

Council Chambers
City Hall
Moncton, N.B.
November 15, 2021
4 p.m.

M I N U T E S – 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
Councillor Bryan Butler
Councillor Dave Steeves
Councillor Susan Edgett
Councillor Paul Richard, via Webex

ABSENT

ALSO PRESENT

M. Landry, City Manager
B. Quigley, City Clerk and Director, Legislative Services
J. Doucet, CFO, General Manager, Finance Services
N. Robichaud, General Manager, Legal and Legislative Services
J. MacDonald, General Manager, Sustainable Growth and Development Services
A. Binette, General Manager, Operations Services
J. Cohoon, Acting General Manager, Recreation, Culture and Events
L. Hanson, General Manager, Corporate Services
C. Savoie, Manager, OCC/PSAP
I. LeBlanc, Director, Communications
C. Landry, Fire Chief
T. Carter, Purchasing Manager
R. DeSilva, Codiac RCMP
R. Rifaat-Simpson, Transportation and Parking Engineer
J. Somers, Director, Events
B. Budd, Director, Planning and Development

1. CALL TO ORDER

2. ADOPTION OF AGENDA

Motion: That the agenda for the regular public Council meeting dated November 15, 2021, be approved as circulated.

Moved by: Deputy Mayor Léger
Seconded by: Councillor Kingston

MOTION CARRIED

3. CONFLICT OF INTEREST DECLARATIONS

None declared

4. ADOPTION OF MINUTES

Motion: That the minutes of the September 7, 2021, November 1, 2021, Regular Public Council minutes be adopted as circulated.

Moved by: Councillor Edgett
Seconded by: Deputy Mayor Léger

MOTION CARRIED

5. CONSENT AGENDA

6. PUBLIC AND ADMINISTRATION PRESENTATIONS

6.1 PUBLIC PRESENTATIONS

5 minutes

6.1.1 Presentation – 211 Helpline: The Front Door to Help – Daniela Fernandez Director of Community Engagement for 211 N.B.

211 is the province's most comprehensive information and referral helpline, connecting New Brunswickers to essential community, government and social services when faced with a range of life's challenges. The service is completely free and confidential, and is accessible 24/7, 365 days/year, in over 170 languages thanks to interpretation services on demand.

The service is a useful tool for everyone, and the goal is to inform every New Brunswicker of the service, so that no one gets left behind when looking for support. The goal of the update is to create awareness about what 211 is and how it can help support the community and its constituents.

Other Presentation

2 minutes

6.2 ADMINISTRATION PRESENTATIONS

15 minutes

6.2.1 Update – RCMP – Codiac RCMP Acting Officer in Charge Ron DeSilva Acting Officer in Charge DeSilva briefed Council and the public on the activities at Codiac in the past 4 weeks since his last presentation. He indicated that both the General Duty and Crime Reduction teams have been busy in the past few weeks resulting in several arrests and search warrants being executed. These resulted in the seizures of several handguns, magazines, cash, drugs, weapons, stolen items and theft of stolen copper.

The 4th operation with the Tactical Traffic Unit which resulted in 110 tickets issued, 25 warnings and 2 suspended drivers. This is done in the tri-communities.

Community Policing will be once again active in the school system.

Looking to add a social worker within Codiac RCMP in the near future, in order to help with mental health calls. Currently working with community agencies.

In response to a question from Councillor Butler, Acting Officer in Charge DeSilva will get back to Council as to why the CRPA weekly report is no longer available on line.

Councillor Butler requested that Council be briefed on the status of the turnover of By-Law Officers in a future Private meeting.

6.2.2 Update – Rising Tide - Myriam Mekni, Managing Director Ms. Mekni provided an update to Council on the progression of the Rising Tide initiative.

Board members include the following:

Dale Hicks
Greg Lutes
Lawrence Forbes
Dawn Ermen Cormier
Debbie McInnis
Kezia Williamson
Shannon Reid
Joanne Murray
Don MacLellan

Since July, several committees have been developed and are up and running. These committees include Property Acquisition, Financial, and Tenant Services. She advised that both policies and by-laws have been developed for Rising Tides.

The Greater Moncton Homeless Stirring Committee has met on October 7 and 27th and the following are some of the outcomes of these meetings.

- A better appreciation of RT's vision and plan for the next three years.
- RT shared the original business plan and its objectives with the participants.
- "Beyond the Plan" document was developed following the meeting with GMHSC.
- A discussion with GMHSC Housing Specialist on next steps and mutual understanding of how to practically utilize available tools (BNL, Coordinated Access, etc.)

The current challenges that have been identified include:

- Hot real estate market with record high prices.
- Low supply, lengthy shipping timelines and increased costs of construction materials.
- Lack of available sub-trades workers.
- Environmental issues.
- Heritage property issues – defining elements renovations and costs.

Buildings in progress include:

8-unit building –

- Conversion to 8 individual units with washroom and kitchenette,
- Non-Profit partner and support services provider is YWCA.
- Target date for completion is November 22nd
- Move-in planned for November 29th to December 17th.
- BNL impact: decrease by 8 individuals.

7-unit conversion of a B&B into mix of 1-br and bachelor units

- A conversion of a Bed and Breakfast into 7 units with washrooms and shared kitchen
- Non-profit partner and support services provider is Harvest House
- Target date for completion is December 3rd.
- Move-in planned for December 13th to December 17th.
- BNL impact: decrease by 7 individuals.

Other properties in the works

- 21 unit building to be completed by February 18th
- 16 unit building
- 28 unit building

By March 31st, 2022, Rising Tide will have secured 80 out of the total 3 year target of 162

Future plans:

- A centre based on community partnerships with appropriate levels of housing, health care, support services, and security.
- Fully staffed and funded medical clinic operated by the SALVUS Clinic in conjunction with Horizon Health.
- 16 to 20 units for high acuity individuals.

Rising Tide continues to advocate to the Province for additional mental health services be made available.

7.

PLANNING MATTERS

7.1 Introduction – 555 Mapleton Rezoning from Highway Commercial to Integrated Development

Mr. Budd provided an overview of a rezoning application for 555 Mapleton Road from the Highway Commercial (HC) Zone to the Integrated Development (ID) Zone to accommodate the repurposing of an existing building with a mix of office, distribution, and other uses.

The property was recently purchased by Cordova Realty, a local property developer. Their proposal is to repurpose the existing building for a number of tenants.

The overall intent of the proposal is to reutilize the existing site and building. While plans for the exact tenants and use in the building are still being finalised, there is an opportunity to transition the building into a multi-tenanted commercial building. Some of the uses that may be considered in the building include retail, office, warehousing, distribution, and secondary manufacturing.

The property is currently in the Highway Commercial Zone. While the Highway Commercial Zone does allow a variety of uses, there are restrictions which limit the amount of office space to a maximum of 112 square meters (approximately 1,200 square feet) in floor area. Furthermore, the Highway Commercial Zone does not permit some of the uses that are proposed in the building, including distribution and secondary manufacturing.

There is no existing zone in the Zoning By-Law that permits all of the uses that are proposed by the landowner. In these cases, the Community Planning Act allows for an Integrated Development Zone, which is a specialised zone in which the zoning standards are established through an agreement with the landowner.

The proposal includes modernizing the building exterior, which will greatly improve the look of the façade (proposed renderings are attached to this report). There are also significant landscaping improvements being proposed, including additional screening of existing parking areas, new street trees along Mapleton Road, and revegetation of an existing access road along the northwestern property line.

Outdoor storage of materials is included in the proposal. The site plan identifies the approximate location that these outdoor storage areas may be located. Administration is comfortable with the proposed locations, but are recommending these areas be fully screened with a 2.5 meter high opaque fence, as well as to have these storage areas setback at minimum 10 meters from property lines.

There may be future development, such as multi-unit residential, that occurs in the southeastern portion of the property. This development will need to be developed in accordance with the applicable standards in both the Zoning By-Law and the Integrated Development Agreement.

Councillor Steeves left the meeting @ 5:23 p.m.

Motion: That Moncton City Council proceed with the rezoning amendment being By-Law Z.220.18 and:

- 1) That Council give First Reading to the Zoning By-Law Amendment Z.220.18;
- 2) That a public hearing be set for December 20, 2021;
- 3) That By-Law Z.220.18 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 no access shall be permitted onto Lady Ada Boulevard until a turnaround, accepted by the City of Moncton, is constructed and a right of way agreement providing the City access on the turnaround is registered;
- 2) That despite subsection 47(2) of the City of Moncton Zoning By-Law, an access is permitted onto Lady Ada Boulevard provided the requirements of condition 1) are met;
- 3) That the outdoor storage shall be fully screened on all sides by a 2.5-meter-tall opaque fence made of wood, PVC, chain link with filler strips woven into the mesh, or another similar material of equal screening value, the similarity of which shall be reviewed and accepted by the Development Officer;
- 4) That the outdoor storage referred to in condition 3) shall not be located within 10 meters of a property line, and the obligation to build, keep and maintain such outdoor storage forms a continuing obligation upon the property owner or their successors in title;
- 5) That the landscaping and trees be planted, as per the site plan attached in Schedule B, as soon as possible, weather permitting, but no later than six months after the completion of the building renovation; and the obligation to plant, keep and maintain such landscaping and trees forms a continuing obligation upon the property owner or their successors in title;
- 6) That office, distribution, and secondary manufacturing uses on the property shall be limited to the existing building as shown on the site plan attached in Schedule B;
- 7) That no new main building in the “future development” area identified on the site plan attached in Schedule B shall be permitted until the public street is extended beyond the temporary turnaround in accordance with the applicable Secondary Plan for the area;
- 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) The development shall be carried out in substantial conformance with the plans and drawings submitted as Schedule B; and
- 10) Following receipt of a written request from the owner of the property or any infant PID 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.

Moved by: Councillor Bourgeois

Seconded by: Councillor Butler

MOTION CARRIED

7.2 Introduction – McKenzie Avenue Rezoning Neighbourhood Commercial to Two-Unit Dwelling

Mr. Budd advised Council that a rezoning application has been received to rezone 5 properties on the east side of McKenzie Avenue south of Lorne Street from Neighbourhood Commercial (NC) Zone to Two-Unit Dwelling (R2) Zone had been received. The purpose of the request is to allow the lots to be developed as single-family or two-unit dwellings.

The properties in question have had some form of commercial zoning since approximately 1964. Historical aerial images also show that the properties have been vacant since the 1960’s.

These 5 properties have shared commercial zoning in conjunction with 5 adjacent properties on Second Avenue to form a block of 10 commercially zoned. The zoning of the properties has evolved over the years, but they retain today a Neighbourhood Commercial Zoning that is intended for small retail and neighbourhood-oriented services.

While there is a strong rationale as to why the Neighbourhood Commercial zoning was applied in this area, it appears that there may be an oversupply of commercial zoning that is beyond what the market warrants. This is evidenced by the properties on McKenzie Avenue remaining undeveloped for 60+ years. While the commercial properties along Second Avenue have all been developed and includes a convenience store that is still in operation, the subject properties along McKenzie Avenue remain vacant.

The owner has been trying to sell the properties for some time, but demand is low for Neighbourhood Commercial properties, and there seems to be little interest from the development community in these properties with the current zoning.

Administration feels that the proposed R2 (Two Unit Dwelling) zoning is appropriate for the lots because it aligns with the zoning of the majority of the properties in the neighbourhood, which includes both R2 (Two Unit Dwelling) and R3 (Multiple Unit Dwelling) zoning.

Motion: That Moncton City Council proceed with the rezoning amendment being By-Law Z.220.16 and:

- 1) That Council give First Reading to the Zoning By-Law Amendment Z.220.16;
- 2) That a public hearing be set for December 20, 2021;
- 3) That By-Law Z.220.16 be referred to the Planning Advisory Committee for its written views; and

The rezoning, if approved, should not be subject to conditions.

Moved by: Councillor Butler

Seconded by: Councillor Kingston

Councillor Steeves returned to the meeting @ 5:33 p.m.

Councillor Butler expressed his concern with no conditions being established for this rezoning – in particular rat control. Mr. Budd indicated that this could be brought to the PAC.

MOTION CARRIED

7.3 Public Hearing – Fees and Charges By-law under Community Planning Act

Mr. Budd explained to Council that this is a Public hearing for the Fees and Charges under the Community Planning Act. He indicated that no objections have been received for the rezoning. In 2018, Council enacted the Fees and Charges By-law #A-1318, which houses all administrative fees of the City (specific amounts). Before this, the specific amounts for fees and charges were located throughout the respective enabling by-laws of the City. Having all fee amounts under one parent by-law allows for a more streamlined approach to the annual update and amendment process.

In addition to the requirements of the Local Governance Act, the setting of fees and charges for planning services is governed by the Community Planning Act. Section 127 of the Community Planning Act sets out the powers for making a by-law prescribing fees for community planning and development services.

The updating of fees for planning services is thus subject to additional, provincial legislative requirements compared to other fees of the City. These additional requirements include:

- (1) Setting, advertising, and holding a public hearing;
- (2) Requesting the views of the Planning Advisory Committee; and
- (3) Seeking ministerial approval prior to registration of the by-law.

Due to the timing of putting the new fees and charges into effect on January 1, the Council approval process for Appendix B – Schedule 1 (fees under the Community Planning Act) of the Fees and Charges By-law #A-1318 must now be initiated to ensure the deadlines are met. This process will allow the Appendix B – Schedule 1 fees and charges to be formally approved by the Minister and registered in time for January 1.

No objections have been received.

The Mayor adjourned the Public Hearing @ 5:38 pm.

Motion: That Moncton City Council adopt proposed By-law #A-1318.5 Amending the Fees and Charges By-law by giving 2nd and 3rd readings.

Moved by: Deputy Mayor Léger

Seconded by: Councillor Butler

MOTION CARRIED

7.4 Public Hearing for rezoning application for 34 St George Street

Councillor LeBlanc entered the meeting @ 5:45 p.m.

Mr. Budd indicated that this is the Public hearing for the application from Daniel Gautreau, on behalf of 717144 NB Inc. landowner, to rezone 34 St George Street from UR (Urban Residential)

to SBD (Secondary Business District) to accommodate the development of a three-storey apartment building with 21 units.

Mr. Budd indicated that objections have been received and that Council has been provided the objections within their packages.

Public notice:

- The statutory notice of the public hearing was posted on the City's website on October 20, 2021.
- Notice was also published in both newspapers (Times & Transcript and Acadie Nouvelle) on October 23, 2021.
- Notice was mailed out to properties located within 100 metres of the subject site on October 20, 2021.
- A sign regarding the proposed rezoning was also posted on the subject property on October 20, 2021.

At its meeting of October 27, 2021, the Planning Advisory Committee (PAC) considered the proposed amendment and recommended that Council proceed with the amendment process for By-law Z-220.7 subject to a resolution including but not limited to the conditions noted in the recommendation below.

The applicant is proposing to consolidate the subject property with the property to the south to construct a three-storey residential building with 21 units. The building will be comprised of one-bedroom and bachelor apartments. Each unit will have a balcony. Cultured stone is proposed along the lower half of the first floor with pre-finished wood siding for the rest of the building. This is proposed for all four sides, in compliance with the Zoning By-law's design standard.

No parking is being proposed with the subject development. Given the urban location, the presence of on-street parking and private parking lots in close proximity, and the small size of the lot, parking was not included in the plan.

Developer: Not present

Proponents: None present

Objectors:

Phillippe Caetano and Annie Bourdages

Mr. Caetano objects to the development as it is located next door to his historic home. He is of the opinion that the development would take away from the historic neighbourhood of Steadman Street. He spoke to the City of Moncton's Heritage Preservation plan and its desire on preserving heritage neighbourhoods.

He spoke of the amount of boarding house along Steadman Street, and he feels that with the new development, which will contain 21 affordable units, it would cause further deterioration of the neighbour.

He also fears that with this new development being built in the area, it may cause flooding.

He indicated that he, nor his neighbours, had not received any communications of the new development.

He asked that Council vote against the redevelopment or postpone their decision until additional studies be performed.

Richard and Donna Shaw

Not in attendance.

Councillor Thériault agreed that several buildings within this neighbourhood have been neglected.

In response to a question from Councillor Thériault, Mr. Budd indicated that every development is reviewed for all aspects of the neighbourhood such as rooming house, affordable housing units, historic, etc. for any proposed new development or rezoning.

Councillor Thériault inquired if the City has an inventory of affordable housing and where they are located within the city?

Councillor LeBlanc spoke to research points to having affordable housing throughout the City and not always in similar area/neighbourhood.

Mr. Caetano again requested that Council postpone the development.

The Mayor declared the Public Hearing adjourned @ 6:45 p.m.

Motion: That Moncton City Council proceed with the Zoning By-law amendment subject to a resolution with conditions including but not limited to:

1. That the properties (PID 00679175 & 00679183) be consolidated prior to the issuance of a Building and Development permit;
2. That despite section 117 of Zoning By-law Z-220 the span between one façade jog is permitted to be increased to 15 metres;
3. 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;
4. 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,
5. The development shall be carried out in substantial conformance with the plans and drawings submitted as Schedule B;

Moved by: Councillor Butler

Seconded by: Councillor Edgett

Motion: That the development/public hearing be postpone to the next Public Session December 20, 2021.

Moved by: Councillor LeBlanc

Seconded by: Councillor Crossman

MOTION TO POSTPONED DEFEATED

Nay:

Mayor Arnold

Councillor Edgett

Councillor Steeves

Councillor Butler

Councillor Kingston

Deputy Mayor Léger

Councillor Bourgeois

Mr. Budd, in response to a question from Councillor Butler, indicated that administration have followed the Acts and Regulations regarding this rezoning.

MOTION CARRIED

Nay:

Councillor Crossman

Councillor Thériault

Councillor Richard

Councillor LeBlanc

7.5 Public Hearing – Housekeeping amendments to Zoning By-Law

Mr. Budd indicated that this item is a Public Hearing to update the definition of microbrewery in the Zoning By-Law and to update the Commercial Zone Use Table for clarification purposes. He indicated that one individual had contact their office with an objection. No formal objection was received within the Clerk's Office.

This is a housekeeping amendment that is intended to provide clarity to an existing definition of microbrewery as well as to update the Commercial Zone Use Tables in the Zoning By-Law.

These modifications were originally part of a larger housekeeping amendment to the Zoning By-Law that is scheduled to be brought forward to Council later this fall. However, these amendments are being prioritized to respond to the rezoning for the expansion of an existing microbrewery at 227 Dominion Street (Tire Shack).

Currently, a microbrewery is not listed as a permitted use in the Suburban Commercial, Highway Commercial, or Mixed Use Zones. While there are several similar uses to microbreweries that are permitted in these zones, including restaurants, entertainment uses, etc., it is more appropriate to have a microbrewery listed as a permitted use. This will help support existing microbreweries that are already established in these areas and is in line with the broader vision in the Municipal Plan to support a wide variety of businesses along major commercial corridors and in other key areas.

The change being brought forward also includes a modification to the definition of microbrewery to clearly include the production of beer and wine. Currently, the definition covers the retail aspect of microbreweries, but the definition lacks the production aspect. This change is minor in nature, as it simply better defines the actual use occurring in these establishments. Microbreweries are limited to a maximum size of 2,000 square meters (approximately 21,527 square feet). Any larger facility would be considered an industrial use (e.g. Molson Brewery).

There are two other amendments being brought forward to the Commercial Use Zone tables that are also of a minor, housekeeping nature. The first is a change to clarify that home occupations are

permitted in the Suburban Commercial, Highway Commercial, and Mixed Use Zones. Home occupations are small-scale businesses that occur in a portion of a dwelling (e.g. a hairdresser, music teacher, etc.). They are permitted in many residential areas as it supports small businesses without requiring cost-prohibitive renovations to meet a commercial occupancy in the National Building Code. This change will allow home occupations in commercial areas as well, which is necessary to support small-scale commercial incubator spaces.

The last proposed amendment is to permit outdoor storage as a secondary use in the Highway Commercial Zone. The Highway Commercial Zone is intended for large-format retail and warehousing uses, and often outdoor storage of materials is undertaken in conjunction with these uses. There are already screening standards in the Zoning By-Law which require all outdoor storage to be screened from view from the street, and there are additional landscape buffers that apply when a Highway Commercial Zone abuts a residential use. This change will help formalize outdoor storage activities that are generally expected to occur in the Highway Commercial Zone.

The Mayor declared the Public Hearing adjourned @ 6:57 p.m.

Motion: That Moncton City Council proceed with the Zoning By-law amendment being By-Law Z.220.17.

Moved by: Councillor Edgett

Seconded by: Councillor Kingston

MOTION CARRIED

7.6 Public Hearing – 227 Dominion – Rezoning from Urban Dwelling Zone to Mixed Use Zone – Objections received

Mr. Budd indicated that this public hearing is for rezoning at 227 Dominion Street – Tire Shack. He indicated that one individual had contact their office with an objection. No formal objection was received within the Clerk's Office.

In 2019, a former auto repair garage located at 190 John Street was converted to a microbrewery. The existing building is one storey and is approximately 4,250 square feet in size. It is located in the Mixed Use Zone, which is a commercial zone that allows for a multitude of uses.

The microbrewery has been successful and the owners are now looking to expand the operation. They have purchased a neighbouring property at 227 Dominion Street to accommodate the expansion.

227 Dominion Street is a residential building. It is located in the Urban Dwelling Zone (R2U), which does not permit a microbrewery. The proposal is to demolish the residential building at 227 Dominion in order to accommodate an L-shaped expansion of the microbrewery.

The existing residential building is currently occupied by four tenants. It is not affordable housing, the tenants pay a market rental rate. This property needs to be rezoned to the Mixed Use Zone in order to accommodate the request.

The two-storey addition will accommodate additional brewing capacity on the main floor, as well as a prep kitchen and a seating area. The second floor includes a rooftop patio and additional seating and bar area. The intent is that the addition will primarily be used as a space that caters to a variety of events (weddings, work meetings, etc.). The capacity of the addition is approximately 100 people.

Mr. Derek Brenan, architect, provided an overview of the site plan for the proposed new development.

Developer:

Owners, Alan Norman and Jerrica Kennedy, provided Council an overview of the history and future plans for the Tire Shack.

Objectors: No objections were received in writing to the Clerk's Office

Vicki Kurkowsky – Ms. Kurkowsky owns the property next to the one being torn down to accommodate the expansion. She indicated that traffic on Dominion Street has increased since the brewery has been opened and patrons park on both side of Dominion. It is impossible to get parking after 6:00 p.m. on Dominion.

Ms. Kurkowsky has requested that a fence be placed between the properties. She spoke to the deterrent to her property regarding her assessment being located next door to a bar.

Elizabeth Gallant – Care giver who works on Dominion Street and reiterated that it is impossible to find parking when she visits clients on Dominion. She must park further down the street and does not feel comfortable walking along that street alone.

Al Breau – Mr. Breau lives at 215 Dominion St. The parking on Dominion causes him problems getting in and out of his driveway. The noise level will increase with this new development with addition of music entertainment at the brewery.

Mr. Norman and Ms. Kennedy responded to the objectors. With regards to parking for the new development, they have secured extra parking in an adjacent lot to the bar. As to property value of the neighbouring properties, these have all gone up since the Tire Shack has opened. As to the concerns of the noise levels - the business is closed at 11 p.m. during the week and midnight on weekend, and the city's noise by-laws are always respected.

They also advised Council that the tenants of the property being demolished have all been made aware that they will need to vacate once the development is started.

In response to a question from Councillor Bourgeois, Ms. Rifaat-Simpson indicated that the City could add Dominion Street to the residential parking permit.

Mr. Budd indicated that administration could add a decorative fence and some lighting along the fence as a condition to the rezoning.

Possibly have no parking between 6:00 and 9:00 p.m. every evening in front of 215 Dominion Street.

Councillor Léger asked that administration review the system Dieppe uses for parking near driveways.

Councillor Butler suggested that the neighbours be supplied with a phone number for the owner in case of increased noise. Also have a private parking sign for the residence driveways.

The Mayor declared the public hearing adjourned @ 8:30 p.m.

Motion: That Moncton City Council approve the rezoning amendment being By-Law Z.220.12 subject the following conditions:

- 1) That prior to the construction of the addition, the properties bearing PIDs 70645601 and 00719377 shall be amalgamated;
- 2) That notwithstanding section 63(1) of the Zoning By-Law, no fence or hedge is required in the landscaped buffer;
- 3) That notwithstanding section 123(1) of the Zoning By-Law, the addition is allowed to be less than two full stories in height;
- 4) That notwithstanding the rear yard setback in Table 13.3 of the Zoning By-Law, the rear yard be reduced to three meters;
- 5) That trees be planted as per the site plan as soon as possible, weather permitting, but no later than six months after the completion of the building construction;
- 6) 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;
- 7) 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
- 8) The development shall be carried out in substantial conformance with the plans and drawings submitted as Schedule B.

Moved by: Deputy Mayor Léger

Seconded by: Councillor Bourgeois

The City Manager advised Council that the Crime Prevention Through Environmental Design can be added to the conditions. As for parking, Council could direct administration to review on street parking for residents of the area.

Amendment to replace condition #2– That a 2-metre high opaque fence (wood, PVC or similar quality material) be installed along the southern property line unless a better solution is found through a Crime Prevention Through Environmental Design analysis.

Mover and seconder agree to the amendment

MOTION AS ADMENT CARRIED

Motion: That administration be directed to explore parking solutions that would meet the concerns of the Dominion Street residents, including the possibility of resident permits.

Moved by: Councillor Bourgeois

Seconded by: Councillor Butler

MOTION CARRIED

8.
STATEMENTS BY MEMBERS OF COUNCIL

Councillor Butler – Spoke of the late Councillor Brian Hicks. Councillor Hicks was a mentor and a friend. He provided condolences to his family on behalf of all of Council, administration, and the citizens of Moncton.

Councillor Bourgeois – Apologized to the citizen of Moncton and in particular Carole Chan for inappropriate comments he placed in an internal email. He also spoke of the passing of Councillor Hicks.

Mayor Arnold – Spoke of the passing of Councillor Hicks and expressed her condolences to his family.

9.
REPORTS AND RECOMMENDATIONS FROM COMMITTEES AND PRIVATE MEETINGS

9.1 **Recommendation(s)** – Private Session – January 11, 2021

Ms. Somers provided via a PowerPoint presentation regarding the Destination Marketing Organization.

The proposed Service Level Agreement (SLA) has been reviewed by the internal group of the City of Moncton (Tourism, Legal, Finance Departments), City of Dieppe and the Greater Moncton Hotel Association, and is supported and recommended by the City of Moncton administration. It is also supported and approved by the executive and membership and independent legal counsel for the Greater Moncton Hotel Association as well as consultants of Floor 13, experts in tourism development.

Ms. Somers indicated that a committee to be established by City of Moncton to attract large events to the city. The committee would be,

- A modified “arms length” model –
 - Strategic Plans – 3 Year Cycle
 - Business Plans – Annual
- Composition
 - City of Moncton
 - Community Representation – Subject Matter Expertise

Motion: That Moncton City Council approve the Service Level Agreement to be executed with the Destination Marketing Organization once constituted, and, that the Mayor and City Clerk be authorized to execute all necessary documents and to affix the Corporate Seal thereto.

Moved by: Councillor Kingston
Seconded by: Councillor Butler

MOTION CARRIED

9.2 **Recommendation(s)** – Private Session – November 8, 2021

Motion: That the City of Moncton enter into a Consolidation Agreement with the Canadian National Railways for the purposes of settling the financial obligations of 39 leases with a maximum of 2 lumps sum payments totaling \$112,466.00 plus HST, and that the Mayor and City Clerk be authorized to sign and affix the corporate seal of the City of Moncton to all documents and agreements necessary to complete the transaction.

Moved by: Councillor Butler
Seconded by: Deputy Mayor Léger

MOTION CARRIED

Motion: That Moncton City Council approve the License Agreement between the Centennial Outdoor Centre Inc. and the City of Moncton, for a period of ten years with a mutual option to renew for one additional five-year period subject to agreement on terms and conditions and approval by Moncton City Council and that the Mayor and City Clerk be authorized to execute all necessary documents and to affix the Corporate Seal of the City of Moncton thereto.

Moved by: Councillor LeBlanc
Seconded by: Deputy Mayor Léger

MOTION CARRIED

10.
REPORTS FROM ADMINISTRATION

10.1 JumpStart Multi Court Agreement

Ms. Cohoon provided an overview of the JumpStart program via a PowerPoint. The City of Moncton is the recipient of a multi-sport court that will be located at the East End Park.

The Jumpstart Inclusive Multisport Court is recommended to be located at the East End Park/Playground Site located on Fergus Street. The court will include:

- Sport and para sport court lines for basketball, tennis, ball hockey, volleyball, pickleball and badminton
- Adjustable basketball nets
- High contrast four-square court and hop-scotch play area
- Contrasting colours to support visual impairment
- Shaded double-wide benches for improved accessibility
- Wheelchair-accessible seating and tables
- Shaded accessible bleachers
- Cushion Comfort Plus Laykold acyclic surfacing system

Motion: That Moncton City Council enter into an agreement with Canadian Tire Jumpstart Charities to install an inclusive multisport court, and that the Mayor and City Clerk be authorized to execute all necessary documents and to affix the corporate seal thereto.

Moved by: Councillor Crossman

Seconded by: Councillor Thériault

Councillor Crossman for the record advised citizens that the land for this project belongs to the City of Moncton.

MOTION CARRIED

10.2 Oracle Support Services

Motion: That City Council approve the extension of its existing Oracle Technical Support Services with Rimini Street Inc. for a three (3) year term (2022-2024) at a total cost of \$362,108 plus H.S.T. @15%, and that the Mayor and City Clerk be authorized to sign all related contract documentation and affix the Corporate seal thereto.

Moved by: Deputy Mayor Léger

Seconded by: Councillor Kingston

MOTION CARRIED

10.3 Quotation QP21-085 – Land Surveying Services

Motion: That Moncton City Council approve Administration's recommendation to award Quotation #QP21-085 – Land Surveying Services, to the lowest Bidder meeting all Terms and Conditions, Specifications, and Requirements, being WSP Canada Inc., for a three (3) year term at a Total Estimated Contract Value of \$252,540.00, including H.S.T. @ 15%, with options to extend the agreement for up to two (2) additional twelve (12) month periods.

Moved by: Councillor Richard

Seconded by: Councillor Butler

MOTION CARRIED

10.4 Request for Proposal RFP 21-077 – Professional Engineering Services (Street Reconstruction No.5)

Motion: That Moncton City Council approve Administration's recommendation to award Request for Proposal #RFP21-077 – Professional Engineering Services (Street Reconstruction No. 5) to the highest-scoring Proponent, being EXP Services Inc., for the Total Bid Price of \$183,974.70, including H.S.T. @ 15% and all estimated disbursements.

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

Moved by: Councillor Richard

Seconded by: Councillor Edgett

MOTION CARRIED

10.5 Shopping Cart By-Law Z-1620 Amendment

Motion: That Moncton City Council give first reading to By-Law # A-1620.1, a By-Law in Amendment of a By-Law Relating to Shopping Carts in the City of Moncton.

Moved by: Councillor Kingston
Seconded by: Councillor Edgett

MOTION CARRIED

10.6 Proof of Vaccination for City of Moncton Committees

Motion: That Moncton City Council adopt a requirement for proof of full COVID-19 vaccination and a valid government identification for in-person attendance at all meetings of any agencies, boards, committees and commissions under the control or authority of the City of Moncton that include elected officials where an option for virtual attendance can be provided, subject only to valid medical exemptions. This requirement will be subject to change depending upon public health measures imposed or lifted by the Province of New Brunswick.

Moved by: Councillor Edgett
Seconded by: Councillor Butler

MOTION CARRIED

11.

READING OF BY-LAWS

11.1 **A By-Law** Relating to The Establishment of an Events Moncton Committee in the City of Moncton, being By-Law A-1721 – **First Reading** – *pending approval of item 9.1*

Motion: That the Clerk give first reading to By-Law A-1721.

Moved by: Deputy Mayor Léger
Seconded by: Councillor Bourgeois

MOTION CARRIED

The Clerk gave 1st Reading to By-Law A-1721

11.2 **A By-Law** in Amendment of a By-Law Relating to Shopping Carts in the City of Moncton – being By-Law A-1620.1 – **First Reading**

First Reading Only

11.3 **A By-Law** in Amendment of the City of Moncton Zoning, being By-Law Z-220.18 – 555 Mapleton Rd. – **First Reading** – *Pending approval of 7.1*

Motion: That the Clerk give first reading to By-Law Z-220.18.

Moved by: Deputy Mayor Léger
Seconded by: Councillor Richard

MOTION CARRIED

The Clerk gave 1st Reading to By-Law Z-220.18

11.4 **A By Law** in Amendment of the City of Moncton Zoning, being By-Law Z-220.16 – McKenzie Ave. – **First Reading** – *Pending approval of 7.2*

Motion: That the Clerk give 1st reading to By-Law Z-220.16.

Moved by: Councillor Butler
Seconded by: Councillor Kingston

MOTION CARRIED

The Clerk gave first reading to By-Law Z-220.16

11.5 **By-Law** Respecting Fees, Rates and Charges for Services Provided by The City of Moncton, being By-Law A-1318.4 – **Second & Third Readings**

Motion: That the Clerk give second reading to By-Law A-1318.4.

Moved by: Councillor Butler

Seconded by: Councillor Kingston

MOTION CARRIED

The Clerk gave second reading to By-Law A-1318.4

Motion: That a By-Law Respecting Fees, Rates and Charges for Services Provided by The City of Moncton, being, being A-1318.4 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 Steeves
Seconded by: Councillor Edgett

MOTION CARRIED

The Clerk gave third reading to by-law A-1318.4

- 11.6 **By-Law** Respecting Fees, Rates and Charges for Services Provided by The City of Moncton, being By-Law A-1318.5 – **Second and Third Readings** – pending approval 7.3

Motion: That the Clerk give second reading to By-Law A-1318.5.

Moved by: Councillor Butler
Seconded by: Councillor Kingston

MOTION CARRIED

The Clerk gave second reading to by-law A-1318.5

Motion: That a By-Law Respecting Fees, Rates and Charges for Services Provided by The City of Moncton, being A-1318.5 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 Butler
Seconded by: Councillor Steeves

The Clerk gave third reading to by-law A-1318.5

MOTION CARRIED

- 11.7 **A By-Law** in Amendment of the City of Moncton Zoning, being By-Law Z-220.7 – 34 St. George Street – **Second & Third Readings** – pending approval 7.4

A discussion ensued amongst Council as to the possibility of only giving 2nd reading tonight and allow the objector to meet with administration and the developer to come up with solution for the development of the land at 34 St. George Street.

Motion: That the Clerk give second reading to By-Law Z-220.7.

Moved by: Councillor Butler
Seconded by: Councillor Edgett

MOTION CARRIED

Nay:
Councillor Crossman
Councillor Thériault
Councillor Richard
Councillor LeBlanc
Councillor Bourgeois

The Clerk gave second reading to By-Law Z-220.7

Motion: That a By-Law in Amendment of the City of Moncton Zoning being Z-220.7 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-220.7

MOTION CARRIED

Nay:

Councillor Crossman
Councillor Thériault
Councillor Richard
Councillor Bourgeois
Councillor LeBlanc

- 11.8 **A By-Law** in Amendment of the City of Moncton Zoning, being By-Law Z-220.17 (Text Amendment – Micro Breweries – **Second & Third Readings** – pending approval 7.5

Motion: That the Clerk give second reading to By-Law Z-220.17.

Moved by: Deputy Mayor Léger
Seconded by: Councillor Edgett

MOTION CARRIED

The Clerk gave second reading to by-law Z-220.17

Motion: That a By- in Amendment of the City of Moncton Zoning being Z-220.17 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-220.17

MOTION CARRIED

- 11.9 **A By-Law** in Amendment of the City of Moncton Zoning, being By-Law Z-220.12 – Tire Shack – **Second & Third Readings** – pending approval 7.6

Motion: That the Clerk give second reading to By-Law Z-220.12.

Moved by: Councillor Edgett
Seconded by: Deputy Mayor Léger

MOTION CARRIED

The Clerk gave second reading to by-law Z-220.12

Motion: That a By- in Amendment of the City of Moncton Zoning, being Z-220.12 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 Z-220.12

MOTION CARRIED

12.

NOTICES MOTIONS AND RESOLUTIONS

- 12.1 **Resolution** – General By-Law Officers – Roman Johnston, Gaetan Mazerolle, Britney Carter, Marina Olivera

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 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 NOTICES

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 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 Roman Johnston, Gaetan Mazerolle, Britney Carter and Marina Olivera 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 Roman Johnston, Gaetan Mazerolle, Britney Carter and Marina Olivera 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 Roman Johnston, Gaetan Mazerolle, Britney Carter and Marina Olivera 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 Kingston
Seconded by: Councillor Butler

MOTION CARRIED

13.
APPOINTMENTS TO COMMITTEES/NOMINATIONS À DES COMITÉS

14.
ADJOURNMENT/CLÔTURE DE LA SÉANCE

Motion: That the meeting be adjourned.

Moved by: Councillor Richard

MOTION CARRIED

.....
Dawn Arnold
MAYOR

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

/9:25 p.m.

/smm