

# MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

TUESDAY, OCTOBER 12, 2010

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Minutes of the Regular Meeting of Fredericton City Council held on Tuesday, October 12, 2010, at 7:31 p.m. in the Council Chamber, City Hall, Fredericton.

## ATTENDANCE

Attendance

### **Council:**

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

### **Staff:**

Brenda L. Knight, City Clerk  
Paul Stapleton, City Administrator  
Chris MacPherson, Assistant City Administrator  
Barry MacKnight, Police Chief  
Philip Toole, Fire Chief  
Wayne Tallon, Director of Community Services  
Tina Tapley, Director of Finance/City Treasurer, Acting  
Alex Forbes, Assistant Director of Development Services  
Sean Lee, Manager, Engineering Services  
Wayne Knorr, Manager, Corporate Communications  
Joe Lumsdon, Manager, Human Resources

**Absent:** Councillors Jordan Graham, Steven Hicks, and Stephen Kelly.

## PRAYER

Prayer

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

## REZONING – 959 BROOKSIDE DRIVE (ROBERT AND BRENDA KIERSTEAD)

Adoption of Terms and Conditions – Rezoning – 959 Brookside Drive (Robert and Brenda Kierstead)

### Adoption of Terms and Conditions

Moved by Councillor Tony Whalen, seconded by Councillor Bruce Grandy, 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 property located at 959 Brookside Drive from Residential Zone Two (R-2) to Residential Zone Three (R-3), as laid out in draft By-law No. Z-2.717:

- a) The site be developed generally in accordance with Map III attached to Planning Report 106/10.
- b) A building permit be obtained.

**CARRIED UNANIMOUSLY**

**Third Reading of By-law No. Z-2.717**

**Moved by Councillor Stephen Chase, seconded by Councillor Bruce Grandy, THAT By-law No. Z-2.717, 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-2.717 Read by  
Section Number

By-law No. Z-2.717 was read by section number and is attached to these Minutes as **Appendix 1**

**Moved by Councillor Stephen Chase, seconded by Councillor Bruce Grandy, THAT By-law No. Z-2.717, 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-2.717 Given  
Third Reading

**RECONSIDERATION – AMENDMENT TO BY-LAW NO. A-5, A BY-LAW TO CONTINUE THE SUPERANNUATION PLAN FOR EMPLOYEES OF THE CITY OF FREDERICTON**

Reconsideration –  
Amendment to By-law No. A-5, A By-law to Continue the Superannuation Plan for Employees of The City of Fredericton

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

**BE IT RESOLVED that City Council reconsider its decision of September 13<sup>th</sup>, 2010 being “... THAT the Council of the City of Fredericton authorizes the preparation of a by-law to amend Schedule “A” of By-law No. A-5, A By-law to Continue the Superannuation Plan for Employees of the City of Fredericton, in order to remove the post-retirement indexation of pensions benefit, commencing January 1, 2011.” CARRIED UNANIMOUSLY**

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

**THAT the Council of the City of Fredericton authorizes the preparation of a by-law to amend Schedule “A” of By-law No. A-5, a By-law to continue the superannuation Plan for Employees of the City of Fredericton, in order to remove the post-retirement indexation of pensions benefit, commencing January 1, 2011.**

On the question, Deputy Mayor Dan Keenan, Councillors Scott McConaghy, Marilyn Kerton, and Stephen Chase expressed that they would be voting against the motion in order to allow sufficient time to explore alternate solutions.

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

**Motion to Refer Amendment to By-law No. A-5, A By-law to Continue the Superannuation Plan for Employees of the City of Fredericton, to the Board of Administrators**

Motion to Refer Amendment to By-law No. A-5 to the Board of Administrators

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

**BE IT RESOLVED that the matter be referred back to the Board of Administrators pursuant to Schedule "A" of By-law No. A-5, A By-law to Continue the Superannuation Plan for Employees of the City of Fredericton, for further review and recommendations regarding options to fund the pension deficit. CARRIED UNANIMOUSLY**

**PROCLAMATION**

Proclamation

Mayor Brad Woodside read the following proclamation:

**KNIGHTS OF COLUMBUS DAY 2010**

Knights of Columbus Day 2010

**WHEREAS:** The Knights of Columbus is a Catholic Family and Charitable Service Organization having 1,808,671 members world wide; and

**WHEREAS:** The Knights of Columbus are named after the world renowned explorer Christopher Columbus who discovered the new world in 1492; and

**WHEREAS:** There are over 250,000 members in all of Canada with 14,600 members in New Brunswick, being the third ranked province behind Ontario and Quebec; and

**THEREFORE:** I, Brad Woodside, Mayor of the City of Fredericton, the Capital City of New Brunswick, declare the **12<sup>th</sup> of October 2010** as "**Knights of Columbus Day 2010**" in Fredericton.

**EXIT REALTY FOOD DRIVE**

A request was received from Sandra Comeau for approval to conduct a food drive on October 21, 2010.

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

**BE IT RESOLVED that approval be given to EXIT Real Estate Professionals to conduct a food drive for the Fredericton Food Bank, in the Devon area of Fredericton, between the hours of 5:30 – 8:00 p.m. on Thursday, October 21, 2010.**

**CARRIED UNANIMOUSLY**

EXIT Realty Food Drive

**SPIRIT RUN FOR ALS**

A request was received from Carol Cottrill for approval to hold the Spirit Run for ALS on October 31, 2010.

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

**BE IT RESOLVED that approval be given to ALS Society of New Brunswick and the Running Room Fredericton to hold the Spirit Run for ALS on Sunday, October 31, 2010.**

**CARRIED UNANIMOUSLY**

Spirit Run for ALS

**TRICK OR EAT CAMPAIGN**

A request was received from Brittany Stairs for approval to conduct a food drive on October 31, 2010.

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

**BE IT RESOLVED that approval be given to the organizers of Saint Thomas University Student Union 'Trick or Eat' Food Drive to conduct their campaign door-to-door in the requested areas of the City on Sunday, October 31, 2010, between the hours of 5:00 and 9:00 p.m.**

**CARRIED UNANIMOUSLY**

Trick or Eat Campaign

**REMEMBRANCE DAY SERVICES**

Remembrance Day Services

A request was received from James Michaud-Little for approval to hold Remembrance Day Ceremonies on November 7<sup>th</sup> and 10<sup>th</sup>, 2010.

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

**BE IT RESOLVED that approval be given to the Royal Canadian Legions, Fredericton Branch #4 and Marysville Branch #15, to hold their Remembrance Day Ceremonies on Sunday, November 7, 2010, and Thursday, November 11, 2010, along the requested routes, subject to a Police escort along the parade routes.**

**CARRIED UNANIMOUSLY**

**RESOLUTION RUN**

Resolution Run

A request was received from John Acheson for approval to hold the Resolution Run on January 1, 2011.

**Moved by Councillor David Kelly, seconded by Councillor Marilyn Kerton, 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 Saturday, January 1, 2011, along the proposed route.**

**CARRIED UNANIMOUSLY**

**TREASURER’S REPORT**

Treasurer’s Report

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

**BE IT RESOLVED that expenditures for the month of September 2010, 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 Nine Million, Five Hundred and Sixty-Three Thousand, Eight Hundred and Forty-One Dollars and Forty-One Cents (\$9,563,841.41).**

**CARRIED UNANIMOUSLY**

**SINGLE SOURCE PURCHASE OF ADD-ON COMPONENT FOR COMPUTER STORAGE PURCHASED FACTORY-DIRECT FROM DELL**

Single Source Purchase of Add-on Component Awarded to Dell Canada

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

BE IT RESOLVED that the Council of the City of Fredericton authorizes the single source purchase of storage expansion system Dell PS4000XV from *Dell Canada*, single source supplier, at the total quoted price of \$33,300.00, HST extra.

CARRIED UNANIMOUSLY

**REQUEST FOR PROPOSAL #P06-31 – YEARLY EXTENSION – REQUEST FOR PROPOSAL FOR THE RENTAL OF REAR LOADED GARBAGE TRUCK(S) WITH COMPACTOR, COMPLETE WITH OPERATOR(S), FOR FALL LEAF PICKUP FOR THE CITY OF FREDERICTON ENGINEERING AND PUBLIC WORKS DEPARTMENT**

Request for Proposal #P06-31, Yearly Extension, Fall Leaf Pickup, Awarded to Trius Disposal Systems Ltd.

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

BE IT RESOLVED that the Council of the City of Fredericton authorizes the Yearly Extension for 2010 of Proposal #P06-31, Request for Proposal for the Rental of Rear Loaded Garbage Truck(s) with Compactor, Complete with Operator(s), for Fall Leaf Pickup for the City Of Fredericton Engineering and Public Works Department, to *Trius Disposal Systems Ltd.*, single response bidder meeting specifications at the bid alternative proposed price of \$39,900.00, HST extra less 8% flat rate multi-year offer, which equals a net cost of \$36,708.00 per year, HST extra. Subsequent yearly extensions will be subject to City Council approval.

CARRIED UNANIMOUSLY

**ANNUAL REPORT – FREDERICTON POLICE FORCE, 2ND QUARTER 2010 STATISTICAL REPORT**

Annual Report –Fredericton Police Force, 2<sup>nd</sup> Quarter 2010 Statistical Report

Moved by Councillor Eric Megarity, seconded by Councillor Scott McConaghy, THAT the following Annual Report be received and placed on file:

- Fredericton Police Force, 2<sup>nd</sup> Quarter 2010 Statistical Report

CARRIED UNANIMOUSLY

**STOP-UP AND CLOSE A PORTION OF EATMAN AVENUE**

Stop-up and Close a Portion of Eatman Avenue

Moved by Councillor Marilyn Kerton, seconded by Councillor Scott McConaghy, 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 Stop-up and Close by-law for the portion of Eatman Avenue identified as Parcel “B” on the attached sketch.

CARRIED UNANIMOUSLY

The sketch is attached to these Minutes as Appendix 2.

**Resolution**

Resolution

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

BE IT RESOLVED that the Legal Division be instructed to prepare the appropriate by-law to give effect to the closure of a portion of Eatman Avenue, as shown on Schedule “A”, attached to and forming part of this resolution;

AND BE IT FURTHER RESOLVED that a Notice of Intention to Stop-up and Close a portion of Eatman Avenue 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, October 25, 2010 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.

CARRIED UNANIMOUSLY

**AMENDMENT TO BY-LAW NO. T-1, A BY-LAW TO REGULATE TRAFFIC – ALL-WAY YIELD AT BROOKSIDE DRIVE AT REYNOLDS STREET/WEST HILLS CROSSING**

Amendment to By-law No. T-1 – All-way Yield at Brookside Drive at Reynolds Street/West Hills Crossing

Moved by Councillor Bruce Grandy, seconded by Councillor Mike O’Brien THAT By-law No. T-1.44, A By-law to Regulate Traffic, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. T-1.44 Given First Reading

Moved by Councillor Bruce Grandy, seconded by Councillor Mike O’Brien THAT By-law No. T-1.44, A By-law to Regulate Traffic, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. T-1.44 Given Second Reading

**AMENDMENT TO BY-LAW NO. T-1, A BY-LAW TO REGULATE TRAFFIC – TRAFFIC SIGNAL INSTALLATIONS ON PROVINCIALLY DESIGNATED ROUTES**

Amendment to By-law No. T-1 – Traffic Signal Installations on Provincially Designated Routes

Moved by Councillor Scott McConaghy, seconded by Councillor Eric Megarity THAT By-law No. T-1.45, A By-law to Regulate Traffic, be given first reading by title. CARRIED UNANIMOUSLY

By-law No. T-1.45 Given First Reading

Moved by Councillor Scott McConaghy, seconded by Councillor Eric Megarity THAT By-law No. T-1.45, A By-law to Regulate Traffic, be given second reading by title. CARRIED UNANIMOUSLY

By-law No. T-1.45 Given Second Reading

**REZONING – 214 DUNN’S CROSSING ROAD (CITY OF FREDERICTON)**

Adoption of Terms and Conditions – Rezoning – 214 Dunn’s Crossing Road (City of Fredericton)

**Adoption of Terms and Conditions**

Moved by Councillor Tony Whalen, seconded by Deputy Mayor 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 property located at 214 Dunn’s Crossing Road from Residential Zone Seven (R-7) to Residential Zone Five (R-5), as laid out in draft By-law No. Z-2.714:

- a) That access, servicing, lot drainage and storm water management plans be provided to the satisfaction of the Director of Engineering and Public Works.
- b) That landscaping and parking plans be provided to the satisfaction of the Development Officer prior to a building permit being issued.
- c) That all easements deemed necessary be granted gratuitously to the City of Fredericton and other utilities.

CARRIED UNANIMOUSLY

**Third Reading of By-law No. Z-2.714**

Moved by Councillor Tony Whalen, seconded by Councillor Stephen Chase, THAT By-law No. Z-2.714, 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-2.714 Read by Section Number

By-law No. Z-2.714 was read by section number and is attached to these Minutes as **Appendix 3**.

**Moved by Councillor Tony Whalen, seconded by Councillor Stephen Chase THAT By-law No. Z-2.714, 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-2.714 Given Third Reading

**ZONING AMENDMENT – 135 RIVERSIDE DRIVE (PHILIP GYUK)**

Zoning Amendment – 135 Riverside Drive (Philip Gyuk)

**Third Reading of By-law No. Z-2.715**

**Moved by Councillor Stephen Chase, seconded by Councillor Mike O’Brien, THAT By-law No. Z-2.715, 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*.**

Motion to Read By-law No. Z-2.715 by Section Number - *Defeated*

*On the question*, Councillor Marilyn Kerton, Ward Councillor for the area in question, indicated that she had received numerous complaints regarding this particular property, and would not be voting in support of the motion.

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

**ZONING AMENDMENT – 513 UNION STREET (LOYAL TAXI)**

Zoning Amendment – 513 Union Street (Loyal Taxi)

**Third Reading of By-law No. Z-2.718**

**Moved by Councillor Stephen Chase, Seconded by Councillor Eric Megarity, THAT By-Law No. Z-2.718, 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*. DEFEATED UNANIMOUSLY**

Motion to Read By-law No. Z-2.718 by Section Number - *Defeated*

**ZONING AMENDMENT – 880 HANWELL ROAD (J.A. PROPERTIES CORPORATION)**

Adoption of Terms and Conditions – Zoning Amendment – 880 Hanwell Road (J.A. Properties Corporation)

**Adoption of Terms and Conditions**

**Moved by Councillor Mike O’Brien, seconded by Councillor Bruce Grandy, 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 Service Industrial Zone (S.I.), in order to permit a personal service**

**establishment, office and retail store less than 300 square metres, in addition to the uses already permitted on property located at 880, 884, 888 Hanwell Road, as laid out in draft By-law No. Z-2.720:**

- a) The development be maintained substantially in accordance with Map III attached to Planning Report 108/10.
- b) Access and servicing shall be to the satisfaction of the Director of Engineering and Public Works.
- c) The development be equipped with backflow prevention to the satisfaction of the Director of Engineering and Public Works.
- d) The retail component of any one store shall not exceed 300 square metres in gross floor area.

**CARRIED UNANIMOUSLY**

**Third Reading of By-law No. Z-2.720**

**Moved by Councillor Tony Whalen, seconded by Councillor Marilyn Kerton, THAT By-law No. Z-2.717, 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-2.720 Read by  
Section Number

By-law No. Z-2.720 was read by section number and is attached to these Minutes as **Appendix 4**.

**Moved by Councillor Tony Whalen, seconded by Councillor Marilyn Kerton THAT By-law No. Z-2.720, 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-2.720 Given  
Third Reading

**COUNCILLORS EXCUSED**

Councillors Excused

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

**ADJOURNMENT**

Adjournment

**Moved by Councillor Stephen Chase, seconded by Councillor Marilyn Kerton THAT the meeting adjourn. CARRIED UNANIMOUSLY**

The meeting adjourned at 8:05 p.m.

Recording Secretary : Karen Garrett

*(Sgd. Brenda L. Knight)*

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Brenda L. Knight,  
City Clerk

*(Sgd. Brad Woodside)*

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Brad Woodside,  
Mayor