

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

April 13, 2017

A meeting of Prince Edward County Committee of the Whole was held on April 13, 2017 at 1:00 p.m. in the Council Chambers, Shire Hall, Picton with the following members present:

Mayor	Robert L. Quaiff
Ward 1 (Picton) Councillor	Lenny Epstein
Ward 1 (Picton) Councillor	Treat Hull, Vice Chair
Ward 2 (Bloomfield) Councillor	Barry Turpin
Ward 3 (Wellington) Councillor	Jim Dunlop
Ward 4 (Ameliasburgh) Councillor	Dianne O'Brien
Ward 4 (Ameliasburgh) Councillor	Roy Pennell
Ward 5 (Athol) Councillor	Jamie Forrester
Ward 6 (Hallowell) Councillor	Gordon Fox
Ward 7 (Hillier) Councillor	Steven Graham
Ward 8 (North Marysburgh) Councillor	David Harrison, Chair
Ward 9 (South Marysburgh) Councillor	Steve Ferguson
Ward 10 (Sophiasburgh) Councillor	Kevin Gale – arrived at 1:35 p.m.

Regrets:

Ward 4 (Ameliasburgh) Councillor	Janice Maynard
Ward 6 (Hallowell) Councillor	Brad Nieman
Ward 10 (Sophiasburgh) Councillor	Bill Roberts

Staff Present:

Chief Administrative Officer	James Hepburn
Commissioner of Engineering, Development and Works	Robert McAuley
Clerk	Kim White

1. Call to Order

The meeting was called to order at 1:00 p.m.

2. Confirmation of Agenda

2.1 Motion to Confirm Agenda

Motion CW-130-2017

Moved by Councillor Pennell
Seconded by Councillor Ferguson

**THAT the agenda for the Committee of the Whole meeting of April 13, 2017 be confirmed.
CARRIED**

3. Disclosure of Pecuniary Interest and the General Nature Thereof

There were no disclosures of pecuniary interest declared at this time.

4. Deputations - None

5. Comments from the Audience (on items on the agenda)

There were no comments from the audience at this time.

6. Items for Consideration

6.1 Myrna Mather and Bev Campbell regarding a Civic Recognition Nomination

Motion CW-131-2017

Moved by Mayor Quaiff

Seconded by Councillor Forrester

THAT the Civic Recognition Nomination for Judy Kent for her tireless volunteerism and many contributions to the County of Prince Edward, particularly in the area of community building and artistic promotion, be received;

THAT a Civic Recognition Nomination for Judy Kent, being the recipient of many awards at the local, Provincial, National and International level, including the first person to be inducted into the Commonwealth Games Federation Order of Merit for exceptional service to the organization, be approved; and

THAT a Civic Recognition Award be presented to Judy Kent at a future Council meeting.
CARRIED

6.2 Report of the Corporate Services and Finance Commission dated April 13, 2017 regarding a Noise Exemption Request for the Rehabilitation of the Highway 62-Norris Whitney Bridge

Motion CW-132-2017

Moved by Councillor O'Brien

Seconded by Councillor Dunlop

THAT the report of the Corporate Services and Finance Commission dated April 13, 2017 regarding AECOM Request for a Noise By-law Exemption be received;

THAT the request by AECOM for an exemption to Noise By-law 900-2002 as Amended, to allow the contractor to perform construction work at night on the Highway 62-Norris Whitney Bridge, Monday to Saturday for the period June 1, 2017 to November 30, 2018, with a winter shutdown period, be granted;

THAT no construction work take place on Sundays or statutory holidays during June 1, 2017 to November 30, 2018; and

THAT the authorizing By-law be brought forward to the April 25, 2017 Council meeting for enactment.

CARRIED

- 6.3 Report of the Community and Economic Development Commission dated March 30, 2017 regarding the Picton Harbour Development Vision

Motion CW-133-2017

Moved by Councillor Turpin
Seconded by Councillor Fox

THAT the report of the Community and Economic Development Commission dated March 30, 2017 regarding the Picton Harbour Development Vision be received; and

THAT Council approves the Picton Harbour Development Vision as a guide for the future development of Picton Harbour.

CARRIED

- 6.4 Councillor Gale's request for discussion regarding municipal approach to enforcing the Heritage District by-law in relation to business signage (Heritage Conservation District Plan)

Deferral Motion CW-134-2017

Moved by Mayor Quaiff
Seconded by Councillor Turpin

THAT as Councillor Gale is not in attendance at this time, item 6.4 be deferred to a future Committee of the Whole agenda that is agreeable with Councillor Gale.

CARRIED

- 6.5 Report of the Engineering, Development and Works Commission dated March 30, 2017 regarding Private Property Special Events By-law - County of Prince Edward

Motion CW-135-2017

Moved by Councillor O'Brien
Seconded by Councillor Epstein

THAT the report of the Engineering, Development and Works Commission dated March 30, 2017 regarding the Special Events By-law be received; and

THAT the County undertake to support and guide special events on private property through the following measures:

a. Amend the Comprehensive Zoning By-law to establish clarity in supporting 'typical' smaller special events; and

b. Utilize the Temporary Use Zoning By-law process for medium-sized and larger special events not anticipated by the proposed zoning by-law as amended.

CARRIED

- 6.6 Report of the Corporate Services and Finance Commission dated March 30, 2017 regarding Procedural By-law Updates

Motion CW-136-2017

Moved by Councillor O'Brien
Seconded by Councillor Epstein

THAT the report of the Corporate Services and Finance Commission dated March 30, 2017 regarding Procedural By-law Updates be received; and

THAT Procedure By-law 3748-2016 be amended as follows:

1. **THAT Part 1 - DEFINITIONS be amended to include the following three new definitions:**

- a. **“Commission” means the Community Economic and Development Commission as established under Section 196 of the Municipal Act as a Local Board;**
- b. **“Contrary” means opposite in nature, direction or meaning;**
- c. **“Matter” means a subject or situation under consideration; and**

THAT the balance of the definitions be renumbered accordingly.

2. **THAT Section 4.3 Regular Council Meetings, Subsection 4.3(1) be amended by deleting the words “ “except that only one regular Council meeting shall be held in February on the second Tuesday of the month”; and**

THAT Section 4.6 Regular Committee of the Whole Meetings, Subsection 4.6(1) be amended by deleting the word “February”.

3. **THAT Section 5.2 - Quorum, Subsection 5.2(2) be amended by deleting the words “one half hour” and replaced with the words “fifteen (15) minutes”.**

4. **THAT Section 5.10 - Communications and Petitions, Subsection (3)(i) be amended to reference that communications received be “included on the Information Item listing which is” circulated “bi-weekly”, and include “Non-Union Management staff.**

5. **THAT Section 5.15 - Deputations, Subsection (6)(a) be amended as follows:**

5.15(6)(a) to include the words “or Councillor requested matter included” on the agenda “under Items for Consideration”, and delete the words “without comment”.

6. **THAT Section 8.3 - Items for Consideration be amended to include the following new section:**

- (1) **Under Items for Consideration, Committee shall consider:**
 - i. **Staff reports and matters from previous Committee of the Whole meetings; and**
 - ii. **Matter(s) requested to be placed on the agenda by a Member of Council in accordance with Section 5.11(1).**

7. **THAT Section 10.5 - Rules of Procedure Respecting Reconsideration of a Matter be repealed in its entirety and replaced with the following new clauses:**
- “(1) **Reconsideration at the same meeting:**
- **must be made by a member who voted with the majority of the original motion, or if in the opinion of the Chair, there was a clear misunderstanding of the question,**
 - **requires a majority vote, and**
 - **can only be made only once per meeting.**
- (2) **Reconsideration occurring within the next four regular meetings of Council at which the matter was decided either in the affirmative or the negative:**
- **may be made by any member of Council; and**
 - **requires a 2/3 majority vote.**
- (3) **Reconsideration after four regular meetings of Council have occurred at which the matter was decided either in the affirmative or the negative:**
- **may be made by any member of Council; and**
 - **requires a majority vote.**
- (4) **If a matter is put forward for reconsideration under sections (1), (2) or (3) above, prior to any motion related to the matter or debate, a motion to reconsider the matter shall be placed on the agenda and decided.**
- (5) **No debate on a motion to reconsider a decided matter shall be permitted; however the mover of a motion to reconsider may make a brief and concise statement outlining the reasons for proposing such reconsideration.**
- (6) **No motion shall be reconsidered by Committee or Council more than once during a period of twelve months following the date on which the question was decided either in the affirmative or the negative.**
- (7) **Section 10.5 does not apply when a question is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.**
8. **THAT Section 11.2 – Committees of Council, Section 11.2(7) as it relates to Council members appointed to a Committee, be amended by deleting the words “but do not affect quorum” and inserting the words “and form part of the members quorum”.**

Prior to voting on **Motion CW-136-2017** the following Amending Motion was put forward:

Amending Motion CW-137-2017

Moved by Councillor O'Brien

Seconded by Councillor Pennell

THAT the foregoing motion be amended by deleting the definition of “Commission”
LOST

A vote was then taken on **Motion CW-136-2017 without Amendment** as follows:

THAT the report of the Corporate Services and Finance Commission dated March 30, 2017 regarding Procedural By-law Updates be received; and

THAT Procedure By-law 3748-2016 be amended as follows:

1. THAT Part 1 - DEFINITIONS be amended to include the following three new definitions:

- a. "Commission" means the Community Economic and Development Commission as established under Section 196 of the Municipal Act as a Local Board;**
- b. "Contrary" means opposite in nature, direction or meaning;**
- c. "Matter" means a subject or situation under consideration; and**

THAT the balance of the definitions be renumbered accordingly.

2. THAT Section 4.3 Regular Council Meetings, Subsection 4.3(1) be amended by deleting the words "except that only one regular Council meeting shall be held in February on the second Tuesday of the month"; and

THAT Section 4.6 Regular Committee of the Whole Meetings, Subsection 4.6(1) be amended by deleting the word "February".

3. THAT Section 5.2 - Quorum, Subsection 5.2(2) be amended by deleting the words "one half hour" and replaced with the words "fifteen (15) minutes".

4. THAT Section 5.10 - Communications and Petitions, Subsection (3)(i) be amended to reference that communications received be "included on the Information Item listing which is" circulated "bi-weekly", and include "Non-Union Management staff.

5. THAT Section 5.15 - Deputations, Subsection (6)(a) be amended as follows:

5.15(6)(a) to include the words "or Councillor requested matter included" on the agenda "under Items for Consideration", and delete the words "without comment".

6. THAT Section 8.3 - Items for Consideration be amended to include the following new section:

- (1) Under Items for Consideration, Committee shall consider:**
 - i. Staff reports and matters from previous Committee of the Whole meetings; and**
 - ii. Matter(s) requested to be placed on the agenda by a Member of Council in accordance with Section 5.11(1).**

7. THAT Section 10.5 - Rules of Procedure Respecting Reconsideration of a Matter be repealed in its entirety and replaced with the following new clauses:

- “(1) Reconsideration at the same meeting:**
- must be made by a member who voted with the majority of the original motion, or if in the opinion of the Chair, there was a clear misunderstanding of the question,**

- requires a majority vote, and
 - can only be made only once per meeting.
- (2) Reconsideration occurring within the next four regular meetings of Council at which the matter was decided either in the affirmative or the negative:
- may be made by any member of Council; and
 - requires a 2/3 majority vote.
- (3) Reconsideration after four regular meetings of Council have occurred at which the matter was decided either in the affirmative or the negative:
- may be made by any member of Council; and
 - requires a majority vote.
- (4) If a matter is put forward for reconsideration under sections (1), (2) or (3) above, prior to any motion related to the matter or debate, a motion to reconsider the matter shall be placed on the agenda and decided.
- (5) No debate on a motion to reconsider a decided matter shall be permitted; however the mover of a motion to reconsider may make a brief and concise statement outlining the reasons for proposing such reconsideration.
- (6) No motion shall be reconsidered by Committee or Council more than once during a period of twelve months following the date on which the question was decided either in the affirmative or the negative.
- (7) Section 10.5 does not apply when a question is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.
8. THAT Section 11.2 – Committees of Council, Section 11.2(7) as it relates to Council members appointed to a Committee, be amended by deleting the words “but do not affect quorum” and inserting the words “and form part of the members quorum”.

CARRIED

- 6.7 Report of the Engineering, Development and Works Commission dated March 30, 2017 regarding Potential Historic Right of Way from County Road 18 to Outlet Beach

Motion CW-138-2017

Moved by Councillor Pennell
Seconded by Councillor Epstein

THAT the report of the Engineering, Development and Works Commission dated March 30, 2017 regarding the Potential Historic Right of Way to Outlet Beach be received; and

THAT staff be directed to take all steps to extinguish any remaining claim and interest in the old public road or right of way between County Road 18 and Outlet Beach over the Conley lands (PIN 55052-0113).

At the April 25, 2017 Council meeting, this item was deferred to a future meeting for consideration by **Deferral Motion CW-142-2017**.

- 6.8 Report of the Corporate Services and Finance Commission dated April 13, 2017 regarding Consolidation of Prince Edward County Public Library Board By-laws

Motion CW-139-2017

Moved by Councillor Graham
Seconded by Councillor Fox

THAT the report of the Corporate Services and Finance Commission dated April 13, 2017 regarding Consolidation of Prince Edward County Public Library Board By-laws be received; and

THAT the consolidated By-law as attached to this report be brought forward to the April 25, 2017 Council meeting for enactment.

CARRIED

- 6.9 Report of Engineering, Development and Works Commission dated April 13, 2017 regarding Site Plan Control Agreement– “House of Falconer”, File No. SP-02-16 Fida Holdings Ltd. (Alex Fida), Part Lot 604, Plan 24, 1 Walton Street, Ward 1 (Picton)

Motion CW-140-2017

Moved by Councillor Fox
Seconded by Councillor Ferguson

THAT the report of the Engineering, Development and Works Commission dated April 13, 2017 regarding Site Plan Control Agreement File No. SP-02-16, Fida Holdings Ltd., be received;

THAT the Site Plan and Site Plan Control Agreement for the Fida Holdings Ltd. proposal, for the development located at Part Lot 604, Plan 24, 1 Walton Street, Ward 1 (Picton), be approved;

THAT Council approve a By-law authorizing and directing the Mayor and Clerk to execute a Site Plan Control Agreement with Fida Holdings Ltd., for the development located at 1 Walton Street, Picton, more particularly described as Part Lot 604, Plan 24, 1 Walton Street, Ward 1 (Picton);

THAT Council approve a By-law authorizing and directing the Mayor and Clerk to execute a Cash-in-Lieu of Parking Exemption agreement with Fida Holdings Ltd. for a portion of their parking requirements for the development located at 1 Walton Street, Picton, more particularly described as Part Lot 604, Plan 24, 1 Walton Street, Ward 1 (Picton); and,

THAT Council approve the removal of the “Holding” symbol from the Special Core Commercial-33-H (CC-33-H) Zone.

CARRIED

- 6.10 Report of the Engineering, Development and Works Commission dated April 13, 2017

regarding Tender # 2017-EDW-06, New 4x6 Tandem Axle Truck with Winter Implements

Motion CW-141-2017

Moved by Mayor Quaiff
Seconded by Councillor Ferguson

THAT the report of the Engineering, Development and Works Commission dated April 13, 2017 regarding award of Tender #2017-EDW-06 be received; and

THAT Tender #2017-EDW-06 be awarded to Tallman Truck Centre in the combined amount of \$263,733.48 plus applicable taxes.

CARRIED

- 6.11 Report of the Engineering, Development and Works Commission dated April 13, 2017 regarding Picton Water Treatment Plant Filters 2&3 Repairs, PEAK Engineering and Construction Ltd, Contract 2016-EDW-33 Amendment (By-law 3872-2016)

Motion CW-142-2017

Moved by Councillor O'Brien
Seconded by Councillor Dunlop

THAT the report of the Engineering, Development and Works Commission dated April 13, 2017 regarding Picton Water Treatment Plant Filters 2 & 3 Repairs, Contract Amendment, be received;

THAT Contract 2016-EDW-33 be Amended to Peak Engineering & Construction Ltd. in the Amount of \$318,950.00 plus applicable taxes; and

THAT additional design fees in the amount of \$39,710.00, plus applicable taxes be allocated to RV Anderson for contract administration and inspection.

CARRIED

- 6.12 Water & Wastewater Rates and Connection Charges Ad-hoc Committee Minutes from the meeting held on February 8, 2017

Motion CW-143-2017

Moved by Councillor Forrester
Seconded by Councillor Ferguson

THAT the Water & Wastewater Rates and Connection Charges Ad-hoc Committee Minutes from the meeting held on February 8, 2017 be received.

CARRIED

- 6.13 Engineering, Development and Works Commission Action Items Listing as at March 30, 2017

Committee of the Whole Minutes
April 13, 2017
Adopted as circulated to Council on

Motion CW-144-2017
Moved by Councillor Graham
Seconded by Councillor Pennell

THAT the Engineering, Development and Works Commission Action Items Listing as at March 30, 2017 be received.

CARRIED

6.14 Corporate Services and Finance Commission Action Items Listing as at March 30, 2017

Motion CW-145-2017
Moved by Mayor Quaiff
Seconded by Councillor Pennell

THAT the Corporate Services and Finance Commission Action Items Listing as at March 30, 2017 be received.

CARRIED

Reconsideration Motion CW-146-2017
Moved by Councillor Pennell
Seconded by Councillor Fox

THAT Motion CW-134-2017 as it relates to the deferral of agenda item 6.4 be reconsidered as Councillor Gale arrived to the meeting, following the motion to defer.

**CARRIED with
a 2/3 majority**

6.4 Councillor Gale's request for discussion regarding municipal approach to enforcing the Heritage District by-law in relation to business signage (Heritage Conservation District Plan)

7. **Closed Session - None**


8. **Adjournment**

8.1 Motion to Adjourn

Motion CW-147-2017
Moved by Councillor Gale
Seconded by Councillor Pennell

THAT this meeting now adjourn at 3:00 p.m.

CARRIED


~~Kim White, CLERK~~
Laura McMahan - Deputy Clerk


Robert Quaiff, MAYOR