

Council Chambers
Moncton City Hall
October 4, 2021
4:00 p.m.

MINUTES – REGULAR PUBLIC MEETING

MEMBERS OF COUNCIL

Mayor Dawn Arnold, in the Chair	Deputy Mayor Charles Léger
Councillor Marty Kingston	Councillor Monique LeBlanc
Councillor Paulette Thériault	Councillor Shawn Crossman
Councillor Daniel Bourgeois	Councillor Bryan Butler
Councillor Dave Steeves	Councillor Susan Edgett
Councillor Paul Richard, via Web Ex	

Also Present:

Marc Landry, City Manager
Nick Robichaud, General Manager, Legislative Services and
Shelley Morton, A/City Manager
Conrad Landry, Fire Chief and Director, Community Safety
Jocelyn Cohoon, A/General Manager, Recreation, Culture and Events Services
Laurann Hanson, General Manager, Corporate Services
Alcide Richard, Director, Engineering
Jack MacDonald, General Manager, Sustainable Growth and Development
Jacques Doucet, General Manager, Finance Services
Isabelle LeBlanc, Director, Communications
Nicole Melanson, Manager, Bilingual Services and Communications

Delegates

Sean Bourque, Englobe

1.

CALL TO ORDER

2.

ADOPTION OF AGENDA

Motion: That the Agenda for the Public Meeting of this date be adopted as circulated.

*Moved by Councillor Léger
Seconded by Councillor Kingston*

MOTION CARRIED.

3.

CONFLICT OF INTEREST DECLARATIONS

None declared.

4.

ADOPTION OF MINUTES

Motion: That minutes of the Public Council Meeting of September 20, 2021, be adopted as circulated.

*Moved by Councillor Edgett
Seconded by Councillor Steeves*

MOTION CARRIED.

5.

CONSENT AGENDA

5.1 Encroachment Agreement – Main Street

Motion: That an Encroachment Agreement be entered into between the City of Moncton and the owner of the property at 679, 681 and 695 Main Street, Fusion Commercial Properties Inc., to allow the encroachment of the three (3) proposed overhead flag mount signs, and that the Mayor and City Clerk be authorized to sign the Agreement and affix the Corporate Seal of the City of Moncton thereto.

*Moved by Councillor Thériault
Seconded by Councillor LeBlanc*

MOTION CARRIED.

**6.
PUBLIC AND ADMINISTRATION PRESENTATIONS**

6.1 PUBLIC PRESENTATIONS

6.1.1 Presentation – Concerns Regarding Policing and Justice in Moncton – Hafsah Mohammad

City Council received a presentation from Hafsah Mohammad expressing a number of concerns regarding construction of a new police building, which in summary related to:

- plans not being made about the new project in a timely manner.
- the high costs associated with the construction of this building which, she submitted, were higher than industry standards.
- the process used for the project management of this construction and the selection of consultants and project management and architectural companies.

6.2 ADMINISTRATION PRESENTATIONS

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

Acting Superintendent Ron DeSilva provided an overview of crime statistics which have essentially remained the same since his report. Criminal analysts are working with the Crime Reduction Unit as well as units outside the City in an effort to reduce property crime. Thefts of catalytic converters, copper and other various items have increased. The Province is funding an additional 13 positions outside the City which will also benefit Moncton at no cost as their mandate focuses on firearms and drugs. The RCMP is working with the Provincial Communications Unit to prepare a media campaign focusing on measures the public can take to mitigate property crime. Codiac's next operation regarding traffic enforcement is scheduled for the third week of October.

Discussion ensued among council with several questions being raised. Mr. DeSilva responded as follows:

- He believed that a high percentage of officers were vaccinated.
- In terms of modified vehicles, vehicle owners must make arrangements with the Province to ensure their vehicle is permitted on the road. If it does not comply, it will not pass inspection.
- In terms of imposing penalties on recycling companies purchasing stolen catalytic converters, Superintendent DeSilva advised that citizens are urged to report such thefts to assist the RCMP in deploying resources. Inspections of these facilities are forthcoming and the RCMP is working closely with the Province on this issue.
- He is suggesting a media campaign to promote ways to prevent theft of catalytic converters. - The City Manager added that this issue was raised with the Provincial Public Safety and Justice Departments last week and an update was requested regarding resources in place for this zone along with the steps being taken. Once additional information is received, Administration will report to Council.
- All vehicles including motorcycles must follow the rules – He believed progress was being made in this regard.

**7.
PLANNING MATTERS**

**8.
STATEMENTS BY MEMBERS OF COUNCIL**

**9.
REPORTS AND RECOMMENDATIONS FROM COMMITTEES AND PRIVATE MEETINGS**

9.1 Recommendation(s) – Committee of the Whole – September 27, 2021

Motion: That Moncton City Council approve implementation of Phase Two (2) of the Codiac Transpo service plan, providing an additional 92 service hours weekly effective November 7, 2021 and direct administration to undertake all necessary recruitment and training preparations in 2021 to implement Phase Three (3) effective January 1, 2022 with Phase Four (4) planning to be reviewed in early 2022.

*Moved by Councillor Butler
Seconded by Councillor Edgett*

In reply to Councillor Bourgeois regarding possible changes due to Covid-19, the City Manager responded that confirmation was received on Thursday that buses would continue to operate at full capacity as long as masks are worn.

MOTION CARRIED.

**10.
REPORTS FROM ADMINISTRATION**

10.1 Revision – NB Official Languages Act

The City Manager introduced this issue noting that a preliminary document was circulated with comments received from elected officials. This item was before Council today for any further comments that could be incorporated in the document.

Nicole Melanson invited Council to provide comments adding she will send the document by Friday to the Language Commissioners for the Province.

Considerable discussion ensued with Councillors Bourgeois and Thériault requesting a subsequent meeting specifically to discuss this item as they felt they did not have sufficient time to consider this important issue. Ms. Melanson noted that a working session was held with councillors and that the process has been consistent with those followed for other such topics.

Councillor Bourgeois requested that the following issues be included in the City's submission:

- **Immigration:** He will send suggestions by email regarding immigration especially as it relates to attracting Francophone immigrants.
- **Bilingual Signage:** He recalled that the City had embarked upon a pilot project regarding bilingual signage and suggested that it be revisited and re-evaluated. He suggested discussion with Council on this issue, adding there should be a policy. Isabelle LeBlanc noted that the businesses are made aware that funding assistance is available for bilingual signage. This process administered is currently carried out outside this document.
- Councillor Edgett suggested that the Act be flexible enough to accommodate new technology. – Ms. Melanson noted that the technology is taken into consideration as much as possible however, the challenge is that it continues to evolve.
- In reply to Councillor Edgett, Ms. Melanson advised that bilingual services in committees could be considered as resources allow.
- Councillor Butler noted that bilingualism is an asset to the City adding that the City should submit the document and await their response and be willing to work with them.
- In reply to Councillor Kingston regarding replacing the word “could” to connote a word with more definitive action, Ms. Melanson noted that the use of “could” denotes a collaborative approach. - Councillor Thériault concurred with Councillor Kingston and suggested changing the wording to reflect more concrete action. She also suggested that Council meet with one of the bilingual commissioners. She added that the municipal associations should be involved and that the Province be encouraged to consider changes province wide.
- There should be one education curriculum providing both francophones and anglophones equal education.
- The City should revisit the status of its policies annually.

The City Manager presented several options for Council's consideration and Administration was requested to ensure that the next draft document reflect ideas submitted during this meeting and that it be presented at the next meeting on October 18, 2021.

Motion: That City Council approve the community-focused document for submission to the Commissioners as part of the New Brunswick Official Languages Act (OLA) revision process.

*Moved by Councillor Butler
Seconded by Councillor Edgett*

Amendment: That the City's submission to the Commissioners reviewing the Official Languages Act include comments made at today's public meeting (October 4th) and from members of Council following the meeting with the revised document to be presented Public Meeting of October 18, 2021.

*Moved by Councillor Thériault
Seconded by Councillor Richard*

MOTION CARRIED.

Councillor Bourgeois felt that Council should have discussion without staff providing the framework for discussion.

Motion: That City's submission to the Commissioners as part of the New Brunswick OLA revision process.

*Moved by Councillor Thériault
Seconded by Councillor Richard*

The City Manager noted that in the meantime, Administration will collect comments from this evening as well as subsequent to this meeting and include them in a final draft on October 18th.

MOTION CARRIED.

Councillor Bourgeois requested that, in future, Council be provided forums to allow for adequate discussion, questions, etc. on subjects of this magnitude. He stressed the need for Council to discuss and share ideas without staff providing the framework. The Mayor noted that Council has the prerogative to request a Committee of the Whole meeting.

Motion: That a special meeting of the Committee of the Whole meeting be called for October 12, 2021 to discuss the bilingual submission regarding the Official Languages Act and that Administration invite Commissioner Finn to a future meeting regarding this issue.

*Moved by Councillor Léger
Seconded by Councillor Thériault*

MOTION CARRIED.

10.2 Sewer System Review and Master Plan – Phase 8 Final Report

Following introductory remarks by the City Manager and Jack MacDonald, Council received a PowerPoint presentation from Sean Bourque, Englobe, providing an overview Phase I Final Report. The assignment included an evaluation of the sewer systems (storm sewer, sanitary sewer and combined sewer) in two separate study areas i.e. 8A - Moncton Industrial Park & Salisbury Road and 8B - Berry Mills Heights & Ryan Street. Significant volumes of data were collected in the field and used to construct a detailed hydraulic model of the City's sewer systems in each project area. In addition, the study team completed an extensive program of flow and rainfall monitoring in each area. The primary goal of the study was to identify risks associated with hydraulic conditions in piped sewer systems in the study area.

The installation of Inlet Control Devices (ICDs) is recommended which limit the amount of water that can enter the system, keeping more water on the surface, thus maximizing the capacity of existing infrastructure while reducing the risk of pipe surcharging.

Mr. Bourque reviewed the costs associated with the improvements in both study areas as follows:

- Moncton Industrial Park and Salisbury Road sewer systems. Total estimated cost for recommended improvements in this area - \$24M.
- Berry Mills Heights and Ryan St. sewer systems. Total estimated cost for recommended improvements in this area - \$3.5M.

Motion: That City Council authorize Administration to incorporate the sewer rehabilitation and renewal recommendations and priorities contained in Phase 8 of the Sewer System Review & Master Plan through the City's future Capital Works Programs.

*Moved by Councillor Léger
Seconded by Councillor Kingston*

The word "forthcoming" was changed to "contained". (reflected in motion above)

In reply to Councillor Bourgeois, Mr. Bourque noted that the intent of the recommendation is to mitigate the risk of exposure to allow the City to control infrastructure within its mandate. It accounts for potential unrestricted private systems and applies restrictions where possible within the City's rights-of-way. An ICD limiting water from entering the city's property is recommended. Administration noted that if a commercial development had issues, the City could provide advice noting this was not a mandated regulation.

In reply to Councillor Bourgeois' reference to page 17 of the final report by Crandall Engineering (dated January 2021) regarding the clover leaf ramps near Wheeler Blvd. and the feasibility of a detention pond, Mr. Bourque responded that the recommendation would hinge on coordination with the Province as it is on their property. If it was not feasible other options would have to be explored. The cost of the detention pond is included in the \$27M.

In reply to Councillor Léger, Mr. MacDonald noted that that the ICD's will be included in the 2022 Capital Works program.

MOTION CARRIED.

10.3 Tender TCS21-046 – Snow and Ice Control of RCMP, Treitz Haus, Thomas Williams and Resurgo

Motion: That Moncton City Council approve Administration's recommendation to award Tender #TCS21-046 – Snow and Ice Control of RCMP, Treitz Haus, Thomas Williams, Resurgo Place Parking Lots and Walkways to the lowest Bidder meeting the Terms, Conditions, and Specifications, being Ayles Natural Landscaping Ltd., for the Total Tendered Seasonal Price of \$48,951.43, including H.S.T. @ 15%, for a twelve (12) month period with options to extend the Contract for up to four (4) additional twelve (12) month periods, if it is in the City's best interest to do so.

Moved by Councillor Butler
Seconded by Councillor Steeves

Councillor Bourgeois referenced the risk analysis and felt this was a good exercise for an internal auditor to review the costs and benefits of carrying out the work in-house. He requested a copy of a report, if one is available. – The City Manager noted that Alexandre Binette is overseeing operations and will be reviewing efficiencies using various sections at Public Works, i.e. Community Services, Utilities, etc. All individuals are reporting to one manager for the first time in an effort to achieve efficiencies. Councillor Bourgeois requested assurance that the system in place, in terms of equipment and resources, is the best possible system for the citizens. The City Manager noted this document shows expectations and at the end of the year, levels of service are reviewed and adjustments are made accordingly.

MOTION CARRIED.

10.4 Purchase of Coarse Bulk Highway Salt 2021-2022 Season

Motion: That Moncton City Council authorize the City of Moncton to enter into an agreement with Nutrien Ltd. for the Supply of Coarse Bulk Highway Salt for the 2021-2022 season, effective September 1, 2021 through to August 31, 2022, at a unit price of \$58.00 per metric tonne, plus H.S.T. @ 15%, in accordance with the Province of New Brunswick's Standing Offer Agreement #P034001820, and that the Mayor and City Clerk be authorized to sign all necessary documents and to affix the corporate seal of the City of Moncton thereto.

Moved by Councillor Léger
Seconded by Councillor Steeves

Councillor Léger noted that some of these are standing orders which could be discussed in terms on the necessity of having them return to council. The City Manager noted that the purchasing department review these on a case-to-case basis depending on pricing.

MOTION CARRIED.

11.

READING OF BY-LAWS

12.

NOTICES MOTIONS AND RESOLUTIONS

12.1 Resolution –By-Law Enforcement Officers –Steve Gaudreault, Katelin Cook, Neal LeBlanc, Tom Lasnel and Sunny Duguay

BY-LAW ENFORCEMENT OFFICER

WHEREAS by virtue of the Local Governance Act, S.N.B. 2017, c. 18, and all applicable regulations adopted under it, and the Police Act, S.N.B., 1977, c. P-9.2, Council may appoint by-law enforcement officers for the local government, and 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; and

INSPECTIONS

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; and

PROCEEDINGS, ORDERS AND NOTICES

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 the Local Governance Act and any other Act or a by-law of Council, a by-law enforcement officer may be authorized by Council to issue Notices, Orders and Demands and any other similar documents, as prescribed by and provided for in the Local Governance Act and any other Act or a by-law of Council;

NOW THEREFORE BE IT RESOLVED THAT Steve Goudreault, Katelin Cook, Neal LeBlanc, Tom Lasnel and Sunny Duguay 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 Steve Goudreault, Katelin Cook, Neal LeBlanc, Tom Lasnel and Sunny Duguay 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 Steve Goudreault, Katelin Cook, Neal LeBlanc, Tom Lasnel and Sunny Duguay be authorized to act for and on Council's behalf, and are hereby designated and authorized 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 authorized to issue Notices, Orders and Demands and any other similar documents, as prescribed by and provided for in the Local Governance Act and any other Act or a by-law of Council.

*Moved by Councillor Léger
Seconded by Councillor Edgett*

MOTION CARRIED.

12.2 Resolution –By-Law Enforcement Officer – Ian Dupplexis

WHEREAS by virtue of the Local Governance Act, S.N.B. 2017, c. 18, and all applicable regulations adopted under it, and the Police Act, S.N.B., 1977, c. P-9.2, Council may appoint by-law enforcement officers for the local government, and 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; and

PROCEEDINGS, APPLICATIONS, ORDERS AND NOTICES

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 the Local Governance Act and any other Act or a by-

law of Council, a by-law enforcement officer may be authorized by Council to issue Notices, Orders and Demands and any other similar documents, as prescribed by and provided for in the Local Governance Act and any other Act or a by-law of Council; 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 Ian Dupplexis 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 Ian Dupplexis 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 Ian Dupplexis be authorized to act for and on Council's behalf, and are hereby designated and authorized 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 authorized to and designated and authorized to issue Notices, Orders and Demands and any other similar documents, as prescribed by and provided for in the Local Governance Act and any other Act or a by-law of Council; and designated and authorized to issue Orders by virtue of Section 134 of the Community Planning Act; and designated and authorized 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 Butler
Seconded by Councillor Edgett*

MOTION CARRIED.

**13.
APPOINTMENTS TO COMMITTEES**

Motion: That the following appointments be approved :

Enhancing Democracy Ctee.
Nadine Larche

Cultural Board
Councillor Susan Edgett

*Moved by Councillor LeBlanc
Seconded by Councillor Thériault*

MOTION CARRIED.

**14.
ADJOURNMENT**

Motion : That the meeting adjourn.

Moved by Councillor Richard

MOTION CARRIED.

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Mayor Dawn Arnold, in the Chair

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Shelley M. Morton, A/City Clerk