



**Regular Meeting of Council  
Monday, July 11, 2016 at 4:30 PM  
Council Chambers, City Hall**

**Mayor Clifford Lee presiding**

**Present:** Deputy Mayor Mike Duffy  
Councillor Edward Rice  
Councillor Jason Coady  
Councillor Greg Rivard  
Councillor Terry MacLeod

Councillor Mitchell Tweel  
Councillor Melissa Hilton (arr. 4:50pm)  
Councillor Terry Bernard  
Councillor Kevin Ramsay

**Also:** Peter Kelly, CAO  
Brad MacConnell, DPC  
Paul Johnston, PWM  
Nancy McMinn, PRM  
Scott Ryan, FM  
Ron Atkinson, EconDO  
Laurel P. Thompson, PDO  
Jen Gavin, CO  
Tracey McLean, RMC

Randy MacDonald, FC  
Richard MacEwen, AUM  
Alex Forbes, PM  
Mandy Feuerstack, HRM  
Wayne Long, EDO  
Ramona Doyle, SO  
Donny Hurry, TO  
Karen Campbell, CS

**Regrets:** Councillor Bob Doiron  
Frank Quinn, PRM

Paul Smith, PC

Mayor Lee called the meeting to order.

**Minutes of the previous meetings were by motion adopted:**  
**Regular Meeting – June 13, 2016**  
**Committee of Council Meeting (open) – June 22, 2016**  
**Public Meeting – June 27, 2016**

**REPORTS OF COMMITTEES / RESOLUTIONS**

**1. Environment & Sustainability – Deputy Mayor Mike Duffy**

Deputy Mayor Duffy indicated his Committee's report was included in the weekend package. He reported that T3 Transit will conduct a three month pilot project that will provide 3-day per week transit service to Geneva Villa on Walthen Drive. He also reminded the public that they should not be feeding foxes within the city.

**3<sup>rd</sup> reading of the City of Charlottetown Cosmetic Pesticides Bylaw** – to regulate the use of non-domestic pesticides for the control of landscape pests within the City of Charlottetown. Bylaw effective January 1, 2017.

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

**RESOLVED:**

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

**CARRIED 5-3**  
**Councillors Bernard, MacLeod & Rivard opposed**

Councillor Ramsay declared a conflict and left the Chambers.

**Moved by Deputy Mayor Mike Duffy**  
**Seconded by Councillor Jason Coady**

**RESOLVED:**

That Council approve the purchase of 10 refurbished buses from Calgary, as the City of Charlottetown's share of the transit fleet replacement program, in the amount of \$165,000 subject to a financial agreement being met with the Province of PEI and the Federal Government of Canada,

And that financial funding be approved by the municipalities of Cornwall and Stratford,

And further that this amount is within the approved 2016 Capital Budget.

In response to a question regarding accessibility, it was noted that all refurbished buses are "kneeling" buses which have the capability of lowering to curbside.

**CARRIED 7-0**

Councillor Ramsay returned to the Chambers

**2. Human Resources, Communications & Administration – Councillor Terry MacLeod**  
Councillor MacLeod indicated his Committee's report was included in the weekend package.

It was suggested that along with permanent positions, temporary/casual positions could be publicly advertised. Councillor MacLeod indicated he will bring this suggestion back to the Committee for discussion.

**Moved by Councillor Terry MacLeod**  
**Seconded by Deputy Mayor Mike Duffy**

**RESOLVED:**

That the City of Charlottetown ratify and adopt the attached negotiated Memorandum of Settlement to amend the Collective Agreement with CUPE Local 501 Employees of the Waste Water Treatment Plant for the period January 1, 2016 – December 31, 2018.

**CARRIED 8-0**

**3. Intergovernmental Affairs & Event Attraction – Councillor Kevin Ramsay**

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

A question was raised with respect to the Tragically Hip broadcast event in Victoria Park on August 20, 2016. Councillor Ramsay referred to the EDO who indicated the Park was more suitable than the Charlottetown Event Grounds because the area around the Event Grounds during Old Home Week would have an influx of people/traffic and the Park is more conducive to sitting on the grass or lawn chairs.

Concern was raised with regard to the lack of major concerts/events at the Charlottetown Event Grounds. It was noted that the City is not a promotor of concerts; however, Councillor Ramsay indicated the concern would be brought back to the Committee for further discussion.

Councillor Hilton arrived at 4:50 PM

**4. Finance, Audit & Tendering – Councillor Melissa Hilton**

Councillor Hilton indicated her Committee's report was included in the weekend package.

**Moved by Councillor Melissa Hilton**

**Seconded by Councillor Edward Rice**

**RESOLVED:**

That the City of Charlottetown agree to dispose of the parcel of land between 34 and 38 Glenthorn Avenue (PID#s 771014 and 762104) to the adjoining property owner(s),

And further that the disposal be at fair market value, all costs associated with the transaction are the responsibility of the purchaser(s), and the City retains an easement over any infrastructure through this parcel.

**CARRIED 9-0**

**Moved by Councillor Melissa Hilton**

**Seconded by Councillor Edward Rice**

**RESOLVED:**

That the City of Charlottetown agree to dispose of the parcel of land at the corner of Brighton Road and Queen Elizabeth Drive (PID# 347617) to the adjoining property owner.

And further that the disposal be at fair market value and all costs associated with the transaction are the responsibility of the purchaser, and the city retains an easement over any infrastructure through this parcel.

**CARRIED 9-0**

**Moved by Councillor Melissa Hilton**

**Seconded by Councillor Edward Rice**

**RESOLVED:**

That the City of Charlottetown acquire the parcel of land at 610 Union Road (PID# 684308),

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

**CARRIED 9-0**

**5. Planning & Heritage – Councillor Greg Rivard**

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

**Moved by Councillor Greg Rivard**

**Seconded by Councillor Terry MacLeod**

**RESOLVED:**

That the request to locate a ticket kiosk and bus stop for Turf n' Surf Tours Inc. on the City right-of-way adjacent to Confederation Centre, subject to:

- The signing of a Development/Encroachment Agreement;
- The provision of the necessary liability insurance;
- A final design review by Planning Department staff; and
- The kiosk being constructed and located on-site prior to August 1, 2016 be approved from August 1, 2016 until the end of the 2016 summer season.

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

**CARRIED 9-0**

**Moved by Councillor Greg Rivard**

**Seconded by Councillor Terry MacLeod**

**RESOLVED:**

That the variance request to increase the residential density from 20 to 24 dwellings units, and the variance request to increase the maximum building height from 39.4 ft. to 54.2 ft. at the top of the main roof and from 39.4ft. to 58.3 ft. at the top of the roof dormers in order to construct a 24 unit apartment building at 544 and 548 North River Road (PID#s 387332 & 387324) subject to the signing of a Development Agreement be approved,

And that the request to consolidate the properties located at 544 North River Road (PID# 387332) and 548 North River Road (PID# 387324) be approved, subject to the receipt of signed pinned survey plans,

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 Greg Rivard**

**Seconded by Councillor Terry MacLeod**

**RESOLVED:**

That the request to extend the hours of operation for the outdoor eating plaza at the corner of Prince and Kent Street (PID# 343004) from 12:00 am to 2:00 am until April 30, 2017, subject to the signing of a Development Agreement be approved.

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

**CARRIED 9-0**

**Moved by Councillor Greg Rivard  
Seconded by Councillor Terry MacLeod**

**RESOLVED:**

That the request for a flankage yard setback variance from approximately 42 ft to 10 ft to permit the construction of a 32 ft x 117 ft addition for the property located at 50 Fourth Street (PID# 735258) be rejected.

**CARRIED 8-1  
Councillor Ramsay was opposed**

**Moved by Councillor Greg Rivard  
Seconded by Councillor Terry MacLeod**

**RESOLVED:**

That the request for an average front yard setback variance from approximately 66 ft to 39.25 ft to permit the construction of a 30 ft x 50 ft addition for the property located at 2 F.J. McAulay Court (PID# 844688) be approved.

**CARRIED 9-0**

Mayor Lee and Councillor MacLeod were in conflict and left the Chambers. Deputy Mayor Duffy presided.

**Moved by Councillor Greg Rivard  
Seconded by Councillor Terry MacLeod**

**RESOLVED:**

That the request to amend the Downtown Neighbourhood (DN) Zone of the Zoning & Development Bylaw as it pertains to 275 Kent Street (PID# 344861), 281 Kent Street (PID# 344887), 285 Kent Street (PID# 344895), and 295-297 Kent Street (PID# 344911) in order to permit an Educational Institution Use as a permitted use be approved.

**CARRIED 7-0**

**Moved by Councillor Greg Rivard  
Seconded by Councillor Terry MacLeod**

**RESOLVED:**

That the request to amend Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property located at 305 Kent Street (PID# 345140) from the Downtown Neighbourhood (DN) Zone to the Institutional (I) Zone be approved.

**CARRIED 7-0**

Mayor Lee and Councillor MacLeod returned to the Chambers.

**Moved by Councillor Greg Rivard**  
**Seconded by Councillor Terry MacLeod**

**RESOLVED:**

That the request to proceed to the public consultation phase in order to amend Appendix “A” – Future Land Use Map of the Official Plan from Port Area to Waterfront Area, to amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property located at 8 Stan MacPherson Way (portion of PID# 841528) from the Port (PZ) Zone to the Waterfront (WF) Zone, and to amend the Waterfront (WF) Zone as it pertains to the subject property in order to permit Automobile Sales and Services as a permitted use be approved.

Councillor Rivard noted that the amendment is only intended to deal with a car rental service to a maximum of 15 automobiles (not sales and services).

**CARRIED 9-0**

**Moved by Councillor Greg Rivard**  
**Seconded by Councillor Terry MacLeod**

**RESOLVED:**

That the request to proceed to the public consultation phase to amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property located at 19 Brows Lane (PID# 719963) from Single-Detached Residential (R-1S) Zone to Low Density Residential (R-2) Zone be rejected.

**CARRIED 8-1**

**Councillor Hilton was opposed**

Mayor Lee and Councillor MacLeod were in conflict and left the Chambers. Deputy Mayor Duffy presided.

**1<sup>st</sup> & 2<sup>nd</sup> reading of the Zoning and Development Bylaw** – to amend the Downtown Neighbourhood (DN) Zone as it pertains to 275 Kent Street (PID# 344861), 281 Kent Street (PID# 344887), 285 Kent Street (PID# 344895), and 295-297 Kent Street (PID# 344911) in order to permit an Educational Institution use as a permitted use.

**Moved by Councillor Greg Rivard**  
**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 7-0**

**Moved by Councillor Greg Rivard  
Seconded by Councillor Jason Coady**

**RESOLVED:**

That the said bylaw be read a second time and that the bylaw be committed to Committee of the Whole Council and the Mayor be Chairman of the Committee.

**CARRIED 7-0**

**Moved by Councillor Greg Rivard  
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 Greg Rivard  
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 7-0**

**1<sup>st</sup> & 2<sup>nd</sup> reading 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 305 Kent Street (PID# 345140) from the Downtown Neighbourhood (DN) Zone to the Institutional (I) Zone be approved.

**Moved by Councillor Greg Rivard  
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 7-0**

**Moved by Councillor Greg Rivard  
Seconded by Councillor Jason Coady**

**RESOLVED:**

That the said bylaw be read a second time and that the bylaw be committed to Committee of the Whole Council and the Mayor be Chairman of the Committee.

**CARRIED 7-0**

**Moved by Councillor Greg Rivard  
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 Greg Rivard  
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 7-0**

Councillor Rice left the Chambers.

**Moved by Councillor Greg Rivard  
Seconded by Councillor Terry MacLeod**

**RESOLVED:**

That the request to decrease the minimum rear yard setback from 19.7 ft to 6.5 ft in order to construct a 2,000 sq ft building footprint for a single family dwelling on the subdivided vacant lot adjacent to 2 Richmond Street (PID# 338962) be approved subject to the proposed new dwelling being located 6 ft from the existing eastern side property boundary.

There was some discussion on the matter and Councillor Rivard summarized that if zoned properly, the applicant has a right to develop the property.

**DEFEATED 6-2  
Councillors Coady and Tweel in favour**

**Moved by Councillor Greg Rivard  
Seconded by Councillor Terry MacLeod**

**RESOLVED:**

That the request to decrease the minimum rear yard setback from 19.7 ft to 6.5 ft in order to construct a 2,000 sq ft building footprint for a single family dwelling on the subdivided vacant lot adjacent to 2 Richmond Street (PID# 338962) be rejected.

**CARRIED 6-2  
Councillors Coady and Tweel were opposed**

Councillor Rice returned to the Chambers.



**6. Parks, Recreation & Leisure Activities – Councillor Mitchell Tweel**

Councillor Tweel indicated his Committee's report was included in the weekend package. Volunteer of the Month for July is the organizing committee for the Fiddler MacDonald Memorial Baseball Tournament.

**Moved by Councillor Mitchell Tweel  
Seconded by Councillor Melissa Hilton**

**RESOLVED:**

That, as per the recently advertised tender for the Cody Banks Arena and Simmons Sports Centre Compressor Overhaul Project, the City of Charlottetown accepts the bid of \$54, 042.84 (HST included) from Lowther's Refrigeration Ltd. compressors overhaul project,

And further that this amount is within the approved 2016 Parks and Recreation Capital Budget.

**CARRIED 9-0**

**7. Protective & Emergency Services – Councillor Jason Coady**

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

**Moved by Councillor Jason Coady  
Seconded by Councillor Greg Rivard**

**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. Remove any other materials or debris, clean up and properly dispose of same, at the owners expense, on property located at 10 York Lane (PID# 349142) in accordance with the terms of the Dangerous, Hazardous and Unightly Bylaw of the City of Charlottetown.

**CARRIED 9-0**

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

Councillor Rice indicated his Committee's report was included in the weekend package. He reported that as of July 8, 2016 there have been 1500 water meters installed and over 3700 water meters installed since 2010, water restrictions are in effect until September 30, 2016 and a large water tank has been installed at Simmons Arena to provide rain water for watering plants within the city. He further reported that Charlottetown's annual water consumption was 6.9 million cubic meters in 2012 however that was reduced to 6.1 million cubic meters in 2015.

In response to a question raised, Councillor Rice indicated the Rain Barrel program has been over for some time however the Committee may look at implementing the program once again.

It was noted that a city resident has retrofitted a rain barrel and uses a utility pump and pressure washer to clean his vehicles with rainwater and it was suggested the Committee consider looking into the individual's setup with regard to water conservation. Councillor Rice indicated he would take this under consideration.

**Moved by Councillor Edward Rice**  
**Seconded by Councillor Mitchell Tweel**

**RESOLVED:**

That WM&M (1993) Ltd be awarded the Wastewater Infrastructure Improvements Tender in the amount of \$196,080.00 HST included.

Further that this will be expensed out of the 2016 Utility Capital Budget.

**CARRIED 9-0**

**9. Public Works & Urban Beautification – Councillor Terry Bernard**

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

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

**RESOLVED:**

That, as per the conditions of the 2016 Request for Quotations for "Asphalt Testing Services", the low submission of Stantec Consulting Ltd in the estimate project price of \$32,284.80 (taxes included) be accepted.

**CARRIED 9-0**

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

**RESOLVED:**

That, as per the conditions of the Tender for "2016 Concrete Sidewalk & Curb Construction", the submission of Ostridge Bros (1983) Inc. in the estimated project price of \$216,464.34 (taxes included) be accepted.

**CARRIED 9-0**

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

**RESOLVED:**

That, as per the conditions of the Tender for "Charlottetown 2016 Intersection Improvements", the low submission of Island Coastal Services Ltd in the amount of \$797,492.70 (taxes included) be accepted.

It was recommended area residents are made aware of these proposed changes before construction begins on the intersections.

**CARRIED 9-0**

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

**RESOLVED:**

That, as per the conditions of the Tender for “City Hall HVAC Upgrade”, the low submission of Entire Mechanical Contractors in the estimated project price of \$210,216.00 (taxes included) be accepted.

**CARRIED 9-0**

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

**RESOLVED:**

That, as per the conditions of the Tender for “2016 Street Light Lantern Installations”, the low submission of R. Cudmore Electric Ltd. in the submitted price of \$206,318.14 (taxes included) be accepted.

**CARRIED 9-0**

**10. Advanced Planning, Priorities & Special Projects – Councillor Kevin Ramsay**

Councillor Ramsay indicated his Committee’s report was included in the weekend package. He updated Council with regard to the Power Outage Plan noting several MOUs have been established with several organizations, churches and businesses which focuses on emergency needs such as shelters, public messaging, food preparation and transportation. Also, emergency plan templates to help residents create a customized plan for their home, business and pets is available from both the City and the Fire Department’s websites.

**11. Economic Development, Tourism, Arts & Culture – Councillor Bob Doiron**

Councillor Rivard, on behalf of Councillor Doiron, indicated the Committee’s report was included in the weekend package.

**12. New Business**

There was no new business.

**The meeting adjourned at 6:00 PM**