REGULAR MONTHLY COUNCIL MEETING
January 14, 2016
Approved Minutes

DATE: January 13, 2016
TIME: 7:35 p.m. – 8:55 p.m.
PLACE: Stratford Town Centre, 234 Shakespeare Drive

PRESENT: Deputy Mayor Randy Cooper; Councillors Gary Clow; Gail MacDonald; Diane Griffin; Keith MacLean; and Steve Ogden; and staff members Kim O'Connell, Director of Finance and Technology; Robert Hughes, CAO; 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 7:35 p.m. and welcomed those in attendance.

2. **APPROVAL OF THE AGENDA**
It was moved by Deputy Mayor Randy Cooper and seconded by Councillor Diane Griffin that the agenda be approved with the addition of two finance resolutions under item #12. Motion Carried.

3. **MINUTES**
It was moved by Councillor Gary Clow and seconded by Councillor Gail MacDonald that the Regular Monthly Meeting Minutes of December 9, 2015 be approved as circulated. Motion Carried.

4. **BUSINESS ARISING FROM MINUTES**
Ladder Truck, Cross Roads Fire Department
Councillor Ogden noted that the Cross Roads Fire Department is only about three to four apartment buildings away from needing a ladder truck. This is based on information provided by the insurance company.

5. **PRESENTATIONS FROM THE FLOOR**
At this time Don Hickox from Kel-Mac made a presentation to Council. *I wish to thank the Mayor and Councillors for you devoted service to our Town. This being said, you can only base decisions on the facts presented to you. I request my submission remain unedited in these minutes. There isn't anyone in attendance tonight who couldn't testify to the damaging*

effect the HST has on our provincial economy, especially the building and construction industry.

History has taught us the worst thing for a failing economy is increased taxes. I'm making reference to the proposed new bylaw #21 that went through first reading without any debate or opposition during the December 9, 2015 Council meeting. The bylaw in the legal profession is known as "this amounts to nothing less than an exorbitant tax grab by the Town."

The developers, contractors, and builders see this message from the already heavily loaded upfront policies of the Town as anti-development, and a Town plagued by frustration and long delays in projects making it difficult to retrieve acceptable returns for financing.

In the past, we have been complaining bitterly about the $1,500 water tax, as it put us and all developers who wish to do business in Stratford at a financial disadvantage to other communities.

Previous Council at one point said "we are doing well and don't see a reason to change; if things slow down in the future we'll look at it." Well, this Council looked and came up with a plan that will destroy any potential for sustainable development.

In conversations during holiday gatherings, previous developers who could develop elsewhere have walked, and have stated that they have no intention of doing business with Stratford unless there is a change in the anti-development policies of the Town. We have no choice. I have to bring these concerns to the Council one last time, for if you pass this bylaw #21, we too are done. We'll have to walk away and leave development to a future generation or until a pro-development Council with economic common sense is formed.

A practical example I'll use is a projected development phase above Town Hall, 27 R1 lots, one triplex lot and seven apartment lots, including all roads total 19 acres. The new proposed water and sewer tax comes to a staggering $299,250 ($300,000) or $15,700 per acre. This is money required by any developer to make a project viable. In our case to put back in the ground if you're lucky enough to sell in a reasonable time frame. On the North side of the Trans Canada Highway (TCH) alone there are 111 acres to develop. This would require help and cooperation from the Town, which unfortunately, neither are forthcoming.

There is going to be a rebuttal to this statement and please don't insult us by the quote "this was brought in to make the tax fairer." The only fair thing to do would be to abolish it completely. Would it be fair to put us or any future developers in a possible scenario of paying $31,500 sewer and water tax per acre when your waterfront development area pays $855.19 per acre, or a flat $7,500 for 8.77 acres? This is bizarre! I feel like a lamb being led to slaughter, or a mouse who's asked to bell the cat.

Our company has no choice, as we are placed in the unfortunate position of owning the downtown core area. Tempers may flare, but I have to make one last stand. The existing $1,500 charge, which no other municipality has, represents two weeks pay for a contractor's helper on a single unit building. These people need to make a return, as does everybody or the system fails.

The R3 is your highest per square footprint tax base return to the Town, and each building already pays its fair share, as they are metered. The 36 unit apartment goes from $1,500 to $37,000 a 252% increase. What are we thinking?

The Town needs the population to promote the future commercial development that's on Council's wish list.

We cannot put our land on wheels and move to another municipality. All our Town's previous big developers have moved, some vowing never to return. Why is this? Take a drive around Charlottetown and Royalties. Development still continues. Stratford is suffering!

I'm well aware the sewer and water department needs money, but please do not cut off your feet because of a stubbed toe. Council, you have it in your power to stop this short sighted, narrow minded disaster! Please, for the Town's prosperity vote No to bylaw #21.

Your Worship Mayor Dunphy, due to numerous comments from former Stratford developers, I wish to ask Councillor Randy Cooper to abstain from voting on this bill due to a perceived conflict of interest with himself and his company.

Thank you very much for allowing me to speak.
Don Hickox
Kel-Mac Inc.

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**
Following is a list of meetings and events attended by the Mayor since the last Council meeting:

- Attended many Christmas dinners and receptions.
- Participated in CBC's turkey drive event at Stratford Sobey's.

- Enjoyed a great day of Leveeing with Councillors and Rachel.
- Councillor MacDonald, the Events Committee and staff were second to none with Stratford's Levee. This was the best and most attended year to date. The Town was also presented with the 2015 Levee of the Year awarded by the Secret Levee Society.
- Along with Thilak Tennekone met with resident and UPEI student to discuss Diversity and Inclusion in Stratford.
- Attended the first and second 2016 budget meetings.
- Along with the Robert and Jeremy met with a resident to discuss possible energy-saving options for the Town.

9. <u>CHIEF ADMINISTRATIVE OFFICER</u>
Report included in the package.

10. <u>INFRASTRUCTURE</u>

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

Waste Water Treatment Facility – The Department of Environment sent a list of questions regarding the performance of the system. They also provided comments regarding the one year assessment report provided by Terrapin Water and exp. Within the report it identified several issues that required attention, including the repair of the transfer pipe between the two lagoons and the outlet pipe of the lagoon system. Based on the discovery and repair of these issues, we have requested that the current certificate of approval be extended to assess the system under normal operating conditions. The Department of Environment is currently reviewing this request.

Inflow and Infiltration Study – Phase I of the program has been completed with the monitoring of system flows during fall conditions. The consultant is reviewing the data now. The monitoring devices will be put back in place in the spring to assess the collection system during spring melt and runoff. The project will continue well into 2016.

Toilet Rebate Program – Phase III of the program was completed in 2015. To date, we have processed 16 of the 30 budgeted rebates. We are currently reviewing the water conservation program for 2016.

Rankin Water – Design work continues for this project and will be tendered in the spring of 2016.

Town Centre Emergency Generator – Work is complete and the generator is operational. The project was completed on schedule and slightly under budget.

Sidewalk Construction – To date, approximately 50% of the work is complete. The storm sewer system and base for the sidewalk has been installed. The remainder of the project will be completed in the spring of 2016.

Budget 2016 – The first draft of the budget was presented to Council and we are currently working on the second draft.

Water Metering – All of the data from the pilot program has been analyzed and entered into the rate model. An information package has been prepared for Council and is being reviewed as part of the budget process.

b) <u>Resolution INC001- 2016 – Bylaw #21-F, a Bylaw to Amend the Water and Sewer Customer Services Regulations Bylaw, Bylaw #21 – 2nd Reading</u>

Moved by Councillor Gary Clow
Seconded by Councillor Keith MacLean

WHEREAS it is desirable to amend the Water Supply Capital Contribution charge to apportion the charge based on the number of dwelling units, instead of the number of lots, to more fairly allocate the cost among new users of the water supply; and

WHEREAS it is desirable to establish a Sewer Treatment Capital Contribution charge to apportion part of the anticipated cost of new treatment to new users, so that existing users do not have to pay the full cost of required upgrades which will also benefit new users; and

WHEREAS capital contribution charges are established in the Water and Sewer Customer Services Regulations Bylaw, Bylaw # 21; and

WHEREAS the following changes to the draft bylaw were suggested by the Town's Solicitor:

- amend existing Section 70 and new Section 70.1 by adding the words "prior to connecting to the system" at the end of the sections.
- remove all references to the effective date, which will be the date the bylaw is passed.

BE IT RESOLVED that Bylaw #21-F, a Bylaw to amend the Water and Sewer Customer Service Regulations Bylaw - Bylaw # 21, be hereby read and approved a second time, incorporating the recommended changes from the Town's Solicitor.

Discussion: Councillor Ogden stated that before Mayor Dunphy calls for the question he would like to request that this resolution be tabled and that we look at more consultation based on the presentation from the floor. He noted that he argued in discussions at a previous meeting there is a way of recovering this in the rate, so we should look at other alternatives other than an upfront contribution. Councillor Ogden stated that his request is to withdraw the motion and consider it again at our next meeting

Proposed New Motion

Moved by Councillor Steve Ogden
Seconded by Councillor Randy Cooper

That the resolution to amend the Water and Sewer Customer Services Regulations Bylaw be deferred until the next meeting.

Discussion: Councillor Cooper stated that he seconded the motion in order to allow for a discussion. Councillor Ogden would like more time to discuss the issue, as he sees this change as unfair to developers.

Question: Lost (4 Against – Deputy Mayor Cooper, Councillors Griffin, Clow, MacLean)

Discussion continued on original motion:

Deputy Mayor Cooper stated that nobody likes taxes – like the taxes he pays on his home, and expects services to be provided by the Town of Stratford. There are always various forms of taxation.

Going back to the comments from the floor by Mr. Hickox, Deputy Mayor Cooper stated that the last development that he did personally was building his own home in 1998 – within the Town of Stratford. He added that he does operate a company called BradMax Incorporated, and he is affiliated with various others that he does not need to identify. Regarding the Stratford Home Hardware as mentioned by Mr. Hickox, Deputy Mayor Cooper stated that he tried to buy it three years ago, but they and they didn’t take his offer.

Deputy Mayor Cooper stated that to this point he has not had the pleasure of sitting down with Mr. Hickox and others from Kelmac. He noted that he has had 11 parcels of land ranging in size from .8 of an acre to 27 acres under purchase agreement with the Town of Stratford. As to the comments that were made earlier from the floor, Deputy Mayor Cooper stated that formally his company was incorporated in 2008, and he has proposed many developments for Stratford and he can say unequivocally, they did not end up in Stratford, but that had nothing to do with taxation.

Deputy Mayor Cooper stated that the only thing he can say to Mr. Hickox is that he is the only developer present this evening, and when he drives around Stratford he see apartments that are not full.

Mayor Dunphy noted that the main purpose of changing the capital contribution is to create more fairness of all users and to put some money aside.

Vote on Original Motion

CARRIED (1 AGAINST – Councillor Steve Ogden)

c) <u>Resolution INC002- 2016 – NBCF 2015</u>

Moved by Councillor Gary Clow
Seconded by Councillor Randy Cooper

WHEREAS it is desirable to amend the Water Supply Capital Contribution and to establish a Sewer Treatment Capital Contribution; and

WHEREAS Bylaw #21-F, a Bylaw to amend the Water and Sewer Customer Service Regulations Bylaw - Bylaw # 21, was read and approved a first time on December 9, 2015; and

WHEREAS Bylaw #21-F, a Bylaw to amend the Water and Sewer Customer Service Regulations Bylaw - Bylaw # 21 was read and approved a second time on January 13, 2016, incorporating changes recommended by the Town's Solicitor.

BE IT RESOLVED that attached Bylaw #21-F, a Bylaw to amend the Water and Sewer Customer Service Regulations Bylaw - Bylaw # 21, be hereby adopted and that the Mayor and Chief Administrative Officer be authorized to affix their signatures and the corporate seal of the Town thereto and to formally declare the said Bylaw as passed.

Discussion: None
Question: **CARRIED (1 Against – Councillor Steve Ogden)**

11. <u>RECREATION, CULTURE AND EVENTS</u>

a) Report

The report was included in the package for Council to review. Councillor MacDonald gave a brief overview of the report noting that the afterschool arts and crafts program was re-introduced and program and registration fees are identified in the winter program guide.

The month of December was extremely busy with special events. The staff and the Events Committee were busy hosting the Children's Christmas Party and the Town

Levee. Both of the events were extremely well attended. Plans are currently underway for the upcoming Winter Carnival which is being held February 11 to 15. It will again be offering a wide host of activities and a complete itinerary will be released through local media, retail, and schools.

Councillor MacDonald noted that the Stratford Youth Centre attendance numbers continued to grow in December with an average of 18 visitors each day.

12. FINANCE AND TECHNOLOGY

a) No Report

Deputy Mayor Cooper stated that the budget process is underway and the second session was held earlier this evening. He noted that the next few weeks will be busy as we get the budget ready for approval in February.

Mayor Dunphy stated that the finance department is very busy with the budget, and the audit will soon be upon us soon as well.

b) Resolution FT001-2016 – Loan Approval

Moved by Councillor Cooper
Seconded by Councillor MacDonald

WHEREAS a loan for the Stratford Utility Corporation has expired and is up for renewal in the amount of $457,000.00; and

WHEREAS the amount of the capital loan requested is $457,000.00; and

WHEREAS we requested proposals from the following financial institutions:

- National Bank
- Bank of Montreal
- Metro Credit Union
- CIBC
- Royal Bank
- TD Bank

BE IT RESOLVED that the tender for the loan with an amortization of 10 years be awarded to the lowest bidder with the best combination of rates and term - which was a 10 year term from TD Bank at a rate of 2.63%.

Discussion: None
Question: **CARRIED**

c) <u>Resolution FT002-2016 – Loan Approval</u>

Moved by Councillor Cooper
Seconded by Councillor Ogden

WHEREAS a loan for the Stratford Utility Corporation has expired and is up for renewal in the amount of $173,000.00; and

WHEREAS the amount of the capital loan requested is $173,000.00; and

WHEREAS we requested proposals from the following financial institutions:

- National Bank
- Bank of Montreal
- Metro Credit Union
- CIBC
- Royal Bank
- TD Bank

BE IT RESOLVED that the tender for the loan with an amortization of 5 years be awarded to the lowest bidder with the best combination of rates and term - which was a 5 year term from TD Bank at a rate of 1.90%.

Discussion: None
Question: **CARRIED**

13. <u>PLANNING, DEVELOPMENT AND HERITAGE</u>

a) No Report

b) Permit Summary
The permit summary was included in the package for Council to review. Councillor Griffin briefly reviewed the building permit summary.

c) <u>Resolution PH001-2016 – David & Brenda McIlwaine -Side Yard Variance Request – 5 Alexandra Court</u>

Moved Councillor Diane Griffin
Seconded by Councillor Steve Ogden

WHEREAS an application has been received from David and Brenda McIlwaine for a side yard variance to parcel number 570192, located at 5 Alexandra Court for the purpose of adding onto the existing garage; and

WHEREAS the side yard variance request is for three feet (3 feet), or 20% to the minimum side yard setback requirement of 15 feet for a single family dwelling located within the Single Family Residential Large Zone (R1-L). The applicant, therefore, is seeking a variance to the side yard setback from 15 feet to 12 feet; and

WHEREAS Pursuant to section 23.1(6), 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 notification letters were sent to property owners who own parcel(s) of land which are located (or part) within sixty meters (200 feet) from any lot line of the parcel being proposed for variance.

As of January 6, 2016, no responses have been received related to the variance request.

BE IT RESOLVED that approval be granted to an application received from David and Brenda McIlwaine for a side yard variance of 3 feet (3 feet), or 20% to the minimum side yard setback requirement of 15 feet for a single family dwelling located within the Single Family Residential Large Zone (R1-L), to parcel number 570192, located at 5 Alexandra Court for the purpose of adding onto the existing garage.

Discussion: This resolution bears the recommendation of the Panning and Heritage Committee.
Question: **CARRIED**

d) <u>Resolution PH002-2016 – SD001-16 Estate of Margaret MacIntyre – 18 Lot Subdivision – 5 Georgetown Road</u>

Moved by Councillor Diane Griffin
Seconded by Councillor Randy Cooper

WHEREAS an application has been received from the estate of Margaret MacIntyre to subdivide parcel number 289231 into 22 lots located at 5 Georgetown Road

WHEREAS the total area of the proposed subdivision is approximately 11.64 acres and the developer is proposing to create 22 new Single Family Residential lots and dedicate 1.07 acres to the Town of Stratford for parkland and open space.

WHEREAS the Town proactively sought confirmation from the Department of Transportation, Infrastructure, Energy that safe access is possible onto the Georgetown Road when St. Catherine's Avenue is extended to join Georgetown, as proposed in the attached 7.a.2. There is approximately 107 metres, which is 22 metres above the legislated minimum and 12 metres above that recommended by DOTIE.

BE IT RESOLVED that Preliminary Approval be granted to an application from the estate of Margaret MacIntyre to subdivide parcel number 289231 into 22 Single Family Residential lots located at 5 Georgetown Road subject to the following conditions:

1. Conformance with the Preliminary Plan showing Lots 2015-1 to 2015-22 prepared by Mantha Land Surveys Inc., Drawing No. M-15-23R1A, dated December 27, 2015.
2. That a stormwater management plan be designed by a licensed engineer using Low Impact Development guidelines approved by both DOTIE and the Town of Stratford.
3. That the proposed 1.07 acres of parkland area, as shown on the concept plan, be deeded to the Town of Stratford as parkland dedication.
4. That the concept design meets all the provincial government requirements and is approved by the Department of Communities, Land and Environment.
5. That the sewer and water systems shall be designed in accordance with the Stratford Utility Corporation Servicing Standards and that a Utility Agreement be executed between the Developer and the Stratford Utility Corporation. The developer shall also pay a one-time, non-reoccurring $1,500 payment per lot for the supply of water to the subdivision as per the requirements of the Stratford Utility Corporation.
6. That the developer makes an agreement with Canada Post and meets Canada Post's requirements for establishing Community Mail Box(s) in new subdivisions.
7. That all other relative provisions of the Town of Stratford Zoning and Subdivision Control (Development) Bylaw are met.
8. Preliminary approval shall be valid for a period of 3 years.

Discussion: This resolution bears the recommendation of the Planning, Development & Heritage Committee

Councillor Griffin asked planning director Patrick Carroll to give a brief summary of the application.

Question: **CARRIED**

14. <u>COMMITTEE OF THE WHOLE</u>

a) <u>Resolution CW001-2016 Committee Member Appointment</u>

Moved by Councillor Gail MacDonald
Seconded by Councillor Keith MacLean

WHEREAS Council has established Special Committees and sub-committees to those Special Committees in Bylaw #33, the Stratford Committee Bylaw, to advise and assist Council in its deliberations; and

WHEREAS the Bylaw provides for the appointment of residents by Council to provide public input to Council in its deliberations; and

WHEREAS Mary Jane Webster has submitted her resignation as a member of the Accountability and Engagement Committee; and

WHEREAS Adam Ross has put his name forward to serve as a member.

BE IT RESOLVED that Adam Ross be appointed to serve on the Accountability and Engagement Committee for the remainder of the two year term ending December 31, 2016.

Discussion: This resolution bears the recommendation of the Committee of the Whole.
Question: **CARRIED**

15. <u>SAFETY SERVICES</u>

a) No Report

Councillor Ogden noted that the committee did not have a meeting in December; however, the RCMP report, the Humane Society report, and the transit report are all included in the package.

b) Street Light Report
No Report

c) RCMP Report

The RCMP Report for the month of December was included in the meeting package for Council to review.

Mayor Dunphy noted that activity is down this year. Tickets issued, complaints and offences are all down. Mayor Dunphy asked if there was any thought of reducing the number of RCMP officers in the Town and Councillor Ogden replied no, not from the Safety Services Committee.

d) Humane Society Report

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

e) Transit Report

The Transit Report for the month of December was included in the meeting package for Council to review. There was some discussion regarding ‘park and ride’.

Mayor Dunphy asked how the transit was doing and Councillor Ogden stated that the numbers were up overall for the year.

Councillor Ogden stated that one point of interest is if the bus is delayed because of the weather, our engagement coordinator Wendy Watts will put it on Facebook and Twitter to advise people.

Councillor MacLean stated that he and Councillor Griffin received an email regarding No Frills – they now have signs up that state no 'park and ride.' Robert is looking into it, but he wanted to bring it to Council's attention. If we speak with Mr. Murphy we may be able to resolve the issue. Robert added that we are in the process of contacting the Murphy's to see what can be worked out.

Robert added that we do have some transit questions on the annual resident survey. We hope this will raise the awareness of the transit and hopefully give us some information about what people are looking for, and what we might need to do to get more riders.

Robert also noted that he spoke to the operator about people putting an app on their phone that will let them know where the bus is.

Councillor Cooper stated that there is land around the Town building that could be purchased for park and ride, and another option might be the parking lot of the Home Hardware, as it is not currently being used and they might be open to a 'park and ride.'

f) **Fire Company**
No Report

g) **<u>Resolution SS01-2016 Appointment of Directors to the Cross Roads Rural Community Fire Company</u>**

Moved by Councillor Steve Ogden
Seconded by Councillor Randy Cooper

WHEREAS the Town of Stratford has a right and responsibility to appoint seven members to the Board of Directors of the Crossroads Rural Community Fire Company; and

WHEREAS it is desirable to have new persons appointed each year to represent the Town on the Fire Company Board**.**

BE IT RESOLVED that the following persons be appointed to serve on the Board of Directors of the Cross Roads Rural Community Fire Company for the year 2015.

Town Council Representative:

- Councillor Steve Ogden

Community Representatives:

- David Milligan
- David Swan
- David Panton
- Cynthia Chugg
- Ross Wheatley

Discussion: Nil
Question: **CARRIED**

16. SUSTAINABLITY

a) No Report

No meeting was held in December. The next meeting will be held later this month. Support local will be one of the items on our agenda. We are also working on a plan to be more proactive in selling lots in our business park.

17. ACCOUNTABILITY AND ENGAGEMENT

a) Report

Councillor MacLean noted that the main items discussed at the December 10, 2015 meeting were Results Matter and the KPI's, and we will be reviewing them further at the next meeting.

The committee looked at the proposed amendment to the Water and Sewer Customer Service Regulation Bylaw. Councillor MacLean noted that it is part of the mandate of the Accountability and Engagement Committee to review all legislation.

The Pace Car Program was introduced to the committee and they liked the idea of having pace cars in the community. To date, approximately 15 people pick up stickers to participate in the program.

18. HUMAN RESOURCES

a) No Report

19. OTHER COMMITTEES

a) Stratford Seniors Complex

The report was included in the package. Councillor MacDonald noted that there will be a vacancy in the building as of February 1, 2016 and it will be filled from our waiting list.

Councillor MacDonald also noted that they are working on a draft fire alarm policy for the building with increased signage in case of an emergency. She noted that the committee is also working on a new capital plan which is a requirement of CMHC.

20. PROCLAMATIONS

Nil

21. OTHER BUSINESS

Nil

22. ADJOURNMENT

There being no further business, the meeting adjourned at 8:55 p.m.

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Mayor David Dunphy	**Robert Hughes, CAO**