

MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

MONDAY, NOVEMBER 9, 2009

Minutes of the Regular Meeting of Fredericton City Council held on Monday, November 9, 2009 at 7:30 p.m. in the Council Chamber, City Hall, Fredericton.

ATTENDANCE

Attendance

Mayor Brad Woodside, Deputy Mayor Bruce Grandy, Councillors Stephen Chase, Jordan Graham, Steven Hicks, Dan Keenan, David Kelly, 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 Jordan Graham THAT the Minutes of the Regular City Council meeting of Tuesday, October 13, 2009 be approved as circulated. CARRIED UNANIMOUSLY

PRAYER

Prayer

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

WORLD TOWN PLANNING DAY

World Town Planning Day

WHEREAS: November 8th of each year has been celebrated as World Town Planning Day since its inception in 1949 and is currently celebrated in over 30 countries on four continents; and

WHEREAS: The 260 members of the Atlantic Planners Institute, a component of the Canadian Institute of Planners (CIP), endorses World Town Planning Day as an opportunity to highlight the contribution that sound planning makes to the quality of our settlements and environment; and

WHEREAS: World Town Planning Day also celebrates Canadian accomplishments made in the collective decisions concerning our cities and regions that bring quality and meaning to our lives; and

WHEREAS: The celebration of World Town Planning Day gives us an opportunity to publicly recognize the participation and dedication of the members of Planning Advisory Committees and other professional planners who have contributed time and effort to the improvement of our many cities and regions; and

WHEREAS: We fully appreciate the many valuable contributions made by the professional planning community and extend our thanks for the continued commitment to public service.

THEREFORE: I, Brad Woodside, Mayor of the City of Fredericton, do hereby proclaim the day of **November 8, 2009** as **World Town Planning Day** in Fredericton and do commend its thoughtful observance to all citizens of our Province.

RESTORATIVE JUSTICE WEEK

Restorative Justice Week

WHEREAS: In the face of crime or conflict, restorative justice offers a philosophy and approach that views these matters principally as harm done to people and relationships; and

WHEREAS: Restorative justice approaches strive to provide support and opportunities for the voluntary participation and communication between those affected by crime and conflict (victims, offenders, community) to encourage accountability, reparation and a movement towards understanding, feelings of satisfaction, healing and closure; and

WHEREAS: This year's theme for Restorative Justice Week is "Communities Responding to Human Needs", it is an opportunity to learn, educate and celebrate along with other communities across the country about restorative justice during the week.

THEREFORE: I, Brad Woodside, Mayor of Fredericton, do hereby proclaim **November 15 to 22, 2009** as **Restorative Justice Week** in the City of Fredericton.

AFFORDABLE HOUSING DAY

Affordable Housing Day

WHEREAS: equate, suitable, secure and affordable housing is a basic need of all Frederictonians. A good supply of affordable housing benefits all citizens of Fredericton.

WHEREAS: Partnerships involving all levels of government, non-profit housing and community service groups and the private sector are required to develop innovative and cost-effective affordable housing solutions.

WHEREAS: The City of Fredericton recognizes it can play a major role in ensuring a good supply of affordable housing in the City.

THEREFORE: I, Brad Woodside, Mayor of the City of Fredericton, do hereby proclaim **November 18, 2009** as **Affordable Housing Day** to raise awareness of the important role affordable Housing plays in making Fredericton a strong and viable community.

FAMILY VIOLENCE PREVENTION MONTH

Family Violence Prevention Month

WHEREAS: The consequences of family violence affect all of us; and

WHEREAS: Family violence includes abuse of children and youth, of older persons, of a partner or persons with disabilities; and

WHEREAS: It can take a number of forms: physical assault, emotional and sexual abuse; and

WHEREAS: Family violence is one of the most insidious, widespread social issues in society; and

WHEREAS: The Muriel McQueen Fergusson Foundation, a charitable trust, was established to fund research into the causes, incidence and forms of treatment of family violence as well as to promote and sponsor effective public education programs to counter widespread ignorance of the problem.

THEREFORE: I, Brad Woodside, Mayor of the City of Fredericton, declare the month of **November 2009** as **“Family Violence Prevention Month”**, in Fredericton and urge all citizens to acknowledge the work of the Muriel McQueen Fergusson Foundation and all others who strive to end family violence.

MILITARY EXERCISE

Military Exercise

A request was received from Captain A. S. Duncan for permission to hold a Military Tactical Exercise Without Troops in the core of downtown Fredericton on Saturday, November 14, 2009.

Moved by Councillor Eric Megarity, seconded by Councillor Tony Whalen BE IT RESOLVED THAT approval be given to the Infantry School, CTC - CFB Gagetown, to hold their Military Tactical Exercise Without Troops in the core of downtown Fredericton during the hours of 10:00 a.m. and 4:00 p.m. on Saturday, November 14, 2009; AND that the Mayor and City Clerk be authorized to execute the document entitled ‘Annex “B” – Right of Use’.

CARRIED UNANIMOUSLY

MEN OF COMMUNITY CHURCHES FOOD DRIVE FOR SALVATION ARMY

Men of Community Churches Food Drive for Salvation Army

A request was received from Charles (Buddy) Pond for permission to conduct a Food Drive on Monday, November 23, 2009.

Moved by Councillor Scott McConaghy, seconded by Councillor Dan Keenan BE IT RESOLVED THAT approval be given to the Men of Community Churches to conduct a Food Drive for the Salvation Army on the Northeast side of the City (Marysville area) during the period of Monday, November 23rd to Saturday, November 28th, 2009, inclusive.

CARRIED UNANIMOUSLY

RESOLUTION RUN

Resolution Run

A request was received from John Acheson for permission to hold a Resolution Run on Friday, January 1, 2010.

Moved by Councillor Steven Hicks, seconded by Councillor – Stephen Chase BE IT RESOLVED THAT approval be given to The Running Room Canada, Kings Place Store, to hold their Resolution Run on Friday, January 1, 2010, along the proposed route.

CARRIED UNANIMOUSLY

SINGLE SOURCE PURCHASE GEOTHERMAL TECHNOLOGY – GRANT•HARVEY CENTRE

Single Source Purchase Geothermal Technology – Grant•Harvey Centre

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Stephen Chase BE IT RESOLVED THAT the Council of the City of Fredericton hereby awards a single source purchase for a “turn key” solution to supply and install an integrated geothermal ice plant using IKS’s technology and system integration to fulfill space and water heating needs of the Grant.Harvey Centre and other district energy needs to Ice Kube Systems Ltd. for the contract price of \$2,250,000.00, HST extra; AND

BE IT FURTHER RESOLVED THAT the Mayor and City Clerk be authorized to execute the said contract.

CARRIED UNANIMOUSLY

TREASURER’S REPORT

Treasurer’s Report

Moved by Councillor Mike O’Brien, seconded by Councillor Dan Keenan BE IT RESOLVED THAT expenditures for the month of OCTOBER 2009, pursuant to By-law No. A-2, A By-law Respecting Administration and the City Council, Paragraph 29.06, be submitted for ratification in the amount of Ten Million, Eight Hundred and Nineteen Thousand, Five Hundred and Twenty-Four Dollars and Eighty-Five Cents. (\$10,819,524.85).

CARRIED UNANIMOUSLY

REQUEST FOR PROPOSAL #P07-26, CONTRACT EXTENSION FOR SECURITY SERVICES CITY OF FREDERICTON - CITY HALL/ FREDERICTON PUBLIC LIBRARY AND ASSOCIATED BUILDINGS

Request for Proposal #P07-26 Awarded to Perpetual Security Corporation

Moved by Councillor Mike O’Brien, seconded by Councillor David Kelly BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of #P07-26, Contract Extension for Security Services, City of Fredericton, City Hall/Fredericton Public Library and Associated Buildings, to *Perpetual Security Corporation* @ \$11.77 per hour, HST extra, for hourly security guard surveillance. Based on estimated hours of 8645.50 hours, the estimated value of the contract is \$101,757.53, HST extra, for the period of January 1, 2010 to December 31, 2010; AND that the Mayor and City Clerk are authorized to execute the the necessary legal documents.

CARRIED UNANIMOUSLY

APPOINTMENT OF TWO POLICE OFFICERS

Moved by Councillor Scott McConaghy, seconded by Councillor Eric Megarity BE IT RESOLVED THAT City Council appoints: Shawn Fraser and Faron MacDonald as police officers pursuant to Section 11(1)(c) of the *New Brunswick Police Act*.

CARRIED UNANIMOUSLY

Appointment of Two Police Officers

ASSENT OF COUNCIL – PROSPECT STREET (HIGHPOINT RIDGE) – COLPITTS DEVELOPMENTS LTD.

Moved by Deputy Mayor Bruce Grandy, seconded by Councillor Steven Hicks BE IT RESOLVED THAT the final plan of subdivision prepared by Trainor Surveys (1974) Ltd. entitled “Subdivision Plan, High Point Ridge Subdivision Plan Phase 3” Creating lots 09-174 Thru 09-194, Lot 09-218 A Portion of Garden Street (Public), Highpoint Boulevard (Public) & Cornerstone Court (Public), Garden Street, Highpoint Boulevard & Cornerstone Court, City of Fredericton, County of York, Province of New Brunswick, receive the Assent of Council pursuant to Section 56(2) of the *Community Planning Act*.

CARRIED UNANIMOUSLY

Assent of Council – Prospect Street (Highpoint Ridge) – Colpitts Developments Ltd.

BUSINESS IMPROVEMENT AREAS ACT – DOWNTOWN FREDERICTON INC. 2010 BUDGET

Moved by Councillor Jordan Graham, seconded by Councillor Tony Whalen THAT WHEREAS By-law No. 654, Business Improvement Area By-law, designates a portion of the City of Fredericton as a Business Improvement Area pursuant to the provisions of the *Business Improvement Areas Act*;

AND WHEREAS the Board of Directors of Downtown Fredericton Inc. has submitted a proposed budget to the Council of the City of Fredericton pursuant to Section 4 of the *Business Improvement Areas Act*, as set out in Schedule "A", attached to this resolution and forming part hereof, which estimates a levy of 20 cents per \$100 of assessment on non-residential property within the area designated by By-law No. 654;

AND WHEREAS the provisions of the *Business Improvement Areas Act* requires the fulfilment of various conditions in the enactment of by-laws under the Act;

Business Improvement Areas Act – Downtown Fredericton Inc. 2010 Budget

BE IT RESOLVED THAT the Council of the City of Fredericton hereby states its intention to approve the budget as set out in Schedule "A" and directs that the public notice requirements of Section 4(2) of the *Business Improvement Areas Act* be fulfilled.

CARRIED UNANIMOUSLY

Schedule "A" is attached to these Minutes as Appendix 1.

BUSINESS IMPROVEMENT AREAS ACT – BUSINESS FREDERICTON NORTH INC. 2010 BUDGET

Business Improvement Areas Act – Business Fredericton North Inc. 2010 Budget

Moved by Councillor Dan Keenan, seconded by Councillor Mike O'Brien THAT WHEREAS By-law No. 1082, Business Improvement Area By-law, designates a portion of the City of Fredericton as a business improvement area pursuant to the provisions of the *Business Improvement Areas Act*;

AND WHEREAS the Board of Directors of Business Fredericton North Inc. has submitted a proposed budget to the Council of the City of Fredericton pursuant to Section 4 of the *Business Improvement Areas Act*, as set out in Schedule "A" attached hereto and forming a part hereof, which estimates a levy of twenty (20) cents per \$100 of assessment on non-residential property within the area designated by By-law No. 1082;

AND WHEREAS the provisions of the *Business Improvement Areas Act* requires the fulfillment of various conditions in the enactment of by-laws under the Act;

BE IT RESOLVED THAT the Council of the City of Fredericton hereby states its intention to approve the budget as set out in Schedule "A" and directs that the public notice requirements of Section 4(2) of the *Business Improvement Areas Act* be fulfilled.

CARRIED UNANIMOUSLY

Schedule "A" is attached to these Minutes as Appendix 2.

PUBLIC PRESENTATION OF BY-LAW NO. Z-1.12 - MUNICIPAL PLAN AMENDMENT AND CHANGE TO TERMS AND CONDITIONS – 380-390 YORK STREET (J.D. IRVING/FREDERICTON RAILWAY COMPANY)

Presentation of By-law No. Z-1.12 – 380-390 York Street (J.D. Irving/Fredericton Railway Company)

The Assistant City Clerk read the following:

“At a meeting of Council held on October 26, 2009, a resolution was adopted authorizing the preparation of a by-law to amend the Municipal Plan with respect to property located at 380-390 York Street, and set this meeting as the date for the public presentation.

The purpose of the proposed by-law is to amend

- *the Proposed Uses of Character Area “B” under Section 3.5.12 of the Municipal Plan to state: “Council will consider any one of the following, or a mix of the following land uses for this building including office, institutional and commercial uses including a retail development”; and*
- *the Development Criteria of Character Area “B” under Section 3.5.12 of the Municipal Plan to state: “It is envisioned that the railway station will be developed utilizing existing building envelope and special attention will be paid to the retention of the exterior façade, roof line, and architectural features that clearly define its role as a former train station”;*

Further, terms and conditions associated with By-law No. Z-2.240, adopted by City Council on February 26, 2001, will be repealed and replaced with new terms and conditions to be imposed on Council in order to facilitate the construction of a liquor store.

I wish to advise the public that proposed By-law No. Z-1.12 is available at the Office of the City Clerk in City Hall for public perusal, and that written objections may be submitted within the next 30 days.”

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 Respecting Streets and Sidewalks

First and Second Reading of By-law No. T-4.2

Moved by Councillor Stephen Chase, seconded by Councillor Scott McConaghy 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 first reading by title. CARRIED UNANIMOUSLY

By-law No. T-4.2 Given First Reading

Moved by Councillor Stephen Chase, seconded by Councillor Scott McConaghy 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 second reading by title. CARRIED UNANIMOUSLY

By-law No T-4.2 Given Second Reading

AMENDMENT TO BY-LAW NO. T-1, A BY-LAW TO REGULATE TRAFFIC, RIGHT-OF-WAY CONTROL SIGNAGE CHANGES – IRVINE STREET EXTENSION AND OTHER CONNECTIONS

Amendment to By-law No. T-1, Right-of-Way Control Signage Changes – Irvine Street Extension and Other Connections

Third Reading of By-law No. T-1.39

Moved by Councillor Tony Whalen, seconded by Councillor Dan Keenan THAT By-law No. T-1.39, A By-law to Regulate Traffic, be read by section number pursuant to Sections 11.1 (1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. T-1.39 Read by Section Number

By-law No. T-1.39 was read by section number and is attached to these Minutes as **Appendix 3**.

Moved by Councillor Tony Whalen, seconded by Councillor Eric Megarity THAT By-law No. T-1.39, A By-law to Regulate Traffic, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. T-1.39 Given Third Reading

Due to being absent from the City Council Meeting held on October 26, 2009, when Hearing of Objections took place, Mayor Brad Woodside and Councillors Jordan Graham and Steven Hicks excused themselves and retired from the meeting at 8:04 p.m.

Mayor Brad Woodside and Councillors Jordan Graham and Steven Hicks Retired from the Meeting

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 8:04 p.m.

TEMPORARILY STOP-UP AND CLOSE A PORTION OF QUEEN STREET (OLYMPIC TORCH RELAY)

Temporarily Stop-up and Close a Portion of Queen Street (Olympic Torch Relay)

Third Reading of By-law No. L-11.40

Moved by Councillor Stephen Chase, seconded by Councillor Tony Whalen THAT By-law No. L-11.40, A By-law to Temporarily Stop-up and Close a Portion of Queen Street, be read by section number pursuant to Sections 11.1 (1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. L-11.40 Read by Section Number

By-law No. L-11.40 was read by section number and is attached to these Minutes as Appendix 4.

Moved By Councillor Stephen Chase, seconded by Councillor Tony Whalen THAT By-Law No. L-11.40, A By-Law To Temporarily Stop-Up And Close A Portion Of Queen Street, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. L-11.40 Given Third Reading

ZONING AMENDMENT – SARAHS LANE EXTENSION

Adoption of Terms and Conditions

Adoption of Terms and Conditions Sarahs Lane Extension

Moved by Councillor Stephen Chase, seconded by Councillor David Kelly THAT the following terms and conditions be adopted pursuant to Section 39 of the *Community Planning Act* in regard to an amendment to the Zoning By-law (Z-2), under the Residential Zone Six (R-6), in order to permit row dwellings (townhouses) on individual lots on property located off Sarahs Lane, as laid out in draft By-law No. Z-2.673:

- a) The development of the property be in accordance with the requirements of the R-6 Residential zone except that the development of individually owned row dwellings be in accordance with Section 8.2.10.3 of Zoning By-law Z-2.
- b) Municipal servicing, site drainage and stormwater management be to the satisfaction of the Director of Engineering and Public Works.

CARRIED UNANIMOUSLY

Third Reading of By-law No. Z-2.673

Moved by Councillor Stephen Chase, seconded by Councillor David Kelly THAT By-law No. Z-2.673, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be read by section number pursuant to Sections 11.1 (1) and (2) of the *Municipalities Act*. CARRIED UNANIMOUSLY

By-law No. Z-2.673 Read by Section Number

By-law No. Z-2.673 was read by section number and is attached to these Minutes as Appendix 5.

Moved by Councillor Stephen Chase, seconded by Councillor David Kelly THAT By-law No. Z-2.673, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. Z-2.673 Given Third Reading

ZONING AMENDMENT AND SUBDIVISION – BROOKSIDE DRIVE (NORTHBROOK SUBDIVISION PHASE 3)

Zoning Amendment and Subdivision – Brookside Drive (Northbrook Subdivision Phase 3)

Adoption of Terms and Conditions

Moved by Councillor Stephen Chase, seconded by Councillor Dan Keenan THAT the following terms and conditions be adopted pursuant to Section 39 of the Community Planning Act in regard to an amendment to the Zoning By-law (Z-2), to rezone a portion of subject property from Residential Zone Manufactured Home (RM-2) to Residential Zone Manufactured Home Subdivision (RM-1) and Park Zone (P); and the subdivision to create twenty (20) RM-1 lots, two (2) R-3 lots and one (1) R-5 lot, , as laid out in draft By-law No. Z-2.674:

- a) A final plan of subdivision be submitted substantially in accordance with Map III attached to Planning Report 105/09 to the satisfaction of the Development Officer.
- b) The site be developed substantially in accordance with Map II attached to Planning Report 105/09 and to the satisfaction of the Development Officer.
- c) Access be to the satisfaction of the Director of Engineering and Public Works.
- d) Road construction and servicing be to the satisfaction of the Director of Engineering and Public Works.
- e) A detailed lot grading and drainage plan as well as a storm water management plan be submitted to the satisfaction of the Director of Engineering and Public Works.
- f) The developer is responsible for constructing all streets, sidewalks and required servicing (water mains, sanitary sewer mains, storm sewer mains, storm water management facilities, etc.) within the development to the satisfaction of the Director of Engineering and Public Works.
- g) Any necessary easements be granted gratuitously to the City of Fredericton and other utilities.
- h) 8% public land dedication be taken in the form of land and/or cash to the satisfaction of the director of Community Services.

CARRIED UNANIMOUSLY

Moved by Councillor Stephen Chase, seconded by Councillor Dan Keenan THAT By-law No. Z-2.674, A By-law to Amend By-law No. Z-2, A Zoning By-law for the City of Fredericton, be read by section number pursuant to Sections 11.1 (1) and (2) of the Municipalities Act. CARRIED UNANIMOUSLY

By-law No. Z-2.674 Read by Section Number

By-law No. Z-2.674 was read by section number and is attached to these Minutes as **Appendix 6.**

Moved by Councillor Stephen Chase, seconded by Councillor Dan Keenan THAT By-law No. Z-2.674, A By-law to Amend By-law No. Z-2, A Zoning By-law for The City of Fredericton, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. Z-2.674 Given Third Reading

COUNCILLOR STEPHEN KELLY EXCUSED

Councillor Stephen Kelly Excused

Moved by Councillor Eric Megarity, seconded by Councillor Mike O’Brien THAT Councillor Stephen Kelly be excused from the meeting and relieved of the penalty as provided by by-law. CARRIED UNANIMOUSLY

ADJOURNMENT

Adjournment

Moved by Councillor Dan Keenan, seconded by Councillor Marilyn Kerton THAT the meeting adjourn. CARRIED UNANIMOUSLY

The meeting adjourned at 8:07 p.m.

Submitted to City Council for approval by

(Sgd.) Karen Garrett

Karen Garrett
Recording Secretary