



**Regular Meeting of Council
Tuesday, November 13, 2018 at 7:00 PM
Council Chambers, City Hall, 199 Queen Street**

Mayor Clifford Lee Presiding

Present: **Deputy Mayor Mike Duffy** **Councillor Terry Bernard**
 Councillor Greg Rivard **Councillor Mitchell Tweel**
 Councillor Kevin Ramsay **Councillor Eddie Rice (arr. 7:05pm)**
 Councillor Melissa Hilton **Councillor Jason Coady**
 Councillor Terry MacLeod **Councillor Bob Doiron**

Also: **Peter Kelly, CAO** **Scott Messervey, DCAO**
 Alex Forbes, PM **Brad MacConnell, DPC**
 Randy MacDonald, FC **Frank Quinn, PRM**
 Scott Adams, PWM **Bethany Kauzlarick, HRC**
 Richard MacEwen, UM **Wayne Long, EDO**
 Laurel Lea, TO **Ramona Doyle, SO**
 Steven Forbes, CS **Tracey McLean, RMC**

Regrets: **Paul Johnston, IAMM** **Ron Atkinson, EconDO**

1. Call to Order

Mayor Lee called the meeting to order.

2. Declarations of Conflict of Interest

No conflicts were declared.

3. Approval of Agenda

Moved by Councillor Kevin Ramsay and Seconded by Councillor Mitchell Tweel that the agenda be approved. Carried.

4. Adoption of Previous Draft Minutes

Moved by Councillor Terry Bernard and Seconded by Councillor Melissa Hilton that the draft minutes of the previous meetings now be adopted. Carried.

- Regular Meeting – October 9, 2018
- Public & Special Meetings – October 23 and November 1, 2018

5. Business Arising out of the Minutes

No business arose from the minutes.

6. REPORTS OF COMMITTEES / RESOLUTIONS

6.1 Planning & Heritage – Coun. Greg Rivard, Chair

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

In response to a question raised regarding a legal opinion which was requested at September and October's monthly Council meetings relating to the micro-unit

development on Upper Prince Street and Young Street, the CAO indicated this matter is currently with the City Solicitors and when completed, the opinion will go back to Planning Board and the Board will bring back to Council for review.

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

RESOLVED:

That the request for a discretionary use variance for the property at 261 Brackley Point Road (PID #704544), be approved with the following conditions:

1. That the owner completes the following:
 - a. The owner applies for a building permit for the completed work done back in 2006 and 2008, when the motel suites were converted to apartment rental units;
 - b. That the 2011 Environmental Site Assessment report conducted by Fundy Engineering & Consulting Environmental Ltd. be submitted to the Planning & Heritage Department for review;
 - c. Enter into Development Agreement with the following conditions:
 - i. That the existing apartment building cannot be enlarged or be increased in occupancy;
 - ii. That the free standing sign along the front of the site be removed; and
 - iii. That the owner ensures that site drainage is compliant with the Zoning and Development By-law 2018-11.

CARRIED 9-0

Councillor Rice joined the meeting.

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

RESOLVED:

That the request to:

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from the Low Density Residential designation to the Concept Planning Area designation for a portion of the property located on Mount Edward Road (PID #390740), be approved;
2. Amend Appendix "H" – Zoning Map of the Zoning & Development By-law from the Low Density Residential Single (R-2S) Zone to the Comprehensive Development Area (CDA) Zone for a portion of the property located on Mount Edward Road (PID #390740), be approved;
3. Amend Appendix "A" – Future Land Use Map of the Official Plan from the Low Density Residential designation to the Concept Planning Area

designation for the property located on Mount Edward Road (PID #492405), be approved;

4. Amend Appendix "H" – Zoning Map of the Zoning & Development By-law from the Low Density Residential Single (R-2S) Zone to the Comprehensive Development Area (CDA) Zone for the property located on Mount Edward Road (PID #492405), be approved;
5. Consolidate the portion of the property located on Mount Edward Road (PID #390740) with the property located on Mount Edward Road (PID #492405), be approved, subject to the receipt of final pinned survey plans; and
6. Amend Appendix "G" – Comprehensive Development Area Lands and Uses of the Zoning & Development By-law from allowing a residential building on the street with the back portion vacant to 143 residential dwelling units on 5.05 acres of the property located on Mount Edward Road (PID #390740), be approved, subject to the approval of the Development Concept Plan, Design Review approval, the submission of a traffic study that supports the proposed and future development and the signing of a Development Agreement

**CARRIED 9-1
Councillor Doiron was opposed**

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

RESOLVED:

That the request to obtain a site specific exemption of the Downtown Mixed-Use Neighbourhood (DMUN) Zone of the Zoning & Development By-law as it pertains to 80 Grafton Street (PID #340265) in order to construct a five (5) storey mixed-use development and allow the applicant to enter into an agreement with the City to provide fifteen of the required parking spaces off-lot in the Pownal Parkade (100 Pownal Street, PID #340414) for a period of not less than 10 years with the rest of the required parking spaces to be paid through cash-in-lieu (\$6,000 per parking space required), be approved, subject to:

1. Design Review approval; and
2. The signing of a Development Agreement including bonusing agreement and parking requirements.

The site specific exemption also includes the following three (3) variances:

1. Reducing the minimum lot frontage required to be eligible for a bonus height from 98.4 ft to approximately 76.1 ft;
2. Reducing the minimum side yard setback for the fourth and fifth floors of the proposed building to 70 Grafton Street (PID #340273) from 18.0 ft to approximately 14.33 ft; and
3. Reducing the minimum side yard setback for the fourth and fifth floors of the proposed building to 137 Queen Street (PID #340257) from 18.0 ft to approximately 13.0 ft.

CARRIED 10-0

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

RESOLVED:

That the request to zone the property (PID #1073634) adjacent to 137 Belgrave Drive (PID #625574) to Single-Detached Residential (R-1L) Zone and to designate the same property as Residential on Appendix A of the Official Plan, be approved.

CARRIED 10-0

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

RESOLVED:

That the request for a temporary use variance to the property located at 17 Ralden Avenue (PID #397083) to permit Chapman Bros Snow Removal to operate from December 2018 until May 2019, be rejected.

It was noted that Chapman Brothers had a new location secured for its operations; however, that building was sold recently. It was requested that Council consider a five (5) month extension so the company can remain on Ralden Avenue as the winter season is approaching.

DEFEATED 10-0

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

RESOLVED:

That the request for a temporary use variance to the property located at 17 Ralden Avenue (PID #397083) to permit Chapman Bros Snow Removal to operate from December 2018 until May 2019, be approved.

CARRIED 10-0

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

RESOLVED:

That the request for a temporary use variance to the property located at 17 Ralden Avenue (PID #397083) to permit Chapman Bros Snow Removal to operate from December 2018 until May 2019, be approved

CARRIED 10-0

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

RESOLVED:

Whereas Council denied the application to operate a home occupation (i.e., acupuncture & Chinese medicine business) from the property located at 29 Forest Drive (PID #791913) on October 9, 2018,

And that the application was submitted for reconsideration and presented to the

Planning Board on November 7, 2018, where Staff indicated that the threshold for reconsideration was not met; therefore, Staff's original recommendation remains the same.

Be it Resolved that the request for reconsideration of a previous application to operate a home occupation (i.e., acupuncture & Chinese medicine business) from the property located at 29 Forest Drive (PID #791913), be rejected.

CARRIED 10-0

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

RESOLVED:

Whereas Council approved the Resolution to amend Section 5.2 and Section 5.13.3 of the Zoning & Development By-law in order to allow additional signage to identify points of access/egress on institutional properties seven (7) acres or larger on September 10, 2018.

Whereas, the resolution (2018-09-02 as it pertains to Zoning & Development Bylaw – Section 5.2.15 and Section 5.13.3) was read the first time on September 10, 2018 and read the second time on October 9, 2018.

Whereas, the new Zoning & Development Bylaw (2018-11) was approved by the Minister effective October 1, 2018, with the amendments pertaining to 2018-09-02 not yet incorporated in the new Bylaw (2018-11).

Whereas, the General Provisions for Signage is contained under Section 44 of the New Bylaw, therefore changing the amendments to the section from Section 5.2 and Section 5.13.3 of the Old Zoning & Development Bylaw to Section 44.2.1.n and Section 44.13.3 of the New Bylaw respectively.

Be it Resolved that the changes to the General Provisions for Signage adopted on October 9, 2018, with resolution (2018-09-02 as it pertains to Zoning & Development Bylaw – Section 5.2.15 and Section 5.13.3) be incorporated into General Provisions for Signage Section 44.2.1.n and Section 44.13.3 of the new Bylaw 2018-11, as attached, be approved

CARRIED 10-0

1st reading of the Zoning & Development Bylaw – a bylaw to amend the Zoning and Development Bylaw (2018-11-01) as it pertains to Mount Edward Road (PID# 492405) and a portion of PID# 390740.

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

RESOLVED:

That the said Bylaw be read a first time and said Bylaw (2018-11-01) be approved

and that it be read a second time at the next public meeting of Council.

CARRIED 10-0

1st reading of the Zoning & Development Bylaw - a bylaw to amend the Zoning and Development Bylaw (2018-11-02) as it pertains to 80 Grafton Street (PID# 340265).

Moved by Councillor Greg Rivard
Seconded by Councillor Terry MacLeod

RESOLVED:

That the said Bylaw be read a first time and said Bylaw (2018-11-02) be approved and that it be read a second time at the next public meeting of Council.

CARRIED 10-0

1st reading of the Zoning & Development Bylaw - a bylaw to amend the Zoning and Development Bylaw (2018-11-03) as it pertains to Belgrave Drive (PID# 1073634).

Moved by Councillor Greg Rivard
Seconded by Councillor Terry MacLeod

RESOLVED:

That the said Bylaw be read a first time and said Bylaw (2018-11-03) be approved and that it be read a second time at the next public meeting of Council.

CARRIED 10-0

6.2 Intergovernmental Affairs & Event Attraction – Coun. Kevin Ramsay, Chair
Councillor Ramsay indicated his Committee's report was included in the weekend package.

It was requested that a letter be sent to the Province asking that the City be included in any future discussions with regard to the possible sale of the Event Grounds by the Charlottetown Area Development Corporation (CADC) to Holland College. Councillor Ramsay took the request under advisement.

1st reading of the Conflict of Interest Bylaw (#2018-14) - to establish a City of Charlottetown bylaw with respect to outlining procedures to be followed by a member of Council pursuant to the provisions of Section 97 of the Municipal Government Act of P.E.I., R.S.P.E.I., 1988 Cap. M 12.1

Moved by Councillor Kevin Ramsay
Seconded by Councillor Bob Doiron

RESOLVED:

That the bylaw to establish the City of Charlottetown Conflict of Interest Bylaw be read a first time.

A question was raised as to whether this bylaw was reviewed by the City Solicitors and is it consistent with the regulations the MLAs adhere to. The CAO indicated this bylaw, as well as the others being presented, have been mandated by Municipal Affairs and are to be adopted by December 23, 2018.

After a brief discussion, it was moved by Councillor Mitchell Tweel and seconded by Councillor Bob Doiron that the motion be deferred. Motion Carried 9-1 with Councillor Ramsay opposed.

1st reading of the Code of Conduct Bylaw (#2018-15) – to establish a City of Charlottetown bylaw with respect to governing the conduct of the members of Council pursuant to the provisions of Section 107 of the Municipal Government Act of P.E.I., R.S.P.E.I., 1988 Cap. M 12.1

**Moved by Councillor Kevin Ramsay
Seconded by Councillor Bob Doiron**

RESOLVED:

That the bylaw to establish the City of Charlottetown Code of Conduct Bylaw be read a first time.

**Moved by Councillor Kevin Ramsay
Seconded by Councillor Bob Doiron**

RESOLVED:

That the bylaw now be approved as a City Bylaw and that it be entitled the City of Charlottetown Code of Conduct Bylaw and that it be read a second time a the next public meeting of Council.

CARRIED 10-0

1st reading of the Reserve Funds Bylaw (#2018-16) – to establish a City of Charlottetown bylaw with respect to the establishment of one or more reserve funds pursuant to the provisions of Section 155(1) of the Municipal Government Act of P.E.I., R.S.P.E.I., 1988 Cap. M 12.1

**Moved by Councillor Kevin Ramsay
Seconded by Councillor Bob Doiron**

RESOLVED:

That the bylaw to establish the City of Charlottetown Reserve Funds Bylaw be read a first time.

**Moved by Councillor Kevin Ramsay
Seconded by Councillor Bob Doiron**

RESOLVED:

That the bylaw now be approved as a City Bylaw and that it be entitled the City of Charlottetown Reserve Funds Bylaw and that it be read a second time a the next public meeting of Council.

CARRIED 10-0

1st reading of the Grants Bylaw (#2018-17) – to establish a City of Charlottetown bylaw with respect to the issuing of grants pursuant to the provisions of Section 158(1) of the Municipal Government Act of P.E.I., R.S.P.E.I., 1988 Cap. M 12.1

**Moved by Councillor Kevin Ramsay
Seconded by Councillor Bob Doiron**

RESOLVED:

That the bylaw to establish the City of Charlottetown Grants Bylaw be read a first time.

**Moved by Councillor Kevin Ramsay
Seconded by Councillor Bob Doiron**

RESOLVED:

That the bylaw now be approved as a City Bylaw and that it be entitled the City of Charlottetown Grants Bylaw and that it be read a second time a the next public meeting of Council.

CARRIED 10-0

1st reading of the Fees Bylaw (#2018-18) – to establish a City of Charlottetown bylaw with respect to the establishment and process for the collection of fees pursuant to the provisions of Section 162(1)(a)(i) of the Municipal Government Act of P.E.I., R.S.P.E.I., 1988 Cap. M 12.1

**Moved by Councillor Kevin Ramsay
Seconded by Councillor Bob Doiron**

RESOLVED:

That the bylaw to establish the City of Charlottetown Fees Bylaw be read a first time.

**Moved by Councillor Kevin Ramsay
Seconded by Councillor Bob Doiron**

RESOLVED:

That the bylaw now be approved as a City Bylaw and that it be entitled the City of Charlottetown Fees Bylaw and that it be read a second time a the next public meeting of Council.

CARRIED 10-0

6.3 Parks, Recreation & Leisure Activities – Coun. Mitchell Tweel, Chair

Councillor Tweel indicated his Committee did not meet since the last Council meeting. Volunteer of the Month for November is the Organizing Committee for the 2018 George Trainor Holiday Classic Hockey Tournament.

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

RESOLVED:

That, as per the recent Request for Quotations for "Snow Clearing of Municipal Properties", the City of Charlottetown accepts the low bid from Lea MacDonald Construction Ltd for Simmons Sports Centre at \$3,851.35 (HST included),

And the low bid from Birt & MacKay Backhoe Services Ltd for Cody Banks Arena at \$5,700.00 (HST included), both subject to receipt of required insurance certificates,

And further that the Mayor and CAO are hereby authorized to execute any standard

contracts/agreements to implement this resolution.

CARRIED 9-0
Councillor Rice out of the room

6.4 Protective & Emergency Services – Coun. Jason Coady, Chair

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

6.5 Water & Sewer Utility - Deputy Mayor Mike Duffy, Chair

Deputy Mayor Duffy indicated his Committee did meet since the last Council meeting.

Moved by Deputy Mayor Mike Duffy
Seconded by Councillor Melissa Hilton

RESOLVED:

Whereas, the City of Charlottetown wishes to construct a sewer liftstation and sewer forcemain to replace the East Royalty Lagoon,

And the preferred routing for the forcemain is through PEI Housing Corporation lands PID#s 422642 and 192252,

Be it Resolved, that City Council support the establishment of an easement through said properties,

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

CARRIED 9-0
Councillor Rice out of the room

6.6 Public Works & Urban Beautification – Coun. Terry Bernard, Chair

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

It was requested that Christmas decorations be distributed throughout different Wards particularly at/near Sherwood Hall, Cody Banks Arena and the main entrances into the city. Councillor Bernard indicated this request will be passed along to staff for consideration.

Moved by Councillor Terry Bernard
Seconded by Councillor Melissa Hilton

RESOLVED:

That, for the 'Storm Pipe Construction – 2018 – Package C' tender awarded to Birt & MacKay Backhoe Services Ltd., a project extra in the amount of \$70,674.45 (all taxes included) be approved.

This expenditure has been previously approved in the 2018-19 Capital budget,

And 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 the City enter in to a one (1) year lease agreement with the option of a one (1) year extension with Cape D'Or Holdings Limited for the property at 68 Kensington Road in the amount of \$33,600 (plus applicable taxes),

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

In response to a question raised regarding an alternate option to leasing, Councillor Bernard indicated that there are no existing City-owned facilities capable of storing the snow clearing equipment and Kensington Road is a convenient and central location.

**CARRIED 9-1
Councillor Doiron opposed**

6.7 Economic Development, Tourism, Arts & Culture – Coun. Bob Doiron, Chair
Councillor Doiron indicated his Committee did not meet since the last Council meeting.

6.8 Environment & Sustainability – Deputy Mayor Mike Duffy, Chair
Deputy Mayor Duffy indicated his Committee did not meet since the last Council meeting; however, the Charlottetown Food Council draft minutes from October 16, 2018 are included.

6.9 Advanced Planning, Priorities & Special Projects – Coun. Kevin Ramsay, Chair
Councillor Ramsay indicated his Committee did not meet since the last Council meeting.

6.10 Finance, Audit & Tendering – Coun. Melissa Hilton, Chair
Councillor Hilton indicated her Committee's report was included in the weekend package. She thanked the Mayor for the leadership he showed her over the last 13 years while Councillor for Ward 9 and recognized staff for their hard work. She welcomed incoming Councillors-Elect Julie McCabe and Alanna Jankov

**Moved by Councillor Melissa Hilton
Seconded by Deputy Mayor Mike Duffy**

RESOLVED:

That the City of Charlottetown accepts the 2.1 acres of land as parkland for the Mackay Subdivision (PID 191718) as indicated in the attached survey plan,

And that the Planning Department will enter into a development agreement with the Developer,

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

CARRIED 10-0

**Moved by Councillor Melissa Hilton
Seconded by Deputy Mayor Mike Duffy**

RESOLVED:

That the City of Charlottetown enter into a purchase and sale agreement with WGB Holdings Ltd. for the purchase of a parcel of land (PID 392936) in the amount of \$45,000 (plus applicable taxes) for the purpose of storm water management

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

CARRIED 10-0

**Moved by Councillor Melissa Hilton
Seconded by Deputy Mayor Mike Duffy**

RESOLVED:

That the City of Charlottetown approves and accepts the Consolidated Financial Statements of the City of Charlottetown as prepared by management and audited by MRSB for the year ended December 31, 2017 (copies attached to this resolution).

CARRIED 8-2

Councillors Doiron and Tweel opposed

6.11 Human Resources, Communications & Admin – Coun. Terry MacLeod, Chair

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

An update regarding proposed policies and the audio/video equipment in the Council Chambers was requested. Councillor MacLeod referred to the Acting Human Resources Manager who indicated the Staffing Bylaw as well as the Domestic Violence Policy and Safety Plan, Employee Criminal Record Check Policy, Management and Non-union Compensation Policy will be forwarded for Council's consideration within the next few weeks. With regard to the audio/video equipment, the CAO indicated it may be another two months before any progress is made on this matter.

2nd reading of the Superannuation Plan Bylaw Amendment Bylaw (2018-13-A) -

amend the Superannuation Plan Bylaw (#2018-13) provisions for the purpose of adding compassionate care leave to the approved leaves during which a Member can continue to accrue Pensionable Service, and ii) for allowing a Member to purchase past service during a period of part-time, seasonal, entry level seasonal, casual, or contract employment basis, occurring prior to the date upon which they became a Member of the Plan.

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

RESOLVED:

That the City of Charlottetown Superannuation Plan Bylaw Amendment Bylaw be read a second time and that the said Bylaw be now adopted.

CARRIED 10-0

6.12 New Business

Deputy Mayor Duffy made the following remarks with respect to Clifford Lee's term as Mayor (2003 – 2018):

Tonight marks the final Council meeting for Mayor Clifford Lee. As is tradition, a portrait has been painted of Mayor Lee by local artist Henry Purdy, which has been hung here in Council Chambers, alongside his predecessors.

This portrait is symbolic of Clifford Lee's 15 years of service as Mayor of the City of Charlottetown, the longest serving Mayor in the history for the City of Charlottetown. Prior to being elected as Mayor, he also served as a Councillor for 15 years, first elected in November of 1987. He was elected as the 45th Mayor of Charlottetown in November of 2003 and re-elected as Mayor in the 2006, 2010 and 2014 municipal elections.

As Mayor of Charlottetown, His Worship is also a member of the Atlantic Caucus for the Federation of Canadian Municipalities, Federation of PEI Municipalities and the Atlantic Mayors Congress.

On behalf of Charlottetown City Council, I wish to extend a sincere thank-you for the many years of service and leadership, Mayor Lee. You have truly made Charlottetown a place where great things happen and have been instrumental in countless projects and initiatives that have moved the City forward. We wish you the best of luck as you move to the next chapter in your career.

Mayor Lee congratulated the returning members of Council and welcomed the new Mayor-elect Philip Brown and Councillors-Elect Alanna Jankov and Julie McCabe. He also recognized all staff and outgoing Councillors Melissa Hilton and Eddie Rice for their service to the City.

7. Motion to Adjourn

Moved by Councillor Greg Rivard and Seconded by Councillor Terry MacLeod that the meeting be adjourned. Carried.

The meeting concluded at 8:05 PM