

MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

MONDAY, NOVEMBER 23, 2009

Minutes of the Regular Meeting of Fredericton City Council held on Monday, November 23, 2009 at 7:33 p.m. in the Council Chamber, City Hall, Fredericton.

ATTENDANCE

Attendance

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

APPROVAL OF MINUTES

Approval of Minutes

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity THAT the Minutes of the Regular City Council meeting of Monday, October 26, 2009 be approved as circulated. CARRIED UNANIMOUSLY

PRAYER

Prayer

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

GREEN SHOPS MEDAL CEREMONY

Green Shops Medal Ceremony

In recognition of efforts to be environmentally friendly Mayor Brad Woodside presented the following Green Shops members with medals:

- Judy Cormier (Cormier Upholstery) – Bronze
- Gerry Haley (Environtherm) – Bronze
- Heather MacLeod (The Barking Lot) – Silver
- Robert Buyting (Sir Speedy Printing Centre) – Silver
- Beata Sterner (What on Earth Jewellers) – Silver
- Wendy Hallihan (Exit Realty Advantage) - Gold

COUNCILLOR MIKE O'BRIEN – 8 YEAR SERVICE AWARD

Councillor Mike O'Brien – 8 Year Service Award

Mayor Brad Woodside presented Councillor Mike O'Brien with a service pin, in recognition of his eight years on City Council.

WHEELS FOR MEALS

Wheels for Meals

A request was received from John Carty for permission to conduct a food drive for the Fredericton Food Bank in the Heron Springs Modular Home Park on Thursday, November 26, 2009.

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor David Kelly BE IT RESOLVED THAT approval be given to Meals on Wheels of Fredericton, Inc. to hold a 'Wheels for Meals' event in Officers' Square on Sunday, May 30, 2010, subject to compliance with all staff recommendations.

CARRIED UNANIMOUSLY

PUBLIC HEARING – REZONING AND SUBDIVISION – 20 TWO NATIONS CROSSING (CANADIAN TIRE REAL ESTATE LIMITED)

Public Hearing – Rezoning and Subdivision – 20 Two Nations Crossing (Canadian Tire Real Estate Limited)

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 a portion of 20 Two Nations Crossing from Future Development Zone (F.D.) to Highway Commercial (H.C.), and for subdivision to create one (1) Highway Commercial (H.C.) building, subject to terms and conditions.

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

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

First and Second Reading of By-law No. Z-2.675

Moved by Councillor Mike O'Brien, seconded by Deputy Mayor Bruce Grandy THAT By-law No. Z-2.675, 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-2.675 Given First Reading

Moved by Councillor Mike O'Brien, seconded by Deputy Mayor Bruce Grandy THAT By-law No. Z-2.675, 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-2.675 Given Second Reading

PUBLIC HEARING – ZONING AMENDMENT – 1025 PROSPECT STREET (TERRAIN GROUP)

Public Hearing – Zoning Amendment – 1025 Prospect Street (Terrain Group)

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 amending the Regional Shopping Centre Zone (R.S.C.), in order to permit a gasoline bar and convenience store at 1025 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-2.679

Moved by Councillor Scott McConaghy, seconded by Councillor Tony Whalen THAT By-law No. Z-2.679, 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-2.679 Given First Reading

Moved by Councillor Scott McConaghy, seconded by Councillor Tony Whalen THAT By-law No. Z-2.679, 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-2.679 Given Second Reading

MATT STAIRS DAY

Matt Stairs Day

WHEREAS: Matt Stairs was raised in Fredericton and continues to visit his friends and family here; and

WHEREAS: Matt Stairs has played 17 years of professional baseball; and

WHEREAS: Matt Stairs’ two run homerun against the L.A. Dodgers will be forever remembered by all in the Philadelphia Phillies’ road to winning the 2008 World Series; and

WHEREAS: Matt Stairs exemplifies the admirable attributes of teamwork, perseverance and dedication.

THEREFORE: I, Brad Woodside, Mayor of the City of Fredericton, do hereby designate Saturday, **November 28, 2009** as **Matt Stairs Day** to recognize his lifetime accomplishments and the honour he brings to his home town.

51ST ANNIVERSARY OF CEDAR LUNCH

51st Anniversary of Cedar Lunch

WHEREAS: The Cedar Tree Cafe (formerly known as the Cedar Lunch) has been a cultural landmark in Fredericton since 1958 representing the Lebanese Community. It is one of the oldest

restaurants in town and has come a long way since the jukebox and countertop lunch days. Everyone from important politicians to young children walking home from school have called the Cedar home for more than half a century; and

WHEREAS: The restaurant is now proudly in the hands of its third Lebanese Family. The Wilby family is honoured to carry the torch and continue to be the best place in town to get an honest home cooked meal.

THEREFORE: I, Mayor Brad Woodside, on behalf of the City of Fredericton, do hereby announce the **51st Anniversary of the Cedar on Friday, November 27, 2009**. As usual all are welcome for menu items both old and new.

EXIT REALTY FOOD DRIVE

Exit Realty Food Drive

A request was received from Austin Drisdelle for permission to conduct a food drive for the Fredericton Food Bank in the Heron Springs Modular Home Park on Thursday, November 26, 2009.

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Steven Hicks BE IT RESOLVED THAT approval be given to EXIT real estate professionals to conduct a food drive for the Fredericton Food Bank in the Heron Springs Modular Home Park between the hours of 5:30 – 8:30 p.m. on Thursday, November 26, 2009.

CARRIED UNANIMOUSLY

MILITARY EXERCISE

Military Exercise

A request was received from Captain G.D. Grant for permission to hold a military exercise on March 23, 2010.

Moved by Councillor Scott McConaghy, seconded by Councillor Marilyn Kerton BE IT RESOLVED THAT approval be given to the Infantry School, CTC - CFB Gagetown, to hold their Military Exercise Training (Urban Observation Exercise) in the Queen Street/Officers' Square area of downtown Fredericton; in City Hall (including access to the clock tower); and on the roof of Frederick Square Parking Garage, during the hours of 8:00 a.m. and 4:00 p.m. on Tuesday, March 23, 2010; AND THAT the Mayor and City Clerk be authorized to execute the documents entitled 'Right of Use'.

CARRIED UNANIMOUSLY

YMCA ANNOUNCEMENT

His Worship Mayor Brad Woodside announced that the City was very pleased to participate in the YMCA’s upcoming Capital Campaign by presenting them with a gift of \$250,000. As well, City property sold to the Province had also been designated to the YMCA; a total contribution of half a million dollars.

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 8:12 p.m.

Mayor Brad Woodside retired from the Chamber.

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-2.675 – Canadian Tire Real Estate Ltd. (20 Two Nations Crossing)
2. By-law No. Z-2.677 – Patrick Watt (271 Regent Street)
3. By-law No. Z-2.678 – Rod Hussey’s Auto Repair (432 St. Mary’s Street)
4. By-law No. Z-2.679 – Terrain Group Inc. (1025 Prospect Street)

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

ZONING AMENDMENT – 715 PRIESTMAN STREET (CAFÉ OLÉ)

Zoning Amendment – 715 Priestman Street (Café Olé)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Café Olé to amend the Institutional Zone (I) as it relates to property located at 715 Priestman Street, in order to permit a licensed premises (eating and drinking establishment), subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of November 18, 2009.

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 November 23, 2009, 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 licensed premise (eating and drinking establishment) on property located at 715 Priestman 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, January 11, 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 – 153 ARGYLE STREET (JENNIFER WILSON)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Jennifer Wilson to amend the TP-3A Zone in order to permit the establishment of a one-person hair salon at 153 Argyle Street, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of November 18, 2009.

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

Moved by Councillor Marilyn Kerton, seconded by Councillor Stephen Kelly THAT WHEREAS, at the meeting of November 23, 2009, 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 the establishment of a one-person hair salon on

Resolution

Zoning Amendment – 153 Argyle Street (Jennifer Wilson)

Resolution

property located at 153 Argyle 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, January 11, 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 – 355 RAINSFORD LANE (CAROL GAY)

Rezoning – 355 Rainsford Lane (Carol Gay)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Carol Gay to rezone property at 355 Rainsford Lane (PID 75283630) from Future Development (F.D.) to Residential Zone Two (R-2), subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of November 18, 2009.

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 November 23, 2009, 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 355 Rainsford Lane from Future Development Zone (F.D.) to Residential Zone Two (R-2), 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, January 11, 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.

REZONING AND SUBDIVISION – 570 NEEDHAM STREET & 321 REGENT STREET (LPR INVESTMENTS LTD.)

Rezoning and Subdivision –
570 Needham Street & 321
Regent Street (LPR
Investments Ltd.)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by LPR Investments Ltd. to rezone a parcel containing a detached garage from TP-4A to R-7 Residential, in order to subdivide it from property located at 570 Needham Street and add it to property located at 321 Regent Street, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of November 18, 2009.

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

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

Resolution

Resolution

Moved by Councillor Steven Hicks, seconded by Councillor Jordan Graham THAT WHEREAS, at the meeting of November 23, 2009, 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 at 570 Needham Street from Town Plat Zone Four-A (TP-4A) to Residential Zone Seven (R-7) in order to add it to property located at 321 Regent 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, January 11, 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.

REZONING AND SUBDIVISION – MURRAY AVENUE (CBCL LIMITED)

Rezoning and Subdivision – Murray Avenue (CBCL Limited)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by CBCL Limited to reconfigure the existing zoning lines on property located off Murray Avenue, and for subdivision to create 21 R-2A lots, 1 R-3 lot and 1 R-6 lot containing 34 townhouse units, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of November 18, 2009.

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

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

Resolution

Resolution

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity THAT WHEREAS, at the meeting of November 23, 2009, 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 off Murray Avenue from Residential Zone Two-B (R-2B), Residential Zone Three (R-3), and Residential Zone Six (R-6) to Residential Zone Two-A (R-2A), Residential Zone Three (R-3), and Residential Zone Six (R-6) in order to reconfigure existing zoning lines, 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, January 11, 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 AND SUBDIVISION – 746-792 MCLEOD AVENUE (ABRAHAM KHOURY)

Rezoning and Subdivision –
746-792 McLeod Avenue
(Abraham Khoury)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Abraham Khoury as it relates to 746-792 McLeod Avenue:

- To rezone property from Residential Zone Five (R-5) and Residential Zone Nine-A (R-9A) to Comprehensive Development District Zone (C.D.D.) and Non-Retail Commercial (N.R.C.);
- Tentative plan of subdivision to create one (1) Non-Retail Commercial (N.R.C.) lot,

subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of November 18, 2009.

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

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

Mayor Brad Woodside returned to the Council Chamber at 8:20 p.m.

Resolution

Resolution

Moved by Councillor David Kelly, seconded by Councillor Jordan Graham THAT WHEREAS, at the meeting of November 23, 2009, 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 746-792 McLeod Avenue from

Residential Zone Five (R-5) and Residential Zone Nine-A (R-9A) to Comprehensive Development District Zone (C.D.D.) and Non-Retail Commercial Zone (N.R.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, January 11, 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 AND SUBDIVISION – 35 & 45 BOYNE COURT (SKYLINE BUILDING MANAGEMENT)

Rezoning and Subdivision – 35 & 45 Boyne Court (Skyline Building Management)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Skyline Building Management Ltd. to rezone a portion of property at 35 and 45 Boyne Court from R-8 Residential to R-9A Residential, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of November 18, 2009.

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

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

Resolution

Resolution

Moved by Councillor David Kelly, seconded by Councillor Tony Whalen THAT WHEREAS, at the meeting of November 23, 2009, 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 at 35 & 45 Boyne Court Residential Zone Eight (R-8) to Residential Zone Nine-A (R-9A) in order to create a new lot (Lot 09-324) in the Residential Zone Nine-A (R-9A) to accommodate two existing apartment buildings and a new lot (Lot 09-325) in the Residential Zone Eight (R-8) in order to permit the construction of a new 42-unit apartment building, as indicated on

Schedule “A” attached to and forming part of this resolution, subject to terms and conditions;

BE IT RESOLVED that the Council hereby directs that an appropriate by-law be prepared to amend By-law No. Z-2; that the proposed by-law be referred to the Planning Advisory Committee for the views of the Committee; that the public notice requirements of Section 68 of the *Community Planning Act* be fulfilled; and that the regular Council Meeting of Monday, January 11, 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.

REZONING AND SUBDIVISION – 47 BOYNE COURT (CITY OF FREDERICTON)

Rezoning and Subdivision – 47 Boyne Court (City of Fredericton)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Calvin Thompson to rezone property at 47 Boyne Court from Park to R-9A Residential, and to create two (2) public service easements, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of November 18, 2009.

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

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

Resolution

Resolution

Moved by Councillor Scott McConaghy, seconded by Councillor Tony Whalen WHEREAS, at the meeting of November 23, 2009, 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 47 Boyne Court from Park Zone (P) to Residential Zone Nine-A (R-9A) in order to consolidate 47 Boyne Court to the adjacent property at 45 Boyne Court, as indicated on Schedule “A” attached to and forming part of this resolution, subject to terms and conditions;

BE IT RESOLVED that the Council hereby directs that an appropriate by-law be prepared to amend By-law No. Z-2; that the proposed by-law be referred to the Planning Advisory Committee for the views of the Committee; that the public notice requirements of Section 68 of the *Community Planning Act* be fulfilled; and that the regular Council Meeting of Monday, January 11, 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 8.

AMENDMENT TO SECTION 39 AGREEMENT – 510 BROOKSIDE DRIVE (HILL BROTHERS REALTY)

Amendment to Section 39 Agreement – 510 Brookside Drive (Hill Brothers Realty)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Hill Bros. Realty Ltd. for an amendment to the Section 39 Agreement, in order to permit a Commercial Daycare Centre on property located at 510 Brookside Drive, subject to terms and conditions adopted by the Planning Advisory Committee at their meeting of November 18, 2009.

Moved by Councillor Scott McConaghy, seconded by Mayor Brad Woodside 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 Mayor Brad Woodside THAT WHEREAS, at the City Council meeting of November 23, 2009, Council received a report of the Planning Advisory Committee recommending that terms and conditions set out in Schedule “A” and adopted by Council on April 14, 2009 pertaining to By-law Z-2.503, which was adopted on March 13, 2006 and imposed on property located at Brookside Drive (West Hills), be amended under “Node 1: Brookside Drive South of Street “A”, in order to permit an additional commercial day-care centre on property located at 510 Brookside Drive (formerly Brookside Drive [West Hills]), subject to terms and conditions outlined in Schedule “B” attached hereto and forming part of this resolution; therefore a new Section 39 Development Agreement is required;

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, January 11, 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 9.

SUBDIVISION – PETERS DRIVE EXTENSION (BROOKSIDE WEST PHASE 6)

Subdivision – Peters Drive Extension (Brookside West Phase 6)

A report was received from the Planning Advisory Committee recommending approval of an application submitted by Arnold Chippin to create 40 low density residential building lots on a portion of Brookside West (Peters Drive Extension), subject to the following terms and conditions:

- a) The new building lots be created substantially in accordance with Map III attached to Planning Report 129/09.
- b) Heron Drive be extended to Street “A” as part of this development.
- c) Access, servicing, lot drainage, and stormwater management be provided to the satisfaction of the Director of Engineering and Public Works.
- d) Road construction, including three “P” loop turnarounds, are completed to the satisfaction of the Director of Engineering and Public Works.
- e) Trail right-of-way shall be located and constructed to the satisfaction of the Director of Community Services and the Development Officer.
- f) The applicant be required to obtain all applicable approvals from the New Brunswick Department of Environment.
- g) Future development on the balance of the property shall have specific regard for the integration of Street “G” (unnamed) and Street “H” (Heron Drive) as shown on the Northwest Fredericton Master Plan Map #6 “Future Street and Land Use Concept Plan” into the street and land use network.
- h) All required easements to be provided gratuitously to the appropriate authorities.

- i) The 8% public land dedication be taken in the form of land and/or cash to the satisfaction of the Director of Community Services.

Moved by Councillor Scott McConaghy, seconded by Mayor Brad Woodside 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 Chair

His Worship Mayor Brad Woodside assumed the Chair at 8:27 p.m.

TRAILS CONSTRUCTION PROGRAM

Trails Construction Program

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Stephen Kelly BE IT RESOLVED THAT the City Council accepts the Letter of offer dated October 13, 2009, from the Atlantic Canada Opportunity Agency’s RInC Fund, with respect to their offer of funding in the amount of \$212,500 toward the City’s 2010 Trails Construction Program; AND THAT the Mayor and City Clerk be authorized to execute a Letter of Offer and such further documents as may be required to facilitate this direction.

CARRIED UNANIMOUSLY

POLICY CHANGES IN SUPPORT OF AFFORDABLE HOUSING INITIATIVES

Policy Changes in Support
of Affordable Housing
Initiatives

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Mike O’Brien BE IT RESOLVED THAT

- The Affordable Housing Committee assume the role of advocate, facilitator and supporter for new affordable housing projects that come forth from the non-profit sector. The committee can assist in “walking” these agencies through the Planning Advisory Committee process, planning issues and putting them in contact with the proper government officials.
- The City defer its requirement for upfront payments for land development fees, water & sewer connection fees until such time as the non-profit agency receives its funding from Federal/Provincial Government agencies.

- The City amend its land discount policy to include those (community non-profit social agencies) building single residential affordable housing units and permit the Real Estate Manager to offer the building lot at 10% below the current allowable offer price based on City policy.
- City Council directs the Affordable Housing Committee to meet with representatives from Saint John and Moncton to see if there are other ways to encourage more affordable housing options.

CARRIED UNANIMOUSLY

PRE-EMPLOYMENT FIREFIGHTER TRAINING PROGRAM – HOLLAND COLLEGE

Pre-Employment Firefighter Training Program – Holland College

Moved by Deputy Mayor Bruce Grandy seconded by Councillor Scott McConaghy BE IT RESOLVED THAT the Council of the City of Fredericton hereby authorizes the Mayor and City Clerk to execute an Agreement between Holland College, a post secondary institution headquartered in Charlottetown, Prince Edward Island, and the City of Fredericton, for the rental of the fire training facility located at 500 Two Nations Crossing for a pre-employment firefighter training program to be delivered by Holland College in the amount of \$40,000.00;

AND BE IT FURTHER RESOLVED THAT the Mayor and City Clerk are authorized to execute such further legal documents as may be required to facilitate this direction.

CARRIED UNANIMOUSLY

ROGERS WIRELESS LEASE AGREEMENT – CONVENTION CENTER

Rogers Wireless Lease Agreement – Convention Center

Moved by Deputy Mayor Bruce Grandy seconded by Councillor Steven Hicks BE IT RESOLVED THAT the Council of the City of Fredericton approves the Lease Agreement for Telecommunications Site in a Building between Rogers Communications Inc. and the City of Fredericton for the installation of a cell phone repeater system in the convention center; 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

SOLAR PAY-BY-SPACE PAY STATION TRIAL

Solar Pay-By-Space Pay
Station Trial

Moved by Councillor Tony Whalen, seconded by Councillor Marilyn Kerton BE IT RESOLVED THAT the Council of the City of Fredericton hereby authorizes the Legal Division to prepare the appropriate by-law amendment to amend By-law No. T-7, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines to update the parking space inventory in Schedule “B”, to list parking spaces 7050 through 7058 in the Brunswick Street Garage Lot and to indicate that payment is by “Pay by Space” parking control device or by Parking Meter.

CARRIED UNANIMOUSLY

Councillor Tony Whalen retired from the Council Chamber at 8:36 p.m.

TENDER #T09-57 – JANITORIAL SERVICES, REGENT STREET DEPOT BUILDING

Tender #T09-57 Awarded to
Admiral Building
Maintenance

Moved by Councillor Mike O’Brien, seconded by Councillor Eric Megarity BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of Tender #T09-57, Janitorial Services, Regent Street Depot Building, to *Admiral Building Maintenance*, highest scored bidder and lowest cost bidder meeting specifications, at the three year total tendered price of \$29,249.20, HST extra, for the contract period from January 1, 2010 to December 31, 2012; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #09-58 – MECHANICAL SYSTEMS MAINTENANCE CONTRACT, POLICE STATION

Tender #09-58 Awarded to
Trane Atlantic

Moved by Councillor Mike O'Brien, seconded by Councillor Jordan Graham BE IT RESOLVED THAT Tender #T09-58, Mechanical Systems Maintenance Contract, Police Station, be awarded to *Trane Atlantic*, lowest cost bidder meeting specifications, for the two (2) year period December 1, 2009 to November 30, 2011, for a total tendered price of \$15,670.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #T09-59 – MECHANICAL SYSTEMS MAINTENANCE CONTRACT, YORK STREET FIRE STATION

Tender #T09-59 Awarded to
Trane Atlantic

Moved by Councillor Mike O'Brien, seconded by Councillor Steven Hicks BE IT RESOLVED THAT Tender #T09-59 Mechanical Systems Maintenance Contract, York Street Fire Station, be awarded to *Trane Atlantic*, lowest cost bidder meeting specifications, for the two (2) year period December 1, 2009 to November 30, 2011, for a total tendered price of \$4,584.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #T09-60 – MECHANICAL SYSTEMS MAINTENANCE CONTRACT, TRANSIT BUILDING (470 SAINT MARY’S STREET)

Tender #T09-60 Awarded to
Trane Atlantic

Moved by Councillor Mike O’Brien, seconded by Councillor David Kelly BE IT RESOLVED THAT Tender #T09-60, Mechanical Systems Maintenance Contract, Transit Building (470 St. Mary’s Street, Fredericton, NB), be awarded to *Trane Atlantic*, lowest cost bidder meeting specifications for the two (2) year period December 1, 2009 to November 30, 2011, for a total tendered price of \$5,092.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #T09-61 – MECHANICAL SYSTEMS MAINTENANCE CONTRACT, TWO NATIONS CROSSING BUILDING (100 TWO NATIONS CROSSING)

Tender #T09-61 Awarded to
Trane Atlantic

Moved by Councillor Mike O’Brien, seconded by Deputy Mayor Bruce Grandy BE IT RESOLVED THAT Tender #T09-61, Mechanical Systems Maintenance Contract, Two Nations Crossing Building (100 Two Nations Crossing, Fredericton, NB), be awarded to *Trane Atlantic*, lowest cost bidder meeting specifications, for the two (2) year period December 1, 2009 to November 30, 2011, for a total tendered price of \$3,960.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #T09-62 – MECHANICAL SYSTEMS MAINTENANCE CONTRACT, KIMBLE ROAD FIRE STATION

Tender #T09-62 Awarded to
Trane Atlantic

Moved by Councillor Stephen Kelly, seconded by Councillor Scott McConaghy BE IT RESOLVED THAT Tender #T09-62, Mechanical Systems Maintenance Contract, Kimble Road Fire Station, be awarded to *Trane Atlantic*, lowest cost bidder meeting specifications, for the two (2) year period December 1, 2009 to November 30, 2011, for a total tendered price of \$4,254.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #T09-63 – MECHANICAL SYSTEMS MAINTENANCE CONTRACT, SUTTON HOUSE (335 QUEEN STREET)

Tender #T09-63 Awarded to
Carmichael Engineering Limited

Moved by Councillor Stephen Kelly, seconded by Councillor Marilyn Kerton BE IT RESOLVED THAT Tender #T09-63, Mechanical Systems Maintenance Contract, Sutton House (335 Queen Street, Fredericton, NB), be awarded to *Carmichael Engineering Limited*, lowest cost bidder meeting specifications, for the two (2) year period December 1, 2009 to November 30, 2011 for a total tendered price of \$3,517.69 HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #T09-64 – MECHANICAL SYSTEMS MAINTENANCE CONTRACT, STEPPING STONE BUILDING (15 SAUNDERS STREET)

Tender #T09-64 Awarded to
Trane Atlantic

Moved by Councillor Stephen Kelly, seconded by Councillor Jordan Graham BE IT RESOLVED THAT Tender #T09-64, Mechanical Systems Maintenance Contracts, Stepping Stone Building (15 Saunders Street, Fredericton, NB), be awarded to *Trane Atlantic*, lowest cost bidder meeting specifications, for the two (2) year period December 1, 2009 to November 30, 2011, for a total tendered price of \$1,780.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #T09-65 – MECHANICAL SYSTEMS MAINTENANCE CONTRACT, CITY HALL

Tender #T09-65 Awarded to
Trane Atlantic

Moved by Councillor Stephen Kelly, seconded by Councillor Eric Megarity BE IT RESOLVED THAT Tender #T09-65, Mechanical Systems Maintenance Contracts, City Hall, be awarded to *Trane Atlantic*, lowest cost bidder meeting specifications, for the two (2) year period December 1, 2009 to November 30, 2011, for a total tendered price of \$8,944.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #T09-66 – MECHANICAL SYSTEMS MAINTENANCE CONTRACT, FREDERICTON PUBLIC LIBRARY

Tender #T09-66 Awarded to *Trane Atlantic*

Moved by Councillor Stephen Kelly, seconded by Deputy Mayor Bruce Grandy BE IT RESOLVED THAT tender #T09-66 Mechanical Systems Maintenance Contracts, Fredericton Public Library, be awarded to *Trane Atlantic*, lowest cost bidder meeting specifications, for the two (2) year period December 1, 2009 to November 30, 2011, for a total tendered price of \$9,770.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #T09-67 – JANITORIAL SERVICES, SAINT MARY’S STREET DEPOT BUILDING AND FLEET DIVISION OFFICE BUILDING

Tender #T09-67 Awarded to *Capable Building Cleaning Ltd.*

Moved by Councillor Eric Megarity, seconded by Councillor Mike O’Brien BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of Tender #T09-67, Janitorial Services, St. Mary’s Street Depot Building and Fleet Division Office Building, to *Capable Building Cleaning Ltd.*, highest scored bidder and lowest cost bidder meeting specifications, at the three year total tendered price of \$58,637.88, HST extra, for the contract period from January 1, 2010 to December 31, 2012; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #T09-68 – MECHANICAL SYSTEMS MAINTENANCE CONTRACT, FREDERICTON PLAYHOUSE

Tender #T09-68 Awarded to
Carmichael Engineering Limited

Moved by Councillor Eric Megarity, seconded by Councillor David Kelly BE IT RESOLVED THAT Tender #T09-68, Mechanical Systems Maintenance Contracts, Fredericton Playhouse, be awarded to *Carmichael Engineering Limited*, lowest cost bidder meeting specifications, for the two (2) year period December 1, 2009 to November 30, 2011, for a total tendered price of \$13,690.00, HST included; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

TENDER #T09-69 – JANITORIAL SERVICES, CITY HALL

Tender #T09-69 Awarded to
Sprucegrove Building Cleaners

Moved by Councillor Eric Megarity, seconded by Deputy Mayor Bruce Grandy BE IT RESOLVED THAT he Council of the City of Fredericton authorizes the award of Tender #T09-69 Janitorial Services, City Hall, 397 Queen Street, Fredericton, NB, to *Sprucegrove Building Cleaners*, highest scored bidder and lowest cost bidder meeting specifications, at the three year total tendered price of \$189,228.40, HST extra, for the contract period from January 1, 2010 to December 31, 2012; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

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

Councillor Scott McConaghy retired from the Council Chamber at 8:44 p.m.

TENDER #T09-70 – JANITORIAL SERVICES, PARKS & TREES DIVISION

Tender #T09-70 Awarded to
Capable Building Cleaning Ltd.

Moved by Councillor Eric Megarity, seconded by Councillor Marilyn Kerton BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of Tender #T09-70, Janitorial Services, Parks & Trees Depot Building, to *Capable Building Cleaning Ltd.*, highest scored bidder and lowest cost bidder meeting specifications, at the three year total tendered price of \$41,739.84, HST extra, for the contract period from January 1, 2010 to

December 31, 2012; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

(Councillors Tony Whalen and Scott McConaghy were absent from the Council Chamber when the vote was taken)

TENDER #T09-71 – JANITORIAL SERVICES, TRANSIT BUILDING

Tender #T09-71 Awarded to *Capable Building Cleaning Ltd*

Moved by Councillor Eric Megarity, seconded by Councillor David Kelly BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of Tender #T09-71, Janitorial Services, Transit Building, to *Capable Building Cleaning Ltd.*, highest scored bidder and lowest cost bidder meeting specifications, at the three year total tendered price of \$41,359.56, HST extra, for the contract period from January 1, 2010 to December 31, 2012; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

(Councillors Tony Whalen and Scott McConaghy were absent from the Council Chamber when the vote was taken)

TENDER #T09-73 – JANITORIAL SERVICES, STEPPING STONE SENIOR CENTER BUILDING

Tender #T09-73 Awarded to *Admiral Building Maintenance*

Moved by Councillor Eric Megarity, seconded by Councillor Jordan Graham BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of Tender #T09-73, Janitorial Services, Stepping Stone Senior Center Building, to *Admiral Building Maintenance*, highest scored bidder and lowest cost bidder meeting specifications, at the three year total tendered price of \$22,050.00, HST extra, for the contract period from January 1, 2010 to December 31, 2012; AND THAT the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

(Councillors Tony Whalen and Scott McConaghy were absent from the Council Chamber when the vote was taken)

QUOTATION #Q65-6 – EXTENSION, SUPPLY AND DELIVERY OF NEPTUNE AND SENSUS WATER METERS (NO SUBSTITUTIONS) FOR THE CITY OF FREDERICTON ENGINEERING & PUBLIC WORKS DEPARTMENT

Quotation #Q65-6 Awarded to *Scotia Tech* (Items 1, 3,4, 5); *McLennan Sales*, (Items 2 & 5)

Moved by Councillor Eric Megarity, seconded by Councillor Steven Hicks BE IT RESOLVED THAT the Council of The City of Fredericton authorizes the Extension of Quotation Q#65-6 For the supply and delivery of Neptune and Sensus Water Meters (No Substitutions) for The City of Fredericton Engineering and Public Works Department, to low bidders *Scotia Tech* for Items #1, 3, 4, & 5 at \$127,578.00, HST extra, less 2% terms of payment discount, and *McLennan Sales*, Division of EMCO Corp. for Items #2 & 5 at \$8,315.00, HST extra, less 2% terms of payment discount, for the total quoted cost of \$135,893.00, HST extra, less 2% terms of payment discount.

CARRIED UNANIMOUSLY

(Councillors Tony Whalen and Scott McConaghy were absent from the Council Chamber when the vote was taken)

ANNUAL REPORT – FREDERICTON FIRE DEPARTMENT – QUARTERLY REPORT

ANNUAL REPORT – Fredericton Fire Department – Quarterly Report

Moved by Councillor Steven Hicks, seconded by Councillor Jordan Graham THAT the following Annual Report be received and placed on file:

- **Fredericton Fire Department – Quarterly Report**

CARRIED UNANIMOUSLY

(Councillors Tony Whalen and Scott McConaghy were absent from the Council Chamber when the vote was taken)

NOMINATIONS – LOCAL HISTORIC PLACES REGISTER

Nominations – Local Historic Places Register

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Steven Hicks BE IT RESOLVED THAT the following properties be listed in the City of Fredericton's Local Historic Places Register:

1. 69 Cliffe Street;
2. 335-337 Canada Street;
3. 355 Canada Street, former Marysville Teachers' Residence;
4. 357 Canada Street, former Marysville Schoolhouse; and,
5. 402 Union Street.

CARRIED UNANIMOUSLY

(Councillors Tony Whalen and Scott McConaghy were absent from the Council Chamber when the vote was taken)

Councillor Tony Whalen returned to the Council Chamber at 8:49 p.m.

RATIFICATION OF DIRECTORS' MEMBERSHIP IN FREDERICTON PLAYHOUSE INC.

Ratification of Directors' Membership in Fredericton Playhouse Inc.

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Mike O'Brien BE IT RESOLVED THAT the Council of the City of Fredericton hereby approves the following individuals to hold membership in Fredericton Playhouse Inc. (the "Company") effective January 1, 2010, and as such, are entitled to all rights and privileges afforded to them as prescribed within the bylaws of the Company and by law, including the holding of office as directors of the Company:

- Ms. Jane Blakely (Fredericton)
- Mr. Peter Clark (Fredericton)
- Ms. Melanie Corey (Fredericton)
- Mr. Lawrence Durling (Fredericton)
- Ms. Andrea Feunekes (Fredericton)
- Ms. Dorothy Frazier (Fredericton)
- Mr. Kim Hill (Fredericton)
- Ms. Marilyn Kaufman (Fredericton)
- Mr. Paul Leger (Fredericton)
- Mr. Kevin Malone (Fredericton)
- Mr. Brian Nussey (Fredericton)
- Mr. Scott Thomson (Fredericton)
- Mr. Stephen Wheatley (Fredericton)
- Mr. Paul White (Fredericton)
- Ms. Heather Wilson (Fredericton)

CARRIED UNANIMOUSLY

(Councillor Scott McConaghy was absent from the Chamber when the vote was taken)

ASSENT OF COUNCIL – 1270 HANWELL ROAD (CITY OF FREDERICTON)

Assent of Council – 1270 Hanwell Road (City of Fredericton)

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Marilyn Kerton BE IT RESOLVED THAT the final plan of subdivision prepared by Trainor Surveys (1974) Ltd. entitled “Subdivision Plan, ARD Enterprises Ltd.” Creating a Portion of Hanwell Road (Public) From PID 75436627, 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

(Councillor Scott McConaghy was absent from the Chamber when the vote was taken)

MOTION TO ADD PROPOSED OFFER, D.C. DEMERCHANT HOLDINGS LTD.. TO THE REGULAR CITY COUNCIL MEETING AGENDA

Proposed Offer – D.C. DeMerchant Holdings Ltd. Added to the Agenda

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Scott McConaghy THAT the Proposed Offer, D.C. DeMerchant Holdings Ltd., be added to the Regular City Council Agenda as Item 10.D. **CARRIED UNANIMOUSLY**

(Councillor Scott McConaghy was absent from the Chamber when the vote was taken)

PROPOSED OFFER – D.C. DEMERCHANT HOLDINGS LTD.

Proposed Offer – D.C. DeMerchant Holdings Ltd.

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Eric Megarity BE IT RESOLVED that the Council of the City of Fredericton authorizes and approves the terms of a settlement of D.C. DeMerchant Holdings Ltd. v. the City of Fredericton (F/C/81/07) in the amount of \$33,362.19; AND BE IT FURTHER RESOLVED THAT the City Solicitor is hereby authorized to execute the necessary documents to facilitate this transaction.

CARRIED UNANIMOUSLY

(Councillor Scott McConaghy was absent from the Chamber when the vote was taken)

AMENDMENT TO BY-LAW NO. T-7, A BY-LAW RELATING TO PARKING METERS, PARKING ZONES, AND PAY AND DISPLAY MACHINES – TRIAL OF SOLAR PAY BY SPACE PARKING CONTROL DEVICE

Amendment to By-law No. T-7 – Trial of Solar Pay by Space Parking Control Device

First and Second Reading of By-law No. T-7.3

Moved by Councillor Scott McConaghy, seconded by Councillor Marilyn Kerton THAT By-law No. T-7.3, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. T-7.3 Given First Reading

(Councillor Scott McConaghy was absent from the Chamber when the vote was taken)

Moved by Councillor Scott McConaghy, seconded by Councillor Marilyn Kerton THAT By-law No. T-7.3, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. T-7.3 Given Second Reading

(Councillor Scott McConaghy was absent from the Chamber when the vote was taken)

PUBLIC HEARING – ZONING AMENDMENT – 271 REGENT STREET (PATRICK WATT)

Public Hearing – Zoning Amendment – 271 Regent Street (Patrick Watt)

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 Commercial Residential Zone, in order to operate a specialty scuba diving shop at 271 Regent 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-2.677

Moved by Councillor David Kelly, seconded by Councillor Jordan Graham THAT By-law No. Z-2.677, 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-2.677 Given First Reading

Councillor Scott McConaghy returned to the Council Chamber at 8:51 p.m.

Moved by Councillor David Kelly, seconded by Councillor Jordan Graham THAT By-law No. Z-2.677, 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-2.677 Given
Second Reading

PUBLIC HEARING – ZONING AMENDMENT AND ZONING – 432-440 SAINT MARY’S STREET (ROD HUSSEY’S AUTO REPAIR)

Public Hearing – Zoning
Amendment and Zoning –
432-440 Saint Mary’s Street
(Rod Hussey’s Auto Repair)

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 a portion of 440 St. Mary’s Street (PID 75378711) from General Industrial (G.I.) to Highway Commercial (H.C.), and for a zoning amendment to permit an Auto Repair Shop at 432 St. Mary’s Street (PID 01533199), 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-2.678

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity THAT By-law No. Z-2.678, 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-2.678 Given
First Reading

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity THAT THAT By-law No. Z-2.678, 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-2.678 Given
Second Reading

PUBLIC HEARING – CHANGE TO TERMS AND CONDITIONS – 2 GOLF GREENS LANE (T C LAND HOLDING INC.)

Public Hearing – Change to
Terms and Conditions – 2
Golf Greens Lane (T C Land
Holding Inc.)

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 amending the terms and conditions of a previous zoning approval to permit an alternate layout and exterior building design (elevation) for the 39-unit townhouse development at 2 Golf Greens Lane, subject to terms and conditions.

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

Resolution to Change Terms and Conditions

Resolution to Change Terms and Conditions

Moved by Councillor Mike O’Brien, seconded by Councillor Tony Whalen THAT WHEREAS, at the meeting of October 26, 2009, Council received a report of the Planning Advisory Committee recommending that the terms and conditions set out in Schedule “A” and pertaining to By-law Z-2.547 adopted by Council on February 12, 2007 for property located at 785 Hanwell Road, now 2 Golf Greens Lane, be repealed and replaced with new terms and conditions as outlined in Schedule “B” attached hereto and forming part of this resolution, to permit an alternate layout and exterior building design (elevation);

AND WHEREAS the requirements of subsection 39(3) and Section 68 of the *Community Planning Act* have been fulfilled with respect to the change in terms and conditions;

BE IT RESOLVED that Council hereby adopts the proposed amendment to the terms and conditions imposed on property located at 785 Hanwell Road, now 2 Golf Greens Lane, as set out above.

CARRIED UNANIMOUSLY

AMENDMENT TO BY-LAW NO. T-4.2, A BY-LAW TO AMEND BY-LAW NO. T-4, A BY-LAW RESPECTING STREETS AND SIDEWALKS

Amendment to By-Law No. T-4.2, A By-Law to Amend By-Law No. T-4, A By-Law Respecting Streets and Sidewalks

Third Reading of By-law No. T-4.2

Moved by Councillor Tony Whalen, seconded by Councillor Eric Megarity THAT By-law No. T-4.2, A By-Law to Amend By-Law No. T-4, A By-Law Respecting Streets and Sidewalks, be read by section number pursuant to Sections 11.1 (1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. T-4.2 Read by Section Number

By-law No. T-4.2 was read by section number and is attached to these Minutes as **Appendix 10**.

Moved by Councillor Tony Whalen, seconded by Councillor Eric Megarity THAT By-law No. T-4.2, A By-Law to Amend By-Law No. T-4, A By-Law Respecting Streets and Sidewalks, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. T-4.2 Given Third Reading

COUNCILLORS EXCUSED

Councillors Excused

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

ADJOURNMENT

Adjournment

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

The meeting adjourned at 8:54 p.m.

Submitted to City Council for approval by

(Sgd.) Karen Garrett

Karen Garrett
Recording Secretary