

MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

MONDAY, DECEMBER 13, 2010

Minutes of the Regular Meeting of Fredericton City Council held on Monday, December 13, 2010, at 7:33 p.m. in the Council Chamber, City Hall, Fredericton.

ATTENDANCE

Attendance

Council:

Mayor Brad Woodside, Councillors Stephen Chase, Jordan Graham, Steven Hicks, David Kelly, Stephen Kelly, Scott McConaghy, Eric Megarity, Tony Whalen, and Mike O'Brien.

Staff:

Brenda L. Knight, City Clerk
Paul Stapleton, City Administrator
Chris MacPherson, Assistant City Administrator
Barry MacKnight, Police Chief
Philip Toole, Fire Chief
Wayne Tallon, Director of Community Services
Murray Jamer, Director of Engineering & Public Works
Frank Flanagan, Director of Development Services
Jane Blakely, Director of Corporate Services
Tina Tapley, Director of Finance/City Treasurer, Acting
Alex Forbes, Assistant Director of Development Services
Don Fitzgerald, Executive Director, Strategic Initiatives
Michelle Brzak, City Solicitor
Sean Lee, Manager, Engineering Services
Wayne Knorr, Manager, Corporate Communications

Absent:

Deputy Mayor Dan Keenan
Councillor Bruce Grandy
Councillor Marilyn Kerton

APPROVAL OF MINUTES

Approval of Minutes

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity, THAT the Minutes of the Regular City Council meeting of Monday, November 8, 2010, be approved as circulated. CARRIED UNANIMOUSLY

PRAYER

Prayer

Rev. Paul Ross was present and led Council in prayer.

**PRESENTATION TO MAYOR BRAD WOODSIDE –
MOTORCYCLE RIDE FOR DAD**

Robert Lanteigne and Lisa Greenwood, representatives of the New Brunswick Ride for Dad, presented Mayor Brad Woodside with a plaque and token gift in appreciation for his role as Ride Marshall at the June 2010 event.

**AMENDMENT TO BY-LAW NO. T-7, 2011 PARKING METER
RATES AND THE EAST END PARKING GARAGE**

Amendment to By-law No. T-7, 2011 Parking Meter Rates and the East End Parking Garage

Administrative Report

Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks, THAT the Administrative Report prepared by the Development Services Department be received. CARRIED UNANIMOUSLY

Bruce McCormack, General Manager of Downtown Fredericton Inc., Addressed Council

Bruce McCormack, General Manager of Downtown Fredericton Inc., Addressed Council

Mr. Bruce McCormack addressed City Council to express the concerns of downtown merchants with respect to the proposed parking rate changes for street and pay-by-space meters, and city garages.

First and Second Reading of By-law

Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks, THAT By-law No. T-7.8, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. T-7.8 Given First Reading

Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks, THAT By-law No. T-7.8, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. T-7.8 Given Second Reading

**RESOLUTION TO DECLARE THAT AN EMERGENCY
EXISTS JUSTIFYING THIRD READING**

Resolution to Declare that an Emergency Exists Justifying Third Reading

Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks, THAT this Council declares an emergency exists that requires the Council to proceed immediately to Third Reading of By-law No. T-7.8, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines. CARRIED UNANIMOUSLY

Third Reading of By-law No. T-7.8

Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks, THAT By-law No. T-7.8, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines, be read in its entirety. CARRIED UNANIMOUSLY

By-law No. T-7.8 Read in its Entirety

By-law No. T-7.8 was read in its entirety and is attached to these Minutes as **Appendix 1**.

Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks, THAT By-law No. T-7.8, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines, be given third reading by title.

By-law No. T-7.8 Given Third Reading

On the question, Councillor Jordan Graham indicated that, although compromises had been made by all parties involved, he would be voting against the motion. He further suggested that City Council consider the possibility of a Parking Commission.

The original motion was then put to the vote and declared CARRIED ON DIVISION; Councillor Jordan Graham voting “nay.”

BOYCE FARMERS MARKET – TIME EXTENSION

Boyce Farmers Market – Time Extension

A request was received from Nick Zildjan for a half hour extension to the time cut-off for noise of 12:30 a.m.

Moved by Councillor Scott McConaghy, seconded by Councillor Stephen Kelly, THAT City Council adopt the following resolution:

BE IT RESOLVED that permission be granted to BabZee’s Entertainment on behalf of the Jim Pirie Foundation Inc. to extend the time to 1:00 a.m. to cease music/noise at the Boyce Farmers Market on Friday, December 31, 2010.

CARRIED UNANIMOUSLY

ZONING AMENDMENT – 277 CANADA STREET (TINA ROBINSON)

Zoning Amendment – 277 Canada Street (Tina Robinson)

The Planning Advisory Committee, at its meeting held on December 8, 2010, considered a recommendation from staff in relation to an application by Tina Robinson.

Moved by Councillor Scott McConaghy, seconded by Councillor Steven Hicks, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Report of the Planning Advisory Committee dated December 9, 2010, with respect to an application submitted by Tina Robinson to amend the R-2 Zone to permit a retail store at 277 Canada Street, be received, along with the recommended terms and conditions.

CARRIED UNANIMOUSLY

Resolution

Resolution

Moved by Councillor Scott McConaghy, seconded by Councillor Steven Hicks, **THAT WHEREAS**, at the meeting of December 13, 2010, Council received a report of the Planning Advisory Committee recommending that By-law No. Z-2, A Zoning By-law for The City of Fredericton, be amended under the Residential Zone Two (R-2) in order to permit a Retail Store on property located at 277 Canada Street, as indicated on Schedule “A” attached to and forming part of this resolution; subject to terms and conditions;

BE IT RESOLVED that the Council hereby directs that an appropriate by-law be prepared to amend By-law No. Z-2; that the proposed by-law be referred to the Planning Advisory Committee for the views of the Committee; that the public notice requirements of Section 68 of the *Community Planning Act* be fulfilled; and that the regular Council Meeting of Monday, January 10, 2011 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the consideration of objections/support to the proposed by-law.

Schedule “A” is attached to these minutes as **Appendix 2**

SUBDIVISION RE-APPROVAL – 52, 55, 60 EATMAN AVENUE (CITY OF FREDERICTON)

Subdivision Re-Approval –
52, 55, 60 Eatman Avenue
(City Of Fredericton)

The Planning Advisory Committee, at its meeting held on December 8, 2010, considered a recommendation from staff, in relation to an application by the City of Fredericton.

Moved by Councillor David Kelly, seconded by Councillor Eric Megarity, **THAT City Council adopt the following resolution:**

BE IT RESOLVED that the application by the City of Fredericton for re-approval of a tentative plan of subdivision to convey a portion of PID 75410282, PID 01558725 and PID 01558733, identified as Parcel A, E and D, to the public right-of-way, as shown on Map III, be approved.

CARRIED UNANIMOUSLY

SUBDIVISION AND ASSENT OF COUNCIL – 1270 HANWELL ROAD (CITY OF FREDERICTON)

Subdivision and Assent of Council – 1270 Hanwell Road (City Of Fredericton)

The Planning Advisory Committee, at its meeting held on December 8, 2010, considered a recommendation from staff, in relation to an application by the City of Fredericton.

Moved by Councillor Steven Hicks, seconded by Councillor Scott McConaghy, THAT City Council adopt the following resolution:

BE IT RESOLVED that the subdivision application by the City of Fredericton, to convey a portion of PID 75436527 to the public right-of-way, as shown on Map III, be approved.

BE IT FURTHER RESOLVED that the Tentative Plan of Subdivision prepared by Trainor Surveys (1974) Ltd., entitled “Amending Subdivision Plan, Oak Ridge Manufacturing Inc. Subdivision 07-1 Creating Valcour Drive (Public) & Ashton Court (Public)” Valcour Drive & Ashton Court, City of Fredericton, County of York, Province of New Brunswick, receive the Assent of Council pursuant to Section 56(2) of the *Community Planning Act*.

CARRIED UNANIMOUSLY

REPORTS OF COUNCIL-IN-COMMITTEE

Reports of Council-in-Committee

The following reports of Council-in-Committee were presented:

APPOINTMENT – CITIES OF NEW BRUNSWICK ASSOCIATION WORKING COMMITTEE

Appointment – Cities of New Brunswick Association Working Committee

Moved by Councillor Scott McConaghy, seconded by Councillor Steven Hicks, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton appoints Councillor Stephen Chase as its representative on the Cities of New Brunswick Association Working Committee.

CARRIED UNANIMOUSLY

RATIFICATION OF DIRECTORS’ MEMBERSHIP IN FREDERICTON PLAYHOUSE INC.

Ratification of Directors’ Membership in Fredericton Playhouse Inc.

Moved by Councillor Jordan Graham, seconded by Councillor David Kelly, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton hereby approves the following individuals to hold membership in Fredericton Playhouse Inc. (the “Company”) effective January 1, 2011; and, as such, are entitled to all rights and privileges afforded to them as prescribed within the by-laws of the Company and by law, including the holding of office as Directors of the Company:

- Ms. Anne Baldaro Fredericton
- Ms. Jane Blakely Fredericton
- Ms. Ruth Chippin Fredericton
- Mr. Peter Clark Fredericton
- Ms. Melanie Corey Fredericton
- Mr. Lawrence Durling Fredericton
- Mr. Patrick Flanagan Fredericton
- Ms. Dorothy Frazier Fredericton
- Mr. Kim Hill Fredericton
- Ms. Marilyn Kaufman Fredericton
- Mr. Kevin Malone Fredericton
- Ms. Kate Rogers Fredericton
- Mr. Scott Thomson Fredericton
- Mr. Stephen Wheatley Fredericton
- Mr. Paul White Fredericton

CARRIED UNANIMOUSLY

EXTENSION OF CONTRACT (TENDER #T07-38) – ANIMAL CONTROL SERVICES

Extension of Contract
(Tender #T07-38) – Animal
Control Services

Moved by Councillor Steven Hicks, seconded by Councillor Mike O’Brien, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton authorizes the extension of the Animal Control Services contract (Tender #T07-38) with *K.E. Phillips Sand*, at the cost of Sixty-One Thousand, Six Hundred and Sixty Eight Dollars and Ninety Eight Cents (\$61,668.98), HST included, for a one (1) year period from January 1, 2011 to December 31, 2011; and that the Mayor and City Clerk are authorized to execute the said Contract Extension document.

CARRIED UNANIMOUSLY

ST. THOMAS’ UNIVERSITY USER AGREEMENT FOR GRANT•HARVEY CENTRE

St. Thomas’ University User
Agreement for
Grant•Harvey Centre

Moved by Councillor Eric Megarity, seconded by Councillor Tony Whalen, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton approves the User Agreement between The City of Fredericton and St. Thomas' University for the use of the Centre Grant-Harvey Centre and outdoor artificial turf athletic field for a term of twenty (20) years commencing December 2010 with a provision for two (2) further 10-year renewal terms; and that the Mayor and City Clerk be authorized to execute the Agreement and such further documents as may be required to facilitate this direction.

CARRIED UNANIMOUSLY

PROPOSED PUBLIC UTILITY EASEMENT – 696 SMYTHE STREET

Proposed Public Utility Easement – 696 Smythe Street

Moved by Councillor Tony Whalen, seconded by Councillor Stephen Kelly, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton authorizes the granting of a ±3 metre x ±122 metre underground Public Utility Easement on City-owned property situated at 696, 700 Smythe Street, known as PID 01441781, subject to applicable taxes, adjustments, and conditions; and that the Mayor and City Clerk be authorized to execute all necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

PROPOSED SALE OF CITY-OWNED PROPERTY – 214 DUNN'S CROSSING ROAD

Proposed Sale of City-Owned Property – 214 Dunn's Crossing Road

Moved by Councillor Stephen Kelly, seconded by Councillor David Kelly, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton authorizes the sale of a ±1,440.00 m² (Residential Zone Five) City-owned property situated at 214 Dunn's Crossing Road, known as PID 01472240, to NDR Development Corporation or any related company that holds title on its behalf for the sum of Eighty Five Thousand Dollars (\$85,000.00), subject to applicable taxes, adjustments, and conditions; and that the Mayor and City Clerk are authorized to execute all necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

REPORT OF COUNCIL-IN-COMMITTEE (BUDGET)

Report of Council-in-Committee (Budget)

The following report of Council-in-Committee (Budget) was presented:

MANAGEMENT AND CUPE LOCAL 3864 SALARY SCALE ADJUSTMENT

Management and CUPE Local 3864 Salary Scale Adjustment

Moved by Councillor Scott McConaghy, seconded by Councillor Steven Hicks, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton authorizes the Manager of Human Resources to proceed with the following:

- **A 2% increase be applied to the managerial salary scale for the year 2011,**
- **The applied increase will be effective January 2nd 2011 (Impact the first pay in 2011 - January 13th)**
- **This increase and effective date will also be applied to Local 3864, Technical and Professional Employees, as per the provisions of their collective agreement.**

On the question, Councillor Mike O'Brien suggested that, in light of what many city residents were currently experiencing, Members of City Council forego the 2% increase. It was subsequently noted, however, that the proposed 2% increase would not apply to City Council, who would receive only the Consumer Price Index (CPI) increase.

Subsequently, Councillor Jordan Graham suggested that Members of City Council forfeit the CPI increase for the year 2011.

The original motion was then put to the vote and declared CARRIED ON DIVISION: Councillors Jordan Graham and Mike O'Brien voting "nay."

RECIPROCAL AGREEMENT BETWEEN SCHOOL DISTRICT 18 AND THE CITY OF FREDERICTON – BLISS CARMAN MIDDLE SCHOOL

Reciprocal Agreement Between School District 18 And The City Of Fredericton – Bliss Carman Middle School

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton authorizes the Mayor and City Clerk to execute the Reciprocal Agreement, having a duration September 1, 2010 to March 31, 2011 between School District 18 and the City of Fredericton, for the City’s use of the following school: Bliss Carmen Middle School

CARRIED UNANIMOUSLY

TREASURER’S REPORT

Treasurer’s Report

Moved by Councillor Mike O’Brien, seconded by Councillor Stephen Chase, THAT City Council adopt the following resolution:

BE IT RESOLVED that expenditures for the month of November 2010, pursuant to By-law No. A-2, A By-law Respecting Administration and the City Council, Paragraph 29.06, be submitted for ratification in the amount of Thirteen Million, One Hundred and Forty-One Thousand, Four Hundred and Ninety-Two Dollars and Sixty-Two Cents. (\$13,141,492.62).

CARRIED UNANIMOUSLY

REQUEST FOR PROPOSAL #P07-24 – CONTRACT EXTENSION FOR PARKING ENFORCEMENT AND PARKING METER COLLECTION SERVICES

Request for Proposal #P07-24 Awarded to The Canadian Corps of Commissionaires

Moved by Councillor Mike O’Brien, seconded by Councillor Jordan Graham, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton authorizes the extension of the Parking Enforcement and Parking Meter Collection Services Contract (Proposal P07-24) with *The Canadian Corps of Commissionaires*, Level A - Downtown Parking Enforcement Officer and Garage Enforcement Officer at \$15.83 (Fifteen Dollars and Eighty-three Cents) per hour and Level B – Supervisor of Parking Detail at \$18.29 (Eighteen Dollars and Twenty-nine Cents) per hour, for one (1) year extension period from January 1, 2011 to December 31, 2011. The estimated year 2011 value of the contract is \$203,978.40, (Two Hundred and Three Thousand, Nine Hundred and Seventy Eight Dollars and Forty Cents), HST extra. Final cost will depend on hours purchased;

AND THAT the Mayor and City Clerk are authorized to execute the said Contract Extension document.

CARRIED UNANIMOUSLY

REQUEST FOR PROPOSAL #P10-32 – REQUEST FOR PROPOSAL FOR THE SUPPLY AND INSTALLATION OF AIR HANDLING UNIT 1 AND 2 AT THE FREDERICTON PUBLIC LIBRARY

Request for Proposal #P10-32 Awarded to Trane Atlantic

Moved by Councillor Mike O'Brien, seconded by Councillor Stephen Kelly, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton authorizes the award of Request for Proposal #P10-32, for the Supply and Installation of Air Handling Unit 1 and 2 at the Fredericton Public Library, to *Trane Atlantic*, highest scored bidder and lowest cost bidder meeting specifications at the proposed price of \$111,685.81 (One Hundred and Eleven Thousand, Six Hundred and Eighty-Five Dollars and Eight-One Cents), HST included.

CARRIED UNANIMOUSLY

SINGLE SOURCE PURCHASE OF ONE (1) 1992 GRUMMAN FIRE TRUCK WITH 102 FT. AERIAL CAT PLATFORM

Single Source Purchase of Grumman Fire Truck Awarded to Company Two Fire Apparatus

Moved by Councillor Mike O'Brien, seconded by Councillor Stephen Chase, THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton hereby authorizes and approves the award of a single source purchase of one (1) 1992 Grumman Fire Truck with 102 foot Aerial Cat Platform, with six (6) month warranty, one day training and delivery included, for the Fire Department, to *Company Two Fire Apparatus*, for a total purchase cost of One Hundred Sixty Thousand US Dollars (\$160,000.00), taxes, duty and licensing extra.

CARRIED UNANIMOUSLY

NOMINATIONS – LOCAL HISTORIC PLACES REGISTER

Nominations – Local Historic Places Register

Moved by Councillor Stephen Chase, seconded by Councillor Tony Whalen, THAT City Council adopt the following resolution:

BE IT RESOLVED that the following properties be listed in the City of Fredericton's Local Historic Places Register:

1. 127 Lansdowne;
2. 161 Winslow Street;

3. 245 Westmorland Street, St. Anne’s Chapel of Ease (PID 01447580); and
4. 245 Westmorland Street, St. Anne’s Anglican Church (PID 01447598).

CARRIED UNANIMOUSLY

ASSENT OF COUNCIL – NORTHBROOK PHASE 3, BROOKSIDE DRIVE

Assent of Council – Northbrook Phase 3, Brookside Drive

Moved by Councillor Stephen Chase, seconded by Councillor Mike O’Brien, THAT City Council adopt the following resolution:

BE IT RESOLVED that the final plan of subdivision prepared by John Prime of Eastern Land Surveys (1993), entitled “Subdivision Plan, Northbrook Heights Subdivision 10-2 showing lots 09-233 to 09-255, Burns Street, Nason Street, Fearnley Street and Shannon Street, City of Fredericton, County of York, Province of New Brunswick”, receive the Assent of Council pursuant to Section 56(2) of the *Community Planning Act*.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute any documents to facilitate this transaction.

CARRIED UNANIMOUSLY

RESOLUTION TO CANCEL REGULAR CITY COUNCIL MEETING OF MONDAY, DECEMBER 27, 2010

Resolution to cancel Regular City Council meeting of Monday, December 27, 2010

Moved by Councillor Stephen Chase, seconded by Councillor Tony Whalen, THAT City Council adopt the following resolution:

BE IT RESOLVED that the regularly scheduled City Council meeting of Monday, December 27, 2010, be cancelled; and that the City Clerk be authorized to call a special meeting if required.

CARRIED UNANIMOUSLY

2010 RESERVE FUNDS

2010 Reserve Funds

Moved by Councillor Stephen Chase, seconded by Councillor Mike O'Brien, THAT City Council adopt the following resolution:

Capital Reserve

BE IT RESOLVED that City Council authorizes the City Treasurer, of the City of Fredericton, to transfer \$3,580,000 from the General Operating Fund to the General Capital Reserve Fund pursuant to Sections 90 and 189(7) of the *Municipalities Act*.

Operating Reserve

BE IT RESOLVED that City Council authorizes the City Treasurer, of the City of Fredericton, to transfer \$664,800 from the General Operating Fund to the General Operating Reserve Fund pursuant to Sections 90 and 189(7) of the *Municipalities Act*.

Water & Sewer Capital Reserve

BE IT RESOLVED that City Council authorizes the City Treasurer, of the City of Fredericton, to transfer \$50,000 from the Water and Sewer Operating Fund to the Water and Sewer Capital Reserve Fund pursuant to Sections 90 and 189(7) of the *Municipalities Act*.

CARRIED UNANIMOUSLY

BY-LAW NO. L-1.21, BUSINESS IMPROVEMENT LEVY BY-LAW (DOWNTOWN FREDERICTON INC.)

Resolution – Downtown Fredericton Inc.

Resolution

Moved by Councillor Jordan Graham, seconded by Councillor Scott McConaghy, THAT WHEREAS the Council by By-law No. 654, Business Improvement Area By-law, has designated a portion of the City of Fredericton as a Business Improvement Area under the provisions of the *Business Improvement Areas Act*;

AND WHEREAS the Council, pursuant to subsection 4(2) of the said Act, has caused to be given the required public notice of its intention to approve the budget of Downtown Fredericton Inc. for the year 2011;

BE IT RESOLVED that the Council of the City of Fredericton hereby approves the budget submitted by the Board of Directors of Downtown Fredericton Inc., as set out in Schedule "A" attached to and forming part of this resolution, and directs a by-law be prepared in accordance with the *Business Improvement Areas Act*

imposing a special business improvement levy for the year 2011 of twenty (20) cents for each One Hundred Dollars (\$100) of assessment on non-residential property within the area designated by By-law No. 654.

CARRIED UNANIMOUSLY

Schedule “A” is attached to these minutes as Appendix 3.

First and Second Reading

Moved by Councillor Jordan Graham, seconded by Councillor Scott McConaghy, THAT By-law No. L-1.21, Business Improvement Levy By-law, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. L-1.21 Given First Reading

Moved by Councillor Jordan Graham, seconded by Councillor Scott McConaghy, THAT By-law No. L-1.21, Business Improvement Levy By-law, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. L-1.21 Given Second Reading

BY-LAW NO. L-2.21, BUSINESS IMPROVEMENT LEVY BY-LAW (BUSINESS FREDERICTON NORTH INC.)

Resolution – Business Fredericton North Inc.

Resolution

Moved by Councillor Mike O’Brien, seconded by Councillor Steven Hicks, THAT WHEREAS the Council, by By-law No. 1082, Business Improvement Area By-law, has designated a portion of the City of Fredericton as a business improvement area under the provisions of the *Business Improvement Areas Act*;

AND WHEREAS the Council, pursuant to subsection 4(2) of the said Act, has caused to be given the required public notice of its intention to consider the budget of Business Fredericton North Inc. for the year 2011;

BE IT RESOLVED that the Council of the City of Fredericton hereby approves the budget submitted by the Board of Directors of Business Fredericton North Inc., as set out in Schedule “A” attached to and forming part of this resolution, and directs a by-law be prepared in accordance with the *Business Improvement Areas Act* imposing a special business improvement levy for the year 2011 of twenty (20) cents for each One Hundred Dollars (\$100) of assessment on non-residential property within the area designated by By-law No. 1082.

CARRIED UNANIMOUSLY

Schedule “A” is attached to these minutes as Appendix 4.

First and Second Reading

Moved by Councillor Mike O’Brien, seconded by Councillor Steven Hicks, THAT By-law No. L-2.21, Business Improvement Levy By-law, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. L-2.21 Given First Reading

Moved by Councillor Mike O’Brien, seconded by Councillor Steven Hicks, THAT By-law No. L-2.21, Business Improvement Levy By-law, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. L-2.21 Given Second Reading

AMENDMENT TO BY-LAW NO. T-1, PARKING WITHOUT A PERMIT

Amendment to By-law No. T-1, Parking Without a Permit

Moved by Councillor David Kelly, seconded by Councillor Eric Megarity, THAT By-law No. T-1.47, A By-law to Amend By-law No. T-1, A By-law to Regulate Traffic, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. T-1.47 Given First Reading

Moved by Councillor David Kelly, seconded by Councillor Eric Megarity, THAT By-law No. T-1.47, A By-law to Amend By-law No. T-1, A By-law to Regulate Traffic, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. T-1.47 Given Second Reading

RESOLUTION TO DECLARE THAT AN EMERGENCY EXISTS JUSTIFYING THIRD READING

Resolution to Declare that an Emergency Exists Justifying Third Reading

Moved by Councillor David Kelly, seconded by Councillor Eric Megarity, THAT this Council declares an emergency exists that requires the Council to proceed immediately to Third Reading of By-law No. T-1.47, A By-law to Amend By-law No. T-1, A By-law to Regulate Traffic. CARRIED UNANIMOUSLY

Third Reading of By-law No. T-1.47

Moved by Councillor Stephen Chase, seconded by Councillor Eric Megarity, THAT By-law No. T-1.47, A By-law to Amend By-law No. T-1, A By-law to Regulate Traffic, be read in its entirety. CARRIED UNANIMOUSLY

By-law No. T-1.47 Read in its Entirety

By-law No. T-1.47 was read in its entirety and is attached to these Minutes as Appendix 5.

By-law No. T-1.47 Given

Moved by Councillor Stephen Chase, seconded by Councillor Eric Megarity, THAT By-law No. T-1.47, A By-law to Amend By-law No. T-1, A By-law to Regulate Traffic, be given third reading by title. CARRIED UNANIMOUSLY

Third Reading

BY-LAW NO. T-1.46, PARKING RESTRICTIONS ON CLAREMONT DRIVE AND REMOVAL OF GIBSON STREET AND CANADA STREET, SOUTH OF BRIDGE STREET, AS A TRUCK ROUTE

By-law No. T-1.46 - Parking Restrictions on Claremont Drive and Removal of Gibson Street and Canada Street, south of Bridge Street, as a Truck Route

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity, THAT By-law No. T-1.46, A By-law to Regulate Traffic, be read by section number pursuant to sections 11.1 (1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. T-1.46 Read by Section Number

By-law No. T-1.46 was read by section number and is attached to these minutes as **Appendix 6**.

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity, THAT By-law No. T-1.46, A By-law to Regulate Traffic, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. T-1.46 Given Third Reading

Due to being absent from the City Council meeting held on November 22, 2010, when Hearing of Objections took place, Councillor Jordan Graham retired from the Council Chamber at 8:46 p.m.

MUNICIPAL PLAN AMENDMENT AND REZONING – 518 SPRINGHILL ROAD (FREDERICTON LANDS COMMISSION)

518 Springhill Road (Fredericton Lands Commission)

Third Reading of By-law No. Z-1.14

Moved by Councillor Tony Whalen, seconded by Councillor Stephen Kelly, THAT By-law No. Z-1.14, A By-law to Amend By-law No. Z-1, A By-law to Adopt a Municipal Plan for the City of Fredericton, be read by section number pursuant to Sections 11.1 (1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. Z-1.14 Read by Section Number

By-law No. Z-1.14 was read by section number and is attached to these minutes as **Appendix 7**.

Moved by Councillor Tony Whalen, seconded by Councillor Stephen Kelly, THAT By-law No. Z-1.14, A By-law to Amend By-law No. Z-1, A By-law to Adopt a Municipal Plan for the City of Fredericton, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. Z-1.14 Given Third Reading

Third Reading of By-law No. Z-2.719

Moved by Councillor Tony Whalen, seconded by Councillor Stephen Kelly, THAT By-law No. Z-2.719, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be read by section number pursuant to Sections 11.1 (1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. Z-2.719 Read by Section Number

By-law No. Z-2.719 was read by section number and is attached to these Minutes as **Appendix 8**.

Moved by Councillor Tony Whalen, seconded by Councillor Stephen Kelly, THAT By-law No. Z-2.719, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. Z-2.719 Given Third Reading

ZONING AMENDMENT – 1300 HANWELL ROAD (MANNY PATEL)

Zoning Amendment – 1300 Hanwell Road (Manny Patel)

Adoption of Terms and Conditions

Moved by Councillor Tony Whalen, seconded by Councillor David Kelly, THAT the following terms and conditions be adopted pursuant to Section 39 of the *Community Planning Act* in regard to an amendment to the Zoning By-law (Z-2), under the Service Industrial Zone (S.I.), in order to permit a medical and health office at 1300 Hanwell Road, as laid out in draft By-law No. Z-2.712:

- a) The site be developed and maintained substantially in accordance with Map III attached to Planning Report 130/10.
- b) The medical practice be limited to three practitioners in its current configuration, or five if the business grows to fill the entire building.
- c) A landscaping and parking plan be provided to the satisfaction of the Development Officer.
- d) The design of the building shall be to the satisfaction of the Development Officer.
- e) Any signage comply with Section 7 of Zoning By-law Z-2, and a sign permit be obtained prior to erecting or displaying any signage.
- f) Access, servicing, lot grading and storm water management plans be provided to the satisfaction of the Director of Engineering and Public Works.
- g) Future access from the subject property to Hanwell Road will be restricted to “Right-in, Right-out” when the median is constructed.

h) Backflow prevention be installed.

CARRIED UNANIMOUSLY

Third Reading of By-law No. Z-2.712

Moved by Councillor Tony Whalen, seconded by Councillor David Kelly, THAT By-law No. Z-2.712, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be read by section number pursuant to Sections 11.1 (1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. Z-2.712 Read by
Section Number

By-law No. Z-2.712 was read by section number and is attached to these Minutes as **Appendix 9**.

Moved by Councillor Tony Whalen, seconded by Councillor David Kelly, THAT By-law No. Z-2.712, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. Z-2.712 Given
Third Reading

DEPUTY MAYOR AND COUNCILLORS EXCUSED

Moved by Councillor Scott McConaghy, seconded by Councillor Steven Hicks, THAT Deputy Mayor Dan Keenan, and Councillors Bruce Grandy and Marilyn Kerton be excused from the meeting and be relieved of the penalty as provided by the by-law. CARRIED UNANIMOUSLY

Deputy Mayor and
Councillors Excused

ADJOURNMENT

Moved by Councillor Stephen Kelly, seconded by Councillor David Kelly, THAT the meeting adjourn. CARRIED UNANIMOUSLY

Adjournment

The meeting adjourned at 8:48 p.m.

Recording Secretary : Karen Garrett

(Sgd.) Brad Woodside

Brad Woodside,
Mayor

(Sgd.) Brenda L. Knight

Brenda L. Knight,
City Clerk