

# MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

MONDAY, OCTOBER 26, 2009

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Minutes of the Regular Meeting of Fredericton City Council held on Monday, October 26, 2009 at 7:30 p.m. in the Council Chamber, City Hall, Fredericton.

## ATTENDANCE

Attendance

Deputy Mayor Bruce Grandy, Councillors Stephen Chase, Dan Keenan, 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 Marilyn Kerton, seconded by Councillor Eric Megarity THAT the Minutes of the Regular City Council meeting of Monday, September 28, 2009 be approved as circulated. CARRIED UNANIMOUSLY**

## PRAYER

Prayer

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

## HMCS FREDERICTON UPDATE

HMCS Fredericton Update

Councillor Stephen Chase provided a PowerPoint Presentation and verbal update on the recent departure of HMCS Fredericton from Halifax, Nova Scotia. Both Councillor Chase and Councillor Scott McConaghy were on hand to represent the City of Fredericton.

## MODERN ARCHITECTURE HERITAGE DAY

Modern Architecture  
Heritage Day

**WHEREAS:** The month of October is internationally recognized as the time to celebrate our Modern Architectural heritage; and

**WHEREAS:** Other states, provinces, and cities across North America, including: Los Angeles, San Francisco, Atlanta, Miami, Chicago, New Orleans, Boston, New York, Vancouver, Halifax and Mexico City have been holding events during the month of October to celebrate Modern Architecture Heritage Day; and

**WHEREAS:** The significant modern architectural heritage which we have inherited in Fredericton includes a number of historically significant Canadian buildings and plays a vital role in providing a unique identity to our City; and

**WHEREAS:** Our modern architectural heritage has played a vital role in developing the rich social fabric of our City, and will continue to provide a framework for celebrating our heritage and culture; and

**WHEREAS:** Across Europe and North America, post-war modern architecture is becoming increasingly valued as an important part of our material culture that should be preserved for the benefit of future generations.

**NOW THEREFORE:** I, Bruce Grandy, Deputy Mayor of the City of Fredericton, do hereby proclaim the day of Saturday, **October 31, 2009** as **Modern Architecture Day** in the City of Fredericton and urge all citizens to support and participate in heritage activities occurring throughout the day.

**PAIN AWARENESS WEEK**

Pain Awareness Week

**WHEREAS:** Pain touches every member of our community at sometime throughout their life; and

**WHEREAS:** Pain is one of our country's most serious health problems it is our silent epidemic caused by various diseases, disorders, or injuries; and

**WHEREAS:** While medical knowledge and technology exists to relieve or greatly ease pain, pain often goes untreated, under-treated, or improperly treated when healthcare professionals do not have the knowledge to effectively treat pain; and

**WHEREAS:** Untreated chronic pain may potentially rob people of their quality of life- affecting their physical, psychological, social and spiritual well-being; and

**WHEREAS:** All people deserve the most effective and appropriate treatment of pain; and

**WHEREAS:** The Chronic Pain Association of Canada is a grass roots patient organization, offering education, practical information and support to consumers experiencing pain.

**THEREFORE:** I, Bruce Grandy, Deputy Mayor of the City of Fredericton, do hereby proclaim the week of **November 1 to 7, 2009** as **Pain Awareness Week**.

**COMMUNITY SOCIAL SERVICE WORKERS APPRECIATION DAY**

Community Social Service Workers Appreciation Day

**WHEREAS:** Community social service workers are vital to the quality of life within all Canadian communities; and

**WHEREAS:** Community social service workers provide crucial services to families and children; people with disabilities; respite care; people and families dealing with substance abuse; women and their children in transition houses or sexual assault centres; Aboriginal Peoples; as well as services to new Canadians; and

**WHEREAS:** The quality of these services depends largely on the dedication of trained workers who provide these services; and

**WHEREAS:** The availability of these services helps improve the quality of life for everyone, while making our communities stronger and more stable; and

**WHEREAS:** Greater recognition and understanding of the critical role these workers play in our communities are needed to ensure the continued availability and improvement of service; and

**WHEREAS:** Awareness and support for these services begin at the local level.

**THEREFORE:** I, Bruce Grandy, Deputy Mayor of the City of Fredericton, do hereby proclaim **November 6, 2009** as **Community Social Service Workers Appreciation Day**.

**ANNUAL REMEMBRANCE DAY CEREMONIES**

Annual Remembrance Day Ceremonies

A request was received from James Michaud-Little for permission to hold Remembrance Day Ceremonies on November 8<sup>th</sup> and 11<sup>th</sup>, 2009.

**Moved by Councillor Stephen Chase, seconded by Councillor Dan Keenan 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 8, 2009, and Wednesday, November 11, 2009, along the requested routes, subject to a Police escort along the parade routes.**

**CARRIED UNANIMOUSLY**

**MAYOR’S CHRISTMAS TREE LIGHTING CEREMONIES**

Mayor’s Christmas Tree  
Lighting Ceremonies

A request was received from Shasta Stairs for permission to hold the Annual Double Christmas Tree Lighting Ceremonies on Friday, December 4, 2009.

**Moved by Councillor Scott McConaghy, seconded by Councillor Marilyn Kerton BE IT RESOLVED THAT approval be given to hold the Annual Double Christmas Tree Lighting Ceremonies at the Legislature and City Hall, along with a marching people parade from the Legislative Building to City Hall on Friday, December 4, 2009, subject to recommendations from staff.**

**CARRIED UNANIMOUSLY**

**SANTA SHUFFLE FUN RUN AND ELF WALK**

Santa Shuffle Fun Run and  
Elf Walk

A request was received from Sarah Khan for permission to hold their Santa Shuffle Fun Run and Elf Walk on Saturday, December 5, 2009.

**Moved by Councillor Stephen Kelly, seconded by Councillor Mike O’Brien BE IT RESOLVED THAT approval be given to the Salvation Army to hold their Santa Shuffle Fun Run and Elf Walk on Saturday, December 5, 2009, along the requested route, subject to staff recommendations.**

**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-2.673 – Rainsford Lane Prestige Properties – Sarahs Lane Extension
2. By-law No. Z-2.674 – AID Ltd. (Northrup Holdings) – Brookside Drive (Northbrook Subdivision Phase 3)

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

**MUNICIPAL PLAN AMENDMENT AND CHANGE TO TERMS AND CONDITIONS – 380-390 YORK STREET (J.D. IRVING/FREDERICTON RAILWAY COMPANY)**

Municipal Plan Amendment and Change to Terms and Conditions – 380-390 York Street (J.D. Irving/ Fredericton Railway Company)

*Prior to any discussion, Councillor Mike O'Brien declared a Conflict of Interest and retired from the Council Chamber at 7:47 p.m.*

A report was received from the Planning Advisory Committee at their meeting of October 21, 2009, recommending approval of an application submitted by JD Irving Ltd., on behalf of the Fredericton Railway Company, for the following as it relates to 380–390 York Street:

1. Amend:
  - a) 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
  - b) 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.”*
2. To repeal terms and conditions associated with By-law No. Z-2.240 and replace them with the terms and conditions outlined below;
3. Tentative Plan of Subdivision (long term lease);

to facilitate the construction of a liquor store, subject to terms and conditions.

**Moved by Councillor Marilyn Kerton, seconded by Councillor Stephen Chase 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 Chase THAT WHEREAS**, at the meeting of October 26, 2009, Council received a report of the Planning Advisory Committee recommending that terms and conditions, as outlined in Schedule “A” attached hereto, adopted by City Council on February 26, 2001 and

associated with By-law No. Z-2.240 for property located at 380-390 York Street, be repealed and replaced with new terms and conditions as outlined in Schedule “B” attached hereto and forming part of this resolution, to facilitate the construction of a 947.6 square metre liquor store, subject to terms and conditions;

**AND WHEREAS** an amendment to the Municipal Plan is required;

**BE IT RESOLVED** that the Council hereby directs that an appropriate by-law to amend the Municipal Plan be prepared as follows:

1. Amend the Proposed Uses of Character Area “B”, under Section 3.5.12 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 1,000 square metre retail development.

2. Amend the Development Criteria of Character Area “B”, under Section 3.5.12, first paragraph, 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, roofline, and architectural features that clearly define its role as a former train station.

As it relates to the property shown on Schedule “C”, attached to and forming part of this resolution; 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 25 of the *Community Planning Act* be fulfilled; and that the regular Council Meeting of Monday, November 9, 2009 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the public presentation of the proposed by-law.

**CARRIED UNANIMOUSLY**

Schedules “A”, “B” and “C” are attached to these Minutes as **Appendix 1**.

*Councillor Mike O’Brien returned to the Council Chamber at 7:51 p.m.*

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

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

A report was received from the Planning Advisory Committee at their meeting of October 21, 2009, recommending approval of an application submitted by Rod Hussey’s Auto Repair Ltd. to rezone 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).

**Moved by Councillor Marilyn Kerton, seconded by Councillor Mike O’Brien 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 Mike O’Brien THAT WHEREAS**, at the meeting of October 26, 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 440 Saint Mary’s Street (PID 75378711) from General Industrial Zone (G.I.) to Highway Commercial Zone (H.C.) in order to facilitate a lot-line adjustment with 432 Saint Mary’s Street; and further to amend the Highway Commercial Zone (H.C.) in order to permit an Auto Repair Shop on property located at 432 Saint Mary’s Street (PID 01533199), 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, November 23, 2009, 2009 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**.

**ZONING AMENDMENT – 271 REGENT STREET (PATRICK WATT)**

Zoning Amendment – 271 Regent Street (Patrick Watt)

A report was received from the Planning Advisory Committee at their meeting of October 21, 2009, recommending approval of an application submitted by Patrick Watt to amend the Commercial Residential Zone to operate a specialty scuba diving shop at 271 Regent Street.

**Moved by Councillor Marilyn Kerton, seconded by Councillor Stephen Chase 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 Chase THAT WHEREAS**, at the meeting of October 26, 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 Commercial Residential Zone (C.R.) in order to permit a specialty scuba shop for diving equipment, servicing, and training on property located at 271 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, November 23, 2009 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**.

**ZONING AMENDMENT – 1025 PROSPECT STREET (TERRAIN GROUP)**

Zoning Amendment – 1025 Prospect Street (Terrain Group)

A report was received from the Planning Advisory Committee at their meeting of October 21, 2009, recommending approval of an application submitted by Terrain Group, on behalf of Prospect Street Ventures, to amend the Regional Shopping Centre Zone (R.S.C.) to specifically permit a gasoline bar and convenience store at 1025 Prospect Street.

**Moved by Councillor Scott McConaghy, 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 Scott McConaghy, seconded by Councillor Stephen Kelly THAT WHEREAS**, at the meeting of October 26, 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 Regional Shopping Centre Zone (R.S.C.) in order to specifically permit a gasoline bar and 45.2 square metre convenience store on property located at 1025 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, November 23, 2009 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 – 20 TWO NATIONS CROSSING (CANADIAN TIRE REAL ESTATE LIMITED)**

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

A report was received from the Planning Advisory Committee at their meeting of October 21, 2009, recommending approval of an application submitted by Canadian Tire Real Estate Limited to rezone 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 lot.

**Moved by Councillor Scott McConaghy, seconded by Councillor Mike O’Brien 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**

**Moved by Councillor Scott McConaghy, seconded by Councillor Mike O'Brien THAT WHEREAS**, at the meeting of October 26, 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 property located at 20 Two Nations Crossing from Future Development Zone (F.D.) to Highway Commercial Zone (H.C.) in order to permit a gasoline bar, 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, November 23, 2009 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.

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

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

A report was received from the Planning Advisory Committee at their meeting of October 21, 2009, recommending approval of an application submitted by TC Land Holdings Inc. to amend 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.

**Moved by Councillor Scott McConaghy, 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 Scott McConaghy, seconded by Councillor Stephen Kelly THAT WHEREAS**, at the City Council meeting of October 26, 2009, Council received a report of the Planning Advisory Committee recommending that terms and conditions, as outlined in Schedule “A” attached hereto, adopted by City Council on February 12,

2007 and associated with By-law No. Z-2.547 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** 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, November 23, 2009 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 6**.

**SUBDIVISION RE-APPROVAL – 48 SUMAC STREET (BARKERS POINT DEVELOPMENT)**

Subdivision Re-Approval –  
48 Sumac Street (Barkers  
Point Development)

A report was received from the Planning Advisory Committee at their meeting of October 21, 2009, recommending re-approval of an application submitted by CBCL Limited, on behalf of JD Irving Limited, for to create 18 R-2 lots, 18 R-3 lots, 1 Park lot, and a RM-2 parcel containing 93 mini-home sites at 48 Sumac Street, subject to the following terms and conditions:

- a) The site be developed substantially in accordance with Map III attached to Planning Report 114/08 and to the satisfaction of the Development Officer.
- b) 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.
- c) All access to the residential component (R-2, R-3 lots) of the development be to the satisfaction of the Director of Engineering and Public Works.

- d) A detailed lot grading plan and storm water management plan be submitted to the satisfaction of the Director of Engineering and Public Works.
- e) A traffic impact study be prepared to the satisfaction of the Director of Engineering and Public Works.
- f) All required easements are to be granted gratuitously to the City of Fredericton and other utilities.
- g) Final building design including building orientation be to the satisfaction of the Development Officer.
- h) All street names for the proposed streets be subject to the approval of the Planning Advisory Committee.
- i) Undercarriage of all homes in the park be skirted with opaque material.
- j) All homes located in the development be new at the time of installation.
- k) All structures be constructed/located in compliance with the National Building Code of Canada.
- l) All pads for the proposed manufactured home park be properly graded and compacted so as to be durable, and adequate to support maximum anticipated loads during all seasons.
- m) All RM-2 street lighting be provided along the internal roadway system of the manufactured home park and all park entrances and exits at the expense of the developer to the satisfaction of the Director of Engineering and Public Works and New Brunswick Power.
- n) All lots and structures placed on lots be in compliance with all applicable requirements of Section 8.2.17 of the Zoning By-law.
- o) All main buildings constructed on the proposed lots have the lowest floor elevation above the 1:100 year flood line.
- p) No basements be permitted on the proposed lots.
- q) The 8% public land dedication be a combination of cash and land to the satisfaction of the Development Officer.

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

**CARRIED UNANIMOUSLY**

**SUBDIVISION – 427 CANADA STREET (GRAHAM MERRETT)**

Subdivision – 427 Canada Street (Graham Merrett)

A report was received from the Planning Advisory Committee at their meeting of October 21, 2009, recommending approval of an application submitted by Graham Merrett for subdivision to create one (1) new Future Development (F.D.) lot at 427 Canada Street, subject to the following terms and conditions:

- a) A final plan of subdivision be submitted substantially in accordance with Map III attached to Planning Report 114/09 to the satisfaction of the Development Officer.
- b) Servicing, lot grading and storm water management to be to the satisfaction of the Director of Engineering and Public Works.
- c) No development be approved on or near the existing temporary turn around until the future street is developed.
- d) 8% public land dedication to be taken in the form of land and/or cash to the satisfaction of the Director of Community Services, if required.

**Moved by Councillor David Kelly, seconded by Councillor Dan Keenan THAT the report of the Planning Advisory Committee be adopted, along with the recommended terms and conditions.**

**CARRIED UNANIMOUSLY**

**SUBDIVISION – DUFFIE DRIVE (UNIVERSITY OF NEW BRUNSWICK)**

Subdivision – Duffie Drive (University of New Brunswick)

A report was received from the Planning Advisory Committee at their meeting of October 21, 2009, recommending approval of an application submitted by the University of New Brunswick for subdivision to create one (1) additional Institutional lot located off Duffie Drive, subject to the following terms and conditions:

- a) The final plan of subdivision be substantially in accordance with Map III attached to Planning Report 115/09.

- b) Right-of-way be provided from Montgomery Street to the proposed lot.
- c) The 8% public land dedication be taken in the form of cash to the satisfaction of the Director of Community Services.

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

**CARRIED UNANIMOUSLY**

**STREET NAME APPROVAL – MATT STAIRS WAY (CITY OF FREDERICTON)**

Street Name Approval –  
Matt Stairs Way (City of  
Fredericton)

A report was received from the Planning Advisory Committee at their meeting of October 21, 2009, recommending approval of an application submitted by Tony Hay to name the private street being accessed off Morrison Street as “*Matt Stairs Way*.”

**Moved by Councillor David Kelly, seconded by Councillor Mike O’Brien THAT the report of the Planning Advisory Committee be adopted, along with the recommended terms and conditions.**

**CARRIED UNANIMOUSLY**

**PROPOSED SALE OF EASEMENT, CITY PROPERTY, 47 BOYNE COURT (WARD 8)**

Proposed Sale of Easement,  
City Property, 47 Boyne  
Court (Ward 8)

**Moved by Councillor Eric Megarity, seconded by Councillor Tony Whalen BE IT RESOLVED THAT the Council of the City of Fredericton declare surplus and authorize the sale of the ±1,531.72 m<sup>2</sup> City-owned property situated at 47 Boyne Court, known as PID 01496330, to Skyline Building Management Ltd., and/or its assignees, for the sum of Thirty Five Thousand Dollars (\$35,000.00), 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**

**PROPOSED SALE, CITY PROPERTY, 47 BOYNE COURT  
(WARD 8)**

Proposed Sale, City  
Property, 47 Boyne Court  
(Ward 8)

Moved by Councillor Eric Megarity, seconded by Councillor Tony Whalen BE IT RESOLVED THAT the Council of the City of Fredericton authorize the sale of a ±300.00 m<sup>2</sup> easement over City-owned property situated at 47 Boyne Court, known as PID 01496330, to Skigin-Elnoog Housing Corporation of N.B. Inc., and/or its assignees, at a rate of \$22.85 per square metre, for the sum of Six Thousand Eight Hundred Fifty Five Dollars (\$6,855.00), 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

**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, A By-law to Regulate  
Traffic, Right-of-Way  
Control Signage Changes –  
Irvine Street Extension and  
Other Connections

Moved by Councillor Tony Whalen, seconded by Councillor Eric Megarity BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the Legal Division to draft the appropriate by-law to amend By-law No. T-1, A By-law to Regulate Traffic to make the required changes to the right-of-way control as follows:

1. Stop sign on Sunny Brae Dr. at Cliffe St.
2. Stop sign on Noble St. at Irvine St. (changed from yield)
3. Yield sign on Hillcrest Dr. at Sunny Brae Dr.
4. Yield sign on Irvine St. at Hillcrest Dr.
5. Yield sign on Murray Ave. at Irvine St.
6. Yield sign on Sparrow Ln. at Murray Ave.

CARRIED UNANIMOUSLY

**REQUEST FOR PROPOSAL #P07-32 – PROPOSAL EXTENSION FREDERICTON POLICE FORCE DETENTION CENTRE GUARDS**

Request for Proposal #P07-32 Awarded to Canadian Corps of Commissionaires

Moved by Councillor Mike O'Brien, seconded by Councillor Dan Keenan BE IT RESOLVED THAT #P07-32, Proposal Extension Fredericton Police Force Detention Center Guards, be awarded to the *Canadian Corps of Commissionaires*, Level A Guard @ \$16.86 per hour and Level B Supervisor @ \$18.32 per hour, for a one (1) year extension period from January 1, 2010 to December 31, 2010. Based on past Level A Guard hours of 5402, and past Level B Supervisor of Guard hours of 150, the estimated year 2010 value of the contract is \$93,825.72, HST extra. Final cost will depend on hours purchased; AND that the Mayor and City Clerk be authorized to execute the said contract.

CARRIED UNANIMOUSLY

**QUOTATION #Q35-9 – PRICE AGREEMENT FOR THE SUPPLY OF MUFFLER AND EXHAUST SYSTEM PARTS AND SERVICE ON AN AS AND WHEN REQUIRED BASIS TO THE CITY OF FREDERICTON, FLEET DIVISION, FOR A TWELVE MONTH PERIOD**

Quotation #Q35-9 Awarded to Wonder Auto

Moved by Councillor Mike O'Brien, seconded by Councillor Dan Keenan BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of Quotation #Q35-9, Price agreement for the supply of Muffler and Exhaust System Parts and Service on an as and when required basis to the City of Fredericton Fleet Division for a twelve month period, be awarded to *Wonder Auto*, single response bidder meeting specifications at the quoted rate of \$65.00 per hour, and Parts Pricing Installed at less 31% and parts only pricing at less 45%; HST will be extra.

CARRIED UNANIMOUSLY

**QUOTATION #Q50-9 – SERVER ROOM HVAC UPGRADE, FREDERICTON POLICE STATION**

Quotation #Q50-9 Awarded to Trane Atlantic

Moved by Councillor Mike O'Brien, seconded by Councillor Dan Keenan BE IT RESOLVED THAT the Council of the City of Fredericton authorizes the award of Quotation #Q50-9 for Server Room HVAC Upgrade, Fredericton Police Station, 311 Queen Street, Fredericton, New Brunswick, to *Trane Atlantic*, low bidder meeting specifications at the quoted price of \$67,248.00, HST extra. This price includes optional pricing for second thru to fifth year Parts Warranty plus optional pricing for second thru to fifth year Compressor Warranty.

CARRIED UNANIMOUSLY

**COMMUNITY SERVICES DEPARTMENT – RECREATION DIVISION REPORT 2009**

Community Services Department – Recreation Division Report 2009

Moved by Councillor David Kelly, seconded by Councillor Stephen Chase THAT the following Annual Report be received and placed on file:

- Community Services Department – Recreation Division Report 2009

CARRIED UNANIMOUSLY

**DEVELOPMENT SERVICES – 2009 THIRD QUARTER REPORT ON BUILDING PERMIT ACTIVITY**

Development Services – 2009 Third Quarter Report on Building Permit Activity

Moved by Councillor Dan Keenan, seconded by Councillor Marilyn Kerton THAT the following Annual Report be received and placed on file:

- Development Services – 2009 Third Quarter Report on Building Permit Activity

CARRIED UNANIMOUSLY

**TENTATIVE COLLECTIVE AGREEMENT WITH CUPE LOCAL 508**

Tentative Collective Agreement with CUPE Local 508

Moved by Councillor Dan Keenan, seconded by Councillor Tony Whalen BE IT RESOLVED THAT the Council of the City of Fredericton hereby accepts the terms and conditions as presented and confirms this Agreement.

**BE IT FURTHER RESOLVED THAT the Council of the City of Fredericton authorizes the Mayor and City Clerk to execute the Collective Agreement between the City of Fredericton and CUPE Local 508 commencing January 1, 2009 expiring December 31, 2013.**

**CARRIED UNANIMOUSLY**

**NOMINATIONS – LOCAL HISTORIC PLACES REGISTER**

Nominations – Local  
Historic Places Register

**Moved by Councillor Stephen Chase, seconded by Councillor Stephen Kelly BE IT RESOLVED THAT the following properties be listed in the City of Fredericton's Local Historic Places Register:**

- 1. 260 King's College Road;**
- 2. 411 University Avenue, Lady Beaverbrook Rink;**
- 3. 527 King Street, (former New Brunswick Power Commission); and,**
- 4. 703 Queen Street, Beaverbrook Art Gallery.**

**CARRIED UNANIMOUSLY**

**ASSENT OF COUNCIL – 155 SAINT MARY'S STREET**

Assent of Council – 155  
Saint Mary's Street

**Moved by Councillor David Kelly, seconded by Councillor Mike O'Brien BE IT RESOLVED THAT the final plan of subdivision prepared by Central NB Surveys Ltd., entitled "Subdivision Plan, City of Fredericton Subdivision LOT 09-200 and St. Mary's Street(Public) PIDs 01423789 and 01423797 155 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**

**ASSENT OF COUNCIL – 1225 HANWELL ROAD**

Assent of Council – 1225  
Hanwell Road

**Moved by Councillor David Kelly, seconded by Councillor Eric Megarity 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 75386888, Hanwell Road City of**

Fredericton, County of York, Province of New Brunswick, receive the Assent of Council pursuant to Section 56(2) of the *Community Planning Act*.

CARRIED UNANIMOUSLY

ASSENT OF COUNCIL – 1698 LINCOLN ROAD

Assent of Council – 1698  
Lincoln Road

Moved by Councillor Scott McConaghy, seconded by Councillor Dan Keenan BE IT RESOLVED THAT the final plan of subdivision prepared by Opus International Consultants Limited, entitled “Tentative Subdivision Plan, Irving Oil Limited, Parcel A”, PID 60000486 Lincoln Road, City of Fredericton, County of York and Sunbury, Province of New Brunswick, receive the Assent of Council pursuant to Section 56(2) of the *Community Planning Act*.

CARRIED UNANIMOUSLY

ASSENT OF COUNCIL – 310 BISHOP DRIVE

Assent of Council – 310  
Bishop Drive

Moved by Councillor Stephen Kelly, seconded by Tony Whalen BE IT RESOLVED THAT the final plan of subdivision prepared by Trainor Surveys (1974) Ltd., entitled “Subdivision Plan, J.D. Irving Limited Subdivision” Creating a Parcel “LS2” – Public to be added to Bishop Drive and 10.000m Wide Municipal Service Easement, Bishop Drive Area, 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 – 809 BISHOP DRIVE

Assent of Council – 809  
Bishop Drive

Moved by Councillor Stephen Kelly, seconded by Councillor Tony Whalen BE IT RESOLVED THAT the final plan of subdivision prepared by Trainor Surveys (1974) Ltd. entitled “Subdivision Plan, J.D. Irving Limited Subdivision 2009-1” To Consolidate Parcel “A” From PID 75345041 to Public Street, 809 Bishop Drive, 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

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

A Public Hearing was held in the Council Chamber, City Hall, to hear objections and/or support to a proposed by-law to temporarily stop-up and close a portion of Queen Street on Wednesday, November 25, 2009, from 5:30 p.m. to 9:30 p.m., subject to terms and conditions.

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

**First and Second Reading of By-law No. L-11.40**

Moved by Councillor Tony Whalen, seconded by Councillor Mike O’Brien THAT By-law No. L-11.40, A By-law to Temporarily Stop-up and Close a Portion of Queen Street, be given first reading by title. CARRIED UNANIMOUSLY

Moved by Councillor Tony Whalen, seconded by Councillor Mike O’Brien THAT By-law No. L-11.40, A By-law to Temporarily Stop-up and Close a Portion of Queen Street, be given second reading by title. CARRIED UNANIMOUSLY

**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**

**First and Second Reading of By-law No. T-1.39**

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

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

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

By-law No. L-11.40 Given First Reading

By-law No L-11.40 Given Second Reading

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

By-law No. T-1.39 Given First Reading

By-law No T-1.39 Given Second Reading

**PUBLIC HEARING – ZONING AMENDMENT – SARAHS LANE EXTENSION**

Public Hearing – Zoning Amendment – Sarahs Lane Extension

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 Residential Zone Six (R-6) in order to permit row dwellings (townhouses) on individual lots on property located off Sarahs Lane, 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-2.673**

**Moved by Councillor David Kelly, seconded by Councillor Stephen 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 first reading by title. CARRIED UNANIMOUSLY**

By-law No. Z-2.673 Given First Reading

**Moved by Councillor David Kelly, seconded by Councillor Stephen 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 second reading by title. CARRIED UNANIMOUSLY**

By-law No Z-2.673 Given Second Reading

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

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

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 subject property from Residential Zone Manufactured Home (RM-2) to Residential Zone Manufactured Home Subdivision (RM-1) and Park Zone (P); and subdivision to create twenty (20) RM-1 lots, two (2) R-3 lots and one (1) R-5 lot, 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-2.674**

**Moved by Councillor Dan Keenan, seconded by Councillor Mike O’Brien 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 first reading by title. CARRIED UNANIMOUSLY**

By-law No. Z-2.674 Given First Reading

**Moved by Councillor Dan Keenan, seconded by Councillor Mike O'Brien 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 second reading by title. CARRIED UNANIMOUSLY**

By-law No Z-2.674 Given  
Second Reading

**COUNCILLORS EXCUSED**

Councillors Excused

**Moved by Councillor Marilyn Kerton, seconded by Councillor Stephen Chase THAT Mayor Brad Woodside and Councillors Jordan Graham and Steven Hicks 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 Kelly, seconded by Councillor David Kelly THAT the meeting adjourn. CARRIED UNANIMOUSLY**

The meeting adjourned at 8:35 p.m.

Submitted to City Council for approval by

*(Sgd.) Karen Garrett*

Karen Garrett  
Recording Secretary