

MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

MONDAY, JULY 25, 2011

Minutes of the Regular Meeting of Fredericton City Council held on Monday, July 25, 2011 at 7:35 p.m. in the Council Chamber, City Hall, Fredericton.

ATTENDANCE

Attendance

Council:

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

Staff:

Chris MacPherson, Acting City Administrator
Michelle Brzak, City Solicitor
Brenda Knight, Manager of Legislated Services/City Clerk
Murray Jamer, Director of Engineering & Public Works
Philip Toole, Fire Chief
Barry MacKnight, Police Chief
Alex Forbes, Assistant Director of Development Services
Tony Hay, Assistant Director of Community Services
Maurice Gallant, Assistant Director of Corporate Services/CIO
Sean Lee, Manager of Engineering Services
Wayne Knorr, Manager of Corporate Communications
Sophia Sheridan, Recording Secretary

Absent:

Councillor Dan Keenan

PRAYER

Prayer

In the absence of the City Chaplain, Mayor Woodside requested that all in attendance stand for thirty (30) seconds of silence and reflection.

MOTION TO ADD “PARKS CANADA’S NATIONAL HISTORIC SITES COST-SHARING PROGRAM CONTRIBUTION AGREEMENT” TO THE REGULAR CITY COUNCIL AGENDA

Motion to add “Parks Canada’s National Historic Sites Cost-Sharing Program Contribution Agreement” to the Regular City Council Agenda

Moved by Councillor Stephen Chase, seconded by Councillor Bruce Grandy THAT the report entitled “*Parks Canada’s National Historic Sites Cost-Sharing Program Contribution Agreement*” be added to the Regular City Council Agenda as Item 5.A.(iii). CARRIED UNANIMOUSLY

MAYOR’S ENVIRONMENTAL AWARDS

Mayor’s Environmental Awards

MartinDavis EcoHousing Ltd.

MartinDavis EcoHousing Ltd.

His Worship Mayor Brad Woodside presented *MartinDavis EcoHousing Ltd.* with a Mayor’s Environmental Award for the company’s efforts towards the designing, managing, and selling of energy efficient and environmentally-friendly homes. In conjunction with Maple Leaf Homes, EcoPlus Homes and Bosch, MartinDavis EcoHousing were striving to construct dwellings with a Home Energuide rating of 94 or better and feature low energy consumption homes with a ‘net zero’ yearly energy use. Co-owners Jim Davis and Jim Martin accepted the award on behalf of the company.

Maple Leaf Homes

Maple Leaf Homes

His Worship Mayor Brad Woodside presented a second Mayor’s Environmental Award to *Maple Leaf Homes*, who were considered by many to be the most energy efficient home builders in Atlantic Canada. Their ‘green philosophy’ was to build homes to the highest standards, with energy efficiency as the prime directive, while keeping costs affordable. Jacques Roy, Sales Manager, accepted the award on behalf of Maple Leaf Homes.

HERITAGE PRESERVATION REVIEW BOARD – 2010 ANNUAL REPORT

Heritage Preservation Review Board – 2010 Annual Report (Barbara Landry)

Barbara Landry, Chair of the Heritage Preservation Review Board, gave a verbal overview of the Board’s membership, mandate, and activities during the year 2010. Key points covered in the presentation included:

- **Membership** – The Heritage Preservation Review Board was established in 1981 under the authority of the *Municipal Heritage Preservation Act* of the Province of New Brunswick. As at the end of 2010, the Board consisted of eleven (11) members, including one member of City Council and one member of City staff.
- **Mandate** – The mandate of the Board is to respond to requests from City Council regarding the establishment of preservation areas and the making/amending of by-laws. In addition, the Board advises Council on heritage issues and management, adoption of planning and design guidelines pertaining to heritage, and issues ‘Certificates of Appropriateness’ for applications.
- **Preservation By-Law** – By-law No. L-4 is the City of Fredericton’s preservation by-law which provides for the preservation of the distinctive characteristics of an area extending from the east end of the downtown to the University Avenue/Waterloo Row neighbourhood – approximately 340 buildings.
- **Administration of the Preservation By-Law** – Twenty-eight (28) applications had been received for ‘Certificates of Appropriateness’ during 2010; a new record for development in the heritage preservation area. The Community Heritage Officer had issued certificates to many of the applicants but the more major requests were brought before the Board for review.
- **Other Matters:**
 - Historic Places* – During 2010, twenty-five (25) additional properties were placed on the Local Historic Places Register and were also nominated to the Canadian Register of Historic Places.
 - Provincial Heritage Legislation* – In light of changes to Provincial legislation (the *Municipal Heritage Preservation Act* was replaced by the *Heritage Conservation Act* in 2009), the Preservation Review Board would be undertaking a review of the City of Fredericton’s Heritage Preservation By-law (By-law No. L-4) in 2011, with the intent of presenting their findings to Council at a future date.

Ms. Landry concluded by stating that the Preservation Review Board took its responsibility for the continued conservation of Fredericton’s built and cultural heritage seriously and looked forward to continued good working relations with City Council and City staff.

As the City of Fredericton’s representative on the Preservation Review Board, Councillor Stephen Chase expressed appreciation for the continued dedication and hard work of the Board’s members.

Moved by Councillor Stephen Chase, seconded by Councillor Scott McConaghy THAT the Heritage Preservation Review Board – 2010 Annual Report be received for information purposes. CARRIED UNANIMOUSLY

PROCLAMATIONS

Proclamations:

Mayor Brad Woodside read the following proclamations:

LOYALIST RUGBY WEEKEND

Loyalist Rugby Weekend

WHEREAS: The Fredericton Loyalists Rugby Club is celebrating their 50th anniversary of their establishment as an amateur sporting club in Fredericton; and

WHEREAS: The Fredericton Loyalists Rugby Club has contributed to the strong sporting and cultural development of Fredericton, both on and off the field; and

WHEREAS: The Fredericton Loyalists Rugby Club is welcoming back many of the 850 former players, supporters and their families for the weekend of July 28th, 2011 to August 1st, 2011

THEREFORE: I, Brad Woodside, Mayor of Fredericton, do hereby proclaim the weekend of **July 29 to August 1, 2011** to be **Loyalist Rugby Weekend** in Fredericton.

FREDERICTON PRIDE WEEK

Fredericton Pride Week

WHEREAS: Gay, lesbian, bisexual, transgender, intersex, polyamorous, and many other people who fit under the Rainbow flag, have a long history of being the target of discrimination, violence and prejudice; and

WHEREAS: Organizations and individuals across the Province of New Brunswick are helping to educate and raise awareness of our communities in order to combat ignorance and hatred; and

WHEREAS: Those same New Brunswickers educate, help and support their peers in order to reduce feelings of isolation, fear, and the spread of HIV/AIDS; and

WHEREAS: The Proclamation of Fredericton Pride Week recognizes an aspect of diversity that any healthy community would want to embrace.

THEREFORE: I, Brad Woodside, Mayor of the City of Fredericton of the Province of New Brunswick, declare **August 7-14, 2011** to be **Fredericton Pride Week**, a celebration of the wonderful diversity of Fredericton, which includes all aspects of consensual adult love and all members of the Pride community.

NOMINATION – LOCAL HISTORIC PLACES REGISTER

Nomination - Local
Historic Places Register
(Robert Burns Statue)

Mayor Brad Woodside acknowledged the large Scottish delegation in attendance at the meeting, which included members from the New Brunswick Scottish Cultural Association and the Barbara Murray School of Highland Dance.

Moved by Councillor Stephen Chase, seconded by Councillor Marilyn Kerton THAT City Council adopt the following resolution:

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

➤ **799 Queen Street, Robert Burns Memorial Statue.**

On the question, Councillor Stephen Kelly suggested that some landscaping be installed around the Robert Burns statue and was assured by Mayor Brad Woodside that this task would be undertaken in the near future.

Councillor Eric Megarity extended thanks to Mr. and Mrs. James Irving for their most generous donation towards the repair of the statue.

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

Mayor Woodside closed by noting that an unveiling celebration for the statue would be held during September 2011, to which Mr. and Mrs. Irving would be invited.

PUBLIC HEARING – ZONING AMENDMENT – 380 KING STREET (CHAPAR ENTERPRISES INC.)

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support for an application from Chapar Enterprise Inc. to amend the City Centre Zone One (CC-1) to permit commercial storage of goods on property located at 380 King Street, subject to terms and conditions.

The City Clerk advised that one (1) written objection had been received by the City Clerk's Office.

Ms. Linda Gregan Addressed Council

Ms. Linda Gregan, the adjacent property owner at 380 King Street, spoke in opposition to the application, stating her concerns as:

➤ *Safety*: The property located at 380 King Street only had 'right of way' (ROW) access to the building, thus resulting in tenants having to back in and drive out onto King street, which is a high traffic and pedestrian area. There could be traffic congestion if more than one vehicle arrived at once. Also, there

Public Hearing – Zoning Amendment – 380 King Street (Chapar Enterprises Inc.) (Z-2.760)

Ms. Linda Gregan Addressed Council

did not appear to be an emergency exit on the second floor.

➤ *Storage:* Ms. Gregan had concerns about what was stored in the building with respect to flammable goods, and dangerous or hazardous material. Although renters had confirmed that non-hazardous goods were stored in the building, Ms. Gregan was unsure how to ensure their compliance.

➤ *Noise, Hours and Traffic Concerns:* Responsibility for repairs to the driveway and snow removal were also points of concern. Construction was taking place inside the building and it did not appear that a building permit had been attained. Ms. Gregan closed by stating that the applicant was not adhering to four (4) conditions listed in the one-year Temporary Use Variance.

Mr. Hossein Alavi Addressed Council

The applicant, Mr. Hossein Alavi, responded by stating that, when asked, City staff had informed him that the property located at 380 King Street would be a good commercial building and that there would be no problems resulting from the ROW access. He also confirmed that tenants would be loading/unloading inside the building, not on the driveway.

Mayor Woodside thanked both speakers for their input and suggested the two (2) parties sit down and discuss the issues in an attempt to find some middle ground. He also requested that a report containing information regarding the dialogue between the parties to-date be brought back to Council for review prior to third reading of the by-law on August 8th, 2011.

First and Second Reading of By-law No. Z-2.760

Moved by Councillor Bruce Grandy, seconded by Councillor Stephen Kelly THAT By-law No. Z-2.760, 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.

On the question, Councillor Stephen Kelly asked that details relating to the hours of operation, terms and conditions, and the type of items being stored at the 380 King Street property, also be included in the report.

Mr. Hossein Alavi
(Applicant) Addressed
Council

By-law No. Z-2.760
Given First Reading by
title

Alex Forbes, Assistant Director of Development Services, stated that staff would do their utmost to comply by the deadline but may have to ask for a deferral if the information could not be assimilated in time.

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

Moved by Councillor Bruce Grandy, seconded by Councillor Scott McConaghy THAT By-law No. Z-2.760, 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-2.760
Given Second Reading by title

PUBLIC HEARING – MUNICIPAL PLAN AMENDMENT AND ZONING AMENDMENT – 271 QUEEN STREET (TC LAND HOLDINGS INC.)

Public Hearing –
Municipal Plan & Zoning
Amendment – 271 Queen
Street (TC Land Holdings
Inc.) (Z-1.18 & Z-2.748)

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 (Z-1) and Zoning By-law (Z-2) in order to permit a 16.66 metre high 32-unit apartment building at 271 Queen Street, subject to terms and conditions.

The 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-1.18

Moved by Councillor Stephen Kelly, seconded by Councillor Scott McConaghy THAT By-law No. Z-1.18, A By-law to Amend By-law No. Z-1, A By-law to Adopt a Municipal Plan for the City of Fredericton, be given first reading by title.

By-law No. Z-1.18 Given
First Reading by title

On the question, Councillor Scott McConaghy requested clarification from staff on an issue he thought was outstanding regarding garbage collection at the property located at 271 Queen Street.

Alex Forbes, Assistant Director of Development Services, replied that the issue had been resolved, but agreed to provide Council with a report on the subject prior to third reading of the by-law on August 8th, 2011.

Discussion ensued among Council regarding the developer's decision to build a car lot on the ground floor of the building in preference to housing some form of commercial enterprise.

Mr. Joe Kowolski Addressed Council

Mr. Joe Kowalski
Addressed Council

Mr. Joe Kowalski, representing the developer, informed Council that due to flooding concerns the developer had decided against locating tenant parking in a basement location, as it would not be possible to keep it dry. It was not thought possible to purchase a pump powerful enough to remove the water if the basement parking area was flooded.

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

Moved by Councillor Bruce Grandy, seconded by Councillor Stephen Kelly THAT By-law No. Z-1.18, 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-1.18 Given
Second Reading by title

First and Second Reading of By-law No. Z-2.748

Moved by Councillor Bruce Grandy, seconded by Councillor Stephen Kelly THAT By-law No. Z-2.748, 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-2.748
Given First Reading by
title

Moved by Councillor Bruce Grandy, seconded by Councillor Stephen Kelly THAT By-law No. Z-2.748, 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-2.748
Given Second Reading by
title

Mayor Woodside remarked that he was thrilled that this property was being upgraded and that citizens were being encouraged to reside in the downtown area.

PUBLIC HEARING – REZONING & SUBDIVISION – 389 CANADA STREET (656305 NB INC.)

Public Hearing –
Rezoning & Subdivision –
389 Canada Street
(656305 NB Inc.)
(Z-2.766)

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 from Institutional (I) to Residential Zone Two (R-2), Residential Zone Five (R-5) and Residential Zone Six (R-6) and to create seven (7) new residential building lots at 389 Canada Street, subject to terms and conditions.

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

The applicant, Mr. Burt Folkins, was in attendance at the meeting to answer questions if asked.

First and Second Reading of By-law No. Z-2.766

Moved by Councillor Steven Hicks, seconded by Councillor Marilyn Kerton THAT By-law No. Z-2.766, 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-2.766
Given First Reading by
title

Moved by Councillor Steven Hicks, seconded by Councillor Marilyn Kerton THAT By-law No. Z-2.766, 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-2.766
Given Second Reading by
title

A BY-LAW TO TEMPORARILY STOP-UP AND CLOSE PORTIONS OF QUEEN STREET, CARLETON STREET, WILMOT ALLEY AND SAINT ANNE’S POINT DRIVE (HARVEST JAZZ & BLUES FESTIVAL)

A By-law to Temporarily
Stop-up and Close
Portions of Queen,
Carleton, Wilmot & Saint
Anne’s Point Drive
(Harvest Jazz & Blues)

Third Reading of By-law No. L-11.55

Moved by Councillor Tony Whalen, seconded by Councillor Scott McConaghy THAT By-law No. L-11.55, A By-law to Temporarily Stop-Up and Close Portions of Queen Street, Carleton Street, Wilmot Alley and Saint Anne’s Point Drive, be read by section number pursuant to Sections 11.1(1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. L-11.55 Read
by Section Number

By-law No. L-11.55 was read by section number and is attached to these Minutes as Appendix 1.

Moved by Councillor Tony Whalen, seconded by Councillor Scott McConaghy THAT By-law No. L-11.55, A By-law to Temporarily Stop-Up and Close Portions of Queen Street, Carleton Street, Wilmot Alley and Saint Anne’s Point Drive, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. L-11.55
Given Third Reading by title

BY-LAW REAFFIRMATIONS

By-law Reaffirmations

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

1. Z-1.18 & Z-2.748 – TC Land Holdings (271 Queen Street)
2. Z-2.760 – Charpar Enterprise Inc. (380 King Street)
3. Z-2.763 – DP Developments (Murray Avenue)
4. Z-2.765 – Chopper Rods Inc. (621 Clements Drive)
5. Z-2.766 – 656305 NB Incorporated (389 Canada Street)

Moved by Councillor Scott McConaghy, seconded by Councillor Eric Megarity THAT the report of the Planning Advisory Committee be received. CARRIED UNANIMOUSLY

MUNICIPAL PLAN AMENDMENT AND ZONING AMENDMENT – 198 WOODSTOCK ROAD (AUDIOCORP LTD.)

Municipal Plan and Zoning Amendment – 198 Woodstock Road (AudioCorp Ltd.)

The Planning Advisory Committee, at its meeting held on July 20, 2011, considered and recommended *denial* of an application from Audiocorp Ltd. to amend the Residential Zone Two (R-2) to permit a medical clinic, and to amend the Municipal Plan from “Residential” to “Commercial” at 198 Woodstock Road.

Moved by Councillor Scott McConaghy, seconded by Councillor Marilyn Kerton THAT City Council adopt the following resolution:

BE IT RESOLVED that the Report of the Planning Advisory Committee, dated July 21 2011, with respect to an application submitted by Audiocorp Ltd. to amend the Residential Zone Two (R-2) to permit a medical clinic and to amend the

Municipal Plan from “Residential” to “Commercial” at 198 Woodstock Road be received.

CARRIED UNANIMOUSLY

Resolution

Moved by Councillor Scott McConaghy, seconded by Deputy Mayor David Kelly THAT WHEREAS, at the meeting of July 25, 2011, Council received a report of the Planning Advisory Committee recommending *denial* of an application to amend By-law No. Z-2, A Zoning By-law for The City of Fredericton, under the Residential Zone Two (R-2) in order to permit the establishment of a Medical Clinic on property located at 198 Woodstock Road, as indicated on Schedule “A” attached to and forming part of this resolution;

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 “Residential” 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, August 8, 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 the Minutes as **Appendix 2**.*

(Councillor Stephen Chase was absent from the Council Chamber when the vote was taken.)

Resolution to Set Date for Public Presentation

REZONING, CHANGE TO TERMS AND CONDITIONS, AND SUBDIVISION – HERON DRIVE EXTENSION, BROOKSIDE WEST SUBDIVISION (CHIPPIN’S LTD.)

Rezoning, Change to Terms & Conditions, and Subdivision – Heron Drive Extension, Brookside West Subdivision (Chippin’s Ltd.)

The Planning Advisory Committee, at its meeting held on July 20, 2011, considered and recommended approval of an application from Chippin’s Ltd. to rezone a portion of property along an extension of Heron Drive from Residential Zone Two (R-2) to Agriculture Zone (A.G.) and Residential Zone Six (R-6); to rezone from Residential Zone Two (R-2) to Park (P) and Open Space (O.S.); to amend existing terms and conditions governing the existing Agriculture property respecting fencing, lighting, number of horses, waste management and confinement of horses; and for subdivision to create one (1) new lot as part of the Brookside West Subdivision (PID 75394999), subject to terms and conditions.

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

BE IT RESOLVED that the Report of the Planning Advisory Committee, dated July 21, 2011, with respect to an application submitted by Chippins Ltd. to rezone a portion of property along an extension of Heron Drive from Residential Zone Two (R-2) to Agriculture Zone (A.G.) and Residential Zone Six (R-6), to rezone from Residential Zone Two (R-2) to Park (P) and Open Space (O.S.), to amend existing terms and conditions governing the existing Agriculture property respecting fencing, lighting, number of horses, waste management and confinement of horses; and that the 8% public land dedication be taken in the form of land, as shown on Map IV, for the proposed subdivision to create one (1) Agricultural Zone (A.G.) and Residential Zone Six (R-6) lot, be received along with the recommended terms and conditions; and further that By-law No. Z-2.370 and associated terms and conditions, adopted by City Council on August 25, 2003, be repealed and replaced as outlined above.

CARRIED UNANIMOUSLY

Resolution

Moved by Councillor Scott McConaghy, seconded by Deputy Mayor David Kelly THAT WHEREAS, at the meeting of July

Resolution to Set Date for Hearing of Objections/ Support

25, 2011, 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 a portion of the property located off Heron Drive (Brookside West Subdivision) from Residential Zone Two (R-2) to Agricultural Zone (AG), Residential Zone Six (R-6), Park Zone (P) and Open Space Zone (O.S.), as indicated on Schedule “A” attached to and forming part of this resolution, subject to terms and conditions; and further that By-law No. Z-2.370, adopted by City Council on August 25, 2003, along with the associated terms and conditions, be repealed.

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, August 22, 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 the Minutes as Appendix 3.

(Councillor Tony Whalen was absent from the Council Chamber when the vote was taken.)

SUBDIVISION RE-APPROVAL & STREET NAME APPROVAL – 48 SUMAC STREET (CBCL LTD.)

Subdivision Re-approval & Street Name Approval – 48 Sumac Street (CBCL Ltd.)

The Planning Advisory Committee, at its meeting held on July 20, 2011, considered a recommendation from staff in relation to an application from CBCL Ltd. for property located at 48 Sumac Street.

Moved by Councillor Marilyn Kerton, seconded by Councillor Steven Hicks THAT the 8% public land dedication, in relation to a subdivision re-approval application submitted by CBCL Ltd., to create 18 Residential Zone Two (R-2) lots, 18 Residential Zone Three (R-3) lots, 1 Park (P) lot, and a Residential Zone Manufactured Home (RM-2) parcel containing 93 sites for mini-homes at 48 Sumac

Street, be taken in the form of land and cash; and that the street names “Dean Court”, “Angel Crescent”, and “Jordan Court”, as shown on Map III be approved. CARRIED UNANIMOUSLY

Map III is attached to the Minutes as Appendix 4.

SUBDIVISION RE-APPROVAL – 28 DUNCAN LANE (GARDINER REALTY)

Subdivision Re-approval –
28 Duncan Lane
(Gardiner Realty)

The Planning Advisory Committee, at its meeting held on July 20, 2011, considered a recommendation from staff in relation to an application from Peter and Sharon Pinsler for property located at 28 Duncan Lane.

Moved by Councillor Marilyn Kerton, seconded by Councillor Eric Megarity THAT the 8% public land dedication, in relation to an application submitted by Peter and Sharon Pinsler, for subdivision re-approval to create one (1) Residential Zone One (R-1) building lot at 28 Duncan Lane, be taken in the form of cash. CARRIED UNANIMOUSLY

SUBDIVISION RE-APPROVAL AND ASSENT OF COUNCIL – 771 MACLAREN AVENUE (CITY OF FREDERICTON)

Subdivision Re-approval
& Assent of Council –
771 MacLaren Avenue
(City of Fredericton)

The Planning Advisory Committee, at its meeting held on July 20, 2011, considered a recommendation from staff in relation to an application from Calvin Thompson, on behalf of the City of Fredericton, for property located at 771 MacLaren Avenue.

Moved by Councillor Marilyn Kerton, seconded by Councillor Eric Megarity THAT the application submitted by Calvin Thompson, on behalf of the City of Fredericton, for subdivision re-approval to add property to the public right-of-way, to create seven (7) residential lots and to add land to the adjacent park at 771 MacLaren Avenue be approved; and that the 8% public land dedication be taken in the form of land; and further that the final plan of subdivision, as shown on Map III, receive the Assent of Council pursuant to Section 56 of the *Community Planning Act*. CARRIED UNANIMOUSLY

Map III is attached to the Minutes as Appendix 5.

SUBDIVISION – 470 BISHOP DRIVE (RAR PROPERTIES INC.)

Subdivision – 470 Bishop Drive (RAR Properties Inc.)

The Planning Advisory Committee, at its meeting held on July 20, 2011, considered a recommendation from staff in relation to an application from RAR Properties Inc. for property located at 470 Bishop Drive.

Moved by Councillor Marilyn Kerton, seconded by Councillor Jordan Graham THAT the application submitted by RAR Properties Inc., for subdivision to create one (1) Highway Commercial lot and to add land to the public right-of-way for the extension of the new public street, as shown on Map III, be approved. CARRIED UNANIMOUSLY

Map III is attached to the Minutes as Appendix 6.

SUBDIVISION – 861, 867 AND 869 REGENT STREET (D’ARCY SIMON)

Subdivision – 861, 867 and 869 Regent Street (D’Arcy Simon)

The Planning Advisory Committee, at its meeting held on July 20, 2011, considered a recommendation from staff in relation to an application from D’Arcy Simon for property located at 861, 867, 869 Regent Street.

Moved by Councillor Marilyn Kerton, seconded by Councillor Tony Whalen THAT the 8% public land dedication, in relation to an application submitted by D’Arcy Simon, for subdivision to create three (3) new residential building lots at 861, 867, 869 Regent Street, be taken in the form of cash. CARRIED UNANIMOUSLY

STREET NAME APPROVAL – CROWTHER LANE (GREATER FREDERICTON KNOWLEDGE PARK INC.)

Street Name Approval – Crowther Lane (Greater Fredericton Knowledge Park Inc.)

The Planning Advisory Committee, at its meeting held on July 20, 2011, considered a recommendation from staff in relation to an application from Greater Fredericton Knowledge Park Inc. pertaining to a proposed street name.

Moved by Deputy Mayor David Kelly, seconded by Councillor Stephen Kelly THAT the private street to be located in Knowledge Park, be named “Crowther Lane” as shown on attached Map I. CARRIED UNANIMOUSLY

Map I is attached to the Minutes as Appendix 7.

STREET NAME APPROVAL – ECO TERRA DRIVE (JAMES REALTY LTD.)

Street Name Approval – Eco Terra Drive (James Realty Ltd.)

The Planning Advisory Committee, at its meeting held on July 20, 2011, considered a recommendation from staff in relation to an application from James Realty Ltd. pertaining to a proposed street name.

Moved by Deputy Mayor David Kelly, seconded by Councillor Eric Megarity THAT that the western portion of Irvine Street be named “Eco Terra Drive”, as shown on attached Map I. CARRIED UNANIMOUSLY

Map I is attached to the Minutes as Appendix 8.

REPORTS OF COUNCIL-IN-COMMITTEE

Council-in-Committee Reports:

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

PROPOSED SALE OF CITY-OWNED PROPERTY – 211 QUEEN STREET (WARD 10)

Proposed Sale of City-Owned Property – 211 Queen Street (Ward 10)

Council authorization was requested by the City’s Real Estate Manager to declare “surplus” and proceed with the subdivision and sale of a ±218.69 m² portion of City-owned property at 211 Queen Street.

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

BE IT RESOLVED that the Council of the City of Fredericton declares “surplus” and authorizes the subdivision and sale of a ±218.69 m² portion of City-owned property at 211 Queen Street, known as PID 75320739, at a rate of \$172.23 per square metre for a sum of Thirty Seven Thousand Six Hundred Sixty Four Dollars and Ninety Eight

Cents (\$37,664.98) to T.C. Land Holdings Corp. and/or any related company that holds title on its behalf, to be consolidated with the adjacent property at 271 Queen Street, known as PID 01446202, subject to applicable taxes, adjustments, and conditions; and that the Mayor and City Clerk are authorized to execute all necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

PROPOSED EASEMENT RELEASE AND LEASE OF CITY-OWNED PROPERTY – 2475 WOODSTOCK ROAD (WARD 12)

Proposed Easement Release and Lease of City-Owned Property – 2475 Woodstock Road (Ward 12)

Council authorization was requested by the City’s Real Estate Manager to release an existing Municipal Service Easement and to lease a ±3,801 m² portion of City-owned riverfront property situated adjacent 2475 Woodstock Road.

Moved by Deputy Mayor David Kelly, 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 release of the 10 metre wide Municipal Service Easement on 2475 Woodstock Road, identified as Parcel “J” & “L”, known as PID 75352450; in consideration, 056560 NB Ltd. and/or any related company that holds title on its behalf shall grant an unencumbered ±5 metre Public Utility Easement to burden 2475 Woodstock Road, known as PID 75352450, for the existing underground power line to a pad mounted transformer (relocated in 2010) and to the City’s lift station, situated on Parcel “B”, known as PID 75352468, with an additional concurrent underground easement for the supply of electric power to the City’s lift station if required to protect the City’s interest; subject to applicable taxes, terms and conditions; and

BE IT FURTHER RESOLVED that the Council of the City of Fredericton authorizes the agreement to lease the 3,801 m² portion of City-owned property, identified as Parcel “G”, known as PID 75352468, for a term not to exceed 10 years less a day at a reduced annual payment of \$1,000.00, subject to terms and conditions as well as the proportionate share of the annual Property Tax Levy. In offsetting the annual \$3,801.00

payment reduction, 056560 NB Ltd. and/or any related company that holds title on its behalf shall provide additional consideration by the way of *services in kind*. These *services in kind* include providing the general public, using the walking trail, with unrestricted access to the existing washroom facilities and the future washroom facilities (at the east end) during regular operating season, as well as 056560 NB Ltd. and/or any related company that holds title on its behalf shall, at its cost, maintain the lawns on all the City-owned riverfront property, identified as Parcel “B”, and known as PID 75352468, between the easterly and westerly property boundary of 2475 Woodstock Road, known as PID 75352450, during the term of the lease; and

BE IT FURTHER RESOLVED that the Council of the City of Fredericton authorizes the Mayor and City Clerk to execute all necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

PARKS CANADA’S NATIONAL HISTORIC SITES COST-SHARING PROGRAM CONTRIBUTION AGREEMENT

Parks Canada’s National
Historic Sites Cost-
Sharing Program
Contribution Agreement

Council authorization was requested by City staff to proceed with the signing of the Contribution Agreement between Her Majesty the Queen in Right of Canada, as represented by the Parks Canada Agency, and the City of Fredericton with respect to Parks Canada’s National Historic Site Cost-Sharing Program.

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

BE IT RESOLVED that the Council of the City of Fredericton hereby approves the Parks Canada’s National Historic Sites Cost-Sharing Program Contribution Agreement between Her Majesty the Queen in Right of Canada, as represented by Parks Canada Agency, and the City of Fredericton which pertains to the preservation and restoration work being carried out on Fredericton City Hall, a national historic site to ensure its commemorative integrity. The Contribution Agreement shall take effect upon the date when all parties have signed and terminates on March 31, 2012; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Contribution Agreement and such other legal documents as are required to facilitate this resolution.

CARRIED UNANIMOUSLY

REPORTS OF THE TRANSPORTATION COMMITTEE

Transportation Committee Reports:

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 MONTGOMERY STREET

Amendment to By-law No. T-1, A By-law to Regulate Traffic – Parking Restrictions on Montgomery Street

The Transportation Committee, at its meeting held on Thursday, July 21, 2011, considered an Administrative Report from the Traffic Engineer requesting an amendment to By-law No. T-1, *A By-law to Regulate Traffic*, to remove parking on the northerly side of Montgomery Street due to identified safety issues on Montgomery Street near the intersection at York Street.

Moved by Councillor Bruce Grandy, 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 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 northerly side of Montgomery Street, for a distance of 55 m, in a westerly direction from the intersection of York Street (see Figure-1).

CARRIED UNANIMOUSLY

Figure 1 is attached to the Minutes as Appendix 9.

AMENDMENT TO BY-LAW NO. T-1, A BY-LAW TO REGULATE TRAFFIC – PARKING RESTRICTIONS FOR BIKE LANES, MULTIPLE LOCATIONS

Amendment to By-law No. T-1, A By-law to Regulate Traffic – Parking Restrictions for Bike Lanes, Multiple Locations

The Transportation Committee, at its meeting held on Thursday, July 21, 2011, considered an Administrative Report from the

Traffic Engineer requesting an amendment to By-law No. T-1, *A By-law to Regulate Traffic*, to implement parking restrictions on nine (9) City of Fredericton streets in order to facilitate the installation of bike lanes during the summer of 2011.

Moved by Councillor Bruce Grandy, seconded by Councillor Jordan Graham THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton authorizes the Legal Division to draft the appropriate by-law to amend By-law No. T-1, A By-law to Regulate Traffic, to remove parking as follows:

1. **Brookside Drive** – Restrict parking on both sides of the street, from Main Street to Route 105.
2. **Forest Hill Road** – Restrict parking on both sides of the street, from Canterbury Drive to Kimble Drive.
3. **Irvine Street** – Restrict parking on the southerly side of the street, from Noble Street to Gibson Street.
4. **Kimble Drive** – Restrict parking on the southerly side of the street, from Stoneybrook Crescent to Barrett Court.
5. **McEvoy Street** – Restrict parking on both sides of the street, from Noble Street to MacLaren Avenue.
6. **MacLaren Avenue** – Restrict parking on the southerly side of the street, from Cliffe Street to Gibson Street.
7. **Noble Street** – Restrict parking on the easterly side of the street, from Gulliver Drive to Irvine Street.
8. **Royal Road** – Restrict parking on the easterly side of the street, from Sunset Drive to the Royal Road School.
9. **Rookwood Avenue** – Restrict parking on the westerly side of the street, from Saunders Street to Woodstock Road.

CARRIED UNANIMOUSLY

Mayor Woodside drew attention to the differences between ‘bike lanes’ and ‘bike routes’, specifically as to whether vehicles were permitted to park/not park. He was unsure whether the two should be mixed and thought this could be confusing to the public. Vehicles parked in a bike lane necessitated the cyclist to go out around the vehicle and into the road which was very dangerous. He urged staff to seek the opinion of stakeholders regarding this issue.

Councillor Bruce Grandy was of the opinion that a lack of education regarding bike “lanes” and “routes” could become a

safety issue, and he encouraged the public to report any issues or concerns.

TENDER #T11-27 – NORTHBROOK RESERVOIR

Moved by Councillor Jordan Graham, 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 award of Tender #T11-27 – Northbrook Reservoir to *Greatario Industrial Storage Systems Ltd.*, single response bidder meeting specifications, at the tendered price of One Million Twenty Eight Thousand Three Hundred Dollars (\$1,028,300.00), HST included; and that the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

TENDER #T11-48 – NORTHBROOK RESERVOIR LINEAR INFRASTRUCTURE

Moved by Councillor Jordan Graham, seconded by Councillor Bruce Grandy THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton authorizes the award of Tender #T11-48 – Northbrook Reservoir Linear Infrastructure to *Monteith Underground Services Ltd.*, low bidder meeting specifications, at the tendered price of Two Hundred Eleven Thousand Four Hundred Eighty Five Dollars and Fifteen Cents (\$211,485.15), HST included; and that the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

Tender #T11-27 Awarded to Greatario Industrial Storage Systems Ltd.

Tender #T11-48 Awarded to Monteith Underground Services Ltd.

TENDER #T11-52 CANADA STREET RETAINING WALL CONSTRUCTION PHASE II

Tender #T11-52 Awarded to E. Cummings Contracting Inc.

Moved by Councillor Jordan Graham, 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 award of Tender #T11-52 – Canada Street Retaining Wall Construction Phase II to *E. Cummings Contracting Inc.*, low bidder meeting specifications, at the tendered price of Two Hundred Sixty Five Thousand Eight Hundred Forty Three Dollars and Eighty Cents (\$265,843.80), HST included; and that the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

On the question, Councillor Steven Hicks advised Council that defects had been found in the Canada Street retaining wall and repairs that were thought adequate had been implemented. A major flood during December 2010 had exposed some weaknesses in the wall resulting in a requirement to undertake an additional fifty (50) metres of repairs (southwards); it was hoped that the repairs would be completed prior to commencement of the new school year.

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

APPOINTMENT OF THREE POLICE OFFICERS

Appointment of Three Police Officers

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

BE IT RESOLVED that the Council of the City of Fredericton appoint Samantha McInnis, Jeffrey MacLaggan and Louis Cyr as a police officer pursuant to Section 11 (1) (c) of the *New Brunswick Police Act*.

CARRIED UNANIMOUSLY

APPOINTMENT OF CANADIAN CORPS OF COMMISSIONAIRES AS BY-LAW ENFORCEMENT OFFICERS TO ENFORCE CITY OF FREDERICTON BY-LAWS

Appointment of Canadian Corps of Commissionaires as By-law Enforcement Officers to Enforce City of Fredericton By-laws

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

BE IT RESOLVED that the Council of the City of Fredericton hereby directs that Brian Eugene Nason be appointed under Section 14 of the *Police Act* as a By-law Enforcement Officer to enforce the following By-laws:

- By-law No. R-6, A By-law to Regulate Taxi Owners and Operators of the City of Fredericton, and amendments thereto;
- By-law No. S-9, A By-law to Prevent Nuisances, and amendments thereto;
- By-law No. T-1, A By-law to Regulate Traffic, and amendments thereto;
- By-law No. T-6, A By-law Respecting Public Motor Buses, and amendments thereto;
- By-law No. T-7, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines, and amendments thereto.

CARRIED UNANIMOUSLY

APPOINTMENTS – BOARDS, COMMISSIONS, AND COMMITTEES

Appointments, Boards, Commissions, and Committees

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

BE IT RESOLVED that, effective July 26, 2011, Councillor Dan Keenan replaces Councillor Jordan Graham as Member of the Development Committee; and

BE IT RESOLVED that, effective July 26, 2011, Councillor Stephen Chase replaces Councillor Jordan Graham as Council’s representative on the Downtown Fredericton Inc. Board of Directors; and

BE IT RESOLVED that, effective July 26, 2011, Councillor Marilyn Kerton be appointed the City’s representative on the Cities of New Brunswick Association Planning and Resolutions Committee.

CARRIED UNANIMOUSLY

PUBLIC HEARINGS – A BY-LAW TO TEMPORARILY STOP-UP AND CLOSE SAINT ANNE’S POINT DRIVE (CIBC RUN FOR THE CURE)

Public Hearing –
Temporarily Stop-Up and
Close Saint Anne’s Point
Drive (CIBC Run for the
Cure) (L-11.56)

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to a proposed by-law to stop-up and close Saint Anne’s Point Drive for the CIBC Run for the Cure.

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

First and Second Reading of By-law No. L-11.56

Moved by Councillor Marilyn Kerton, seconded by Deputy Mayor David Kelly THAT By-law No. L-11.56, A By-law to Temporarily Stop-Up and Close Saint Anne’s Point Drive, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. L-11.56
Given First Reading by
title

Moved by Deputy Mayor David Kelly, seconded by Councillor Marilyn Kerton THAT By-law No. L-11.56, A By-law to Temporarily Stop-Up and Close Saint Anne’s Point Drive, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. L-11.56
Given Second Reading by
title

PUBLIC HEARING – REZONING AND SUBDIVISION – MURRAY AVENUE (DP DEVELOPMENTS)

Public Hearing –
Rezoning and Subdivision
– Murray Avenue (DP
Developments) (Z-2.763)

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) in order to rezone property from Residential

Zone Five-Holding (R-5H) to Residential Zone Six (R-6) and for subdivision to create one (1) R-6 lot on Murray Avenue, subject to terms and conditions.

The 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-2.763

Moved by Councillor Marilyn Kerton, seconded by Councillor Scott McConaghy THAT By-law No. Z-2.763, 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-2.763
Given First Reading by title

Moved by Councillor Marilyn Kerton, seconded by Councillor Scott McConaghy THAT By-law No. Z-2.763, 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-2.763
Given Second Reading by title

PUBLIC HEARING – REZONING AND SUBDIVISION – PUBLIC HEARING – ZONING AMENDMENT – 621 CLEMENTS DRIVE (CHOPPER RODS INC.)

Public Hearing – Zoning Amendment – 621 Clements Drive (Chopper Rods Inc.) (Z-2.765)

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) in order to to amend the Local Convenience Zone (L.C.) to permit minor maintenance and repair of motorcycles in conjunction with a retail parts and supplies operation at 621 Clements Drive, subject to terms and conditions.

The 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-2.765

Moved by Councillor Mike O’Brien, seconded by Councillor Scott McConaghy THAT By-law No. Z-2.765, 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-2.765
Given First Reading by title

Moved by Councillor Marilyn Kerton, seconded by Councillor Scott McConaghy THAT By-law No. Z-2.765, 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-2.765
Given Second Reading by title

A BY-LAW TO STOP-UP AND CLOSE A PORTION OF DORA DRIVE (CHIPPIN’S LTD.)

A By-law to Stop-Up and Close a Portion of Dora Drive (Chippin’s Ltd.)

Third Reading of By-law No. L-11.54

Moved by Councillor Tony Whalen, seconded by Councillor Bruce Grandy THAT By-law No. L-11.54, A By-law to Stop-Up and Close a Portion of Dora Drive be read by section number pursuant to Sections 11.1(1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. L-11.54 Read by Section Number

By-law No. L-11.54 was read by section number and is attached to these Minutes as Appendix 10.

Moved by Councillor Tony Whalen, seconded by Councillor Bruce Grandy THAT By-law No. L-11.54, A By-law to Stop-Up and Close a Portion of Dora Drive be given third reading by title. CARRIED UNANIMOUSLY

By-law No. L-11.54
Given Third Reading by title

AMENDMENT TO BY-LAW NO. S-11, A BY-LAW RESPECTING ANIMAL CONTROL (HOUSEKEEPING MATTER)

Amendment to By-law No. S-11, A By-law Respecting Animal Control

Third Reading of By-law No. S-11.3

Moved by Councillor Tony Whalen, seconded by Councillor Steven Hicks THAT By-law No. S-11.3, A By-law to Amend By-law No. S-11, A By-law Respecting Animal Control, be read by section number pursuant to Sections 11.1 (1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. S-11.3 Read by Section Number

By-law No. S-11.3 was read by section number and is attached to these Minutes as Appendix 11.

Moved by Councillor Stephen Chase, seconded by Councillor Stephen Kelly THAT By-law No. S-11.3, A By-law to Amend By-law No. S-11, A By-law Respecting Animal Control, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. S-11. Given Third Reading by title

COUNCILLOR EXCUSED

Moved by Councillor Jordan Graham, seconded by Councillor Bruce Grandy THAT Councillor Dan Keenan be excused from the meeting and be relieved of the penalty as provided by By-law No. A-2. CARRIED UNANIMOUSLY

Councillor Excused

ADJOURNMENT

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

Adjournment

The meeting adjourned at 9:15 p.m.

Recording Secretary: Sophia Sheridan

(Sgd.) Brad Woodside

Brad Woodside
Mayor

(Sgd.) Brenda L. Knight

Brenda L. Knight
City Clerk