

# MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

TUESDAY, MAY 25, 2010

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Minutes of the Regular Meeting of Fredericton City Council held on Tuesday, May 25, 2010 at 7:36 p.m. in the Council Chamber, City Hall, Fredericton.

## ATTENDANCE

Attendance

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

Also in attendance:

Melanie D. MacDonald, Assistant 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  
Jane Blakely, Director of Corporate Services  
Tina Tapley, Director of Finance/City Treasurer, Acting  
Alex Forbes, Assistant Director of Development Services  
Paul Murray, Deputy Fire Chief  
Michelle Brzak, City Solicitor  
Sean Lee, Manager, Engineering Services  
Wayne Knorr, Manager, Corporate Communications

## MAYOR'S REMARKS – KEVIN RICKARD

His Worship Mayor Brad Woodside took a few moments to reflect on the passing of Kevin Rickard, who had recently lost his long battle with cancer.

Mr. Rickard had served as Chairman of the City's Planning Advisory Committee. He would be sorely missed by all those who knew him.

## PRAYER

Prayer

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

**PROCLAMATIONS**

Proclamations

Mayor Brad Woodside read the following proclamations:

**JUMPSTART DAY**

Jumpstart Day

**WHEREAS:** One in three Canadian families cannot afford to involve their children in sport or recreational activities; and

**WHEREAS:** Jumpstart believes all kids should have the chance to run, skate, play, grow and participate in organized sports and recreation such as hockey, dance, swimming, and basketball so they can develop important life skills, self esteem, and confidence; and

**WHEREAS:** Canadian Tire Jumpstart helps kids in financial need participate in organized sport and recreation and has helped more than 216,000 kids participate in organized physical activities; and

**WHEREAS:** Jumpstart Day is a day dedicated to raising awareness across Canada so all kids can play.

**THEREFORE:** I, Brad Woodside, Mayor of Fredericton, do hereby proclaim **May 29, 2010** as “**Jumpstart Day**” to give kids a sporting chance.

**DISABILITY AWARENESS WEEK**

Disability Awareness Week

**WHEREAS:** The municipality of the City of Fredericton is committed to assisting citizens with disabilities to participate fully in the resources of our community; and

**WHEREAS:** Many persons living with disabilities face barriers in the areas of employment, access to information, transportation, housing, education, recreation, and other disability-related supports; and

**WHEREAS:** We believe that more citizens with disabilities should have the chance to access appropriate disability related supports to improve their opportunities in New Brunswick; and

**WHEREAS:** We support the theme “Disability Awareness – Yes we can!”

**THEREFORE:** I, Brad Woodside, Mayor of the City of Fredericton, do hereby request the citizens of Fredericton to join with our Council in recognizing persons with disabilities and their potential role in our community by the observance of **Disability Awareness Week, May 30<sup>th</sup> to June 5<sup>th</sup>, 2010.**

**EPSILON GOLDEN GAMES WEEK**

Epsilon Golden Games Week

**WHEREAS:** The municipality of the City of Fredericton’s social goal is: Every individual has opportunities to develop a sound body and mind through a balanced lifestyle; and

**WHEREAS:** It is the Community Services Department’s mandate through the Recreation Division to fulfill this goal; and

**WHEREAS:** The Epsilon Y’s Men’s Club and the Province of New Brunswick Sport and Culture Secretariat share this goal; and

**WHEREAS:** The Epsilon Golden Games encourages fun, friendship and fellowship within the senior community; and

**WHEREAS:** Seniors make up a vital and vibrant part of our community.

**THEREFORE:** I, Brad Woodside, Mayor of the City of Fredericton, do hereby request the citizens of Fredericton to join with our Council in celebrating the 22<sup>nd</sup> Annual Golden Games by declaring **June 7-11, 2010, Epsilon Golden Games Week.**

**LOVE FREDERICTON**

Love Fredericton

**WHEREAS:** The churches in the greater Fredericton area desire to show their love to the citizens of Fredericton freely through acts of kindness; and

**WHEREAS:** God so loved the world that He freely gave His only son, Jesus, the Fredericton area churches also want to show their love in a practical way by freely giving; and

**WHEREAS:** We desire to show the unity of the Fredericton area churches as we work together to achieve a common goal; and

**WHEREAS:** The volunteers of Love Fredericton will be wearing their hearts, not on their sleeves, but on the back of their T-shirts, as they commit free acts of kindness all across the City, no strings attached, on June 12<sup>th</sup>, 2010.

**THEREFORE:** I, Brad Woodside, Mayor of the City of Fredericton, do hereby proclaim **June 11-12, 2010** as **Love Fredericton** weekend.

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

Subdivision – 1530 Lincoln Road (Edouard Gebrael)

The Planning Advisory Committee, at its meeting held on May 19, 2010, considered a recommendation from staff, in relation to an application by Edouard Gebrael to subdivide property located at 1530 Lincoln Road to create six (6) building lots in the Residential Zone Two (R-2).

**Moved by Councillor Marilyn Kerton, seconded by Councillor David Kelly 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.**

Prior to the vote, Mayor Brad Woodside noted that although it was not the norm for members of the public to address Council on such matters, he would allow those who were present at the meeting to express their concerns, but cautioned that comments should focus on the issue of the 8% public land dedication.

**Mr. Jamie Morrison Addressed Council**

Mr. Jamie Morrison Addressed Council

Mr. Jamie Morrison, Lincoln area representative, expressed frustration at the short notice given to area residents on the proposed subdivision, thereby preventing them sufficient time in which to prepare for the Planning Advisory Committee. A request to postpone the matter had been denied by the Committee.

Mr. Morrison noted that the application initially proposed by Mr. Gebrael had been denied by Council due to safety concerns, and added that reducing the proposed number of lots from seven to six would not eliminate the concerns of local area residents.

Mr. Morrison requested that City Staff do the following:

- Conduct a traffic impact study
- Review security issues
- Verify the number of accidents in the area
- Research historical information
- Investigate the needs of the neighbourhood

Mr. Morrison also questioned how a 1979 Residential Two Zone (R-2) plan could be accurately used as the basis for approving or denying a subdivision application in 2010, without regard for current streets and intersections, highways, traffic volumes, and land elevations.

Mr. Morrison requested that City Council defer the matter to allow area residents sufficient time to prepare a more thorough presentation for Council.

Mayor Woodside concurred that this had been a confusing issue; however, he cautioned that at this point in time the only issue being considered by Council was the matter of the 8% public land dedication.

Safety concerns had been previously expressed by area residents at Planning Advisory Committee and City Council meetings. A deferment of the matter would not change what would come before City Council for consideration.

*On the question*, Councillor Mike O’Brien commented that he would be voting in support of the motion; however, he also noted that the *Community Planning Act* was in need of a review. He was hopeful that New Brunswick municipalities would work together to address the particular sections of the Act that were unclear.

For clarification, Alex Forbes, Director of Development Services, noted that the process for approving a subdivision is detailed in the *Community Planning Act*, through which a degree of authority is granted to the Development Officer. As long as conditions specified in the Act are met, a subdivision would be approved. The only entity able to rule definitively on the matter is the Provincial Planning Appeal Board.

Councillor Marilyn Kerton indicated that she would not be voting in support of the motion due to the fact that she felt the City should take the 8% public land dedication in the form of land.

It was noted, however, that should the 8% dedication be taken in the form of land the number of lots on the property could decrease from six to five.

**The original motion was then put to the vote and declared DEFEATED; Deputy Mayor Bruce Grandy, Councillor Stephen Chase, Councillor Dan Keenan, Councillor Marilyn Kerton, Councillor David Kelly, Councillor Jordan Graham, and Councillor Steven Hicks voting “nay”.**

**Moved by Councillor Jordan Graham, seconded by Councillor Marilyn Kerton 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 as land.**

*On the question*, Mr. Forbes advised it would not be possible for Staff to determine the parcel of land without proper mapping.

**Motion to Defer Land Dedication**

**Moved by Councillor Jordan Graham, seconded by Councillor Marilyn Kerton THAT in the absence of mapping, the matter of**

Motion to Defer Land Dedication

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 *deferred* to the June 14, 2010, City Council meeting.

The *amended* motion was then put to the vote and declared **CARRIED ON DIVISION**; Councillor Tony Whalen voting “nay”.

**LEASE – YORK LIBRARY REGION**

Lease – York Library Region

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

**BE IT RESOLVED** that the Council of the City of Fredericton provide notice before June 30, 2010 to terminate the Lease between The City of Fredericton and Province of New Brunswick for premises located at 4-12 Carleton Street (York Library Region) at its expiry on December 31, 2010. **CARRIED UNANIMOUSLY**

**DEPUTY MAYOR BRUCE GRANDY ASSUMED THE CHAIR**

Deputy Mayor Bruce Grandy Assumed the Chair

By Order of His Worship Mayor Brad Woodside, and concurrence of Council, Deputy Mayor Bruce Grandy assumed the Chair at 8:19 p.m.

Mayor Brad Woodside retired from the Chamber.

**MS WALK**

MS Walk

A request was received from Vanessa Linehan for approval to hold the annual MS Walk on May 30, 2010.

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

**BE IT RESOLVED** that approval be given to the Multiple Sclerosis Society of Canada to hold their annual MS Walk on Sunday, May 30, 2010, subject to conditions outlined by staff.

**CARRIED UNANIMOUSLY**

**HUNGER AWARENESS DAY**

Hunger Awareness Day

A request was received from Chris Fougere for approval to hold Hunger Awareness Day in Officers' Square on June 1, 2010.

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

**BE IT RESOLVED that the Special Event Report in relation to Hunger Awareness Day be received.**

**CARRIED UNANIMOUSLY**

**MARYSVILLE DAYS**

Marysville Days

A request was received from Bev Sharpe for approval to hold Marysville Days from June 11 to 13, 2010.

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

**BE IT RESOLVED THAT approval be given to the Marysville Days Committee to hold Marysville Days from June 11 – 13, 2010, subject to staff recommendations.**

**CARRIED UNANIMOUSLY**

**NATIONAL PUBLIC SERVICE WEEK**

National Public Service Week

A request was received from Laura Bulmer for approval to hold a closing ceremony in Officers' Square on June 18, 2010.

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

**BE IT RESOLVED THAT the Special Event Report in relation to National Public Service Week (June 14 – 18, 2010) be received.**

**CARRIED UNANIMOUSLY**

**NATIONAL ABORIGINAL DAY CELEBRATION**

National Aboriginal Day  
Celebration

A request was received from Tamara Polchies for approval

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

**BE IT RESOLVED THAT the Special Event Report in relation to National Aboriginal Day Celebration be received.**

**CARRIED UNANIMOUSLY**

**HEEL 'N WHEEL-A-THON**

Heel 'N Wheel-A-Thon

A request was received from Caroline Poirier for approval to hold the Heel 'N Wheel-A-Thon on Sunday, June 20, 2010.

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

**BE IT RESOLVED that approval be given to the Fredericton Chapter of the Crohn's and Colitis Foundation of Canada to hold their Heel 'N Wheel-A-Thon on Sunday, June 20, 2010 from 12 noon to 4:30 p.m.**

**CARRIED UNANIMOUSLY**

**BARD IN THE BARRACKS: MACBETH, ODELL PARK**

Bard in the Barracks:  
MacBeth, Odell Park

A request was received from Len Falkenstein for approval to hold evening performances of 'MacBeth' in Odell Park from June 23 to July 3, 2010.

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

**BE IT RESOLVED that approval be given to Bard in the Barracks to hold evening performances of Shakespeare's play 'MacBeth' in Odell Park from Wednesday, June 23 to Saturday, July 3, 2010 (7:30 to 10:00 p.m.);**

**AND BE IT FURTHER RESOLVED that an exemption be granted to Bard in the Barracks organizers from Section 4 (1) of By-Law L-8, A By-Law Respecting Parklands and Recreation areas, subject to staff recommendations.**

**CARRIED UNANIMOUSLY**

**MILITARY EXERCISE**

Military Exercise

A request was received from Captain S. J. Reynolds to hold a Military Exercise on Friday, July 23, 2010.

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

**BE IT RESOLVED THAT approval be given to the Infantry School, CTC - CFB Gagetown to hold their Military Exercise Training in the Queen Street/Officers' Square area of downtown Fredericton during the hours of 9:00 a.m. and 4:00 p.m. on Friday, July 23, 2010; AND THAT the Mayor and City Clerk be authorized to execute the document entitled 'Right of Use'.**

**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-2.698 – 1012 Prospect Street (Hill Bros. Realty)
2. By-law No. Z-2.699 – 205 McAdam Avenue (City of Fredericton)

**Moved by Councillor Marilyn Kerton, seconded by Councillor Steven Hicks THAT the report of the Planning Advisory Committee be received. CARRIED UNANIMOUSLY**

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

Rezoning – 512 Woodstock Road (City of Fredericton)

A report was received from the Planning Advisory Committee at their meeting of May 19, 2010, recommending approval of an application submitted by Calvin Thompson, on behalf of the City of Fredericton, to rezone property located at 512 Woodstock Road from Residential Zone One (R-1) to Open Space Zone (O.S.).

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

**Resolution**

Resolution

**Moved by Councillor David Kelly, seconded by Councillor Dan Keenan THAT WHEREAS, at the meeting of May 25, 2010, Council**

received a report of the Planning Advisory Committee that By-law No. Z-2, A Zoning By-law for The City of Fredericton, be amended by rezoning the property located at 512 Woodstock Road from Residential Zone One (R-1) to Open Space Zone (O.S.), 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, June 28, 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**.

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

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

A report was received from the Planning Advisory Committee recommending approval of an application submitted by George Youseff, on behalf of J&G Holdings Ltd., 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 adopted by the Planning Advisory Committee at their meeting of May 19, 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; AND THAT By-law No. Z-2.574 and associated terms and conditions be repealed.**

**CARRIED UNANIMOUSLY**

**Resolution**

Resolution

**Moved by Councillor David Kelly, seconded by Councillor Eric Megarity THAT WHEREAS, at the meeting of May 25, 2010, Council received a report of the Planning Advisory Committee that By-law No. Z-2, A Zoning By-law for The City of Fredericton, be amended by rezoning the property located at 559-565 Union Street from Residential Zone Six (R-6) to Residential Zone Five (R-5) in order to permit the construction of a 5-unit townhouse development, 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-2.574, adopted by City Council on July 9, 2007, 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, June 28, 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.

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

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

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Oak Ridge Manufacturing Inc. to rezone property located off an extension of Valcour Drive from Service Industrial Zone (S.I.) to Highway Commercial Zone (H.C.), subdivision to create four (4) commercial building lots, and for approval of the street name “Ashton Court,” subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of May 19, 2010.

**Moved by Councillor Steven Hicks, seconded by Councillor David 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 Steven Hicks, seconded by Councillor David Kelly THAT WHEREAS**, at the meeting of May 25, 2010, 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 an extension of Valcour Drive from Service Industrial Zone (S.I.) to Highway Commercial Zone (H.C.), 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, June 28, 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.

*(Councillor Dan Keenan was absent from the Council Chamber when the vote was taken.)*

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

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

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

A report was received from the Planning Advisory Committee recommending approval of an application submitted by El-Zayat Ventures Ltd., to amend 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 adopted by the Planning Advisory Committee at their meeting of May 19, 2010.

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

*(Councillor Dan Keenan was absent from the Council Chamber when the vote was taken.)*

**Resolution**

Resolution

**Moved by Councillor Steven Hicks, seconded by Councillor Stephen Kelly THAT WHEREAS**, at the meeting of May 25, 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 Three-A (TP-3A) in order to permit a four-unit apartment building on property located at 247 Dundonald 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-2.593, adopted by City Council on November 26, 2007, 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, June 28, 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.**

*(Councillor Dan Keenan was absent from the Council Chamber when the vote was taken.)*

**MAYOR BRAD WOODSIDE ASSUMED CHAIR**

His Worship Mayor Brad Woodside returned to the Council Chamber at 8:34 p.m.

Mayor Brad Woodside  
Returned to the Council  
Chamber

**SUBDIVISION – 195 DOAK ROAD (CALDWELL & ROSS LTD.)**

Subdivision – 195 Doak  
Road (Caldwell & Ross  
Ltd.)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Caldwell and Ross Ltd., for subdivision to create ten (10) new Industrial Park (I.P.) building lots at 195 Doak Road, subject to the following terms and conditions:

- a) A final plan of subdivision be submitted substantially in accordance with Map III attached to Planning Report 55/10 and to the satisfaction of the Development Officer.
- b) Access, municipal servicing, road construction including temporary turn-around, lot grading and storm water management plans (for full build out), detailed design for water pressure zones including future build out, all to the satisfaction of the Director of Engineering and Public Works.
- c) Infrastructure fees apply for connection to high pressure system.
- d) All necessary municipal service easements, public utility easements and right-of-ways shall be granted gratuitously to the satisfaction of the Director of Engineering and Public Works.
- e) No driveway access to Allison Boulevard will be permitted.
- f) The public land dedication be taken in the form of cash.

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

**CARRIED UNANIMOUSLY**

*(Councillor Dan Keenan was absent from the Council Chamber when the vote was taken.)*

**SUBDIVISION – 426-428 & 430 CANADA STREET (EARL ROBINSON)**

Subdivision – 426-428 & 430 Canada Street (Earl Robinson)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Earl Robinson, on behalf of Marius Demonye, for subdivision in order to adjust lot lines on property located at 426-428 and 430 Canada Street, subject to the following terms and conditions:

- a) The final plan of subdivision be substantially in accordance with Map III attached to Planning Report 62/10.
- b) Municipal Servicing Easement (MSE) be granted gratuitously to the City of Fredericton (Map IV) and shown on the final plan of subdivision.
- c) The driveway to the west side of the 426-428 Canada Street property be closed and the curb reinstated at the owner's expense.
- d) No new curb cuts or driveways be permitted on either property.

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

**CARRIED UNANIMOUSLY**

**MAYOR BRAD WOODSIDE ASSUMED CHAIR**

Mayor Brad Woodside  
Assumed the Chair

His Worship Mayor Brad Woodside assumed the Chair at 8:36 p.m.

**REPORTS OF COUNCIL-IN-COMMITTEE**

Reports of Council-in-Committee:

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

**DESIGNATION TO ACT AS PROXY OF E-NOVATIONS COMNET INC.**

Designation to Act as Proxy of e-Novations ComNet Inc.

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

**BE IT RESOLVED** that the Council of the City of Fredericton appoints Tina Tapley, City Treasurer, Acting as its representative at all meetings of e-Novations ComNet Inc. at which the shareholder is required to act as the agent for the City and, when required, to cast a vote on behalf of the City as its proxy until the proxy is rescinded or until the shareholder appoints a new proxy. The City Treasurer shall act as the agent for and on behalf of the shareholder and is hereby expressly authorized to receive information on behalf of the City and to cast such vote or votes as may be necessary to advance the position of the City and to do all things that are in keeping with the position of the agent for the City of Fredericton.

**CARRIED UNANIMOUSLY**

*(Councillor Steven Hicks was absent from the Council Chamber when the vote was taken.)*

**PROPOSED PROPERTY ACQUISITION – 299 QUEEN STREET (WARD 10)**

Proposed Property Acquisition – 299 Queen Street (Ward 10)

Moved by Deputy Mayor 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 acquisition of the ±681.92 m<sup>2</sup> property situated at 299 Queen Street, known as PID 01446228, for the sum of Ninety Three Thousand Two Hundred Dollars (\$93,200.00) from the Provincial Government, 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 PROPERTY ACQUISITION – 352 CAMPBELL STREET (WARD 10)**

Proposed Property Acquisition – 352 Campbell Street (Ward 10)

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

BE IT RESOLVED that the Council of the City of Fredericton authorizes the acquisition of 352 Campbell Street, known as PID 01443936, from the Province of New Brunswick for the sum of Ten Thousand Four Hundred Seventy Dollars (\$10,470.00), together with the Province utilizing the 23+ parking spaces at York House parking lot for a period of one year, 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 PROPERTY ACQUISITION – 649 QUEEN STREET (WARD 11)**

Proposed Property Acquisition – 649 Queen Street (Ward 11)

Moved by Deputy Mayor 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 acquisition of the ±122.00 m<sup>2</sup> portion of 649 Queen Street, known as PID 01457886, for the sum of Thirty Four Thousand One Hundred Forty Four Dollars (\$34,144.00) from the Province of New Brunswick, 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

**BOARD OF ADMINISTRATORS, FREDERICTON SUPERANNUATION FUND**

At a meeting of the Board of Administrators, Fredericton Superannuation Fund, held on April 21, 2010, the Board considered an Administrative Report from the Benefits Coordinator and recommended that the following resolution go forward to City Council for consideration:

Moved by Councillor Mike O'Brien, seconded by Councillor Dan

**Keenan 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. A-5, A By-law to Continue the Superannuation Plan for Employees of the City of Fredericton, for the purpose of:**

**The Pension Plan be amended for the period January 1, 2010 to December 31, 2012, to adopt a reduction to the additional contribution rate of 0.95% of pensionable earnings for police employees instead of the current 1.0%.**

*On the question*, Councillor Dan Keenan questioned whether or not the Superannuation Plan was being properly funded under Provincial regulations.

Tina Tapley, Director of Finance/City Treasurer, Acting, indicated that public safety pays for a special benefit, thus requiring a regular review. The contribution rate had been reviewed by the actuary in 2009.

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

**TENDER #T10-25, EAST END DEVELOPMENT ROADWAY UPGRADES**

Tender #T10-25 Awarded to Wilson Builders (1978) Ltd.

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

**BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of Tender #T10-25, East End Development Roadway Upgrades, to *Wilson Builders (1978) Ltd.*, low bidder meeting specifications at the tendered price of \$1,226,276.00, 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 Dan Keenan questioned whether a tender could be awarded if there was a pending expropriation underway.

Murray Jamer, Director of Engineering and Public Works, advised that the contract could be adjusted to account for work that could not be completed due to an unresolved expropriation; all other work could begin as scheduled.

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

**TENDER #T10-51, ONE (1) ONLY 2010 MODEL TORO PRO CORE SR 72 AERATOR OR APPROVED EQUAL, FLEET DIVISION**

Tender #T10-51 Awarded to Vesey's Equipment

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

BE IT RESOLVED that Tender #T10-51, One (1) Only 2010 Model Toro Pro Core SR 72 Aerator Or Approved Equal, Fleet Division, be awarded to *Vesey's Equipment*, lowest cost meeting specifications, for delivery to Parks and Trees Division, for a total tendered price of \$29,267.00, HST included.

CARRIED UNANIMOUSLY

**TENDER #T10-54, SUPPLY AND DELIVERY OF ONE (1) ONLY NEW NOT PREVIOUSLY USED 2010 FOUR (4) WHEEL TWO (2) WHEEL DRIVE UTILITY VEHICLE, FLEET DIVISION**

Tender #T10-54 Awarded to Green Diamond

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

BE IT RESOLVED that Tender #T10-54, Supply and Delivery of One (1) Only New Not Previously Used 2010 Four (4) Wheel Two (2) Wheel Drive Utility Vehicle, Fleet Division, be awarded to *Green Diamond*, lowest cost meeting specifications for delivery to Parks and Trees Division, for a total tendered price of \$17,360.26, HST included.

CARRIED UNANIMOUSLY

**APPOINTMENT OF DEPUTY MAYOR**

Appointment of Deputy Mayor

Moved by Deputy Mayor 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 appoints Daniel (Dan) R. Keenan as Deputy Mayor for a term May 26, 2010 to May 24, 2011, pursuant to Section 30 of the *Municipalities Act* and Section 7 of By-law No. A-2, A By-law Respecting Administration and the City Council.

CARRIED UNANIMOUSLY

**APPOINTMENTS – BOARDS, COMMISSIONS AND COMMITTEES**

Appointments – Boards,  
Commissions and  
Committees

Moved by Councillor Eric Megarity, seconded by Councillor Stephen Chase THAT City Council adopt the following resolution:

**BE IT RESOLVED THAT the Council of the City of Fredericton appoints the following members to Boards, Commissions and Committees for a term commencing May 26, 2010 and expiring May 2012:**

**Ad Hoc Committee on Immigration**

- Councillor Eric Megarity, Chairperson

**Business Fredericton North**

- Councillor Mike O'Brien
- Councillor Bruce Grandy (alternate)

**Canadian Capital Cities Organization**

- Deputy Mayor Dan Keenan (*one-year term to change with deputy mayor appointment in May 2011*)
- Councillor Marilyn Kerton (*term ending July 2010 following conference*)

**Coleman Frog Dream Team** (*replaced the Killarney Lake Advisory Board*)

- Councillor Stephen Chase
- Councillor Bruce Grandy
- Councillor Steven Hicks

*and staff from Development Services, Community Services, Corporate Services, and Engineering & Public Works*

**Community Services Committee**

- Councillor Steven Hicks, Chair
- Councillor Marilyn Kerton, Vice Chair
- Councillor Stephen Chase, Member
- Councillor David Kelly, Member
- Councillor Stephen Kelly, Member

**Development Committee**

- Councillor Stephen Chase, Chair
- Councillor Scott McConaghy, Vice Chair
- Councillor Jordan Graham, Member
- Councillor Bruce Grandy, Member
- Councillor Marilyn Kerton, Member

**Downtown Fredericton Inc.**

- Councillor Jordan Graham
- Councillor Stephen Kelly (alternate)

**Finance & Administration Committee**

- Councillor Mike O'Brien, Chair
- Councillor Tony Whalen, Vice Chair
- Councillor Stephen Chase, Member
- Councillor Jordan Graham, Member
- Councillor Eric Megarity, Member

**Fredericton Affordable Housing Committee** (sub-committee of the Development Committee)

- Councillor Mike O'Brien, Chair

**Fredericton Non-Profit Housing Corporation**

- Councillor David Kelly

**Fredericton Public Library Board**

- Councillor Stephen Kelly

**Fredericton Superannuation Board – Council Representatives**

- Councillor Mike O'Brien, Chair
- Councillor Bruce Grandy
- Councillor Marilyn Kerton
- Councillor Scott McConaghy
- Councillor Tony Whalen

**Fredericton Tree Commission**

- Councillor Stephen Chase

**Information Technology Committee**

- Councillor Stephen Kelly, Chair
- Councillor Scott McConaghy, Vice Chair
- Councillor Eric Megarity, Member
- Councillor Mike O'Brien, Member

**Le Centre communautaire Sainte-Anne**

- Councillor Stephen Chase
- Councillor Jordan Graham (alternate)

**Local Improvement Association for the Fredericton Botanic Garden**

- Councillor Stephen Chase

**Mayor's Working Committee on Community/University Relations**

- Councillor Jordan Graham, Co-chair
- Ryan Sullivan (*Director of Residence Life & Conference Services, St. Thomas University*), Co-chair
- Deputy Mayor Dan Keenan, Member
- Mayor Brad Woodside, Ex-officio Member
- Joanne Thomson, Community Liaison Coordinator, as the City Administrator's appointee

**Negotiations Liaison Committee**

- Councillor Steven Hicks, Chair
- Councillor Stephen Chase
- Councillor Scott McConaghy
- Councillor Mike O'Brien
- Councillor Tony Whalen

**Old Public Burial Ground Committee**

- Councillor Jordan Graham
- Mayor Brad Woodside
- *and the Members of the Development Committee*

**Planning Advisory Committee**

- Councillor Jordan Graham
- Councillor David Kelly
- Councillor Marilyn Kerton

→ Councillor Scot McConaghy

**Planning & Priorities Committee**

→ Deputy Mayor Dan Keenan, Chair

→ All Members of City Council

**Population Committee** (Committee of the Union of Municipalities of New Brunswick)

→ Councillor Eric Megarity

**Preservation Review Board**

→ Councillor Stephen Chase

**Public Safety & Environment Committee**

→ Councillor Eric Megarity, Chair

→ Councillor Jordan Graham, Vice Chair

→ Councillor David Kelly, Member

→ Councillor Stephen Kelly, Member

→ Councillor Scott McConaghy, Member

**Riverfront Advisory Committee**

→ Councillor Jordan Graham, Council representative

→ Councillor Bruce Grandy, Development Committee representative

**Transportation Committee**

→ Councillor Bruce Grandy, Chair

→ Councillor David Kelly, Vice Chair

→ Councillor Steven Hicks, Member

→ Councillor Marilyn Kerton, Member

→ Councillor Tony Whalen, Member

**Union of Municipalities of New Brunswick**

→ Councillor Stephen Chase, Cities' representative

**York-Sunbury Historical Society Board**

→ Juan Estepa, Manager, Heritage & Cultural Affairs

**CARRIED UNANIMOUSLY**

**APPOINTMENTS – PRESERVATION REVIEW BOARD**

Appointments – Preservation Review Board

Moved by Councillor Dan Keenan, seconded by Councillor Eric Megarity THAT City Council adopt the following resolution:

**BE IT RESOLVED** that the following be appointed to the Preservation Review Board:

1. John Leroux, for a three-year term ending May 31, 2013;
2. Brian Parker, for a three-year term ending May 31, 2013; and
3. Koral LaVorgna, for a three-year term ending May 31, 2013.

**CARRIED UNANIMOUSLY**

**ASSENT OF COUNCIL – 1245 HANWELL ROAD**

Assent of Council – 1245 Hanwell Road

Moved by Councillor Dan Keenan, seconded by Councillor Steven Hicks THAT City Council adopt the following resolution:

**BE IT RESOLVED THAT** the final plan of subdivision prepared by Trainor Surveys (1974) Ltd. entitled “Subdivision Plan, H. Greer & Son (2006) Ltd.” Creating Lot 10-37 and Lot 10-38 widening Hanwell Road, Route 640 (Hanwell Road) City of Fredericton, County of York, Province of New Brunswick, receive the Assent of Council pursuant to Section 56(2) of the *Community Planning Act*.

**CARRIED UNANIMOUSLY**

**ASSENT OF COUNCIL – 271 REGENT STREET**

Assent of Council – 271 Regent Street

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

**BE IT RESOLVED THAT** the final plan of subdivision prepared by Opus International Consultants (Canada) Limited entitled “Subdivision Plan, Patrick Neill Watt Subdivision, Regent Street (Public), PID 01458306 Regent Street, City of Fredericton, County of York, Province of New Brunswick”, receive the Assent of Council pursuant to Section 56(2) of the *Community Planning Act*.

**CARRIED UNANIMOUSLY**

**CONFERENCE CENTRE BOARD OF DIRECTOR**

Conference Centre Board of Director

**Moved by Councillor 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 appoint the following individuals to the Board of Directors for Fredericton Convention Centre Inc.:**

- Chris MacPherson
- Frank Flanagan
- David Seabrook
- Tina Tapley Jones
- Lee Corey
- Anthony Knight
- Shawn Bringloe
- Chris Black
- Walther Lauffer
- Doug Williams

**CARRIED UNANIMOUSLY**

**PUBLIC HEARING – TEMPORARY STOP-UP AND CLOSE PORTIONS OF ST. MARY’S STREET, MAPLE STREET, BROOKSIDE DRIVE, AND PROVINCIAL HIGHWAY 105 TOGETHER WITH THAT PORTION OF TWO NATIONS CROSSING BETWEEN ST. MARY’S STREET AND PROVINCIAL HIGHWAY 105 – DUNCAN HADLEY TRIATHLON / DUATHLON**

Public Hearing –  
Temporarily Stop-up and Close Portions of St. Mary’s Street, Maple Street, Brookside Drive, and Provincial Highway 105 Together with that Portion of Two Nations Crossing between St. Mary’s Street and Provincial Highway 105 – Duncan Hadley Triathlon / Duathlon

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to a proposed by-law to Temporarily Stop-up and Close Portions of St. Mary’s Street, Maple Street, Brookside Drive, and Provincial Highway 105 Together with that Portion of Two Nations Crossing between St. Mary’s Street and Provincial Highway 105, subject to terms and conditions.

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

**First and Second Reading of By-law No. L-11.43**

**Moved by Councillor David Kelly, seconded by Councillor Steven Hicks THAT By-law No. L-11.43, A By-law to Temporarily Stop-up and Close Portions of St. Mary’s Street, Maple Street,**

By-law No. L-11.43 Given First Reading

**Brookside Drive, and Provincial Highway 105 Together with that Portion of Two Nations Crossing between St. Mary’s Street and Provincial Highway 105, be given first reading by title. CARRIED UNANIMOUSLY**

**Moved by Councillor David Kelly, seconded by Councillor Steven Hicks THAT By-law No. L-11.43, A By-law to Temporarily Stop-up and Close Portions of St. Mary’s Street, Maple Street, Brookside Drive, and Provincial Highway 105 Together with that Portion of Two Nations Crossing between St. Mary’s Street and Provincial Highway 105, be given second reading by title. CARRIED UNANIMOUSLY**

By-law No L-11.43 Given  
Second Reading

**PUBLIC HEARING – ZONING AMENDMENT – 1012 PROSPECT STREET (HILL BROS. REALTY)**

Public Hearing – Zoning  
Amendment – 1012 Prospect  
Street (Hill Bros. Realty)

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 Highway Commercial Zone (H.C.), in order to permit a dental office on property located at 1012 Prospect Street, subject to terms and conditions.

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

**First and Second Reading of By-law No. Z-2.698**

**Moved by Councillor Tony Whalen, seconded by Councillor Stephen Kelly THAT By-law No. Z-2.698, 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-2.698 Given  
First Reading

**Moved by Councillor Tony Whalen, seconded by Councillor Stephen Kelly THAT By-law No. Z-2.698, 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-2.698 Given  
Second Reading

**PUBLIC HEARING – REZONING & SUBDIVISION – 205 MCADAM AVENUE (CITY OF FREDERICTON)**

Public Hearing – Rezoning  
& Subdivision – 205  
McAdam Avenue (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 205 McAdam Avenue from Park Zone (P) to Residential Zone Two (R-2), and to subdivide the property to create two (2) residential building lots, subject to terms and conditions.

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

**First and Second Reading of By-law No. Z-2.699**

**Moved by Councillor Dan Keenan, seconded by Councillor Eric Megarity THAT By-law No. Z-2.699, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given first reading by title.**

By-law No. Z-2.699 Given  
First Reading

*On the question*, Councillor Dan Keenan questioned if the strip of land behind area property owners would be retained by the City or would become part of the subdivision.

Alex Forbes, Assitant Director of Development Services, was of the belief that the City would retain the property, but would indicate otherwise to Members of Council prior to third reading of the By-law should this not be the case.

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

**Moved by Councillor Dan Keenan, seconded by Councillor Eric Megarity THAT By-law No. Z-2.699, 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-2.699 Given  
Second Reading

**COUNCILLOR SCOTT MCCONAGHY EXCUSED**

**Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Mike O’Brien THAT Councillor Scott McConaghy be excused from the meeting and relieved of the penalty as provided by by-law. CARRIED UNANIMOUSLY**

Councillor McConaghy  
Excused

**ADJOURNMENT**

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

Adjournment

The meeting adjourned at 9:15 p.m.

Submitted to City Council for approval by

*(Sgd.) Karen Garrett*

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Karen Garrett  
Recording Secretary

