



**Regular Meeting of Council
Monday, January 11, 2016 at 7:00 PM
Council Chambers, City Hall**

Mayor Clifford Lee presiding

Present: Deputy Mayor Mike Duffy
Councillor Melissa Hilton
Councillor Jason Coady
Councillor Greg Rivard
Councillor Kevin Ramsay
Councillor Terry Bernard
Councillor Mitchell Tweel
Councillor Edward Rice
Councillor Bob Doiron
Councillor Terry MacLeod

Also: Donna Waddell, CAO
Randy MacDonald, FC
Paul Johnston, PWM
Frank Quinn, PRM
Mandy Feuerstack, HRM
Ron Atkinson, EconDO
Jen Gavin, CO
Chantal Matheson, AA
Paul Smith, PC
Craig Walker, UM
Alex Forbes, PM
Scott Ryan, FM
Wayne Long, EDO
Jesse Morton, PDO
David Hooley, CS
Tracey McLean, RMC

Regrets: Donny Hurry, TO
Ramona Doyle, SO

Mayor Lee called the meeting to order.

**Minutes of the previous meeting were by motion adopted:
Regular Meeting – December 14, 2015**

REPORTS OF COMMITTEES / RESOLUTIONS

1. Public Works & Urban Beautification – Councillor Terry Bernard

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

Some clarification with regard to overnight winter parking restrictions was requested. Councillor Bernard indicated restrictions may be enforced on a discretionary basis as snow plowing and clearing or de-icing needs to take place. (On-street parking in the City is prohibited between 1 a.m. and 6 a.m. from November 15 to April 15 each year). If there is a potential snow event, the public will be notified in advance via the website and public service announcements.

2. Water & Sewer Utility – Councillor Edward Rice

Councillor Rice indicated his Committee did not meet since the last Council meeting. He recognized Bill Clair, Superintendent Water and Sewer Utility, on his upcoming retirement and thanked Mr. Clair for his dedicated service over the past 30 years. Councillor Rice announced that the successful candidate for Superintendent at the Waste Water Treatment Plant was Steven Stewart, effective January 4, 2016.

A question was raised with respect to a contractor's warranty period after a project has been completed. Councillor Rice referred the question to the Utility Manager, Craig Walker, who indicated the contractor is held to a 12 month warranty. Mr. Walker further indicated the Utility Department looks for potential problem areas that may arise and are beyond the warranty period after the contractor has been released of his obligations.

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

Councillor Ramsay indicated his Committee's report was included in the weekend package. He provided a brief update with regard to the Power Outage Plan and thanked Fire Chief Randy MacDonald for his work on the plan.

4. Intergovernmental Affairs & Event Attraction – Councillor Terry Bernard

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

Moved by Councillor Terry Bernard

Seconded by Councillor Kevin Ramsay

RESOLVED:

Whereas the scope of appeals to the Island Regulatory & Appeals Commission ("IRAC") under the *Planning Act* currently empowers IRAC to review decisions of municipal council's not only for any errors or omissions of procedural fairness (i.e. improperly processing, interpreting or applying the municipalities Official Plan or Bylaws or violating a common law rule of natural justice) but also empowers IRAC to conduct a "*de novo*" hearing and to substitute IRAC's opinion on the substantive decision of a municipal council;

And Whereas there have been a number of cases where IRAC have exercised their current *de novo* power, overruled elected municipal councils who are accountable to the citizens and substituted IRAC's own findings on the substantive merits of land use disputes in the municipality;

And Whereas, absent a material error or omission in the interpretation or application of a municipality's Official Plan or Bylaws, the elected municipal councils on PEI ought to be solely vested with making the final decision on the substantive merits of determining land use disputes within their boundaries;

Be it further resolved that the City of Charlottetown forward a resolution to the FPEIM Annual General Meeting requesting the provincial government to amend the Planning Act so that the Island Regulatory and Appeals Commission may either uphold a Council decision or return the matter back to Council for further consideration when IRAC finds that a municipal council decision is not consistent with the Official Plan and or the Zoning and Development Bylaw or it is not in compliance with common law rules of natural justice.

In response to a question, Mayor Lee indicated he met with the Province and they are taking the City's concerns relating to IRAC under consideration.

CARRIED 10-0

5. Environment & Sustainability – Councillor Robert Doiron

Councillor Doiron indicated his Committee did not meet since the last Council meeting. He noted that efforts to update the City's Integrated Community Sustainability Plan will take place January 11-15, 2016 with stakeholder meetings at City Hall; over 60 community organizations and institutions will give feedback on the existing plan and develop priorities for the next phase of sustainable action. He extended an invitation to Council and the public to attend an event on February 4 at the Delta Prince Edward Hotel to gather feedback from the community on the topic. Councillor Doiron reported that Charlottetown Transit had 387,000 passengers in 2015.

6. Finance, Audit & Tendering – Councillor Melissa Hilton

Councillor Hilton indicated her Committee did not meet since the last Council meeting.

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

RESOLVED:

That the City of Charlottetown accept cash-in-lieu of parkland in the amount of \$105,463.11 for the development of PID#'s 886390 and 545863 to be paid on a per-lot basis as lots are developed to a maximum of 10 years, at which time any outstanding balance is due and payable, and

That these funds are credited to the Parkland Reserves,

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

CARRIED 10-0

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

RESOLVED:

That the following resolution of March 10, 2014 be rescinded:

“That the City of Charlottetown accept cash-in-lieu of parkland in the amount of \$53,420 for the development of PID# 348458 to be paid on a per-lot basis as lots are developed to a maximum of 5 years, at which time any outstanding balance is due and payable, and

That these funds are to credited to the Parkland Reserves,

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

CARRIED 10-0

7. Human Resources, Communications & Administration – Councillor Terry MacLeod

Councillor MacLeod indicated his Committee did not meet since the last Council meeting.

8. Economic Development, Tourism, Arts & Culture – Deputy Mayor Mike Duffy

Deputy Mayor Duffy indicated his Committee's report was included in the weekend package. He noted that the Capital New Year in the Park celebrations at Victoria Park was a success with approximately 3000 people attending.

9. 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 January is the Organizing Committee for the Annual SPUD Minor Hockey Tournament (January 28-31, 2016). He invited the public to participate in a Winter Walk along the new Victoria Park Boardwalk on Sunday, January 24 between 2 P.M. and 4 P.M. and finish up with free hot chocolate and cookies in the Beaconsfield Carriage House.

In response to a question raised regarding free access for seniors to indoor walking facilities within Charlottetown, Councillor Tweel indicated this matter would be discussed at the next Committee meeting.

**Moved by Councillor Mitchell Tweel
Seconded by Councillor Bob Doiron**

RESOLVED:

That the City of Charlottetown extend congratulations to Gerard Gallant for receiving a multi-year contract extension as the head coach of the Florida Panthers and being named as coach of the Atlantic Division All Star Team.

CARRIED 10-0

10. 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 proceed to the public consultation phase to amend the Medium Density Residential (R3) Zone as it applies to 51 Chestnut Street (PID# 361519), 57 Chestnut Street (PID# 361527), 59 Chestnut Street (PID# 584755), 61 Chestnut Street (PID# 361535), 18 Passmore Street (PID# 361683), 26-30 Passmore Street (PID# 361675), 32 Passmore Street (PID# 361667) and 34 Passmore Street (PID# 361659) to permit a four (4) storey apartment building with up to 57 units and commercial use on the ground floor, be approved.

CARRIED 10-0

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

RESOLVED:

That the request to proceed to the public consultation phase to consider an amendment to Section 4.22.2 of the Zoning & Development Bylaw as it pertains to who can operate a daycare in a dwelling unit, be approved.

CARRIED 10-0

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

RESOLVED:

That the request to proceed to the public consultation process in order to amend the City of Charlottetown Official Plan to include a new section regarding Administration & Implementation which outlines how the City of Charlottetown Official Plan and Zoning & Development Bylaw can be amended, be approved.

CARRIED 10-0

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

RESOLVED:

That the request to proceed to the public consultation phase in order to consider amending Appendix "A" City of Charlottetown Future Land Use Map from Low Density Residential to Medium Density Residential and to rezone the properties at 8 Harley Street (PID# 274340), 10 Harley Street (PID# 274357), 12 Harley Street (PID# 274365), 14 Harley Street (PID# 274373) and 16 Harley Street (PID# 274381) from Low Density Residential (R-2) Zone to Medium Density Residential (R-3) Zone, be approved.

CARRIED 9-1

Councillor Doiron recorded a "nay" vote

3rd reading of the Zoning & Development Bylaw - amend Appendix "H" – Zoning Map of the City of Charlottetown's Zoning & Development Bylaw to rezone 21 Royalty Road (PID# 388579) from Low Density Residential Single Zone (R-2S) to Low Density Residential Zone (R-2).

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

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 Doiron was in conflict for the following bylaw reading and refrained from voting.

3rd reading of the Zoning & Development Bylaw - amend Appendix "H" – Zoning Map of the City of Charlottetown's Zoning & Development Bylaw to rezone a portion of the property (PID# 773051) located at the intersection of the Charlottetown Perimeter Highway and Upton Road from Single Detached Residential (R-1S) to Comprehensive Development Area (CDA), and to amend Appendix "G" – Comprehensive Development Area Zone Lands and Uses to add this property to the list.

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

RESOLVED:

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

CARRIED 9-0

3rd reading of the Zoning & Development Bylaw – amend the City of Charlottetown Zoning and Development Bylaw to permit larger accessory structures and to increase the number of permitted accessory structures on lots over one (1) acre from two (2) to three (3).

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

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

3rd reading of the Zoning & Development Bylaw – amend the City of Charlottetown Zoning and Development Bylaw to remove Section 4.9.2 as it relates to telecommunications towers.

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

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

11. Protective & Emergency Services – Councillor Jason Coady

Councillor Coady indicated his Committee did not meet since the last Council meeting.

It was suggested that the Protective and Emergency Services Committee review their budget to look at the possibility of equipping city police vehicles with carbine rifles. Councillor Coady indicated that the Police Chief has been reviewing the matter and an update will be provided at the next Committee meeting.

12. New Business

There was no New Business.

The meeting adjourned at 8:05 PM