

Council Chambers
City Hall
Moncton, N.B.
January 17, 2022
4 p.m.

MINUTES – REGULAR PUBLIC MEETING

MEMBERS OF CITY COUNCIL

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

ABSENT

Councillor Bryan Butler

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
I. LeBlanc, Director, Communications
C. Landry, Fire Chief
D. Hicks, Director, Parks
R. DeSilva, Superintendent, Codiac RCMP
A. Smith, Urban Growth
B. Budd, Director Urban Development Growth

1.

CALL TO ORDER

2.

ADOPTION OF AGENDA

Motion: That the agenda for the regular public Council meeting dated January 17, 2022, be approved with the following changes:

Removal – 6.1.1 Presentation – Police Station – Hafsa Mohammad

Addition – Retirement Recognition of Jack Macdonald, General Manager, Sustainable Growth and Development Services

Moved by: Councillor Richard

Seconded by: Councillor Kingston

MOTION CARRIED

Councillor LeBlanc entered the meeting at 4:07 p.m.

Mayor Arnold and Mr. Landry, City Manager, congratulated Mr. MacDonald on his retirement from the City of Moncton.

Mr. MacDonald provided comments and a brief background on his career with the City of Moncton.

3.

CONFLICT OF INTEREST DECLARATIONS

None declared

4.

ADOPTION OF MINUTES

Motion: That the minutes of December 21, 2021, Regular Public Council minutes be adopted as circulated.

Moved by: Councillor Kingston

Seconded by: Councillor Edgett

MOTION CARRIED

**5.
CONSENT AGENDA**

**6.
PUBLIC AND ADMINISTRATION PRESENTATIONS**

6.1 PUBLIC PRESENTATIONS

5 minutes

6.1.1 Presentation – Police Station – Hafsa Mohammad

Presentation removed.

Other Presentation

2 minutes

6.2 ADMINISTRATION PRESENTATIONS

15 minutes

6.2.1 Update – RCMP – Superintendent Ron DeSilva, Officer in Charge (OIC) of the Codiac Regional RCMP

Superintendent DeSilva reported that the on-line Crime Reporting System is now up and running. Social media and information from the public regarding the theft of purses resulted in two arrests, and a Canadian Warrant was executed on January 11, 2022 from these tips.

He advised Council that a seizure of 20 kg of crystal meth in the City of Moncton resulted in an arrest this month.

**7.
PLANNING MATTERS**

7.1 Public Hearing on rezoning application at 456 McLaughlin

Mr. Budd advised Council that administration had received an application from Castlemount Properties Inc., landowner, to rezone 456 McLaughlin Drive (PID 00778076 and a small portion of PID 00778084) from R2 (Two-unit dwelling) to R3 (Multiple-unit dwelling) to accommodate the construction of a one and a half-storey rental office and maintenance building to be used as an accessory use for the multiple-unit dwellings to the rear.

At the December 6, 2021 Regular Public Meeting, Moncton City Council resolved that a public hearing be scheduled for January 17, 2022 for the consideration of objections to the proposed Zoning By-law amendment Z-220.10. By-law Z-220.10 was also given 1st reading by Council at the December 6, 2021 Council meeting.

Public notice

- The statutory notice of the public hearing was posted on the City's website on December 8, 2021.
- Notice was also published in both newspapers (Times & Transcript and Acadie Nouvelle) on December 11, 2021.
- Notice was mailed out to properties located within 100 metres of the subject site on December 8, 2021.
- A sign regarding the proposed rezoning was also posted on the subject property on December 8, 2021.

At its meeting of December 15, 2021, the Planning Advisory Committee (PAC) considered the proposed amendment and recommended that Council proceed with the amendment process for By-law Z-220.10 subject to a resolution including but not limited to the conditions noted in the recommendation below.

No objections had been received regarding this rezoning.

The Developer did not have anything to add.

The Mayor inquired if there were objectors on line and none were present.

The Mayor adjourned the public hearing at 4:28 p.m.

Motion: That Moncton City Council proceed with the Zoning By-law amendment being By-law Z-220.10, and be subject to a resolution with conditions including but not limited to:

1. That the properties (PIDs 00778076, 70567581, and a portion of 00778084) be consolidated prior to the issuance of a Building and Development permit;
2. That the fence on the north side be opaque and made of wood, PVC, or another similar quality material, but shall not be chain link;
3. That the fence be installed as soon as possible, weather permitting, but no later than six months after the completion of the building construction;
4. That despite section 36(1)(d) of Zoning By-law Z-220, the accessory building is permitted to be located in the front yard;
5. That despite section 36(1)(a) of Zoning By-law Z-220, the total height of the accessory building is permitted to be increased from 6 metres to 7.6 metres;
6. That despite section 36(1)(c) of Zoning By-law Z-220, the height of the accessory building from the established grade to the underside of eaves of the gable roof is permitted to be increased from 3 metres to 4.6 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 Richard
Seconded by: Councillor Edgett

MOTION CARRIED

8. STATEMENTS BY MEMBERS OF COUNCIL

9. REPORTS AND RECOMMENDATIONS FROM COMMITTEES AND PRIVATE MEETINGS

9.1 Recommendation(s) – Special Private Session – December 13, 2021

Mr. Hicks provided an overview of the recommendation and the background on the erosion along the riverfront.

Motion: That Moncton City Council authorize Administration to proceed with the reinforcement of approximately 210 meters along the banks of the Petitcodiac River between Bore Park and the former Moncton Wharf Boardwalk to protect and preserve the Riverfront Trail and associated infrastructure; and

That correspondence be sent to the Province of New Brunswick for funding assistance to stabilize the banks of the Petitcodiac River now that it is back to its former shoreline, and

That a formal response be received from the Riverkeepers by the end of this week (December 17th) regarding their position on the suggested action by the City of Moncton.

Moved by: Deputy Mayor Léger
Seconded by: Councillor Bourgeois

Councillor Bourgeois requested that the response from the River Keeper be read into the record. Mr. Landry, City Manager read the email into the record. This response can be found within the agenda package for today's Regular Public Council meeting.

MOTION CARRIED

9.2 Recommendation(s) – Special Private Session – January 17, 2022 (if necessary)

Motion: That Moncton City Council approve that the Acknowledgement and Consent Agreement be entered into between FiveFive Queen Development Inc., Atlantic Central and the City of Moncton; 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 Kingston

MOTION CARRIED

9.3 Recommendation(s) – Enhancing Democracy Committee – January 11, 2022

Mr. Vandenburg reviewed the recommendations being proposed by the Enhancing Democracy Committee regarding the Procedural By-Law A-418 rewording.

Mr. Vandenburg informed Council that the committee wishes to have additional time to review Article 13 of the by-law.

Mr. Vandenburg indicated that the *Local Government Act* provides authority to municipalities to adopt procedural by-laws. If Council wishes to forgo the by-law, the process would be to follow the timeline set out in Roberts Rules of Order.

As noted in the *Local Governance Act*, and the Procedural by-law, council meetings are subject to a hierarchy of regulation, beginning with (1) the *Act*, (2) the by-law, (3) The latest edition of Robert's Rules (RONR), and (4) the decision of the Chair. There is nothing in the *Act* about time limits and number of times a councillor is permitted to speak during a meeting, so the regulation falls to Article 13 of the by-law, as noted. If this section were to be eliminated, RONR would then regulate this action, as follows:

RONR 12th Edition - Length and Number of Speeches - Section 43:8-13

Summary:

- 2 speeches per member per motion
- 10 minutes per speech
- Non-transferable to another member, nor to a later time
- Once yielded to another member, their time is finished
- The time consumed by a question being answered is charged to the questioner's time

While the term 'objective' was mentioned during the committee meetings, there is no objective basis to choose 2 speeches over 3, or 10 minutes over 5, so no specific recommendation can be made here. In the committee's research, no occasion was found where a mayor had made use of this provision, so the need to remove it was questioned, but the committee wished to inform members what would replace it, if it were removed. If members of council could concur on an alternative, that could be adopted using the by-law amendment process in the future.

Public Presentations:

The committee will be reviewing the section of the By-law Governing the Proceedings of City Council pertaining to public presentations and will return with recommendations for Council's consideration at a future date.

Motion:

1/ That Section 27 of the Procedural By-law be reworded as follows:

27 (1) Subject to (2), Council shall consider no item of business unless the item has been placed on the agenda, or a modification to the agenda approved by unanimous consent at the meeting.

(2) If, during discussion on an agenda item of business, a related item of business not on the agenda is raised by an elected official or member of administration, it may be dealt with in one of the following ways:

- a. An actionable motion may only be approved with the unanimous approval of all members present at the meeting; or
- b. Direction may be given to the City Manager to bring the item forward at a future meeting. The City Manager may require that Council formally approve this request, if it is believed the request will require a significant amount of administrative time and resources.

2/ That Section 78 be reworded as follows:

78 (1) Subject to (2), the Notice of Motion will be placed under the *Reports from Administration* section of the agenda for the next regular Council Meeting at which the Member who made the Notice of Motion is present, to vote on the matter or determine if it requires additional administrative information.

(2) A Member may request that a Member's motion for which notice has not been provided be considered immediately if a vote dispensing with notice is supported by unanimous approval of Members present.

3/ That the time frame for the provision of information to City Council on a Notice of Motion be adjusted to reduce the current 3 months to 2 months, and to facilitate initial notice being given to members and the public electronically by the City Clerk, with follow-up at the next council meeting.

4/ That if approved, the above recommendations be incorporated into *By-law A-418 - A By-law Respecting the Proceedings of Moncton City Council and Committee Meetings* and that the appropriate amendments be brought forward for Council's consideration at the next possible City Council meeting.

Moved by: Councillor Edgett

Seconded by: Councillor Thériault

In response to Councillor Bourgeois' question, Mr. Vandenburg indicated that the changes would allow Council a greater flexibility to bring a motion forward. He also reminded Council that with the old version, a motion could not be brought to the floor during a meeting, it would have to be presented at the next meeting, and then discussed at the following meeting. These changes will allow a Councillor to bring a motion forth and have it added to the agenda with unanimous consent of Council.

MOTION CARRIED

Nay:
Councillor Bourgeois
Councillor Crossman

Point of Order – Councillor Bourgeois reminded administration that Council voted in favour to his notice of motion to abolish Section 13 of the Procedural By-Law at the August 16, 2021 Regular Public meeting. Council has now adopted the recommendations presented by the Enhancing Democracy Committee. He is requesting that the Council Report Form to be presented at the February 7, 2021 Council meeting reflect both motions adopted by Council for this item.

10.
REPORTS FROM ADMINISTRATION

10.1 Moncton Market – COVID Relief 2022

Motion: That Moncton city Council approve, as a temporary incentive to encourage the presence of vendors at the Marche Moncton Market, that a discount of twenty five percent (25%) for the months of January and February 2022 be applied to rental rates.

Moved by: Councillor LeBlanc
Seconded by: Deputy Mayor Léger

MOTION CARRIED

11.
READING OF BY-LAWS

11.1 **A By-Law** in Amendment of the City of Moncton Zoning By-Law, being By-Law Z-220.10 – Second and Third Reading

Motion: That the Clerk give second reading to By-Law Z-220.10.

Moved by: Deputy Mayor Léger
Seconded by: Councillor Edgett

MOTION CARRIED

The Clerk gave second reading to by-law Z-220.10

Motion: That a **By-Law** Relating to the Amendment of the City of Moncton Zoning By-Law, being Z-220.10 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 Richard
Seconded by: Councillor Edgett

MOTION CARRIED

The Clerk gave third reading to By-Law Z-220.10

12.
NOTICES MOTIONS AND RESOLUTIONS

13.
APPOINTMENTS TO COMMITTEES

Motion: That the following appointment be approved:

CRPA – Scott Steeves

Moved by: Councillor LeBlanc
Seconded by: Councillor Steeves

MOTION CARRIED

14.
ADJOURNMENT

Motion: That the meeting be adjourned.

Moved by: Councillor Edgett

MOTION CARRIED

.....
Dawn Arnold
MAYOR

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Barbara A. Quigley
CITY CLERK & DIRECTOR OF
LEGISLATIVE SUPPORT

/6:00 p.m.

/smm