

MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

Date: Monday, July 25, 2022, 7:30 p.m.

Location: Council Chamber and Via Web Conferencing

Members of Council Present: Mayor Kate Rogers
Deputy Mayor Greg Ericson
Councillor Margo Sheppard
Councillor Mark Peters
Councillor Bruce Grandy
Councillor Jocelyn Pike
Councillor Steven Hicks
Councillor Eric Megarity
Councillor Kevin Darrah
Councillor Ruth Breen
Councillor Jason LeJeune
Councillor Henri Mallet (Zoom)

Members of Council Absent: Councillor Cassandra LeBlanc

Staff Participating in the Meeting: Jennifer Lawson, City Clerk/Assist. Dir., Legal, City Clerk & HR
Jane Blakely, Director, Legal, City Clerk & HR
Michelle Brzak, City Solicitor (Zoom)
Ken Forrest, Director, Planning & Development
Dylan Gamble, Director, Engineering & Operations
David Seabrook, Dir., Rec., Tourism & Community Eng. (Zoom)
Alicia Keating, Assis. Dir., Corp. Services/City Treasurer (Zoom)
Brad Cameron, Assis. Dir., Pub. Safety Comms. & Safety Svcs. (Zoom)
Marcello Battilana, Manager, Community Planning
Meredith Gilbert, Manager, Transit & Parking Services
Wayne Knorr, Manager, Communications
Giselle Goguen, Mgr., Strat. Comms. & Community Eng. (Zoom)
Doreen Nakhle, Recording Secretary
Jessica Sharpe, Intermediate Clerk
Elizabeth Murray, City Marshal
Graham Nickerson, Social Inclusion
Kyle Rostad, Manager, Purchasing & Customer Services (Zoom)
Charlene Sharpe, Manager, Transit & Parking Services (Zoom)

CALL TO ORDER

Her Worship, Mayor Kate Rogers called the meeting to order at 7:35 p.m.

MOMENT OF REFLECTION

Her Worship, Mayor Kate Rogers read the following territorial acknowledgment during the Moment of Reflection:

I acknowledge that this meeting of Fredericton City Council is taking place on traditional Wolastoqey territory. The territory of the Wolastoqiyik people are recognized in the Peace and Friendship Treaties to establish an ongoing relationship of peace, friendship and mutual respect between equal nations. The river that runs through our City is known as the Wolastoq, along which lived the Wolastoqiyik, "the people of the beautiful and bountiful river."

APPROVAL OF AGENDA

Moved by: Deputy Mayor Greg Ericson

Seconded by: Councillor Steven Hicks

BE IT RESOLVED that the Council of the City of Fredericton hereby approves the July 25, 2022 City Council agenda with the addition of agenda item 5.12 titled "Letter to Regional Caucus re: Community Funding and Equalization Grant Review" under the Consent Agenda.

CARRIED

CONFLICT OF INTEREST DECLARATIONS

There were no conflicts of interest declared by members of Council.

CONSENT AGENDA

Moved by: Councillor Kevin Darrah

Seconded by: Councillor Jocelyn Pike

BE IT RESOLVED that the Council of the City of Fredericton hereby approves collectively the recommendations set out under the consent agenda.

OTHER MATTERS

230th Anniversary of Black Loyalist Exodus 2022 Proclamation

BE IT RESOLVED that the 230th Anniversary of Black Loyalist Exodus 2022 Proclamation be received and placed on file.

Emancipation Day Proclamation - August 1, 2022

BE IT RESOLVED that the Emancipation Day Proclamation be received and placed on file.

Amendments to By-law R-6, A By-law to Regulate Taxi Owners and Operators in the City of Fredericton

BE IT RESOLVED that the Council of the City of Fredericton directs the Legal Division to amend By-law No. R-6, A By-law to Regulate Taxi Owners and Operators of the City of Fredericton as follows :

1. By moving the following four sections from section 5 Duties of a Taxicab Driver, to section 11 Prohibitions:
 - 5.02 A taxi driver, while engaged in the operation of a taxicab, shall be neat and clean in appearance and, without limiting the generality of the foregoing, shall not wear any sleeveless shirt, or any clothing with patches therein or any clothing containing advertising logos or slogans other than logos or slogans of the individual, corporation, partnership or association employing the taxicab driver.
 - 5.03 A taxicab driver shall keep their taxicab driver's license in plain sight at all times.
 - 5.04 A taxicab driver shall not use abusive, insulting or obscene language.
 - 5.06 No taxicab driver shall pick up additional passengers, other than in the circumstances of a shared ride or combined ride.
2. By including those additions to section 11 Prohibitions, to Section 15 Offences.

Pride Festival 2022

BE IT RESOLVED that the Council of the City of Fredericton hereby grants Fierté Fredericton Pride an exemption to By-law No. S-17, A By-law Respecting Disturbance by Noise, Section 5.01(6) for events occurring as part of the Fredericton Pride Week on Saturday August 13, 2022, from 12 p.m. until 1.a.m. and Sunday,

August 21 from 3 p.m. until 8 p.m, subject to recommendations from City staff being met.

Capital City Cruise-in 2022

BE IT RESOLVED that the Council of the City of Fredericton hereby grants the Nashwaaksis Lions Club an exemption to By-law No. S-17, A By-law Respecting Disturbance by Noise, Section 5.01(6) for events occurring as part of the Capital City Cruise-in being held at St. Anthony's Parish parking lot from 10:00 a.m. to 2:00 p.m. on Saturday August 13, 2022.

Appointment of Councillor Pike to the NBEx Board

BE IT RESOLVED that the Council of the City of Fredericton hereby appoints Councillor Jocelyn Pike as the representative to the NB Ex Board for a term commencing on July 25, 2022 and expiring June 12, 2023.

By-law Officer Appointments on the Grounds of the Dr. Everett Chalmers Hospital

BE IT RESOLVED that the Council of the City of Fredericton authorizes, appoints, and designates Christopher Wilson Hunter as a By-law Enforcement Officer effective immediately, pursuant to Section 72 of the *Local Governance Act* and subsection 14(3) of the *Police Act*, in order to administer and enforce the following by-laws within the territorial boundary of the City of Fredericton:

- 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. S-15, A Fire Lane By-law for the City of Fredericton, 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;
- By-law No. T-8, A By-law Relating to Loitering and Begging in the City of Fredericton, and amendments thereto; and

BE IT FURTHER RESOLVED that the Council of the City of Fredericton hereby authorizes, appoints, and designates Russell William Thomas Denney, Jared Brandon Harris, Davan Ganong Cloney, Basma Tchitoula Bitar, Eric Joseph Lanteigne, Sophie Rachelle Poirier, Taylor Whitehouse, Paul William Sibley, and Isaac Daniel Peter Smith as By-law Enforcement Officers effective immediately, pursuant to

Section 72 of the *Local Governance Act* and subsection 14(3) of the *Police Act*, in order to administer and enforce the following by-laws on the grounds of the Dr. Everett Chalmers Regional Hospital:

- **By-law No. S-15, A Fire Lane By-law for the City of Fredericton, and amendments thereto;**
- **By-law No. T-1, A By-law to Regulate Traffic, and amendments thereto; and**

BE IT FURTHER RESOLVED that these appointments shall continue until Christopher Wilson Hunter ceases to be employed on detail 1231 of the Canadian Corps of Commissionaires, and until Russell William Thomas Denney, Jared Brandon Harris, Davan Ganong Cloney, Basma Tchitoula Bitar, Eric Joseph Lanteigne, Sophie Rachelle Poirier, Taylor Whitehouse, Paul William Sibley, and Isaac Daniel Peter Smith cease to be employed as security officers at the Dr. Everett Chalmers Regional Hospital, or until the appointments under this resolution are rescinded by City Council, whichever comes first.

By-law Enforcement Officer Appointment - Nathan Gee

WHEREAS the *Local Governance Act* provides authority to City Council to appoint by-law enforcement officers for the local government;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Fredericton hereby appoints Nathan Gee as a by-law enforcement officer, effective immediately, pursuant to Section 72 of the *Local Governance Act* to administer and enforce the following by-laws within the territorial boundary of the City of Fredericton:

- **By-law No. R-1, A Building By-law, and amendments thereto;**
- **By-law No. R-2, Maintenance and Occupancy Standards for Residential Properties, and amendments thereto;**
- **By-law No. R-5, A By-law Respecting the Plumbing Trade, and amendments thereto;**
- **By-law No. W-2, A By-law Relating to the Water and Sewer System, and amendments thereto;**
- **By-law No. W-4, A By-law to Regulate the Collection and Disposal of Garbage and Other Material, and amendments thereto; and**

BE IT FURTHER RESOLVED that this appointment shall continue until Nathan Gee ceases to be an employee of the City of Fredericton, or until this Resolution is rescinded by City Council, whichever comes first.

Public Hearing Date – 58 Rosewood Drive

BE IT RESOLVED that the Council of the City of Fredericton hereby directs that the Development Application for 58 Rosewood Drive be referred to the August 17, 2022,

meeting of the Planning Advisory Committee for the views of the advisory committee; that the public notice requirements of Section 111 of the *Community Planning Act* be fulfilled; that the appropriate by-law to amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, be prepared; and that the regular Council Meeting of Monday, August 22, 2022 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.

PLANNING ADVISORY COMMITTEE REPORTS

100 Riverview Drive - Tentative Plan of Subdivision (Eric Hicks)

BE IT RESOLVED that the Council of The City of Fredericton hereby directs that a cash sum representing 8% of the market value of the land dedication, for subdivision to create one new Residential Zone One (R-1) lot on property located at 100 Riverview Drive be received pursuant to By-law No. Z-4, A Subdivision By-law.

COUNCIL-IN-COMMITTEE REPORTS

Backflow Preventor Testing - Reward of RFP 22-29

BE IT RESOLVED that the Council of the City of Fredericton hereby authorizes and approves the award of Request for Proposal P22-29, Backflow Preventor Testing to the following highest scored supplier meeting the requirements, Consolidated Services Ltd. with respect to the provision of annual backflow device testing in City facilities as outlined in the request for proposal, for a term of five (5) years commencing August 1, 2022 and expiring on July 31, 2027; and

BE IT FURTHER RESOLVED that the Council of the City of Fredericton hereby approves and authorizes the agreement between the City of Fredericton and Consolidated Services Ltd. (the "Agreement") with respect to the provision annual backflow preventor testing; **AND THAT** the Mayor and City Clerk be authorized to execute the Agreement on behalf of the local government and such further legal documents as may be required to facilitate the Agreement and this resolution.

Letter to Regional Caucus re: Community Funding and Equalization Grant Review (Additional Item)

BE IT RESOLVED that the Council of the City of Fredericton hereby agrees with the intent of the proposed letter to the Fredericton Regional Caucus regarding the review of the Community Funding and Equalization Grant and authorizes the Mayor to send the attached letter on behalf of City Council.

CARRIED

APPROVAL OF MINUTES

Minutes of the Regular Meeting of City Council - March 28 and April 11, 2022

Moved by: Councillor Mark Peters

Seconded by: Councillor Ruth Breen

BE IT RESOLVED that the Council of the City of Fredericton hereby approves the March 28 and April 11, 2022 City Council minutes.

CARRIED

FIRST AND SECOND READING OF BY-LAWS

By-law No. R-6.6 (Housekeeping Amendments to the By-law to Regulate Taxi Owners and Operators)

By-law No. R-6.6, A By-law to Amend By-law No. R-6, A By-law to Regulate Taxi Owners and Operators in the City of Fredericton

- First Reading of By-law No. R-6.6, by title
- Second Reading of By-law No. R-6.6, by title

Moved by: Councillor Bruce Grandy

Seconded by: Councillor Margo Sheppard

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. R-6.6, A By-law to Amend By-law No. R-6, A By-law to Regulate Taxi Owners and Operators of the City of Fredericton, first reading by title.

CARRIED

Moved by: Councillor Bruce Grandy

Seconded by: Councillor Margo Sheppard

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. R-6.6, A By-law to Amend By-law No. R-6, A By-law to Regulate Taxi Owners and Operators of the City of Fredericton, second reading by title.

CARRIED

By-law No. Z-5.268 - 250 Lian Street - Rezoning (Oak Ridge Manufacturing)

By-law No. Z-5.268, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton

- Receipt of the Planning Advisory Committee Report
- Hearing of Objections/Support
- First Reading of By-law No. Z-5.268, by title
- Second Reading of By-law No. Z-5.268, by title

Moved by: Councillor Ruth Breen

Seconded by: Councillor Eric Megarity

BE IT RESOLVED that the Council of the City of Fredericton hereby receives the Report of the Planning Advisory Committee, dated July 21, 2022, recommending approval of an application from Oak Ridge Manufacturing, for a rezoning from Multi-Residential Zone Two (MR-2) to Multi-Residential Zone Four (MR-4) to permit a 5-storey 49-unit apartment building on property located at 250 Lian Street and recommended approval, subject to terms and conditions.

CARRIED

Public Hearing

The City Clerk, Jennifer Lawson advised that there were no written letters of Objection or Support received by the City Clerk's Office.

Moved by: Councillor Ruth Breen

Seconded by: Councillor Eric Megarity

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.268, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, first reading by title.

CARRIED

Moved by: Councillor Ruth Breen

Seconded by: Councillor Eric Megarity

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.268, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, second reading by title.

CARRIED

By-law No. Z-5.269 - 7 Manhattan Drive - Zone Amendment and Subdivision (Colpitts Development)

By-law No. Z-5.269, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton

- Receipt of the Planning Advisory Committee Report
- Hearing of Objections/Support
- First Reading of By-law No. Z-5.269, by title
- Second Reading of By-law No. Z-5.269, by title

Moved by: Councillor Steven Hicks

Seconded by: Deputy Mayor Greg Ericson

BE IT RESOLVED that the Council of the City of Fredericton hereby receives the Report of the Planning Advisory Committee, dated July 21, 2022, recommending approval of an application from Colpitts Developments, for a zone amendment to permit more than one main residential building on a lot in the Multi-Residential Zone Five (MR-5) on property located at 7 Manhattan Drive, subject to terms and conditions.

CARRIED

Public Hearing

The City Clerk, Jennifer Lawson advised that there were no written letters of Objection or Support received by the City Clerk's Office.

Ken Carr a concerned resident and property owner in the area voiced his concerns regarding the total amount of units and the amount of bedrooms in the units as well as the traffic in the area. Mr. Carr also had concerns regarding the set back of the building from the road.

Moved by: Councillor Steven Hicks

Seconded by: Deputy Mayor Greg Ericson

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.269, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, first reading by title.

CARRIED

Moved by: Councillor Steven Hicks

Seconded by: Deputy Mayor Greg Ericson

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.269, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, second reading by title.

CARRIED

By-law No. Z-5.271 - 15-35 Acorn Street - Zone Amendment (Dayton Engineering)

By-law No. Z-5.271, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton

- Receipt of the Planning Advisory Committee Report

Moved by: Councillor Ruth Breen

Seconded by: Councillor Jocelyn Pike

BE IT RESOLVED that the Council of the City of Fredericton hereby receives the Report of the Planning Advisory Committee, dated July 21, 2022:

1. **Recommending approval of an application from Dayton Engineering, to rezone property located at 15-35 Acorn Street from Business Industrial (BI) to Commercial Corridor Zone Two (COR-2), subject to terms and conditions; and**
2. **Recommending denial for a zone amendment to permit dwelling units in the Commercial Corridor Zone Two (COR-2) on property located at 15-35 Acorn Street.**

CARRIED

Public Hearing

The City Clerk, Jennifer Lawson advised that there were no written letters of Objection or Support received by the City Clerk's Office.

The following people spoke during the hearing of objections:

- Paul Dayton, the Applicant provided Mayor and Council with some clarification on the layout of the project and how the decision was made.

MOTION TO TABLE

Moved by: Deputy Mayor Greg Ericson

Seconded by: Councillor Eric Megarity

BE IT RESOLVED that item 7.4 By-law No. Z-5.271 - 15-35 Acorn Street - Zone Amendment (Dayton Engineering), be tabled until the applicant's connection is restored and he returns to the meeting.

CARRIED

(Her Worship, Kate Rogers then proceeded with the next agenda item)

By-law No. Z-5.272- 438 Brunswick Street & 23 Sunbury Street - Zone Amendment (Ann Scovil Architect)

By-law No. Z-5.272, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton

- Receipt of the Planning Advisory Committee Report
- Hearing of Objections/Support
- First Reading of By-law No. Z-5.272, by title
- Second Reading of By-law No. Z-5.272, by title

Moved by: Councillor Jason LeJeune

Seconded by: Councillor Mark Peters

BE IT RESOLVED that the Council of the City of Fredericton hereby receives the Report of the Planning Advisory Committee, dated July 21, 2022, recommending approval of an application from Ann Scovil Architect, for a zone amendment to permit a 30-unit apartment building within the City Centre Zone (CC) on property located at 438-440 Brunswick Street and 23 Sunbury Street, subject to terms and conditions; **AND THAT** By-law No. Z-2.264 be repealed.

CARRIED

Public Hearing

The City Clerk, Jennifer Lawson advised that there were no written letters of Objection or Support received by the City Clerk's Office.

The following people spoke during the hearing of objections:

- Mark D'Arcy voiced his 3 concerns as follows:
 - Would like to see 20% affordable housing units in the building.
 - Would like to see more green space.
 - Would like to have assurance that this will not set a precedent for future apartment buildings in the City Center without the ground floor not being commercialized.
- Ann Scovil, Architect, wanted to clarify the height of the building as it was a concern that was brought forward to the Planning Advisory Committee.

Moved by: Councillor Jason LeJeune

Seconded by: Councillor Mark Peters

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.272, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, first reading by title.

CARRIED

Moved by: Councillor Jason LeJeune

Seconded by: Councillor Mark Peters

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.272, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, second reading by title.

CARRIED

By-law No. Z-5.271 - 15-35 Acorn Street - Zone Amendment (Dayton Engineering)
(continuation)

By-law No. Z-5.271, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton

- Hearing of Objections/Support
- First Reading of By-law No. Z-5.271, by title
- Second Reading of By-law No. Z-5.271, by title

MOTION TO UNTABLE

Moved by: Deputy Mayor Greg Ericson

Seconded by: Councillor Eric Megarity

BE IT RESOLVED that item 7.4 be untabled as the applicant's connection came back and he has returned to the meeting.

CARRIED

Public Hearing Continuation

Paul Dayton, the Applicant continued with his clarification to Mayor and Council regarding the layout of the project and how the decision was made. He also informed Council that it was suggested to make more units as affordable housing units.

Moved by: Councillor Ruth Breen

Seconded by: Councillor Jocelyn Pike

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.271, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, first reading by title.

CARRIED

Moved by: Councillor Ruth Breen

Seconded by: Councillor Jocelyn Pike

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.271, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, second reading by title.

CARRIED

(Councillor Henri Mallet left the meeting at 8:46 p.m.)

COMMITTEE REPORTS

Livable Community Committee Update (July 21, 2022)

Councillor Eric Megarity, Chair of the Livable Community Committee provided an overview of the highlights of the July 21, 2022 Livable Community Committee meeting.

Highlights included:

- A report from the Chair of the Tree Commission
- A Cricket Study from the consultant of Sierra Planning and Management
- Environmental Strategist provided results from the ‘No Mow May’ Pilot Project.
- A staff report on park benches will come back to the next Livable Community Committee meeting.
- Bobby Despres was hired as the new Manager, Recreation and Tourism.
- Councillor Megarity provided some info on Easter Seals.

COUNCIL-IN-COMMITTEE REPORTS

Website Renewal Agreement

Moved by: Councillor Jocelyn Pike

Seconded by: Deputy Mayor Greg Ericson

BE IT RESOLVED that the Council of the City of Fredericton hereby authorizes and approves the award of Request for Proposal P22-07, Redevelopment of City of Fredericton and Fredericton Tourism Website to the highest scored supplier meeting the requirements, Upanup Studios Inc. with respect to the delivery of website redevelopment services and hosting and ongoing website maintenance as outlined in the RFP for a total fixed cost amount of Two Hundred and Eighty Nine Thousand, Five Hundred and Eighty Six Dollars and Twenty Five Cents (\$289,586.25) inclusive of HST, for a term of five (5) years commencing August 1, 2022 and expiring on July 31, 2027; and

BE IT FURTHER RESOLVED that the Council of the City of Fredericton hereby approves and authorizes the agreement between the City of Fredericton and Upanup Studios Inc. (the “Agreement”) with respect to the delivery of website redevelopment services and hosting and ongoing website maintenance; **AND THAT** the Mayor and City Clerk be authorized to execute the Agreement on behalf of the local government and such further legal documents as may be required to facilitate the Agreement and this resolution.

CARRIED

OTHER MATTERS

Capital Region Service Commission (RSC 11) Update

Deputy Mayor Greg Ericson, Council Representative for RSC 11 informed Council that there will be updates coming forward in August.

MOTION TO EXCUSE

Moved by: Councillor Kevin Darrah

Seconded by: Councillor Ruth Breen

BE IT RESOLVED that Councillor Cassandra LeBlanc be excused from the July 25, 2022 Regular City Council Meeting.

ADJOURNMENT

Moved by: Councillor Mark Peters

Seconded by: Councillor Jocelyn Pike

BE IT RESOLVED that the meeting adjourn at 8:54 p.m.

CARRIED

Kate Rogers,
Mayor

Jennifer Lawson,
City Clerk