



**Regular Meeting of Council
Monday, May 13, 2013 at 7:00 PM**

Mayor Clifford Lee presiding

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

Also: **Roy Main – CAO** **Donna Waddell – DCS**
 Randy MacDonald – FC **Paul Smith - PC**
 Paul Johnston – PWM **Scott Ryan, FM**
 Sue Fraser – PRM **Dan Hughes – HRM**
 Craig Walker – UM **Hope Gunn – PDO**
 Ron Atkinson – EconDO **Wayne Long – EvenDO**
 Alicia Packwood – PCC **David Hooley – CS**
 Tracey McLean- RMC

Mayor Lee called the meeting to order.

Condolences were extended, on behalf of Council and the citizens of Charlottetown, to family members on the loss of Gordon Stewart, past Fire Chief who served with the City's Fire Department from 1935 until his retirement in 1986. A moment of silence was held.

Mayor Lee indicated that Charlottetown City Council is participating in the Mayor's Poetry City Challenge project which encourages municipal councils across Canada to take a few minutes in their Council meetings to recognize the poets in their communities and the contribution of poetry to the arts in Canada. He introduced Diane Hicks Morrow, PEI Poet Laureate, who then opened the meeting with an original poem.

Minutes of the previous meetings were by motion adopted:
 Regular Meeting – April 08, 2013
 Public Meetings – April 16 & 30 and May 03, 2013
 Committee Meetings of Council (Open) – April 16, 30 & May 02, 2013

1. 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, pursuant to the requirements of Section 20 of the Planning Act, R.S.P.E.I., 1988, Cap.

P-8, and the requirements of Section 2.1 of the Zoning and Development Bylaw, Council hereby appoints Greg Morrison as designate Development Officer to administer provisions of the Zoning & Development Bylaw with the exception of multi-residential, commercial, industrial, institutional, multi-lot subdivision developments, and rezoning and variance applications.

This designation of authority shall cease if the job duties of this employee no longer requires the designation, if the employee terminates employment with the City of Charlottetown, or upon further written notice.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

RESOLVED:

That the appointment of Ira Birt as designate Development Officer approved May 14, 2012 be extended to include responsibilities for as-of-right multi-residential and minor commercial, industrial and institutional developments.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

RESOLVED:

That the May 23, 2006 resolution of Council (as follows) be amended to remove the reference to Section 9.7 of the Street Vendors Bylaw and replace it with Section 9.6 of the Street Vendors Bylaw as follows:

“Resolved that the Resolution passed by Council on June 13, 2005:

That whereas the City enters into various Agreements and where it would pose undue delay for all of these agreements to go to Council, it will therefore be resolved that all standard/administrative agreements (copies of which are attached to this Resolution) are agreements the Mayor and CAO are hereby authorized to sign as standard agreements in substantially these forms.

1. Subdivision Roads & Services Agreement
2. Subdivision Agreement and Subdivision Roads & Services Agreement to allow Developer to build
3. Encroachment Agreements
4. In-law Suite Agreements
5. Parking Agreements
6. Digital Data
7. Pedestrian Mall Agreements

Be amended by adding “Agreements Under the Street Vendors Bylaw as per Section 9.7 9.6 of the Bylaw” as Number 8 on the list of standard agreements be approved (sample Agreement attached).

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Melissa Hilton

RESOLVED:

That the request for a variance to the average front yard setback from approximately 52 feet to approximately 33.5 feet to permit the construction of a semi-detached dwelling at 276 Mount Edward Road (PID# 1059930) be approved.

CARRIED 8-2
Councillors Bernard and Coady registered “nay” votes

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a variance to the average front yard setback from the required 40 feet to approximately 145 feet to permit the construction of a single family dwelling at 71 Parent Street (PID# 736926) be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request to locate a French fry wagon as a temporary use for the 2013 season only on the vacant lot adjacent to 4 Prince Street (PID# 841536), and subject to the applicant completing renovations on the building by June 1, 2013, be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a coffee shop drive through to be located at 230 Euston Street (PID# 346536) be approved.

Concern was raised with respect to potentially more traffic issues at the Ken’s Corner intersection. Councillor Lantz indicated the application was also reviewed by both Public Works and Police.

CARRIED 9-1
Councillor Redmond registered a “nay” vote

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request to extend the use of two temporary structures for housing horses and equipment at the Red Shores Race Track (at the Charlottetown Driving Park), 21 Exhibition Drive (PID# 278739), for the 2013 summer season only, be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a variance to the lot area requirement from 4,359.6 square feet to 1,470 square feet to permit the construction of a 3-unit dwelling at 242 Fitzroy Street (PID# 344986) be rejected.

Councillor Lantz indicated that the existing 2-unit duplex is more than a reasonable use of the small lot. He further indicated that Planning Board felt the application did not comply with the provisions of the Bylaw.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request to amend Appendix "A" Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential and Commercial, and an amendment to Appendix "H" Zoning Map of the Charlottetown Zoning and Development Bylaw to rezone the Windsor Park Subdivision located between Royalty Road and Sleepy Hollow Road (PID#s 664136, 1016294 and all parcels approved in Phase 1 of the existing subdivision shown on Plan of Survey by Morris Land & Engineering Surveys Inc. Drawing number 07-118-S01) from Low Density Residential Single (R-2S) Zone to a mixed use neighbourhood concept plan which includes Single-detached Residential (R-1L) Zone, Low Density Residential (R-2) Zone, Medium Density Residential (R-3) Zone and, either Apartment Residential (R-4) Zone with Business Office Commercial (C-1) Zone, or Mixed Use Corridor (MUC), be rejected.

Councillor Lantz briefly commented on the well-attended public meeting held May 7, 2013 regarding the request. He indicated that the applicant withdrew his application soon after and is willing to modify his plans for the area.

A question was raised with regard to water supply for the proposed subdivision. Councillor Lantz indicated the developer was willing to construct a private well on the property.

It was suggested that developers consult directly with the public before an application such as this is made with the Planning Department. Councillor Lantz indicated it would be taken under consideration.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a variance to the lot area requirement from 14,532 square feet to approximately 10,000 square feet and a height variance from the required 39.4 feet to 42.6 feet to permit the construction of a 10-unit apartment building at 5 Eden Street (PID# 368415) be approved.

Councillor Lantz noted area residents expressed their opposition to the request at a public meeting held April 30, 2013 and indicated he would not be supporting the resolution.

DEFEATED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the request for a variance to the lot area requirement from 14,532 square feet to approximately 10,000 square feet and a height variance from the required 39.4 feet to 42.6 feet to permit the construction of a 10-unit apartment building at 5 Eden Street (PID# 368415) be rejected.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the application to locate a temporary food vending structure at 4 Prince Street, PID# 841536, to be removed by October 31, 2013, as presented to Heritage Board be approved.

CARRIED 10-0

Moved by Councillor Rob Lantz
Seconded by Councillor Jason Coady

RESOLVED:

That the application for renovations to 162 Dorchester Street, PID# 337311, as per Openpractice Drawings dated April 19, 2013, and as presented to Heritage Board be approved.

CARRIED 10-0

Moved by Councillor Cecil Villard
Seconded by Councillor Rob Lantz

RESOLVED:

That the request to amend Appendix "A" Future Land Use Map of the Official Plan from Institutional to Medium Density Residential, and an amendment to Appendix "H" Zoning Map of the Charlottetown Zoning and Development Bylaw to rezone a portion of the property at 50 Kirkdale Road (PID#544270) from Institutional (I) Zone to Apartment Residential (R-4) Zone be rejected.

CARRIED 10-0

3rd reading of the “Zoning and Development Bylaw”

To amend the City of Charlottetown Zoning and Development Bylaw to implement the Comprehensive Waterfront Master Plan.

Moved by Councillor Rob Lantz

Seconded by Councillor Jason Coady

RESOLVED:

That the City of Charlottetown Zoning and Development Bylaw be read a third time and that the said Bylaw do now pass.

CARRIED 10-0

Councillor Danny Redmond left the meeting at 8:05 PM

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

Councillor Hilton indicated her Committee’s report was included in the weekend package. She noted the Committee was recently presented with highlights of the draft Simmons Master Plan; Ekistics will present the Victoria Park Draft Comprehensive Plan to Council on May 14 followed by a public meeting on May 15, 2013 regarding the Plan. Volunteer of the Month Award for May was presented to Jeff Ready.

Moved by Councillor Melissa Hilton

Seconded by Councillor Cecil Villard

RESOLVED:

That, as per the publicly advertised tender for East Royalty Soccer Clubhouse, the low submission of Milton Jenkins Construction Ltd, in the amount of \$182,800 (Taxes extra) be accepted, and the architectural fees from Coles Associates of \$5,300 (Taxes extra) be accepted, subject to sufficient funding approval from the Island Community Fund.

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

And further that the City portion of this project will be within the 2013 Approved Capital Budget for Parks and Recreation.

In response to a question, Councillor Hilton indicated that one-third of the funding is subject to final approval from the Island Community Fund and it is not guaranteed that the project will begin this summer.

CARRIED 9-0

Moved by Councillor Melissa Hilton

Seconded by Councillor David MacDonald

RESOLVED:

That the City of Charlottetown enter in a renewal of the Joint Management Agreement with the Province of Prince Edward Island for the continued operation of the Charlottetown Civic Centre, under the terms and conditions as stated in the attached agreement.

In response to a question concerning the renewal of the agreement, Councillor Hilton indicated there would be no financial impact to the City.

CARRIED 9-0

Councillor Melissa Hilton left the meeting at 8:10 PM

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

Councillor Bernard indicated his Committee's report was included in the weekend package. He noted that City transit ridership for April 2013 increased by 17% over April 2012; construction on the Airport roundabout has begun and crews are repainting crosswalks, school zone areas and bike route markings.

A copy of staff recommendations regarding maintenance to city streets and sidewalks was requested. Councillor Bernard indicated he would follow-up and advise.

4. Water & Sewer Utility – Councillor Edward Rice

Councillor Rice indicated his Committee's report was included in the weekend package. He noted that the City's Water and Sewer Utility Department was recognized for its contribution in supporting initiatives regarding water conservation and was awarded \$10,000, under the RBC Blue Water Project, to continue efforts in this area. Councillor Rice advised that seasonal water use restrictions begin Saturday, June 1 and continue until September 30, 2013.

A question was raised with respect to consumption of water by cruise ships. Councillor Rice indicated he does not know the approximate amount of water used since that information is not provided by the Charlottetown Harbour Authority Inc. (CHAI). He further indicated that hotels use more water than cruise ships and that in 2012, there was an increase of 25% in visits by cruise ships but a decrease of 20% of water used by CHAI.

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

RESOLVED:

That Campbell's Concrete Ltd be awarded the 2013 Utility Inventory tender in the amount of \$59,530.66 HST included.

Further that this will be expensed out of the 2013 Utility Operating Budget.

CARRIED 8-0

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

RESOLVED:

That City Council adopt the amended attached "Conditional Management Plan (CMP)" for the management of shellfish harvesting in conditionally-managed harvest areas adjacent to the Wastewater Treatment Plant and Collection System located in Charlottetown,

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

In response to a question raised regarding the plan, Councillor Rice referred the question to the

Utility Manager who indicated the local fishers were aware of discussions which took place between the signing partners which included Fisheries & Oceans Canada, Canadian Food Inspection Agency, Environment Canada, PEI Environment, Labour & Justice Department and the City of Charlottetown.

CARRIED 8-0

5. Administrative Services – Councillor Cecil Villard

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

A breakdown of overtime paid out to the Charlottetown Police Department was once again requested. Councillor Villard indicated his Committee directed the request onto the Protective & Emergency Services Committee for review.

Moved by Councillor Cecil Villard

Seconded by Councillor Terry Bernard

RESOLVED:

That the City of Charlottetown transfer \$25,913 from Parkland Reserves to the Operating Revenue Fund as per the 2013 Budget.

CARRIED 7-1

Councillor Coady registered a "nay" vote

Moved by Councillor Cecil Villard

Seconded by Councillor Terry Bernard

RESOLVED:

That the summer hours of 8:00 am to 4:00 pm for City Hall commence Tuesday, May 21st and will remain in effect until the first Monday in October and in future years, summer hours will commence the first Monday in May with winter hours commencing the first Monday in October.

Concern was raised regarding possible confusion to the public since the City previously followed the Provincial Government's schedule for summer hours. Councillor Villard indicated that most staff work flex hours allowing them to respond to inquiries of the general public during normal business hours.

CARRIED 5-3

Councillors Lantz, Coady & Tweel registered "nay" votes

Moved by Councillor Cecil Villard

Seconded by Councillor Terry Bernard

RESOLVED:

That the City of Charlottetown accepts the following Financial Statements as presented by ArsenaultBestCameronEllis for the year ended December 31, 2012 (copies attached to this resolution).

- City of Charlottetown Consolidated Financial Statements
- Charlottetown Water & Sewer Corporation Financial Statements
- City of Charlottetown Superannuation Plan

- Charlottetown Water & Sewer Corporation Superannuation Plan

CARRIED 8-0

6. Economic Development & Culture – Deputy Mayor Stu MacFadyen

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

7. Protective & Emergency Services – Councillor David MacDonald

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

It was requested the Committee review the possibility of designating at least one pink parking spot for expecting mothers and/or mothers with small children. Councillor MacDonald indicated the request would be taken under consideration.

Concern was raised once again regarding all-day parkers in the downtown especially in the area north of Euston Street. Councillor MacDonald indicated the Committee continues to work on a comprehensive parking plan.

Moved by Councillor David MacDonald

Seconded by Councillor Cecil Villard

RESOLVED:

That the request to renew the Development/Encroachment Agreement for the outdoor patio to be located in the parking spaces in front of St. James Gate, 129 Kent Street (PID# 343707), for the 2013 season only, be approved,

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

CARRIED 7-1

Councillor Coady registered a "nay" vote

Moved by Councillor David MacDonald

Seconded by Councillor Cecil Villard

RESOLVED:

That the request to enter into a Development/Encroachment Agreement for the outdoor patio to be located in three parking spaces in front of the Merchantman Pub, 23 Queen Street (PID# 335091), 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 standard contracts/agreements to implement this Resolution.

CARRIED 8-0

Moved by Councillor David MacDonald

Seconded by Councillor Cecil Villard

RESOLVED:

That the request to enter into a Development/Encroachment Agreement for the outdoor patio

to be located in two parking spaces in front of the Terre Rouge Bistro, 72 Queen St., (PID# 338160), 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 standard contracts/agreements to implement this Resolution.

CARRIED 8-0

8. Advanced Planning & Priorities – Councillor Jason Coady

Councillor Coady indicated his Committee had not met since the last Council meeting.

9. Urban Beautification & Sustainability – Deputy Mayor Stu MacFadyen

Deputy Mayor MacFadyen indicated his Committee's report was included in the weekend package. He noted that annual Arbor Day festivities will be held at Victoria Park on Friday, May 17, 2013.

10. New Business

Moved by Deputy Stu MacFadyen

Seconded by Councillor Terry Bernard

RESOLVED:

Whereas the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction, and

Whereas FCM's Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the prestige required to carry the municipal message to the federal government; and

WHEREAS FCM's 76th Annual Conference and Trade Show will take place May 31 to June 3, 2013, during which time the Annual General Meeting will be held and followed by the election of FCM's Board of Directors;

BE IT RESOLVED that Council of the City of Charlottetown endorse Councillor Cecil Villard to stand for election on FCM's Board of Directors for the 2013-2014 term, and

BE IT FURTHER RESOLVED that Council assumes all costs associated with Councillor Cecil Villard attending FCM's Board of Directors meetings.

In response to a question raised, Mayor Lee noted that Councillor Villard indicated he was interested in serving the City in this role. He further noted the Federation of Canadian Municipalities advised that a resolution of Council would be required to stand for election.

CARRIED 8-0

The meeting adjourned at 8:50 PM