

REGULAR MONTHLY COUNCIL MEETING

August 10, 2016

Approved Minutes

DATE: August 10, 2016
TIME: 4:32 p.m. – 6:46 p.m.
PLACE: Stratford Town Centre, 234 Shakespeare Drive

PRESENT: Deputy Mayor Randy Cooper; Councillors Gary Clow; Keith MacLean; Steve Ogden; Gail MacDonald; Diane Griffin; Robert Hughes, CAO; Kim O’Connell, Director of Finance and Technology; Jeremy Crosby, Director of Infrastructure, Patrick Carroll, Director of Planning, Development and Heritage, Joanne Weir, Recreation Director; Wendy Watts, Community Engagement Coordinator; and Mary McAskill, Recording Clerk

REGRETS: Nil

CHAIR: Mayor David Dunphy

1. CALL TO ORDER

Mayor Dunphy called the Regular Monthly Council Meeting to order at 4:30 p.m. and welcomed those in attendance.

2. APPROVAL OF THE AGENDA

It was moved by Councillor Diane Griffin and seconded by Councillor Steve Ogden that the agenda be approved with one change - Planning will be moved up to become #10, and Infrastructure will become #13. Motion Carried.

3. MINUTES

It was moved by Councillor Diane Griffin and seconded by Councillor Steve Ogden that that the Regular Monthly Meeting Minutes of July 13, 2016 be approved with one correction in the Safety Services Report section of the minutes – Corporal Dunn should be Corporal Gunn. Motion Carried.

It was moved by Deputy Mayor Randy Cooper and seconded by Councillor Diane Griffin that the Public Meeting Minutes of July 27, 2016 be approved as circulated. Motion Carried.

4. BUSINESS ARISING FROM MINUTES

Nil

5. PRESENTATIONS FROM THE FLOOR

Tim Banks

Mr. Mayor, Council, my name is Tim Banks and I am a director of Killam Apartments. We are a property owner/investor in the Town of Stratford. I am here on very short notice. The president of our company had written a letter to the community in response to an application for a 20 unit multi residential apartment building, to be built on a lot that I think is currently zoned R2 and is asking to be rezoned to R3. With respect to that matter, we wrote that we are in favour of the rezoning and support multi-residential development, but we have two concerns with the submission. The first is the variance to allow a 16.3% density increase. With the abundance of land in Stratford and all the density already in the area, we feel there is not a need to go above and beyond what the rezoning would allow, and request that the variance to allow additional density be denied.

The second concern is the placement of the building to the rear of the lot and closer to our building. We own the properties at 20 Mutch Drive (the apartment buildings) and this new building, according to the plans that were submitted to us, would come up very close to our building. In fact the representation that the architect had on his drawing showed our building much farther away than the actual fact of how close it is, and we believe this building would impact our building in terms of the sunlight and so forth. When we purchased the property we were aware of the neighbourhood and the surroundings of our property and we never understood that it would be R3. We are not against it. What we are saying is if they want to go forward with the project, we would prefer they move the building closer to the road and further away from our buildings. In their drawing it can certainly be done that way. We also pointed out, although it is not an issue to us how you address it, but they have a driveway that is at the front of the building facing the road. We believe that if the building was moved closer to the street you would be able to put the parking garage to the rear of the building and put the building farther away from our building.

Just for or the record – we are not against it; we are just saying we want it farther away from our building. The reason I have shown up here this afternoon is because I got an email that told us this meeting was taking place. I was unaware of it. But in the email there is a real concern. It appears that the Town is going to address the rezoning first – before they deal with the permitting issue and if that is the case, I have a lot of experience in rezoning, and in permitting, and in appeals. Nobody has more experience in Prince Edward Island with the Island Regulatory and Appeals Commission (IRAC) than I do. I have been there many, many, many times and what Councils' believe, and sometimes they are told by staff, doesn't necessarily end up that way. If you want to take an example of that you can go into Charlottetown and you will see some nice Town houses being built next to the golf course. The City of Charlottetown believed they had the power within their own bylaws to prevent that from happening and they turned down the permit. But when the appeal went to IRAC – and it cost the City money to fight the appeal – they lost. What I am saying here simply put is that the Town has no authority once you rezone the property to

R3, to dictate to them where they are going to situate their building in terms of the setback, because that is prescribed by what is called their right to build. If you rezone the property to R3 then they can show up with an application, and as long as their application meets the National Building Code, and is within your bylaws, then you have no real authority. Now, you can write into your rezoning the matter that the building has to be setback so far, but you can't blanket. Approve it to R3 and then expect that they have to adhere to what you are going to tell them to do. So if anybody wants any clarity I am quite prepared to give it to you in writing from our counsel to explain that to you. I am telling you first hand that is the reason I am here today, is because you are putting the cart before the horse. If you vote to rezone the property to R3 then you automatically give them the right to situate the building whatever way they want to situate it. We are not trying to say don't build it, we look for investment. We hope people will invest in the community. We are all for it and we have written that we are all for it, but what we are trying to say is we want to make some sense of it too. We believe it has an impact on our building and we are saying to you that they can still build it and not impact us. These are my comments. Do you have any questions?

Mayor Dunphy stated that at this meeting we take comments under advisement. We don't have a back and forth conversation. What we have in front of us today is only the first reading of the rezoning. If it goes ahead there will be an opportunity between this first reading and the second reading for discussion.

Your comments are on the record and we take them seriously. We will take that information and work with our staff to see if there are any changes that need to be made to the rezoning that is before us today. *Mr. Banks – I appreciate your comments, and again what I am responding to is the email that was sent to me by your planning man who indicated that once the rezoning was approved, the Town would deal with the placement of the building. The Town can't deal with the placement of the building - they can only suggest because there is a set of rules. Thank you.*

Mayor Dunphy – Thank you Mr. Banks. Is there anyone else who wishes to make a presentation?

Paul Walsh – 5 Unit Townhouse

Mr. Mayor, Councillors, my name is Paul Walsh and I live at 18 Bayside Drive and I want to thank you for your time. I am speaking today about my concerns and my neighbours concerns on the proposed five unit development being proposed by Landfest behind the old Stogies store. We met with Landfest last week and we are not satisfied with what we have heard so far, especially on the water situation. SCL Engineering has a stormwater plan and I and other neighbours are not satisfied with it. People have lived in this area for decades and there have been water flooding problems here and that's why 100% of the residents believe it is a major problem. They want an assessment from the province and the Town plus more professionalism to study it, because it needs to be looked into. It is a

very serious issue and it should be evaluated properly. We are requesting a professional engineer to assess the existing stormwater infrastructure and proposed changes to the stormwater infrastructure. They should also include an evaluation of the existing spring feed water.

Residents are also very concerned regarding the safety aspect with the extra street or road. There should not be any more driveways or streets approved near this dangerous turn on the Stratford Road. A few years ago a young lady was killed at the Bunbury Mason Road intersection and after the accident they decided to improve the intersection. This turn on the Stratford Road is very dangerous right now - do we want to make it worse with this development, or try to fix it after someone has been injured or killed? We have to be more proactive. I just want to note that the Keppoch Road and the Stratford Road is another dangerous turn. We can't keep squeezing in development and ignoring the safety of our residents. In conclusion, when I met with Landfest and the other neighbours, it really surprised me that 100% of the residents were there and 100% are going one way. I think we should all listen to the 100% very seriously. The safety issue of a five unit, and if you look at the map it is a horseshoe of family homes that have been there for decades, and to stick a five unit apartment/condo there is very poor planning. I am not up on the zoning laws but it should never have been zoned to what it is. I don't know if you guys can keep it to two separate duplexes; I don't know if that would be better. If you look at the area, it is a dangerous corner and it is almost an insult to put something in there. Sometimes you buy land and you can't do anything. There are a lot of nice condos and townhouses up by the Town Hall and as a community we should try to keep them separate as much as possible. I am just here today as a concerned neighbour and want to see the continued success of our Town. Thank you.

Mayor Dunphy thanked Mr. Walsh for his comments.

Deputy Mayor Cooper stated that there is no opportunity at this point to have a discussion, but he would like to make a comment. He noted that a property that is very close to the area that Mr. Walsh was talking about has been cleaned up and a new triplex is now on the site, and it is right across the street on Barkley Avenue. He asked if in this situation the group feels that the new development added to the area, or negatively impacted the area because of increased traffic. Further, Mr. Walsh just commented about the fact of having two duplexes, so that's four units versus the proposed five. There were six units proposed in the past. I know the stormwater concerns and I understand them. I look at this development behind Stogies as very similar to what happened across the street.

Resident spoke about the traffic concerns and the fact that there are family homes where the proposed development would go, and that is a conflict.

Deputy Mayor Cooper stated that most of the concerns we have heard, and our director of planning can comment further if necessary, are focusing on the stormwater and the bog that

is there now. You start building a building you have roof lines, you have pavement and all of a sudden where is all this water going to go. Safety, stormwater management and value of the area are many different things. I personally believe the development across the street greatly enhanced the community experience that is there now.

Residents stated that they are dealing with a store that is very busy. There are cars going in and out of the store continuously, as well as cars coming around the turn that is right there. It is very dangerous and it is that way all day long.

Deputy Mayor Cooper thanked the residents for their clarification.

6. CARI REPORT

No Report

7. CORRESPONDENCE

A list of all correspondence sent and received since the last Council meeting was included in the meeting package.

8. MAYOR'S REPORT

Mayor Dunphy noted that he attended the following meetings and events since the last Council meeting:

- Attended initial Community Energy Plan Steering Committee meeting.
- Attended the Community Foundation of PEI's Annual Fundraising Dinner.
- Along with Councillor MacDonald - participated in a Pride Week Flag-Raising Ceremony at the Town Centre.
- Delivered welcome packages with Wendy Watts and visited businesses in the Stratford Business Park – Ken's Auto Service and Sign Cut.
- Was interviewed by CBC on the Pesticide Bylaw regarding infestation applications.
- Attended a public meeting on a rezoning request.
- Along with Councillor Griffin – met with the Stratford and Area Watershed Improvement Group to discuss their concerns regarding the Southside Greens development and other possible development projects in Stratford.
- Attended the official opening of UPEI's School of Sustainable Engineering building.
- Attended the City of Charlottetown's Newcomer Welcome Reception.
- Was interviewed by Stephanie Kelly of CBC on Stratford's Community Energy Plan and our Waste Water Treatment Plant options.
- Attended the Community Energy Plan World Vision Workshop.
- Attended the Stratford Business Group meeting. The group is a direct result the Town's Think! Stratford initiative.

9. CHIEF ADMINISTRATIVE OFFICER

The report was included in the meeting package for Council to review. Robert gave an overview of his report stating that most of his time was focused on the sewer treatment plant options. He noted that he did have an opportunity to take a few weeks vacation, and he thanked the infrastructure director Jeremy Crosby for filling in for him in his absence. He also thanked Jeremy for attending the Council meeting and the public meeting that will follow Council, because he was on holidays and came in to attend these meetings.

Mayor Dunphy thanked Robert and Jeremy, as well as other staff for their work in getting ready for the public meeting on the long term solution for the waste water treatment facility. There has been a lot of work done on this issue over the past few months and that work is very much appreciated.

10. PLANNING, DEVELOPMENT AND HERITAGE

a) Report

Report included in the package for Council to review.

a) Permit Summary

The permit summary was included in the package for Council to review. As noted at the last meeting, the amount of building in the Town has substantially increased over last year.

b) Resolution PH008-2016 Bylaw #29-F to Amend Bylaw #29 Appendix A – Zoning Map of the Town of Stratford Zoning and Subdivision (Development) Control Bylaw 1st Reading

Moved by Councillor Diane Griffin

Seconded by Councillor Steve Ogden

WHEREAS an application was received from 7711557 Canada Inc. for 29 Stratford Road, involving a portion of PID #328021 (0.54 acres) for a zoning amendment from the Two-Family Residential Zone (R2) to the proposed Multiple Family Residential Zone (R3) under the Town of Stratford Zoning and Subdivision (Development) Control Bylaw, Bylaw #29, Appendix A: Zoning Map;

AND WHEREAS the remnant portion of this parcel of land (0.26 acres) is currently zoned Multiple Family Residential Zone (R3);

AND WHEREAS the proposed rezoning is to allow for the development of a 20 unit, 3 story multi-unit building with underground parking;

AND WHEREAS notification letters were sent to 42 residents and landowners within a five hundred foot radius to solicit input on the proposed zoning amendment, with one

letter received voicing two concerns regarding the placement of the building and the appropriateness of a 16.3 % variance from the maximum permitted density and no responses opposing the proposed zoning amendment;

AND WHEREAS a public meeting was held on July 27, 2016 to discuss the application.

BE IT RESOLVED that Bylaw #29 F. A Bylaw to Amend the Town of Stratford Zoning and Subdivision (Development) Control Bylaw, Bylaw #29, be hereby read and approved a first time.

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

With the aid of the overhead projector, the planning director gave an overview of the request.

Deputy Mayor Cooper asked if we were able to confirm the information presented by Mr. Banks where he stated that the building is not situated where it is on the plan, and Patrick replied that he put that back to the developer who checked what was available to him and confirmed that the distances were correct. However, on their next submission with their conceptual plan we will verify it.

Councillor Griffin reminded everyone that this is just the first reading and there will be a month to do any needed investigation before the second reading. She added that it has been her experience that we work with builders on the location of buildings before we give them a permit. Patrick feels that what Mr. Banks was getting at is given the size of the lot, and given that we have required setbacks – that will define the footprint. It was noted that Council does have the ability to vary from those setbacks.

Mayor Dunphy stated that the portion that we are looking to rezone is not the portion that is close to the Killam property building that is already R3, and Patrick replied that is correct.

Robert stated that he and Patrick had a discussion on whether or not they should have the application for the actual variance and what they are looking for, but Robert stated that he advised Patrick that we can't do that until the rezoning is in place because we can't ask Council to rule on something that they don't have the authority to rule on yet. The zoning doesn't allow for what they want. Robert noted that you might be able to do it conditionally before the rezoning, but in his knowledge and

experience it might be questionable. Robert added that staff will have to do some research based on Mr. Banks comments and his experience, but we have been advised a number of times that we cannot put conditions on zoning. Councillor Griffin reiterated that we do have a month to do further research before the next Council meeting. She also noted that the Planning, Development and Heritage Committee recommended this request be approved. Patrick agreed that having a first and second reading allows for consultation and debate and is a requirement of the province.

Patrick stated that it is a portion of the PID #328021 and the total lot size is .8 of an acre, and under an R3 zone they would be permitted to have 17 units. He noted that they are actually looking at 20 units which is a 16.3% variance from the maximum permitted density. The big elements that came up had to do with traffic and safety. We knew that there was an issue with traffic during the morning commute and the school rush. To summarize what is happening in terms of traffic is that the rush to the school and the portion by the Esso becomes a bit of a bottle neck with people heading into town, people trying to get gas, and people trying to get to the school and they are coming from all directions. What the traffic study shows is that the traffic is getting close (86%) to the 90% capacity. This was based on the analysis that was done using provincial data. It is important to note that the remainder of the day is well within capacity.

Patrick stated that we were aware from our traffic transportation study that if road connections proceed as planned (in the long run), we do expect that the morning rush would be alleviated to some degree. Another important note from the traffic study was that consultants who looked at it did see the rationale for a left hand turn lane going into the Glen Stewart area. They have outlined it, and a copy is in the agenda package for review. We know that the province has looked at this in the past and they didn't see it as appropriate given the number of intersections in that area. It is certainly something that we will be giving back to the province for further consultation, and at Town level as well.

Proposed Variance - Patrick stated that what you are seeing here is an argument that was put forward by the proponent to argue why a density increase may make sense in this particular case. They are citing the City of Charlottetown, and certainly there are many municipalities that now do density bonusing based on underground parking as a particular amenity. Charlottetown allows for a 20% increase when you are incorporating 75% or more of the parking in an underground format. That is important to note when you compare the two jurisdictions. It is also important to note that we are reviewing our bylaw and we have come to the knowledge that

certain residents in the Town have a lot of support for underground parking.

Councillor MacLean asked what month and days of the week were used to carry out the traffic studies, and Patrick replied that he would have to look up that information, as he doesn't have it on hand. He added that it is from provincial data and it is monitored regularly. He also noted that they did an on-site study at peak times to gather additional data. Patrick believes they were also assessing the left hand turn lane at that point. The province determined that using the provincial records would be better as it would show more of an average.

Councillor Clow asked if the fire trucks and garbage trucks would be able to get in and out and Patrick replied that the proposed driveway will be a fairly standard width. We didn't gather comments from Island Waste Management, but it is certainly something we can do if it looks like there is going to be an issue.

Mayor Dunphy asked if the density part comes with the rezoning and Patrick replied that it doesn't, but the reason we included it here is because we want Council and the Planning, Development and Heritage Committee to be fully aware of what is being looked at.

Councillor MacLean asked if the developer decided to put in 17 units does it still come back to Council and the Planning, Development and Heritage Committee, and Patrick replied that they would not have to come back if they withdrew their variance request.

Using the overhead, Patrick displayed the concept plan and explained that the land comes down from the top in a fairly consistent grade until you hit a certain point and then it does rise a bit towards the road. Plantings are shown in green and extend to the front portion of the property. The rear is clear, and the driveway still partially exists. Patrick showed an overview of the site to show the established trees. We will make sure that when there is a site plan for development that it addresses the tree issue. The Planning, Development and Heritage Committee requested that we go back to the developer and ask more about the trees and what can be preserved, and in the development application show exactly where they intend to save the trees and back it up with some expert insight. It was also suggested that they commit to plant new trees where they are unable to save them.

Viewing the site plan Patrick outlined the placement of the building and addressed the concern that was voiced earlier. He noted that when you do a rezoning, the setbacks are there, and unless Council varies them, which certainly can be done, it is essentially defining the building placement.

The guest parking will be the only parking that is provided above ground. There will be 30 underground parking spaces which means they are going beyond the requirement. Patrick stated that they are also going to look at a common area for group entertainment on the main floor, but he hasn't received the details for this yet.

Overall, we did see it as being consistent with the bylaw and the official plan principles. Patrick reviewed some of the elements of the official plan noting that it states: *that we will identify opportunities for zoning residential land to allow for smaller lot sizes and higher density within residential zones without compromising the existing character of neighbourhoods.* That is why we are here in front of Council today to assess if this is an appropriate rezoning, or will it compromise the existing neighbourhoods.

Mayor Dunphy asked Councillor Griffin to give a summary before he calls for the question. Councillor Griffin stated that we have been given a lot of information and a lot of it relates to things we are going to consider in the future. She stated that what she is proposing tonight is first reading approval, and the second reading will take place next month so any additional points can be discussed by the Planning, Development and Heritage Committee between the first and second reading.

Councillor Griffin stated that what she is asking for is straight forward. It is a request to rezone one portion of PID #328021 (0.54 acres) from R2 to R3. That is all we are voting on.

Councillor Ogden stated that he listened closely to Mr. Banks presentation, and he will be supporting this resolution. He feels that the rezoning doesn't necessarily tie us to anything. It gives us an opportunity to investigate the problems that have been identified. Councillor Ogden noted that the Planning, Development and Heritage Committee and Town staff recommends that approval be granted to the request and those two reasons are why he will be supporting the resolution. He thanked Patrick for his presentation and he also thanked Mr. Banks for coming forward with his concerns in person. It is very important that citizens are engaged.

Councillor MacLean stated that because of what Mr. Banks said – once we do an R3 it becomes an as of right use. What the traffic study showed based on old data is that the traffic is at 86%. So we could actually be at 90% which is capacity. As someone who drives by there every day, I do see the traffic backed up. He also noted that there is nothing to stop them going from 20 units to 17 which is a cheaper building and doesn't have underground parking, and he can't support the property being zoned R3.

Councillor MacLean added that the developer had stated that they would save as many trees as possible, but if they walked the site they would see that the placement of the building does not allow them to save very many trees.

Councillor Clow stated that he sees a real safety issue and he feels more work needs to be done, so he can't support it.

Question: **CARRIED (2 Against – Councillor Gary Clow and Councillor Keith MacLean Against**

c) Resolution PH009-2016 – Street Name Request – Helena Crescent

Moved by Councillor Diane Griffin

Seconded by Deputy Mayor Cooper

WHEREAS a new street will be constructed in Clearview Estates Subdivision; and

WHEREAS Council approved McGregor Drive and Newton Lane are the two main street names in the subdivision; and

WHEREAS a request has been submitted to name the street by the subdivision owners Barry & Leslie MacDonald to name the street after their mother; and

WHEREAS the proposed name is Helena Crescent meets Civic Addressing and Canada Post standards.

BE IT RESOLVED that approval be granted to the new street name *Helena Crescent*.

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

Using the overhead the planning director showed the location of the street. Mayor Dunphy stated that when we name our streets in Stratford, we try to have a reason behind the name.

Question: **CARRIED**

d) **Resolution PH010 – 2016 Private Street Name Request – H. Beer Lane**

Moved by Councillor Diane Griffin

Seconded by Councillor Gary Clow

WHEREAS a private right of way is to be constructed off of Stratford Road on parcel No's. 847000 & 847392; and

WHEREAS the Civic Address Guidelines require that a private right of way with three or more houses be assigned a unique name. (Section 4.1.9); and

WHEREAS the at the June 28, 2011 Heritage Subcommittee recommended the private street name be named Henry Beer Road; and

WHEREAS the planning department staff contacted Civic Addressing on the proposed street name and were advised that we should remove the name Henry as there is already a street in Stratford called Henry Lane; and

WHEREAS the Planning, Development and Heritage Committee reviewed the two suggested names by Civic Addressing *Henry Herbert Beer* or *H.H. Beer* would be appropriate.

BE IT RESOLVED that approval is granted to name the private right of way *H. Beer Lane* located off Stratford Road on parcel No's. 847000 & 847392.

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

Councillor Griffin noted that we are not entirely following the recommendation of our Heritage Committee. The individual who this street is being named for is a considerable heritage both in our community and to the province.

Henry Beer operated a store and it was a major business in Southport at the time. Mr. Beer was also post master for the area and was elected to the House of Assembly for third Queens back when there were double member ridings, and was re-elected a number of times. The Heritage Committee wishes to honour him and Councillor Griffin fully agrees with their recommendation.

Question: **CARRIED**

e) **Resolution PH011 – 2016 – DP088-16 Maple Isle Homes**

Moved by Councillor Diane Griffin

Seconded by Deputy Mayor Cooper

WHEREAS an application has been received from Maple Isle Homes to develop a 5 unit townhouse dwelling on parcel numbers 847400 and 847392 having areas of 0.4 acres and 0.27 acres respectively located on the Stratford Road behind the old Stogies Convenience store; and

WHEREAS these two parcels of land are currently approved lots located in the Two-Family Residential Zone (R2) and area accessed via a 24 foot private right-of-way beside the existing convenience store; and

WHEREAS the two parcels will be consolidated into one lot to build a 5 unit townhouse as a “*conditional use*” within the R2 Zone; and

WHEREAS in the R2 Zone, residential density is regulated by the lot coverage and other lot requirements, not a maximum density such as in PURD, R3 and Core Area zones. For this proposal, located within the R2 zone, there is a minimum requirement of 20,000 sq.ft. and a frontage requirement of 146 feet. The two subject lots, when consolidated together would have a 29,185 sq.ft. lot size and 204 feet of frontage along the private roadway providing access the property. Therefore, the proposed does meet the lot requirements of this zone.

BE IT RESOLVED that approval be granted to application DP088-16 for a conditional use received from Maple Isle Homes to develop a 5 unit townhouse dwelling on parcel numbers 847400 and 847392, which will be consolidated as part of this application, having an area of 0.67 acres in total, located just off Stratford Road (behind the Roadside Store, which was formerly Stogies Convenience) subject to the following:

1. Conformance with the conceptual drawings as attached to the application submitted to the Town;
2. That a stormwater management plan shall be submitted and approved by the Town of Stratford and the DOTIE, and;
3. All other relevant provisions of the Town of Stratford Zoning and Subdivision Control (Development) Bylaw are satisfied prior to the issuance of the Development Permit.

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

Patrick demonstrated the basic outline of the site using a topographical on the overhead. He pointed out some of the existing site features such as the established large trees – not quite of the age that we saw in the last file, but we do have a hedge buffer. There is a hole so it is important to note that we will not be getting 100% buffer around the property, but we should have at least 95% with the existing vegetation. He also noted that the existing vegetation is almost entirely sitting within the existing landowners and the single family home land owners, and they are here tonight to keep us informed throughout this process.

Patrick displayed the preliminary site plan noting that there are individual units. A resident asked if they would be rental units or condos and Patrick replied that they are condominium units. However, he doesn't have any further specifics but felt that the units would be managed by the condominium association. That would include the private roadway that is being proposed.

Patrick noted that if the developer was to build two duplexes it would be an as of right use for this parcel. With the zoning the way it is all the developer would have to do is see the development officer – it would not have to go before Council. However, it came to Council as a conditional use because they are doing a townhouse with a third unit in the middle. The sideyards required are beyond what is a permitted use. The history of this file is that this was proposed as a six unit and it was pushed closer to the commercial use, but the Planning, Development and Heritage Committee did not recommend approval.

This proposal is above one unit than is permitted without Council approval. This is a conditional use and the idea behind a conditional use is that Council will look at what conditions need to be put in place to ensure that there is no undo impact on the neighbours.

Patrick stated that the concept plan (displayed on the overhead) is a general plan and shows the buildings as two storey and the garages are in front of the first floor of the building which is a typical townhouse design. He added that they are just meeting the minimum requirement for parking and there are only three visitor parking spaces.

Patrick stated that he took specific notes on the stormwater management plan (displayed on the overhead) and we will discuss the concerns, and the answers we received over the past seven days. We had two confirmed water issues previous to the application being made. We did engage the developer to let him know there were some concerns in the area regarding

drainage and he indicated that he was aware of the problem. He approached Chad MacCallum, who is the engineer, and he is trying to address the current concerns and what will be coming in the future if the development goes forward. What they came up with was two new manholes and a new pipe running across and a ??? box which is designed specifically to deal with stagnant water. We do have an assessment that was done by a professional engineer, but was paid for by the developer. Patrick stated that his concern is that the province hasn't fully looked at this and maybe this approach isn't going to work. We did receive preliminary comments from the province and they are included in the agenda package.

Patrick stated that with our residents in attendance today, he would like to go over the details of their concerns with stormwater being the big concern, as well as safe access, and as always, this will be looked after with final approval. Patrick noted that Orooba from the province wasn't able to confirm the access, but she indicated that it was divided in the past and the access was checked at that time. He added that every time they get an application they do another check.

Councillor Ogden asked Patrick to address Councillor Clow's safety concern. Patrick stated that the sidewalk was originally a walkway and it went in and around the boundary of the property. He noted that the walkway was not open access – it was only meant for the condominium users. The developer looked at it and he proposed that it would actually be more of a meandering woods path, but it was removed from the plan altogether, to indicate that they are not looking at a sidewalk. However, they do want the owners to have the ability to walk their dogs around the perimeter and to utilize the plantings that they intend to put in place. That was the first change. They also committed to continue to talk with residents, and in order to address any privacy issues that might arise they have no problem putting in any kind of plant that the residents would like in specific areas.

Patrick stated that there was consideration on transferring the easement at the southern boundary, and it will be discussed with the province, but we have put it on the developer to return to the province to have a discussion. Patrick noted that the developer felt that there was a need to have a full conversation with the province about whether or not something was done wrong with the structure that is already in place that may have led to the water that was getting into people's basements. The idea might be to transfer the land into the development then it can be managed by those who own it and are most impacted by it. However, there may be a

solution that the province would look towards to address something that may have happened in the past. Even if preliminary approval is given today, the province must sign off on it before the developer receives final approval for the actual development.

The Planning, Development and Heritage Committee noted that they have to know how waste is going to be handled and the developer responded with an updated survey plan and it shows a waste pickup area and their plan is to move it as far away from the neighbouring land owners as they can. The developer also plans to get comments from Island Waste Management.

Piling snow could also be an issue, but the developer's intention is to push it to the back and get it to where the drainage is located.

To some extent the developer did have an informal consultation with the residents, and planning certainly pushed him to do so. Some of the resident's issues were addressed at that consultation meeting and Patrick noted he also met with the residents and had them put their concerns in writing.

Mayor Dunphy asked Councillor Griffin if she had any comments, and she replied that the planning director covered all the issues and she didn't have anything to add.

Councillor Clow stated that he feels there are a lot of safety issues at the intersection, and he thinks that two duplexes would be more than enough in that location. He can't see fire trucks getting in there and backing out, or any other large vehicles such as Island Waste Management. He noted that the traffic at the store is very dangerous. It is very congested in that area and he can see a disaster happening at that location, so he cannot support it.

Councillor MacLean asked Patrick when he says 20,000 square feet does that mean that there will be 4000 square feet per unit for the five units, and Patrick replied that was to show what the lot requirement was for five units. Councillor MacLean felt that the frontage requirement of 146 feet was small and Patrick replied that he will double check the number to be sure it is correct.

Councillor Ogden stated that he chairs the Safety Services Committee and he asked Patrick if he could speak to Councillor Clow's safety concerns. He also asked if there is anywhere in the proposal where they state why they are proposing five units instead of four – what is the rationale?

Councillor Ogden noted that he first thought it was the same footprint, but he now realizes that is not the case. Patrick replied that no, it is not the same footprint, but it is the same encroachment into the adjacent land owners, because the area that is being proposed for the extra unit would actually be required for side yard in between two duplexes. Patrick added that if they were moving forward with four units it would be two duplexes and the footprint would be different. A four unit would be two separate buildings on two separate lots.

On the safety issues mentioned, Patrick noted that as he understands it, we do have a driveway access that was approved as a separate lot, and at that time the access was looked at. However, he doesn't know how many years ago that was, but he will find out. The province had actually indicated it would have someone on site today to check it out and confirm the driveway access.

Councillor Ogden stated originally he was planning to support this, but with the number of questions still out there perhaps we should defer this resolution until next month to allow us to get more information about the safety, and until there is a final opinion on the stormwater. Councillor Ogden added that he was not aware that there were resident concerns regarding the project.

Mayor Dunphy asked Councillor Odgen if he wanted to make a motion for deferral and Councillor Ogden replied that he did.

Motion for Deferral

It was moved by Councillor Ogden and seconded by Councillor Clow that this motion be deferred until the September Council meeting, to allow more time to gather information.

Question: **DEFERRED (Against the deferral – Councillor Diane Griffin and Councillor Gary Clow)**

Mayor Dunphy asked residents to forward any additional concerns to the planning department so they can be addressed over the next month.

Councillor MacDonald stated that her concerns have been raised, and as a resident of the immediate area she is very concerned about allowing more vehicles than we have to. She noted that now our hands are tied and if the developer so chooses four units can be built in there. Councillor MacDonald would like the Provincial Department of Highways to have a serious look at the traffic count in that area, especially the safety factor of more turning vehicles. It is an accident waiting to happen. She also noted

that she would be very interested to learn when that access was checked. It could have been years ago and traffic has gone up substantially, and she is pleased with the deferral.

Deputy Mayor Cooper commended the residents on their success in getting a deferral, and based on a lot of comments made tonight that is good. We have a safety issue whether this development goes ahead or not, and we need to deal with the province. He noted that his concern is that we spent a lot of time and effort on the Smallwood property where there were many residents who are going through the same situation with existing water issues, and at this point the province is neglecting to fix the issues. Deputy Mayor Cooper added that he wasn't aware of the severity of the situation until the presentation tonight. He would also caution people on the fact that we do have rules and regulations that we have to follow, and the rules would allow for a four unit or two duplexes without any consultation. He noted that by approving the five unit we would have been able to add stipulations.

Deputy Mayor Cooper stated that he was prepared to support this development because there was going to be a lot of work to ensure the stormwater management issues would be addressed, and we would hold the engineers with the province accountable. However, Deputy Mayor Cooper wanted to caution that if the developer decides to come back with two duplexes they can just go ahead with the project. He also agreed that something should be done with the intersection. In closing, Deputy Mayor Cooper stated that he looks forward to further discussion.

Mayor Dunphy stated that some people are aware that around the Town, we have had some storm water management issues. We have had some residents who have had water coming into their basements. He noted that he has concerns about the development because of the storm water issues. Mayor Dunphy noted that we had this covered in the resolution with the statement *that a stormwater management plan shall be submitted and approved by the Town of Stratford and the Department of Transportation, Infrastructure and Energy (TIE)*. He reiterated Deputy Cooper's comment that they can build two duplexes and there is nothing to stop them. Hopefully, we will have more discussion with the developer, the province and the residents to come up with a solution.

Mayor Dunphy had more questions and referred to the topographic plan. He noted that it appears that a culvert is being installed in the southwest corner and Patrick replied that there is an existing culvert in the southwest corner, but it is not draining the way it is supposed to be. He noted that

the province indicated to him that there may be a problem with the infrastructure that is already there. A manhole is supposed to be installed, but it is not showing in the topographical, although it is indicated in the stormwater management plan.

10. RECREATION, CULTURE AND EVENTS

a) Report

The report was included in the agenda package for Council to review. Councillor MacDonald gave an overview of her report. She noted that there were several special events held which included Canada Day and the Pride Week Flag Raising Ceremony.

The Stratford Minor Ball Association took the initiative called ‘Challenger Baseball’ to provide an opportunity for children with cognitive or physical disabilities to enjoy the thrill of playing baseball and being part of a team.

The summer camp program has 19 to 30 children in attendance each week, and each week the youth will experience various activities.

Now in its fourth year of operation, the Stratford Community Garden is a tremendous success. All 36 plots were rented and we now have a waiting list.

On average there are about 18 vendors each week at the Farmer’s Market providing a variety of products and services.

The Intro to Sports Program continues to gain interest and there are 40 children registered. The program is available to children ages 3 to 6 and operates every Wednesday evening.

Construction began in July on a 16’ x 27’ addition to the youth room; the old section of the youth room will receive a new paint job. The centre will be ready for reopening at the beginning of September.

b) ResolutionRC001-2016 Fullerton Creek Trail Extension

Moved by Councillor Gail MacDonald

Seconded by Councillor Gary Clow

WHEREAS the Fullerton Creek Trail Extension tender closed on Tuesday, July 26, and

WHEREAS the following tenders were received (HST included):

Contractor/Company	Tender Price (HST Included)
MacRae Backhoeing Services	\$58,797.78
M&M Resources Ltd.	\$65,165.70
Birt and MacKay Backhoe Services Ltd.	\$62,652.75
Island Coastal Services Ltd.	\$95,631.78
King County Construction Ltd	\$85,165.70

AND WHEREAS the low bidder will meet the indicated substantial completion within 20 days of start date; and

WHEREAS the estimated cost for this project with the low bid, including engineering is \$69,050.00; and

WHEREAS a capital budget of \$120,000 was approved for the construction of this section of trail.

BE IT RESOLVED that the tender submitted by MacRae Backhoeing Services in the amount of \$58,797.78 (HST included) be accepted.

Discussion: None

Question: **CARRIED**

11. FINANCE AND TECHNOLOGY

a) No Report

Councillor Cooper stated that the Finance and Technology Committee did not meet in July.

b) Financial Statements

The financial statements were included in the meeting package.

12. INFRASTRUCTURE

a) Report

Councillor Clow noted that some of the items being worked on by the infrastructure department are as follows:

Wastewater Treatment Plant Update – the system is currently operating well and being closely monitored. There are plans to proceed with a sludge removal program in the second cell of the lagoon later in the fall. A resident consultation is planned for 7:00 p.m. this evening following the Council meeting, to discuss the replacement of the lagoon system.

Inflow and Infiltration Study – the data collection is complete and we will soon meet with the consultant to review the data. The project will continue well into the fall of 2016.

Sidewalk Construction – the next phase of work on the Georgetown Road has been tendered and there is a resolution later in the meeting with a recommendation that the work should proceed.

Bike Lanes – work should commence shortly on the Keppoch Road from Skye Lane to Woodlane Drive to complete paved shoulders for bike lanes. This work is being completed with the partnership of the PEI Department of Transportation, Infrastructure and Energy (TIE).

Councillor Clow noted that there were no major issues with the wastewater collection system or water distribution system during the month of June.

Deputy Mayor Cooper asked how many pesticide applications were received to date and Councillor Clow replied that 40 applications were submitted. Deputy Mayor Cooper suggested that we look at joining with other municipalities for a dedicated person for next year to inspect and confirm the infestations. Councillor Clow noted that they do plan to approach Charlottetown and Cornwall on the issue.

b) Resolution INC008-2016 Georgetown Road Sidewalk, Bike Lane and Storm Sewer Construction 2016

Moved by Councillor Gary Clow

Seconded by Councillor Keith MacLean

WHEREAS the Georgetown Road Sidewalk, Bike Lane and Storm Sewer construction tender closed on July 28, 2016; and

WHEREAS the following tenders were received (HST included):

Contractor/Company	Tender Price (HST Included)
Birt and MacKay Backhoe Services Ltd.	\$580,915.60
Island Coastal Services Ltd.	\$633,441.00

AND WHEREAS a capital budget of \$400,000 was approved for the construction of the sidewalk, bike lane and storm sewer construction; and

WHEREAS PEITIE Capital will be contributing \$200,000 toward the storm sewer construction and road widening for bike lanes; and

WHEREAS PEITIE Maintenance Department has agreed to contribute \$56,111.52 towards asphalt road resurfacing; and

WHEREAS engineering design, construction services and project testing is \$38,190.00 (HST included); and

WHEREAS the total price of the project less the contributions from PEITIE is \$362,994.08 (HST included).

BE IT RESOLVED that the tender be awarded to Birt & MacKay Backhoe Services Ltd. in the amount of \$580,915.60 (HST included).

Discussion: Councillor Clow noted that this is a continuation of the Georgetown Road and the end point will be Woods Farms.

Question: **CARRIED**

13. SAFETY SERVICES

a) Report

The report was included in the meeting package for Council to review. Councillor Ogden gave an overview of the report noting that the committee discussed such items as streetlight requests, a cat complaint, and a neighbour to neighbour issue.

Councillor Ogden stated that the file on the loitering issues at the pit near the old Keenan property was closed, but if issues resurface the RCMP will be notified.

A crosswalk in the area of the Stogies store intersection was also discussed.

b) Street Light Report

Nil

c) RCMP Report

The RCMP Report for the month of July was included in the meeting package for Council to Review.

Councillor Ogden introduced Constable Kim Dudley who presented the RCMP report. Constable Dudley stated that Staff Sgt. Mark Crowther asked that she attend the meeting to update Council. She noted that over the past few months some of the traffic numbers have been down and that is due to a few reasons. In May a lot of training takes place. In June and July there were a lot of big events which takes a lot of resources. Constable Dudley reported that for the month of August there is a renewed vision to deal with the traffic issues. She noted that there was a ‘traffic stop’ today and 37 tickets were issued in Stratford. There will also be two more ‘traffic stop’ days in Stratford before the end of August, so Council should see an uptake on the traffic numbers.

Constable Dudley noted that cell phones are still an issue. People are aware of the \$575 fine and are keeping their phones hidden, and you need to have a visual in order to ticket the person. In addition, we still have a number of erratic driver calls and this means a lot of impaired drivers.

Councillor Griffin thanked Constable Dudley for attending the meeting and giving the report in person. Councillor Ogden also thanked her for attending.

d) Humane Society Report

The Humane Society Report for the month of July was included in the meeting package for Council to review.

e) Transit Report

The Transit Report for the month of July was included in the meeting package for Council to review. There was a transit user's group meeting on August 9 and many suggestions were put forward. Our community engagement coordinator Wendy Watts will be working with T-3 Transit to put a proposal together. Councillor Ogden stated that he will provide a more detailed report at the next meeting.

Mayor Dunphy noted that we hit a record high with 136 riders in July and this would be good information to get out to the media. It was noted that our previous record was 111.

f) Fire Company

There were five calls specific to Stratford. There were two fires, one false alarm and two motor vehicle accidents.

14. COMMITTEE OF THE WHOLE

Nil

15. SUSTAINABILITY

a) No Report

Mayor Dunphy noted that we did deal with a number of pesticide applications for infestations, and going forward, we hope to work with the City of Charlottetown and the Town of Cornwall on enforcement of the pesticide bylaw.

16. ACCOUNTABILITY AND ENGAGEMENT

a) Report

Included in the package for Council to review. Councillor MacLean stated that the committee reviewed the final version of Results Matter, and Robert gave an update on the KPI's. He also gave an update on Global Governance Project. Councillor MacLean noted that Council doesn't always hear the updates and there were some advancements made. He added that he would like to have it presented to Council in the near future.

Engagement statistics are trending up well and that is a credit to our engagement coordinator Wendy Watts.

Mayor Dunphy stated that one example of resident engagement is the splash pad. We put it out there for residents to give us their preferred location and we received more than 900 responses. Great work!

19. HUMAN RESOURCES

Nil

20. OTHER COMMITTEES

a) Stratford Seniors Complex – No Report

Councillor MacDonald noted that CMHC has a newly developed program and an application has been submitted for funding for renovations to the Seniors Complex.

21. PROCLAMATIONS

Nil

22. OTHER BUSINESS

Councillor Clow noted that the Rankin Water Project is complete and residents will soon be receiving letters informing them that they can connect to the system. He also noted that reinstatement is on-going.

23. ADJOURNMENT

There being no further business, the meeting adjourned at 6:46 p.m.

Mayor David Dunphy

Robert Hughes, CAO