

# MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

MONDAY, SEPTEMBER 26, 2011

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Minutes of the Regular Meeting of Fredericton City Council held on Monday, September 26, 2011, at 7:33 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, Stephen Kelly, Marilyn Kerton, Tony Whalen, and Mike O'Brien.

### **Staff:**

Brenda L. Knight, City Clerk  
Chris MacPherson, Acting City Administrator  
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  
Michelle Brzak, City Solicitor  
Sean Lee, Manager, Engineering Services  
Marcello Battilana, Senior Planner, Development Services

### **Absent:**

Councillor Scott McConaghy  
Councillor Eric Megarity

## APPROVAL OF MINUTES

Approval of Minutes

**Moved by Councillor Steven Hicks, seconded by Councillor Jordan Graham THAT the Minutes of the Regular City Council meetings of July 25<sup>th</sup> and August 8<sup>th</sup>, 2011, be approved as circulated. CARRIED UNANIMOUSLY**

## PRAYER

Prayer

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

**25-YEAR SERVICE AWARDS**

Mayor Brad Woodside paid tribute to Linda Cole, Administrative Assistant at the Police Department, by citing a number of her achievements throughout her dedicated career with the City, and presented her with a framed certificate, watch, and pewter pin.

Mayor Woodside and Members of Council offered personal congratulations to Mrs. Cole.

**GREEN SHOPS MEDAL PRESENTATIONS**

Seven local businesses were honoured by His Worship Mayor Brad Woodside for achieving gold medal status as part of the City’s Green Shops Program. Presentations were made to the following:

- Brewbakers Restaurant
- Cedar Tree Café
- Delta Fredericton
- Delta Reservations Call Centre
- Fredericton Wellness Clinic
- Precision Pilates
- What on Earth Jewellers

**PORTRAITS OF HONOUR NATIONAL TOUR**

A request was received from Victoria Andrews, on behalf of Kin Canada, for approval to hold the Portraits of Honour National Tour on October 8, 2011.

Prior to the motion, Ms. Andrews (President) and Kimberley Henderson-Berry (Co-Chair) presented a video entitled “*Portraits of Honour - Honours our 157 Fallen Canadian Forces Soldiers, Sailors and Aircrew.*”

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

**BE IT RESOLVED that approval be given to Kin Canada to bring the Portraits of Honour National Tour to Officers’ Square for viewing by residents on Saturday, October 8, 2011.**

**CARRIED UNANIMOUSLY**

Title

Green Shops Medal Presentations

Portraits of Honour National Tour

**REVIEW OF LOCATION FOR TELECOMMUNICATION TOWER AT 131 DUNCAN LANE**

Review of Location for Telecommunication Tower at 131 Duncan Lane

**Moved by Councillor Bruce Grandy, seconded by Deputy Mayor David Kelly THAT City Council adopt the following resolution:**

**BE IT RESOLVED that the City Council direct Staff to issue a building permit to the Altus Group, on behalf of Bell Mobility, for a new 35 metre (115') self supported freestanding telecommunication tower at 131 Duncan Lane, as shown on the attached maps, subject to receipt and Staff approval of drawings stamped by a certified Engineer and Industry Canada approval.**

**CARRIED UNANIMOUSLY**

**PUBLIC HEARING – REZONING & ZONING AMENDMENT – 286 MAIN STREET, 15 & 25 CITY VIEW AVENUE (LABRECHE PATTERSON & ASSOCIATES)**

Public Hearing – Rezoning & Zoning Amendment – 286 Main Street, 15 & 25 City View Avenue (Labreche Patterson & Associates)

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 property located at 286 Main Street and 15-25 Cityview Avenue from Service Industrial (S.I.) to Highway Commercial (H.C.), and to amend the H.C. Zone as it relates to property at 286 Main Street and 15 to 25 Cityview Avenue, in order to permit a lumber yard, automobile shop, and an addition to the retail store located at 286 Main 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-2.768**

**Moved by Councillor Mike O’Brien, seconded by Councillor Dan Keenan THAT By-law No. Z-2.768, 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-2.768 Given First Reading

**Moved by Councillor Mike O’Brien, seconded by Councillor Dan Keenan THAT By-law No. Z-2.768, 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-2.768 Given Second Reading

**PROCLAMATIONS**

Proclamations

Mayor Brad Woodside read the following proclamations:

**SAFE SCHOOLS WEEK**

Safe Schools Week

**WHEREAS:** School District 18 and indeed, all citizens of the City of Fredericton are committed to the safety of our greatest resource, our children; and

**WHEREAS:** The schools provide all possible means of safety for the children both at school and during transportation to and from the school; and

**WHEREAS:** Safety procedures and routines are reviewed regularly with students to become a part of a safe learning environment.

**THEREFORE:** I, Brad Woodside, Mayor of the City of Fredericton, do hereby proclaim **October 3-7, 2011**, to be **Safe Schools Week** in the City of Fredericton, and do commend its support to the citizens of our region.

**FIRE PREVENTION WEEK & FIRE SERVICE RECOGNITION DAY**

Fire Prevention Week & Fire Service Recognition Day

**WHEREAS:** Many dedicated citizens have joined with volunteer, professional and industrial fire safety personnel as “Partners in Fire Prevention” in a relentless effort to minimize loss to life, destruction of property and damage to the environment; and

**WHEREAS:** Fire losses in Canada, remain unacceptably high in comparison with those in other industrialized nations thereby necessitating improved fire prevention measures; and

**WHEREAS:** It is desirable that information on fire causes and recommended preventive measures be disseminated during a specific period of the year; and

**WHEREAS:** The 2011 fire prevention theme for this period is: “It’s Fire Prevention Week – Protect Your Family From Fire”.

**THEREFORE:** I, Brad Woodside, Mayor of the City of Fredericton, do hereby designate the week of **October 9-15, 2011** as **Fire Prevention Week**, and further, in appreciation of the many services rendered by the members of the Fire Service of Canada, I hereby proclaim that Saturday, **October 15, 2011** be designated as **Fire Service Recognition Day** and call upon the citizens of Fredericton to participate in fire prevention activities at home, work and school.

**MILITARY EXERCISE**

Military Exercise

A request was received from Major J.C. A Bolduc of CFB Gagetown for approval to hold a military exercise in select areas of the downtown core on October 28, 2011.

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

**BE IT RESOLVED that approval be given to the Infantry School, CTC-CFB Gagetown (DP 3B), 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 Friday, October 28, 2011; AND that the Mayor and City Clerk be authorized to execute the attached document entitled 'Right of Use.'**

**CARRIED UNANIMOUSLY**

**FOOD DRIVE, DOUGLAS BAPTIST CHURCH**

Food Drive, Douglas Baptist Church

A request was received from Dan Pyke, Pastor of Youth and Children at the Douglas Baptist Church, for approval to conduct a food drive on October 31, 2011.

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

**BE IT RESOLVED that approval be given to members of the Douglas Baptist Church to canvass residential homes in Fredericton area in support of the Fredericton Food Bank on Monday, October 31, 2011.**

**CARRIED UNANIMOUSLY**

**BY-LAW REAFFIRMATION**

By-law Re-affirmation

A report was received from the Planning Advisory Committee reaffirming its position with respect to the following by-law:

1. By-law No. Z-2.768 – 286 Main Street, 15-25 Cityview Avenue (Labreche Patterson & Associates)

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

**CHANGE TO TERMS AND CONDITIONS – 1430-1650 REGENT STREET, CORBETT CENTRE (GENIVAR INC.)**

Change to Terms and Conditions – 1430-1650 Regent Street, Corbett Centre (Genivar Inc.)

The Planning Advisory Committee, at its meeting held on September 21, 2011, considered a recommendation from staff, in relation to an application by Genivar Inc., on behalf of RioCan Management Inc. and the University of New Brunswick, to amend the terms and conditions related to property at 1430-1650 Regent Street, and recommended approval.

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

**BE IT RESOLVED that the Report of the Planning Advisory Committee, dated September 22, 2011, with respect to an application submitted by Genivar Inc., on behalf of RioCan Management Inc. and the University of New Brunswick, to amend terms and conditions related to property at 1430 – 1650 Regent Street, as amended by City Council on June 22, 2009, and associated with By-law Z-2.477, adopted by City Council on August 22, 2005, and contained within a Section 39 Agreement, be further amended by repealing and replacing term and condition (rr) as follows:**

- (rr) (i) Notwithstanding (rr)(ii), signage shall conform to all relevant requirements of By-law Z-2, A Zoning By-law for the City of Fredericton, and shall be subject to permit except for directional signage, which shall be exempt from Zoning By-law Z-2 and permit requirements but shall be located to the satisfaction of the Development Officer.**
- (ii) Fascia signage shall be allowed on all façades of a building provided that they face either a public street, private street, parking lot.**

**be received along with the recommended terms and conditions.**

**CARRIED UNANIMOUSLY**

**Resolution**

Resolution

**Moved by Councillor Marilyn Kerton, seconded by Councillor Tony Whalen THAT WHEREAS, at the City Council meeting of September 26, 2011, Council received a report of the Planning Advisory Committee recommending that term and condition (rr), as outlined in Schedule “A” and adopted by Council at its meeting June 22, 2009 and contained in a Section 39 Agreement, and associated with By-law Z-2.477, which was adopted by Council on August 22, 2005 and imposed on property located at 1430-1650 Regent Street, be**

repealed and replaced with a new term and condition (rr) as outlined in Schedule “B” attached hereto and forming part of this resolution in order to permit signage on more than two sides of the buildings; consequently, a new Section 39 Development Agreement is required;

**AND WHEREAS** subsection 39(3) of the *Community Planning Act* requires that public notice be given of any change in terms and conditions established pursuant to Section 39 of the *Act*.

**BE IT RESOLVED** that public notice of the proposed change in the terms and conditions be given in accordance with Section 68 of the *Community Planning Act* and that the regular meeting of the Council on Monday, October 24, 2011 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 1.

**ZONING AMENDMENT – 711 WOODSTOCK ROAD (JAMES MARK COMMERCIAL REALTY)**

Zoning Amendment – 711 Woodstock Road (James Mark Commercial Realty)

The Planning Advisory Committee, at its meeting held on September 21, 2011, considered a recommendation from staff, in relation to an application by James Mark Commercial Realty Ltd., on behalf of Officer Interiors Group, as it relates to property located at 711 Woodstock Road, and recommended approval.

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

**BE IT RESOLVED** that the Report of the Planning Advisory Committee, dated September 22, 2011, with respect to an application submitted by James Mark Commercial Realty Ltd., on behalf of Officer Interiors Group, to amend the Open Space (O.S.) Zone to permit an office design and business machine consulting office at 711 Woodstock Road, be received along with the recommended terms and conditions.

**CARRIED UNANIMOUSLY**

**Resolution**

Resolution

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

**BE IT RESOLVED THAT WHEREAS**, at the meeting of September 26, 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 Open Space Zone (O.S.) in order to permit an office design and business machine consulting office on property located at 711 Woodstock Road, 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, October 24, 2011 at 7:30 p.m., at the Council Chamber, City Hall, be set as the time and place for the consideration of objections/support to the proposed by-law.

**CARRIED UNANIMOUSLY**

Schedule “A” is attached to these minutes as Appendix 2.

**REZONING AND SUBDIVISION – DRAMMEN DRIVE EXTENSION (CBCL LIMITED)**

Rezoning and Subdivision –  
Drammen Drive Extension  
(CBCL Limited)

The Planning Advisory Committee, at its meeting held on September 21, 2011, considered a recommendation from staff, in relation to an application by CBCL Ltd., as it relates to property located off an extension of Drammen Drive, and recommended approval.

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

**BE IT RESOLVED** that the Report of the Planning Advisory Committee, dated September 22, 2011, with respect to an application submitted by CBCL Ltd. for the following as it relates to PID 01490333 and 75000182 located off an extension of Drammen Drive: to rezone portions of property from Residential Zone Two-Holding (R-2-H) to Residential Zone Two (R-2), Residential Zone Two-A (R-2A) and Residential Zone Three (R-3); to rezone a portion from R-2-H to Park (P); to rezone a portion from P to R-3, to rezone a portion from R-2-H to Open Space (O.S.); AND that the 8% public land dedication be taken in the form of land and cash and the streets be conveyed to the City as shown on Map IV for the proposed subdivision to create 166 building lots, be received along with the recommended terms and conditions.

It was further recommended that, pursuant to Section 43 of the *Community Planning Act* and the concurrence of the Planning Advisory Committee for the disposal (sale) of lands for public purposes, the application submitted by CBCL Ltd. for the disposal of land for public purposes, identified as “Parcel A” on Map V attached to Planning Report 108/11, in order to facilitate the creation of a larger and more usable park in the configuration shown on Map IV, be approved.

CARRIED UNANIMOUSLY

**Resolution**

Resolution

Moved by Deputy Mayor David Kelly, seconded by Councillor Dan Keenan THAT WHEREAS, at the meeting of September 26, 2011, 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 off the extension of Drammen Drive from Residential Zone Two Holding (R-2H) to Residential Zone Two (R-2), Residential Zone Two-A (R-2A), Residential Zone Three (R-3), Park Zone (P), Open Space Zone (O.S.) and from Park Zone (P) to Residential Zone Three (R-3), 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, October 24, 2011 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.

**SUBDIVISION RE-APPROVAL– 1530 LINCOLN ROAD (EDOUARD GEBRAEL)**

Subdivision Re-approval–  
1530 Lincoln Road (Edouard Gebrael)

The Planning Advisory Committee, at its meeting held on September 21, 2011, considered a recommendation from staff, in relation to an application by Edouard Gebrael, as it relates to property located at 1530 Lincoln Road, 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 Edouard Gebrael for subdivision re-approval to create five (5) Residential Zone Two (R-2) lots at 1530 Lincoln Road, be taken in the form of cash.

**CARRIED UNANIMOUSLY**

**STREET NAME APPROVAL – LANGILLE DRIVE (OAK RIDGE MANUFACTURING LTD.)**

Street Name Approval –  
Langille Drive (Oak Ridge  
Manufacturing Ltd.)

The Planning Advisory Committee, at its meeting held on September 21, 2011, considered a recommendation from staff, in relation to an application by Oak Ridge Manufacturing Ltd., and recommended approval.

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

**BE IT RESOLVED** that the Council of the City of Fredericton approve the recommendation of PAC, and that the street name for the new residential development to be accessed off Valour Drive be named “*Langille Drive*,” as shown on attached Map I.

**CARRIED UNANIMOUSLY**

Map I is attached to these minutes as Appendix 4.

**STREET NAME APPROVALS – SILENT HILLS DRIVE & WHISPERWOOD DRIVE**

Street Name Approvals –  
Silent Hills Drive &  
Whisperwood Drive

The Planning Advisory Committee, at its meeting held on September 21, 2011, considered a recommendation from staff, in relation to an application by Colpitts Developments Limited, and recommended approval.

Moved by Councillor Marilyn Kerton, seconded by Councillor Tony Whalen THAT City Council adopt the following resolution:

**BE IT RESOLVED** that the Council of the City of Fredericton approve the recommendation of PAC, and that the street names for the new residential development to be accessed off Mooers Drive be named “*Silent Hills Drive*” and “*Whisperwood Drive*,” as shown on attached Map 1.

**CARRIED UNANIMOUSLY**

Map I is attached to these minutes as Appendix 5.

**EXTENSION FOR QUOTATION #Q42-9, THE CITY OF FREDERICTON REQUIRES SNOW REMOVAL, SALT AND SANDING FOR THE LADY BEAVERBROOK RINK**

Extension for Quotation #Q42-9 Awarded to Douglas J. Kelly

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

BE IT RESOLVED that the Council of the City of Fredericton authorizes the extension of Quote #Q42-9, The City of Fredericton Requires Snow Removal, Salt and Sanding for the Lady Beaverbrook Rink, be awarded to *Douglas J. Kelly*, lowest cost bidder and highest scored bidder, for one (1) period from November 15, 2011 to May 15, 2012, for a total quoted price of \$5,650.00, HST included; AND that the Mayor and City Clerk are authorized to execute the necessary legal documents to facilitate this transaction.

CARRIED UNANIMOUSLY

**APPOINTMENT – CHAIR OF COUNCIL-IN-COMMITTEE (BUDGET) MEETINGS)**

Appointment – Chair of Council-in-Committee (Budget) Meetings

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

BE IT RESOLVED that the Council of the City of Fredericton appoints Councillor Jordan Graham, Chair of the Finance & Administration Committee, as the Chairperson for the Council-in-Committee (Budget) meetings during the 2012 budget deliberations, which commence on October 3, 2011.

CARRIED UNANIMOUSLY

**APPOINTMENT OF CANADIAN CORPS OF COMMISSIONAIRE AS BY-LAW ENFORCEMENT OFFICER TO ENFORCE CITY OF FREDERICTON BY-LAWS**

Appointment of Canadian Corps of Commissionaire as By-law Enforcement Officer to Enforce City of Fredericton By-laws

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

BE IT RESOLVED that the Council of the City of Fredericton hereby directs that Gary Martin Brian be appointed under Section 14 of the *Police Act* as By-law Enforcement Officers to enforce the following By-laws:

- **By-law No. R-6, A By-law to Regulate Taxi Owners and Operators of the City of Fredericton, and amendments thereto;**
- **By-law No. S-9, A By-law to Prevent Nuisances, and amendments thereto;**
- **By-law No. T-1, A By-law to Regulate Traffic, and amendments thereto;**
- **By-law No. T-6, A By-law Respecting Public Motor Buses, and amendments thereto;**
- **By-law No. T-7, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines, and amendments thereto.**

**CARRIED UNANIMOUSLY**

**NOMINATIONS – LOCAL HISTORIC PLACES REGISTER**

Nominations – Local  
Historic Places Register

**Moved by Councillor Stephen Chase, seconded by Councillor Jordan Graham 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. **7 Brookmount Street, Sunshine Diner;**
2. **63 McKeen Street;**
3. **123 - 125 McKeen Street; and**
4. **206 Odell Avenue.**

**CARRIED UNANIMOUSLY**

**AMENDMENT TO BY-LAW NO. T-1, A BY-LAW TO REGULATE TRAFFIC (COMMERCIAL DELIVERY, TAXI AND GUEST PICK-UP AND DROP-OFF ZONES – CONVENTION CENTRE COMPLEX; AND CLIFFE STREET TRUCK ROUTE)**

Amendment to By-law No. T-1 (Commercial Delivery, Taxi and Guest Pick-up and Drop-off Zones – Convention Centre Complex; and Cliffe Street Truck Route)

**Third Reading of By-law No. T-1.54**

Moved by Councillor Tony Whalen, seconded by Councillor Jordan Graham THAT By-law No. T-1.54, A By-law to Amend By-law No. T-1, 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-1.54 Read by Section Number

By-law No. T-1.54 was read by section number and is attached to these Minutes as **Appendix 6**.

Moved by Councillor Tony Whalen, seconded by Councillor Jordan Graham THAT By-law No. T-1.54, A By-Law To Amend By-Law No. T-1, A By-Law To Regulate Traffic, be given third reading by title. CARRIED UNANIMOUSLY

By-law No. T-1.54 Given Third Reading

**COUNCILLORS EXCUSED**

Councillors Excused

Moved by Councillor Dan Keenana, seconded by Councillor Bruce Grandy THAT Councillors Scott McConaghy and Eric Megarity 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 Deputy Mayor David Kelly, seconded by Councillor Stephen Kelly THAT the meeting adjourn. CARRIED UNANIMOUSLY

The meeting adjourned at 8:24 p.m.

Recording Secretary : Karen Garrett

*(Sgd.) Brad Woodside*

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Brad Woodside,  
Mayor

*(Sgd.) Brenda L. Knight*

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Brenda L. Knight,  
City Clerk