

Council Chambers
City Hall
Moncton, N. B.
May 19, 2020
4:00 p.m.

MINUTES – REGULAR PUBLIC MEETING

MEMBERS OF CITY COUNCIL

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

ABSENT

ALSO PRESENT

M. Landry, City Manager
B. Quigley, City Clerk, Director of Legislative Services
B. Tait, Acting General Manager, Community Safety Services, Via Webex
C. Dallaire, General Manager, Recreation, Culture and Events, Via Webex
J. Doucet, General Manager Finance and Administration Services, Via Webex
J. MacDonald, General Manager, Engineering and Environmental Services
L. Hanson, General Manager, Human Resources and Corporate Services, Via Webex
T. Critchlow, Codiac RCMP Superintendant, Via Webex
N. Robichaud, General Manager, Legislative Services, Via Webex
I. LeBlanc, Director Corporate Communication, Via Webex
K. Silliker, Director Economic Development
E. Aucoin, Director Environment Planning and Management
B. Budd, Director Urban Planning
C. Landry, Fire Chief, Via Webex
S. Anderson, Urban Planner, Via Webex

Guests

Anne Poirier-Basque, DMCI, via Webex
Dr. John McManaman
Robert Smith
Erik DeYoung
Robert LeBlanc
Roger Boychuk

**1.
CALL TO ORDER**

**2.
ADOPTION OF AGENDA**

Motion: That the agenda be approved as circulated.

Moved by: Councillor Léger
Seconded by: Councillor Edgett

MOTION CARRIED

**3.
CONFLICT OF INTEREST DECLARATIONS**

None declared

**4.
ADOPTION OF MINUTES**

Motion: That the minutes of the regular public Council meeting dated May 4, 2020 be approved as circulated.

Moved by: Deputy Mayor Boudreau
Seconded by: Councillor Pellerin

MOTION CARRIED

5.
CONSENT AGENDA

5.1 **Green Municipal Fund Application** – Codiac RCMP Facility Project

Administration is seeking to submit an application to the Federation of Canadian Municipalities' (FCM) Green Municipal Fund (GMF) for funding towards the construction of the new Codiac RCMP facility. The subject funding program is for "Brownfield Site Redevelopment" and the available funding is for a low interest loan with a non-repayable grant of up to 15% of the loan amount. The GMF program objective is to fund initiatives that bring a brownfield site back into economically productive use. In order to be eligible, the building to be constructed on the brownfield must be energy efficient and have the potential to reduce design energy consumption by at least 45% compared to the National Energy Code for Buildings (NECB) 2011.

Whereas the Codiac RCMP project is eligible for funding under the Green Municipal Fund's Brownfield Redevelopment program; and,

Whereas interest rates offered by the Green Municipal Fund are comparable or lower to what can be obtained from the other municipal borrowing authorities;

Therefore be it resolved that: City administration be authorized to submit an application to the Green Municipal Fund for a loan and grant for the construction of the Codiac RCMP facility

Moved by: Councillor Léger
Seconded by: Councillor Butler

MOTION CARRIED

6.
PUBLIC AND ADMINISTRATION PRESENTATIONS

6.1 PUBLIC PRESENTATIONS

5 minutes

Other Presentation

2 minutes

6.2 ADMINISTRATION PRESENTATIONS

15 minutes

6.2.1 **Update Covid-19 (Coronavirus)** – Marc Landry, City Manager / Conrad Landry, Fire Chief

Mr. Landry and Chief Landry provided an overview of the current situation. City Hall is now opened to the public, and staff has started to come back to work. A two-step approach is in place for proponents that use City facilities for their activities.

Chief Landry reminded that play structures, skate parks, dog parks and playgrounds continue to be closed. He advised Council that an announcement will be made within the next few days, that could provide the lifting of other restrictions.

Superintendent Critchlow advised that Codiac RCMP is now open for public facing.

6.2.2 **Update** – Downtown Sidewalk Cafés Enhancement

Mr. Landry, Mr. Silliker and Anne Poirier-Basque provided an update on the current status and options analysis of initiatives to support the re-opening and recovery of downtown businesses, specifically related to providing additional socially distanced eating or dining spaces. Many stakeholders including downtown businesses, restaurants and cafés, downtown workers and the broader community who want to return to enjoy the downtown, are seeking additional options to experience the downtown environment in a safe and secure manner.

Mr. Silliker recognized that the needs of stakeholders must be considered. For downtown businesses considering re-opening, social distancing requirements will constrain office and commercial space. Lunch rooms and employee lounges will have reduced capacity. During the summer months, downtown workers will seek to be outdoors to enjoy the nice weather and ensure appropriate social distancing during breaks or over the lunch hour.

As per Council approval on April 6, 2020, the City has waived fees for the Sidewalk Café Program for 2020.

The following perspectives should also be considered:

- Tourism efforts to promote Moncton – could creative and enticing downtown eating options be a unique feature to attract people to (downtown) Moncton to support tourism?;
- Fire access, public safety risks and first responder corridors;
- Existing enterprise wants to maintain access to their storefronts for returning customers;
- Stakeholders want assurance that crime prevention and downtown social safety issues are considered as part of any initiative; and
- Access to public washrooms will need to be considered for any options explored.

Ms. Poirier-Basque advised that the DMCI Advocacy Committee, DMCI Board and hotelier/businesses owners met last week to discuss the options. DMCI would not agree to a full closure of Main Street for the entire summer. On-street parking is considered a safety feature, as it creates a buffer between the sidewalk cafés and traffic; as well allows parking spaces for the business owners along Main Street. A survey will be sent to all businesses along Main Street asking for feedback, and how they plan to re-open.

Councillor Léger reminded administration/DMCI that businesses along St. George Street should also be surveyed. He indicated that he would not support the closure of Main Street.

Councillor Lawrence requested that Council be provided the amount of the money that will be saved from festivals being cancelled. Ms. Poirier-Basque advised that festivals have generated much of the business in the downtown area during the tourism season. In response to Councillor Lawrence's question, Ms. Dallaire indicated that the Tourism Department is currently working with the Province to develop a program/promotion for stay-vacations. She also advised Council that past years statistics indicated that tourism in the downtown has generated approximately 30% from restaurants and 20% from retail. Mr. Landry, in response to Councillor Lawrence's question, indicated that the City is currently going through an activity based items review of the budget.

Councillor Thériault suggested that perhaps administration organize a coffee break event for downtown businesses to gather their ideas.

Councillor Edgett requested that administration provide Council, during next week's Committee of the Whole meeting the number of restaurants participating in the Sidewalk Cafés Program, and those who will defer.

In response to questions regarding having Main Street transformed as a one-way street, Ms. Poirier-Basque indicated that this topic has been studied in the past and it is not a feasible option.

7.

PLANNING MATTERS

7.1 **New Rezoning and Municipal Plan amendment** application for PID 70531033 at Twin Oaks Drive and Ryan Street

Mr. Budd advised Council that Administration has received an application from Cordova Realty Limited to rezone PID 70531033 from R2 (Two Unit Dwelling) to R3 (Multiple Unit Dwelling) and MU (Mixed Use) to accommodate the development of a mixed-use node with high and medium density residential dwellings with commercial uses and services.

Rezoning a portion of the property at the corner where Twin Oaks Drive meets Ryan Street from R2 to MU will require an amendment to the Municipal Plan to amend the designation from NH (Neighbourhood) to MUC (Mixed Use Centres and Corridors).

The applicant is proposing to create a mixed use node at the corner of Twin Oaks Drive and Ryan Street. The proposal calls for eight buildings in total – six multiple unit dwellings, two of which are proposed to have commercial and service amenities on the main floor, and two two-storey stacked townhouses on either side of the future Holland Drive extension.

The project is being proposed in four phases. Each phase is detailed within the Council Report Form from this meeting date. It is anticipated that it will take roughly five to ten years to complete the full build out, pending unit sales.

It is being recommended to Council, that a public presentation be held for the development on June 1, 2020 and that the public hearing be held on July 20, 2020.

Mr. Robert LeBlanc, Fathomstudios Architects, provided an overview of the plans for the development. The site has 132 acres and is within 2 km of 3 schools, adjoins the Northwest and Jonathan Creek trails.

Roger Boychuck provided an overview of the Traffic Study for the development. The company carried out both a traditional traffic study and subsequent traffic counts of the area.

Motion:

That Moncton City Council proceed with the Municipal Plan amendment being By-law Z-113.27 and the Zoning By-law amendment being By-law Z-213.73 and:

- 1) That Council give 1st reading to the Municipal Plan amendment By-law Z-113.27 and Zoning By-law amendment By-law Z-213.73;
- 2) That a public presentation for the plan amendment be set for June 1, 2020;
- 3) That a tentative public hearing be set for July 20, 2020; and
- 4) That By-law Z-113.27 and Z-213.73 be referred to the Planning Advisory Committee for its written views; and

The rezoning, if approved, should be subject to a conditional zoning agreement, including but not limited to:

- 1) That the developer shall enter into a separate development charge agreement providing for the payment of development charges;
- 2) That the amending zoning by-law shall not be registered before the separate development charge agreement is executed;
- 3) That no trees or other vegetation be cut within a minimum of seven (7) metres along the entire east side of the subject lot, and the seven metre buffer is to remain vegetated and protected;
- 4) That a two metre high opaque fence be located on the southern side of the property where the parking lots abut the residential care facility, and that the fence be located on top of the retention wall, and constructed prior to, or at the beginning of, construction of buildings A and / or B;
- 5) That a line of conifers be planted along the eastern side of the lot along the existing treed buffer where the subject land abuts R2 zoned property, and that the conifers be a minimum of 2 metres high at planting and spaced a frequency of one tree for every 10 metres of rear lot property along the west side of the existing tree line;
- 6) That despite section 129(1)(c) of Zoning By-law Z-213 the height of the multiple unit buildings are permitted to be six stories;
- 7) That the proposed multiple unit dwellings and proposed townhouses be subject to Terms and Conditions to be approved by the Planning Advisory Committee;
- 8) That the development is subject to the Jonathan Creek Trunk Sewer Charge Area and that cost recovery charges for the entire rezoning area be paid prior to any Building and Development Permits being issued for the development;
- 9) That this rezoning approval shall expire within forty-eight (48) months of it coming into effect unless a development and development permit is obtained;
- 10) That all uses of land pursuant to this agreement shall conform with the provisions of the City of Moncton Zoning By-law, as amended from time to time, except as otherwise provided herein;
- 11) That nothing contained herein shall prohibit or in any way limit the Developer's right to apply for a variance pursuant to the provisions of the Community Planning Act;
- 12) That this agreement is to be signed and executed within 12 months of 3rd reading;
- 13) Following receipt of a written request from the owner of the property or any infant thereof, the City will, from time to time, at its sole discretion, prepare and execute releases of this Agreement, provided that the Agreement no longer has effect on the property. In all cases, the Owner will pay the City's administrative fee for preparing and signing a discharge and is responsible for all other legal, registration and other expenses, whether the discharge is prepared by the City, the Owner's solicitor or another person;
- 14) The development shall be carried out in substantial conformance with the plans and drawings submitted as Schedule B; and
- 15) That the \$1,000 security deposit required for a Conditional Rezoning Agreement and by-law registry fees, be paid prior to registration

Moved by: Councillor Hicks
Seconded by: Councillor Butler

MOTION CARRIED

8. STATEMENTS BY MEMBERS OF COUNCIL

9. REPORTS AND RECOMMENDATIONS FROM COMMITTEES AND PRIVATE MEETINGS

10. REPORTS FROM ADMINISTRATION

10.1 City Contract W20D 05DJ – Street Microsurfacing

Motion: That City Contract No. W20D 05DJ, Street Microsurfacing, be awarded to Maritime Road Recycling Inc. in the amount of \$953,925.00 including HST (\$865,052.37 net HST), and that the budget for the project be set at \$960,000.00 including net HST, engineering and contingency.

It is also recommended that a contract be drafted, and that the Mayor and City Clerk be authorized to sign said contract and affix the Corporate Seal of the City of Moncton

Moved by: Councillor Léger
Seconded by: Councillor Butler

Councillor Léger requested that administration provide an update on the process of microsurfacing.

MOTION CARRIED

10.2 **City Contract No. W20C 03DB** – Boundary Drive Culvert Renewal

Motion: That City Contract No. W20C 03DB, Boundary Drive Culvert Renewal, be awarded to MacDonald Paving and Construction, a division of Miller Paving Limited in the amount of \$666,951.70 including HST (\$604,815.00 net HST), and that the budget for the project be set at \$725,000 including net HST, engineering and contingency.

It is also recommended that a contract be drafted, and that the Mayor and City Clerk be authorized to sign said contract and affix the Corporate Seal of the City of Moncton.

Moved by: Councillor Turner
Seconded by: Councillor Butler

MOTION CARRIED

10.3 **Plastic Bag Reduction By-law** Modification

The purpose of this item is to modify the commencement date of the By-law respecting the reduction of single-use plastic bags in the City of Moncton (by-law P-619), to October 1, 2020.

In June 2019, City Council adopted a by-law to reduce the distribution and use of single use plastic bags (P-619). Although the by-law allows for the distribution of paper bags at a fee, the objective is to reduce the use of any single use bags. The by-law commencement date, as specified in section 8, is July 1, 2020.

Due to recent circumstances related to the COVID-19 situation, some stores are not allowing customers to bring their own reusable bags for health and safety precautions. Stores may not be ready to supply paper bags in required quantities if reusable and single use plastic bags are not allowed. Therefore, due to these unforeseen circumstances, it is recommended that the By-law commencement date be postponed. City administration has consulted with the Retail Council of Canada who is supportive that the City By-law be harmonized with Newfoundland and Labrador's ban to make it easier for chain retailers to adjust.

Motion: That Moncton City Council approves amending the commencement date of By-law P-619 under section 8 to October 1, 2020.

Moved by: Councillor Léger
Seconded by: Councillor Edgett

MOTION CARRIED

Nay:
Deputy Mayor Boudreau

10.4 **Extension** of Taxi License Expiry Date

Motion: That Moncton City Council authorize administration to extend the annual license renewal program for all taxicab owners and drivers to September 30 for the 2019-2020 license year in order to protect and limit the number of individuals coming into City Hall at any given time, and that By-law #L-108 be amended accordingly.

It is further recommended that Moncton City Council authorize administration to establish processes regarding license renewals and new applications in order to manage the number of individuals accessing City Hall.

Moved by: Councillor Edgett
Seconded by: Councillor Pellerin

MOTION CARRIED

11.

READING OF BY-LAWS

The City Clerk announced that the following by-laws will be posted on line at www.moncton.ca in lieu of reading them into the record at future meetings, pursuant to Section 15.3(a) ii (A&B) of the Local Governance Act, or same can be faxed, mailed or e-mailed to interested parties at their request.

- 11.1 **A By Law** in Amendment of the City of Moncton Plastic Bag Reduction By-Law, being By-Law P-619.1 – **First Reading – Pending approval item 10.5**

First Reading only

- 11.2 **A By-Law** in Amendment of a By-Law Relating to the Adoption of the City of Moncton Municipal Plan, being By-Law Z-113.27 (Twin Oaks) – **First Reading – Pending approval item 7.1**

First Reading only

- 11.3 **A By-Law** in Amendment of the City of Moncton Zoning By-Law, Being By-Law Z-213.73 (Twin Oaks) – **First Reading – Pending approval item 7.1**

First Reading only

- 11.4 **A By Law** in Amendment of a By- Law Relating to the Regulating and Licensing of Owners and Operators of Taxicabs in the City of Moncton, Being By-Law L-108.6 – **First Reading – Pending approval 10.6**

First Reading only

12.

NOTICES MOTIONS AND RESOLUTIONS

- 12.1 **Election** – Deputy Mayor

The City Clerk advised Council of the legislation and process required in order to elect a Deputy Mayor.

- Pursuant to the Local Governance Act, Subsection 48(3): “the Council of a Local Government shall elect a Deputy Mayor.”
- Pursuant to the City of Moncton By-Law Respecting the Proceedings of the City of Moncton City Council and Committee Meetings, Section XIX, subsection 90: “Council shall elect a Deputy Mayor at its first meeting and annually thereafter at a regular meeting following the anniversary date of the preceding municipal election.”
- An election will be conducted pursuant to Section 66(1) of the Local Governance Act, which states: “no vote shall be taken by ballot or by any other method of secret voting and every vote taken in that manner is of no effect.”

The current process is as follows:

- Mayor Arnold will call for nominations for the position of Deputy Mayor. Councillors can then nominate a Councillor for Deputy Mayor. Self-nominations are also permitted. The Mayor will check with each nominee as to whether he or she will serve if elected.
- At the conclusion of the call, the Mayor will call again 3 more times for nominations.
- Once all nominations are received, and accepted by the nominee, a motion will be made that all nominations cease.
- Once carried, a public vote will be taken.

The Mayor called for nominations from the floor.

Councillor Susan Edgett was nominated for the position of Deputy Mayor for the year 2020-21 by Deputy Mayor Boudreau.

Councillor Edgett accepted the nomination

The Mayor called for further nominations.

Councillor Crossman was nominated for the position of Deputy Mayor for the year 2020-21 by Councillor Butler.

Councillor Crossman accepted the nomination.

The Mayor called three times for any further nominations.

The Mayor asked for a motion to cease the nominations.

Motion: That the nominations for the 2020-2021 Deputy Mayor cease.

Moved by: Deputy Mayor Boudreau

Seconded by: Councillor Butler

MOTION CARRIED

Nominations were ceased.

Both candidates were afforded two minutes to address Council as to why they should be elected Deputy Mayor.

The Clerk requested that Council state their choice for Deputy Mayor aloud for the record. The following is the result of this poll:

Councillor Crossman – Councillor Crossman
Councillor Thériault – Councillor Crossman
Councillor Lawrence – Councillor Edgett
Councillor Léger – Councillor Edgett
Councillor Butler – Councillor Crossman
Councillor Hicks – Councillor Crossman
Councillor Edgett – Councillor Edgett
Councillor Pellerin – Councillor Crossman
Councillor Turner – Councillor Crossman
Councillor Boudreau – Councillor Edgett
Mayor Arnold – Councillor Edgett

The Clerk read the final vote into the record –

Councillor Crossman: Six votes

Councillor Edgett: Five votes

Councillor Turner requested that the Enhancing Democracy Committee review the process used for the election of Deputy Mayor.

Motion: That Councillor Crossman **be elected** as the Deputy Mayor for the year 2020-2021.

Moved by: Councillor Butler

Seconded by: Councillor Hicks

MOTION CARRIED

Nay :

Councillor Boudreau

13.

APPOINTMENTS TO COMMITTEES

Motion: That the following nominations be approved:

3+

Andrea S. Kalafut

Paul Mann

Moved by: Councillor Butler

Seconded by: Councillor Léger

MOTION CARRIED

14.
ADJOURNMENT

Motion: That the meeting be adjourned.

Moved by: Councillor Boudreau

MOTION CARRIED

.....
Dawn Arnold
MAYOR

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

6:38 /p.m.

/smm