

# MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

MONDAY, JULY 12, 2010

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Minutes of the Regular Meeting of Fredericton City Council held on Monday, July 12, 2010 at 7:30 p.m. in the Council Chamber, City Hall, Fredericton.

## ATTENDANCE

Attendance

### **Council:**

Mayor Brad Woodside, Deputy Mayor Dan Keenan, Councillors Steven Hicks, Dan Keenan, David Kelly, Stephen Kelly, Marilyn Kerton, 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  
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  
Michelle Brzak, City Solicitor  
Dylan Gamble, Manager, Roads & Streets

### **Absent:**

Councillor Stephen Chase  
Councillor Jordan Graham

## PRAYER

Prayer

Pastor Tim Guphill was present and led Council in prayer.

## MAYOR'S COMMENTS RE CLOSURE OF PRINCESS MARGARET BRIDGE

Mayor's comments re closure of princess Margaret bridge

His Worship Mayor Brad Woodside thanked area residents for their patience and cooperation during the closure of the Princess Margaret Bridge. Mayor Woodside also commended Councillor Bruce Grandy on his work with the Province in this regard.

Councillor Stephen Kelly encouraged trail users to exercise caution and safety while utilizing the trail system, especially bikers travelling at increased speeds.

It was noted that trail usage had increase by 300 percent since the bridge closure on July 5<sup>th</sup>.

**ARTHRITIS SOCIETY, DOOR-TO-DOOR CAMPAIGN**

Arthritis Society, Door-to-Door Campaign

A request was received from Karen Buchanan, on behalf of The Arthritis Society, for approval to conduct their door-to-door campaign during the month of September, 2010.

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

**BE IT RESOLVED that permission be granted to The Arthritis Society, New Brunswick Division, to conduct their door-to-door campaign in the City of Fredericton during the month of September, 2010, which is Arthritis Awareness Month.**

**CARRIED UNANIMOUSLY**

**MILITARY EXERCISE**

Military Exercise

**Moved by Councillor Bruce Grandy, seconded by Councillor Eric Megarity 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 Wednesday, October 27, 2010; AND THAT the Mayor and City Clerk be authorized to execute the documents entitled 'Right of Use'.**

**CARRIED UNANIMOUSLY**

**TENDER #T10-57 ROADWAY ILLUMINATION – EAST END DEVELOPMENT**

Tender #T10-57 Roadway Illumination Awarded to Liteco Inc.

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

BE IT RESOLVED that Tender #T10-57 Roadway Illumination, East End Development, Engineering & Public Works Department, be awarded to *Liteco Inc.*, low bidder meeting specifications at the tender price of \$81,721.60, HST included.

CARRIED UNANIMOUSLY

**TREASURER'S REPORT**

Treasurer's Report

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

BE IT RESOLVED that expenditures for the month of June 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 Twenty-One Million, Two Hundred and Ninety-One Thousand and Eighty-Nine Dollars and Twenty-Five Cents. (\$21,291,089.25).

CARRIED UNANIMOUSLY

**TENDER #T10-58 THE CITY OF FREDERICTON ROOF MAINTENANCE AND/OR ROOF REPLACEMENT FOR FREDERICTON PUBLIC LIBRARY AND FREDERICTON PLAYHOUSE**

Tender #T10-58 Awarded to Flynn Canada Ltd.

Moved by Councillor Mike O'Brien, 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 award of Tender #T10-58, The City of Fredericton Roof Maintenance and/or Roof Replacement for Fredericton Public Library and Fredericton Playhouse, to *Flynn Canada Ltd.*, low bidder meeting specifications on Package #3 (joint tender award to both locations), at the tender price of \$343,520.00, HST included, less Term of Payment Discount of .5%.

CARRIED UNANIMOUSLY

**EXTENSION OF QUOTATION #Q36-9 – THE CITY OF FREDERICTON REQUIRES SNOW REMOVAL, SALT AND SANDING FOR CAMPBELL CLOSE PARKING LOT (FREDERICTON PUBLIC LIBRARY)**

Extension of Quotation #Q36-9 Awarded to R&S Davidson & Sons Ltd.

Moved by Councillor Mike O'Brien, seconded by Deputy Mayor Dan Keenan THAT City Council adopt the following resolution: BE IT RESOLVED that the Council of the City of Fredericton authorizes the extension of Quote #Q36-9, The City of Fredericton Requires Snow Removal, Salt and Sanding for Campbell Close Parking Lot (Fredericton Public Library), be awarded to *R&S Davidson & Sons Ltd.*, lowest cost bidder and highest scored bidder, for a total quoted price of \$4,508.70, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

**EXTENSION OF QUOTATION #Q37-9 – THE CITY OF FREDERICTON REQUIRES SNOW REMOVAL, SALT AND SANDING FOR YORK STREET CAR PARK**

Extension of Quotation #Q37-9 Awarded to R&S Davidson & Sons Ltd.

Moved by Councillor Mike O'Brien, 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 extension of Quote #Q37-9, The City of Fredericton Requires Snow Removal, Salt and Sanding for York Street Car Park, be awarded to *R&S Davidson & Sons Ltd.*, lowest cost bidder and highest scored bidder, for a total quoted price of \$13,447.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

**EXTENSION OF QUOTATION #Q39-9 – THE CITY OF FREDERICTON REQUIRES SNOW REMOVAL, SALT AND SANDING FOR QUEEN STREET PARKING LOT AND UPPER QUEEN STREET PARKING LOT**

Extension of Quotation #Q39-9 Awarded to C-Mac Property Services Ltd.

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 extension of Quote #Q39-9, The City of Fredericton Requires Snow Removal, Salt and Sanding for Queen Street Parking Lot and Upper Queen Street Parking Lot, be awarded to *C-Mac Property Services Ltd.*, lowest cost bidder and highest scored bidder,

for a total quoted price of \$10,396.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

**EXTENSION OF QUOTATION #Q41-9 – THE CITY OF FREDERICTON REQUIRES SNOW REMOVAL, SALT AND SANDING FOR THE KIMBLE ROAD FIRE STATION**

Extension of Quotation #Q41-9 Awarded to Nutri-Lawn

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

BE IT RESOLVED that the Council of the City of Fredericton authorizes the extension of Quote #Q41-9, The City of Fredericton Requires Snow Removal, Salt and Sanding for the Kimble Road Fire Station, be awarded to *Nutri-Lawn*, lowest cost bidder and highest scored bidder, for a total quoted price of \$7,621.85, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

**EXTENSION OF QUOTATION #Q42-9 – THE CITY OF FREDERICTON REQUIRES SNOW REMOVAL, SALT AND SANDING FOR THE LADY BEAVERBROOK RINK**

Extension of Quotation #Q42-9 Awarded to Douglas J. Kelly

Moved by Councillor Tony Whalen, 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 extension of Quote #Q42-9, The City of Fredericton Requires Snow Removal, Salt and Sanding for the Lady Beaverbrook Rink, be awarded to *Douglas J. Kelly*, lowest cost bidder and highest scored bidder, for a total quoted price of \$4,520.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

**EXTENSION OF QUOTATION #Q43-9 – THE CITY OF FREDERICTON REQUIRES SNOW REMOVAL, SALT AND SANDING FOR THE YORK STREET FIRE STATION**

Extension of Quotation #Q43-9 Awarded to WayBren Enterprises Ltd.

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 extension of Quote #Q43-9, The City of Fredericton Requires Snow Removal, Salt and Sanding for the York Street Fire Station, be awarded to *WayBren Enterprises Ltd.*, lowest cost bidder and highest scored bidder, for a total quoted price of \$16,950.00, HST included; **AND THAT** the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

**CARRIED UNANIMOUSLY**

**EXTENSION OF QUOTATION #Q44-9 – THE CITY OF FREDERICTON REQUIRES SNOW REMOVAL, SALT AND SANDING FOR YORK ARENA RINK**

Extension of Quotation #Q44-9 Awarded to Wendell Thomas and Sons Ltd.

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

**BE IT RESOLVED** that the Council of the City of Fredericton authorizes the extension of Quote #Q44-9, The City of Fredericton Requires Snow Removal, Salt and Sanding for the York Arena Rink, be awarded to *Wendell Thomas and Sons Ltd.*, lowest cost bidder and highest scored bidder, for a total quoted price of \$3,955.00, HST included; **AND THAT** the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

**CARRIED UNANIMOUSLY**

**EXTENSION OF QUOTATION #Q45-9 – THE CITY OF FREDERICTON REQUIRES SNOW REMOVAL, SALT AND SANDING FOR ROYAL ROAD FIRE STATION**

Extension of Quotation #Q45-9 Awarded to Wendell Thomas and Sons Ltd.

Moved by Councillor Tony Whalen, 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 extension of Quote #Q45-9, The City of Fredericton Requires Snow Removal, Salt and Sanding for the Royal Road Fire Station, be awarded to *Wendell Thomas and Sons Ltd.*, lowest cost bidder and highest scored bidder, for a total quoted price of \$1,921.00, HST included; **AND THAT** the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

**CARRIED UNANIMOUSLY**

**EXTENSION OF QUOTATION #Q46-9 – THE CITY OF FREDERICTON REQUIRES SNOW REMOVAL, SALT AND SANDING FOR THE NORTHSIDE FIRE STATION (TWO NATIONS CROSSINGS)**

Extension of Quotation #Q46-9 Awarded to WayBren Enterprises Ltd.

Moved by Councillor Tony Whalen, 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 Quote #Q46-9, The City of Fredericton Requires Snow Removal, Salt and Sanding for the Northside Fire Station (Two Nations Crossings), be awarded to *WayBren Enterprises Ltd.*, lowest cost bidder and highest scored bidder, for a total quoted price of \$15,820.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

**EXTENSION OF QUOTATION #Q47-9 – THE CITY OF FREDERICTON REQUIRES SNOW REMOVAL, SALT AND SANDING FOR LOT ADJACENT TO BRUNSWICK STREET PARKING GARAGE (535 BRUNSWICK STREET, FREDERICTON, NB)**

Extension of Quotation #Q47-9 C-Mac Property Services Ltd.

Moved by Councillor Tony Whalen, 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 extension of Quote #Q47-9, The City of Fredericton Requires Snow Removal, Salt and Sanding for lot adjacent to Brunswick Street Parking Garage (535 Brunswick Street, Fredericton, NB), be awarded to *C-Mac Property Services Ltd.*, lowest cost bidder and highest scored bidder, for a total quoted price of \$5,424.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

**APPOINTMENT OF ANIMAL CONTROL OFFICER AS BY-LAW ENFORCEMENT OFFICER**

Appointment of Animal Control Officer as By-law Enforcement Officer

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

BE IT RESOLVED that the Council of the City of Fredericton does hereby direct that Angela Susan Bernice Phillips be appointed

**under Section 14 of the *Police Act* as a By-law Enforcement Officer for the City of Fredericton for the purpose of enforcing By-law No. S-9, A By-law to Prevent Nuisances, and amendments thereto; and By-law No. S-11, A By-law Respecting Animal Control, and amendments thereto.**

*On the question*, Councillor Bruce Grandy questioned whether inquiries directed to the SPCA’s toll free number would be referred back to the City’s animal control staff.

Alex Forbes, Assistant Director of Development Services, advised that he would investigate this and report back to the Mayor and Members of Council.

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

**ASSENT OF COUNCIL – BROOKSIDE DRIVE, PHASE II (NORTHRUP HOLDINGS LTD.)**

Assent of Council –  
Brookside Drive, Phase II  
(Northrup Holdings Ltd.)

**Moved by Councillor Scott McConaghy, seconded by Councillor Bruce Grandy THAT City Council adopt the following resolution:**

**BE IT RESOLVED that the final plan of subdivision prepared by Eastern Land Surveys (1993) Ltd., entitled “Subdivision Plan, Northbrook Heights Subdivision 10-1 Showing Lots 09-29 to 09-57, Brookside Drive, Youseff Street, Glennorth Street and Hollynorth Street (Public), 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**

**PUBLIC HEARING - MUNICIPAL PLAN AMENDMENT AND ZONING AMENDMENT 634-644 QUEEN STREET (DORA CONSTRUCTION/CITY OF FREDERICTON)**

Public Hearing - Municipal  
Plan Amendment and  
Zoning Amendment 634-644  
Queen Street (Dora  
Construction/City of  
Fredericton)

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 Municipal Plan and Zoning By-law (Z-2) in order to permit the development of a 126 room hotel, at a height of 36 metres, subject to terms and conditions.

The City Clerk advised that three letters of objections had been received by the City Clerk’s Office.

**First and Second Reading of By-law No. Z-1.13**

Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks THAT By-law No. Z-1.13, A By-law to Adopt a Municipal Plan for the City of Fredericton, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. Z-1.13 Given First Reading

Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks THAT By-law No. Z-1.13, A By-law to Adopt a Municipal Plan for the City of Fredericton, be given second reading by title. CARRIED UNANIMOUSLY

By-law No Z-1.13 Given Second Reading

**First and Second Reading of By-law No. Z-2.700**

Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks THAT By-law No. Z-2.700, 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-2.700 Given First Reading

Moved by Councillor Stephen Kelly, seconded by Councillor Steven Hicks THAT By-law No. Z-2.700 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-2.700 Given Second Reading

*Due to being absent from the City Council Meeting held on June 28, 2010 when Hearing of Objections took place, Councillors Bruce Grandy and Steven Hicks excused themselves and retired from the meeting at 7:47 p.m.*

Councillors Bruce Grandy and Steven Hicks retired from the Meeting

**REZONING – 512 WOODSTOCK ROAD (CITY OF FREDERICTON)**

Rezoning – 512 Woodstock Road (City of Fredericton)

**Third Reading of By-law No. Z-2.701**

Moved by Councillor Tony Whalen, seconded by Councillor Eric Megarity THAT By-law No. Z-2.701, 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-2.701 Read by Section Number

By-law No. Z-2.701 was read by section number and is attached to these Minutes as Appendix 1.

Moved by Councillor Tony Whalen, seconded by Councillor Eric Megarity THAT By-law No. Z-2.701 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-2.701 Given Third Reading

**ADOPTION OF TERMS AND CONDITIONS – ZONING AMENDMENT – 247 DUNDONALD STREET (EL-ZAYAT VENTURES LTD.)**

Adoption of Terms and Conditions – Zoning Amendment – 247 Dundonald Street (El-Zayat Ventures Ltd.)

**Adoption of Terms and Conditions**

**Moved by Councillor Tony Whalen, seconded by Councillor Marilyn Kerton 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 Town Plat Zone Three-A (TP-3A) in order to permit a four (4) unit apartment building at 247 Dundonald Street, as laid out in draft By-law No. Z-2.702:**

- a) The number of residential units be restricted to four (4) units, each having a maximum of two (2) bedrooms.
- b) All four (4) units to be created within the envelope of the existing building.
- c) Access, servicing, and back flow prevention be to the satisfaction of the Director of Engineering and Public Works.
- d) A Building permit be obtained prior to construction & construction complies with the National Building Code.
- e) Parking be in accordance with the provisions of Zoning By-law Z-2 and a final parking and landscaping plan be submitted to the satisfaction of the Development Officer.
- f) Landscaping be reinstated within the 6 metre front yard setback.
- g) Confirmation from the NB Department of Environment that the subject property is suited for residential development.

**CARRIED ON DIVISION; Councillor Stephen Kelly voting “nay.”**

**Third Reading of By-law No. Z-2.702**

**Moved by Councillor Tony Whalen, seconded by Councillor Scott McCongahy THAT By-law No. Z-2.702, 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 ON DIVISION; Councillor Stephen Kelly Voting “Nay.”**

By-law No. Z-2.702 Read by Section Number

By-law No. Z-2.702 was read by section number and is attached to these Minutes as **Appendix 2**.

Moved by Councillor Tony Whalen, seconded by Councillor Marilyn Kerton THAT By-law No. Z-2.702 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 ON DIVISION; Councillor Stephen Kelly voting “nay.”

By-law No. Z-2.702 Given Third Reading

**ADOPTION OF TERMS AND CONDITIONS – REZONING, SUBDIVISION, AND STREET NAME APPROVAL – VALCOUR DRIVE (OAKRIDGE MANUFACTURING INC.)**

Adoption of Terms and Conditions – Rezoning, Subdivision, and Street Name Approval – Valcour Drive (Oakridge Manufacturing Inc.)

**Adoption of Terms and Conditions**

Moved by Councillor Tony Whalen, seconded by Councillor Mike O’Brien 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) to rezone property located off an extension of Valcour Drive from Service Industrial Zone (S.I.) to Highway Commercial Zone (H.C.), and to create four (4) commercial building lots, as laid out in draft By-law No. Z-2.704:

- a) A final plan of subdivision be submitted substantially in accordance with Map III attached to Planning Report 64/10 to the satisfaction of the Development Officer.
- b) Access be to the satisfaction of the Director of Engineering & Public Works.
- c) Water, sanitary, storm sewer services, shall be designed and installed to the satisfaction of the Director of Engineering and Public Works.
- d) A detailed lot grading plan and storm water management plan be submitted to the satisfaction of the Director of Engineering & Public Works.
- e) A detailed landscaping plan, including fencing, be prepared to the satisfaction of the Development Officer prior to the issuance of a building permit on any of the lots.
- f) Servicing costs shall be the responsibility of the developer.
- h) Valcour Drive be extended to the easterly property line of lot 10-163.
- i) Any necessary easements be granted gratuitously to the City of Fredericton or other utilities.

**CARRIED UNANIMOUSLY**

**Third Reading of By-law No. Z-2.704**

Moved by Councillor Tony Whalen, seconded by Councillor Stephen Kelly THAT By-law No. Z-2.704, 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-2.704 Read by Section Number

By-law No. Z-2.704 was read by section number and is attached to these Minutes as Appendix 3.

Moved by Councillor Tony Whalen, seconded by Councillor Stephen Kelly THAT By-law No. Z-2.704 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-2.704 Given Third Reading

**Approval of Subdivision**

Approval of Subdivision

Moved by Councillor Tony Whalen, seconded by Councillor Mike O'Brien THAT the subdivision to create four (4) commercial building lots on property located off an extension of Valcour Drive be approved. CARRIED UNANIMOUSLY

**Approval of Street Name “Ashton Court”**

Approval of Street Name “Ashton Court”

Moved by Deputy Mayor Dan Keenan, seconded by Councillor David Kelly THAT the street name “Ashton Court” be approved. CARRIED UNANIMOUSLY

**ADOPTION OF TERMS AND CONDITIONS – REZONING – 559-565 UNION STREET (J&G HOLDINGS)**

Adoption of Terms and Conditions – Rezoning – 559-565 Union Street (J&G Holdings)

**Adoption of Terms and Conditions**

Moved by Councillor Tony Whalen, seconded by Councillor Eric Megarity 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) to rezone property located at 559-565 Union Street from Residential Zone Six (R-6) to Residential Zone Five (R-5), as laid out in draft By-law No. Z-2.705:

- a) The five-unit rowhouse/townhouse be constructed and maintained substantially in accordance with Map III attached to Planning Report 65/10.

- b) The exterior design of the structure be substantially in accordance with Map IV attached to Planning Report 65/10 to the satisfaction of the Development Officer.
- c) Notwithstanding condition a) and b), the design of rowhouse units on lot 10-167 and lot 10-168 be reversed perpendicular to Union Street so that the distance between Union Street and the first driveway is maximized.
- d) A detailed parking and landscaping plan be provided to the satisfaction of the Development Officer.
- e) A minimum 2.0 metre opaque fence be constructed along the westerly and northerly property lines to the satisfaction of the Development Officer.
- f) Access, servicing and lot grading plans be provided to the satisfaction of the Director of Engineering and Public Works.
- g) Driveway openings be restricted as per Chapter 6 (Parking, Access, Loading and Lighting) of Zoning By-law Z-2.
- h) No driveway access from the subject property onto Union Street be provided.
- i) Separate water and sewer services be provided to each unit.
- j) The applicant negotiate in good faith with the City of Fredericton to sell a small portion of the property at the corner of Union Street and Crerar Court for street maintenance purposes, if required.

**CARRIED UNANIMOUSLY**

**Third Reading of By-law No. Z-2.705**

**Moved by Councillor Tony Whalen, seconded by Councillor Eric Megarity THAT By-law No. Z-2.705, 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-2.705 Read by Section Number

By-law No. Z-2.705 was read by section number and is attached to these Minutes as **Appendix 4**.

**Moved by Councillor Tony Whalen, seconded by Councillor Eric Megarity THAT By-law No. Z-2.705 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-2.705 Given Third Reading

**COUNCILLORS EXCUSED**

**Moved by Councillor Eric Megarity, seconded by Councillor Marilyn Kerton THAT Councillors Stephen Chase and Jordan Graham be excused from the meeting and be relieved of the penalty as provided by the by-law. CARRIED UNANIMOUSLY**

Councillors Excused

**ADJOURNMENT**

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

Adjournment

The meeting adjourned at 7:51 p.m.

Submitted to City Council for approval by

*(Sgd.) Karen Garrett*

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Karen Garrett  
Recording Secretary