



**Regular Meeting of Council
Monday, July 14, 2014 at 4:30 PM
Council Chambers, City Hall**

Mayor Clifford Lee presiding

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

Also: Roy Main, CAO Donna Waddell, DCS
Alex Forbes, PM Paul Smith, PC
Randy MacDonald, FC Mandy Feuerstack, HRM
Craig Walker, UM Ron Atkinson, EconDO
Wayne Long, EDO Donna Hurry, TO
Laurel P. Thompson, PDO Ramona Doyle, SC
Allan MacKenzie, FO Belinda Rogers, FC
Greg Morrison, PDO Karen Campbell, CS
Tracey McLean, RMC

Regrets: Councillor Terry Bernard Paul Johnston, PWM
Scott Ryan, FM Sue Fraser, PRM

The following members of the Charlottetown Fire Department were presented with certificates in Fire Service Leadership: Volunteer Captain Jamie Lewis, Fire Fighters II Bobby Chandler, Randy Flanagan and Alan Tilley.

Minutes of the previous meetings were by motion adopted:
Regular Meeting – June 9, 2014
Committee of Council (open) – June 17, 2014
Public Meeting – July 8, 2014

REPORTS OF COMMITTEES / RESOLUTIONS

Mayor Lee welcomed the evening's Pages – Ryan Drew and Al Karfoul.

1. Administrative Services – Councillor Cecil Villard

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

An update was requested regarding four Human Resource Policies which were initially reviewed

in 2013. Councillor Villard indicated he will follow up with the new HR Manager in this regard.

Moved by Councillor Cecil Villard
Seconded by Councillor Edward Rice

RESOLVED:

That the City of Charlottetown enter into the attached Memorandum of Understanding with the Charlottetown Airport Authority Inc. for Municipal Property Tax Relief, and

That the Mayor and CAO are hereby authorized to execute the standard agreement to implement this resolution.

CARRIED 9-0

2. 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:

That the request for minor changes to the proposed development for 9 – 11 Harley Street (PID#s 274480 & 274720) as previously approved by Council on October 13, 2009 be recommended to Council for approval, and

That the Development Agreement be based upon the final development drawings for the property incorporating the most recent changes,

And further that the Mayor and CAO are hereby authorized to execute the said Development Agreement to implement this Resolution.

CARRIED 9-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a change of use for the property at 211 Euston Street (PID# 362640), subject to the signing of a Development Agreement setting out the requirements for window displays, be approved.

It was suggested that the motion be deferred so Council has the opportunity to further discuss the matter. It was moved by Councillor Mitchell Tweel and seconded by Councillor Edward Rice to defer the resolution. **The motion carried 9-0.**

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a variance to the height requirement of 32.8 feet to approximately

41 feet to permit the construction of a single family dwelling at 43 Charlotte Drive (PID# 1067453) be rejected.

In response to a question, Councillor Lantz indicated some area residents raised concerns with regard to the design of the home.

DEFEATED 6-3

Councillors Lantz, Coady & Hilton recorded “yea” votes

**Moved by Councillor Mitchell Tweel
Seconded by Councillor Cecil Villard**

RESOLVED:

That the request for a variance to the height requirement of 32.8 feet to approximately 41 feet to permit the construction of a single family dwelling at 43 Charlotte Drive (PID# 1067453) be approved.

CARRIED 6-3

Councillors Lantz, Coady & Hilton recorded “nay” votes

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

RESOLVED:

That the request to permit the temporary location of a food cart for the Legacy Garden project on the property at 420 University Avenue (PID# 372846) for the 2014 season only, with the building to be removed at the end of the 2014 operating season, be approved.

CARRIED 9-0

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

RESOLVED:

That the amendments to the City of Charlottetown Zoning and Development Bylaw (as attached) to implement the regulations and clarify the processes for the 500 Lots Area, Waterfront Zone and Port Zone be approved.

CARRIED 9-0

Councillor Tweel declared a conflict of interest and left the Chambers for the following motion.

**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 property at 201 Kensington Road (PID# 385971) from Single-detached Residential (R-1L) Zone to Single-detached Residential (R-1S) Zone be approved.

In response to a question raised, Councillor Lantz noted that only a single-family home can be built on the noted property.

CARRIED 8-0

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

RESOLVED:

That the request for a Coffee Shop Drive-thru for the proposed Robins Donut Shop to be constructed at 539 Malpeque Road (PID# 1014083) be approved.

CARRIED 8-0

Councillor Tweel was out of the room during vote

Councillor Villard declared a conflict of interest and left the Chambers for the following motion.

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

RESOLVED:

That the request to consider an amendment to Appendix “A” – Future Land Use Map of the Official Plan from Recreational to Medium Density Residential and an amendment to Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw from Open Space (OS) Zone to Medium Density Residential (R-3) Zone in order to rezone a portion of the property at 1 Greensview Drive (PID# 279091) be approved.

Concerns were raised with respect to traffic in the area, type of zoning (R-3) proposed and drainage.

DEFEATED 5-3

Councillors Lantz, Coady & Hilton recorded “yea” votes

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

RESOLVED:

That the request to consider an amendment to Appendix “A” – Future Land Use Map of the Official Plan from Recreational to Medium Density Residential and an amendment to Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw from Open Space (OS) Zone to Medium Density Residential (R-3) Zone in order to rezone a portion of the property at 1 Greensview Drive (PID# 279091) be rejected.

CARRIED 5-3

Councillors Lantz, Coady & Hilton recorded “nay” votes

Due to conflict, Councillor Tweel did not vote during the following bylaw reading.

1st & 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 property located at 201 Kensington Road (PID# 385971) from Single-

Detached Residential (R-1L) Zone to Single-Detached Residential (R-1S) 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 8-0

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 8-0

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 8-0

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 8-0

1st & 2nd readings of the Zoning and Development Bylaw

Amendments to the City of Charlottetown Zoning and Development Bylaw to implement the regulations and clarify the processes for the 500 Lots Area, Waterfront Zone and Port 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

3rd reading of the Pedestrian Mall Bylaw

To amend Part V – Section 5.7 by deleting the reference to “seeing eye dog” and replacing it with “service animal”.

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the “City of Charlottetown Pedestrian Mall Bylaw” be read a third time and the said bylaw do now pass.

CARRIED 9-0

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

Deputy Mayor MacFadyen, on behalf of Councillor Bernard, indicated the Committee’s report was included in the weekend package. He acknowledged Public Works crews in their efforts with the clean up after tropical storm Arthur.

4. Economic Development & Culture – Deputy Mayor Stu MacFadyen

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

5. Protective & Emergency Services – Councillor David MacDonald

Councillor MacDonald indicated his Committee’s report was included in the weekend package. He reported that the DARE program recently received a generous donation in excess of \$10,000 from the group “100 Women Who Care”.

Police Services was commended for their ongoing presence in and around the 2014 Celebration Zone at Confederation Landing Park.

An update was requested regarding a communication strategy with the community to deal with the proper disposal of syringes found on city streets. Councillor MacDonald noted that Police Services regularly issue press releases however he further noted that the department can work jointly with the Communications Officer on this matter.

**Moved by Councillor David MacDonald
Seconded by Councillor Cecil Villard**

RESOLVED:

That the following resolution of May 12, 2014 be rescinded:

“That Fair Isle Ford Lincoln be awarded the vehicle tender for the supply of one marked 2014 E250 Cargo Van for the tendered price of \$28,411.94 (price includes applicable taxes).”

CARRIED 9-0

**Moved by Councillor David MacDonald
Seconded by Councillor Cecil Villard**

RESOLVED:

That Hillside Chevrolet be awarded the vehicle tender for the supply of one marked 2015 GMC Savana Van for the tendered price of \$28,940.59 (price includes applicable taxes).

CARRIED 9-0

**Moved by Councillor David MacDonald
Seconded by Councillor Cecil Villard**

RESOLVED:

That the Public Works Manager be authorized to cut grass, remove any fallen trees and subsequent under growth that would lead to the existence of animal life. Repair or replace shingles of the residence and accessory building, repair or replace the roof and eaves, paint entire structures and any other repairs deemed necessary by a City Building Inspector or Planning/Development Officer. Remove any other materials or debris, clean up and properly dispose of same, at the owners expense, on property located at 31 Kirkwood Drive (PID# 370841) in accordance with the terms of the Dangerous, Hazardous and Unsightly Bylaw of the City of Charlottetown.

CARRIED 9-0

6. Advanced Planning & Priorities – Councillor Jason Coady

Councillor Coady indicated his Committee's report was included in the weekend package. He reported an onsite analysis was conducted of the property on Capital Drive and it was found unsuitable for the construction of a new fire station however senior staff continue to look at properties throughout the city.

7. 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 Jason Coady**

RESOLVED:

NOTICE OF INTENTION TO EXPROPRIATE

“BE IT RESOLVED that pursuant to Sections 49, 50 and 51 of the Charlottetown Area Municipalities Act the City intends to expropriate:

(a) A public utility easement over the lands delineated in red, on Schedule “A” annexed to this Resolution for purposes of allowing the Utility to install and maintain the New Line. This easement is for purpose of providing the City, the Utility, its contractors and suppliers with free, unobstructed and continuous access to, passage over, and storage upon the said lands at all times during the construction and installation of the New Line, and with free, unobstructed and continuous access to, passage over and storage upon the said lands following the completion of the New Line for the purposes of maintaining the New Line. Said lands form a portion of Provincial Parcel Number 368191 owned by Mr. E. Brian Johnston;

(b) It is intended that the expropriation of these interests shall be effective commencing on the date that this Resolution, the survey plan and the legal descriptions of the expropriated lands and easement are registered at the Office of the Registrar of Deeds pursuant to Section 53 of the Charlottetown Area Municipalities Act.

BE IT FURTHER RESOLVED that pursuant to Section 53 of the Charlottetown Area Municipalities Act, that upon receipt of the survey plan and legal descriptions a certified copy of this Resolution together with the survey plan and legal descriptions shall be registered at the Office of the Registrar of Deeds thereby vesting the said public utility easement in the City of Charlottetown for the purposes set out above.”

CARRIED 9-0

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

RESOLVED:

That Hansen Electric be awarded the East Royalty Lagoon Upgrades tender in the amount of \$45,075.00, all taxes included, and

That this be expensed out of the 2014 Utility Capital Budget,

And further that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.

CARRIED 9-0

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

RESOLVED:

That Highfield Construction be awarded the Septage Receiving Upgrades tender in the amount of \$111,378.00, all taxes included, and

That this be expensed out of the 2014 Utility Capital Budget,

And further that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.

CARRIED 9-0

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

RESOLVED:

That Island Coastal Services Ltd be awarded the West Royalty Industrial Park Lift Station Removal tender in the amount of \$91,149.42, all taxes included, and

That this be expensed out of the 2014 Utility Capital Budget,

And further that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.

CARRIED 9-0

8. Urban Beautification & Sustainability – Councillor Rob Lantz

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

9. 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 July was presented to John Horreht. She noted that Charlottetown's Longworth/Birchwood Field is one of the Kraft Celebration Tour's 2014 finalists and has won \$25,000. She encouraged all to help the Privateers Football Club win an additional \$75,000 to improve the field by voting on July 21-22, 2014.

10. New Business

There was no New Business.

The meeting adjourned at 5:30 PM