

Council Chambers
City Hall
Moncton, N. B.
November 18, 2019
4:00 p.m.

MINUTES – REGULAR PUBLIC MEETING

MEMBERS OF CITY COUNCIL

Mayor Dawn Arnold	Councillor Charles Léger
Deputy Mayor Pierre Boudreau	Councillor Bryan Butler
Councillor Greg Turner	Councillor Brian Hicks
Councillor Paulette Thériault	Councillor Susan Edgett
Councillor Blair Lawrence	Councillor Paul Pellerin

ABSENT

Councillor Shawn Crossman

ALSO PRESENT

B. Quigley, City Clerk, Director of Legislative Services
J. Doucet, General Manager Finance and Administration Services
J. MacDonald, General Manager, Engineering and Environmental Services
L. Hanson, General Manager, Human Resources and Corporate Services
N. Robichaud, General Manager, Legislative Services
D. MacLellan, General Manager, Community Safety Services
C. Dallaire, General Manager, Recreation, Culture and Events
I. LeBlanc, Director Corporate Communication
J. Preston, Director Human Resources
D. Morehouse, Director, Public Works
J. Ivany, Fleet Supervisor
Superintendent T. Critchlow, RCMP
L. Babineau, Economic Development
K. Silliker, Director Economic Development
N. Taylor, Director Utilities

**1.
CALL TO ORDER/OUVERTURE DE LA SÉANCE**

**2.
ADOPTION OF AGENDA/ADOPTION DE L'ORDRE DU JOUR**

Motion: That the agenda for the November 18, 2019 Regular Public Council meeting be approved with the following change.

That 12.3 be moved up after Public Presentation

Moved by: Councillor Butler
Seconded by: Councillor Pellerin

MOTION CARRIED

**3.
CONFLICT OF INTEREST DECLARATIONS/DÉCLARATIONS DE CONFLITS D'INTÉRÊTS**

Councillor Turner declared a conflict of interest under item 9.1

**4.
ADOPTION OF MINUTES/ADOPTION DU PROCÈS-VERBAL**

No minutes were available for approval

**5.
CONSENT AGENDA/QUESTIONS SOUMISES À L'APPROBATION DU CONSEIL**

**6.
PUBLIC AND ADMINISTRATION PRESENTATIONS/ EXPOSÉS DU PUBLIC ET DE L'ADMINISTRATIONS**

6.1 PUBLIC PRESENTATIONS/ EXPOSÉS DU PUBLIC

5 minutes

6.1.1 Presentation – CUPE – Sanitation – Leo Melanson, President, CUPE Local 51

Mr. Melanson came before Council to discuss the privatization of garbage in the City of Moncton. Several complaints have been received as to the collection of garbage by the private contractor. It is the local's desire that the garbage collection be retained by the City of Moncton, as the private contractor is not working out.

Trevor Mitton, Head of Grievances for local 51 advised Council that the injuries derived by garbage collections were not as numerous 3-years ago. The data provided by management was only based on the past 3 years.

6.1.2 Presentation – Codiac Chords – Christmas Concert – Winnie Belliveau, Public Relations Coordinator and Nancy Reading, President

Ms. Belliveau and Ms. Reading came before Council to promote their upcoming Christmas concert. Codiac Chords is an a cappella four part harmony women's group. The group will hold a Christmas concert on November 24, 2019 from 2:00 – 4:00 p.m. at the Coverdale Recreational Centre, in Riverview. Tickets for the event are \$10, with free admission for children under 10.

Other Presentation/Autres présentations

2 minutes

6.1.3 Bike Lanes – Antoine Zboralski– Symboise – Mr. Zboralski came before Council to discuss the removal of the bike lanes on Mountain Rd. It is their desire that the status quo remain and the city work towards having additional bike lanes, with security measures implemented. The City Manager advised that during the upcoming Strategic Plan review that the City will be recruiting citizens/groups for a potential ad-hoc committee.

6.1.4 Binding Arbitration – Glenn Sullivan, president Atlantic Provinces Professional Fire Fighters Association

Mr. Sullivan came before Council to urge Council members to take more time to review the resolution. He provided an overview of the current arbitration system in NB compared to the version from Ontario that is being considered. With the Ontario systems, arbitrators would be comparing fire and police with other municipal employees, and it is their opinion that the professions are different and should be treated as such.

Councillor Butler indicated he will not be supporting anything that takes away binding arbitration.

Councillor Hicks expressed concern that the Union is not at the table with the Province and Municipalities to discuss the topic of arbitration; they (unions) would not have a voice. Councillor Hicks indicated that he will not support the motion this evening.

Councillor Pellerin also indicated he will not support the motion before Council, as he feels that in the past few years' Council has reduced the city's debt by 30% and it is his opinion that the City can afford to pay its Firefighters.

6.1.5 CUPE – Marcos Salib – Binding Arbitration

Mr. Salib, CUPE representative, came before Council to provide his thoughts on the removal binding arbitration. Binding arbitration is, in his opinion, necessary for essential services that do not have the right to strike.

6.2 ADMINISTRATION PRESENTATIONS/EXPOSÉS DE L'ADMINISTRATION

15 minutes

12.3 Resolution – Cities of New Brunswick Association

Mr. Landry advised that at the Special Council meeting dated November 12, 2019, the motion was postponed. Six of the 8 cities, Fredericton, Miramichi, Dieppe, Edmunston, Campbellton, and Bathurst have passed the motion unanimously on November 12, 2019. The two remaining municipalities are Moncton and Saint John that are discussing the motion this evening. Mr. Landry indicated that this item has been part of the City of Moncton's Strategic Plan, and has been on the radar for the 8 Cities for the past few years.

In response to a question by Councillor Pellerin, Ms. Hansen indicated that the graph included within the agenda package does not include the RCMP. The graph was produced for 2017, and represents all fire and police within the Province. Mr. Doucet will provide Council a breakdown of the calculation for the City of Moncton.

Ms. Hansen, in response to a question from Councillor Hicks, the Ontario model mandates that the arbitrator provide a written report of the arbitration process.

Councillor Léger expressed the necessity to have open discussion with the Union, Province and municipalities. He feels that this is an opportunity to start these discussions.

Motion: That Moncton City Council adopt the following resolution and communicate its support to the Province of New Brunswick:

WHEREAS: New Brunswick's municipal leaders through their respective Associations (Cities of New Brunswick Association, Union of Municipalities of New Brunswick, Association Francophone des Municipalités du Nouveau-Brunswick (the Associations)) have come together to propose balanced and practical amendments to the Industrial Relations Act

WHEREAS: These amendments propose to strengthen the interest arbitration process (binding arbitration) for achieving joint collective bargaining agreements specifically related to wages and benefits for firefighters and police in the province while reflecting the economic circumstances of the province and the community they serve.

WHEREAS: Establishing criteria for binding arbitrators in legislation is critical to ensuring the essential services in our communities are within the means of our municipalities without sacrificing quality of life services that the municipalities provide and municipal growth.

WHEREAS: Together, the municipalities from all three Associations are proposing an amendment to the Industrial Relations Act that would ensure that the original legislative intent is achieved. The amendment would include a requirement that arbitrations be conducted by a single arbitrator and is not intended to impose limits on the binding arbitrator's ability to award costs rather, they ensure that decisions are completed in an efficient manner, are more accountable and transparent, and importantly tied to meaningful assessments of a municipality's fiscal health.

BE IT RESOLVED: We join and support the request by all City Councils that these improvements be implemented within the existing legislative framework in a manner that complements the intended spirit of the legislation and the existing interest arbitration process as it relates to firefighters and police.

Moved by: Deputy Mayor Boudreau

Seconded by: Councillor Léger

MOTION CARRIED

Nay :

Councillor Butler

Councillor Pellerin

Councillor Hicks

7.

PLANNING MATTERS/ QUESTIONS D'URBANISME

8.

STATEMENTS BY MEMBERS OF COUNCIL/ EXPOSÉS DES MEMBRES DU CONSEIL

Susan Edgett

- Attended the recent New Brunswick Health Council and City of Moncton joint committee meeting.
- Made mention that the Taxi Committee is currently reviewing their by-laws.

Paul Pellerin

- Reminded the Mayor of Saint John that he (Councillor Pellerin) was elected by the City of Moncton.

Pierre Boudreau

- Attended many activities in the past few weeks representing the City of Moncton.

Paulette Thériault

- Congratulated the organizers of the Festival International du Film (FICFA).
- Recognized the work of Denise Bouchard et Gilles Doiron for the premier of their film '*Pour Mieux T'aimer*'

Blair Lawrence

- Spoke of the Turtle Creek Watershed tour.
- Made mention of all the events that have happened in the past few weeks.

Dawn Arnold

- Congratulated Councillor Greg Turner and his wife Claudette on their recent induction in the Mortorsport Hall of Fame
- Congratulated the winners of the Monctonian

**9.
REPORTS AND RECOMMENDATIONS FROM COMMITTEES AND PRIVATE MEETINGS/
RAPPORTS ET RECOMMANDATIONS DES COMITÉS ET RÉUNIONS À HUIS CLOS**

Councillor Turner left the meeting as he had declared a conflict of interest on this item

9.1 Recommendation(s) – Special Committee of the Whole – November 12, 2019

Ms. Dallaire advised that administration met with current members of the Riverkeeper Association, prior to the Committee of the Whole meeting of November 12, and they are aware of the urgency of reinforcement of the 100 meters. They are in agreement with the request.

Councillor Thériault suggested that if any of the wharf can be salvaged it should be..

That Moncton City Council direct administration to reinforce up to 100 meters along the banks of the Petitcodiac River between 50 Assomption Boulevard and Bore Park to protect and preserve the Riverfront Trail and associated infrastructure; and

that Moncton City Council initiate discussions/negotiations with the Province of New Brunswick for funding assistance to stabilize the banks of the Petitcodiac River now that it is back to its former shoreline.

Moved by: Councillor Edgett
Seconded by: Councillor Butler

MOTION CARRIED

Councillor Turner returned to the meeting

9.2 Recommendation(s) – Special Private Session – November 18, 2019

That Moncton City Council authorize the City to enter into a License Agreement with Lush Handmade Cosmetics Ltd. for the temporary usage of the green space adjacent to the Moncton City Hall Plaza for the installation of a Lush pop up boutique in December 2019, in the space reserved for Parc Gerald Leblanc, and that the Mayor and City Clerk be authorized to execute all necessary documents and affix the corporate seal thereto.

Moved by: Councillor Turner
Seconded by: Councillor Edgett

MOTION CARRIED

**10.
REPORTS FROM ADMINISTRATION/ RAPPORTS DE L'ADMINISTRATION**

10.1 Request for Proposal RFP19-120 – Clarifier Equipment Supply and Pilot (Moncton Water Treatment Facility)

That Request for Proposal #RFP19-120 – Clarifier Equipment Supply and Pilot (Moncton Water Treatment Facility) be awarded to the highest-scoring Proponent meeting the Terms and Conditions, Specifications and Drawings set out in the RFP, being Veolia Water Technologies Canada, for the Total Bid Price of \$2,402,060.20, including H.S.T. @ 15%.

It is also recommended that a Five Percent (5%) Contingency Allowance in the amount of \$120,103.00, including H.S.T. @ 15% be established for this project to address any additional costs which may be incurred as a result of unknown or unforeseen site conditions which require changes to the scope of work.

Moved by: Councillor Lawrence
Seconded by: Councillor Léger

MOTION CARRIED

10.2 Quotation QP19-129 – Supply and Delivery of Asphalt Hot Box

That Quotation #QP19-129 for the Supply and Delivery of an Asphalt Hot Box, as well as a Heated Tack Tank, Spray Tack Unit, Solvent Tank, and Utility Hand Torch, be awarded to the lowest bidder meeting the Specifications, being Saunders Equipment Ltd. for the Total Quoted Price of \$60,763.70, including H.S.T. @ 15%.

Moved by: Councillor Léger
Seconded by: Councillor Edgett

Mr. MacDonald will provide Council with a report on the use of the first asphalt hot box purchased last year.

MOTION CARRIED

10.3 **Quotation QP19-099** – Supply of Tire-Related Services

That Quotation #QP19-099 for the Supply of Tire-Related Services, be awarded to Miller Tire Inc., as the lowest bidder meeting the Specifications, for a twenty-four (24) month period with options to renew the agreement for up to three (3) additional twelve (12) month periods, with a Total Estimated Annual Cost of \$160,106.12, including H.S.T. @ 15%.

Moved by: Councillor Butler
Seconded by: Councillor Léger

Councillor Butler left the meeting

MOTION CARRIED

**11.
READING OF BY-LAWS/ LECTURE D'ARRÊTÉS MUNICIPAUX**

**12.
NOTICES MOTIONS AND RESOLUTIONS/ AVIS DE MOTIONS ET RÉOLUTIONS**

12.1 **Resolution** – By-Law Enforcement Officers – Kyleigh Roy and Emmanuel LeBlanc

Councillor Butler returned to the meeting

WHEREAS by virtue of Section 72 of the *Local Governance Act*, S.N.B. 2017, c. 18, Council may appoint by-law enforcement officers for the local government;

AND WHEREAS by virtue of Section 14 of the *Police Act*, S.N.B., 1977, c. P-9.2, a by-law enforcement officer has the powers and immunities of a police officer for the purposes of enforcing the by-laws of the municipality for which he or she is appointed as are stipulated in the appointment, but has in no other regard the powers or immunities of a police officer;

INSPECTIONS

AND WHEREAS by virtue of Section 133 of the *Community Planning Act*, S.N.B. 2017, c. 19, Council may authorize any person to enter at all reasonable times any land, building or premises, subject to the requirements of said Section 133;

AND WHEREAS by virtue of Section 144 of the *Local Governance Act*, if the *Local Governance Act*, any other Act or a by-law of Council authorizes an inspection or requires anything to be inspected by a local government, a by-law enforcement officer may, after giving reasonable notice to the owner or occupant of the land, building or other structure, inter alia, enter the land, building or other structure at any reasonable time, and carry out the inspection;

PROCEEDINGS, ORDERS AND APPLICATIONS

AND WHEREAS by virtue of Subsection 150(1) of the *Local Governance Act*, Council may designate any person in whose name proceedings for an offence under a by-law, including but not limited to Informations, may be laid or commenced;

AND WHEREAS by virtue of Section 139 of the *Community Planning Act*, Council may designate any person in whose name proceedings for an offence under the *Community Planning Act*, including but not limited to Informations, may be laid or commenced;

AND WHEREAS by virtue of Section 134 of the *Community Planning Act*, Council may duly authorize a person to issue Orders under the said Section 134 of the *Community Planning Act*;

AND WHEREAS by virtue of Subsection 135(1) of the *Community Planning Act*, Council may designate a person for the purposes of making an application to The Court of Queen's Bench of New Brunswick or a judge of that court for

any of the orders described in Subsection 135(2) of the said Community Planning Act;

NOW THEREFORE BE IT RESOLVED THAT Kyleigh Roy and Emmanuel LeBlanc be appointed By-Law Enforcement Officers for the City of Moncton, and that they be authorized to enforce any by-law, or any applicable Act and regulation, and any amendments thereto;

BE IT FURTHER RESOLVED THAT Kyleigh Roy and Emmanuel LeBlanc be authorized to carry out any inspection, enter any land, building, premises, other structure and dwelling or dwelling unit, and take any such action, exercise such power and perform such duty as they may deem necessary, and as may be set out in any by-law, or any applicable Act and regulation, and any amendments thereto, to enforce any provisions of any by-law, and any applicable Act and regulation, and any amendments thereto; and,

BE IT FURTHER RESOLVED THAT Kyleigh Roy and Emmanuel LeBlanc be authorized to act for and on Council's behalf, and are hereby designated and authorised as persons in whose name Informations, and any other proceedings, may be laid or commenced for an offence under any by-law, or any applicable Act and regulation pursuant to the sections noted in the Acts referenced above; and designated and authorised to issue Orders by virtue of Section 134 of the Community Planning Act; and designated and authorised to make applications to The Court of Queen's Bench of New Brunswick or a judge of that court by virtue of Section 135 of the Community Planning Act.

Moved by: Councillor Edgett

Seconded by: Councillor Turner

MOTION CARRIED

12.2 Resolution – Heritage Conservations Officers – Kyleigh Roy, Amanda MacNeil and Jean Gagné

WHEREAS by virtue of Paragraph 74(2) (b) of the Heritage Conservation Act, S.N.B. 2010, c. H-4.05, Council may appoint an inspector for the purposes of assisting Council or the Heritage Conservation Board in carrying out its duties and to ensure compliance with the provisions of the Heritage Conservation Act that are within Council's jurisdiction;

WHEREAS by virtue of Subsection 75(2) of the Heritage Conservation Act, Council shall issue to an inspector a certificate of appointment bearing the signature or a facsimile of the signature of the clerk of the municipality;

INSPECTIONS

AND WHEREAS by virtue of Section 77 of the Heritage Conservation Act, any person named by Council as an inspector may enter any place at any reasonable time, as provided for and subject to the requirements of said Section 77;

ORDERS, PROCEEDINGS AND APPLICATIONS

AND WHEREAS by virtue of Subsections 83(2) and 83(3) of the Heritage Conservation Act, Council may duly authorize a person to issue Orders to cease activity under the said Subsections 83(2) and 83(3) of the Heritage Conservation Act;

AND WHEREAS by virtue of Subsection 89(1) of the Heritage Conservation Act, Council may name a person for the purposes of making an application to the Court for any of the orders described in Subsection 89(2) of the said Heritage Conservation Act;

NOW THEREFORE BE IT RESOLVED THAT Amanda MacNeil, Jean Gagné and Kyleigh Roy be appointed inspectors for the City of Moncton, by virtue of Paragraph 74(2) (b) of the Heritage Conservation Act, and be authorized to enforce any applicable by-law, Act, regulation, and amendments thereto; and by virtue of Subsection 75(2) of the Heritage Conservation Act, be issued to them, certificates of appointment of inspectors bearing the signature or a facsimile of the signature of the clerk of the municipality;

BE IT FURTHER RESOLVED THAT Amanda MacNeil, Jean Gagné and Kyleigh Roy, pursuant to the sections noted in the Act referenced above, be authorized to carry out any inspection, enter any land, building, premises, other structure and dwelling or dwelling unit, and take any such action, exercise such power and perform such duty as they may deem necessary, and as may be set out in any applicable by-law, Act and regulation, or any amendments thereto, to enforce any provisions of any applicable by-law, Act, regulation, or any amendments thereto; and,

BE IT FURTHER RESOLVED THAT Amanda MacNeil, Jean Gagné and Kyleigh Roy, pursuant to the sections noted in the Act referenced above, be authorized to act for and on Council's behalf, and be hereby designated and authorised as persons in whose name

Informations, and any other proceedings, may be laid or commenced for an offence under any by-law, or any applicable Act and regulation; and be designated and authorised to issue Orders to cease activity by virtue of Subsections 83(2) and 83(3) of the Heritage Conservation Act; and be designated and authorised to make applications to the Court by virtue of Section Subsection 89(1) of the Heritage Conservation Act.

Moved by: Councillor Thériault
Seconded by: Councillor Léger

MOTION CARRIED

12.3 **Resolution** – Cities of New Brunswick Association

Dealt with earlier in the meeting

13.
APPOINTMENTS TO COMMITTEES/ NOMINATIONS À DES COMITÉS

14.
ADJOURNMENT/ CLÔTURE DE LA SÉANCE

Motion : That the meeting be adjourned.

Moved by: Deputy Mayor Boudreau

MOTION CARRIED

.....
Dawn Arnold
MAYOR

.....
Barbara A. Quigley
CITY CLERK & DIRECTOR OF
LEGISLATIVE SERVICES

/6:17 p.m.

/smm