REGULAR MONTHLY COUNCIL MEETING
December 9, 2009
Approved Minutes

DATE: December 9, 2009
TIME: 7:30 p.m. - 8:27 p.m.
PLACE: Stratford Town Centre, 234 Shakespeare Drive

PRESENT: Deputy Mayor Sandy McMillan; Councillors Steve MacDonald; Gary Clow; Patrick Ross; Diane Griffin; Robert Hughes, CAO; Vahid Ghomoshchi, Director of Planning; Jeremy Crosby, Manager Public Works and Utility; Kim O'Connell, Manager of Finance and Administration; Ron Fisher, Recreation Director and Mary McAskill, Recording Clerk

REGRETS: Councillor Emile Gallant

CHAIR: Mayor Kevin Jenkins

1. CALL TO ORDER

Mayor Kevin Jenkins called the December 9, 2009 Regular Monthly Council Meeting to order at 7:30 p.m. and welcomed those in attendance.

2. APPROVAL OF AGENDA

It was moved by Councillor Steve MacDonald and seconded by Councillor Diane Griffin that the agenda be approved as circulated.

Discussion: None
Question: **CARRIED**

3. MINUTES

It was moved by Councillor Gary Clow and seconded by Councillor Diane Griffin that the Regular Monthly Meeting Minutes of November 18, 2009 be approved as circulated.

Discussion: None
Question: **CARRIED**

4. PRESENTATIONS

Nil

5. CARI REPORT

Report is included in the package for Council to review.

6 CORRESPONDENCE

Included in the meeting package for Council to review is a list of all correspondence received since the last Council meeting.

7. MAYOR'S REPORT

Included in the package for Council to review. Mayor Jenkins noted that he attended the choir's house tour and it was a fantastic event and he would encourage anyone who hasn't done the tour to take it in.

It was noted that the Honda Gold Wing Riders Club presented a plaque of appreciation to the Town for allowing them the use of the hall for their meetings.

Sea King Gift Baskets - Councillor Ross noted that we had some children from Glen Stewart Elementary School and West Kent Elementary School create some cards and letters for the crew members of the Sea King. We also purchased some 'goodies' that the crew would not have access to, and these items have been packed and will be sent out tomorrow.

8. CHIEF ADMINISTRATIVE OFFICER

Included in the package for Council to review. Robert noted that he attended a four day facilitator leadership workshop in Toronto. He added that it was really well done and he hopes to put what he learned to good use.

9. PUBLIC WORKS AND PROPERTY

a) Report

A complete written report was included in the package for Council to review. Councillor Griffin noted that we recently had a wonderful presentation on the Active Transportation Plan by consultant Jim Scott of Collaborative Planning & Design.

Councillor Griffin stated that there has been some discussion about the Keppoch Road sidewalk/bike path project, as some trees were inadvertently removed from one property. She noted that we are in discussions with the landowner on ways to rectify the situation and added that we need to develop a protocol for communication with residents. Some residents didn't know how this project would affect them in regards to their getting in and out of their driveways.

Jeremy agreed that there were some communication issues on the Keppoch Road project. He noted that we will be meeting with our consultant regarding this issue, as it is a general rule that they are to notify residents prior to doing work on their property.

Deputy Mayor McMillan noted that she has been asked repeatedly by residents in the Eastern Realities area about a walking trail around the soccer field by Bonivista and she would like this request considered. Councillor Griffin stated that she will take the request to the Public Works and Property Committee for consideration.

10. STRATFORD UTILITY CORPORATION

a) Report

A complete written report was included in the package for Council to review.

Deputy Mayor McMillan gave a brief overview of the report noting that there is a proposed rate study for 2010. She also noted that the wellfield exploration is onogoing.

b) **Financial Statements**

Included in the package.

c) **Resolution SUC012-2009 Adoption of 2010 Utility Tariff**

Moved by Deputy Mayor McMillan
Seconded by Councillor Patrick Ross

WHEREAS a comprehensive review of utility rates was conducted in 2007 wherein a number of rate changes were identified to be phased in over a three year period beginning in 2008.

BE IT RESOLVED that the attached Stratford Utility tariff for 2010 be approved which incorporates:

- the third phase of rate changes to flat rate water and sewer customers and the water and sewer frontage charges which will be changed over a period of three years; and
- the third phase of rate changes for apartments which will be changed over a period of three years and all apartments will then be metered in the fourth year; and
- the third phase of rate changes to metered water and sewer customers which will be changed over a period of three years.

Discussion: Deputy Mayor McMillan noted that this was an efficiency request from the finance department, to allow them to send out the bills the first week of January.

Question: **CARRIED**

Deputy Mayor McMillan took a moment to thank all the utility staff for their hard work over the past year.

11. RECREATION REPORT

a) **Report**

A complete written report was included in the package for Council to review. Councillor MacDonald gave a brief overview of the report noting that there will be free public skating at Pownal Rink for residents again this year.

Councillor MacDonald noted that the Olympic Torch event went well, although there were some problems obtaining the correct time that the convoy would pass through the Town.

It was noted that on December 18, the Youth Can Do will be honouring the volunteers who have the most volunteer hours, as well as celebrating the 10th Anniversary of Youth Can Do.

Ron reminded everyone that the Town Levee will be held from 12:00 noon to 1:30 p.m. in the Council Chambers. He also noted that the Children's Christmas party went well and was well attended. Ron took a moment to thank Joanne Weir and Mandy Shaw for all their hard work in putting the party together, and for their work in planning for the winter carnival which take place February 25 - 28, 2010.

Mayor Jenkins stated that the rink is looking great and congratulated staff on a job well done.

12. FINANCE & ADMINISTRATION

a) Report

A complete written report was included in the package for Council to review. Councillor Ross noted that we are in the middle of our budget process and one item that the Town will be looking at is how we handle our photocopying. The copier we have is causing some issues for staff with larger print jobs. He also noted that the committee is recommending that the tax rate not be increased in 2010.

b) Financial Statements

Included in the package for Council to review.

13. PLANNING AND HERITAGE

a) Report

A complete written report was included in the package for Council to review. Councillor Clow noted that 2009 has been a record year for development in the town.

b) Building Permit Summary

Included in the package.

c) Resolution PH035-09 - VA008-09 - Megan and Dylan Mullally - Sideyard Variance - MacLauchlan Drive

Moved by Councillor Gary Clow

Seconded by Councillor Steve MacDonald

WHEREAS an application has been received from Megan & Dylan Mullally for a 9 foot (or 75%) side yard variance to parcel number 891358 located at 49

MacLauchlan Drive for the purpose of constructing an attached garage having a sideyard setback of only 3 feet; and

WHEREAS in the fall of 2008 the Town constructed a walking trail over an easement on the Mullally's property. It should be noted that it is unusual to have an easement for a trail, most are granted as a separate right of way owned by the Town. This construction reduced the amount of side yard on the Mullally's property. In order to address the concerns of the Mullally's, Council has agreed to purchase the 15' easement on their property. As a result of these developments, the Mullally's are now limited in any future construction of a garage along the property line that borders the trail due to the side yard setback requirements; and

WHEREAS the applicant, therefore, is seeking a side yard variance **from** 12 feet **to** 3 feet (the minimum side yard setback is 12 feet for any single family dwelling in the R1 zone). It should be noted that any future addition to the home would still be 18 feet from the property line of the neighboring residence at 53 MacLauchlan Drive; and

WHEREAS Council may authorize variances in excess of ten (10%) percent from the provisions of the Bylaw, if Council deems such a variance is desirable and appropriate and if such a variance is in keeping with the general intent and purpose of the Bylaw; and

WHEREAS on November 4, 2009 nine (9) notification letters were sent to property owners within 200 feet of the subject property to solicit their comments on the sideyard variance request and no negative comments have been received.

BE IT RESOLVED that approval be granted to an application received from Megan & Dylan Mullally for a sideyard variance of 9 feet (or 75%) on parcel number 891358 located at 49 MacLauchlan Drive to allow for the construction of attached garage with a sideyard setback of 3 feet.

Discussion: It was noted that this resolution bears the recommendation of the Planning and Heritage Committee.

Question: **CARRIED**

14. COMMITTEE OF THE WHOLE

a) Resolution CW007 - 2009 Sewer Treatment Plant Commitment

Moved by Deputy Mayor McMillan
Seconded by Councillor Diane Griffin

WHEREAS the Town of Stratford has a vision for the development of the core area of the Town which will result in well planned, sustainable, high quality development that complements the existing high quality residential character of the Town; and

WHEREAS the waterfront core area is the gateway to the Town and the core area plan for the waterfront calls for a higher density, mixed use urban centre with waterfront parks and trails, beautiful streetscapes and high quality architecture; and

WHEREAS the core area plan identifies the current open lagoon sewage treatment plant on the waterfront, at the Gateway to the Town, as a physical and aesthetic barrier to the implementation of the core area plan for the waterfront; and

WHEREAS a report was commissioned from an engineering consultant to examine options ranging from upgrading and expanding the current lagoon system to building a new enclosed sewer treatment plant on site to pumping the sewer to the City of Charlottetown treatment plant.

BE IT RESOLVED that Council is committed to identifying and implementing an affordable sewer treatment plant solution that will eliminate, or at least minimize, the physical and aesthetic impact of the current open lagoon sewage treatment plant on the development of the waterfront lands in accordance with the core area plan as soon as funding can be secured.

Discussion: It was noted that this resolution bears the recommendation of the Committee of the Whole.

Councillor Ross stated that he would like to amend the resolution to include *public consultations have taken place* at the end of the last paragraph. It is a large expense for the Town and he believes that we should look to the public for their input in this process.

Mover and seconder were in agreement with the amendment.

Question on Amendment: **CARRIED**

The amended resolution will now read - ***BE IT RESOLVED*** that Council is committed to identifying and implementing an affordable sewer treatment plant solution that will eliminate, or at least minimize, the physical and aesthetic impact of the current open lagoon sewage treatment plant on the development of the waterfront lands in accordance with the core area plan as soon as funding can be secured and pubic consultations have taken place.

Question on
Amended Resolution: **CARRIED**

b) Resolution CW008-2009 Bylaw #31, A Bylaw to Replace Election Bylaw #24 - 1st Reading

Moved by Councillor Diane Griffin

Seconded by Councillor Patrick Ross

WHEREAS the Province made some changes to the P.E.I. Elections Act; and

WHEREAS Elections PEI administer the elections for the Town of Stratford, the City of Charlottetown, the City of Summerside and the Town of Cornwall; and

WHEREAS it is desirable to make changes to the existing election bylaw to reflect the changes in the Elections Act and to harmonize the Town bylaw with that of the other three large municipalities to make it easier for Elections PEI to administer the municipal elections.

BE IT RESOLVED that the Town of Stratford Election Bylaw, Bylaw # 31, be hereby read and approved a first time.

Discussion: It was noted that this resolution bears the recommendation of the Committee of the Whole.

Question: **CARRIED**

c) Resolution CW009-2009 FPEIM Code of Conduct Endorsement

Moved by Councillor Diane Griffin

Seconded by Councillor Steve MacDonald

WHEREAS the Federation of Prince Edward Island Municipalities (FPEIM) has prepared a **Code of Conduct** for members of city, town and community councils; and

WHEREAS this document defines a level of professional conduct that is expected from elected municipal officials; and

WHEREAS FPEIM is inviting all Councils to endorse the **Code of Conduct**.

BE IT RESOLVED that the Stratford Town Council adopt the attached **Code of Conduct** as prepared by FPEIM.

Discussion: It was noted that this resolution bears the recommendation of the Committee of the Whole.

Question: **CARRIED**

15. SAFETY SERVICES AND ENVIRONMENT

a) Report

A complete written report was included in the package for Council to review. Vice chair Diane Griffin gave a brief overview of the meeting noting that the Citizens on Patrol group attended the meeting and asked that some funding be considered for their group during the budget deliberations.

b) Street Light Report

No Report

c) RCMP Report

The RCMP report for the month of November was included in the meeting package for Council to review.

d) Humane Society Report

No Report.

e) Fire Company

No Report.

f) Resolution SS005-2009 Bylaw #30,Noise and Nuisance Bylaw, A Bylaw to Replace Bylaw #27, Nuisance Bylaw - 1st Reading

Moved by Councillor Diane Griffin

Seconded by Councillor Patrick Ross

WHEREAS the existing Nuisance Bylaw, Bylaw #27, was reviewed to address complaints that were received from residents and were not able to be dealt with under the existing Nuisance bylaw; and

WHEREAS during the review of the bylaw the Town's solicitor advised that the current bylaw was too vague and over broad and therefore difficult to enforce; and

WHEREAS a new Noise and Nuisance Bylaw was drafted by reviewing other bylaws and by consulting with the Town's solicitor and the draft bylaw was then presented to members of the public at a meeting in September; and

WHEREAS some amendments were made to the draft bylaw to reflect the feedback from the public meeting.

BE IT RESOLVED that the attached Noise and Nuisance Bylaw, Bylaw # 30, be hereby read and approved a first time.

Discussion: It was noted that this resolution bears the recommendation of the Safety Services and Environment Committee and the Committee of the Whole.

Question: **CARRIED**

16. <u>ECONOMIC DEVELOPMENT COMMITTEE</u>

a) Report

A complete written report was included in the package for Council to review. Mayor Jenkins thanked Councillor Ross for chairing the meeting in his absence.

It was noted that the deadline for submissions for the next newsletter is January 6, 2010. Mayor Jenkins suggested that a photo of the Chamber of Commerce Environmental Award be included in our next newsletter.

17. <u>HUMAN RESOURCE COMMITTEE</u>

a) No Report.

18. <u>OTHER COMMITTEES</u>

a) <u>Stratford Seniors Complex</u>

No written report. It was noted that a person has been hired for winter snow removal at the complex.

19. PROCLAMATION

Mayor Jenkins took a moment to wish everyone a very Merry Christmas and added that he is looking forward to a happy and productive new year.

20. OTHER BUSINESS

a) It was noted that the next Committee of the Whole is scheduled for Wednesday, December 23, however after discussions it was agreed that the Committee of the Whole will be held on Wednesday, December 16 at 7:00 p.m. Robert noted that we will also need to have a Human Resources meeting, but it could be scheduled as a lunch meeting.

21. ADJOURNMENT

There being no further business, the meeting adjourned at 8:27 p.m.

Kevin Jenkins, Mayor **Robert Hughes, CAO**