

Council Chambers
City Hall
Moncton, N.B.
August 16, 2021
4 p.m.

MINUTES – REGULAR PUBLIC MEETING

MEMBERS OF CITY COUNCIL

Mayor Dawn Arnold, in the Chair*
Councillor Marty Kingston
Councillor Monique LeBlanc
Councillor Paulette Thériault
Councillor Shawn Crossman
Councillor Daniel Bourgeois

Deputy Mayor Charles Léger, in the Chair
Councillor Bryan Butler
Councillor Dave Steeves
Councillor Susan Edgett
Councillor Paul Richard

ABSENT

ALSO PRESENT

M. Landry, City Manager
B. Quigley, City Clerk and Director, Legislative Services
J. Doucet, CFO, General Manager, Finance Services
F. Levesque-Ouellette, Solicitor, Legal and Legislative Services
J. MacDonald, General Manager Sustainable Growth and Development Services
A. Richard, Acting General Manager Operations Services
L. Hanson, General Manager, Corporate Services
B. Jollette Codiac RCMP, via Webex
B. Budd, Director, Planning and Development
R. Lagacé, Acting Director, Engineering, via Webex
A. Henderson, Corporate Communications
S. Anderson, Planning and Development
J. Davies, Planning and Development
T. Carter, Purchasing Manager
J. Cohoon, Director, Recreation
C. Landry, Fire Chief, via WebEx

**1.
CALL TO ORDER**

**2.
ADOPTION OF AGENDA**

Motion: That the agenda for the regular public Council meeting dated August 16, 2021 be approved as circulated

Moved by: Councillor Kingston
Seconded by: Councillor Edgett

MOTION CARRIED

**3.
CONFLICT OF INTEREST DECLARATIONS**

None declared

**4.
ADOPTION OF MINUTES**

Motion: That the minutes of the July 19, 2021 regular public Council meeting be approved as circulated.

Moved by: Councillor Steeves
Seconded by: Councillor LeBlanc

MOTION CARRIED

**5.
CONSENT AGENDA**

5.1 **Street Closure** – 2021 Pride Parade – August 28, 2021 – Streets affected: Foundry, Main and Downing

Motion: That the organizers of the River of Pride festival be granted permission for the following:

- Full street closure of Foundry Street from Main Street to Record Street, from 8:30 a.m. to 2:30 p.m. on August 28, 2021 for parade line up and staging.
- Parade closure of Main Street at 1:15 p.m. proceeding East from Main Street and Foundry Street to Downing Street to disband at Riverfront Park.
 - o Closure of Main Street from Bonaccord Street to Mechanic Street, and closure of Downing Street from Main Street to Assumption Boulevard for parade.
 - o The duration of the parade closure will be approximately one hour and the street will be opened as the procession moves along.

5.2 **Street Closure** – Cats Cup – September 11, 2021 – Street affected: Canada

Motion: That the organizers of the 2021 Cats Cup be granted permission for the following:

- a full street closure of Canada Street from the Hyatt Place parking lot entrance to the Indigo parking lot on Canada Street from 6 a.m. to 3 p.m. on September 11, 2021

Motion : That the consent agenda be **approved** as follows:

- **Street Closure** – 2021 Pride Parade – August 28, 2021 – Streets affected: Foundry, Main and Downing
- **Street Closure** – Cats Cup – September 11, 2021 – Street affected: Canada

Moved by: Councillor LeBlanc

Seconded by: Councillor Kingston

MOTION CARRIED

6. PUBLIC AND ADMINISTRATION PRESENTATIONS

6.1 PUBLIC PRESENTATIONS

5 minutes

6.1.1 **Presentation** – CHEA – Public Education Campaign – Bridget Murphy, President and Heather Fraser, 1st Vice-President

Representatives from CHEA Executive, Bridget Murphy and Heather Fraser came before Council to provide an overview of the Union's employees and their roles within the City of Moncton.

The Association is embarking upon an annual education campaign to foster greater public awareness of the essential role the approximate 223 inside and outside employees play in the Corporation and its daily operations.

City Hall employees provide a variety of essential services spanning across the entire corporation. These include support services to the Fire Department, RCMP and OCC, Magnetic Hill Zoo, Highfield Pumping Station, Operations Centre, Parks and Leisure operations, Economic Development, MID, Information Systems, Finance, Purchasing, Revenue, Corporate Communications, Urban Planning, Engineering, Building Inspection, City Clerk's Office - Secretariat to City Council, etc.

Numerous CHEA employees are in supervisory positions and are also involved in projects that significantly impact the City. Many others attend meetings and participate in committees that help formulate recommendations that shape and benefit the City as a whole.

Councillor Butler thanked CHEA employees for the work that they do for the City of Moncton.

Councillor Crossman requested that discussion take place for the connection of McLaughlin and Irishtown Nature Parks.

6.1.2 **Presentation** – Humanity Project - Request for Additional Funding – Charles Burrell

The Humanity Project has recently acquired a 170-acre farm in Salisbury, NB that will be repurposed as a rehabilitation and reintegration centre for those suffering from addiction and mental illness. Mr. Burrell indicated that the plan is to grow enough food to provide the residents at the farm, as well as the Humanity Project on Saint George Street.

This project will provide a purpose for the residents.

Step 1 – Rehabilitation – which will include mental health services.

Step 2 – Reintegration – this part of the program is to help the residents be integrated into society. The Humanity Project has partnered with BreeLove Counselling Services, as well are currently in talks with both health networks for their support on the project. The goal is to have a safe

environment for residents and employees. Mr. Burrell advised Council that all employees will have first aid and CPR training.

Requesting a session at the Committee of the Whole in October to discuss the \$3M grant submitted for the farm project.

A request was made that Mr. Burrell provide Council with a Business Plan for the farm project, and that it includes a unified approach with other organizations.

Mayor Arnold entered the meeting @ 5:00 p.m.

Other Presentation/Autres présentations

2 minutes

6.2 ADMINISTRATION PRESENTATIONS/EXPOSÉS DE L'ADMINISTRATION

15 minutes

6.2.1 Update – RCMP – Codiac RCMP Acting Officer in Charge Ron DeSilva

Inspector Benoit Jollette, in Acting Officer in Charge DeSilva's absence, advised that the contract figures will be received soon and the RCMP will work with CRPA and will share with Council.

7.

PLANNING MATTERS/ QUESTIONS D'URBANISME

7.1 Introduction – Mountain Rd. and Terris Ave. (amend Conditional Zoning Agreement for drive thru restaurant)

Mr. Budd advised Council that an application had been received from WP Holdings Limited to repeal By-Law Z-213.11 and rezone the lands located on Terris Avenue near Mountain Road and bearing PIDs 00755132 & 00755124 to the Suburban Commercial (SC) Zone. The proposal will accommodate a new drive-thru restaurant with 46 seats.

The site was originally subject to a rezoning from R-2 (Two Unit Dwelling Zone) to SC (Suburban Commercial Zone) in 2015 to accommodate a two-storey retail and office complex. A Conditional Zoning Agreement (CZA) accompanied the rezoning and established a timeline of 12 months for the owner to receive a development permit. The owner was not able to meet this deadline and the rezoning approval expired.

In 2017, the Conditional Zoning Agreement was amended to provide for, among other things, an extended timeline of 60 months for the development to occur. Although this second expiry date will not be reached until May 2022, the owner has not been able to make any headway on the development that was agreed to in the CZA. The properties remain vacant today.

The properties are now being sold to WP Holdings Limited who is seeking zoning approval to construct a drive-thru restaurant with 46 in-person seats. The site plan submitted is conforming with the City's Zoning By-Law as it related to parking minimums, setbacks, and drive-thru queuing spaces. There are two driveways to the site proposed directly on Mountain Road. No vehicle access to the site is proposed on Terris Avenue.

Motion: That Moncton City Council proceed with the rezoning amendment being By-Law Z.220.14 and:

- 1) That Council give First Reading to the Zoning By-Law Amendment Z.220.14;
- 2) That a public hearing be set for September 20, 2021;
- 3) That By-Law Z.220.14 be referred to the Planning Advisory Committee for its written views; and

The rezoning, if approved, should be subject to conditions including but not limited to:

- 1) That the properties bearing PIDs 00755132, 00755124, 00752212, 00752220, 00752238, 70246137, 70246145 & 00752246 be consolidated prior to the issuance of a building permit;
- 2) That a two-metre high wooden fence be located along the western property line;
- 3) That the fence and landscaping be installed and planted as soon as possible, weather permitting, but no later than six months after the completion of the building construction;
- 4) 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;
- 5) 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; and
- 6) That the development shall be carried out in substantial conformance with the plans and drawings submitted as Schedule B.

Moved by: Councillor Bourgeois
Seconded by: Councillor Edgett

Councillor Bourgeois expressed concerns with the site plan showing plantation (such as trees) and the potential of realigning Terris Ave. to meet Oakland – this would be wasting money for the developer.

Mark Greatorex, representing the developer indicated that opening of the new facility would take place in 2022.

MOTION CARRIED

7.2 Introduction – 80 Morton (rezone P1-R3 – Emmanuel Baptist Church)

Mr. Budd advised council that an application had been received from Trace Planning and Design, on behalf of Emmanuel Baptist Church, landowner, to rezone a portion of PID 00997221 from P1 (Community Use) to R3 (Multiple Unit Dwelling) and a portion of PID 00997239 from R3 (Multiple Unit Dwelling) to P1 (Community Use) to accommodate the development of a six-storey apartment building with 116 units and underground parking.

The applicant is proposing to subdivide out the subject lot and purchase it from the current landowner. The plan is to construct a six-storey apartment building with 116 units. The proposal also calls for 54 underground parking stalls and 93 surface parking stalls.

Motion: That Moncton City Council proceed with the Zoning By-law amendment being By-law Z-220.15 and:

1. That Council give 1st reading to Zoning By-law amendment By-law Z-220.15;
2. That a public hearing be set for September 20, 2021; and
3. That By-law Z-220.15 be referred to the Planning Advisory Committee for its written views; and

The rezoning, if approved, should be subject to a resolution with conditions including but not limited to:

1. That the Subdivision Plan be registered prior to the issuance of a Building and Development permit;
2. That the lot consolidation be registered prior to the issuance of a Building and Development permit;
3. That despite section 129(2) of Zoning By-law Z-220, the required landscaped 3 metre buffer is permitted to be reduced for a section at the rear of the lot, as shown on site plan attached as schedule B;
4. That despite section 129(5)(a) of Zoning By-law Z-220, the amount of land dedicated to parking is permitted to be increased from 35% to 36.9%
5. That despite section 129(5)(b) of Zoning By-law Z-220 the depth of the façade jog is permitted to be reduced from 0.6 metres to 0.3 metres;
6. That despite Table 12.3 of Zoning By-law Z-220 the height of the building is permitted to be increased to 19.5 metres;
7. 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;
8. 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; and,
9. The development shall be carried out in substantial conformance with the plans and drawings submitted as Schedule B;

Moved by: Councillor Crossman
Seconded by: Councillor Thériault

It was questioned if the infrastructure in the area is able to sustain this new development.

MOTION CARRIED

7.3 Public Hearing – Bulman Dr./Mountain Rd. D: Intro Mountain Rd – *Objections received*

Mr. Budd explained to Council that this is a Public hearing for the above rezoning. He indicated that objections have been received for the rezoning.

It was noted that administration had received an application from 713860 N.B. INC., landowner, to rezone PID 70463880 and a portion of PID 70463898 at the corner of Bulman Drive and Mountain Road from R3 (Multiple Unit Dwelling) to SC (Suburban Commercial).

The rezoning will accommodate the development of a four-story commercial / medical office and clinic facing Mountain Road.

Rezoning the subject land from R3 to SC will require an amendment to the Municipal Plan to amend the designation from NH (Neighbourhood) to MUC (Mixed Use Centers and Corridors). At the July 5, 2021 Regular Meeting, Moncton City Council resolved that a Public Hearing be scheduled for August 16, 2021 for the consideration of objections to the proposed Municipal Plan amendment Z-113.30 and Zoning By-law amendment Z.220.6 as it pertains to the rezoning of PID 70463880 and a portion of PID 70463898 at the corner of Bulman Drive and Mountain Road.

- A public presentation was held on July 5, 2021 to present information to the public on the Municipal Plan amendment.
- First notice of the public hearing was posted on the City's website on July 7, 2021.
- A physical sign was placed on the property on July 7, 2021
- Notice was published in both newspapers (Times & Transcript and Acadie Nouvelle) on July 10, 2021.
- Notice of the public hearing was also sent by mail to owners of properties within 100 metres of the subject site as per requirements of the Community Planning Act. (July 7, 2021)

Mr. Budd spoke to the objections –

- Fire and emergency access will require several entrances.
- Traffic – being proposed a four-way intersection with a crosswalk
- Two-metre high fence will be install to create screening along Bulman
- A drainage plan will need to be submitted and approved by Engineering
- No trees will be cut during phase 2 of the development.

The Developer had nothing to add.

No proponents came forward.

Objectors included the following – none present:

- Patricia and Kyle Banks
- Ruth Dunnett
- Marjorie LeGood

In response to a question from Councillor Butler, Mr. Budd indicated that he would get back to Council concerning the status of the sidewalks, the proposed crosswalks and the locations of traffic lights along that area of Mountain Rd. He also requested that administration, as well as the developer, ensure that research be completed on the wells in the area.

Meghan Rossiter, developer, indicated that a geotechnical survey on the ground water will be performed prior to any work being performed, or permits being requested.

The Mayor adjourned the Public Hearing @ 6:09 p.m.

Add condition to motion: That a geotechnical report be submitted and accepted prior to the issuance of a Building and Development permit.

Motion: That Moncton City Council proceed with the Municipal Plan amendment being By-law Z-113.30 and the Zoning By-law amendment being By-law Z-220.6.

Further that the rezoning shall be subject to a resolution, including but not limited to the following conditions:

- 1) That the two properties be reconfigured and re-subdivided to create two building lots as per the attached plans prior to the issuance of a building and development permit on either property
- 2) That a reciprocal right-of-way be registered to both properties prior to the issuance of a Building and Development permit
- 3) That notwithstanding section 34(2) of the Zoning By-law, the outdoor garbage storage is permitted to be located in the required rear yard
- 4) That notwithstanding section 42(1) and 63(1) & (2) of the Zoning By-law, parking is permitted in the required rear yard abutting the residential zone at the back;
- 5) That a fence be constructed at minimum along the side and rear property lines abutting PID 70463872 and the rear of PID 70178140 as part of the first phase of construction;
- 6) That the fence be opaque and made of wood, PVC (Polyvinyl chloride), or another similar quality material, but shall not be chain link;
- 7) That the fence be installed as soon as possible, weather permitting, but no later than six months after the completion of the building construction;

- 8) 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;
- 9) 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; and
- 10) The development shall be carried out in substantial conformance with the plans and drawings submitted as Schedule B.
- 11) **Additional condition:** That a geotechnical report be submitted and accepted prior to the issuance of a Building and Development permit.

Moved by: Councillor Butler

Seconded by: Councillor Steeves

AMENDED MOTION CARRIED

7.3 **Public Hearing** – Main Street and Lorentz Drive to accommodate a Multiple Residential Development (Ashford Developments) – *Objections received*

Mr. Budd explained to Council that this is a Public Hearing for the above rezoning. He indicated that objections have been received for the rezoning.

It was noted that administration had received an application from Ashford Living Lorentz Inc, landowner, to rezone 25 Lorentz Drive (PID 00714337) and portion of Main Street (PID 00786889) from R3 (Multiple Unit Residential) to SC (Suburban Commercial Zone). This rezoning is requested to accommodate the development of two multiple unit dwellings of 90 and 145 residential units respectively.

Additionally, a commercial use is proposed for the ground floor of the proposed building with frontage to Main Street.

At the July 5 2021 Regular Meeting, Moncton City Council resolved that a Public Hearing be scheduled for August 16, 2021 for the consideration of objections to the proposed Zoning By-law amendment Z-220.13 for 25 Lorentz Drive and portion of Main Street (PID 00786889).

- First notice of the public hearing was posted on the City's website on July 6, 2021. A sign notifying the public of the proposed rezoning was posted on the subject property on July 6, 2021.
- Notice was published in both newspapers on July 10, 2021.
- Notice of the public hearing was also sent by mail to owners of properties within 100 metres of the subject site as per requirements of the Community Planning Act. (July 7, 2021).
- As per the requirements of the Community Planning Act, Council also referred the Zoning By-law amendment to the Planning Advisory Committee (PAC) for its written views.
- At its meeting of July 28, 2021 the PAC considered the proposed amendments and recommended unanimously that Council proceed with the amendment process for Zoning By-law amendment Z-220.13.

Motion: That Council approve the proposed Zoning By-law Amendment being By-law Z-220.13 by giving it second and third readings.

The rezoning, if approved, should be subject to a resolution with conditions including but not limited to:

1. 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;
2. That all uses of land pursuant to this agreement shall conform to the provisions of the City of Moncton Zoning By-law, as amended from time to time, except as otherwise provided herein.
3. That prior to issuance of a building permit the property owner will show the existing driveway opening on Main Street being properly closed.
4. Prior to occupation of the Phase 1 building, a sidewalk shall be constructed within the City right of way at the expense of the property owner from Falkland Street to Main Street.
5. That property owner shall enter into a subdivision agreement for the sidewalk and the relocation of the sanitary sewer prior to the issuance of the first building permit.
6. The sidewalk shall be designed and constructed in accordance with the Standards and Guidelines for Subdivision and to the satisfaction of the City of Moncton Design and Construction Department.
7. That the sidewalk be constructed prior to occupation of the Phase 1 building

8. That the sanitary sewer be relocated prior to start of construction of Phase 2 building.
9. That the relocated sewer easement be in place prior to construction of the Phase 2 building or with registration of the subdivision plan, whichever occurs first.
10. That all rights of way be established between the two properties prior to construction of the Phase 2 building or with registration of the subdivision plan, whichever occurs first.
11. That commercial activity be restricted only to the portion of the Phase 2 building that fronts Main Street
12. That all commercial development facing Main Street shall meet NB Regulation 2021-3 -Barrier Free Design Building Code.
13. That the development be carried out in substantial conformance with the plan submitted as Schedule B

Objectors:

- Katryn DosSantos – not present
- Christophe Guessome – Does not wish to speak

Councillor Bourgeois expressed his concern with lack of parks in the area – excluding school parks.

Both Councillor Bourgeois and Deputy Mayor Léger expressed their concern of not knowing how many affordable units will be made available.

The Mayor adjourned the Public Hearing @ 6:31 p.m.

Moved by: Councillor Crossman
Seconded by: Councillor Butler

MOTION CARRIED

7.5 Public Hearing – 1888 Mountain Rd. Rezoning for storage lockers

Administration has received an application from Avant Garde Construction and Management, on behalf of 509103 NB Ltd., landowner, to rezone the rear portion of 1888 Mountain Road (PID 00938209) from R2 (Two-Unit Dwelling) to SC (Suburban Commercial) to accommodate the development of a single storey self storage facility.

The applicant is proposing to develop the rear portion of the large lot into a single storey self storage facility.

The front portion of the lot is currently developed with a single storey strip mall with various commercial and personal service uses.

Parking for the existing commercial use is located on the east side of the site. The rear portion of the site is currently vacant. The rear area was previously treed and left untouched for many years, but the landowner removed the trees in 2020 to prepare the site for future development.

The proposal is to develop the rear lot with a single storey mini storage facility, fully fenced, gated, and landscaped. Access is proposed from the existing driveway on Mountain Road through the existing commercial parking lot to the rear of the site.

The front portion of the site is zoned SC (Suburban Commercial), but the rear portion of the site is zoned R2 (Two Unit Dwelling). A self storage facility is not permitted in the R2 Zone, therefore a rezoning application is required for the rear portion of the lot.

At the July 5, 2021 Regular Public Meeting, Moncton City Council resolved that a public hearing be scheduled for August 16, 2021 for the consideration of objections to the proposed Zoning By-law amendment Z-220.11. By-law Z-220.11 was also given 1st reading by Council at the July 5, 2021 Council meeting.

Public notice

- The statutory notice of the public hearing was posted on the City's website on July 7, 2021.
- Notice was also published in both newspapers (Times & Transcript and Acadie Nouvelle) on July 10, 2021.
- Notice was mailed out to properties located within 100 metres of the subject site on July 7, 2021.
- A sign regarding the proposed rezoning was also posted on the subject property on July 7, 2021.

At its meeting of July 28, 2021, the Planning Advisory Committee (PAC) considered the proposed amendment and recommended that Council not proceed with the amendment process for By-law Z-220.11.

Mr. Budd advised Council that given the fact that the Planning Advisory Committee recommends not proceeding with the re-zoning application, according to paragraph 110(2)(b) of the Community Planning Act a majority of the whole of Council (i.e. not just those present at the meeting) would be required to vote in favour of the application in order to pass the zoning by-law amendment.

The rezoning, if approved, should be subject to a Conditional Zoning Agreement, including but not limited to the conditions cited in the above recommendation.

Developer –

Rob Clinch, Avant Garde Construction and Management, provided an overview to Council the challenges faced to build on the property. It is their opinion, that the current plan, is the best development possible for the lot.

Proponents –

No proponents were present.

Objectors –

No objections were received for the rezoning of the property.

In response to a question from Councillor Butler, Mr. Budd indicated that the lot could be developed as residential.

Mr. Budd and Mr. Clinch fielded and answered questions from Council on the development.

In response to Deputy Mayor Léger, the developer indicated that they did not consider the reduction of units; however, this would be at a considerable loss of income for the development. Deputy Mayor Léger indicated that he will not be able to support the development as it is being presented.

The mayor adjourned the public hearing @ 6:50 p.m.

Both Staff and PAC recommended the following for Council's approval:

Motion: That Moncton City Council not proceed with the Zoning By-law amendment.

It was Council's decision to approve the alternate motion:

Motion: That the rezoning should be subject to a Conditional Zoning Agreement, with conditions including but not limited to:

- 1 That despite subsections 31 (2) & (3) of the Zoning By-law, more than one main building is permitted on the subject lot
- 2 That a security deposit for the required trees and landscaping works in the amount of \$36,600.00 + HST be paid to the City prior to the issuance of a Building and Development permit. Said security shall be released upon completion of all landscaping works and inspection and acceptance thereof;
- 3 That the fence required around the perimeter of the rear portion of the lot be opaque and made of wood, PVC, or another similar quality material, but shall not be chain link;
- 4 That the fence and landscaping be installed and planted as soon as possible, weather permitting, but no later than six months after the completion of the building construction;
- 5 That the height of the storage facility not be more than one-storey;
- 6 That this rezoning approval shall expire within twenty-four (24) months of it coming into effect unless a building and development permit is obtained;
- 7 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;
- 8 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;
- 9 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;
- 10 The development shall be carried out in substantial conformance with the plans and drawings submitted as Schedule B; and
- 11 That the \$1,000 security deposit and by-law registry fees, be paid prior to registration.

Moved by: Councillor Bourgeois

Seconded by: Councillor Steeves

MOTION CARRIED

Nay:

Deputy Mayor Léger

8.
STATEMENTS BY MEMBERS OF COUNCIL

Councillor Butler – Indicated that he has received several calls from residents in the Pinehurst area, in particular the Elmhurst area. These residents have indicated that the undeveloped lands behind Elmhurst are to be developed for residential properties. It was originally thought these parcels would be developed for Senior housing. He requested that Administration provide Council an update on the land development.

Councillor Kingston – Praised the By-Law Department on the quick clean up of the encampment at the corner of Cameron and St. George.

9.
REPORTS AND RECOMMENDATIONS FROM COMMITTEES AND PRIVATE MEETINGS

9.1 **Recommendation(s)** – Committee of the Whole – July 26, 2021

Motion: That Moncton City Council direct Administration to bring forward additional information related to an economic impact study, preliminary design, and more detailed cost estimates (additional due diligence for Phase One of the Magnetic Hill Zoo: Feasibility Study Africa Area) for consideration in the upcoming 2022 budget deliberations.

Moved by: Councillor Edgett
Seconded by: Councillor Richard

MOTION CARRIED

Motion: That Moncton City Council approve By-law #H-102.5, being a By-Law in Amendment of a By-Law Relating to the Prevention of Excessive Noises in the City of Moncton, and authorize giving first reading to same, and that Council direct Administration to advocate to the Province of New Brunswick to make amendments to the appropriate legislation to prohibit the use of compression brakes within municipal boundaries.

Moved by: Councillor Bourgeois
Seconded by: Deputy Mayor Léger

MOTION CARRIED

9.2 **Recommendation(s)** – Private Session – August 9, 2021

That Moncton City Council authorize the City to enter into a Municipal Services Licence Agreement with the Government of Canada, as represented by the Minister of Indigenous Services, and that the Mayor and City Clerk be authorized to execute all necessary documents and to affix the Corporate Seal thereto.

Moved by: Councillor Edgett
Seconded by: Councillor Butler

MOTION CARRIED

10.
REPORTS FROM ADMINISTRATION

10.1 **Motion** – Motion to Eliminate Section XV of the By-Law Concerning the Deliberations of City Council – By-law A-418

Councillor Bourgeois brought forward a Notice of Motion at the July 5, 2021 Public Council meeting.

Administration provided some background on the history of the notice of motion. A motion is a solution to a problem. The Notice of Motion process ensures “informed decision-making”, which generally speaking requires administrative research and input.

It is a procedural fairness safeguard: If council is free to make whatever decisions it wants to without notice, the public suffers because they have no opportunity to attend, hear the debate, and provide input if it is a decision that affects them personally. Public trust is lost.

Based on Administration’s review of other jurisdictions’ procedural rules, one opportunity for improvement in our procedural by-law would be a mechanism for council to suspend the operation of the Notice of Motion rule. For example, this could be done by either a unanimous or 2/3 vote of Council. Also, in the event of an emergency, Council can suspend the rule completely if a decision is required on an urgent basis (likely no amendment to by-law required for that).

- Whereas City Council is the supreme authority of the Corporation and is made up of eleven members elected by the other citizens of the City to make decisions by virtue of the enabling laws and powers bestowed to it and in conformity to the needs and wishes of its citizens, to whom Council is accountable;
- Whereas City Council adopted a by-law to frame and facilitate its decision-making, eg. By-law A-418 concerning the deliberations of Council and its committees;
- Whereas By-law A-418 contains one section (XV) that forces members of Council to present a notice of motion that prohibits Council from deliberating said motion before the subsequent meeting, which can delay the decision for one month in certain cases;
- Whereas Council must on occasion make time-sensitive decisions on urgent matters, as was the case of the motion on public safety, which could only be discussed by Council on July 5, 2021, nine weeks after the election of the new Council;
- Whereas the reason provided to justify this restriction of the power vested to elected members of Council is to provide employees time to analyse the wisdom of motions and to provide advice to Council, even when motions are purely of a political nature;
- Whereas City employees do not have to provide Council a similar notice before submitting to Council their recommendations on issues that can arise at any time;
- Whereas Council may table any motion submitted at any time if it is of the opinion that more information is required or for any other reason that the majority deems worthy;

It is therefore resolved that Council eliminate Section XV from By-law A-418 as soon as possible.

It is further resolved that Council ask its Enhancing Democracy Committee to review By-law A-418, notably article 56 that gives the Mayor the power to limit the time and the number of times that a member may speak on the same motion or matter, without any objective criteria, as well as all other by-laws that reduce the supreme power of members of Council in the performance of their representative and democratic responsibilities.

Motion proposed by Councillor Daniel Bourgeois
Motion seconded by Councillor Shawn Crossman

Councillor Bourgeois indicated that if a Councillor wishes to bring forth a motion at a Council meeting, if further information is required – the motion could be postponed or tabled.

Councillor Edgett expressed that she does not feel that this motion is warranted at this time.

The City Manager indicated that a review of the by-law could be undertaken in the near future, if that is the desire of Council.

Councillor Steeves questioned if this item could be directed to the Enhancing Democracy Committee for their input. City Manager Landry responded that it could be referred to the committee.

Councillor Léger indicated that he prefers the approach of a notice of motion, so that Council has time to make an informed decision.

Mayor Arnold made reference to the first line of the motion and feels that citizens are the supreme authority of the city, and not council. She reminded all Council that is important for Council to have all the information before making a decision that affects the citizens of Moncton.

Councillor Bourgeois reminded Council that decisions have been made in the past without having such a procedure. He feels that this by-law is limiting the powers of Council. He takes offense to some of the Mayor's comments.

MOTION CARRIED

Nay:
Mayor Arnold
Deputy Mayor Léger
Councillor Edgett
Councillor LeBlanc

10.2 **Tender TCS21-037 – Supply and Installation of Back-Up Generator (Codiac Transpo)**

Motion: That Tender #TCS21-037 for the supply and installation of a back-up generator at the Codiac Transpo facility be awarded to the lowest bidder meeting all terms and conditions, and specifications, being Ainsworth Inc., for the revised total tendered price of \$480,930.00, including H.S.T. @ 15%.

Furthermore, it is recommended that Council approve a Five Percent (5%) Contingency Allowance for this project in the amount of \$24,046.50, including H.S.T. @ 15%, to cover additional costs which may be incurred as a result of unknown or unforeseen site conditions requiring additional work to be completed by the successful Bidder.

Moved by: Councillor Butler
Seconded by: Deputy Mayor Léger

Councillor Crossman referenced the funding for this being provided by the Federal Government.

MOTION CARRIED

- 10.3 **Recommendation to Award Tender TCS21-065** – Codiac Transpo – Replacement of Two (2) Oil/Water Interceptors

Motion: That Moncton City Council approve the award of Tender #TCS21-065 for the Replacement of Two (2) Oil-Water Interceptors at Codiac Transpo, to the lowest Bidder meeting the Terms and Conditions and Specifications of the Tender, being Petroservice Ltd., for the Total Tendered Price of \$154,387.50, including H.S.T. @ 15%.

It is also recommended that a Ten Percent (10%) Contingency Allowance in the amount of \$15,438.75 (including H.S.T. @ 15%) be established as part of the Total Project Budget. The Contingency Allowance will be used (if required) to address any unknown or unforeseen site conditions which may require a change to the scope of work.

Moved by: Councillor Kingston
Seconded by: Deputy Mayor Léger

MOTION CARRIED

- 10.4 **Recommendation to Award Quotation QP21-061** – Waste Clean-Up and Removal Services (Unightly Premises)

Motion: That Moncton City Council approve Administration's recommendation to award Quotation #QP21-061 for the provision of Waste Clean-Up and Removal Services for Unightly Premises to Ayles Natural Landscaping Ltd., for a one (1) year period in accordance with the Hourly Labour Rates and Equipment Rates specified in their bid submission, which represents a Total Estimated Annual Contract Value of \$66,067.50, including H.S.T. @ 15%, with options to extend the agreement for up to two (2) additional twelve (12) month periods, if it is in the City's best interest to do so.

Moved by: Deputy Mayor Léger
Seconded by: Councillor Kingston

MOTION CARRIED

11.

READING OF BY-LAWS

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 Zoning By-Law, being By-Law Z-220.14 Mountain Rd. and Terris Ave. (amend CZA for drive thru restaurant) – **First Reading (subject to approval of item 7.1)**

First Reading only

- 11.2 **A By-Law** in Amendment of the City Of Moncton Zoning By-Law, being By-Law Z-220.15 – 80 Morton (rezone P1-R3 – Emmanuel Baptist Church) – **First Reading (subject to approval of item 7.2)**

First Reading only

- 11.3 **A By-Law** in Amendment of a By-Law Relating to the Prevention of Excessive Noises in the City of Moncton, being By-Law H-102.5 – **First Reading (subject to approval of item 9.1)**

First Reading only

Pursuant to Section 15.3(a) ii (A&B) of the Local Governance Act the following by-laws were posted on the City of Moncton Internet site for the required time period specified in the Act. The by-laws receive second and third readings by title only.

- 11.4 **A By-Law** in Amendment of a By-Law Relating to the Adoption of the City of Moncton Municipal Plan, being By-Law Z-113.30 – Bulman/Mountain – **Second & Third Readings (subject to approval of item 7.3)**

Motion: That the Clerk give second reading to By-Law Z-113.30.

Moved by: Councillor Butler
Seconded by: Councillor Edgett

MOTION CARRIED

The Clerk gave second reading to by-law Z-113.30

Motion: That a By-Law in Amendment of a By-Law Relating to the Adoption of the City of Moncton Municipal Plan, being Z-113.30 be given third reading and that it be ordained and passed that the Mayor and City Clerk be authorized to sign same and affix the Corporate Seal of the City of Moncton thereto.

Moved by: Councillor Butler
Seconded by: Councillor Steeves

The Clerk gave third reading to by-law Z-113.30

MOTION CARRIED

- 11.5 **A By-Law** in Amendment of the City of Moncton Zoning By-Law, being By-Law Z-220.6 – Bulman/Mountain – **Second & Third Readings (subject to approval of item 7.3)**

Motion: That the Clerk give second reading to By-Law Z-220.6.

Moved by: Councillor Butler
Seconded by: Councillor Steeves

MOTION CARRIED

The Clerk gave second reading to by-law Z-220.6

Motion: That a By-Law in Amendment of the City of Moncton Zoning By-Law, being Z-220.6 be given third reading and that it be ordained and passed and the Mayor and City Clerk be authorized to sign same and affix the Corporate Seal of the City of Moncton thereto.

Moved by: Councillor Butler
Seconded by: Councillor Steeves

The Clerk gave third reading to by-law Z-220.6

MOTION CARRIED

- 11.6 **A By-Law** in Amendment of the City of Moncton Zoning By-Law, being By-Law Z-220.13 – Main St./Lorentz Dr. – **Second & Third Readings (subject to approval of item 7.4)**

The Clerk gave second reading to by-law Z-220.13

Motion: That a By-Law in Amendment of the City of Moncton Zoning By-Law, being Z-220.13 be given third reading and that it be ordained and passed and that the Mayor and City Clerk be authorized to sign same and affix the Corporate Seal of the City of Moncton thereto.

Moved by: Councillor Kingston
Seconded by: Councillor Edgett

The Clerk gave third reading to by-law Z-220.13

MOTION CARRIED

- 11.7 **A By-Law** in Amendment of the City of Moncton Zoning By-Law, being By-Law Z-220.11 – 1888 Mountain Rd. – **Second & Third Readings (subject to approval of item 7.5)**

Motion: That the Clerk give second reading to By-Law Z-220.11.

Moved by: Councillor Kingston
Seconded by: Councillor Edgett

MOTION CARRIED

The Clerk gave second reading to by-law Z-220.11

Motion: That a By-Law in Amendment of the City of Moncton Zoning By-Law being Z-220.11 be given third reading and that it be ordained and passed and that the Mayor and City Clerk be authorized to sign same and affix the Corporate Seal of the City of Moncton thereto.

*Moved by: Councillor Edgett
Seconded by: Councillor Butler*

The Clerk gave third reading to by-law Z-220.11

MOTION CARRIED

11.8 **A By-Law** Relating to the Stopping Up and Closing of Highways Within the City of Moncton, being By-Law T-221 – *Second & Third Readings*

Motion: That the Clerk give second reading to By-Law T-221.

*Moved by: Deputy Mayor Léger
Seconded by: Councillor Edgett*

MOTION CARRIED

The Clerk gave second reading to by-law T-221

Motion: That a By-Law Relating to the Stopping Up and Closing of Highways Within the City of Moncton, being T221 be given third reading and that it be ordained and passed and that the Mayor and City Clerk be authorized to sign same and affix the Corporate Seal of the City of Moncton thereto.

*Moved by: Deputy Mayor Léger
Seconded by: Councillor Edgett*

The Clerk gave third reading to By-law T-221

MOTION CARRIED

**12.
NOTICES MOTIONS AND RESOLUTIONS**

**13.
APPOINTMENTS TO COMMITTEES**

**14.
ADJOURNMENT**

Motion: That the meeting **be adjourned.**

Moved by: Councillor Kingston

MOTION CARRIED

.....
Dawn Arnold
MAYOR

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

/8:10 p.m.
/smm