Bloom competition and thanked all businesses involved in the increasingly successful Adopt a Corner program.

8. Fire & Emergency Measures – Councillor Melissa Hilton

Councillor Hilton indicated her Committee’s report was included in the weekend package. She highlighted on the continuing success of the door-to-door Smoke Alarm Campaign.

9. Parks, Recreation & Leisure Activities – Deputy Mayor Stu MacFadyen

Deputy Mayor MacFadyen indicated his Committee had not met since the last Council Meeting. The Volunteer of the Month Award for September was presented to the 2010 Local Organizing Committee, co-chaired by Courtenay Hemphill and Phil MacDonald, for the 30th Anniversary Terry Fox Run to be held September 19. It was suggested the Parks and Recreation Department look at honoring former sports players for their contributions to hockey, baseball and other sports.

**Moved by Deputy Mayor Stu MacFadyen
Seconded by Councillor Cecil Villard**

RESOLVED:

That the City of Charlottetown accept the Toombs Plumbing and Heating Ltd. bid of \$143,045.53 (GST extra) for the construction of the washroom and canteen at Queen Elizabeth Park as approved in the Parks and Recreation Capital Budget.

Further, that the engineering and contingency costs of \$7,200.00 (GST extra) from ADI Ltd. for this project be accepted as approved in the Parks and Recreation Capital Budget.

And that the shortfall of \$25,245.53 be reallocated from within the approved 2010 Parks and Recreation Capital Budget.

CARRIED 9-0

**Moved by Deputy Mayor Stu MacFadyen
Seconded by Councillor Cecil Villard**

RESOLVED:

That the City of Charlottetown accept the Island Coastal Ltd. bid of \$54,536.00 (GST extra) for the renovation of City Diamond, as approved in the 2010 Parks and Recreation Capital Budget.

Further that the engineering and contingency costs of \$9,482.00 (GST extra) from CBCL

Ltd. for this project be accepted as approved in the 2010 Parks and Recreation Capital Budget.

And that the shortfall of \$14,018.00 to carry out this project be reallocated from within the approved 2010 Parks and Recreation Capital Budget.

CARRIED 9-0

**Moved by Deputy Mayor Stu MacFadyen
Seconded by Councillor Cecil Villard**

RESOLVED:

That the City of Charlottetown accept the Williams Murphy & MacLeod bid of \$361,000 (GST extra) for the refurbishment of the Victoria Park Pool as approved in the 2010 Parks and Recreation Capital Budget.

Further that the engineering and contingency costs of \$22,044.75 (GST extra) from North 46 for this project be accepted as approved in the 2010 Parks and Recreation Capital Budget.

And that the shortfall of \$83,045 to carry out this project be reallocated from within the approved 2010 City of Charlottetown Capital Budget.

CARRIED 9-0

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

RESOLVED:

That the new tri field soccer complex located in the neighborhood of East Royalty be named the Parkman Soccer Complex in acknowledgement of the history of the property and the Parkman Family.

CARRIED 9-0

10. Police & Bylaw Enforcement – Councillor Rob Lantz

Councillor Lantz indicated his Committee's report was included in the weekend package. In response to a question regarding the perception of operations for the downtown Police Depot, it was reported operations are being reviewed with the intent of making some improvements. With regards to a question on intersection signage, Police Services is currently reviewing stop/yield signage to determine if changes can be made at some intersections.

11. Public Works & Street Lighting – Councillor Terry Bernard

Councillor Bernard indicated his Committee's report was included in the weekend package. He reported \$15 million worth of capital improvements has been completed this season. The Belvedere roundabout is now open with positive comments received. He also noted the inventory report for the 32 signalized intersections has been completed and when recommendations have been prioritized, the matter will be brought back to Council. It was suggested a left turning arrow be placed on the west side of the Allen Street/St. Peters Road signalized intersection to assist in alleviating traffic lineups exiting the Allen Street/Mount Edward Road roundabout.

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

RESOLVED:

That, per the publicly advertised tender for a 3-ton SFA Truck, the low submission of BJ's Truck Center for in the amount of \$103,454.54 (GST excluded), be accepted.

This will be expensed through the Operational Fleet account as a 5-year lease/purchase.

CARRIED 9-0

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

RESOLVED:

That, per the publicly advertised tender for a 3-ton SBA Truck, the low submission of Universal Truck & Tractor in the amount of \$94,314.76 (GST excluded), be accepted.

This will be expensed through the Operational Fleet account as a 5-year lease/purchase.

CARRIED 9-0

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

RESOLVED:

That the City of Charlottetown accept ownership of the private lane running between Mount Edward Rd (opposite Montgomery Drive) and the Confederation Trail subject to the approval of a development on the parcel to the south of this road.

CARRIED 9-0

12. Integrated Community Sustainability – Councillor Rob Lantz

Councillor Lantz indicated his Committee did not meet since the last Council Meeting. He noted Laura MacPherson, Sustainability Officer, commenced employment this week with a priority on developing an action plan to implement the City's Integrated Community Sustainability Plan.

13. Water/Sewer Utility & Environment – Councillor Danny Redmond

Councillor Lantz indicated his Committee's report was included in the weekend package. He updated Council members on several projects being carried out within the department.

14. New Business

There was no new business.

The meeting adjourned at 5:30 PM.