

MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

MONDAY, DECEMBER 14, 2009

Minutes of the Regular Meeting of Fredericton City Council held on Monday, December 14, 2009, at 7:35 p.m. in the Council Chamber, City Hall, Fredericton.

ATTENDANCE

Attendance

Mayor Brad Woodside, Deputy Mayor Bruce Grandy, Councillors Stephen Chase, Jordan Graham, Steven Hicks, Dan Keenan, David Kelly, Stephen Kelly, Marilyn Kerton, Scott McConaghy, Eric Megarity, Tony Whalen, and Mike O'Brien.

APPROVAL OF MINUTES

Approval of Minutes

Moved by Councillor Jordan Graham, seconded by Councillor Marilyn Kerton THAT the Minutes of the Regular City Council meeting of Monday, November 9, 2009 and Monday, November 23, 2009, be approved as circulated. CARRIED UNANIMOUSLY

PRAYER

Prayer

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

PRESENTATION – 24 YEAR SERVICE AWARD – MAYOR BRAD WOODSIDE

Premier Shawn Graham was present in the Council Chamber to present Mayor Brad Woodside with his 24-year service pin.

Premier Graham praised Mayor Woodside for his 24 years of service to the City of Fredericton, both as a Member of City Council and as Mayor.

Mayor Brad Woodside has served as Mayor of the City of Fredericton for over 18.5 years, and is the longest serving Member of Fredericton City Council, the longest serving Mayor in the history of Fredericton, and the longest serving Mayor of a Canadian Provincial capital city.

His Worship has served with nine different City Councils, and has been involved in the following initiatives:

- The pay-as-you-go policy for capital projects

- The formation of the City's first economic development strategy
- The City became ISO 9001 Certified in the early 2000's
- The installation of a fibre optic network (the backbone of the City's WiFi network)
- The City being named one of the Top Seven Intelligent Communities in the world
- The launch of the City's Green Matters/Green Shops Programs
- The City being recently named a leader in the reduction of municipal greenhouse gas emissions
- The promotion of immigration; Mayor Woodside has taken the message overseas to China and Korea

Mayor Woodside has also delivered talks on substance abuse in France, Israel, Germany and Italy. He is currently involved with Portage New Brunswick, a residential program providing long-term residential treatment for youth with drug dependencies.

Members of City Council and Staff extended congratulations to Mayor Woodside and his wife Anne.

PRESENTATIONS – 25 YEAR SERVICE AWARDS

Mayor Brad Woodside paid tribute to Wyatt Dutcher, Water and Sewer Division, and Captain Douglas Hall, Fire Department, by citing a number of their achievements throughout their dedicated careers with the City, and presented them with a framed certificate, gold watch, and pewter pin.

Mayor Woodside and Members of Council offered congratulations to Mr. Dutcher and Captain Hall.

OPERATION RED NOSE

Councillor David Kelly provided an overview of Operation Red Nose, a volunteer based service offered during the months of November and December, whereby free transportation is provided for persons and their vehicles on Friday and Saturday evenings.

Presentations – 25-Year Service Awards

**BUSINESS IMPROVEMENT AREA LEVY BY-LAWS –
DOWNTOWN FREDERICTON INC.**

Business Improvement Area
Levy By-Laws – Downtown
Fredericton Inc.

Resolution

Moved by Councillor Jordan Graham, seconded by Councillor Stephen Kelly 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 2010;

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 2010 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 1**.

First and Second Reading of By-law No. L-1.20

Moved by Councillor Jordan Graham, seconded by Councillor Stephen Kelly THAT By-law No. L-1.20, Business Improvement Levy By-law, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. L-1.20 Given
First Reading

Moved by Councillor Jordan Graham, seconded by Councillor Stephen Kelly THAT By-law No. L-1.20, Business Improvement Levy By-law, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. L-1.20, Given
Second Reading

**BUSINESS IMPROVEMENT AREA LEVY BY-LAWS –
BUSINESS FREDERICTON NORTH**

Business Improvement Area
Levy By-Laws – Business
Fredericton North

Resolution

Moved by Councillor Dan Keenan, seconded by Councillor Mike O’Brien 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 approve the budget of Business Fredericton North Inc. for the year 2010;

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 2010 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 2**.

First and Second Reading of By-law No. L-2.20

Moved by Councillor Dan Keenan, seconded by Deputy Mayor Bruce Grandy THAT By-law No. L-2.20, Business Improvement Levy By-law, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. L-2.20 Given
First Reading

Moved by Councillor Dan Keenan, seconded by Councillor Mike O’Brien THAT By-law No. L-2.20, Business Improvement Levy By-law, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. L-2.20, Given
Second Reading

Due to being absent from the City Council Meeting held on November 23, 2009 when Hearing of Objections took place, Councillors Stephen Chase and Dan Keenan excused themselves and retired from the meeting at 8:10 p.m.

Councillors Stephen Chase
and Dan Keenan retired
from the Meeting

ZONING AMENDMENT – 271 REGENT STREET (PATRICK WATT)

Adoption of Terms and Conditions Re Zoning Amendment – 271 Regent Street (Patrick Watt)

Adoption of Terms and Conditions

Moved by Councillor Tony Whalen, seconded by Councillor Jordan Graham 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 Commercial Residential Zone (C.R.), in order to operate a specialty scuba diving shop at 271 Regent Street, as laid out in draft By-law No. Z-2.677:

- a) That the scuba diving shop be developed substantially in accordance with Map IV attached to Planning Report 118/09 and to the satisfaction of the Development Officer.
- b) That the hours of operation be limited to 12:00 to 18:00 from Tuesday to Friday, and 10:00 to 16:00 on Saturday.
- c) That any signage comply with Zoning By-law Z-2 and a sign permit be obtained.
- d) That use of the property be limited to a two-unit apartment building (2nd and 3rd floors) with provision on the ground floor for a scuba diving shop.
- e) That retail sales be limited to products related to the scuba shop.
- f) A parking and landscaping plan be provided to the satisfaction of the Development Officer.
- g) That backflow prevention be required for commercial use in this building
- h) That servicing, access, lot grading and storm water management be to the satisfaction of the Director of Engineering and Public Works.

CARRIED UNANIMOUSLY

Third Reading of By-law No. Z-2.677

Moved by Councillor Tony Whalen, seconded by Councillor Jordan Graham THAT By-law No. Z-2.677, 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-2.677 Read by Section Number

By-law No. Z-2.677 was read by section number and is attached to these Minutes as **Appendix 3**.

Moved By Councillor Tony Whalen, seconded By Councillor Jordan Graham THAT By-law No. Z-2.677, 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-2.677 Given Third Reading

Councillors Stephen Chase and Dan Keenan returned to the Council Chamber at 8:11 p.m.

EXIT FOOD DRIVE

EXIT Food Drive

A request was received from Austin Drisdelle for permission to conduct a food drive on Thursday, December 17, 2009.

Moved by Councillor Mike O'Brien, seconded by Councillor Steven Hicks BE IT RESOLVED THAT approval be given to EXIT Real Estate Professionals to conduct a food drive for the EXIT Christmas Families and the Fredericton Food Bank in the Nashwaaksis/Fulton Heights area of Fredericton between the hours of 5:30 – 8:30 p.m. on Thursday, December 17, 2009.

CARRIED UNANIMOUSLY

WOSTAWEA LOPPET

WOSTAWEA Loppet

A request was received from Margaret Wicken for permission to hold the Wostawea Loppet on January 31, 2010.

Moved by Councillor Eric Megarity, seconded by Councillor Steven Hicks BE IT RESOLVED THAT approval be given to the Wostawea Cross Country Ski Club to hold their 'Wostawea Loppet' along the trail systems at Killarney Lake on Sunday, January 31, 2010, subject to compliance with all staff recommendations.

CARRIED UNANIMOUSLY

COPS FOR CANCER RUN/WALK

Cops for Cancer Run/Walk

A request was received from Lloyd Chambers for permission to hold the COPS for Cancer Run/Walk on Sunday, February 7, 2010.

Moved by Councillor David Kelly, seconded by Councillor Marilyn Kerton BE IT RESOLVED THAT approval be given to the Canadian Cancer Society, New Brunswick Division to hold the COPS for Cancer Run/Walk on Sunday, February 7, 2010 along the proposed route.

CARRIED UNANIMOUSLY

REZONING – 255 WOODSTOCK ROAD (GORMAN HOLDINGS LTD.)

Rezoning – 255 Woodstock Road (Gorman Holdings Ltd.)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Gorman Holding Limited to rezone portions of two properties located at 255 Woodstock Road from Open Space (O.S.) to Residential Zone Two (R-2), subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of December 9, 2009.

Moved by Councillor Scott McConaghy, seconded by Councillor Stephen Kelly THAT the report of the Planning Advisory Committee be received, along with the recommended terms and conditions. CARRIED UNANIMOUSLY

Resolution

Resolution

Moved by Councillor Scott McConaghy, seconded by Councillor Stephen Kelly THAT WHEREAS, at the meeting of December 14, 2009, Council received a report of the Planning Advisory Committee that By-law No. Z-2, A Zoning By-law for The City of Fredericton, be amended by rezoning two properties located at 255 Woodstock Road from Open Space Zone (O.S.) to Residential Zone Two (R-2) in order to move the zoning boundary line between the properties to match the 1973 flood line, 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 11, 2010 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.

CARRIED UNANIMOUSLY

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

REZONING AND SUBDIVISION – 771 MACLAREN AVENUE & 811 MCEVOY STREET (CITY OF FREDERICTON)

Rezoning and Subdivision – 771 MacLaren Avenue & 811 McEvoy Street (City of Fredericton)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Calvin Thompson, on behalf of the City of Fredericton, to rezone property located at 771 MacLaren Avenue and 811 McEvoy Street as follows:

- Rezone from Institutional (I) to Residential Zone Two-A (R-2A), Residential Zone Two-B (R-2B) and Park Zone (P);
- subdivision to create seven (7) residential building lots;
- subdivision to add land to the public right-of way and consolidate a portion of property with the adjacent park as shown on Map III attached to Planning Report 140/09;

subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of December 9, 2009.

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity THAT the report of the Planning Advisory Committee be received, along with the recommended terms and conditions. CARRIED UNANIMOUSLY

(Councillor Scott McConaghy was absent from the Council Chamber when the vote was taken)

Resolution

Resolution

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity THAT WHEREAS, at the meeting of December 14, 2009, Council received a report of the Planning Advisory Committee that By-law No. Z-2, A Zoning By-law for The City of Fredericton, be amended by rezoning the property located at 771 MacLaren Avenue from Institutional Zone (I) to Residential Zone Two-A (R-2A), Residential Zone Two-B (R-2B), and Park Zone (P) in order to create seven (7) new residential building lots, add land to the public right-of-way, and to consolidate a portion of the property with the adjacent park (811 McEvoy 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 11, 2010 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.

CARRIED UNANIMOUSLY

(Councillor Scott McConaghy was absent from the Council Chamber when the vote was taken)

Schedule “A” is attached to these Minutes as Appendix 5.

❖ *Consideration of the proposed subdivision will take place following third reading of the proposed by-law.*

SUBDIVISION – 432 & 450 ST. MARY’S STREET (CITY OF FREDERICTON)

Subdivision – 432 & 450 St. Mary’s Street (City of Fredericton)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Calvin Thompson, on behalf of the City of Fredericton, to subdivide a portion of the properties at 432 and 450 St. Mary’s Street, in order add land to the public right-of-way, subject to the following term and condition:

- That the final plan of subdivision be generally in accordance with Map III attached to Planning Report 145/09 and to the satisfaction of the Development Officer.

Moved by Councillor Marilyn Kerton, seconded by Councillor Eric Megarity THAT the report of the Planning Advisory Committee be adopted, along with the recommended terms and conditions.

CARRIED UNANIMOUSLY

SNOWMOBILE ACCESS – KILLARNEY LAKE PARK

Snowmobile Access – Killarney Lake Park

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Jordan Graham BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the renewal of the Licence Agreement with the Nashwaak Valley Snowmobile Club and the Fredericton Snowmobile Club that would facilitate in providing temporary corridors for a north south link and a west to east link on City owned property as well as continuing to allow snowmobiles and groomer to have access to short designated sections of trail in

Marysville, subject to terms and conditions; and the Mayor and City Clerk are authorized to execute all necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

PROPOSED PUBLIC UTILITY EASEMENT – 939 WOODSTOCK ROAD

Proposed Public Utility Easement – 939 Woodstock Road

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor David Kelly BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the granting of two ±5 metre wide underground Public Utility Easement on City owned property situated at Marlborough Drive, known as 939 Woodstock Road, PID 75290312 subject to applicable taxes, adjustments and conditions; and the Mayor and City Clerk be authorized to execute all necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

OCCUPANCY AND USE AGREEMENT RENEWAL – 12 CARLETON STREET

Occupancy and Use Agreement Renewal – 12 Carleton Street

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Stephen Kelly BE IT RESOLVED that the Council of the City of Fredericton authorizes the renewal of the Occupancy and Use Agreement for a ±9,782 ft² portion of City owned property at 12 Carleton Street known as (PID 01455690) to the Province of New Brunswick for use by the York Regional Library. The Occupancy and Use Agreement is for a term of One (1) year less one day commencing on January 1, 2010, at an annual rate of \$19.75 per square foot payable on the first day of each and every month in equal instalments of \$16,099.54 during the term of the Agreement; and the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

PORTION 432 ST. MARY'S STREET

Portion 432 St. Mary's Street

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Mike O'Brien BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the acquisition of a ±108.057 m² portion of the property situated at 432 St. Mary's Street, known as PID 01533199 from Rod Hussey's Auto Repair Ltd. at a rate of \$116.20 per square metre for sum of Twelve Thousand Five Hundred Fifty

Six Dollars (\$12,556.00) subject to applicable taxes, adjustments and conditions; and the Mayor and City Clerk are authorized to execute all necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

450 ST. MARY’S STREET

450 St. Mary’s Street

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Mike O’Brien BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the acquisition of a ±64.008 m² (±3.0m by ±21.336m) portion of the property situated at 450 St. Mary’s Street, known as PID 01479740 from John and Lisa Leeuw at a rate of \$116.20 per square metre for sum of Seven Thousand Four Hundred Thirty Eight Dollars (\$7,438.00) subject to applicable taxes, adjustments and conditions; and the Mayor and City Clerk are authorized to execute all necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

SURPLUS PROPERTY

Surplus Property

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Tony Whalen BE IT RESOLVED THAT the Council of the City of Fredericton declares the following City-owned properties or any part thereof “surplus” and directs staff to take the necessary steps to dispose of them in accordance with current policy:

- 25 Manresa Drive, PID 01495837, Ward 1, (Park) offer to the public as a developable property, subject to an agreement with the adjacent property owner at 146 Willis Street;
- 601 Maple Street, PID 01418615, Ward 3, convey to the Public right-of-way;
- ±400.00 m² Portion of 939 Woodstock Road, PID 75290312, Ward 12, convey to the Public right-of-way;
- 771 MacLaren Avenue, PID 01429810, Ward 4, rezone and subdivide to create, for sale, three R2A lots on MacLaren Avenue & four R2B lots on McEvoy Street;
- ±246.58 m² Portion of McEvoy Street property PID 75287799, Ward 4, convey to the Public right-of-way; and

- ±3.91 m² Portion of McEvoy Street property PID 75267781, Ward 4, convey to the Public right-of-way;

CARRIED UNANIMOUSLY

CULTURAL CAPITALS OF CANADA CONTRIBUTION AGREEMENT

Cultural Capitals of Canada Contribution Agreement

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Stephen Chase BE IT RESOLVED THAT the Council of the City of Fredericton approve the Amendment to the 2009 Cultural Capitals of Canada Contribution Agreement prepared by the Department of Canadian Heritage; AND THAT the Mayor and City Clerk be authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

MOTION TO ADD “AWARD OF RFP #P09-18, SUPPLY AND INSTALLATION OF A PUBLIC SERVICE RADIO SYSTEM,” AND “REAL ESTATE ENTERPRISE MODEL, FREDERICTON LANDS INC.”, TO THE REGULAR CITY COUNCIL MEETING AGENDA

Award of RFP #P09-18, Supply and Installation of a Public Service Radio System, and Real Estate Enterprise Model, Fredericton Lands Inc. Added to the Agenda

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Stephen Chase THAT the reports of the Council-in-Committee Session entitled “Award of RFP #P09-18, Supply and Installation of a Public Service Radio System,” and “Real Estate Enterprise Model, Fredericton Lands Inc.,” be added to the Regular City Council Agenda as Items 6.H. and 6.I. CARRIED UNANIMOUSLY

AWARD OF RFP #P09-18 – SUPPLY AND INSTALLATION OF A PUBLIC SERVICE RADIO SYSTEM

Award of RFP #P09-18, Supply and Installation of a Public Service Radio System

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Marilyn Kerton BE IT RESOLVED THAT City Council award RFP P09-18, Supply and Installation of a Public Service Radio System, to Bell Mobility, the highest scored and lowest cost bidder, up to an amount not to exceed Four Hundred and Eighty Thousand Dollars (\$480,000.00), HST included, and instruct staff to negotiate minor adjustments as required; and

BE IT FURTHER RESOLVED THAT the Mayor and City Clerk are authorized to execute the necessary documents to facilitate this direction.

CARRIED UNANIMOUSLY

REAL ESTATE ENTERPRISE MODEL – FREDERICTON LANDS INC.

Real Estate Enterprise Model – Fredericton Lands Inc.

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Eric Megarity THAT BE IT RESOLVED THAT the Council of the City of Fredericton agree to the Operating Agreement with Fredericton Lands Inc. AND THAT the Council of the City of Fredericton authorizes the Mayor and City Clerk to execute any documentation required to give effect to this direction.

BE IT FURTHER RESOLVED that the Council of the City of Fredericton submit to the Municipal Capital Borrowing Board an application to issue a guarantee in favour of a chartered bank with respect to Fredericton Lands Inc. AND THAT the City of Fredericton authorizes the Mayor and City Clerk to execute any documentation required to give effect to this direction.

CARRIED UNANIMOUSLY

TREASURER’S REPORT

Treasurer’s Report

Moved by Councillor Mike O’Brien, seconded by Councillor Stephen Chase BE IT RESOLVED THAT expenditures for the month of November 2009, 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 Eight Million, One Hundred and Forty-Five Thousand, Two Hundred and Fifty-Five Dollars and Seventy Cents. (\$8,145,255.70).

CARRIED UNANIMOUSLY

TENDER #T06-72 – EXTENSION OF ELEVATOR MAINTENANCE CONTRACT, VARIOUS CITY LOCATIONS

Tender #T06-72 Awarded to ThyssenKrupp Elevator (Canada) Limited

Moved by Councillor Mike O’Brien, seconded by Councillor Tony Whalen BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the contract extension for Tender #T06-72, Elevator Maintenance, to *ThyssenKrupp Elevator (Canada) Limited* at the sub total cost of \$13,159.87 per year, HST included, for five City locations, plus additional cost of one additional passenger

elevator location to be serviced, at the sub total cost of \$3,340.71, HST included, for a total cost of \$16,500.58, HST included, for six City locations. Contract period is December 1, 2009 to November 30, 2010, and includes an option to cancel the Fredericton Public Library location at any time with thirty (30) days written notice from the City to ThyssenKrupp; AND THAT the Mayor and City Clerk be authorized to execute the said contract, and such further legal documents as may be required to facilitate this transaction.

CARRIED UNANIMOUSLY

TENDER #T09-72 – JANITORIAL SERVICES, YORK STREET FIRE STATION BUILDING

Tender #T09-72 Awarded to
Admiral Building
Maintenance

Moved by Councillor Mike O'Brien, seconded by Councillor Steven Hicks BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of Tender #T09-72, Janitorial Services, York Street Fire Station Building, to *Admiral Building Maintenance*, highest scored bidder and lowest cost bidder meeting specifications at the three year total tendered price of \$32,313.13, HST extra, for the contract period from January 1, 2010 to December 31, 2012; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

TENDER # T09-74 – JANITORIAL SERVICES, FREDERICTON PUBLIC LIBRARY

Tender #T09-74 Awarded to
Admiral Building
Maintenance

Moved by Councillor Mike O'Brien, seconded by Councillor Stephen Kelly BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of Tender #T09-74, Janitorial Services, Fredericton Public Library, to *Admiral Building Maintenance*, highest scored bidder and lowest cost bidder meeting specifications at the three year total tendered price of \$114,829.60, HST extra, for the contract period from March 1, 2010 to February 28, 2013; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

TENDER # T09-75 – JANITORIAL SERVICES, TOURISM OFFICE

Tender #T09-75 Awarded to Admiral Building Maintenance

Moved by Councillor Mike O'Brien, seconded by Councillor Marilyn Kerton BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of Tender #T09-75, Janitorial Services, Tourism Office, to *Admiral Building Maintenance*, highest scored bidder and lowest cost bidder meeting specifications at the three year total tendered price of \$14,350.18, HST extra, for the contract period from February 1, 2010 to January 31, 2013; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

EXTENSION OF TENDER #T04-01 – JANITORIAL SERVICES, WATER TREATMENT PLANT, 101 SMYTHE STREET

Extension of Tender #T04-01 Awarded to Capable Building Cleaning Ltd

Moved by Councillor Mike O'Brien, seconded by Councillor Tony Whalen BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the contract extension of Tender #T04-01, Janitorial Services, Water Treatment Plant, 101 Smythe Street, to *Capable Building Cleaning Ltd.*, at the cost of \$4,005.00, HST extra, for the one year period from February 1, 2010 to January 31, 2011; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

REQUEST FOR PROPOSAL #P07-24 – EXTENSION OF PARKING ENFORCEMENT AND PARKING METER COLLECTION SERVICES, CITY OF FREDERICTON

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

Moved by Councillor Mike O'Brien, seconded by Councillor Stephen Chase BE IT RESOLVED THAT #P07-24, Proposal Extension for Parking Enforcement and Parking Meter Collection Services, be awarded to *The Canadian Corps of Commissionaires*, Level A, Downtown Parking Enforcement Officer and Garage Enforcement Officer, at \$15.18 per hour and Level B, Supervisor of Parking Detail, at \$17.49 per hour, for one (1) year extension period from January 1, 2010 to December 31, 2010. The estimated year 2010 value of the contract is \$195,505.20, HST extra. Final cost will depend on hours purchased; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

PHOTOCOPIER RENTAL FOR THE FREDERICTON INDOOR POOL

Moved by Councillor Mike O'Brien, seconded by Councillor Dan Keenan BE IT RESOLVED THAT the Council of the City of Fredericton authorizes a 2 year extension "rental" agreement with *Pitney Bowes Danka Compass Document Solutions*, on a Sharp AR168 Class I Photocopier, as per the Province of New Brunswick Standing Offer Contract # 20050-07, at rental cost of \$539.75.00 per year, HST extra, which includes photocopier and facsimile option, plus 1.4 cents service cost per copy, HST extra, from January 1, 2010 to December 31, 2011.

CARRIED UNANIMOUSLY

Photocopier Rental for the Fredericton Indoor Pool Awarded to Pitney Bowes Danka Compass Document Solutions

FREDERICTON POLICE FORCE QUARTERLY STATISTICAL REPORT – JULY 1ST TO SEPTEMBER 30TH, 2009

Moved by Councillor Scott McConaghy, seconded by Councillor Marilyn Kerton THAT the following Annual Report be received and placed on file:

- Fredericton Police Force Quarterly Statistical Report – July 1st to September 30th, 2009

CARRIED UNANIMOUSLY

Fredericton Police Force Quarterly Statistical Report – July 1st to September 30th, 2009

APPOINTMENT OF BOARD MEMBERS TO THE BOARD OF DIRECTORS OF THE LOCAL IMPROVEMENT ASSOCIATION, FREDERICTON BOTANIC GARDEN ASSOCIATION INC.

Moved by Councillor Stephen Chase, seconded by Councillor Steven Hicks BE IT RESOLVED THAT the Council, of the City of Fredericton, appoints the following five (5) members to the Board of Directors of the Local Improvement Association for the Fredericton Botanic Garden Association:

- Jacques Paynter, President
- Aaron Savage, Vice-President
- Dr. Michael Dillon, Treasurer
- Dr. William Seabrook, Past President

Appointment of Board Members to the Board of Directors of the Local Improvement Association, Fredericton Botanic Garden Association Inc.

- Dr. Richard Tarn, Chair, Site Development

CARRIED UNANIMOUSLY

VACANCIES – FREDERICTON PUBLIC LIBRARY BOARD

Moved by Councillor Stephen Kelly, seconded by Councillor Dan Keenan **BE IT RESOLVED THAT** appointments be made to the Fredericton Public Library Board as follows:

- Mr. Curtis Dixon be reappointed to the Fredericton Public Library Board, term expiring January 1, 2013; and
- Mr. Jeffrey Harris be appointed to the Fredericton Public Library Board, term expiring January 31, 2013.

CARRIED UNANIMOUSLY

APPOINTMENT OF BOARD MEMBERS TO THE PLANNING ADVISORY COMMITTEE

Moved by Councillor Marilyn Kerton, seconded by Councillor Scott McConaghy **BE IT RESOLVED THAT** Dan Koncz be re-appointed to serve as a member of the Planning Advisory Committee for a 2-year term, commencing January 1, 2010 and expiring December 31, 2011; **BE IT FURTHER RESOLVED THAT** Alan Rayner be re-appointed to serve as a member of the Planning Advisory Committee for a 3-year term, commencing January 1, 2010 and expiring December 31, 2012.

CARRIED UNANIMOUSLY

REAPPOINTMENT – BOARD OF DIRECTORS, PROVINCIAL CAPITAL COMMISSION

Moved by Councillor Dan Keenan, seconded by Councillor Steven Hicks **BE IT RESOLVED THAT** Alex Forbes be re-appointed to the Board of Directors of the Provincial Capital Commission for a three-year term, commencing on March 1, 2010, and expiring on March 1, 2013.

CARRIED UNANIMOUSLY

Vacancies – Fredericton Public Library Board

Appointment of Board Members to the Planning Advisory Committee

Reappointment – Board of Directors, Provincial Capital Commission

ASSENT OF COUNCIL – BRANDASH COURT/BROOKSIDE DRIVE (CHIPPINS LIMITED)

Assent of Council – Brandash Court/Brookside Drive (Chippins Limited)

Moved by Councillor Dan Keenan, seconded by Deputy Mayor Bruce Grandy BE IT RESOLVED THAT the final plan of subdivision prepared by Trainor Surveys (1974) Ltd. entitled “Amending Subdivision Plan, Brookside West Subdivision Phase 5” Creating lots 08-160 to 08-211, A Portion of Peters Drive (Public), Brandash Court (Public), Louise Court (Public), Savannah Court(Public) and Lands for Public Purposes as shown, Brookside Drive, County of York, City of Fredericton, receive the Assent of Council pursuant to Section 56(2) of the *Community Planning Act*.

CARRIED UNANIMOUSLY

ASSENT OF COUNCIL – SARAHS LANE (PRESTIGE PROPERTIES INC.)

Assent of Council – Sarahs Lane (Prestige Properties Inc.)

Moved by Councillor Dan Keenan, seconded by Councillor David Kelly BE IT RESOLVED THAT the final plan of subdivision prepared by Trainor Surveys (1974) Ltd. entitled “Subdivision Plan, Rainsford Lane, Prestige Properties Inc. Phase 3B” Creating Lots 08-408 Thru 08-409 and a Portion of Sarahs Lane (Public), Sarahs Lane, 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

RESOLUTION TO CANCEL REGULAR CITY COUNCIL MEETING OF MONDAY, DECEMBER 28, 2009

Resolution to cancel Regular City Council meeting of Monday, December 28, 2009

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Scott McConaghy BE IT RESOLVED THAT the regularly scheduled City Council meeting of Monday, December 28, 2009 be cancelled, AND THAT the City Clerk be authorized to call a special meeting if required.

CARRIED UNANIMOUSLY

Prior to any discussion, Councillor Mike O’Brien declared a Conflict of Interest and retired from the Council Chamber at 8:42 p.m.

RESOLUTION

The following resolution corresponds with the Planning Advisory Committee report received by City Council at its regular meeting held on October 26, 2009:

MUNICIPAL PLAN AMENDMENT AND CHANGE TO TERMS AND CONDITIONS – 380-390 YORK STREET (J.D. IRVING/FREDERICTON RAILWAY COMPANY)

Moved by Councillor Eric Megarity, seconded by Councillor Jordan Graham THAT WHEREAS Council has under consideration By-law No. Z-1.12, A By-law to Amend By-law No. Z-1, A By-law to Adopt a Municipal Plan for the City of Fredericton, to:

1. Amend the Development Criteria of Character Area “B”, under Section 3.5.12, first paragraph, to state:

It is envisioned that the railway station will be developed utilizing existing building envelope and special attention will be paid to the retention of the exterior façade, roofline, and architectural features that clearly define its role as a former train station.

2. Amend the Proposed Uses of Character Area “B”, under Section 3.5.12 to state:

Council will consider any one of the following, or a mix of the following land uses for this building including office, institutional and commercial uses including a retail development.

as it relates to the property shown on Schedule “A” attached to and forming part of this resolution;

AND WHEREAS the public notice requirements of Section 25 of the *Community Planning Act* have been fulfilled with respect to By-law No. Z-1.12;

AND WHEREAS terms and conditions, as outlined in Schedule “B” attached hereto, adopted by City Council on February 26, 2001 and associated with By-law No. Z-2.240 for property located at 380-390 York Street are to be repealed and replaced with new terms and conditions, as outlined in Schedule “C” attached hereto and forming part of this resolution is required to facilitate the construction of a liquor store;

AND WHEREAS subsection 39(3) of the *Community Planning Act* requires that public notice be given of any change in terms and conditions established pursuant to Section 39 of the *Act*.

Resolution

Municipal Plan Amendment and Change to Terms and Conditions – 380-390 York Street (J.D. Irving/Fredericton Railway Company)

BE IT RESOLVED THAT the Council hereby directs that the proposed By-law No. Z-1.12 be referred to the Planning Advisory Committee for the views of the Committee; that the public notice requirements of Section 68 of *Community Planning Act* be fulfilled with respect to both By-law No. Z-1.12 and the proposed change in terms and conditions; and that the regular Council meeting of Monday, January 11, 2010 commencing at 7:30 p.m. at the Council Chamber, City Hall, Queen Street, Fredericton, as the time and place for the consideration of objections/support to the said by-law and proposed change in terms and conditions.

CARRIED UNANIMOUSLY

Schedules “A”, “B”, and “C” are attached to these Minutes as **Appendix 6**.

Councillor Mike O’Brien returned to the Council Chamber at 8:44 p.m.

AMENDMENT TO BY-LAW NO. T-7, A BY-LAW RELATING TO PARKING METERS, PARKING ZONES, AND PAY AND DISPLAY MACHINES – TRIAL OF SOLAR PAY BY SPACE PARKING CONTROL DEVICE

Amendment to By-law No. T-7 – Trial of Solar Pay by Space Parking Control Device

Third Reading of By-law No. T-7.3

Moved by Councillor Stephen Chase, seconded by Councillor Steven Hicks THAT By-law No. T-7.3, A By-Law To Amend By-Law No. T-7, A By-Law Relating To Parking Meters, Parking Zones, And Pay And Display Machines, be read by section number pursuant to Sections 11.1 (1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. T-7.3 Read by Section Number

By-law No. T-7.3 was read by section number and is attached to these Minutes as **Appendix 7**.

Moved by Councillor Stephen Chase, seconded by Councillor Scott McConaghy THAT By-law No. T-7.3, A By-Law To Amend By-Law No. T-7, A By-Law Relating To Parking Meters, Parking Zones, And Pay And Display Machines, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. T-7.3 Given Third Reading

Due to being absent from the City Council Meeting held on November 23, 2009 when Hearing of Objections took place, Councillors Stephen Chase and Dan Keenan excused themselves and retired from the meeting at 8:45 p.m.

Councillors Stephen Chase and Dan Keenan retired from the Meeting

REZONING AND SUBDIVISION – 20 TWO NATIONS CROSSING (CANADIAN TIRE REAL ESTATE LIMITED)

Adoption of Terms and Conditions Re Rezoning and Subdivision – 20 Two Nations Crossing (Canadian Tire Real Estate Limited)

Adoption of Terms and Conditions

Moved by Councillor Tony Whalen, seconded by Councillor Steven Hicks 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), by rezoning a portion of 20 Two Nations Crossing from Future Development Zone (F.D.) to Highway Commercial (H.C.), and for subdivision to create one (1) HC building, as laid out in draft By-law No. Z-2.675:

- a) The site be developed substantially in accordance with Map III attached to Planning Report 26/09, and all future development comply with the requirements of the Highway Commercial Zone and Sections 9.1.1 and 9.1.2 of Zoning By-law Z-2 to the satisfaction of the Development Officer.
- b) A final plan of subdivision in accordance with Map III attached to Planning Report 26/09 be provided to the satisfaction of the Development Officer.
- c) Use of the newly created lot be restricted to uses permitted in the Highway Commercial Zone with the exception of drive-thru business.
- d) A landscaping plan be provided to the satisfaction of the Development Officer.
- e) No outside storage be permitted on the property.
- f) Access, municipal servicing, lot drainage, and storm water management be provided to the satisfaction of the Director of Engineering and Public Works. Storm water management to be in accordance with “Guidelines for Storm Water Infrastructure in the City of Fredericton”, latest version.
- g) The developer is to provide funding for construction of the sidewalk along the frontage of Two Nations Crossing to the satisfaction of the Director of Engineering and Public Works.
- h) The developer is to obtain all required permits from the Province of New Brunswick for the storage and sale of petroleum products on the site.
- i) The 8% public land dedication be taken in the form of cash.

CARRIED UNANIMOUSLY

Third Reading of By-law No. Z-2.675

Moved by Councillor Tony Whalen, seconded by Councillor Mike O'Brien THAT By-law No. Z-2.675, 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-2.675 Read by
Section Number

By-law No. Z-2.675 was read by section number and is attached to these Minutes as **Appendix 8**.

Moved By Councillor Tony Whalen, seconded By Deputy Mayor Bruce Grandy THAT By-law No. Z-2.675, 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-2.675 Given
Third Reading

ZONING AMENDMENT AND ZONING – 432-440 SAINT MARY'S STREET (ROD HUSSEY'S AUTO REPAIR)

**ZONING AMENDMENT
AND ZONING – 432-440
SAINT MARY'S STREET
(ROD HUSSEY'S AUTO
REPAIR)**

Adoption of Terms and Conditions

Moved by Councillor Tony Whalen, seconded by Deputy Mayor Bruce Grandy 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), by rezoning a portion of 440 St. Mary's Street (PID 75378711) from General Industrial (G.I.) to Highway Commercial (H.C.), and for a zoning amendment to permit an Auto Repair Shop at 432 St. Mary's Street (PID 01533199), as laid out in draft By-law No. Z-2.678:

- a) Automotive repair shop be constructed and maintained substantially in accordance with Map III attached to Planning Report 119/09.
- b) The applicant negotiate in good faith to sell a three metre strip running across the frontage of property PID 01533199 and running parallel to St. Mary's Street to the City of Fredericton.
- c) Servicing, access, lot grading and storm water management shall be provided to the satisfaction of the Director of Engineering and Public Works.
- d) All required easements are to be granted gratuitously to the City of Fredericton and other utilities.

CARRIED UNANIMOUSLY

Third Reading of By-law No. Z-2.678

Moved by Councillor Tony Whalen, seconded Councillor Mike O’Brien by THAT By-law No. Z-2.678, 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-2.678 Read by
Section Number

By-law No. Z-2.678 was read by section number and is attached to these Minutes as **Appendix 9**.

Moved By Councillor Tony Whalen, Seconded By Deputy Mayor Bruce Grandy THAT By-law No. Z-2.678, 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-2.678 Given
Third Reading

**ZONING AMENDMENT – 1025 PROSPECT STREET
(TERRAIN GROUP)**

Adoption of Terms and
Conditions Re Zoning
Amendment – 1025 Prospect
Street (Terrain Group)

Adoption of Terms and Conditions

Moved by Councillor Tony Whalen, seconded by Councillor Jordan Graham 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), by amending the Regional Shopping Centre Zone (R.S.C.) to specifically permit a gasoline bar and convenience store at 1025 Prospect Street, as laid out in draft By-law No. Z-2.679:

- a) The improvements shall be constructed and maintained substantially in accordance with Map III attached to Planning Report 125/09.
- b) All terms and conditions attached to the exemption order (file # 3900-F1-E300 as amended) be complied with.
- c) All proposed new or updated signage shall require a sign permit in accordance with Section 7 of the Zoning By-law.

CARRIED UNANIMOUSLY

Third Reading of By-law No. Z-2.679

Moved by Councillor Tony Whalen, seconded by Councillor Scott McConaghy THAT By-law No. Z-2.679, 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-2.679 Read by
Section Number

By-law No. Z-2.679 was read by section number and is attached to these Minutes as **Appendix 10**.

Moved By Councillor Tony Whalen, seconded By Councillor Scott McConaghy THAT By-law No. Z-2.679, 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-2.679 Given
Third Reading

ADJOURNMENT

Adjournment

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

The meeting adjourned at 8:49 p.m.

Submitted to City Council for approval by

(Sgd.) Karen Garrett

Karen Garrett
Recording Secretary