



**Regular Meeting of Council
Monday, December 9, 2013 at 7:00 PM
Council Chambers – City Hall**

Mayor Clifford Lee presiding

Present: Deputy Mayor Stu MacFadyen Councillor Jason Coady
Councillor Mitchell Tweel Councillor Terry Bernard
Councillor David MacDonald Councillor Melissa Hilton
Councillor Rob Lantz Councillor Cecil Villard
Councillor Danny Redmond Councillor Edward Rice (arr. 7:10pm)

Also: Donna Waddell – DCS Paul Smith – PC
Tim Mamyne - DFC Paul Johnston – PWM
Dan Hughes – HRM Alex Forbes - PM
Craig Walker, UM Scott Ryan, FM
Ron Atkinson – EconDO Donna Hurry, TO
Alicia Packwood – PCC Karen Campbell – CS
Tracey McLean- RMC

Regrets: Roy Main – CAO Sue Fraser – PRM
Wayne Long - EDO

Minutes of previous meetings were by motion adopted:
Regular Meeting – November 12, 2013
Committee Meeting of Council (open) – November 14, 2013

REPORTS OF COMMITTEES / RESOLUTIONS

1. Advanced Planning & Priorities – Councillor Jason Coady

Councillor Coady indicated his Committee had not met since the last Council meeting. He noted that the consultants recently met with the public and presented their findings regarding the Official Plan review; he expects a draft report will be brought back to Council in February or March 2014.

2. Urban Beautification & Sustainability – Deputy Mayor Stu MacFadyen

Councillor Lantz indicated the Committee's report was included in the weekend package. He noted that 70,000 multi-coloured tulips have been planted throughout the city in honour of the upcoming 2014 Celebrations; the City was awarded \$5,000 from the TD Friends of the Environment Foundation with funds being used to purchase equipment and plant material for Charlottetown Rural High School Conservation students. He further noted the City of Charlottetown is hosting the 2014 Sustainable Communities Conference and Trade Show February 11-13.

3. Planning & Heritage – Councillor Rob Lantz

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

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 the City received an application from Atlantis Health Spa Ltd. in or about August, 2011, to amend the then existing Development Concept Plan for the northerly portion of the property located at 4 Prince Street and being the northerly portion of PID # 841536 (the "Subject Property") to allow for the construction of a mixed use building consisting of commercial and office space on the ground and second floors and residential on the third floor;

AND WHEREAS by a decision on or about November 14, 2011 City Council rejected this application:

AND WHEREAS an appeal was filed by Atlantis Health Spa Ltd. with the Island Regulatory and Appeals Commission on or about November 16, 2011;

AND WHEREAS the Island Regulatory and Appeals Commission, in Order No. LA11005, dated June 19, 2012 ordered the City 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 on the Subject Property, subject to the requirement that the property owner enter into a Development Agreement pursuant to Section 28.6.2 of the City's Zoning and Development Bylaw;

AND WHEREAS the City appealed the decision of the Island Regulatory and Appeals Commission to the Prince Edward Island Court of Appeal and oral arguments were heard on February 25 – 26, 2013 with a decision being handed down on August 1, 2013 by which the Court of Appeal affirmed the decision of the Island Regulatory and Appeals Commission reversing City Council's decision;

AND WHEREAS the City amended the Comprehensive Development Area CDA zone of the Zoning and Development Bylaw (Appendix "G") to repeal the CDA zoning over a certain segment of the water front including the Subject Property and to substitute a new Waterfront Zone regulating the permitted uses of the Subject Property;

AND WHEREAS the City of Charlottetown is now required to pass a Resolution and duly amend the Zoning and Development Bylaw to implement the decision of the Island Regulatory and Appeals Commission as affirmed by the Prince Edward Island Court of Appeal;

AND WHEREAS the permitted use of Subject Property, pursuant to the decisions of the Island Regulatory and Appeals Commission and the Prince Edward Island Court of Appeal, is now a lawful non-conforming use within the meaning of sections 4.22 and 32.21 of the Zoning and Development Bylaw;

AND WHEREAS Atlantis Health Spa Ltd. has requested the City to now implement the decisions of the Island Regulatory and Appeals Commission and the Prince Edward Island Court of Appeal rather than proceed with its intended development of the Subject Property under the provisions the new Waterfront Zone;

THEREFORE BE IT 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 Subject Property being the northerly portion of 4 Prince Street and being the northerly portion of PID # 841536 be approved, subject pursuant to section 28.6 of the Zoning and Development Bylaw to the execution and registration of a standard Development Agreement which shall be brought back to Council for approval and following which approval the Mayor and CAO are hereby authorized to execute it on behalf of the City.

Councillor Lantz provided a brief explanation for clarification purposes; the City denied an application for development on the waterfront; the applicant appealed to IRAC and won that decision therefore the City was ordered to issue the building permit. The City appealed to the PEI Court of Appeal however was not successful. The City has been ordered by the Court to enact IRAC’s decision.

In response to a legality question, Councillor Lantz indicated the resolution is based on the advice of the City Solicitor. The applicant is entitled to the permit under the Zoning and Development bylaw which was in effect at the time of the application.

CARRIED 8-2

Councillors MacDonald and Tweel registered “nay” votes

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

RESOLVED:

That the application to demolish the existing structure located at 13 Sydney Street (PID# 408013) to construct a new four-unit building, as per Kent Drawings dated November 4, 2013 and as presented to Heritage Board, be rejected.

Councillor Lantz noted that Heritage Board had some concerns with the proposed replacement of the building to be demolished and it was in the best interest of heritage preservation to recommend rejection of the application at this time.

CARRIED 10-0

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

RESOLVED:

That the application for design alterations to the design approved for 198 Prince Street (PID# 340570) as per N46 Drawings dated November 22, 2013 and as presented to Heritage Board, be approved.

CARRIED 10-0

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

Councillor Hilton indicated her Committee's report was included in the weekend package. Volunteer of the Month was presented to Myrna Gallant.

A question was raised concerning commitment of funding by the City to replace the field turf at UPEI. Councillor Hilton was unaware of any commitment however she took it under advisement.

5. Public Works, Street Lighting & Transit – Councillor Terry Bernard

Councillor Bernard indicated his Committee's report was included in the weekend package. He reported the single day ridership record for the T3 Transit in Charlottetown was set on Friday, November 29, 2013 with 1,730 passenger fares (previous record was 1,677 set on Sept. 24, 2012). He further reported that the Town of Cornwall will be reviewing their involvement with the transit system and its Council will soon make a decision of whether or not to continue with the service. Councillor Bernard noted that the City's website now has a "Know about Snow" button on its main page which provides information on how the Public Works Department operates its street and sidewalk clearing services.

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

RESOLVED:

That, as per the conditions of the publicly advertised tender for a 'Plow Equipment', the submission of Larochelle Equipment Inc. in the amount of \$102,842.36 (taxes included) be accepted, and

That this expenditure has been previously approved in the 2013 Capital budget.

CARRIED 10-0

6. Water & Sewer Utility – Councillor Edward Rice

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

Concern was raised regarding flat rates charged to residents currently not serviced by the City's water system therefore Councillor Bernard moved the following motion:

**Moved by Councillor Terry Bernard
Seconded by Councillor Melissa Hilton**

RESOLVED:

City residents currently not serviced by the City's Water System, that are charged the flat rate of \$527.00 annually that charge be reduced to \$298.00 annually to match the availability rate charged to metered customers within the City of Charlottetown.

Discussion took place regarding the motion and it was determined the matter requires further review at a Committee of the Whole meeting. It was the consensus of Council to defer the motion. **Motion deferred 10-0**

**Moved by Councillor Edward Rice
Seconded by Councillor Cecil Villard**

RESOLVED:

That the City of Charlottetown accepts the tender from SNF in the amount of \$52,953 (taxes included) for the supply of chemicals required for biosolids dewatering at the Charlottetown Pollution Control Plant for 2014,

And that there is a conditional requirement that the products be found to be suitable for use with the CPCP process,

And further that in the event that the products are not suitable, the next lowest price would be selected.

CARRIED 10-0

7. Administrative Services – Councillor Cecil Villard

Councillor Villard indicated his Committee's report was included in the weekend package. He recognized Joe Deighan and Doreen Paynter who both retired on December 1, 2013. He also recognized Dan Hughes, HR Manager, and wished him the best with his upcoming retirement. All were thanked for their dedicated service to the City of Charlottetown.

It was suggested that Council meet with the CUPE 501 Union executive to discuss matters such as grievances. Councillor Villard indicated this suggestion would be taken under advisement.

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

RESOLVED:

That the City of Charlottetown accepts the quote from Cowan Insurance for our 2014 insurance at \$860,028.

A question was raised with regard to the City's process of attaining annual insurance. Councillor Villard indicated this did not go to tender and that a broker is contracted to negotiate the best policy for the City.

**CARRIED 9-1
Councillor Tweel registered a "nay" vote**

3rd reading of the 'Superannuation Plan of the City of Charlottetown Water & Sewer Utility Bylaw'

To amend Section 8 and Section 4.2 to comply with Income Tax Act requirements; to amend Section 5.3(c) dealing with actuarial reductions and to amend Section 11.1 to describe the Committee of Council responsible for Pensions.

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

RESOLVED:

That the City of Charlottetown 'Superannuation Plan of the City of Charlottetown Water &

Sewer Utility Bylaw' be read a third time and that the said Bylaw do now pass.

CARRIED 10-0

8. Economic Development & Culture – Deputy Mayor Stu MacFadyen

Deputy Mayor MacFadyen indicated his Committee's report was included in the weekend package. The recent Christmas Parade was very successful again this year and the Committee was thanked.

**Moved by Deputy Mayor Stu MacFadyen
Seconded by Councillor Terry Bernard**

RESOLVED:

That the following, as nominated by His Worship Mayor Clifford Lee, be appointed to the Charlottetown Arts Advisory Board:

Spencer Campbell, Chair
John Morris
Maria Driscoll
Errol Monkley
Kele Redmond
Mark Sandiford
Darrin White

CARRIED 10-0

9. Protective & Emergency Services – Councillor David MacDonald

Councillor MacDonald indicated his Committee's report was included in the weekend package. As follow-up to previously raised questions, Councillor MacDonald indicated the Committee is currently revising the downtown parking plan and at the same time, considering recommendations and input from Councillors; pedestrian safety near the Charlottetown Civic Centre grounds is under review and truck traffic signage on Beasley Avenue was originally removed because that street is an approved designated truck route.

In response to a question concerning update reports for the officers in the high schools, Councillor MacDonald indicated that regular updates in this regard could be arranged.

10. New Business

**Moved by Deputy Mayor Stu MacFadyen
Seconded by Councillor Terry Bernard**

RESOLVED:

That Lindsay Mulligan and Rachel Peters be appointed to the Board of Ars Longa, Inc (The Guild) as nominated by his Worship Mayor Clifford Lee, be approved.

CARRIED 10-0

Mayor Lee extended condolences, on behalf of Council and staff, to Donna Waddell and family on the recent passing of her mother.

Meeting adjourned at 8:10 PM