

**MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL**

**MONDAY, FEBRUARY 28, 2011**

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Minutes of the Regular Meeting of Fredericton City Council held on Monday, February 28, 2011, at 7:31 p.m. in the Council Chamber, City Hall, Fredericton.

**ATTENDANCE**

Attendance

**Council:**

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

**Staff:**

Melanie D. MacDonald, Assistant City Clerk  
Chris MacPherson, Assistant City Administrator  
Leanne Fitch, Deputy Police Chief  
Paul Murray, Deputy Fire Chief  
Wayne Tallon, Director of Community Services  
Murray Jamer, Director of Engineering & Public Works  
Jane Blakely, Director of Corporate Services  
Tina Tapley, Director of Finance/City Treasurer  
Alex Forbes, Assistant Director of Development Services  
Michelle Brzak, City Solicitor  
Sean Lee, Manager, Engineering Services  
Wayne Knorr, Manager, Corporate Communications

**Absent:**

Councillor Bruce Grandy  
Councillor Marilyn Kerton  
Councillor Scott McConaghy

**APPROVAL OF MINUTES**

Approval of Minutes

**Moved by Councillor Stephen Kelly, seconded by Councillor Eric Megarity THAT the Minutes of the Regular City Council meeting of Monday, January 24, 2011, be approved as circulated. CARRIED UNANIMOUSLY**

**PRAYER**

Prayer

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

**25-YEAR SERVICE AWARDS**

Mayor Brad Woodside paid tribute to Captain Charles Betts, Carl Ferris, Training Officer Kimberley Murdock and Pat Tapp, by citing a number of their achievements throughout their dedicated careers with the City, and presented each of them with a framed certificate, watch, and pewter pin.

Mayor Woodside and Members of Council offered congratulations to each of the recipients.

**LAUNCH OF GREEN MATTERS CONTEST**

Alycia Morehouse, Climate Change Coordinator for the City of Fredericton, provided an overview of the 2011 Green Matters “Big Thinking” contest, whereby students from Kindergarten to grade 12 are invited to suggest ways of protecting the environment. Students were encouraged to be creative with their submissions.

Winners will be announced at the Earth Day Celebrations scheduled for Thursday, April 21, 2011.

**BY-LAW REAFFIRMATIONS**

A report was received from the Planning Advisory Committee reaffirming its position with respect to the following by-laws:

1. By-law No. Z-2.727 – 75 Knowledge Park Drive (ADI Limited)
2. By-law No. Z-2.731 – 403 Kings College Road (Carmen & Stephen Lodge)
3. By-law No. Z-2.733 – 295 Neill Street (Sunny Brae Drive and Hillcrest Drive (James Realty Ltd.)
4. By-law No. Z-2.734 – 14 Avonlea Court (JD Irving Limited)
5. By-law No. Z-2.735 – Section 7, Signage (City of Fredericton)

**Moved by Councillor Stephen Chase, seconded by Councillor David Kelly THAT the report of the Planning Advisory Committee be received. CARRIED UNANIMOUSLY**

25-Year Service Awards

Launch of Green Matters Contest

By-law Re-affirmations

**PUBLIC HEARING – ZONING AMENDMENT – 403 KINGS COLLEGE ROAD (CARMEN & STEPHEN LODGE)**

Public Hearing – Zoning Amendment – 403 Kings College Road (Carmen & Stephen Lodge)

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to a proposed by-law to amend the Zoning By-law (Z-2), under the Residential Zone Two (R-2), in order to permit an in-law suite on property located at 403 Kings College Road, subject to terms and conditions.

The Assistant City Clerk advised that no written objections had been received by the City Clerk’s Office.

**First and Second Reading of By-law No. Z-2.731**

**Moved by Councillor Mike O’Brien, seconded by Councillor Stephen Chase THAT By-law No. Z-2.731, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given first reading by title. CARRIED UNANIMOUSLY**

By-law No. Z-2.731 Given First Reading

**Moved by Councillor Mike O’Brien, seconded by Councillor Stephen Kelly THAT By-law No. Z-2.731, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given second reading by title. CARRIED UNANIMOUSLY**

By-law No Z-2.731 Given Second Reading

**PUBLIC HEARING – REZONING – 14 AVONLEA COURT (JD IRVING LIMITED)**

Public Hearing – Rezoning – 14 Avonlea Court (JD Irving Limited)

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to a proposed by-law to rezone property located at 14 Avonlea Court from Future Development (F.D.) to Service Industrial Zone (S.I.), in order to permit automotive sales and services, subject to terms and conditions.

The Assistant City Clerk advised that no written objections had been received by the City Clerk’s Office.

**First and Second Reading of By-law No. Z-2.734**

**Moved by Councillor David Kelly, seconded by Councillor Tony Whalen THAT By-law No. Z-2.734, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given first reading by title. CARRIED UNANIMOUSLY**

By-law No. Z-2.734 Given First Reading

**Moved by Councillor David Kelly, seconded by Councillor Tony Whalen THAT By-law No. Z-2.734, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given second reading by title. CARRIED UNANIMOUSLY**

By-law No Z-2.734 Given Second Reading

**ZONING AMENDMENT & SUBDIVISION – 75 KNOWLEDGE PARK DRIVE (ADI LTD.)**

Zoning Amendment & Subdivision – 75 Knowledge Park Drive (ADI Ltd.) – Administrative Report

**Administrative Report – Development Services Department**

**Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks THAT City Council receive the Administrative Report from the Development Services Department; AND THAT City Council adopt the following resolution:**

**BE IT RESOLVED that the Council of the City of Fredericton adopt the Administrative report regarding 75 Knowledge Park Drive and adopt Option 1) as follows: Remove Drive thru businesses from the permitted use section outlined in term and condition a) and add Drive thru business to the conditional use section outlined in b).**

**CARRIED UNANIMOUSLY**

**PUBLIC HEARING**

Public Hearing

A Public Hearing was held in the Council Chamber, City Hall, to hear objection's and/or support to a proposed by-law to amend the Zoning By-law (Z-2) ), under the UNB Endowment Development Zone (E.D.), in order to permit the following uses, subject to terms and conditions:

Beverage Room, Clinic, Club, Commercial Recreation Establishment, Convenience Store, Drive Thru business, Drug Store, Eating and/or Drinking Establishment, Financial Institution, Garden Centre, Health Club, Hotel/Motel, Medical and Health Office, Officer, Personal Service Establishment, Printing Establishment, Restaurant, Retail Store (not exceeding 300 square metres) Temporary Vending Facility, subject to Section 5.15 of By-law No. Z-2.

The Assistant City Clerk advised that no written objections had been received by the City Clerk's Office.

**Mark D'Arcy, Kevin Matthews and Margaret Trahms Addressed Council**

Hearing of Objections/Support

Mark D'Arcy (Friends of the UNB Woodlot), Kevin Matthews (Conservation Council of New Brunswick), and Margaret Trahms each addressed Council to express their concerns with the proposed amendment.

Ranking high on the list of their concerns was the potential for increased flooding in the downtown area due to the alteration or damage to wetlands. As a result, the City's storm water system may become unable to contain the resulting overflow, as was recently experienced in December 2010 when heavy rains brought river levels close to flooding.

The trio requested that Council's decision be deferred until such time as a flood impact study was undertaken.

**First and Second Reading of By-law No. Z-2.727**

**Moved by Councillor Stephen Kelly, seconded by Councillor Eric Megarity THAT By-law No. Z-2.727, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given first reading by title.**

By-law No. Z-2.727 Given  
First Reading

*On the question*, Councillor Jordan Graham inquired as to whether or not a flood risk assessment had been undertaken and, if so, whether or not it was available for perusal.

City Staff indicated that the developer will be required to adhere to current storm water guidelines, as well as meet the terms and conditions imposed by the City.

Deputy Mayor Dan Keenan also questioned whether or not flood risk calculations were taken into consideration in conjunction with the requirement that new developments have a net zero impact on storm water/water flow.

Sean Lee, Manager of Engineering Services, indicated that calculations are determined based on the best available science to date.

**The original motion was then put to the vote and declared CARRIED UNANIMOUSLY.**

**Moved by Councillor Stephen Kelly, seconded by Councillor Eric Megarity THAT By-law No. Z-2.727, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given second reading by title. CARRIED UNANIMOUSLY**

By-law No Z-2.727 Given  
Second Reading

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

**PUBLIC HEARING – SIGNAGE AMENDMENTS TO ZONING BY-LAW NO. Z-2**

Public Hearing – Signage Amendments to Zoning By-law No. Z-2

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to a proposed by-law to amend the Zoning By-law (Z-2) by repealing and replacing Section 7, Signage, Schedules #13 through #20 with a new Section 7, Signage, and Schedules #13 through #20.

The Assistant City Clerk advised that no written objections had been received by the City Clerk’s Office.

**Administrative Report – Development Services Department**

Administrative Report

**Moved by Councillor Steven Hicks, seconded by Councillor Mike O’Brien THAT City Council receive the Administrative Report from the Development Services Department.**

**CARRIED UNANIMOUSLY**

**First and Second Reading of By-law No. Z-2.735**

**Moved by Councillor Steven Hicks, seconded by Councillor Mike O’Brien THAT By-law No. Z-2.735, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given first reading by title.**

Motion to give By-law No. Z-2.735 First Reading by Title

*On the question*, the following individuals addressed Council:

**Lui Greco, Assistant Executive Director, Premier’s Council on the Status of Disabled Persons, Addressed Council**

Lui Greco Addressed Council

Mr. Greco expressed his concerns with sandwich sign boards, and strongly suggested that Council consider the following recommendations:

- That sandwich boards be placed adjacent to the curb;
- That the uprights be mounted on the inside of signs; and
- That contrasting fonts be used on signs.

**Dr. Jean-Guy Violette Addressed Council**

Dr. Jean-Guy Violette, a Fredericton dentist, provided a PowerPoint Presentation expressing the important role signage plays in promoting dental health.

Dr. Jean-Guy Violette  
Addressed Council

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

Mr. McCormack indicated that although he was generally pleased with the proposed by-law, he was concerned with paragraph (e) as it related to the “*minimum of 11 metres from the intersection of the lot lines,*” and requested the opportunity to further discuss the issue with City Staff.

Bruce McCormack  
Addressed Council

Mayor Woodside requested that City Staff engage in discussions with all interested parties prior to the March 14<sup>th</sup>, 2011, City Council meeting. In addition, it was requested that a report be forthcoming from the Development Services Department prior to third reading of the by-law, scheduled for March 14, 2011.

**The original motion to give By-law No. Z-2.735 first reading by title was then put to the vote and declared CARRIED UNANIMOUSLY.**

By-law No. Z-2.735 Given  
First Reading

**Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks THAT By-law No. Z-2.735, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given second reading by title. CARRIED UNANIMOUSLY**

By-law No Z-2.735 Given  
Second Reading

**SPRING GIRL GUIDE COOKIE SALES**

A request was received from Diane Humble for approval to conduct a spring cookie sales campaign from March 28 to April 26, 2011.

Spring Girl Guide Cookie  
Sales

**Moved by Councillor Stephen Chase, seconded by Deputy Mayor Dan Keenan THAT City Council adopt the following resolution:**

**BE IT RESOLVED that approval be given to the Mawiw Area Girl Guides to conduct their spring cookie sales campaign door-to-door in the City of Fredericton from Monday, March 28 to Saturday, April 16, 2011, inclusive.**

**CARRIED UNANIMOUSLY**

*(Councillors Steven Hicks and Tony Whalen were absent from the Council Chamber when the vote was taken)*

**DOOR-TO-DOOR CAMPAIGN – CANADIAN CANCER SOCIETY, WESTERN DISTRICT**

Door-to-Door Campaign – Canadian Cancer Society, Western District

A request was received from Tracey Staples for approval to conduct a door-to-door campaign during the month of April 2011.

**Moved by Deputy Mayor Dan Keenan, seconded by Councillor David Kelly THAT City Council adopt the following resolution:**

**BE IT RESOLVED that permission be granted to the Western District of the New Brunswick Division of the Canadian Cancer Society to conduct their door-to-door campaign in the City of Fredericton during the full month of April 2011.**

**CARRIED UNANIMOUSLY**

*(Councillors Steven Hicks and Tony Whalen were absent from the Council Chamber when the vote was taken)*

**AUTISM AWARENESS 5K WALK/RUN**

Autism Awareness 5K Walk/Run

A request was received from Rachel Dean for approval to hold the Autism Awareness 5K Walk/Run on April 2, 2011.

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

**BE IT RESOLVED that approval be given to Autism Connections Fredericton to hold their Autism Awareness 5K Walk/Run in Odell Park on Saturday, April 2, 2011.**

**CARRIED UNANIMOUSLY**

*(Councillors Steven Hicks and Tony Whalen were absent from the Council Chamber when the vote was taken)*

**TRANSPLANT TROT**

Transplant Trot

A request was received from John Acheson for approval to hold the Transplant Trot on April 17, 2011.

**Moved by Councillor Jordan Graham, seconded by Councillor Steven Hicks THAT City Council adopt the following resolution:**

**BE IT RESOLVED that approval be given to The Running Room, Kings Place store, to hold the Transplant Trot on Sunday, April 17, 2011, along the requested route.**

**CARRIED UNANIMOUSLY**

*(Councillor Mike O'Brien was absent from the Council Chamber when the vote was taken)*

**1<sup>ST</sup> FREDERICTON BADEN-POWELL SCOUTS ASSOCIATION FOOD DRIVE**

1<sup>st</sup> Fredericton Baden-Powell Scouts Association Food Drive

A request was received from Toon/Shelley Pronk for approval to conduct a food drive on April 30, 2011.

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

**BE IT RESOLVED that approval be given to the 1<sup>st</sup> Fredericton Baden-Powell Scouts Association to canvass residential homes in Fredericton in the area bound by Regent and Smythe Streets, and Dundonald and Priestman Streets, for non-perishable food items and cleaning supplies in support of the Fredericton Community Kitchen on Saturday, April 30, 2011, between the hours of 10:00 a.m. and 12 noon.**

**CARRIED UNANIMOUSLY**

*(Councillor Mike O'Brien was absent from the Council Chamber when the vote was taken)*

**MILITARY EXERCISE**

Military Exercise

A request was received from Captain G.D. Grant of CFB Gagetown for approval to conduct a military exercise on May 9, 2011.

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

**BE IT RESOLVED** that approval be given to the Infantry School, CTC - CFB Gagetown, to hold their Military Exercise Training (Urban Observation Exercise) in the Queen Street / Officers' Square area of downtown Fredericton; in City Hall (including access to the clock tower); and on the roof of Frederick Square Parking Garage during the hours of 8:00 a.m. and 4:00 p.m. on Monday, May 9, 2011; AND that the Mayor and City Clerk be authorized to execute the documents entitled 'Right of Use'.

**CARRIED UNANIMOUSLY**

**OPERATION RAISE THE ROOF**

Operation Raise the Roof

A request was received from Perry Kendall for approval to hold "Operation Raise the Roof" on May 14, 2011.

**Moved by Councillor Mike O'Brien, seconded by Councillor Tony Whalen THAT City Council adopt the following resolution:**

**BE IT RESOLVED** that approval be given to Delta Hotels Global Reservation Services to hold 'Operation Raise the Roof' on Saturday, May 14, 2011, at various locations in the city.

**CARRIED UNANIMOUSLY**

**MARITIME COUNTRYFEST**

Maritime Countryfest

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

**BE IT RESOLVED** that approval be given to hold Maritime Countryfest in Officers' Square from Thursday, June 9 to Saturday, June 11, 2011, subject to all staff recommendations being met; AND **BE IT FURTHER RESOLVED** that an exemption be granted to Maritime Countryfest Inc. from the provisions of Section 1 of By-law S-13, being A By-law Respecting Disturbance by Noise, for events occurring as part of their event scheduled for Officers' Square from June 9 to 11, 2011, inclusive.

**CARRIED UNANIMOUSLY**

**FIBREGLASS ALLEY CORVETTE SHOW**

Fibreglass Alley Corvette Show

A request was received from John W. Johnston for approval to hold the River Valley Vettes Fiberglass Alley Corvette Show and Shine on June 18, 2011.

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

**BE IT RESOLVED that approval be given to hold the River Valley Vettes Fiberglass Alley Corvette Show and Shine on Saturday, June 18, 2011, from 7:00 a.m. to 4:00 p.m. in the Upper Queen Street parking lot.**

**CARRIED UNANIMOUSLY**

**HEEL ‘N’ WHEEL-A-THON**

Heel ‘n’ Wheel-a-Thon

A request was received from Ashley Stepaniuk for approval to hold their Heel ‘N’ Wheel-A-Thon on June 18, 2011.

**Moved by Councillor Stephen Chase, seconded by Deputy Mayor Dan Keenan THAT City Council adopt the following resolution:**

**BE IT RESOLVED that approval be given to the Fredericton Chapter of the Crohn’s and Colitis Foundation of Canada to hold their Heel ‘N’ Wheel-A-Thon on Saturday, June 18, 2011, from 12 noon to 4:00 p.m. in Wilmot Park.**

**CARRIED UNANIMOUSLY**

**WALK FOR MUSCULAR DYSTROPHY**

Walk for Muscular Dystrophy

A request was received from Richard Steeves for approval to hold a Walk for Muscular Dystrophy on June 19, 2011.

**Moved by Deputy Mayor Dan Keenan, seconded by Councillor David Kelly THAT City Council adopt the following resolution:**

**BE IT RESOLVED that the approval be given to Muscular Dystrophy Canada to hold a Walk for Muscular Dystrophy along the walking trail system on Sunday, June 19, 2011.**

**CARRIED UNANIMOUSLY**

**MUNICIPAL PLAN AMENDMENT AND REZONING – 686 RIVERSIDE DRIVE (GENIVAR INC.)**

Municipal Plan Amendment and Rezoning – 686 Riverside Drive (Genivar Inc.)

The Planning Advisory Committee, at its meeting held on February 16, 2011, considered an application by Genivar Inc. for property located at 686 Riverside Drive and recommended approval, subject to terms and conditions.

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

**BE IT RESOLVED that the Report of the Planning Advisory Committee, dated February 17, 2011, with respect to an application submitted by Genivar Inc. for a Municipal Plan Amendment from Open Space to Commercial and to rezone a portion of property from Future Development (F.D.) to Highway Commercial (H.C.) and Open Space (O.S.) on property located at 686 Riverside Drive, be received, along with the recommended terms and conditions.**

**CARRIED UNANIMOUSLY**

**Resolution**

Resolution

**Moved by Councillor David Kelly, seconded by Councillor Jordan Graham THAT WHEREAS, at the meeting of February 28, 2011, Council received a report of the Planning Advisory Committee recommending that By-law No. Z-2, The Zoning By-law for the City of Fredericton, be amended by rezoning a portion of the property located at 686 Riverside Drive, as indicated on Schedule “A” attached to and forming part of this resolution, from Future Development Zone (F.D.) to Highway Commercial Zone (H.C.) and Open Space Zone (O.S.);**

**AND WHEREAS an amendment to the Municipal Plan is required;**

**BE IT RESOLVED that the Council hereby directs that an appropriate by-law to amend the Municipal Plan be prepared to re-designate the property shown on Schedule “B”, attached to and forming part of this resolution, from “Open Space” to “Commercial”; 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 25 of the *Community Planning Act* be fulfilled; and that the regular Council Meeting of Monday, March 14, 2011 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the public presentation of the proposed by-law.**

**CARRIED UNANIMOUSLY**

Schedules “A” and “B” are attached to these minutes as **Appendix 1.**

**ZONING AMENDMENT – 765 CLIFFE STREET (ANDREW CLARK & SHELLEY QUINLAN)**

Zoning Amendment – 765 Cliffe Street (Andrew Clark & Shelley Quinlan)

The Planning Advisory Committee, at its meeting held on February 16, 2011, considered an application by Andrew Clark and Shelley Quinlan for property located at 765 Cliffe Street and recommended approval, subject to terms and conditions.

**Moved by Councillor David Kelly, seconded by Councillor Mike O’Brien THAT City Council adopt the following resolution:**

**BE IT RESOLVED that the Report of the Planning Advisory Committee, dated February 17, 2011, with respect to an application submitted by Andrew Clark and Shelley Quinlan to amend the Local Convenience Zone (L.C.) to allow a clinic, health club and office use at 765 Cliffe Street, be received, along with the recommended terms and conditions.**

**CARRIED UNANIMOUSLY**

**Resolution**

Resolution

**Moved by Councillor David Kelly, seconded by Councillor Mike O’Brien WHEREAS**, at the meeting of February 28, 2011, 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 Local Convenience Centre Zone (L.C.) in order to permit a clinic, health club and office use at 765 Cliffe 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, March 28, 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.**

**CARRIED UNANIMOUSLY**

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

**REZONING – 117 FRIEL STREET & 343 UNION STREET (CARLE VENTURES INC.)**

Rezoning – 117 Friel Street & 343 Union Street (Carle Ventures Inc.)

The Planning Advisory Committee, at its meeting held on February 16, 2011, considered an application by Carle Ventures Inc. for property located at 117 Friel Street and 343 Union Street and recommended approval, subject to terms and conditions.

**Moved by Councillor David Kelly, seconded by Deputy Mayor Dan Keenan THAT City Council adopt the following resolution:**

**BE IT RESOLVED that the Report of the Planning Advisory Committee, dated February 17, 2011, with respect to an application submitted by Carle Ventures Inc., to rezone properties located at 117 Friel Street and 343 Union Street from Residential Zone Four B (R-4B) and Automobile Station (AS) to Residential Zone Eight (R-8) to permit a 24-unit apartment building be received, along with the recommended terms and conditions.**

**CARRIED UNANIMOUSLY**

**Resolution**

Resolution

**Moved by Councillor David Kelly, seconded by Deputy Mayor Dan Keenan WHEREAS,** at the meeting of February 28, 2011, 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 by rezoning the properties located at 117 Friel Street and 343 Union Street from Residential Zone Four-B (R-4B) and Automobile Service Station Zone (A.S.) to Residential Zone Eight (R-8) in order to permit the construction of a 24-unit apartment building, 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, March 28, 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.**

**CARRIED UNANIMOUSLY**

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

**REZONING – 26 AVONLEA COURT (JD IRVING LIMITED)**

Rezoning – 26 Avonlea Court  
(JD Irving Limited)

The Planning Advisory Committee, at its meeting held on February 16, 2011, considered an application by JD Irving Limited for property located at 26 Avonlea Court and recommended approval, subject to terms and conditions.

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

**BE IT RESOLVED that the Report of the Planning Advisory Committee, dated February 17, 2011, with respect to an application submitted by JD Irving Limited to rezone a portion of property (PID 75347997) from Future Development (F.D.) to Service Industrial (S.I.) in order to be consolidated with 26 Avonlea Court, be received, along with the recommended terms and conditions.**

**CARRIED UNANIMOUSLY**

**Resolution**

Resolution

**Moved by Councillor Jordan Graham, seconded by Councillor Eric Megarity WHEREAS**, at the meeting of February 28, 2011, 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 by rezoning a portion of the property identified as PID 75347997 from Future Development Zone (F.D.) to Service Industrial Zone (S.I.) in order to consolidate that portion of PID 75347997 with 26 Avonlea Court, 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, March 28, 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.**

**CARRIED UNANIMOUSLY**

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

**REZONING & SUBDIVISION – RIDGELINE CRESCENT (OAKRIDGE MANUFACTURING INC.)**

Rezoning & Subdivision –  
Ridgeline Crescent (Oakridge  
Manufacturing Inc.)

The Planning Advisory Committee, at its meeting held on February 16, 2011, considered an application by Oakridge Manufacturing Inc. for property located on Ridgeline Crescent and recommended approval, subject to terms and conditions.

**Moved by Councillor Jordan Graham, seconded by Councillor Tony Whalen THAT City Council adopt the following resolution:**

**BE IT RESOLVED that the Report of the Planning Advisory Committee, dated February 17, 2011, with respect to an application submitted by Oakridge Manufacturing Inc. to rezone property from Residential Zone Three (R-3) and Residential Zone Two-A (R-2A) to Residential Zone Two-B (R-2B), for subdivision to create 32 residential lots and to add land to the public right-of-way for the extension of Ridgeline Crescent, be received.**

**CARRIED UNANIMOUSLY**

**Resolution**

Resolution

**Moved by Councillor Jordan Graham, seconded by Councillor Eric Megarity THAT WHEREAS, at the meeting of February 28, 2011, 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 by rezoning a portion of the property located on Ridgeline Crescent from Residential Zone Three (R-3) and Residential Zone Two-A (R-2A) to Residential Zone Two-B (R-2B), 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, March 28, 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.**

**CARRIED UNANIMOUSLY**

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

**SUBDIVISION RE-APPROVAL – 15 DUKE STREET (DAVID POND)**

Subdivision Re-Approval –  
15 Duke Street (David Pond)

The Planning Advisory Committee, at its meeting held on February 16, 2011, considered a recommendation from staff, in relation to an application David Pond, for property located at 15 Duke Street.

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

**BE IT RESOLVED that the 8% public land dedication, in relation to a subdivision application by David Pond, to create one (1) new R-2 lot at 15 Duke Street, be taken in the form of cash.**

**CARRIED UNANIMOUSLY**

**SUBDIVISION & ASSENT OF COUNCIL – 411 SAINT MARY’S STREET (CITY OF FREDERICTON)**

Subdivision & Assent of  
Council – 411 Saint Mary’s  
Street (City of Fredericton)

The Planning Advisory Committee, at its meeting held on February 16, 2011, considered a recommendation from staff, in relation to an application by the City of Fredericton, for property located at 411 Saint Mary’s Street.

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

**BE IT RESOLVED THAT the subdivision application by the City of Fredericton, to add land to the public right-of-way on property located at 411 Saint Mary’s Street, be approved; and**

**BE IT FURTHER RESOLVED that the final plan of subdivision prepared by Central NB Surveys Ltd., entitled “Subdivision Plan, Eric David Price, Sherry Lynn Price, Subdivision St. Mary’s Street (Public), PID 01533576 St. Mary’s 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*.**

**CARRIED UNANIMOUSLY**

**REPORT OF COUNCIL-IN-COMMITTEE**

Report of Council-in-Committee

The following report of Council-in-Committee was presented:

**SUBDIVISION – BROOKSIDE DRIVE (NORTHBROOK DEVELOPMENT) PHASE 4B**

Subdivision – Brookside Drive (Northbrook Development) Phase 4B

Moved by Deputy Mayor Dan Keenan, seconded by Councillor Stephen Chase THAT City Council adopt the following resolution:

**BE IT RESOLVED** that the plan of subdivision, relating to Brookside Drive (Northbrook Development), Phase 4B, be directed back to the Planning Advisory Committee for a recommendation as to the location of the lands for public purposes.

**CARRIED UNANIMOUSLY**

**REPORTS OF TRANSPORTATION COMMITTEE**

Reports of Transportation Committee

The following reports of the Transportation Committee were presented:

**AMENDMENT TO BY-LAW NO. T-1, A BY-LAW TO REGULATE TRAFFIC – PARKING RESTRICTIONS ON LIAN STREET**

Amendment to By-Law No. T-1, Parking Restrictions on Lian Street

Moved by Councillor David Kelly, 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 Legal Division to draft the appropriate by-law to amend By-law No. T-1, A By-law to Regulate Traffic, to remove parking on the westerly side of Lian Street, from the intersection of Bishop Drive to the intersection of Valcour Drive.

**CARRIED UNANIMOUSLY**

**AMENDMENT TO BY-LAW NO. T-1, A BY-LAW TO REGULATE TRAFFIC – PARKING RESTRICTIONS ON MANSFIELD STREET**

Amendment to By-Law No. T-1, Parking Restrictions on Mansfield Street

Moved by Councillor David Kelly, 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 Legal Division to draft the appropriate by-law to amend By-law No. T-1, A By-law to Regulate Traffic, to restrict

parking on the easterly side of Mansfield Street, from 07:30 to 18:30 (Mon-Fri), beginning at the southerly most edge of the driveway to Civic #523, to a point 56 m in a clockwise direction.

CARRIED UNANIMOUSLY

**TENDER #T10-70, ELEVATOR MAINTENANCE FOR THE CITY OF FREDERICTON**

Tender #T10-70 Awarded to Kone Inc.(elevators) and to Otis Canada (dumbwaiters)

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

BE IT RESOLVED that the Council of the City of Fredericton authorizes the award of Tender #T10-70, Elevator Maintenance For The City of Fredericton, to *Kone Inc.* [for elevators at City Hall, at the tendered price of Six Thousand Five Hundred Ninety Dollars Sixteen Cents (\$6,590.16) HST included; the Police Station at the tendered price of Four Thousand Eight Hundred Five Thirty-Three Cents (\$4,805.33) HST included; and Willie O' Ree Place at the tendered price of Four Thousand Two Hundred Sixty-Three Fifteen Cents (\$ 4,263.15) HST included]; AND to *Otis Canada Inc.* (for dumbwaiter at Fredericton Public Library for tendered price of One Thousand Six Hundred Fifty-Nine Seventy-Four Cents (\$1,659.74) HST included; Elevators at Fredericton Indoor Pool for the tendered price of Two Thousand Two Hundred Twelve Ninety-Nine Cents (\$2,212.99) HST included; and Killarney Lake Lodge for the tendered price of Two Thousand Two Hundred Twelve Ninety-Nine Cents (\$2,212.99) HST included); for a two (2) year period from April 1, 2011 to March 31, 2013; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

**PROPOSAL #P10-40 FOR TWO (2) ONLY LATEST MODEL HYDROSTATIC DRIVE ICE RESURFACERS FOR THE COMMUNITY SERVICES DEPARTMENT**

Proposal #P10-40 Awarded to Saunders Equipment Ltd.

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 authorizes the award of Proposal #P10-40 for two (2) only latest model hydrostatic drive ice resurfacers for the Community Services Department to *Saunders Equipment Ltd.*, bidder meeting specifications at the total proposed price of Two Hundred Twelve Thousand One Hundred Ninety-Seven Dollars and Five Cents (\$212,197.05) HST included.

**CARRIED UNANIMOUSLY**

**QUOTATION #Q03-11, THE CITY OF FREDERICTON REQUIRES CHILLED WATER CONNECTION FOR THE FREDERICTON PLAYHOUSE**

Quotation #Q03-11  
Awarded to Beaulieu  
Plumbing & Mechanical Inc.

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

**BE IT RESOLVED** that the Council of the City of Fredericton authorizes Quote #Q03-11, the City of Fredericton Requires Chilled Water Connection for the Fredericton Playhouse be awarded to *Beaulieu Plumbing & Mechanical Inc.*, single response bidder meeting specifications, for a total quoted price of Twenty Thousand Six Hundred Dollars (\$20,600.00) HST extra.

**CARRIED UNANIMOUSLY**

**MOTION TO ADD "TENDER #T11-15 SEVEN (7) NEW FULL SIZE 2011 MODEL CROWN VICTORIA C/W POLICE PACKAGE, NO SUBSTITUTIONS (FLEET DIVISION)" TO THE REGULAR CITY COUNCIL MEETING AGENDA**

Motion to Add Tender  
#T11-15 to the Regular City  
Council Agenda

Moved by Councillor Tony Whalen, seconded by Councillor Steven Hicks THAT "Tender #T11-15, Seven (7) New Full Size 2011 Model Crown Victoria c/w Police Package, No Substitutions (Fleet Division)" be added to the Regular City Council Agenda as Item 7.D. **CARRIED UNANIMOUSLY**

**TENDER #T11-15 SEVEN (7) NEW FULL SIZE 2011 MODEL CROWN VICTORIA C/W POLICE PACKAGE, NO SUBSTITUTIONS (FLEET DIVISION)**

Tender #T11-15 Awarded to  
Riverview Ford Lincoln  
Sales Ltd.

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

**BE IT RESOLVED** that Tender #T11-15, Seven (7) New Full Size 2011 Model Crown Victoria c/w Police Package, No Substitutions,

Fleet Division, be awarded to *Riverview Ford Lincoln Sales Ltd.*, lowest cost meeting specifications for delivery Fredericton Police Department, for a total tendered price of Two Hundred Twenty-Four Thousand Six Hundred Seventeen Dollars Thirty Cents (\$224,617.30) HST included, including options trunk pack 14T and driver’s spot light. (51A)

CARRIED UNANIMOUSLY

**PUBLIC HEARING – BY-LAW NO. L-11.51, A BY-LAW TO TEMPORARILY STOP-UP AND CLOSE PORTIONS OF QUEEN STREET AND SAINT ANNE’S POINT DRIVE (33RD ANNUAL FREDERICTON MARATHON)**

Public Hearing – Stop-up and Close (33<sup>rd</sup> Annual Fredericton Marathon)

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to a proposed by-law to effect a temporary stop-up and closure for Sunday, May 8, 2011, of the inside (north) lane of Queen Street and the eastbound lane of Pointe-Saint-Anne Boulevard from the hours of 7:30 a.m. to 11:30 a.m.

The Assistant City Clerk advised that no written objections had been received by the City Clerk’s Office.

**Moved by Councillor Stephen Kelly, seconded by Councillor David Kelly THAT By-law No. L-11.51, A By-law to Temporarily Stop-up and Close Portions of Queen Street and Saint Anne’s Point Drive, be given first reading by title. CARRIED UNANIMOUSLY**

By-law No. L-11.51 Given First Reading

**Moved by Councillor Stephen Kelly, seconded by Councillor David Kelly THAT By-law No. L-11.51, A By-law to Temporarily Stop-up and Close Portions of Queen Street and Saint Anne’s Point Drive, be given second reading by title. CARRIED UNANIMOUSLY**

By-law No. L-11.51 Given Second Reading

**AMENDMENT TO BY-LAW NO. T-1, A BY-LAW TO REGULATE TRAFFIC – PARKING RESTRICTIONS ON LIAN STREET AND MANSFIELD STREET**

Amendment to By-law No. T-1 – Parking Restrictions on Lian Street and Mansfield Street

**Moved by Councillor David Kelly, seconded by Councillor Steven Hicks THAT By-law No. T-1.50, A By-law to Regulate Traffic, be given first reading by title. CARRIED UNANIMOUSLY**

By-law No. T-1.50 Given First Reading

**Moved by Councillor David Kelly, seconded by Councillor Steven Hicks THAT By-law No. T-1.50, A By-law to Regulate Traffic, be given second reading by title. CARRIED UNANIMOUSLY**

By-law No. T-1.50 Given Second Reading

**PUBLIC HEARING – REZONING, SUBDIVISION & STREET NAME APPROVAL – 295 NEILL STREET, 65 & 72 SUNNY BRAE DRIVE, 786 & 808 HILLCREST DRIVE (AD NEILL & SONS LTD.)**

Public Hearing – Rezoning, Subdivision & Street Name Approval – 295 Neill Street, 65 & 72 Sunny Brae Drive, 786 & 808 Hillcrest Drive (AD Neill & Sons Ltd.)

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to a proposed by-law to rezone property located at 295 Neill Street, 65 & 72 Sunny Brae Drive, and 786 & 808 Hillcrest Drive as follows:

- Rezoning the property located at 295 Neill Street from Residential Zone Two (R-2), Residential Zone Two Holding (R-2H) and Residential Zone Five Holding (R-5H) to Residential Zone Two (R-2), Residential Zone Five (R-5), and Open Space Zone (O.S.);
- Rezoning the property located at 65 and 72 Sunny Brae Drive from Residential Five-Holding (R-5H) to Residential Zone Six (R-6); and
- Rezoning a portion of the property located at 786 and 808 Hillcrest Drive from Residential Zone Five (R-5) to Residential Zone Six (R-6);

subject to terms and conditions.

The Assistant City Clerk advised that no written objections had been received by the City Clerk’s Office.

**First and Second Reading of By-law No. Z-2.733**

**Moved by Councillor Mike O’Brien, seconded by Councillor Eric Megarity THAT By-law No. Z-2.733, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given first reading by title. CARRIED UNANIMOUSLY**

By-law No. Z-2.733 Given First Reading

**Moved by Councillor Mike O’Brien, seconded by Councillor Eric Megarity THAT By-law No. Z-2.733, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given second reading by title. CARRIED UNANIMOUSLY**

By-law No Z-2.733 Given Second Reading

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

**COUNCILLORS EXCUSED**

Councillors Excused

**Moved by Councillor Mike O’Brien, seconded by Councillor Tony Whalen THAT Councillors Bruce Grandy, Marilyn Kerton and Scott McConaghy be excused from the meeting and be relieved of**

**the penalty as provided by By-law No. A-2. CARRIED UNANIMOUSLY**

**ADJOURNMENT**

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

The meeting adjourned at 9:32 p.m.

Adjournment

Recording Secretary : Karen Garrett

*(Sgd.) Brad Woodside*

\_\_\_\_\_  
Brad Woodside,  
Mayor

*(Sgd.) Melanie D. MacDonald*

\_\_\_\_\_  
Melanie D. MacDonald,  
Assistant City Clerk