



**Regular Meeting of Council  
Monday, June 9, 2014 at 4:30 PM  
Council Chambers, City Hall**

**Mayor Clifford Lee presiding**

**Present:** Deputy Mayor Stu MacFadyen Councillor Jason Coady  
Councillor Terry Bernard Councillor Melissa Hilton  
Councillor David MacDonald Councillor Rob Lantz  
Councillor Edward Rice Councillor Danny Redmond

**Also:** Roy Main, CAO Scott Ryan, FM  
Paul Johnston, PWM Paul Smith, PC  
Alex Forbes, PM Sue Fraser, PRM  
Randy MacDonald, FC Richard MacEwen, UAM  
Mandy Feuerstack, HRM Wayne Long, EDO  
Ron Atkinson, EconDO Laurel P. Thompson, PDO  
Donna Hurry, TO Karen Campbell, CS  
Ramona Doyle, SC  
Tracey McLean, RMC

**Regrets:** Councillor Cecil Villard Councillor Mitchell Tweel  
Donna Waddell, DCS

**Minutes of the previous meetings were by motion adopted:  
Regular Meeting – May 12, 2014  
Public Meeting – May 16, 2014**

**REPORTS OF COMMITTEES / RESOLUTIONS**

Mayor Lee welcomed the evening's Pages – Nick Scott and Ryan Drew both students from Colonel Gray High School.

A moment of silence was held for the three RCMP officers killed in Moncton, NB on June 4, 2014.

**1. 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 June was presented to Ferran Brown.

**Moved by Councillor Melissa Hilton**  
**Seconded by Councillor David MacDonald**

**RESOLVED:**

That the following resolution of July 8, 2013 be rescinded:

*That the City of Charlottetown adopts the Victoria Park Comprehensive Plan as a guiding document to advance short, medium and long term plans for the Park, as well as enable the City to incorporate management policy and guidelines that will best support this parkland as one with historical, ecological and recreational significance.*

Councillor Hilton advised there continues to be public concern regarding the Victoria Park Comprehensive Plan particularly with the proposed boardwalk replacement as well as the closing of the mid roadway and changes to parking. The Committee is requesting that the Plan be received by Council, not adopted as previously indicated.

**CARRIED 8-0**

**Moved by Councillor Melissa Hilton**  
**Seconded by Councillor David MacDonald**

**RESOLVED:**

That the City of Charlottetown receives the Victoria Park Comprehensive Plan as a guiding document for any short, medium and long term plans for the Park, as well as enables the City to incorporate management policy and guidelines that will best support this parkland as one with historical, ecological and recreational significance,

And further that such changes to the Park will be done in accordance with the public meeting requirements under the existing Victoria Park Bylaw.

In response to a question raised, Councillor Hilton indicated that if there were any significant changes made to Victoria Park, a public meeting would be required.

**CARRIED 8-0**

**2. Administrative Services – Councillor Cecil Villard**

Mayor Lee welcomed and introduced the new Human Resources Manager, Mandy Feuerstack.

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

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

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

**4. Economic Development & Culture – Deputy Mayor Stu MacFadyen**

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

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

**RESOLVED:**

That the City of Charlottetown approve the Charlottetown Area Development Corporation (CADC) as an eligible developer under the City's Tax Incentive Strategy for the proposed expansion to the Charlottetown Invesco building located at 119 Euston Street.

**CARRIED 8-0**

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

**RESOLVED:**

That the City of Charlottetown endorse the attached 2014 proclamation,

And further that the City officially agrees to declare June 14, 2014 as Quebec Day in Charlottetown.

**CARRIED 8-0**

**5. Urban Beautification & Sustainability – Councillor Rob Lantz**

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

**Moved by Councillor Rob Lantz  
Seconded by Deputy Mayor Stu MacFadyen**

**RESOLVED:**

Whereas, the City of Charlottetown is moving forward in the implementation of the goals and actions of the Integrated Community Sustainability Plan (ICSP);

And Whereas, the ICSP states that ensuring City policies are aligned with the community vision and goals identified in the ICSP, is a goal;

And Whereas, the City of Charlottetown recognizes its role as a leader in sustainable policy and practice in the workplace;

Be It Resolved that, City Council adopts the attached "Sustainable Meetings Policy" to provide guidance to City operations on meeting procedures.

**CARRIED 8-0**

**6. Protective & Emergency Services – Councillor David MacDonald**

Councillor MacDonald indicated his Committee's report was included in the weekend package. He noted that a new website for the Charlottetown Fire Department was recently launched (<http://charlottetownfire.com/>) which contains a great deal of helpful information with respect to fire matters.

Councillor MacDonald also indicated that Chief Smith, Deputy Chief McGuigan and himself met with Provincial officials regarding the fox issue within the city and as follow-up, will meet again along with the PEI Urban Fox Project, a UPEI research team.

A crosswalk on Royalty Road from Upton Road to the Windsor Park subdivision was requested. Councillor MacDonald indicated that the Committee will review the request.

Concern was raised with regard to speeding particularly with truck traffic coming off the perimeter highway onto Kensington Road. Councillor MacDonald indicated the Committee will review the matter.

**Moved by Councillor David MacDonald**  
**Seconded by Councillor Rob Lantz**

**RESOLVED:**

That the request to enter into a Development/Encroachment Agreement for the outdoor patio to be located in the two (2) parallel parking spaces adjacent to Brits Fish And Chips, 41 University Avenue (PID# 342360) be approved to the end of the 2015 season, subject to annual permit applications,

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

**CARRIED 8-0**

**3rd reading of the “Horsedrawn and Rickshaw Vehicle Bylaw”**

To amend the City of Charlottetown Horsedrawn and Rickshaw Vehicle Bylaw to better define pedicab, rickshaw, vehicle and operating/equipment requirements of those vehicles.

**Moved by Councillor David MacDonald**  
**Seconded by Councillor Rob Lantz**

**RESOLVED:**

That the “Horsedrawn and Rickshaw Vehicle Bylaw” be read a third time and that the said Bylaw do now pass.

**CARRIED 8-0**

Councillor MacDonald recognized and thanked Sgt. Brad MacConnell, Cpl. Jennifer McCarron and Cst. John Trainor for their participation as part of the PEI provincial team during the Moncton shooting incident.

**7. Advanced Planning & Priorities – Councillor Jason Coady**

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

**8. Water & Sewer Utility – Councillor Edward Rice**

Councillor Rice indicated his Committee’s report was included in the weekend package. He noted the position of Superintendent at the Wastewater Treatment Plant has been filled by Dr. Charles Ouseph. Betty Pryor, a current Utility employee, was the successful candidate for Utility Projects Officer and to date, 478 homeowners have taken advantage of the Voluntary

Metering Program.

Councillor Rice briefly commented on the upcoming resolution regarding the Spring Park Combined Sewer Project Phase 4 Easement noting one owner on Summer Street has objected to allowing a new pipe run through his property unless the City purchased the land for \$100,000 however all other property owners in the area have been agreeable and have authorized the Utility to proceed with construction. He further noted that alternate routing of the new sanitary sewer was investigated however the additional costs associated with that option is approximately \$400,000 or more. Councillor Rice indicated the recommendation from the City Solicitor was to attempt to negotiate the easement; if the owner was not willing to provide the easement, the City was advised to expropriate the easement.

**Moved by Councillor Edward Rice**  
**Seconded by Councillor Jason Coady**

**RESOLVED:**

Whereas Council has determined that it is expedient and in the public interest to install a new separate sanitary sewer line (“New Line”) adjacent to the existing combined sewer line for storm and sanitary water (“Combined Line”) in order to improve sewerage treatment and disposal in Charlottetown;

And whereas portions of the existing Combined Line run across private property for which no written and registered easements were previously obtained;

And whereas it is necessary and in the public interest that the New Line be installed adjacent to the existing Combined Line;

And Whereas Council instructed the Water/Sewer Utility (the “Utility”) to endeavour to negotiate the purchase and acquisition of the necessary lands and easements to allow for the construction and installation of the New Line pursuant to Council’s enabling power under Section 63 of the Charlottetown Area Municipalities Act;

And Whereas the Utility has advised the Council that despite in excess of three months endeavouring to negotiate a purchase of the required lands and easements it has reached impasse with the affected land owner;

And Whereas it is necessary and expedient in the public interest that there be no further delay in acquiring the necessary lands and easements so that construction may begin in the 2014 construction season in order to install the New Line, which is vital to maintaining and improving the City’s sanitary and storm sewerage systems;

**BE IT RESOLVED**

That pursuant to the powers vested in Council by Sections 49, 50 and 51 of the Charlottetown Area Municipalities Act, Council hereby gives notice of its intention to pass the following Notice of Intention to Expropriate Resolution at the next regular meeting of City Council on July 14, 2014:

## 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.”

BE IT FURTHER RESOLVED that the forgoing Resolution shall be brought back before the next regular meeting of City Council on July 14, 2014 for passing at that time.

**CARRIED 8-0**

**9. 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 to extend the outdoor patios for Hunters Ale House and the Factory Cook House at 185 & 189 Kent Street an additional 4 feet onto the City right-of-way for the 2014 season only, be rejected.

**DEFEATED 8-0**

**Moved by Councillor Rob Lantz**

**Seconded by Councillor Jason Coady**

**RESOLVED:**

That the request to extend the outdoor patios for Hunters Ale House and the Factory Cook House at 185 & 189 Kent Street an additional 4 feet onto the City right-of-way for the 2014 season only, subject to the signing of an Encroachment Agreement and with

costs to relocate the 2 parking meters be at the expense of the applicant, be approved.

**CARRIED 8-0**

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

**RESOLVED:**

That the request for a variance from the average front yard setback of 25.6 feet to 15 feet to permit a 2-foot extension to the existing veranda at 29 Villa Avenue (PID# 353847) be approved.

**CARRIED 8-0**

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

**RESOLVED:**

That the request for a variance to the average front yard setback from 43.6 feet to 25 feet to permit the construction of a warehouse on the property at 24 Camburhill Court (PID# 384081) be approved.

**CARRIED 8-0**

**Moved by Councillor Rob Lantz  
Seconded by Councillor Melissa Hilton**

**RESOLVED:**

That the request to operate a Hobby Carpentry Shop as a Home Occupation out of a portion of the dwelling to be constructed at 190 Royalty Road (PID# 1016294) be approved.

**CARRIED 8-0**

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

**RESOLVED:**

That the request for temporary signage installation advertising Old Home Week from July 14, 2014 to August 18, 2014 and for a period of 30 days within the year on an annual basis for a five (5) year period ending after the 2019 event, subject to annual permit applications, be approved.

**CARRIED 8-0**

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

**RESOLVED:**

That the request for a Group Sandwich Board Sign to be located on the grassed area at the corner of Lower Water Street and Great George Street for the 2014 season be approved.

**CARRIED 8-0**

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

**RESOLVED:**

That the request to locate ticket kiosks and bus stops for Turf and Surf Tours Inc. on the City right-of-way adjacent to Founders Hall and in front of the Confederation Centre, subject to the signing of a Development/Encroachment Agreement and the provision of the necessary liability insurance, be approved for the 2014 season only.

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

**CARRIED 8-0**

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

**RESOLVED:**

That the request to consolidate three properties located at 125, 127 and 129 St. Peters Road (PID#s 275461, 275487 & 275495), subject to the receipt of signed pinned survey plans be approved.

**CARRIED 8-0**

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

**RESOLVED:**

That Council proceed to a public meeting to consider amendments to the City of Charlottetown Zoning and Development Bylaw (as attached).

**CARRIED 8-0**

**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.

Councillor Lantz indicated that the applicant requested the motion be delayed for an additional



month so ongoing concerns from local residents can be addressed. Moved by Councillor Lantz and Seconded by Councillor Coady to defer the resolution. **Motion Carried 8-0.**

Councillor Danny Redmond left the Chambers.

**Moved by Councillor Rob Lantz**  
**Seconded by Councillor Melissa Hilton**

**RESOLVED:**

That an amendment to the Pedestrian Mall Bylaw as follows: Part V, Section 5.7 – delete the reference to “seeing eye dog” and replace with “service animal” be approved.

**CARRIED 7-0**

**Moved by Councillor Rob Lantz**  
**Seconded by Councillor Melissa Hilton**

**RESOLVED:**

That the Pedestrian Mall Agreement with Downtown Charlottetown Inc. be amended as follows:

To operate within the allocated parking spaces on the east side of Queen Street, between Grafton Street and King Street, and excluding those parking spaces which have been previously leased under the Street Vending Bylaw for use by adjacent business owners, and

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

**CARRIED 7-0**

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

**RESOLVED:**

That the application for a temporary banner to be located at 28 University Avenue (PID# 342774), Mackenzie Theatre, to September 30, 2014, as presented to Heritage Board, be approved.

**CARRIED 7-0**

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

**RESOLVED:**

That the application for a temporary banner to be located at 111 Queen Street, Arts Guild (PID# 340182), to October 31, 2014, as presented to Heritage Board, be approved.

**CARRIED 7-0**

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

**RESOLVED:**

That the application for renovations to Connaught Square, (PID# 339044), as outlined in the Heritage Squares Master Plan and as presented to Heritage Board, be approved.

**CARRIED 7-0**

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

**RESOLVED:**

That the application for an outdoor seating area located at 126 Sydney Street (PID# 338137) as presented to Heritage Board with final design details to be approved by the Planning Department, be approved.

**CARRIED 7-0**

**1<sup>st</sup> and 2<sup>nd</sup> readings 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 bylaw to amend the “City of Charlottetown Pedestrian Mall Bylaw” be read a first time.

**CARRIED 7-0**

**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 7-0**

**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 7-0**

**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 Pedestrian Mall Bylaw” and that it be read a third time at the next Public Meeting of Council.

**CARRIED 7-0**

**10. New Business**

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

**RESOLVED:**

That the City of Charlottetown appoint Martha Ellis and Albert Fogarty to the Charlottetown Area Development Corporation Board for an additional term from June 1, 2014 to the date of CADC’s Annual General Meeting in 2015.

**CARRIED 7-0**

**The meeting adjourned at 5:45 PM**