

Special Council Meeting Minutes

May 2, 2019

Present

Mayor Basil Stewart
Deputy Mayor Norma McColeman
Councillor Bruce MacDougall
Councillor Justin Doiron
Councillor Barb Ramsay
Councillor Cory Snow
Councillor Greg Campbell
Councillor Brian McFeely
Bob Ashley, Chief Administrative Officer
Gordon MacFarlane, Deputy CAO and Director of HR & Legal Affairs
Brian Hawrylak, HR Officer
Aaron MacDonald, Director of Technical Services
Thayne Jenkins, Planning Officer
Members of the Media
Members of the Public

Call to Order / Approval of Agenda / Any Conflict of Interest Declaration

The meeting was called to order by Mayor Stewart at 635pm

Motion It was moved and seconded;
That The Agenda be approved as circulated.
Motion Carried

316 Court Street

Background

An application was received from the Air Force Association of Canada #200 (Summerside) for 316 Court Street (PID #303909). This application will require City Council approval to allow a "Parking Lot" as a Restricted Use in the Medium Density Residential (R3) zone. The applicant is proposing to convert the vacant lot to a parking lot for the abutting property (RCAF Wing).

The application was advertised in the April 20th edition of the Journal-Pioneer and letters were mailed to property owners within 60m or 200 ft of the subject properties.

Parking Lot means any site set aside on a lot with parking spaces which form the main use of the lot.

Medium-Density Residential (R3) Zone

17.1 The purpose of this zone is to provide for medium-density housing in the form of single-family, semi-detached, duplex dwellings, and other compatible uses.

Permitted Uses 17.2 Subject to Bylaw requirements:

R3 Zone - Permitted Uses		
single family dwelling	duplex dwellings	assisted living
semi-detached dwellings	accessory building	manufactured home: mobile home lawfully existing prior to 1999

Discretionary Uses 17.3 Subject to Council approval:

R3 Zone - Discretionary Uses		
child care facility: medium	boarding house	social services agency
group home	nursing care facility	tourism establishment: inn*
townhouse - 8 units per building maximum	row house – 8 units per building maximum	apartments: 4 units maximum
rooming house		

* Also requires Conditional Use permit

Conditional Uses 17.4 Subject to a permit:

R3 Zone - Conditional Uses		
home based business	secondary suite	tourism establishment: B&B and vacation rental property

8.5 Restricted Use Designation

- a. The purpose of a Restricted Use designation is to manage requests for land uses that have unique characteristics, special requirements, and innovative ideas or because of unusual site constraints, require specific regulations.
- b. The Restricted Use designation is a "custom made" or "fine-tuned" designed for one specific area or project only. It is still a legally by-lawed land use and the underlying current zoning does not change. Any changes to the uses or rules require the full public hearing re-designation or zoning process.
- c. The purpose of this Designation is to accommodate single special uses which, because of their particular nature, cannot be easily accommodated within another Zone or where rezoning would result in undesirable future land uses due to the "as of" rights in that zone.
- d. The '[x]' designates the specific map reference for the site designated "Ru" and references the type of development approved for that site and recorded on a special schedule for that purpose.
- e. Council may attach terms and conditions to the approval of a restricted use. After hearing the recommendation of the Planning Board, Council may revoke a restricted use approval for violation of any condition attached to an approval.
- f. The Ru[x] Designation is for a single use only, and restricts land use to a single purpose. All land use applications shall be evaluated on their merits by the Development Officer who will establish the

appropriate development standards on an individual basis and reviewed by Council for their determination.

Comments & Questions

The applicant is invited to make comments. *(Mike Charbonneau)*

Mr. Charbonneau, is President of 200 Wing, a non-profit organization. They are seeking additional parking as their memberships are increasing. He stated that the parking lot would be available during the day for others to use. Survey and elevation survey work has been completed to ensure water flow is directed properly. He stated when the lot is completed, it will have lighting and cameras installed. The parking lot would be crushed asphalt at the start, with an exit onto Court Street. A steel fence will go from behind the pool, to the back of the houses on Central Street.

The public is invited to make comments.

Hazel Stevens, 94 Central Street (corner of Court and Central Street), bought the property last year and stated that she has concerns on the fence and would prefer a privacy fence rather than a chain link fence. She stated that water runoff from the property is going to her basement and would like more information on the property survey and the parking lot water flow.

Written submission:

Dear Linda,

Re: Restricted Use Application, 316 Court Street, PID # 303909

Thank you for your letter of April 16, 2019 in regard to the above noted matter from the Air Force Association of Canada #200, Summerside.

Community Connections has no objection with the application from the Air Force Association of Canada #200, Summerside to the City of Summerside to approve and allow a 'Parking Lot' as a Restricted Use in the Medium Density Residential (R3) zone. And that the applicant is proposing to convert the vacant lot into a parking lot for the abutting property (RCAF Wing).

Thank you again for your consideration of Community Connections regarding the above matter.

Sincerely,



Frank Costa
Executive Director

Explanation of the Process

In order to process a restricted use, the following steps are required:

(1) The restricted use is read at a public meeting.

(Step 1 will take place this evening)

(2) Planning Board reviews the application and prepares a recommendation to Council.

(3) The restricted use is read to be adopted by Council, the resolution will be either carried or defeated by vote of Council.

(Steps 2 - 3 take place at Council's second meeting)

Please note, that in accordance with section 5.21 of the *City Zoning Bylaw*, any person who is dissatisfied by a decision of Council in respect of the administration of this Bylaw, may appeal Council's decision within 21 days to the Island Regulatory & Appeals Commission [IRAC].

Adjournment

Public Meeting #2

South Drive – Official Plan & Zoning Bylaw Amendment

1. South Drive – Official Plan and Zoning Bylaw Amendment

(Councillor Brian McFeely)

Background

An application was received from the Helen MacDonald. The purpose of the zoning amendment is to allow, expansion of the existing commercial properties on South Drive. The application is to amend the *City Official Plan and the Zoning Bylaw* as follows:

Proposed amendments:

- Change the land use from Residential land use to Commercial land use.
- Change the zoning map from Medium Density Residential (R3) zone to Service Commercial (C2) zone.

The application was advertised in the April 20th edition of the Journal-Pioneer and letters were mailed to property owners within 60m or 200 ft of the subject properties.

Medium-Density Residential (R3) Zone (Existing Zoning)

17.1 The purpose of this zone is to provide for medium-density housing in the form of single-family, semi-detached, duplex dwellings, and other compatible uses.

Permitted Uses 17.2 Subject to Bylaw requirements:

R3 Zone - Permitted Uses		
single family dwelling	duplex dwellings	assisted living
semi-detached dwellings	accessory building	manufactured home: mobile home lawfully existing prior to 1999

Discretionary Uses 17.3 Subject to Council approval:

R3 Zone - Discretionary Uses		
child care facility: medium	boarding house	social services agency
group home	nursing care facility	tourism establishment: inn*
townhouse - 8 units per building maximum	row house – 8 units per building maximum	apartments: 4 units maximum
rooming house		

* Also requires Conditional Use permit

Conditional Uses 17.4 Subject to a permit:

R3 Zone - Conditional Uses		
home based business	secondary suite	tourism establishment: B&B and vacation rental property

Service Commercial (C2) Zone (Proposed Zoning)

The purpose of this zone is to provide for large and medium-sized commercial uses which need road frontage for ready vehicular access and advertising exposure.

Permitted Uses - Subject to Bylaw requirements:

C2 Zone - Permitted Uses

COMMERCIAL

animal care facility: hospital and kennel	food store: convenience and grocery	private club
automobile establishment: body shop, repair shop, sales establishment, service station and washing establishment	funeral home	restaurant: dining room, take-out and drive-through
bakery	industry: office-style	retail store: small and large
bank/ financial institution	liquor store	service centre
building supply outlet	motel/ hotel	shopping centre
bus terminal	accessory building	storage facility: automobile storage facility, outdoor storage area, self-storage and warehouse
office: business/ professional and medical	parking lot	alcohol manufacturer: brew pub, ferment on premises and micro-brewery
commercial school	personal service shop	taxi station
child care facility: large	plant nursery	fitness centre
dry cleaner: outlet	printing/ publishing establishment	video arcade
farmers/ fishers market	cannabis retail store	

RESIDENTIAL

rowhouse	townhouse	residential dwellings lawfully existing prior to 1999
social services agency	commercial/ residential building	ancillary residence
INSTITUTIONAL		
community centre	entertainment facility	public library, museum and gallery
emergency services facility	place of worship	Office: government
college/ university		

Discretionary Uses Subject to Council approval:

C2 Zone - Discretionary Uses

COMMERCIAL		
tavern/ bar/ lounge	flea market	pool hall
crematorium - accessory use to a funeral home		
INSTITUTIONAL		
utility facility		

Conditional Uses Subject to a permit:

C2 Zone - Conditional Uses

RESIDENTIAL		
home based business	tourism establishment: B&B, inn and vacation rental property	secondary suite

Comments & Questions

The applicant is invited to make comments. *(Helen MacDonald)*

Helen MacDonald, 510 South Drive, was approached by a business owner to sell property to be able to expand his business.

The public is invited to make comments.

Tim Kember, representing the applicant stated that the immediate plans are to expand the parking lot to his business.

Explanation of the Process

In order to process an official plan and zoning bylaw amendment, the following steps are required:

- (1) The zoning bylaw amendment is read a first time and declared as read at a first Council meeting.
 - (2) The zoning bylaw amendment is referred to Planning Board for review and recommendation.
- (Steps 1 and 2 take place at the same meeting of Council and will take place this evening)***

- (3) Planning Board reviews the application and prepares a recommendation to Council.
- (4) The zoning bylaw amendment is read a second time and declared as read at a second Council meeting.
- (5) The official plan amendment is read to be adopted by Council, the resolution will be either carried or defeated by vote of Council. If the official plan amendment, is adopted by Council, it is sent to the Minister of Communities, Land and Environment for signature and the amendment becomes official. If the official plan amendment is defeated, the zoning bylaw amendment will be defeated as well, as the zoning amendment cannot contradict the official plan amendment.
- (6) The zoning bylaw amendment is read to be adopted by Council, the resolution will be either carried or defeated by vote of Council. If the zoning bylaw amendment, is adopted by Council, it is sent to the Minister of Communities, Land and Environment for signature and the amendment becomes official.

(Steps 3 - 6 take place at Council's second meeting)

Please note, that in accordance with section 5.21 of the *City Zoning Bylaw*, any person who is dissatisfied by a decision of Council in respect of the administration of this Bylaw, may appeal Council's decision within 21 days to the Island Regulatory & Appeals Commission [IRAC].

Resolutions

COS 19-041

Moved by Councillor McFeely and seconded by Councillor Ramsay

WHEREAS an application was received from Hellen MacDonald for a zoning amendment for PID # 68759 From Medium Density Residential (R3) zone to Service Commercial (C2) zone under the *City of Summerside Zoning Bylaw*;

BE IT RESOLVED THAT zoning amendment 054, be hereby declared as read a first time.

**ZONING AMENDMENT 054
A BYLAW TO AMEND THE CITY OF SUMMERSIDE ZONING BYLAW**

The Council of the City of Summerside under authority vested in it by Section 18 and Section 19 of the *Planning Act R.S.P.E.I. 1988 Cap. P-8* hereby enacts as follows:

- I. The zoning PID # 68759 shown on Schedule B of the *City of Summerside Zoning Bylaw*, is designated as Service Commercial (C2) zone, hereby excluding it from its former designation of Medium Density Residential (R3) zone.

Resolution carried 7-0

COS 19-042

Moved by Councillor McFeely and seconded by Councillor Ramsay

WHEREAS an application was received from Helen MacDonald for a zoning amendment for PID # 68759 from Medium Density Residential (R3) zone to Service Commercial (C2) zone under the *City of Summerside Zoning Bylaw*;

AND WHEREAS zoning bylaw amendment 054, a bylaw to amend the City of Summerside Zoning Bylaw, was read and declared as read a first time at this Council meeting;

BE IT RESOLVED THAT zoning bylaw amendment 054, a bylaw to amend the City of Summerside Zoning Bylaw be hereby referred back to the Planning Board for review and recommendation.

Resolution carried 7-0

COS 19-043

Moved by Councillor McFeely and seconded by Councillor Ramsay

WHEREAS an application was received from Helen MacDonald for a zoning amendment for PID # 68981 (2 Parcels) From Medium Density Residential (R3) zone to Service Commercial (C2) zone under the City of Summerside Zoning Bylaw;

BE IT RESOLVED THAT zoning amendment 056, be hereby declared as read a first time.

ZONING AMENDMENT 056 A BYLAW TO AMEND THE CITY OF SUMMERSIDE ZONING BYLAW

The Council of the City of Summerside under authority vested in it by Section 18 and Section 19 of the Planning Act R.S.P.E.I. 1988 Cap. P-8 hereby enacts as follows:

I. The zoning for PID # 68981 (2 parcels) shown on Schedule B of the City of Summerside Zoning Bylaw, is designated as Service Commercial (C2) zone, hereby excluding it from its former designation of Medium Density Residential (R3) zone.

Resolution carried 7-0

COS 19-044

Moved by Councillor McFeely and seconded by Councillor Ramsay

WHEREAS an application was received from Helen MacDonald for a zoning amendment for PID # 68981 (2 parcels) from Medium Density Residential (R3) zone to Service Commercial (C2) zone under the City of Summerside Zoning Bylaw;

AND WHEREAS zoning bylaw amendment 56, a bylaw to amend the City of Summerside Zoning Bylaw, was read and declared as read a first time at this Council meeting;

BE IT RESOLVED THAT zoning bylaw amendment 56, a bylaw to amend the City of Summerside Zoning Bylaw be hereby referred back to the Planning Board for review and recommendation.

Resolution carried 7-0

COS 19-045

Moved by Councillor MacDougall and seconded by Councillor Ramsay
Whereas Tenders were called for Asphalt Patching 2019 and

Whereas the City of Summerside received one bid as follows:

pricing order	Company	Pricing (includes HST)
lowest	Curran and Briggs Ltd.	\$164,714.50

Be it Resolved that the City of Summerside awards the Asphalt Patching 2019 Tender to Curran and Briggs Ltd. for a price of \$164,714.50 (Including HST).

This bears the recommendation of the Committee of Municipal Services meeting of May 2, 2019
Resolution carried 7-0

COS 19-046

Moved by Councillor Doiron and seconded by Councillor Snow
Whereas tenders were called for the Paving Project 2019.
And whereas the following tenders were received:

Bidders	Net Total amounts	Schedule:
Curran And Briggs Limited	\$ 1,399,780.	15 Weeks

Be it resolved that the tender submitted by Curran And Briggs Limited for Paving Project 2019 to a total amount of \$ 1,399,780. (15 % HST included) be accepted as it was the lowest tender received. For the Maximum Budget amount of \$ 1,038,680. (10 % HST included)

This bears the recommendation of the Technical Services Committee.
Resolution carried 7-0

COS 19-047

Moved by Councillor Doiron and seconded by Councillor Snow
Whereas tenders were called for the Curbing and RA-5 Civil Work Project 2019.
And whereas the following tenders were received:

Bidders	Bid Amount includes 15% HST	Schedule (Weeks)
MacAuslands Construction Ltd	\$ 169,374.65	5.8
Classic Construction limited	\$ 190,181.25	11.6

Be it resolved that the tender submitted by MacAuslands Construction for Curbing and RA-5 Civil Work Project 2019 to a total amount of \$ 169,374.65 (15 % HST included) be accepted as it was the lowest tender received. For the maximum budget amount of \$ 145,175. (10% HST included.)

This bears the recommendation of the Committee of Council.
 Resolution carried 7-0

COS 19-048

Moved by Councillor Doiron and seconded by Councillor Snow

Whereas tenders were called for the Replacement Sewer Project 2019.

And whereas the following tenders were received:

Bidders	Bid Amount includes 15% HST	Schedule (Weeks)
Curran & Briggs Limited	\$ 379,339.00	6.2
AJL Construction	\$ 396,893.75	7.8

Be it resolved that the tender submitted by Curran & Briggs Limited for the Sewer Replacement Project 2019 to a total amount of \$ 362,846.00 (10 % HST included) be accepted as it was the lowest tender received. For the maximum budget amount of \$480,000 . (10% HST included.)

Resolution carried 7-0

<i>Sewer Replacement Tender</i>
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Tenders were received for Sewer Project 2019 on April 30, 2019. This tender included the replacement of 420 meters of sewer main complete with services, reinstatement and other incidental work. The sewer work is for Cedar Street replacement sewer. The tender amounts are as follows:

Bidders	Bid Amount	Schedule (Weeks)
Curran & Briggs Ltd.	\$379,339.00	6.2
AJL Ltd.	\$396,893.75	7.8

All unit prices and amounts have been reviewed and verified. It is recommended that the project be awarded to the low bidder, Curran & Briggs Ltd. in the amount of \$379,339.00 (15 HST included).

Tender amount	\$ 329, 860.00
Plus HST (15%)	\$ 49, 479.00
Total tender	\$ 379, 339.00
HST rebate (5%)	\$ 16, 493.00
Total charged to job	\$ 362, 846.00

Sewer Replacement Budget	\$ 480,000
75 % of budget	

ADVANTAGES: Improves the existing sewer main which is causing problems for the residents.

DISADVANTAGES: further sewer problems could happen.

COST/FINANCIAL IMPACT:

		10 % HST Inc.	10 % HST Inc.
Account Name	Account #	Approved in Budget	Actual Cost
Sewer Replacement	18160-80-810	\$ 480,000	\$ 362,846.00

RECOMMENDATION:

It is recommended that the project be awarded to the low bidder, Curran and Briggs Limited in the amount Tendered of \$ 362,846.00 (10% HST included.) and reducing the projects to meet current budge amounts.

The Committee recommends that the resolution on this matter be brought forward for Council consideration.

COS 19-048

Moved by Councillor Doiron and seconded by Councillor Snow

Whereas tenders were called for the Replacement Sewer Project 2019.

And whereas the following tenders were received:

Bidders	Bid Amount includes 15% HST	Schedule (Weeks)
Curran & Briggs Limited	\$ 379,339.00	6.2
AJL Construction	\$ 396,893.75	7.8

Be it resolved that the tender submitted by Curran & Briggs Limited for the Sewer Replacement Project 2019 to a total amount of **\$ 362,846.00 (10 % HST included)** be accepted as it was the lowest tender received. For the maximum budget amount of **\$ 480,000 . (10% HST included.)**

Resolution carried 7-0

Storm Sewer

COS 19-049

Moved by Councillor Doiron and seconded by Councillor MacDougall

Whereas Tenders were received **Storm Sewer Project 2019**. This tender consists of ditch infilling, driveway repair, and installation of new storm main on a section of Balcom Drive.

The results of the closing are as follows:

Bidders	Bid Amount includes 15% HST	Schedule (Weeks)
Curran & Briggs Ltd	\$ 130,350.00 - 10 % HST Inc.	4.0

Account Name	Account #	Approved in Budget	Actual Cost
Storm Sewer Project 2019	18440-10-160	\$ 210,000	\$ 130,350 10 % HST included
Total		\$ 210,000	Project is 62 % of budget

All unit prices and amounts have been reviewed and verified. Staff recommended that the project be awarded to the low bidder, **Curran and Briggs Limited**, in the amount tendered of **\$ 130,350 .00** (10 %HST included).

Be it resolved that the project be awarded to Curran and Briggs Ltd
Resolution carried 7-0

Water Project

COS 19-050

Where as Tenders were received for **Water Project 2019 on April 25, 2019**. This tender included the replacement of 550 meters of water main, complete with services, reinstatement and other incidental work. The water main replacement work is on Brennan Avenue and Tupper Drive. The tender amounts are as follows:

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Bidders	Bid Amount	Schedule (Weeks)
AJL Ltd.	\$508,236.75	11
Curran & Briggs Ltd.	\$517,038.85	12

All unit prices and amounts have been reviewed and verified. It is recommended that the project be awarded to the low bidder, AJL Ltd. in the amount of **\$508,236.75** (HST included).

Tender amount \$441,945.00
Plus HST (15%) \$66,291.75
Total tender **\$508,236.75**
HST rebate (5%) \$25,411.84
Total charged to job **\$482,824.91**

Water Replacement Budget **\$440,000**

9.7 % over budget

Items not budgeted for in the tender are as follows;

Curb Replacement on Brennan Avenue \$34,000

Be it resolved that the tender be awarded to AJL Ltd
Resolution carried 7-0

Four way Stop Notre Dame and Duke Street

Councillor Snow raised the concern he has about the need for a 4-way stop sign at the corner of Notre Dame and Duke Street.

Discussion took place regarding installing a 4-way stop sign. Councillor Ramsay stated that a 4-way stop is needed, especially with a busy park on the corner.

Staff stated that they had previously hired traffic engineers and the report had come back stated that the intersection did not warrant a 4-way stop.

Councillor Snow advised Council that he will be bringing a resolution forward at the May monthly meeting to have a 4-way stop sign at Notre Dame and Duke.

IOS Building

Councillor Snow stated that he has received concerns for a property owner next to the IO Solutions building in regards to the noise of the air exchanger for the building.

A generator has also been installed that was doing test runs which also created a bit of noise, however now that the testing has been done, it should only come on during power outages.

Councillor Snow stated that since it is a city owned building, a solution should be explored.

Aaron MacDonald, Director of Technical Services, reviewed the steps that have been taken from the point of purchasing the building including upgrades, landscaping, fencing, diversion of water flow, installing a sound proofing blankets on the unit.

CAO Ashley stated that there are legal aspects that have to be looked at that will be discussed in camera later this evening.

Adjournment

Motion It was moved and seconded;
That The meeting be adjourned.
Motion Carried

Basil L. Stewart
Mayor

Brian Hawrylak
HR Officer