

Council Chambers  
City Hall  
Moncton, N.B.  
December 19, 2022  
4 p.m.

**MINUTES – REGULAR PUBLIC MEETING**

**MEMBERS OF CITY COUNCIL**

Mayor Dawn Arnold	Councillor Charles Leger
Councillor Monique LeBlanc	Councillor Daniel Bourgeois (WebEx)
Councillor Marty Kingston	Councillor Dave Steeves
Councillor Paulette Thériault	Councillor Susan Edgett
Councillor Shawn Crossman	Councillor Paul Richard

**ABSENT**

Deputy Mayor Bryan Butler

**ALSO PRESENT**

M. Landry, City Manager  
N. Robichaud, City Solicitor, General Manager of Legislative Services  
S. Morton, City Clerk, Director of Legislative Support  
J. Doucet, CFO, General Manager, Finance Services  
E. Aucoin, General Manager, Sustainable Growth and Development Services  
K. MacIntyre, General Manager, Community Services  
L. Hanson, General Manager, Corporate Services  
A. Binette, General Manager, Operations Services  
J. Cohoon, Director, Recreation (virtual)  
G. Houser, Deputy Treasurer/Controller  
M. Thériault, Deputy Treasurer-Corporate and Management Accounting  
I. LeBlanc, Director, Corporate Communications  
A. Richard, Director of Facilities  
B. Jollette, Superintendent, interim Officer in Charge (OIC) of the RCMP  
C. Landry, Fire Chief (virtual)  
T. Carter, Purchasing Manager  
B. Budd, Director of Planning and Development  
D. Geldart, Urban Planner

**1.**

**CALL TO ORDER**

**2.**

**ADOPTION OF AGENDA**

**Motion: That** the agenda for the regular public Council meeting dated November 21, 2022, be approved with the following changes:

- The addition of a two-minute presentation from Robert MacKay on Policing

Moved by: Councillor Richard

Seconded by: Councillor Kingston

**MOTION CARRIED**

**3.**

**CONFLICT OF INTEREST DECLARATIONS**

*None declared*

**4.**

**ADOPTION OF MINUTES**

**Motion: That** the minutes for the Regular Public Meeting of July 18, 2022, and November 7, 2022, be adopted as circulated.

Moved by Councillor Léger

Seconded by Councillor Edgett

**MOTION CARRIED**

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**5.**

## CONSENT AGENDA

### 5.1 Encroachment – Hanging Sign 32 Alma Street

**Motion: That** Moncton City Council authorizes the City of Moncton to enter into an Encroachment Agreement with Commercial Properties Limited, the registered owner of the Property located at 32 Alma Street and bearing Service New Brunswick parcel identification number (PID) 00684100, to allow, subject to terms and conditions outlined in the Encroachment Agreement, the installation and encroachment of a non-illuminated hanging sign over City-owned property, and that the Mayor and City Clerk be authorized to sign the Encroachment Agreement and all necessary documents and affix the Corporate Seal of the City of Moncton thereto.

Moved by: Councillor Kingston  
Seconded by: Councillor Richard

## MOTION CARRIED

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## 6. PUBLIC AND ADMINISTRATION PRESENTATIONS

### 6.1 PUBLIC PRESENTATIONS

5 minutes

#### Other Presentation

2 minutes

Robert MacKay – Policing

Mr. MacKay provided a verbal presentation as a follow up on presentations given by citizens on Policing concerns at the November 7, 2022 Regular Public Council meeting. The group has met with Dieppe City Council, members of the CRPA including Councillor Monique Leblanc and Councillor Charles Leger. These discussions have been productive.

### 6.2 ADMINISTRATION PRESENTATIONS

15 minutes

#### 6.2.1 Update – RCMP – Superintendent Benoit Jollette, interim Officer in Charge (OIC) of the Codiac Regional RCMP

Supt Jollette provided a PowerPoint presentation summarizing the scope and values of the Codiac RCMP. His presentation provided insight on the various units and teams within the RCMP, and the role and services they provide.

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## 7. PLANNING MATTERS

### 7.1 Introduction – 84 MacAleese Lane, Bill Budd

Mr. Budd provided a PowerPoint presentation for a rezoning application received from Rino Savoie, on behalf of Deborah Anne Magee, landowner, to rezone 84 MacAleese Lane (PID 00783415) from R2 (Two-Unit Dwelling) to R3 (Multiple-Unit Dwelling). The applicant is proposing to purchase the subject property to construct a three-storey, 30-unit apartment building.

**Motion: That** Moncton City Council proceed with the Zoning By-law amendment being By-law Z-222.9 and:

1. That Council give 1st reading to Zoning By-laws Z-222.9;
2. That a public hearing be set for February 6, 2023; and
3. Refer the amendment to the Planning Advisory Committee for their written views and approval of the conditional use with an extension until January 25, 2023 to receive those views; and

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

1. That a 2 m opaque fence be installed along the common property line abutting 60 MacAleese Lane (PID 00995860);
2. That the 2 m opaque fence be made of wood, PVC, or other similar quality material, but shall not include chain link fencing.
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 the existing vegetation east of the main building remain undisturbed as shown on the site plan;
5. 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;
6. That notwithstanding Section 129(5) of the Zoning By-law, the distance between the jogs and recesses are permitted to increase from 9m to 15.2m as per the plans attached in Schedule B;
7. That notwithstanding Section 129(2) of the Zoning By-law, the landscaping buffer is permitted to be reduced from 6m to 3m in one location as per the plans attached in Schedule B;
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.

Moved by: Councillor Thériault  
Seconded by: Councillor Crossman

#### **MOTION CARRIED**

#### **7.2 Tentative Subdivision Plan – Marie-Hélène Landry Subdivision, Cash in lieu – Bill Budd**

Mr. Budd provided a PowerPoint presentation outlining an application received from Heritage Group Properties to subdivide their property at 10 Andrew Lane, creating lot 22-1 to account for existing conditions and lot 22-2 for residential purposes. The land is zoned UR – (Urban Residential) and as such the new lot will accommodate a residential building upon it. A decision of Council is required regarding the Land for Public Purposes/Cash in lieu requirement of the Subdivision By-law.

**Motion: That** Moncton City Council request cash in lieu for Land for Public Purposes in the amount of \$13,773.25 for the Marie Helene A. Landry Subdivision.

Moved by: Councillor Crossman  
Seconded by: Councillor Thériault

#### **MOTION CARRIED**

#### **7.3 Zoning By-law housekeeping amendments to create P2 (Open Space and Conservation) zoned property for conservation purposes – Bill Budd**

Mr. Budd provided a brief PowerPoint presentation on administration-initiated housekeeping amendment to the City of Moncton's Zoning By-law # Z-222. These amendments are necessary to the City's Zoning Map to address new roads, walkways, and dedication of open space parcels. Administration is proposing mapping amendments to the following properties:

- A portion of PID 01003748 municipally known as 69, 71, and 89 on Warner Street
- PIDs 70684071 and 70684089 located at the intersection of Camelot Drive and Warner Street

If adopted, the amendments will rezone the two properties from R3 (Multiple Unit Dwelling) to P2 (Open Space and Conservation) for conservation purposes.

**Motion: That** Moncton City Council proceed with the proposed amending Zoning By-law # Z-222.7 and Z-222.8 and:

1. That Council gives 1<sup>st</sup> reading to Zoning By-laws Z-222.7 and Z-222.8;
2. That a public hearing be set for February 6, 2023; and
3. Refer the amendments to the Planning Advisory Committee for its written views with an extension until January 25, 2023 to receive those views.

Moved by: Councillor Crossman  
Seconded by: Councillor Thériault

#### **MOTION CARRIED**

Councillor Crossman questioned if the same request will be made in future in the area east of the end of Warner Street, backing on to Lady Guinevere Street. Mr. Budd will follow up with an answer to Councillor Crossman as he will need to look at the subdivision plan and maps for this area before he could confirm.

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#### **8. STATEMENTS BY MEMBERS OF COUNCIL**

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

9.1 **Recommendation(s)** – Private Session – December 12, 2022

**Motion: That** Moncton City Council:

1. declare Lot 92-3 as surplus (4.1.2(a) of the Policy);
2. designate Lot 92-3 for Economic Development (4.1.1c) of the Policy);
3. direct Administration to commence the process of stopping up and closing Lot 92-3, Plan 16858 (“future street”);
4. waive the public notice requirements of the Policy and proceed with the disposition process consistent with a surplus designation for economic development purposes by way of direct sale as set out in 4.1.3 and Schedule A of the Policy; and
5. approve the sale of Parcel 70240577, identified as Lot 92-3 on Subdivision Plan 18658, to Armour Realty Inc., and that the Mayor and City Clerk be authorized to execute all necessary documents and to affix the corporate seal thereto.

Moved by: Councillor Léger  
Seconded by: Councillor LeBlanc

**MOTION CARRIED**

**Motion: That** Request for Proposal #RFP21-096 for the provision of Managed, Detection and Response Services be awarded to the highest-scoring Proponent, being Telus Communications Inc., for a five (5) year term at a Total Cost of \$249,090.00, including H.S.T. @ 15%, with options to renew the agreement for up to five (5) additional twelve (12) month periods, if it is in the City’s best interest to do so.

Furthermore, it is recommended that a Service Level Agreement be drafted, and that the Mayor and City Clerk be authorized to sign said agreement and affix the Corporate Seal thereto

Moved by: Councillor Léger  
Seconded by: Councillor Thériault

**MOTION CARRIED**

9.2 **Recommendation(s)** – Committee of the Whole– December 19, 2022 (*if necessary*)

**Motion: That** Moncton City Council extend the Central Business District (CBD)/ Business Improvement Area (BIA) Financial Incentive Program until March 31, 2023.

Moved by: Councillor Edgett  
Seconded by: Councillor Kingston

**MOTION CARRIED**

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10.  
**REPORTS FROM ADMINISTRATION**

10.1 Standard Municipal Specifications – Marc Landry

**Motion: That** Moncton City Council approve the latest edition of the Standard Municipal Specifications (2022).

Moved by: Councillor LeBlanc  
Seconded by: Councillor Léger

**MOTION CARRIED**

10.2 **Request for Proposal RFP22-095** – Professional Engineering Services – Upgrades to Mountain Rd. (Hildegard Dr. to Wheeler Blvd.)

**Motion: That** Moncton City Council award Request for Proposal #RFP22-095 – Professional Engineering Services – Upgrades to Mountain Road (Hildegard Drive to Wheeler Boulevard), to the highest-scoring Proponent, being WSP Canada Inc., for the Total Bid Price of \$135,803.50, 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 Kingston

**MOTION CARRIED**

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**11.**

**READING OF BY-LAWS**

- 11.1 **A By-Law** in Amendment of the City of Moncton Zoning By-Law Z-222.9 – **First Reading**

*The Clerk gave first reading to By-Law Z-222.9*

- 11.2 **A By-Law** in Amendment of the City of Moncton Zoning By-Law Z-222.7 – **First Reading**

*The Clerk gave first reading to By-Law Z-222.7*

- 11.3 **A By-Law** in Amendment of the City of Moncton Zoning By-Law Z-222.8 – **First Reading**

*The Clerk gave first reading to By-Law Z-222.8*

- 11.4 **A By-Law** in amendment of a by-law relating to the stopping up and closing of highways within the City of Moncton, being By-Law # T-221.3 – **First Reading**

**Motion: That** the Clerk give first reading to By-Law T-221.3.

Moved: Councillor Léger

Seconder: Councillor Richard

**MOTION CARRIED**

*The Clerk gave first reading to By-Law T-221.3*

- 11.5 **A By-law** in Amendment of a By-Law Relating to the approval of the Budget for Downtown Moncton Centre-Ville Inc. and to Establish a Special Business Improvement Area Levy in the City of Moncton, being By-Law A-1002.21 – **Second and Third Reading**

**Motion: That** the Clerk give second reading to By-Law A-1002.21

Moved by: Councilor Richard

Seconded by: Councillor Edgett

**MOTION CARRIED**

*The Clerk gave second reading to By-Law A-1002.21*

**Motion: That a By-Law** Relating to the City of Moncton's By-Laws, being A-1002.21, 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 Léger

Seconded by Councillor Kingston

**MOTION CARRIED**

*The Clerk gave third reading to By-Law A-1002.21*

- 11.6 **A By-law** Relating to Buildings in the City of Moncton, being By-law Z-422 – **Second and Third Reading**

**Motion: That** the Clerk give second reading to By-Law Z-422

Moved by: Councilor Richard

Seconded by: Councillor Crossman

**MOTION CARRIED**

*The Clerk gave second reading to By-Law Z-422*

**Motion: That a By-Law** Relating to the City of Moncton's Zoning By-Laws, being Z-422, 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 Léger

Seconded by Councillor Crossman

*The Clerk gave third reading to By-Law Z-422*

- 11.7 **A By-Law** in Amendment of a By-Law Respecting the Proceedings of Moncton City Council and Committee Meetings, being By-Law A-418.5 – **Second and Third Reading**

**Motion: That** the Clerk give second reading to By-Law A-418.5.

Moved by: Councillor Richard  
Seconded by: Councillor LeBlanc

**MOTION CARRIED**

*The Clerk gave second reading to By-Law A-418.5*

**Motion: That a By-Law** Relating to the City of Moncton's By-Laws, being A-418.5, 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 Steeves  
Seconded by: Councillor Léger

**MOTION CARRIED**

*The Clerk gave third reading to By-Law A-418.5*

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**12.**

**NOTICES MOTIONS AND RESOLUTIONS**

- 12.1 **Resolution** – Deposit of the 2022 Utility Operating Fund surplus to the Utility Capital Reserve

**WHEREAS** section 117(7) of the Local Governance Act of New Brunswick confers power on City Council to create a Utility Capital Reserve Fund; and

**WHEREAS** the said Act requires that deposits made to the Utility Capital Reserve Fund be authorized by resolution; and

**WHEREAS** the City Treasurer recommends a deposit to the Utility Capital Reserve Fund in the amount of \$1,000,000 from the Utility Operating Fund

**THEREFORE BE IT RESOLVED** that authorization be granted for a deposit in the amount of \$1,000,000 to the Utility Capital Reserve Fund from the Utility Operating Fund.

Moved by: Councillor Edgett  
Seconded by: Councillor LeBlanc

**MOTION CARRIED**

- 12.2 **Resolution** – Withdrawal from the General Operating Reserve for the 2022 General Operating Fund deficit

**WHEREAS** section 101 of the Local Governance Act of New Brunswick confers power on City Council to create a General Operating Reserve Fund; and

**WHEREAS** the said Act requires that withdrawals made from the General Operating Reserve Fund be authorized by resolution; and

**WHEREAS** the City Treasurer recommends a withdrawal from the General Operating Reserve Fund in the amount of \$1,500,000 to the General Operating Fund

**THEREFORE BE IT RESOLVED** that authorization be granted for a withdrawal in the amount of \$1,500,000 from the General Operating Reserve Fund to the General Operating Fund.

Moved by: Councillor Léger  
Seconded by: Councillor Richard

**MOTION CARRIED**

- 12.3 **Resolution** – By-Law Enforcement Officers

**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;

**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** Samuel LeBlanc, Charles Munro, Jean-Francois Robichaud, Jacob Addison, Tyler Leger, George Flieger, Matthew Milwain, John Margarvey, Taylor Thompson and Patrick Robichaud 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** Samuel LeBlanc, Charles Munro, Jean-Francois Robichaud, Jacob Addison, Tyler Leger, George Flieger, Matthew Milwain, John Margarvey, Taylor Thompson and Patrick Robichaud 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** Samuel LeBlanc, Charles Munro, Jean-Francois Robichaud, Jacob Addison, Tyler Leger, George Flieger, Matthew Milwain, John Margarvey, Taylor Thompson and Patrick Robichaud 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 Kingston

**MOTION CARRIED**

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**13.  
APPOINTMENTS TO COMMITTEES**

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**14.  
ADJOURNMENT**

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

Moved by: Councillor Richard

**MOTION CARRIED**

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Dawn Arnold  
MAYOR

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Shelley M. Morton  
CITY CLERK & DIRECTOR OF  
LEGISLATIVE SUPPORT

/5:13 p.m.

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