

REGULAR MONTHLY COUNCIL MEETING

September 9, 2009

Approved Minutes

DATE: September 9, 2009
TIME: 4:30 p.m. - 5:30 p.m.
PLACE: Stratford Town Centre, 234 Shakespeare Drive

PRESENT: Councillors Steve MacDonald; Councillor Gary Clow; Emile Gallant; Diane Griffin; Vahid Ghomoshchi, Director of Planning; Kim O'Connell, Manager of Finance and Administration; and Mary McAskill, Recording Clerk

REGRETS: Mayor Kevin Jenkins; Deputy Mayor Sandy McMillan; Councillor Patrick Ross; Robert Hughes, CAO; Jeremy Crosby, Manager Public Works and Utility; and Ron Fisher, Recreation Director

CHAIR: Councillor Emile Gallant

1. CALL TO ORDER

Councillor Emile Gallant called the September 9, 2009, Regular Monthly Council Meeting to order at 4:35 p.m. noting that both Mayor Jenkins and Deputy Mayor McMillan are out of the province and he will be chairing the meeting in their absence.

2. APPROVAL OF AGENDA

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

Discussion: None

Question: **CARRIED**

3. MINUTES

It was moved by Councillor Diane Griffin and seconded by Councillor Steve MacDonald that the Regular Monthly Meeting Minutes of August 12, 2009 and the Special Council Meeting Minutes of August 17, 2009 be approved as circulated.

Discussion: None

Question: **CARRIED**

4. PRESENTATIONS

Presentation - Senior Volunteer of the Year Award Bus Gay

Councillor Gallant noted that this evening he and Councillor MacDonald have the honour of presenting the MacIntyre-MacDougall Senior Volunteer of the Year Award.

He noted that the large group of dedicated residents who volunteer their time and talent to the community are the key to the Town's success. One area that is a priority for the Town is the Seniors who have built our community, province and country.

This award was established to honour people who volunteer their time and talent to increase the quality of life of our senior population. One such person is long time resident and tireless volunteer Bus Gay. Bus is always working to make Stratford a better place and it is my great pleasure to present the third annual MacIntyre-MacDougall volunteer of the Year Award to Mr. Bus Gay - a very deserving recipient. Congratulations Bus.

A presentation was made to Bus and photos were taken. Councillor MacDonald stated that Bus is a great worker and volunteer, and he can't think of anyone would be more deserving of the award. Councillor MacDonald then asked Bus if he would care to say a few words. Bus thanked Council for the award noting that he doesn't attend very many Council meetings, but when he does attend, he always reminds Council that they must be doing a good job if no one is attending - because otherwise the chambers would be full.

Presentation from the Floor

Good afternoon Councillors. My name is David Johnston and my family and I have lived on the Mason Road for 40 plus years. I would like to thank you for this opportunity to speak to you about the problem of the oyster fishermen on the lower Mason Road.

We realize that the oyster fishermen have a right to make a living fishing oysters. However, this is a commercial fishing industry and they should have a proper place provided for them away from a residential neighbourhood. The oyster fishermen launch their boats from the lower Mason Road, but then travel up the river and out of sight to harvest their oysters. The majority of these fishermen are from the Tignish area. They are not even residents of our community.

As far as I can tell from reading the bylaws of Stratford, I could not set up a business in my neighbourhood that would cause bumper to bumper parking from the shore to the Mason farm gate and beyond. I would be required to have off street parking and I could have no more than two employees working at my home. The dwelling has to be occupied as a residence by the principal operator. There appears to be special permits issued, but one of the stipulations is that the business will not cause any hardship to surrounding property owners due to excessive noise, traffic congestion or other potential nuisances. As residents, we have to abide by the bylaws of Stratford, but it appears that the oyster fishermen can move into our neighbourhood and use our road for parking and not have to adhere to the bylaws of the town because technically the roads are owned by the province. The bylaws do nothing to address the issue of fishermen moving into the community and taking it over.

We, the residents of the Mason Road want the oyster fishermen removed permanently from our neighbourhood for the following reasons:

1. Unsafe for our children who play, walk, and ride bikes in the area.
2. The bus stop is blocked. The children wait on Starling Crescent for the bus and then cross over, as the bus driver has told them it is not safe to wait amongst the trucks.
3. Increase in traffic as they come and go all day long.
4. Speed.
5. Racing of vehicles - two abreast.
6. Operations start about 4:00 a.m. until sundown.
7. Backing down the road to the shore. They could not see a child that might pop out of a ditch or driveway.
8. They turn in our driveways.
9. Noise of them coming and going, as there can be up to 30 trucks and trailers.
10. Unsightly - would you like to sit and look at a nice view through old trucks and trailers? Would you like this in front of your house? We built here for the view.
11. Who would want to buy our houses and look at this mess. When and if the Mason's sell lots on that side of the road, it certainly will make them hard to sell when people know that the oyster fishermen will park in front of their house for the duration of the fishing season.
12. Daycare children and other walkers cannot walk up the road safely, as there is no place to step off with oncoming traffic approaching.
13. Wear and tear on our shore, as they drive on the shore and have been known to drive from the Mason Road to the Duffy Road on the shore.
14. The oyster fishermen block access to the sewerage pumping station.
15. There is no place for recreational boaters to park during this period.

This is our neighbourhood and we feel that we should have some say in what goes on in it. We did not knowingly move into a neighbourhood with a large commercial fishery going on. We were here first.

We do not want the ditch on the Mason farm side of the Mason Road filled in to make permanent parking for the fishermen. As far as I know, we aren't allowed to fill in our ditches anymore. There is a great run off of spring water on that side of the road each year. Even though culverts might be in place, I feel that this could cause serious flooding on our road.

We do not feel that the access to the shore on the lower Mason Road should be used for a commercial venture. It should only be for recreational access to the shore for the residents of Stratford.

We have put up with this situation since they were put off the mini farm in 2002. We hope we can count on your support to help us have the oyster fishing industry moved to a more suitable location. Thank you.

Councillor Gallant replied that Council is working with the province to try and find a solution, as we agree that it is a problem and we need to find a solution. He noted that our local MLA Alan McIsaac has asked to address the floor.

MLA Alan McIsaac took a moment to congratulate Bus Gay noting that he is a great advocate on this side of the bridge and he is glad to see him recognized.

Mr. McIsaac then addressed the fisher issue. He gave a bit of background information noting that the oyster fishery is two seasons. It runs from the May 1 until July 15 and again from September 15 until November 30. We are in a lull at the moment, but the fishers will be back. Mr. McIsaac stated that the fishers do have a right to fish, but the problem is how do they get to the water. My understanding of why they were put out of the mini farms is because they were accessing the water through a private entrance and that was closed off to them. So where do you find an access that is suitable, and of course Mason Road is very accessible. The problem then becomes the parking. Mr. McIsaac stated that Herb Mason was the first to bring the issue to him and informed him that the trucks and trailers are lined up on the road - at times 30 trucks. Mr. McIsaac stated that he met today with Minister Le Clair, Deputy Minister Gallant and a member from TPW on this issue. There was some discussion, as Mr. Johnston mentioned, about infilling the ditch, but that is not happening at the present time because we are looking for a real solution and it would not work for the land owner and future development possibilities. There are a few other sites that are not quite as accessible as the Mason Road, but are less populated. In closing, Mr. McIsaac stated that we do not have a solution yet, but we are definitely working on it.

Councillor Gallant added that we see the accesses as recreational accesses to our waterfront and the Town is committed to finding a long term solution to this issue.

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. Councillor Griffin noted that the opening of the Cricket Field went very well. Two of the four teams involved in the match that followed the opening were from Prince Edward Island. Councillor Griffin noted that both she and Councillor MacDonald were in attendance and the Lieutenant Governor did the official opening. She added that what was really impressive was the number of different nationalities present.

8. CHIEF ADMINISTRATIVE OFFICER

Included in the package for Council to review.

9. PUBLIC WORKS AND PROPERTY**a) No Report**

Councillor Griffin noted that there were no regular meetings held over the summer months. The next regular meeting will be held later this month.

One issue that will be discussed is the Bunbury Rink and what to do with it now that it has been vandalized.

Tea Hill Park - Councillor Griffin noted that we have received a suggestion that the park should be monitored for an additional two weeks to allow the washrooms to remain open. There will be further discussion on this item under new business.

10. STRATFORD UTILITY CORPORATION**a) Report**

A complete written report was included in the package for Council to review. Councillor Clow wanted to acknowledge the work done on the Georgetown Road and how good it looks now that the work is completed.

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 August was a very busy month. He noted that the McNeill Field for the Canada Games was in excellent condition and favourable comments were received.

Councillor MacDonald stated that officials at the Official Opening of the Cricket Field took the time to thank Jason Hughes for the work he did on the field, and Ron Fisher for setting up the Cricket Association.

b) Resolution RC004-2009 Recreation Infrastructure Improvements

Moved by Councillor Steve MacDonald

Seconded by Gary Clow

WHEREAS the Town of Stratford owns and operates parks, playing fields and facilities which are available to the public for their use; and

WHEREAS the Stratford Recreation Commission has identified areas of improvement required for parks, playing fields and facilities in 2009; and

WHEREAS areas of improvement include the following: clubhouse at soccer complex has wheelchair accessibility; roof repair and painting to soccer clubhouse; provide fiberglass dugouts at soccer complex; minor field repair to soccer fields; and

WHEREAS total costs of upgrading and renewal of recreational facilities are expected to be \$56,000.00; and

WHEREAS total costs are to be cost shared between the Town of Stratford and federal and provincial governments.

BE IT RESOLVED that an application for funding to the Atlantic Canada Opportunities Agency's Recreational Infrastructure Canada (RinC) program in and the Island Community fund in the amount of \$56,000 to upgrade and renew facilities as aforementioned be hereby approved with the Town's 1/3 share of the funding to come from the 2009 capital budget and/or Parks Capital Reserve fund as necessary.

Discussion: It was noted that this resolution bears the recommendation of the Recreation Commission. Councillor MacDonald noted that we had applied earlier, but had to re-apply, as we were informed that we are only permitted to apply for one project at a time.

Question: **CARRIED**

12. FINANCE & ADMINISTRATION

a) Report

A complete written report was included in the package for Council to review. Kim noted that budget time is drawing near and asked each Councillor to keep this in mind when meeting with their committees.

b) Financial Statements

Included in the package for Council to review.

c) Resolution FA012-2009 Run 4 Wishes Campaign Donation Request

Moved by Councillor Gary Clow

Seconded by Councillor Steve MacDonald

WHEREAS a request was received from HMCS Charlottetown for a financial donation towards their annual Run 4 Wishes Campaign; and

WHEREAS the Run 4 Wishes is an annual event and one of their daily runs ends in Stratford.

BE IT RESOLVED that a \$500 donation be granted to HMCS Charlottetown Run 4 Wishes Campaign.

Discussion: It was noted that this resolution bears the recommendation of the Finance and Administration Committee.

Question: **CARRIED**

13. PLANNING & HERITAGE

a) Report

No Report.

b) August 2009 Permit Summary

Included in agenda package.

c) Resolution PH027-09- A003-2009 Official Plan and Zoning Amendment to Bylaw #29 - Mt. Herbert Road 2nd Reading

Moved by Councillor Gary Clow

Seconded by Councillor Steve MacDonald

WHEREAS an application has been received from Andrew and Jennifer McCalla to rezone parcel number 289652 (1.16 acres) from the Agricultural Reserve Zone (A1) to the Single-Family Residential Zone (R1); and

WHEREAS the applicants are also applying to change the Land Use Designation of parcel number 289652 (1.16 acres) from Agriculture to Residential; and

WHEREAS a public meeting was held on July 22, 2009 to solicit input from residents within 150m (500 feet) of the subject property in which we had two residents attend and one formal letter was received stating they had no objection to the current request;

BE IT RESOLVED that Town of Stratford Official Plan - General Land Use Map be amended to change the designation from Agricultural Reserve Zone (A1) to Residential (Serviced); and

BE IT FURTHER RESOLVED that Zoning Amendment #29 - **A003-2009** a bylaw to amend the Town of Stratford Zoning and Subdivision Control (Development) Bylaw #29, and the Town of Stratford Revised Official Plan (2003) be hereby read and approved a second time.

Discussion: None

Question: **CARRIED**

d) **Resolution PH028-09- A003-2009 Official Plan and Zoning Amendment to Bylaw #29 - Adoption**

Moved by Councillor Gary Clow

Seconded by Councillor Diane Griffin

WHEREAS pursuant to the Provincial Planning Act and under Section 24 of the Development Bylaw, a Public Meeting was held on July 22, 2009 to allow the Andrew and Jennifer McCalls to present the proposed amendments as follows:

- Town of Stratford Official Plan - General Land Use Map be amended to change the designation from Agricultural Reserve Zone (A1) to Residential (Serviced)
- Zoning Amendment #29 - **A003-2009** a bylaw to amend the Town of Stratford Zoning and Subdivision Control (Development) Bylaw #29 to change the Land Use Designation of parcel number 289652 (1.16 acres) from Agriculture (A1) to Residential (R1)

WHEREAS at the proposed public meeting (July 22, 2009) none of the participants raised any issue or concerns regarding the official plan and zoning amendments and one formal letter was received stating they had no objection to the current request; and

WHEREAS the proposed amendment to Bylaw # 29, the Stratford Zoning and Subdivision Control (Development) Bylaw was read and approved a second time by Council on September 9, 2009.

BE IT RESOLVED that A003-2009 Official Plan and Zoning Amendment to Bylaw #29, the Stratford Zoning and Subdivision Control (Development) Bylaw, be formally 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 to be passed.

Discussion: None.

Question: **CARRIED**

e) **PH029-09 - Official Plan and Zoning Amendment to Bylaw #29 - A004-2009 Amendment to Section 5.23 - Outdoor Swimming Pools 2nd Reading**

Moved by Councillor Gary Clow

Seconded by Councillor Diane Griffin

WHEREAS Councillor Patrick Ross requested that Planning Board review the regulations for swimming pools within the Town, particularly the height requirement for a fence based on research from *Safe Kids Canada*; and

WHEREAS Planning Board reviewed the swimming pool regulations and is satisfied with the current fence height provision in the bylaw but has suggested some additional changes to the swimming pool regulations to increase safety; and

WHEREAS the proposed changes to the swimming pool regulations were presented to residents at a Public Meeting on Wednesday, July 22, 2009 to solicit input into the proposed changes.

BE IT RESOLVED that Zoning Amendment #29 - **A004-2009**, a bylaw to amend the Town of Stratford Zoning and Subdivision Control (Development) Bylaw, be hereby read and approved a second time.

Discussion: None

Question: **CARRIED**

f) **PH030-09 - Official Plan and Zoning Amendment to Bylaw #29 - A004-2009**
Amendment to Section 5.23 - Outdoor Swimming Pools Adoption

Moved by Councillor Gary Clow

Seconded by Councillor Steve MacDonald

WHEREAS; pursuant to the Provincial Planning Act and under Section 24 of the Development Bylaw, a Public Meeting was held on July 22, 2009 to review section # 5.23 Outdoor Swimming Pools, of the Town of Stratford Zoning and Subdivision (Development) Bylaw #29.

WHEREAS at the public meeting (July 22, 2009) participants were satisfied with the current fence height provision in the bylaw and suggested some additional changes to the swimming pool regulations to increase safety.

WHEREAS the proposed amendment A004-09 to Bylaw # 29, the Stratford Zoning and Subdivision Control (Development) Bylaw was read and approved a second time by Council on September 9, 2009.

BE IT RESOLVED that A004-2009 Zoning Amendment to Bylaw #29, the Stratford Zoning and Subdivision Control (Development) Bylaw, be formally 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 to be passed.

Discussion: None

Question: **CARRIED**

14. COMMITTEE OF THE WHOLE

a) Nil

15. SAFETY SERVICES AND ENVIRONMENT

a) Report

A complete written report was included in the package for Council to review. Councillor Gallant noted that the Safety Services and Environment Committee is now in the process of evaluating the needs for resources and facilities for the Stratford RCMP, and when deliberations are complete the committee will make a recommendation to Council.

b) Street Light Report

Nil

c) RCMP Report

The RCMP report for the month of August was included in the meeting package for Council to review. Councillor Clow stated that he is pleased to note that an RCMP officer is attending the DARE Course and it will again be delivered to the Glen Stewart School students.

d) Humane Society Report

No Report.

e) Fire Company

No Report.

f) Transit Report

Councillor Gallant noted that the numbers were down over the summer, but we should start to see an increase in the numbers over the next few months.

16. ECONOMIC DEVELOPMENT COMMITTEE

- a) No Report. It was noted that the Economic Development Committee did not hold a meeting in August.

17. HUMAN RESOURCE COMMITTEE

- a) No Report.

18. OTHER COMMITTEES**a) Stratford Seniors Complex**

A complete written report was included in the package for Council to review. Councillor MacDonald noted that we had submitted an application for funding to a program announced by Canada Mortgage and Housing Corporation (CMHC) to assist in the renovation and retrofit of existing social housing. However, our application was not accepted based on the fact that our non-profit has money in their replacement reserve. It was noted that we will be contacting CMHC to find out if we can get an Energy Audit done on the complex and apply for some funding through the provincial government. We would still like to have the siding completed this year if possible.

19. PROCLAMATION

Nil

20. OTHER BUSINESS

- a) **Tea Hill Park** - Councillor Griffin stated that we have received an email noting that people are very pleased with the way the park was monitored this year. There was also a request to have the park washrooms open for an additional two weeks.

Councillor Griffin noted that most of the activity taking place at the park would be evenings and weekends and her suggestion would be to not staff the park for an additional two weeks, but staff it on at least two weekends - from September 16 until the end of September.

RESOLUTION

It was moved by Councillor Griffin and seconded by Councillor Steve MacDonald that the Town staff Tea Hill Park for the two weekend afternoons until the end of September.

Discussion: Councillor MacDonald noted that it would cost us more to have the washrooms open when there is no one staffing it. It is important that we have someone there to look after the washrooms if the park is going to be open.

Councillor Gallant stated that this is something that needs to be discussed during budget deliberations for 2010.

Question: **CARRIED**

21. ADJOURNMENT

There being no further business, the monthly Council meeting adjourned at 5:30 p.m.

Councillor Emile Gallant
Acting Chair