

MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

MONDAY, NOVEMBER 28, 2011

Minutes of the Regular Meeting of Fredericton City Council held on Monday, November 28, 2011, at 7:41 p.m. in the Council Chamber, City Hall, Fredericton.

ATTENDANCE

Attendance

Council:

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

Staff:

Brenda L. Knight, City Clerk
Chris MacPherson, Chief Administrative Officer
Barry MacKnight, Police Chief
Philip Toole, Fire Chief
Wayne Tallon, Director of Community Services
Frank Flanagan, Director of Development Services
Jane Blakely, Director of Corporate Services
Tina Tapley, Director of Finance/City Treasurer
Alex Forbes, Assistant Director of Development Services
Michelle Brzak, City Solicitor
Sean Lee, Manager of Engineering
Wayne Knorr, Manager, Corporate Communications
Karen Garrett, Recording Secretary

Absent:

Councillor Stephen Kelly
Councillor Tony Whalen

APPROVAL OF MINUTES

Approval of Minutes

Moved by Councillor Jordan Graham, seconded by Councillor Eric Megarity THAT the Minutes of the Regular City Council meeting of Tuesday, October 11, 2011, be approved as circulated. CARRIED UNANIMOUSLY

PRAYER

Prayer

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

25-YEAR SERVICE AWARD – MICHAEL HAYWARD (ROADS & STREETS DIVISION)

Mayor Brad Woodside paid tribute to Michael Hayward of the Roads and Streets Division, by citing a number of his achievements throughout his dedicated career with the City, and presented him with a framed certificate, watch, and pewter pin.

Mayor Woodside and Members of Council offered personal congratulations to Mr. Hayward.

SCOUTS CANADA 5TH FREDERICTON GROUP – RE-OPENING OF A SECTION OF THE CORBETT BROOK TRAIL

At the request of His Worship Mayor Brad Woodside, Scouts, Ventures and Rovers from the 5th Fredericton Scout Group were in attendance at the meeting to be recognized for their work in cleaning up a portion of the Corbett Trail, located in the Vanier Industrial Park.

Mayor Woodside had been in attendance at the October ribbon cutting ceremony to officially re-open the trail that had become overgrown, and he was inspired by their work in revitalizing the beautiful pathway.

Mayor Woodside also commended Troup Scouter Ken McDonald for spearheading the worthwhile project.

Members of Council offered personal thanks to those in attendance.

ORGANIZING COMMITTEE – 2011 UNDER 18 NATIONAL SOCCER CHAMPIONSHIPS

Nicholas Guitard and Mike Gagnon, members of the Organizing Committee for the 2011 Under 18 National Soccer Championships held in Fredericton, extended their heartfelt thanks to Mayor Woodside and Members of City Council, for their continued support of the sport. Fredericton's sports facility is the envy of fellow Canadians who attended the event.

Staff of the City's Recreation Division was also acknowledged for their outstanding involvement and support of the event.

Mayor Woodside was subsequently presented with a framed gift of appreciation, who then commented that its rightful place would be with Wayne Tallon, Director of Community Services, and his Staff.

Mr. Tallon suggested that the frame be displayed at the Sports Hall of Fame, located at Willie O'Ree Place.

25-year Service Award – Michael Hayward (Roads & Streets Division)

Scouts Canada 5th Fredericton Group – Re-Opening of a Section of the Corbett Brook Trail

Organizing Committee – 2011 Under 18 National Soccer Championships

PUBLIC HEARING – REZONING AND SUBDIVISION – WYNGATE DRIVE/WEAVER’S WAY (PRESTIGE HOMES/CLAYTON DEVELOPMENTS LTD.)

Public Hearing – Rezoning and Subdivision – Wyngate Drive/Weaver’s Way (Prestige Homes/Clayton Developments Ltd.)

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to a proposed by-law to amend the Zoning By-law (Z-2), by rezoning a portion of land along a proposed new street (Weavers Way), and an extension of Wyngate Drive, from Residential Zone Two (R-2) to Residential Zone Two-B (R-2B), and for subdivision to create 36 R-2B lots, subject to terms and conditions.

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

First and Second Reading of By-law No. Z-2.772

Moved by Councillor Steven Hicks, seconded by Councillor Scott McConaghy THAT By-law No. Z-2.772, 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-2.772 Given First Reading

Moved by Councillor Steven Hicks, seconded by Councillor Scott McConaghy THAT By-law No. Z-2.772, 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-2.772 Given Second Reading

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

PUBLIC HEARING – ZONING AMENDMENT – 275 BISHOP DRIVE (WORLD CLASS AUTO INC.)

Public Hearing – Zoning Amendment – 275 Bishop Drive (World Class Auto 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), under the Highway Commercial (H.C.) Zone, in order to permit an automobile shop at 275 Bishop Drive, subject to terms and conditions.

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

First and Second Reading of By-law No. Z-2.773

Moved by Councillor Bruce Grandy, seconded by Deputy Mayor David Kelly THAT By-law No. Z-2.773, 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-2.773 Given First Reading

Moved by Councillor Bruce Grandy, seconded by Deputy Mayor David Kelly THAT By-law No. Z-2.773, 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-2.773 Given
Second Reading

RESOLUTION RUN (JANUARY 1)

Resolution Run (January 1)

A request was received from Nick Larade, on behalf of The Running Room, for approval to hold their Resolution Run on January 1, 2012.

Moved by Councillor Bruce Grandy, seconded by Councillor Steven Hicks THAT City Council adopt the following resolution:

BE IT RESOLVED that approval be given to The Running Room Canada, Kings Place Store, to hold their Resolution Run on Sunday, January 1, 2012, along the proposed route.

CARRIED UNANIMOUSLY

MILITARY EXERCISE (FEBRUARY 15)

Military Exercise
(February 15)

A request was received from Major Joe Hartson, CFB Gagetown, for approval to conduct a military exercise on February 15, 2012.

Moved by Councillor Stephen Chase, 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 (DP 4), to hold their Military Exercise Training (Urban Observation Exercise) in the Queen Street/Officers' Square area of downtown Fredericton, during the hours of 9:00 a.m. and 4:00 p.m. on Wednesday, February 15, 2012; AND that the Mayor and City Clerk be authorized to execute the attached document entitled 'Right of Use'.

CARRIED UNANIMOUSLY

APPOINTMENT – CHIEF ADMINISTRATIVE OFFICER

Appointment – Chief
Administrative Officer

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

BE IT RESOLVED that the Council of the City of Fredericton hereby appoints Chris MacPherson to the position of Chief Administrative Officer for the municipality pursuant to Section 74(1) of the *Municipalities Act* ("Act"); and has such duties and powers as prescribed in Schedule "A" attached hereto and forming

a part of this resolution, pursuant to Section 75 of the Act, effective November 28, 2011, and this appointment shall continue until Mr. MacPherson ceases to be an employee of the City of Fredericton or until it is rescinded by City Council, whichever comes first.

On the question, Councillor Dan Keenan noted that the decision not to advertise for the position of Chief Administration Officer had been made by Council, based on the fact that the best person for the job already was already employed by the City.

Council was confident that they could not find a person more committed to the City of Fredericton than Chris MacPherson, an employee with the City since 1976.

Mayor Woodside, Members of Council, and Staff offered personal congratulations to Mr. MacPherson

The original motion was then put to the vote and declared 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-2.769 – 123-127 Gibson Street (AQ Holdings Ltd.)
2. By-law No. Z-2.772 – Wyngate Drive/Weavers Way(Prestige Homes)
3. By-law No. Z-2.773 – 275 Bishop Drive (World Class Auto)
4. By-law No. Z-2.774 – 1012 Prospect Street (Hill Brothers Realty Ltd.)

Moved by Councillor Scott McConaghy, seconded by Councillor Mike O'Brien THAT the report of the Planning Advisory Committee be received. CARRIED UNANIMOUSLY

ZONING AMENDMENT – 440 KIMBLE DRIVE (CHIPPINS LTD.)

Zoning Amendment – 440 Kimble Drive (Chippins Ltd.)

The Planning Advisory Committee, at its meeting held on November 16, 2011, considered a recommendation from staff, in relation to an application by Chippin's Ltd. and recommended approval.

Moved by Councillor Scott McConaghy, seconded by Councillor Eric Megarity THAT City Council adopt the following resolution:

BE IT RESOLVED that the Report of the Planning Advisory Committee, dated November 17, 2011, with respect to an application submitted by Chippin’s Ltd. to amend the Neighbourhood Shopping Centre (N.S.C.) Zone to permit an eating and drinking establishment at 440 Kimble Drive, be received along with the recommended terms and conditions.

CARRIED UNANIMOUSLY

Resolution

Resolution

Moved by Councillor Scott McConaghy, seconded by Councillor Steven Hicks **THAT WHEREAS**, at the meeting of November 28, 2011, 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 Neighbourhood Shopping Centre Zone (N.S.C.) in order to permit a licensed premise (eating and drinking establishment) on property located at 440 Kimble Drive, 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 9, 2012 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 – 640 PROSPECT STREET (DESIGN COLLABORATIVE)

Zoning Amendment – 640 Prospect Street (Design Collaborative)

The Planning Advisory Committee, at its meeting held on November 16, 2011, considered a recommendation from staff, in relation to an application by Design Collaborative, on behalf of Northside Pharmasave, and recommended approval.

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

BE IT RESOLVED that the Report of the Planning Advisory Committee, dated November 17, 2011, with respect to an

application submitted by Design Collaborative, on behalf of Northside Pharmasave, to amend the Highway Commercial (H.C.) Zone to permit eight (8) additional medical/health offices at 640 Prospect Street, be received along with the recommended terms and conditions.

CARRIED UNANIMOUSLY

Resolution

Resolution

Moved by Councillor Jordan Graham, seconded by Councillor Stephen Chase THAT WHEREAS, at the meeting of November 28, 2011, 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 Highway Commercial Zone (H.C.) in order to permit eight (8) additional medical/health offices on property located at 640 Prospect 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 9, 2012 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.

SUBDIVISION – 360 HANWELL ROAD (MARGAUX KHOURY)

Subdivision – 360 Hanwell Road (Margaux Khoury)

The Planning Advisory Committee, at its meeting held on November 16, 2011, considered a recommendation from staff, in relation to an application by Margaux Khoury, and recommended approval.

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

BE IT RESOLVED that the 8% public land dedication, in relation to an application submitted by Margaux Khoury for subdivision to create two (2) Residential Zone Two (R-2) lots at 360 Hanwell Road, be taken in the form of cash.

CARRIED UNANIMOUSLY

SUBDIVISION & ASSENT OF COUNCIL – 870 RIVERSIDE DRIVE (CITY OF FREDERICTON)

Subdivision & Assent of Council – 870 Riverside Drive (City of Fredericton)

The Planning Advisory Committee, at its meeting held on November 16, 2011, considered a recommendation from staff, in relation to an application by Calvin Thompson, on behalf of the City of Fredericton, and recommended approval.

Moved by Councillor Marilyn Kerton, seconded by Councillor Dan Keenan THAT City Council adopt the following resolution:

BE IT RESOLVED that the application submitted by Calvin Thompson, on behalf of the City of Fredericton, for subdivision to convey a portion of PID 01533116 identified as Parcel A to the public right-of-way, be approved; **AND** that the plan of subdivision prepared by SurTek Group Ltd., entitled “Subdivision Plan, Wheaton and City of Fredericton, Subdivision 2011-01 Showing Parcel A, Ramey 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

SUBDIVISION RE-APPROVAL AND ASSENT OF COUNCIL – 106 ST. MARY’S STREET (CITY OF FREDERICTON)

Subdivision Re-approval and Assent of Council – 106 St. Mary’s Street (City of Fredericton)

The Planning Advisory Committee, at its meeting held on November 16, 2011, considered a recommendation from staff, in relation to an application by the City of Fredericton Legal Division, and recommended approval.

Moved by Councillor Marilyn Kerton, seconded by Councillor Steven Hicks THAT City Council adopt the following resolution:

BE IT RESOLVED that the application submitted by the City of Fredericton Legal Division for subdivision to convey a portion of PID 01424027, identified as Parcel A, to the public right-of-way, be approved; **AND** that the plan of subdivision prepared by Opus International Consultants (Canada) Limited, entitled “Northeast Union Street and St. Mary’s Street Subdivision”, 106 St. Mary’s 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

SUBDIVISION RE-APPROVAL – BROOKSIDE DRIVE (NORTHBROOK PHASE 4)

Subdivision Re-Approval –
Brookside Drive
(Northbrook Phase 4)

The Planning Advisory Committee, at its meeting held on November 16, 2011, considered a recommendation from staff, in relation to an application by Northrup Holdings Ltd., and recommended approval.

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

BE IT RESOLVED that the 8% public land dedication, in relation to a subdivision application by Northrup Holdings Ltd. to create 40 R-2 building lots off Brookside Drive (Northbrook Phase 4), be taken in the form of land, and that the streets be conveyed to the City, as shown on Map III attached to memorandum dated November 9, 2011.

CARRIED UNANIMOUSLY

REPORTS OF COUNCIL-IN-COMMITTEE:

Reports of Council-in-Committee:

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

PROPOSED SALE – 100 CLARK STREET (WARD 4)- DEFERRED UNTIL DECEMBER 12, 2011

Proposed Sale – 100 Clark Street (Ward 4) –
Deferred until December 12, 2011

Moved by Councillor Bruce Grandy, seconded by Councillor Dan Keenan THAT the “Proposed Sale – 100 Clark Street (Ward 4)” be deferred until December 12, 2011.

CARRIED UNANIMOUSLY

PROPOSED LAND TRADE – 205 MCADAM AVENUE (WARD 1)

Proposed Land Trade –
205 McAdam Avenue
(Ward 1)

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

BE IT RESOLVED that the Council of the City of Fredericton authorizes the subdivision and sale of a ±340.00m² portion of City-owned property situated at 205 McAdam Avenue, known as PID 75307215, to Tanadem Properties Inc. and or any related company that holds title on its behalf, to be consolidated with the adjacent property to the west, known as PID 75000182; in consideration, the City of Fredericton will acquire a ±340.00m² of land (PID 75000182) in addition to the 8% Land Dedication requirement for the subdivision (Land for Public Purposes), all of which shall be consolidated with the existing subject City-owned Park land, as shown on the attached Schedule “C”; 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

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

PROPOSED LAND TRADE – 205 FLEMMING ROAD (WARD 7)

Proposed Land Trade –
205 Flemming Road
(Ward 7)

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

BE IT RESOLVED that the Council of the City of Fredericton authorizes the Legal Division to draft the appropriate by-law to stop-up and close a portion of Flemming Road, as shown on Schedule “A”, attached to and forming part of this resolution; and

BE IT RESOLVED that a Notice of Intention to Stop-up and Close a portion of Flemming Road be published in accordance with Section 187(6) of the *Municipalities Act*; and

BE IT FURTHER RESOLVED that the regular meeting of the City Council on Monday, December 12, 2011 at 7:30 p.m. in the Council Chamber, City Hall, Fredericton, New Brunswick, be fixed as the time and place for consideration of objections to such by-law; and

BE IT FURTHER RESOLVED that the Council of the City of Fredericton, subsequent to the stop-up and Closure of a portion of Flemming Road, authorizes the subdivision and sale of a ±60 m² portion of City-owned property, situated at 205 Flemming Road, known as PID 01486588, to Olufolake M. Abel-Adegbite and Olusegun Adegbite, to be consolidated with their adjacent property at 197 Flemming Road, known as PID 01486505; in consideration, the City of Fredericton will acquire a ±120.00 m² portion of their property at 197 Flemming Road, known as PID 01486505, to be consolidated with the adjacent City-owned property; subject to

applicable taxes, adjustments, and conditions; and the Mayor and City Clerk are authorized to execute all necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

HOUSEKEEPING AMENDMENT TO BY-LAW NO. W-2, A BY-LAW RELATING TO THE WATER AND SEWER SYSTEMS – CONNECTION SERVICES

Housekeeping Amendment to By-law No. W-2, A By-law Relating to the Water and Sewer Systems – Connection Services

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

BE IT RESOLVED that the Council of the City of Fredericton authorizes and directs the City Solicitor to prepare an appropriate by-law to amend By-law No. W-2, A By-law Relating to the Water and Sewer Systems, to clarify the requirements surrounding a storm sewer service connection, including deposits as well as the responsibility of the property owner regarding service, maintenance, repair and replacement of service connections.

CARRIED UNANIMOUSLY

REPORT OF FINANCE AND ADMINISTRATION COMMITTEE:

Report of Finance and Administration Committee:

The following report of the Finance and Administration Committee was presented:

RECOMMENDATION FOR INSURANCE PROVIDER AS A RESULT OF GOING TO MARKET

Recommendation for Insurance Provider as a Result of Going to Market

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

BE IT RESOLVED that the Council of the City of Fredericton approve Jardine Lloyd Thompson Canada Inc. as the City’s insurance provider, effective January 1, 2012 at 12:01 a.m., with an annual insurance premium cost of \$599,360; AND further that the Mayor and City Clerk be authorized to execute the required documentation.

CARRIED UNANIMOUSLY

EXTENSION OF TENDER #T07-38 – ANIMAL CONTROL SERVICES

Extension of Tender #T07-38 Awarded to K.E. Phillips Sand

Moved by Councillor Eric Megarity, seconded by Councillor Marilyn Kerton THAT City Council adopt the following resolution:

BE IT RESOLVED that the Council of the City of Fredericton authorizes the extension of the Animal Control Services Contract for Tender #T07-38 with *K. E. Phillips Sand*, at the cost of Sixty Two Thousand Nine Hundred Three Dollars and Seventy-One Cents (\$62,903.71), HST included, for a one (1) year period from January 1, 2012 to December 31, 2012; AND that the Mayor and City Clerk are authorized to execute the said Contract Extension document.

CARRIED UNANIMOUSLY

NOMINATIONS – LOCAL HISTORIC PLACES REGISTER

Nominations – Local Historic Places Register

Moved by Councillor Stephen Chase, seconded by Councillor Scott McConaghy THAT City Council adopt the following resolution:

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

1. 36 - 38 Waterloo Row, Royal Oak Inn;
2. 335 Queen Street;
3. 342 University Avenue; and,
4. 350 Saunders Street.

CARRIED UNANIMOUSLY

APPOINTMENT OF BUILDING INSPECTORS FOR ENFORCEMENT PURPOSES – MUNICIPALITIES ACT AND COMMUNITY PLANNING ACT

Appointment of Building Inspectors for Enforcement Purposes – *Municipalities Act* and *Community Planning Act*

Appointment of Kevin A. Horncastle as Building Inspector for the purposes of enforcing By-law No. R-1 and By-law No. R-2 – *Municipalities Act*; and as Building Inspector under the *Community Planning Act* and the *Municipalities Act*

Appointment of Kevin A. Horncastle

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

WHEREAS the *Municipalities Act* provides that a municipality may appoint a building inspector and such other officers as are necessary for the administration of the by-laws of the municipality and the

Community Planning Act requires that a building inspector be appointed under Section 74(3) of the *Municipalities Act*;

NOW THEREFORE BE IT RESOLVED that Kevin A. Horncastle, be appointed as a Building Inspector pursuant to Section 74(3) of the *Municipalities Act*, effective immediately, for the purposes of enforcing By-Law No. R-1, A Building By-law, By-Law No. R-2, Maintenance and Occupancy Standards for Residential Properties By-law, as well as amendments thereto, and this appointment shall continue until he ceases to be an employee of the Development Services Department of the City of Fredericton or until this Resolution is rescinded by City Council, whichever comes first.

AND WHEREAS the Council of the City of Fredericton has enacted By-law No. R-1, A Building By-law under and pursuant to the authority of the *Community Planning Act* (“Act) and By-Law No. R-2, Maintenance and Occupancy Standards for Residential Properties By-law as well as amendments thereto;

AND WHEREAS officers appointed by City Council must be able to enter at reasonable times upon property for the purposes of making inspections that are necessary for the administration of municipal by-laws;

AND WHEREAS Section 93 of the Act recognizes the building inspector’s authority to issue orders, but sections 94 and 98 require an express intention of City Council to delegate the ability to seek orders or commence proceedings;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Fredericton hereby authorizes and designates Kevin A. Horncastle as a Building Inspector, effective immediately, under 92(1), 93, 94(1) and 98 of the *Community Planning Act* and under 101 and 102.1(1) of the *Municipalities Act*, in order to enter upon property, to seek orders from the Court of Queen’s Bench or to commence proceedings in Provincial Court on behalf of the City of Fredericton and this authorization and designation shall continue until he ceases to be an employee of the Development Services Department of the City of Fredericton or until this Resolution is rescinded by City Council, whichever comes first.

CARRIED UNANIMOUSLY

Appointment of Troy R. Jones as Building Inspector for the purposes of enforcing By-law No. R-1 and By-law No. R-2 – *Municipalities Act*

Appointment of Troy R. Jones as Building Inspector – By-law Nos. R-1 and R-2

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

WHEREAS the *Municipalities Act* provides that a municipality may appoint a building inspector and such other officers as are necessary for the administration of the by-laws of the municipality and the *Community Planning Act* requires that a building inspector be appointed under Section 74(3) of the *Municipalities Act*;

NOW THEREFORE BE IT RESOLVED that **Troy R. Jones**, be appointed as a **Building Inspector** pursuant to Section 74(3) of the *Municipalities Act*, effective immediately, for the purposes of enforcing **By-Law No. R-1, A Building By-law, By-Law No. R-2, Maintenance and Occupancy Standards for Residential Properties By-law**, as well as amendments thereto, and this appointment shall continue until he ceases to be an employee of the Development Services Department of the City of Fredericton or until this Resolution is rescinded by City Council, whichever comes first.

CARRIED UNANIMOUSLY

Appointment of Troy R. Jones as Building Inspector under the Community Planning Act and the Municipalities Act

Appointment of Troy R. Jones as Building Inspector – *Community Planning Act* and *Municipalities Act*

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

WHEREAS the Council of the City of Fredericton has enacted By-law No. R-1, A Building By-law under and pursuant to the authority of the *Community Planning Act* (“Act) and By-Law No. R-2, Maintenance and Occupancy Standards for Residential Properties By-law as well as amendments thereto;

AND WHEREAS officers appointed by City Council must be able to enter at reasonable times upon property for the purposes of making inspections that are necessary for the administration of municipal by-laws;

AND WHEREAS Section 93 of the Act recognizes the building inspector’s authority to issue orders, but sections 94 and 98 require an express intention of City Council to delegate the ability to seek orders or commence proceedings;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Fredericton hereby authorizes and designates **Troy R. Jones** as a **Building Inspector**, effective immediately, under 92(1), 93, 94(1) and 98 of the *Community Planning Act* and under 101 and 102.1(1) of the *Municipalities Act*, in order to enter upon property, to seek orders from the Court of Queen’s Bench or to commence proceedings in Provincial Court on behalf of the City of Fredericton and this authorization and designation shall continue until he ceases to be an employee of the Development Services

Department of the City of Fredericton or until this Resolution is rescinded by City Council, whichever comes first.

CARRIED UNANIMOUSLY

Appointment of Jason M. Madore as Building Inspector for the purposes of enforcing By-law No. R-1 and By-law No. R-2 – Municipalities Act

Appointment of Jason M. Madore as Building Inspector – By-law Nos. R-1 and R-2

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

WHEREAS the *Municipalities Act* provides that a municipality may appoint a building inspector and such other officers as are necessary for the administration of the by-laws of the municipality and the *Community Planning Act* requires that a building inspector be appointed under Section 74(3) of the *Municipalities Act*;

NOW THEREFORE BE IT RESOLVED that **Jason M. Madore**, be appointed as a Building Inspector pursuant to Section 74(3) of the *Municipalities Act*, effective immediately, for the purposes of enforcing By-Law No. R-1, A Building By-law, By-Law No. R-2, Maintenance and Occupancy Standards for Residential Properties By-law, as well as amendments thereto, and this appointment shall continue until he ceases to be an employee of the Development Services Department of the City of Fredericton or until this Resolution is rescinded by City Council, whichever comes first.

CARRIED UNANIMOUSLY

Appointment of Jason M. Madore as Building Inspector under the Community Planning Act and the Municipalities Act

Appointment of Jason M. Madore as Building Inspector – *Community Planning Act* and *Municipalities Act*

Moved by Councillor Bruce Grandy, seconded by Councillor Marilyn Kerton THAT City Council adopt the following resolution:

WHEREAS the Council of the City of Fredericton has enacted By-law No. R-1, A Building By-law under and pursuant to the authority of the *Community Planning Act* (“Act) and By-Law No. R-2, Maintenance and Occupancy Standards for Residential Properties By-law as well as amendments thereto;

AND WHEREAS officers appointed by City Council must be able to enter at reasonable times upon property for the purposes of making inspections that are necessary for the administration of municipal by-laws;

AND WHEREAS Section 93 of the Act recognizes the building inspector's authority to issue orders, but sections 94 and 98 require an express intention of City Council to delegate the ability to seek orders or commence proceedings;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Fredericton hereby authorizes and designates Jason M. Madore as a Building Inspector, effective immediately, under 92(1), 93, 94(1) and 98 of the *Community Planning Act* and under 101 and 102.1(1) of the *Municipalities Act*, in order to enter upon property, to seek orders from the Court of Queen's Bench or to commence proceedings in Provincial Court on behalf of the City of Fredericton and this authorization and designation shall continue until he ceases to be an employee of the Development Services Department of the City of Fredericton or until this Resolution is rescinded by City Council, whichever comes first.

CARRIED UNANIMOUSLY

Appointment of Michael T. Sullivan as Building Inspector for the purposes of enforcing By-law No. R-1 and By-law No. R-2 – Municipalities Act

Appointment of Michael T. Sullivan as Building Inspector – By-law Nos. R-1 and R-2

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

WHEREAS the *Municipalities Act* provides that a municipality may appoint a building inspector and such other officers as are necessary for the administration of the by-laws of the municipality and the *Community Planning Act* requires that a building inspector be appointed under Section 74(3) of the *Municipalities Act*;

NOW THEREFORE BE IT RESOLVED that Michael T. Sullivan, be appointed as a Building Inspector pursuant to Section 74(3) of the *Municipalities Act*, effective immediately, for the purposes of enforcing By-Law No. R-1, A Building By-law, By-Law No. R-2, Maintenance and Occupancy Standards for Residential Properties By-law, as well as amendments thereto, and this appointment shall continue until he ceases to be an employee of the Development Services Department of the City of Fredericton or until this Resolution is rescinded by City Council, whichever comes first.

CARRIED UNANIMOUSLY

Appointment of Michael T. Sullivan as Building Inspector under the Community Planning Act and the Municipalities Act

Appoinment of Michael T. Sullivan as Building Inspector – *Community Planning Act* and *Municipalities Act*

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

WHEREAS the Council of the City of Fredericton has enacted By-law No. R-1, A Building By-law under and pursuant to the authority of the *Community Planning Act* (“Act) and By-Law No. R-2, Maintenance and Occupancy Standards for Residential Properties By-law as well as amendments thereto;

AND WHEREAS officers appointed by City Council must be able to enter at reasonable times upon property for the purposes of making inspections that are necessary for the administration of municipal by-laws;

AND WHEREAS Section 93 of the Act recognizes the building inspector’s authority to issue orders, but sections 94 and 98 require an express intention of City Council to delegate the ability to seek orders or commence proceedings;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Fredericton hereby authorizes and designates **Michael T. Sullivan** as a Building Inspector, effective immediately, under 92(1), 93, 94(1) and 98 of the *Community Planning Act* and under 101 and 102.1(1) of the *Municipalities Act*, in order to enter upon property, to seek orders from the Court of Queen’s Bench or to commence proceedings in Provincial Court on behalf of the City of Fredericton and this authorization and designation shall continue until he ceases to be an employee of the Development Services Department of the City of Fredericton or until this Resolution is rescinded by City Council, whichever comes first.

CARRIED UNANIMOUSLY

Appointment of Michael D. Pospolita as Building Inspector for the purposes of enforcing By-law No. R-1 and By-law No. R-2 – Municipalities Act

Appointment of Michael D. Pospolita as Building Inspector – By-law Nos. R-1 and R-2

Moved by Councillor Bruce Grandy, seconded by Councillor Steven Hicks THAT City Council adopt the following resolution:

WHEREAS the *Municipalities Act* provides that a municipality may appoint a building inspector and such other officers as are necessary for the administration of the by-laws of the municipality and the *Community Planning Act* requires that a building inspector be appointed under Section 74(3) of the *Municipalities Act*;

NOW THEREFORE BE IT RESOLVED that Michael D. Pospolita, be appointed as a Building Inspector pursuant to Section 74(3) of the *Municipalities Act*, effective immediately, for the purposes of enforcing By-Law No. R-1, A Building By-law, By-Law No. R-2, Maintenance and Occupancy Standards for Residential Properties By-law, as well as amendments thereto, and this appointment shall continue until he ceases to be an employee of the Development Services Department of the City of Fredericton or until this Resolution is rescinded by City Council, whichever comes first.

CARRIED UNANIMOUSLY

Appointment of Michael D. Pospolita as Building Inspector under the *Community Planning Act* and the *Municipalities Act*

Appoinment of Michael D. Pospolita as Building Inspector – *Community Planning Act* and *Municipalities Act*

Moved by Councillor Bruce Grandy, seconded by Councillor Eric Megarity THAT City Council adopt the following resolution:

WHEREAS the Council of the City of Fredericton has enacted By-law No. R-1, A Building By-law under and pursuant to the authority of the *Community Planning Act* (“Act) and By-Law No. R-2, Maintenance and Occupancy Standards for Residential Properties By-law as well as amendments thereto;

AND WHEREAS officers appointed by City Council must be able to enter at reasonable times upon property for the purposes of making inspections that are necessary for the administration of municipal by-laws;

AND WHEREAS Section 93 of the Act recognizes the building inspector’s authority to issue orders, but sections 94 and 98 require an express intention of City Council to delegate the ability to seek orders or commence proceedings;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Fredericton hereby authorizes and designates Michael D. Pospolita as a Building Inspector, effective immediately, under 92(1), 93, 94(1) and 98 of the *Community Planning Act* and under 101 and 102.1(1) of the *Municipalities Act*, in order to enter upon property, to seek orders from the Court of Queen’s Bench or to commence proceedings in Provincial Court on behalf of the City of Fredericton and this authorization and designation shall continue until he ceases to be an employee of the Development Services Department of the City of Fredericton or until this Resolution is rescinded by City Council, whichever comes first.

CARRIED UNANIMOUSLY

ASSENT OF COUNCIL – BROOKSIDE WEST, HERON DRIVE EXTENSION

Assent of Council –
Brookside West, Heron
Drive Extension

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

BE IT RESOLVED that the final plan of subdivision prepared by Eastern Land Surveys (1993) Ltd., entitled “Subdivision Plan Brookside West Subdivision 2011-1 Showing Lot 11-497” Heron Drive, County of York, City of Fredericton, receive the Assent of Council pursuant to Section 56(2) of the *Community Planning Act*.

CARRIED UNANIMOUSLY

BY-LAW NO. W-2.3, A BY-LAW TO AMEND BY-LAW NO. W-2, A BY-LAW RELATING TO WATER AND SEWER SYSTEMS (CONNECTION SERVICES)

By-law No. W-2.3 -
Connection Services

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity THAT By-law No. W-2.3, A By-law Relating to Water and Sewer Connections, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. W-2.3 Given
First Reading

Moved by Councillor Steven Hicks, seconded by Councillor Jordan Graham THAT By-law No. W-2.3, A By-law Relating to Water and Sewer Connections, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. W-2.3 Given
Second Reading

PUBLIC HEARING – ZONING AMENDMENT – 123-127 GIBSON STREET (AQ HOLDINGS LTD.)

Public Hearing – Zoning
Amendment – 123-127
Gibson Street (AQ Holdings
Ltd.)

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to a proposed by-law to amend the Zoning By-law (Z-2), under the Local Convenience Centre (L.C.) Zone, in order to permit the installation, balancing and retail sale of tires at 123-127 Gibson Street, subject to terms and conditions.

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

First and Second Reading of By-law No. Z-2.769

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity THAT By-law No. Z-2.769, 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-2.769 Given
First Reading

Moved by Councillor Steven Hicks, seconded by Councillor Eric Megarity THAT By-law No. Z-2.769, 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-2.769 Given
Second Reading

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

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

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to a proposed by-law to amend the Zoning By-law (Z-2), under the Highway Commercial (H.C.) Zone, in order to permit a clinic at 1012 Prospect Street, subject to terms and conditions.

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

First and Second Reading of By-law No. Z-2.774

Moved by Councillor Mike O’Brien, seconded by Councillor Dan Keenan THAT By-law No. Z-2.774, 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-2.774 Given
First Reading

Moved by Councillor Mike O’Brien, seconded by Councillor Dan Keenan THAT By-law No. Z-2.774, 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-2.774 Given
Second Reading

COUNCILLORS EXCUSED

Councillors Excused

Moved by Councillor Bruce Grandy, seconded by Councillor Stephen Kelly THAT Councillors Stephen Kelly and Tony Whalen be excused from the meeting and be relieved of the penalty as provided by By-law No. A-2. CARRIED UNANIMOUSLY

ADJOURNMENT

Adjournment

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

The meeting adjourned at 8:53 p.m.

(Sgd.) Brad Woodside

Brad Woodside,
Mayor

(Sgd.) Brenda L. Knight

Brenda L. Knight,
City Clerk