



**Regular Meeting of Council
Monday, August 14, 2017 at 4:30 PM
Council Chambers, City Hall**

Mayor Clifford Lee presiding

Present: Deputy Mayor Mike Duffy
Councillor Mitchell Tweel
Councillor Melissa Hilton
Councillor Bob Doiron
Councillor Kevin Ramsay
Councillor Edward Rice (arr. 4:45 pm)
Councillor Jason Coady
Councillor Terry MacLeod
Councillor Terry Bernard
Councillor Greg Rivard

Also: Peter Kelly, CAO
Tim Mamy, DFC
Richard MacEwen, UM
Alex Forbes, PM
Frank Quinn, PRM
Ron Atkinson, EconDO
Laurel Lea, TO
Jen Gavin, CO
Paul Smith, PC
Paul Johnston, IAMM
Mandy Feuerstack, HRM
Amanda Cheverie, C
Scott Adams, APWM
Jesse Morton, PDO
Charity Hogan, CS
Tracey McLean, RMC

Regrets: Wayne Long, EDO
Ramona Doyle, SO

Mayor Lee called the meeting to order.

Minutes of the previous meetings were by motion adopted:

**Regular Meeting – July 10, 2017
Committee of Council (open) – July 19 & 31, 2017
Public Meeting – August 1, 2017**

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 noted on the Great Trail event to be held August 26, Let's Talk Food Summit in the fall, Cosmetic Pesticides update and transit ridership.

In response to a question raised regarding the cost to the City for funding studies through the UPEI School of Sustainable Design Engineering, Deputy Mayor Duffy indicated his Committee would follow up and advise.

It was suggested that when the City receives several new bus shelters, each Ward should get at least one shelter. Deputy Mayor Duffy indicated that the shelters will be located in appropriate areas.

A request to introduce a motion was brought forward to eliminate the \$50 application fee as outlined in the Cosmetic Pesticides Bylaw (Part VI – S. 6.2). (Councillor Hilton left the Chambers during the discussion). Mayor Lee stated that a bylaw cannot be amended by way of resolution; proper process needs to be followed.

An update was requested regarding a bylaw pertaining to wildlife in the city. Deputy Mayor Duffy indicated the Committee continues to work on a draft bylaw which addresses birds and animals.

Councillor Hilton returned to the Chambers.

2. Finance, Audit and Tendering – Councillor Melissa Hilton

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

A copy of the Management Letter with respect to the Financial Statements as prepared by ArsenaultBestCameronEllis was requested once again. Councillor Hilton indicated the letter is still not currently available; however, she will ask the Finance Manager to follow-up.

Information was requested regarding the Canada 150 Community Fund and accessing it for the Sherwood Community Hall. Councillor Hilton indicated she would forward the request onto the Finance Manager for follow-up.

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

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

4. Intergovernmental Affairs & Event Attraction – Councillor Kevin Ramsay

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

Concern was raised once again with regard to the lack of activity at the Charlottetown Event Grounds. Councillor Ramsay indicated that the Committee continues to work with CADC on this file.

5. 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 August is Mike Smith. Councillor Tweel provided Council with an update regarding the overflow parking area near City Diamond at Victoria Park; additional shale has been brought in and levelled out with maintenance concerns being addressed as soon as possible.

A question was raised with respect to the Artificial Turf Field Assessment Report. Councillor Tweel indicated that the Committee has not recently discussed the report; however, his intentions are to release the report via press conference then hold an open house to give user groups an opportunity to see the recommendations.

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

RESOLVED:

That as per the tender for “Queen Elizabeth Park Parking Lot Improvements” the City of Charlottetown accepts the bid of \$63, 112 (HST included) from Island Coastal Services Limited,

And that the bid from CBCL of \$6,900 (HST included) for engineering and contingency for this project be accepted,

And that this amount will be expensed to the approved 2017 Parks and Recreation Capital Budget,

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 Mitchell Tweel
Seconded by Councillor Melissa Hilton**

RESOLVED:

That as per the Request for Quotations – Utility Tractor & Accessories, which closed on July 28, 2017, the City accepts the bid from Green Diamond Equipment Ltd. for the supply of a Utility Tractor and Accessories for the quoted price of \$85,120 (HST included),

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

CARRIED 10-0

6. Protective & Emergency Services – Councillor Jason Coady

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

A residential parking permit was requested for a resident on Valhalla Court who has been having parking issues due to commercial businesses in the area. Councillor Coady indicated he would take this under advisement.

The Committee and Police staff were thanked for no parking signage installed on Chestnut and Passmore Streets to deter all day parkers.

It was suggested that recommendations from the Queen St./Pond St. Intersection Evaluation report (July 2010) be implemented so that the area is made safer for pedestrians, cyclists and vehicular traffic.

**Moved by Councillor Jason Coady
Seconded by Councillor Melissa Hilton**

RESOLVED:

That as per the publicly advertised Request for Proposals which closed July 6, 2017 of "New Structural Firefighting Turnout Gear", the submission of Micmac Fire and Safety Source Ltd. in the amount of \$145,762.50 (taxes included) be accepted.

CARRIED 10-0

**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 Unsightly Bylaw of the City of Charlottetown.

CARRIED 10-0

1st & 2nd reading of the Nuisance Bylaw - To amend the Nuisance Bylaw to include a definition for "Livestock" within Part I – Definitions and add new section 3.5 of Part III to include prohibitions and exemptions for livestock.

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

RESOLVED:

That the bylaw to amend the "Nuisance Bylaw" be read a first time.

CARRIED 10-0

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

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 10-0

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

RESOLVED:

That the Chairman reports progress of the Committee and that the bylaw be adopted without amendment.

CARRIED 10-0

Moved by Councillor Jason Coady
Seconded by Councillor Greg Rivard

RESOLVED:

That the bylaw be now engrossed as a City Bylaw and that it be entitled the “Nuisance Bylaw” and that it be read a third time at the next Public Meeting of Council.

CARRIED 10-0

3rd reading of the Alarm Bylaw - To amend the Alarm Bylaw by revising Part I - Definitions – to update definitions of “Alarm Site” And Part IV - Revise 4.3 to include owner, lessee, occupier etc.

Moved by Councillor Jason Coady
Seconded by Councillor Terry Bernard

RESOLVED:

That the Alarm Bylaw be read a third time and that the said Bylaw do now pass.

CARRIED 10-0

7. Planning & Heritage – Councillor Greg Rivard

Councillor Rivard indicated his Committee’s report was included in the weekend package. He reported that two resolutions concerning Chestnut Street and Passmore Street had been withdrawn by the request of the applicant.

Moved by Councillor Greg Rivard
Seconded by Councillor Terry MacLeod

RESOLVED:

That the request to proceed to the public consultation phase for a site specific amendment to the Downtown Neighbourhood (DN) Zone (which includes a minor variance to reduce the minimum frontage from 82ft to 74.5ft, and a major variance to reduce the minimum grade level height from 13ft to 9.5ft as it pertains to 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929), in order to permit a four storey, 23-unit apartment building be approved,

And that this application also includes a request to consolidate 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929) and obtain off-lot parking approval for 12 parking spaces + 1 accessible parking space within the Pownal Parking Garage (100 Pownal Street); both of which require Council’s approval.

Mayor Lee raised a question regarding the proximity of the balconies located on the west side of the proposed development; adjacent to Rochford Condominiums. Councillor Rivard indicated the distance allowed under the Zoning and Development Bylaw is as little as 12 inches. Additional discussion among Council related to the variance and off-lot parking.

LOST 6-4

Councillors Tweel, Duffy, Bernard, Hilton, Ramsay & Rice opposed

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

RESOLVED:

That the request to amend the Development Agreement signed on February 8, 2017 following Council approval to extend a legal non-conforming use (i.e., Eating & Drinking Establishment) at 35 Prince Street (PID# 337089) be approved,

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

It was noted that the owner's intention is to move the dining room to the front side of the building (Prince St.) and the convenience store to the other side (King St.). It was further noted that the laundromat is no longer part of the establishment.

**CARRIED 8-2
Councillors Tweel & Rice opposed**

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

RESOLVED:

That the request for a site specific amendment to the Institutional (I) Zone of the Zoning & Development Bylaw as it pertains to 141 Mount Edward Road (PID# 1068584) to include 18 apartment units as a permitted use and a five storey building with an average height of 58 feet and a lot consolidation of a portion of PID# 1068170 with 141 Mount Edward Road (PID# 1068584) subject to the receipt of final pinned survey plans and the signing of a Development Agreement be approved,

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

CARRIED 10-0

*Planning resolution #4 was moved to the end of the report.

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

RESOLVED:

That the request to renew the Development Agreement for an outdoor patio at 75 Queen Street (PID# 338004) until the end of the 2019 season, subject to the signing of a Development Agreement and annual building permit applications be approved,

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

CARRIED 10-0

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

RESOLVED:

That the request to amend Appendix “A” – Future Land Use Map of the Official Plan from Industrial to Commercial and an amendment to Appendix “H” – Zoning Map of the Zoning & Development Bylaw from the Light Industrial (M-1) Zone to the Mixed-Use Corridor Commercial (MUC) Zone in order to rezone the property at 3 Walker Drive (PID# 524017) and to consolidate the subject property with PID# 452920 on Walker Drive subject to the receipt of final pinned survey plans be approved.

CARRIED 10-0

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

RESOLVED:

That the request for a variance to decrease the frontage requirement from 82 ft. to 50 ft. and a variance to decrease the lot area requirement from 4951.6 sq. ft. to 4094.64 sq. ft. in order to permit a four unit dwelling at 41 Chestnut Street (PID# 357731) be approved.

CARRIED 10-0

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

RESOLVED:

That the request for a lot consolidation of 25 Fourth Street (PID# 1043686) and PID# 861294 be approved, subject to the receipt of a final pinned survey plan.

CARRIED 10-0

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

RESOLVED:

That the request to proceed to the public consultation phase for site specific amendment to the Downtown Neighbourhood (DN) Zone for the property at 175-177 Sydney Street (PID# 339234) in order to permit an office space be rejected.

**CARRIED 9-1
Councillor Tweel opposed**

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

RESOLVED:

That the request for a temporary use (i.e shipping container) at 7 Innovation Way (PID# 1074905) for a period of up to one year be approved.

CARRIED 10-0

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

RESOLVED:

That the request to amend Appendix “G” (Comprehensive Development Area Zone Lands and Uses) of the Zoning & Development Bylaw and the Development Agreement for the property at Lot 2014-5 (PID# 1076702) Towers Road in order to increase the permitted height for a 60 unit apartment building from 39.4ft to approximately 54.3 ft. be approved,

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

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 amend Appendix “A” City of Charlottetown Future Land Use Map from Low Density Residential to Medium Density Residential, and amending Appendix “H” City of Charlottetown Zoning Map from the Single Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone to rezone the property at 4 Valdane Avenue (PID# 397240) in order to permit a three unit townhouse dwelling be approved.

CARRIED 10-0

1st & 2nd reading of Zoning & Development Bylaw – To amend Appendix “G” of the Zoning and Development Bylaw for the property located at Lot 2014-5 (PID # 1076702) Towers Road in order to increase the permitted height for a 60 unit apartment building from 39.4ft to approximately 54.3 ft.

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

RESOLVED:

That the bylaw to amend the City of Charlottetown Zoning and Development Bylaw be read a first time.

CARRIED 10-0

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

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 10-0

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

RESOLVED:

That the Chairman reports progress of the Committee and that the bylaw be adopted without amendment.

CARRIED 10-0

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

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 10-0

1st & 2nd reading of Zoning & Development Bylaw - To amend Appendix “H” – Zoning Map of the Zoning & Development Bylaw from the Light Industrial (M-1) Zone to the Mixed-Use Corridor Commercial (MUC) Zone in order to rezone the property at 3 Walker Drive (PID# 524017).

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

RESOLVED:

That the bylaw to amend the City of Charlottetown Zoning and Development Bylaw be read a first time.

CARRIED 10-0

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

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 10-0

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

RESOLVED:

That the Chairman reports progress of the Committee and that the bylaw be adopted without amendment.

CARRIED 10-0

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

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 10-0

1st & 2nd reading of Zoning & Development Bylaw - To amend the Institutional (I) Zone of the Zoning & Development Bylaw as it pertains to 141 Mount Edward Road (PID #1068584) to include 18 apartment units as a permitted use and a five storey building with an average height of 58 feet.

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

RESOLVED:

That the bylaw to amend the City of Charlottetown Zoning and Development Bylaw be read a first time.

CARRIED 10-0

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

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 10-0

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

RESOLVED:

That the Chairman reports progress of the Committee and that the bylaw be adopted without amendment.

CARRIED 10-0

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

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 10-0

3rd reading of Zoning & Development Bylaw - To amend Sections 3 and 10 of the Zoning and Development Bylaw to clarify the obligations of property owners who wish to subdivide

property with frontage on the various types of streets that exist within the City.

**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

* Planning resolution #4 - Mayor Lee and Councillor Terry MacLeod declared a conflict and left the Chambers before the vote. Deputy Mayor Duffy presided.

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

RESOLVED:

That the request to proceed to the public consultation phase for a site specific amendment to the Downtown Neighbourhood (DN) Zone as it pertains to 295 Kent Street (PID# 344911) to allow a fascia sign (27.625 sq ft) on the existing 20' x 24' accessory building be approved.

CARRIED 8-0

Mayor Lee and Councillor MacLeod returned to the Chambers.

8. Water & Sewer Utility – Councillor Eddie Rice

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

9. Public Works & Urban Beautification – Councillor Terry Bernard

Councillor Bernard indicated his Committee's report was included in the weekend package. He reported that a temporary off-leash dog park is now open in Hillsborough Park; however, the Committee is looking at a long-term agreement with the Province. He further reported that micro-surfacing has been completed and street resurfacing is on schedule.

Concern was raised relating to the lack of street paving in a particular Ward. Councillor Bernard stated that Public Works follow the "worst first" rating system.

In response to a question raised concerning the dog park in Hillsborough Park, Councillor Bernard indicated that the lease agreement with the Province is temporary and temporary fencing costs \$660.

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

RESOLVED:

That, as per the conditions of the Request for Quotations on "Engineering Consulting, Design & Project Management Services, 2017-18 Storm Pipe Construction", the low submission of CBCL Limited in the amount of \$57,155.00 (HST included) be accepted,

And that this expenditure has been previously approved in the 2017 Capital Budget,

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

CARRIED 10-0

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

RESOLVED:

That, as per the conditions of the Tender for “2017 Asphalt Walkway Construction”, the low submission of The Island Construction Ltd. in the amount of \$134,744.93 (HST included) be accepted,

And that this expenditure has been previously approved in the 2017 Capital Budget,

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

**CARRIED 9-1
Councillor Doiron opposed**

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

RESOLVED:

That, as per the conditions of the Request for Quotations on “Street Sweeper – July 2017” in respect to the One (1) Street Sweeper, the submission of Saunders Equipment Ltd – Option A, in the amount of \$333,500.00 (taxes included) be accepted.

In response to a request regarding scheduled times for each sweeper vehicle, Councillor Bernard noted that there is already an existing schedule but if a Councillor feels that an area of their Ward requires attention then they should contact Public Works.

CARRIED 10-0

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

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

A question was raised concerning the matter of the City’s fire stations. Councillor Ramsay indicated that the option of retaining two stations or going with three will be discussed at the next Committee meeting.

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

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

12. New Business

There was no New Business.

The meeting adjourned at 6:30 PM