

MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

MONDAY, JUNE 28, 2010

Minutes of the Regular Meeting of Fredericton City Council held on Monday, June 28, 2010 at 7:30 p.m. in the Council Chamber, City Hall, Fredericton.

ATTENDANCE

Attendance

Council:

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

Staff:

Brenda L. Knight, City Clerk
Paul Stapleton, City Administrator
Chris MacPherson, Assistant City Administrator
Barry MacKnight, Police Chief
Wayne Tallon, Director of Community Services
Murray Jamer, Director of Engineering & Public Works
Frank Flanagan, Director of Development Services
Maurice Gallant, Assistant Director of Corporate Services/CIO
Tina Tapley, Director of Finance/City Treasurer, Acting
Alex Forbes, Assistant Director of Development Services
Michelle Brzak, City Solicitor
Dylan Gamble, Manager, Roads & Streets Division
Wayne Knorr, Manager, Corporate Communications

Absent:

Councillor Bruce Grandy
Councillor Steven Hicks

APPROVAL OF MINUTES

Approval of Minutes

Moved by Councillor Marilyn Kerton, seconded by Councillor Jordan Graham THAT the Minutes of the Regular City Council meetings held on Monday, April 26, 2010, and Monday, May 10, 2010 be approved as circulated. CARRIED UNANIMOUSLY

PRAYER

Prayer

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

12-YEAR SERVICE AWARDS PRESENTED TO COUNCILLORS SCOTT MCCONAGHY AND STEPHEN KELLY

12-Year Service Awards Presented to Councillors Scott McConaghy and Stephen Kelly

Mayor Brad Woodside presented 12-year service award pins to both Councillor Scott McConaghy and Councillor Stephen Kelly.

Mayor Woodside stated that 12 years was a lengthy amount of time to work in the capacity of public service. He commended both councillors for their passion and dedication, concluding that it had been a pleasure to work with them both.

Councillor Scott McConaghy stated that it had been an honour to represent his constituents through both frustrating and rewarding occasions.

Councillor Stephen Kelly remarked that he had been privileged to work with so many great people while performing his council duties.

25-YEAR SERVICE AWARD

25-Year Service Award

Mayor Brad Woodside paid tribute to Mike Richard, Senior Project Manager in the Information Technology Division, by citing a number of his achievements throughout his dedicated career with the City. Mr. Richard started his career with the City as a Police Officer in May 1985. In December 2001 Mr. Richard left the Police Force to pursue other career options with the City. As head of Technology Infrastructure he leads a team of skilled professionals who ensure that City staff have the tools and supporting network they require to do their jobs. Mayor Woodside presented Mr. Richard with a framed certificate, gold watch, and pewter pin.

Mayor Woodside and Members of Council offered congratulations to Mr. Richard.

GREEN SHOPS MEDAL CEREMONY

Green Shops – Medal Ceremony

With the assistance of Valerie Hillier, Green Shops Coordinator, Mayor Brad Woodside presented the following Green Shop medals:

- Paul Simmonds: Robert Simmonds had increased its status from bronze to silver.
- Eric Holman: Exit Realty Advantage had made the jump from bronze to gold.
- Nancy Robinson: Hangnails Esthetics Studio had advanced from silver to gold.

- Chris, Debbie, Lucy and Malcolm Black: The Blue Door had also advanced from bronze to gold.
- Chris Brown: Service Master Clean was a new Green Shop medal recipient, coming straight in at gold medal status.

CANADA DAY ACTIVITIES

Canada Day Activities

A request was received from Paul Wentzell and Charles Barry for approval to host the Annual Canada Day Celebrations on July 1, 2010.

Mr. Wentzell addressed Council and distributed a Canada Day schedule of events. He informed the Committee that Canada Day activities had been expanded to the north side for the first time. Mr. Wentzell asked that everyone be mindful of the fact that, unlike most other years, St. Anne's Point Drive would be open for traffic and not closed off for pedestrian use.

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

BE IT RESOLVED that approval be given to Fredericton Civic Pride Inc. to host the Annual Canada Day Celebrations on Thursday, July 1, 2010 from 12:00 noon to 11:30 p.m., subject to conditions as stated in the report by staff.

CARRIED UNANIMOUSLY

NOMINATION - LOCAL HISTORIC PLACES REGISTER

Nomination – Local Historic Places Register

Ms. Molly Demma, Executive Director, The St. John River Society, addressed Council and thanked the Preservation Review Board for bringing forward the St. John River as a candidate for the Local Historic Places Register.

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

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

1. **The St. John River (bounded by the eastern and western limits of the City of Fredericton, PID 75014464).**

CARRIED UNANIMOUSLY

**RECONSIDERATION – SUBDIVISION, 1530 LINCOLN ROAD
(EDOUARD GEBRAEL)**

Reconsideration –
Subdivision, 1530 Lincoln
Road (Edouard Gebrael)

Moved by Deputy Mayor Dan Keenan, seconded by Councillor Scott McConaghy THAT City Council reconsider its decision from May 25, 2010, in relation to a subdivision application by Edouard Gebrael for property located at 1530 Lincoln Road wherein Council decided not to take the 8% public land dedication in the form of cash.

CARRIED UNANIMOUSLY

Moved by Deputy Mayor Dan Keenan, seconded by Councillor Tony Whalen that City Council adopt the following resolution:

BE IT RESOLVED that the 8% public land dedication, in relation to a subdivision application by Edouard Gebrael to create six building lots in the Residential Zone Two (R-2) for property located at 1530 Lincoln Road, be taken in the form of cash.

On the question, Deputy Mayor Dan Keenan expressed support for the motion if amended to delete any reference to the number of building lots.

Moved by Deputy Mayor Dan Keenan, seconded by Councillor Scott McConaghy that the motion on the floor be amended to delete the words “to create six building lots in the Residential Zone Two (R-2).”

On the question, Deputy Mayor Dan Keenan reminded all those present that the Terms and Conditions had been amended to specify the creation of 5 building lots.

Councillor Scott McConaghy concluded that this had been a long and frustrating experience for all those involved. Much had been learned, and the compromise to 5 building lots, from 6, seemed to be the best outcome for everyone.

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

The original motion, *as amended*, that the 8% public land dedication, in relation to a subdivision application by Edouard Gebrael for property located at 1530 Lincoln Road be taken in the form of cash was then put to the vote and declared CARRIED UNANIMOUSLY.

AGENDA ITEM 7.E. – DEFERRED FROM MAY 25, 2010 CITY COUNCIL MEETING (SUBDIVISION AT 1530 LINCOLN ROAD)

Agenda Item 7.E. – Deferred from May 25, 2010 City Council Meeting (Subdivision at 1530 Lincoln Road)

Moved by Deputy Mayor Dan Keenan, seconded by Councillor Scott McConaghy that the requirement for Development Services to provide a map regarding the location of the 8% public land dedication be withdrawn.

CARRIED UNANIMOUSLY

DOWNTOWN FREDERICTON ARTIST MARKET

Downtown Fredericton Artist Market

A request was received from Shasta Stairs for approval to hold a downtown artist market from July 1 to September 16, 2010.

Moved by Councillor Jordan Graham, seconded by Councillor Marilyn Kerton THAT City Council adopt the following resolution:

BE IT RESOLVED that approval be given to Downtown Fredericton Inc. to hold a Downtown Artist Market in Wilmot Alley on Thursday evenings (4:00 – 8:00 p.m.) starting on July 1 and ending on September 16, 2010.

CARRIED UNANIMOUSLY

ACADIAN DAY

Acadian Day

A request was received from Natalie Zicat for approval to hold a tintamarre on Sunday, August 15, 2010.

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

BE IT RESOLVED that approval be given to Centre Communautaire Sainte-Anne to hold a tintamarre (people parade procession) along downtown City sidewalks to City Hall for a flag raising ceremony to mark Fête des Acadiens on Sunday, August 15, 2010, beginning at 6:00 p.m., subject to police assistance.

CARRIED UNANIMOUSLY

BY-LAW REAFFIRMATIONS

By-law Re-affirmations

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

1. By-law No. Z-2.701 – 512 Woodstock Road (City of Fredericton)
2. By-law No. Z-2.702 – 247 Dundonald Street (El-Zayat Ventures Ltd.)
3. By-law No. Z-2.704 – Valcour Drive (Oakridge Manufacturing)
4. By-law No. Z-2.705 – 559-565 Union Street (J&G Holdings Ltd.)

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

ZONING AMENDMENT – 178 LINCOLN ROAD (NICOLE SMITH)

Zoning Amendment – 178 Lincoln Road (Nicole Smith)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Nicole Smith to amend the Residential Zone Two (R-2), in order to permit the establishment of a one-person aesthetics business at 178 Lincoln Road, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of June 16, 2010.

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

Resolution

Resolution

Moved by Councillor Scott McConaghy, seconded by Councillor Marilyn Kerton THAT WHEREAS, at the meeting of June 28, 2010, Council received a report of the Planning Advisory Committee recommending that By-law No. Z-2, A Zoning By-law for The City of Fredericton, be amended under the Residential Zone Two (R-2) in order to permit one-person aesthetics business on property located at 178 Lincoln Road, 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, July 26, 2010 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the consideration of objections/support to the proposed by-law.

CARRIED UNANIMOUSLY

Schedule “A” is attached to these Minutes as Appendix 1.

ZONING AMENDMENT – 14 COCHRANE STREET (ANN SHANNON-MAUBERT)

Zoning Amendment – 14 Cochrane Street (Ann Shannon-Maubert)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Ann Shannon-Maubert to amend the Residential Zone Two (R-2), in order to permit a home-based psychological counselling practice at 14 Cochrane Street, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of June 16, 2010.

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

Resolution

Resolution

Moved by Councillor Scott McConaghy, seconded by Councillor Eric Megarity THAT WHEREAS, at the meeting of June 28, 2010, Council received a report of the Planning Advisory Committee recommending that By-law No. Z-2, A Zoning By-law for The City of Fredericton, be amended under the Residential Zone Two (R-2) in order to permit a home-based psychological counselling practice at 14 Cochrane 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, July 26, 2010 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the consideration of objections/support to the proposed by-law.

CARRIED UNANIMOUSLY

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

ZONING AMENDMENT – 221 GEORGE STREET (FREDERICTON RESIDENTIAL YOUTH SERVICES)

Zoning Amendment – 221 George Street (Fredericton Residential Youth Services)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Fredericton Residential Youth Services to amend the Town Plat Zone Four (TP-4), in order to permit a group home within the duplex dwelling located at 221 George Street, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of June 16, 2010.

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

Resolution

Resolution

Moved by Councillor Marilyn Kerton, seconded by Councillor Stephen Kelly THAT WHEREAS, at the meeting of June 28, 2010, Council received a report of the Planning Advisory Committee recommending that By-law No. Z-2, A Zoning By-law for The City of Fredericton, be amended under the Town Plat Zone Four (TP-4) in order to permit a group home within a duplex dwelling on property located at 221 George 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, July 26, 2010 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the consideration of objections/support to the proposed by-law.

CARRIED UNANIMOUSLY

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

ZONING AMENDMENT – 567 WATERLOO ROW (CLAUDIA MORALES & ELSY HERNANDEZ)

Zoning Amendment – 567 Waterloo Row (Claudia Morales & Elsy Hernandez)

A report was received from the Planning Advisory Committee meeting of June 16, 2010, recommending *denial* of an application submitted by Claudia Morales and Elsy Hernandez to amend the Residential Zone Three (R-3), in order to permit a commercial day care at 567 Waterloo Row.

Moved by Councillor Marilyn Kerton, seconded by Councillor Jordan Graham THAT the report of the Planning Advisory Committee be received. CARRIED UNANIMOUSLY

Resolution

Resolution

Moved by Councillor Marilyn Kerton, seconded by Councillor Jordan Graham THAT WHEREAS, at the meeting of June 28, 2010, Council received a report of the Planning Advisory Committee recommending that By-law No. Z-2, A Zoning By-law for The City of Fredericton, be amended under the Town Plat Zone Four (TP-4) in order to permit a group home within a duplex dwelling on property located at 221 George 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, July 26, 2010 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the consideration of objections/support to the proposed by-law.

CARRIED UNANIMOUSLY

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

ZONING AMENDMENT – 732 CHARLOTTE STREET (SWEET BELGIAN DESIRE)

Zoning Amendment – 732
Charlotte Street (Sweet
Belgian Desire)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Sweet Belgian Desire to amend the terms and conditions in order to permit a restaurant in conjunction with the existing Charlotte Street Arts Centre located at 732 Charlotte Street, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of June 16, 2010.

Moved by Councillor Marilyn Kerton, seconded by Councillor Jordan Graham THAT the report of the Planning Advisory Committee be received, along with the recommended terms and conditions.

CARRIED UNANIMOUSLY

Resolution

Moved by Councillor Marilyn Kerton, seconded by Councillor Jordan Graham THAT WHEREAS, at the meeting of June 28, 2010, Council received a report of the Planning Advisory Committee recommending that By-law No. Z-2, A Zoning By-law for The City of Fredericton, be amended under the Institutional Zone (I) in order to permit a restaurant in conjunction with the existing Charlotte Street Arts Centre, located at 177 Argyle Street, 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-2.515, adopted by City Council on June 12, 2006, 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, July 26, 2010 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the consideration of objections/support to the proposed by-law.

CARRIED UNANIMOUSLY

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

REZONING – 48 BROWN BOULEVARD (PRS ENTERPRISES LTD.)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by PRS Enterprises Ltd. to rezone the property at 48 Brown Boulevard from Residential Zone Four (R-4) to Residential Zone Six (R-6), in order to permit a twelve (12) unit row dwelling development, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of June 16, 2010.

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

Resolution

Moved by Councillor Marilyn Kerton, seconded by Councillor Eric Megarity THAT WHEREAS, at the meeting of June 28, 2010, Council received a report of the Planning Advisory Committee that By-

Resolution

Rezoning – 48 Brown Boulevard (PRS Enterprises Ltd.)

Resolution

law No. Z-2, A Zoning By-law for The City of Fredericton, be amended by rezoning the property located at 48 Brown Boulevard from Residential Zone Four (R-4) to Residential Zone Six (R-6) in order to permit a 12-unit row dwelling development, 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, July 26, 2010 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the consideration of objections/support to the proposed by-law.

CARRIED UNANIMOUSLY

Schedule “A” is attached to these Minutes as **Appendix 6.**

REZONING, SUBDIVISION, AND PROPOSED STREET NAME – 195 BROOKSIDE DRIVE (DRC DEVELOPMENTS LTD.)

Rezoning, Subdivision, and Proposed Street Name – 195 Brookside Drive (DRC Developments Ltd.)

A report was received from the Planning Advisory Committee recommending approval of an application submitted DRC Developments Ltd., to rezone property at 195 Brookside Drive from Residential Zone Two (R-2) to Residential Zone Six (R-6) and Residential Zone Two-B (R-2B), for subdivision to create two Residential Zone Six (R-6) lots, eight Residential Zone Two (R-2) lots, and four Residential Zone Two-B (R-2B) lots, and for approval of the proposed street name, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of June 16, 2010.

Moved by Councillor David Kelly, seconded by Councillor Mike O’Brien THAT the report of the Planning Advisory Committee be received, along with the recommended terms and conditions. CARRIED UNANIMOUSLY

Resolution

Resolution

Moved by Councillor David Kelly, seconded by Councillor Mike O’Brien THAT WHEREAS, at the meeting of June 28, 2010, Council received a report of the Planning Advisory Committee recommending that By-law No. Z-2, A Zoning By-law for The City of Fredericton, be amended under the Institutional Zone (I) in order to permit a restaurant in conjunction with the existing Charlotte Street Arts Centre, located at 177 Argyle Street, 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-2.515, adopted by City Council on June 12, 2006, 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, July 26, 2010 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the consideration of objections/support to the proposed by-law.

CARRIED UNANIMOUSLY

Schedule “A” is attached to these Minutes as Appendix 7.

AMENDMENT TO TERMS AND CONDITIONS – 184 MAIN STREET (MAIN STREET AUTO GLASS)

Amendment to Terms and Conditions – 184 Main Street (Main Street Auto Glass)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Main Street Auto Glass to amend the terms and conditions a) and b) of By-law Z-2.516, in order to permit the sale of a maximum of three trailers on property located at 184 Main Street, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of June 16, 2010.

Moved by Councillor David Kelly, seconded by Councillor Eric Megarity THAT the report of the Planning Advisory Committee 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 City Council meeting of June 28, 2010, Council received a report of the Planning Advisory Committee recommending that terms and conditions set out in Schedule “A” and adopted by Council at its meeting June 12, 2006, pertaining to By-law Z-2.516, imposed on property located at 184 Main Street, be repealed and replaced with new terms and conditions, as outlined in Schedule “B” attached hereto and forming part of this resolution, in order to permit the sale of trailers;

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

BE IT RESOLVED that public notice of the proposed change in the terms and conditions be given in accordance with Section 68 of the *Community Planning Act* and that the regular meeting of the Council on Monday, July 26, 2010 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the consideration of objections/support to the proposed change in the said terms and conditions.

CARRIED UNANIMOUSLY

Schedules “A” and “B” are attached to these Minutes as **Appendix 8**.

SUBDIVISION – 170 GILL STREET (CITY OF FREDERICTON)

Subdivision – 170 Gill Street
(City of Fredericton)

The Planning Advisory Committee, at its meeting held on June 16, 2010 considered a recommendation from staff, in relation to an application by the City of Fredericton, to subdivide property located at 170 Gill Street in order to create one (1) residential building, and recommended the 8% public land dedication be taken in the form of cash.

Moved by Councillor David Kelly, seconded by Councillor Eric Megarity THAT the 8% public land dedication, in relation to a subdivision application by the City of Fredericton, to create one (1) residential building lot for property located at 170 Gill Street, be taken in the form of cash. CARRIED UNANIMOUSLY

SUBDIVISION – 875 KIMBLE DRIVE (COLPITTS DEVELOPMENTS)

Subdivision – 875 Kimble
Drive (Colpitts
Developments)

The Planning Advisory Committee, at its meeting held on June 16, 2010 considered a recommendation from staff, in relation to an application by Colpitts Developments, to subdivide property located at 875 Kimble Drive in order to create seventy-seven (77) R-6 townhouse lots, and recommended the 8% public land dedication be taken in the form of cash.

Moved by Councillor Jordan Graham, seconded by Councillor Scott McConaghy THAT the 8% public land dedication, in relation to a subdivision application by Colpitts Developments to create seventy-seven (77) R-6 townhouse lots at 875 Kimble Drive, be taken in the form of cash. CARRIED UNANIMOUSLY

SUBDIVISION – 642 UNION STREET (KILEEL DEVELOPMENTS)

Subdivision – 642 Union Street (Kileel Developments)

The Planning Advisory Committee, at its meeting held on June 16, 2010, considered a recommendation from staff, in relation to an application by Kileel Developments, to subdivide property located at 642 Union Street in order to create one (1) building lot in the Residential Zone Eight (R-8), and recommended the 8% public land dedication be taken in the form of cash.

Moved by Councillor Jordan Graham, seconded by Councillor Mike O’Brien THAT the 8% public land dedication, in relation to a subdivision application by Kileel Developments to create one (1) Residential Zone Eight (R-8) building lot at 642 Union Street, be taken in the form of cash. CARRIED UNANIMOUSLY

SUBDIVISION – 700 CLIFFE STREET (ABC DEVELOPMENT)

Subdivision – 700 Cliffe Street (ABC Development)

The Planning Advisory Committee, at its meeting held on June 16, 2010, considered a recommendation from staff, in relation to an application by ABC Development, to subdivide property located at 700 Cliffe Street in order to create one (1) building lot in the Residential Zone Nine-A (R-9A), and recommended the 8% public land dedication be taken in the form of cash.

Moved by Councillor Jordan Graham, seconded by Councillor Mike O’Brien THAT the 8% public land dedication, in relation to a subdivision application by ABC Development to create one (1) Residential Zone Nine-A (R-9A) building lot at 700 Cliffe Street, be taken in the form of cash. CARRIED UNANIMOUSLY

SUBDIVISION – 360 HANWELL ROAD (JOHN WELLING)

Subdivision – 360 Hanwell Road (John Welling)

The Planning Advisory Committee, at its meeting held on June 16, 2010, considered a recommendation from staff, in relation to an application by John Welling, to subdivide property located at 360 Hanwell Road in order to create one (1) building lot in the Residential Zone Two (R-2), and recommended the 8% public land dedication be taken in the form of cash.

Moved by Councillor Jordan Graham, seconded by Councillor David Kelly THAT the 8% public land dedication, in relation to a subdivision application by John Welling to create one (1) Residential Zone Two (R-2) building lot for property located at 360 Hanwell Road, be taken in the form of cash. CARRIED UNANIMOUSLY

SUBDIVISION – 18 BIRCH CRESCENT (TIMOTHY DURLING)

Subdivision – 18 Birch Crescent (Timothy Durling)

The Planning Advisory Committee, at its meeting held on June 16, 2010, considered a recommendation from staff, in relation to an application by Timothy Durling to subdivide property located at 18 Birch Crescent in order to create one (1) building lot in the Residential Zone Two (R-2), and recommended the 8% public land dedication be taken in the form of cash.

Moved by Councillor Jordan Graham, seconded by Councillor Scott McConaghy THAT the 8% public land dedication, in relation to a subdivision application by Timothy Durling to create one (1) building lot in the Residential Zone Two (R-2) for property located at 18 Birch Crescent, be taken in the form of cash. CARRIED UNANIMOUSLY

PROPOSED STREET NAME – HILLSIDE LANE (COLPITTS DEVELOPMENT)

Proposed Street Name – Hillside Lane (Colpitts Development)

A report was received from the Planning Advisory Committee meeting of June 16, 2010, recommending approval of a request by Colpitts Development that the street to be constructed as part of the development on property located off Prospect Street be named “*Hillside Lane.*”

Moved by Councillor Jordan Graham, seconded by Councillor Stephen Chase THAT the report of the Planning Advisory Committee be adopted; AND THAT the street name “*Hillside Lane*” be approved. CARRIED UNANIMOUSLY

PROPOSED STREET NAME – ASTRID WAY (1695 WOODSTOCK ROAD)

Proposed Street Name – Astrid Way (1695 Woodstock Road)

A report was received from the Planning Advisory Committee meeting of June 16, 2010, recommending approval of a request by Tim Tompkins that the street being constructed as part of the development on property located at 1695 Woodstock Road be named “*Astrid Way.*”

Moved by Councillor Jordan Graham, seconded by Councillor Stephen Chase THAT the report of the Planning Advisory Committee be adopted; AND THAT the street name “*Astrid Way*” be approved. CARRIED UNANIMOUSLY

REPORTS OF COUNCIL-IN-COMMITTEE

Reports of Council-in-Committee

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

BELL MOBILITY INC. LICENSE AGREEMENT – CONVENTION CENTRE

Bell Mobility Inc. License Agreement – Convention Centre

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

BE IT RESOLVED that the Council of the City of Fredericton approves the Wireless in Building Solutions License Agreement between Bell Mobility Inc. and The City of Fredericton, for the installation of a cell phone repeater system in the Convention Centre, for a term of five (5) years commencing on June 1, 2010 and ending on May 31, 2015; the license agreement shall automatically renew for five (5) additional terms of five (5) years each upon the same terms and conditions; and

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

CARRIED UNANIMOUSLY

OPERATING LINE OF CREDIT AGREEMENT – THE BANK OF NOVA SCOTIA AND THE CITY OF FREDERICTON

Operating Line of Credit Agreement – The Bank of Nova Scotia and The City of Fredericton

Moved by Deputy Mayor Dan Keenan, seconded by Councillor Mike O’Brien THAT City Council adopt the following resolution:

BE IT RESOLVED that City Council approve the amount of \$3,726,000 as the general fund operating line of credit for 2010 as per the *Municipalities Act* and banking services agreement.

CARRIED UNANIMOUSLY

PROPOSED LEASE ASSIGNMENT – 809 DEVON AVENUE

Proposed Lease Assignment – 809 Devon Avenue

Moved by Deputy Mayor Dan Keenan, 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 Assignment of Lease for a portion of City-owned right-of-way with 667760 N.B. Inc. to 651167 NB INC., as well as to renew the lease for another three-year term ending January 31, 2014 at an annual rate of \$625.00 for the purpose of continuing the operation of the existing business “Joe’s Diner”, 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

CONTRACT OF EMPLOYMENT EXTENSION

Contract of Employment
Extension

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

BE IT RESOLVED that the Council of the City of Fredericton approve a three-year extension of Barry MacKnight’s contract of employment as Chief of Police for the City of Fredericton; THAT the City Administrator be authorized to finalize the details of the extension; AND THAT the Mayor and City Clerk be authorized to execute the contract on behalf of the City; AND

BE IT FURTHER RESOLVED that the Council of the City of Fredericton hereby reappoints Police Chief Barry MacKnight to the position of Chief of Police for the Fredericton Police Force, City of Fredericton, pursuant to Section 11(1)(a) of the *Police Act*, effective July 25, 2010 for a three-year period.

On the question, Councillor Scott McConaghy, in his capacity as former Chair of the Public Safety and Environment Committee, expressed his support for the contract extension, adding that the Police Chief represented the City very well.

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

BOARD OF ADMINISTRATORS, FREDERICTON SUPERANNUATION FUND

Board of Administrators,
Fredericton Superannuation
Fund

“At a meeting of the Board of Administrators, Fredericton Superannuation Fund, held on June 16, 2010, the Board received and approved the following requests for retirement:

- Frank Paul retired on June 1, 2010 after completion of 25.8 years of service (25.3 years of credited service) with the Police Department.

Moved by Councillor Mike O’Brien, seconded by Deputy Mayor Dan Keenan THAT the report of the Board of Administrators, Fredericton Superannuation Fund, be received for information purposes. **CARRIED UNANIMOUSLY**

APPOINTMENT OF BOARD MEMBERS TO THE BOARD OF ADMINISTRATORS OF THE SUPERANNUATION PLAN FOR THE EMPLOYEES OF THE CITY OF FREDERICTON

Appointment of Board Members to the Board of Administrators of the Superannuation Plan for the Employees of the City of Fredericton

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 approve the following members to the Board of Administration of the Superannuation Plan for the employees of the City of Fredericton:

COUNCIL REPRESENTATIVES

- Coun. Mike O'Brien, Chairman
- Coun. Tony Whalen, Vice Chairman
- Coun. Scott McConaghy
- Coun. Bruce Grandy
- Coun. Marilyn Kerton

EMPLOYEE REPRESENTATIVES

- Louis Gibson
- Martin Gaudet
- Felix McCarthy
- Doug LeBlanc

PENSIONER REPRESENTATIVE

- Roland Nason

INVITED OBSERVERS

- Owen Keetch - Engineering & Public Works
- Don Barry – Transit Division
- Dan Harvey – Fredericton Area Pollution Control Commission
- Brett McCrea – Fredericton Region Solid Waste Commission

CARRIED UNANIMOUSLY

WATER AND SANITARY SEWAGE SERVICES COMPREHENSIVE FUNDING AGREEMENT – CITY OF FREDERICTON & DEVON INDIAN RESERVE

Water and Sanitary Sewage Services Comprehensive Funding Agreement – City of Fredericton & Devon Indian Reserve

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

BE IT RESOLVED that City Council authorize the Mayor and City Clerk to execute the Comprehensive Funding Agreement between Her Majesty The Queen In Right Of Canada, as

represented by the Minister of Indian Affairs and Northern Development, and The City of Fredericton, regarding the provision of water and sanitary sewage services to residents of the Devon Indian Reserve No. 30 for a one-year period commencing April 1, 2010 and expiring March 31, 2011, in the amount of \$195,000.

CARRIED UNANIMOUSLY

RESCIND APPOINTMENT OF DIRECTOR OF FINANCE/CITY TREASURER

Rescind Appointment of Director of Finance/City Treasurer

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

BE IT RESOLVED that the Council of the City of Fredericton hereby rescinds the appointment of M. Marven Grant as City Treasurer, which was made pursuant to Section 74(2) of the *Municipalities Act*, effective July 1, 2010.

CARRIED UNANIMOUSLY

PUBLIC HEARING – REZONING – 512 WOODSTOCK ROAD (CITY OF FREDERICTON)

Public Hearing – Rezoning – 512 Woodstock Road (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 Zoning By-law (Z-2) by rezoning property located at 512 Woodstock Road from Residential Zone One (R-1) to Open Space Zone (O.S.).

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-2.701

Moved by Councillor Stephen Kelly, seconded by Councillor Stephen Chase 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 first reading by title. **CARRIED UNANIMOUSLY**

By-law No. Z-2.701 Given First Reading

Moved by Councillor Stephen Kelly, seconded by Councillor Stephen Chase 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 second reading by title. **CARRIED UNANIMOUSLY**

By-law No. Z-2.701 Given Second Reading

**PUBLIC HEARING – ZONING AMENDMENT – 247
DUNDONALD STREET (EL-ZAYAT VENTURES LTD.)**

Public Hearing – Zoning
Amendment – 247
Dundonald Street (El-Zayat
Ventures Ltd.)

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 Town Plat Zone Three-A (TP-3A), in order to permit a four (4) unit apartment building at 247 Dundonald 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-2.702

Moved by Councillor Jordan Graham, seconded by Councillor Scott McConaghy 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 first reading by title. CARRIED UNANIMOUSLY

By-law No. Z-2.702 Given
First Reading

Moved by Councillor Jordan Graham, seconded by Councillor Scott McConaghy 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 second reading by title. CARRIED UNANIMOUSLY

By-law No. Z-2.702 Given
Second Reading

**PUBLIC HEARING – REZONING, SUBDIVISION AND
STREET NAME APPROVAL – VALCOUR DRIVE (OAK
RIDGE MANUFACTURING)**

Public Hearing – Rezoning,
Subdivision and Street Name
Approval – Valcour Drive
(Oak Ridge Manufacturing)

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 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, 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-2.704

Moved by Councillor Tony Whalen, seconded by Councillor Marilyn Kerton 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 first reading by title. CARRIED UNANIMOUSLY

By-law No. Z-2.704 Given
First Reading

Moved by Councillor Tony Whalen, seconded by Councillor Marilyn Kerton 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 second reading by title. CARRIED UNANIMOUSLY

By-law No. Z-2.704 Given
Second Reading

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

PUBLIC HEARING – REZONING – 559-565 UNION STREET (J&G HOLDINGS)

Public Hearing – Rezoning – 559-565 Union Street (J&G Holdings)

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 559-565 Union Street from Residential Zone Six (R-6) to Residential Zone Five (R-5), 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-2.705

Moved by Councillor Eric Megarity, seconded by Councillor Mike O’Brien 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 first reading by title. CARRIED UNANIMOUSLY

By-law No. Z-2.705 Given First Reading

Moved by Councillor Eric Megarity, seconded by Councillor Mike O’Brien 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 second reading by title. CARRIED UNANIMOUSLY

By-law No. Z-2.705 Given Second Reading

PUBLIC HEARING – TEMPORARILY STOP-UP AND CLOSE A PORTION OF KING STREET (STREET CLOSURE – TARGET POLICING, FREDERICTON POLICE FORCE)

Public Hearing – Temporarily Stop-up and Close a Portion of King Street (Street Closure – Target Policing, Fredericton Police Force)

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to close King Street, between York Street and Westmorland Street, each Friday and Saturday evening from 11:00 p.m. to 4:00 a.m., commencing Friday, July 2, 2010, and concluding on Sunday, July 25, 2010 at 4:00 a.m.

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-11.44

Moved by Councillor Scott McConaghy, seconded by Councillor Jordan Graham THAT By-law No. L-11.44, A By-law to Temporarily Stop-up and Close a Portion of King Street, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. L-11.44 Given First Reading

Moved by Councillor Scott McConaghy, seconded by Councillor Jordan Graham THAT By-law No. L-11.44, A By-law to Temporarily Stop-up and Close a Portion of King Street, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. L-11.44 Given Second Reading

RESOLUTION TO DECLARE THAT AN EMERGENCY EXISTS JUSTIFYING THIRD READING

Resolution to Declare that an Emergency Exists Justifying Third Reading

Moved by Councillor Scott McConaghy, seconded by Councillor Jordan Graham THAT Council declares an emergency exists that requires the Council to proceed immediately to Third Reading of By-law No. L-11.44, A By-law to Temporarily Stop-up and Close a Portion of King Street. CARRIED UNANIMOUSLY

Third Reading of By-law No. L-11.44

Moved by Councillor Stephen Chase, seconded by Councillor Tony Whalen THAT By-law No. L-11.44, A By-law to Temporarily Stop-up and Close a Portion of King Street, be read in its entirety. CARRIED UNANIMOUSLY

By-law No. L-11.44 Read in its Entirety

By-law No. L-11.44 was read in its entirety and is attached to these Minutes as Appendix 9.

Moved by Councillor Stephen Chase, seconded by Councillor Tony Whalen THAT By-law No. L-11.44, A By-law to Temporarily Stop-up and Close a Portion of King Street, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. L-11.44 Given Third Reading

AMENDMENT TO BY-LAW NO. A-5, A BY-LAW TO CONTINUE THE SUPERANNUATION PLAN FOR EMPLOYEES OF THE CITY OF FREDERICTON – MEMBER CONTRIBUTIONS; POLICE

Amendment to By-law No. A-5, A By-law to Continue the Superannuation Plan for Employees of the City of Fredericton – Member Contributions; Police

Third Reading of By-law No. A-5.6

Moved by Councillor Tony Whalen, seconded by Councillor Marilyn Kerton THAT By-law No. A-5.6, A By-law to Continue the Superannuation Plan for Employees of the City of Fredericton, be read in its entirety. CARRIED UNANIMOUSLY

By-law No. A-5.6 Read in its Entirety

By-law No. A-5.6 was read in its entirety and is attached to these Minutes as Appendix 10.

Moved by Councillor Tony Whalen, seconded by Councillor Marilyn Kerton THAT By-law No. A-5.6, A By-law to Continue the Superannuation Plan for Employees of the City of Fredericton, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. A-5.6 Given Third Reading

AMENDMENT TO BY-LAW NO. T-1, A BY-LAW TO REGULATE TRAFFIC – PARKING RESTRICTIONS ON PARKSIDE DRIVE

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

Third Reading of By-law No. T-1.41

Moved by Councillor Stephen Chase, seconded by Councillor Eric Megarity THAT By-law No. T-1.41 A By-law to Regulate Traffic, be read by section number pursuant to Sections 11.1 (1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. T-1.41 Read by Section Number

By-law No. T-1.41 was read by section number and is attached to these Minutes as **Appendix 11**.

Moved by Councillor Stephen Chase, seconded by Councillor Eric Megarity THAT By-law T-1.41 A By-law to Regulate Traffic, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. T-1.41 Given Third Reading

COUNCILLORS EXCUSED

Councillors Excused

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

ADJOURNMENT

Adjournment

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

The meeting adjourned at 8:40 p.m.

Recording Secretary : Sophia Sheridan

(Sgd.) Brad Woodside

Brad Woodside,
Mayor

(Sgd.) Brenda L. Knight

Brenda L. Knight,
City Clerk