

Council Chambers
City Hall
Moncton, N.B.
December 18, 2023
4 p.m.

MINUTES – REGULAR PUBLIC MEETING

MEMBERS OF CITY COUNCIL

Mayor Dawn Arnold	Councillor Bryan Butler (Webex)
Deputy Mayor Shawn Crossman	Councillor Dave Steeves
Councillor Monique LeBlanc	Councillor Susan Edgett
Councillor Charles Léger	Councillor Paul Richard (Webex)
Councillor Daniel Bourgeois	

ABSENT

Councillor Paulette Thériault
Councillor Marty Kingston

ALSO PRESENT

N. Robichaud, City Solicitor/Acting City Manager
S. Morton, City Clerk, Director of Legislative Support
E. Aucoin, General Manager Sustainable Growth and Development Services
A. Binette, General Manager Operations Services
J. Cohoon, Director of Recreation & Acting General Manager Community Services
C. Savoie, Director of Policing Support Services and Acting General Manager, Protective Services
F. Levesque-Ouellette, Director, Legal
I. LeBlanc, Director, Communications
B. Jollette, Superintendent Benoit Jollette, interim Officer-In-Charge (OIC) of the Codiac RCMP
C. Landry, Fire Chief
D. Geldart, Urban Planner
B. Budd, Director of Planning and Development
R. Lagacé, Director of Engineering

DELEGATES

Steve Schaller of Hive Engineering

1.

CALL TO ORDER

2.

ADOPTION OF AGENDA

Motion: That the agenda for the regular public Council meeting dated December 18, 2023, be approved with the following changes:

- The addition of a 2-minute presentation by Marc Belliveau on behalf of the homelessness steering committee.
- That item 12.4 Notice of Motion proceed after the presentation on the North end smell (10.3)

Moved by: Councillor Steeves
Seconded by: Councillor Edgett

MOTION CARRIED

3.

CONFLICT OF INTEREST DECLARATIONS

4.

ADOPTION OF MINUTES

5.

CONSENT AGENDA

5.1 Encroachment – 759 Main Street

Motion: That Moncton City Council authorizes the City of Moncton to enter into an Encroachment Agreement with DuParc Real-Estate Group Inc., the registered owner of the Property located at 759 Main Street and bearing Service New Brunswick parcel identification number (PID) 00687830, to allow, subject to terms and conditions outlined in an Encroachment Agreement, the installation and encroachment of two illuminated sign cabinets, being a flagmount

sign and a push thru sign box, over the City-owned sidewalk and street right-of-way, and that the Mayor and City Clerk be authorized to execute the Encroachment Agreement and affix the Corporate Seal of the City of Moncton thereto.

Moved by: Deputy Mayor Crossman
Seconded by: Councillor Léger

MOTION CARRIED

6. PUBLIC AND ADMINISTRATION PRESENTATIONS

6.1 PUBLIC PRESENTATIONS

5 minutes

Other Presentation

2 minutes

Presentation: Statement from the Greater Moncton Homelessness Steering Committee (GMHSC) – Marc Belliveau

Mr. Belliveau provided a statement on behalf of the GMHSC by listing the names of 55 individuals from the homelessness community of Greater Moncton who lost their life this year.

City Council requested a moment of silence in commemoration of this individuals.

6.2 ADMINISTRATION PRESENTATIONS

15 minutes

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

Supt. Benoit Jollette thanked Mr. Belliveau for his work with the vulnerable population and proceeded to provide an update on RCMP activities:

Community Policing

Stuff a cruiser event – Members participated in this food drive and were able to collect over 300 lbs of food and \$1,200 in donations for the Peter McKee food bank.

On December 12, Supt Jollette and Charles Savoie were able to present at a DMCI Board meeting on policing in the downtown area. Members were able to address their concerns and discuss solutions on downtown safety and security.

On December 15, the RCMP celebrated their 150th Anniversary at a Regimental ball at the Delta Beauséjour.

Supt. Jollette took an opportunity to respond to Councillor Bourgeois' question regarding providing Community Safety officers with enhanced powers for enforcement. There are risks that come with giving enhanced powers to officers who don't have the equipment or formal police training. In order to establish a program that would provide officers with enhanced powers, an agreement respecting the operation of that program must be reached between the municipality, the local policing authority, the Minister and the RCMP. The main challenge of such agreements include direction, supervision of the program; as well as standards, training, equipment and a timeline. This type of program has been established in other jurisdictions and is possible.

Concluded by thanking the City of Moncton and City Council for their collaboration this year.

In response to a question from Councillor Bourgeois, Supt. Jollette advised that they anticipate to have the results of the measurables relating to the key performance indicators on the Policing Services study ready in February .

7. PLANNING MATTERS

7.1 **Public Presentation** – Rezoning PID 01100726 off Whitfield Trites (Winery) – Bill Budd

Mr. Budd provided a PowerPoint presentation outlining an application from Trace Planning and Design, on behalf of the landowner of 30 Whitfield Trites Road and bearing PID 1100726, to amend the Municipal Plan and rezone the property. The application proposes to redesignate the property from NH (Neighbourhood Quarter) and RR (Rural Residential) to MHT (Magnetic Hill Tourism) and rezoning the land from R2 (Two Unit Dwelling) and RR-1 (Rural Residential) to TR (Tourism and Recreation).

The rezoning will allow retail and entertainment uses at the Pioneer Estates Winery. This will include hosting visitors for indoor and outdoor wine tastings, wine sales, and hosting larger events such as weddings and corporate rentals. The development will include a new outdoor patio and terrace, a parking area, and a temporary overflow parking section.

Motion: That Moncton City Council proceed with the Municipal Plan amendment Z-122.4 and Zoning By-Law amendment By-Law Z-222.13 and

1. That Council confirm the Public Hearing for February 5, 2024; and

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

1. 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.
2. The grass on the temporary parking area must be cut regularly.
3. 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.
4. The development shall be carried out in substantial conformance with the plans and drawings submitted as Schedule B.

Moved by: Councillor LeBlanc

Seconded by: Councillor Edgett

MOTION CARRIED

7.2 MJ Realty Subdivision (Cash in lieu) - Bill Budd

Mr. Budd provided a PowerPoint presentation detailing a Land for Public Purposes/Cash in lieu requirement of the Subdivision By-law.

Motion: That Moncton City Council request cash in lieu of Land for Public Purposes in the amount of \$1,716.88 for the Richard Subdivision.

Moved by: Councillor Steeves

Seconded by: Councillor Léger

MOTION CARRIED

8.

STATEMENTS BY MEMBERS OF COUNCIL

Councillor Bourgeois provided a statement on the recent decision related to the menorah and nativity scene in front of City Hall. Councillor Bourgeois went over 5 lessons, he feels Council has learned from the situation:

1. Bend the rules when tackling sensitive issues, by having discussions before moving decisions
2. Take the time required to make informed decisions and be prepared
3. Ensuring Council, not staff, make sensitive political decisions
4. Ratify all decisions in public forums unless explicitly forbidden to do so by provincial legislation.
5. Good Communication

Councillor Bourgeois hopes City Council will improve its decision-making process in future.

9.

REPORTS AND RECOMMENDATIONS FROM COMMITTEES AND PRIVATE MEETINGS

9.1 **Recommendation(s)** – Private Session – December 11, 2023

Motion: That Moncton City Council approve the accounts receivable write-off in the amount of \$363,321.35 from 2020-2022.

Moved by: Councillor Butler

Seconded by: Councillor LeBlanc

MOTION CARRIED

Motion: That Moncton City Council approve the Building Safer Communities Fund strategy; and,

That authority to award funds to successful applicants under the Codiac Youth and Family Wellbeing Grant Program and the multi year Youth and Family Support Program, be delegated to a selection committee made up of employee representatives from the City of Moncton, the City of Dieppe and the Town of Riverview, and

That Administration provide a Bi-Annual update to Council on the program and progress of these initiatives.

Moved by: Councillor Léger
Seconded by: Councillor Edgett

MOTION CARRIED

Motion: That Moncton City Council approve that the City of Moncton enter into a one-year term licence agreement, from November 24, 2023 to November 23, 2024 with Salvus Clinic Inc. for the parking and storage of the Salvus Mobile Clinic Unit inside the facility located at 120 Assomption Boulevard, in the City of Moncton, and that the Mayor and City Clerk be authorized to sign said licence agreement, together with all documents necessary to give effect to the licence agreement, and affix the Corporate Seal of the City of Moncton thereto.

Moved by: Councillor Léger
Seconded by: Councillor Steeves

MOTION CARRIED

Motion: Be it resolved that Moncton City Council become a member of the Union of Municipalities of New Brunswick ("UMNB"), and support the proposed merger between the Cities of New Brunswick Association and UMNB as outlined in the UMNB "Cities Proposal 2023" document until 2025.

Moved by: Councillor Richard
Seconded by: Deputy Mayor Crossman

MOTION CARRIED

9.2 Recommendation(s) – Committee of the Whole – December 18, 2023 (if necessary)

Motion: That Moncton City Council approve the proposed Overnight Winter Parking Ban Policy.

Moved by: Councillor Léger
Seconded by: Councillor Richard

MOTION CARRIED

Motion: That Moncton City Council not move forward with a plan to eliminate all service gaps for sidewalks and streetlights.

Moved by: Councillor Edgett
Seconded by: Councillor Léger

MOTION CARRIED

**Nay: Councillor Bourgeois
Councillor Butler**

Motion: That Moncton City Council approve the recommendations from Administration regarding the grant process beginning in the 2025 budget year, and direct Administration to develop the terms of reference and governance structure for a 3rd party grant evaluation committee and to update the City's Annual Community Grant Administration and Evaluation Policy accordingly to be brought back to Council for final approval at a later date.

Moved by: Councillor Steeves
Seconded by: Councillor Léger

MOTION CARRIED

10.

REPORTS FROM ADMINISTRATION/RAPPORTS DE L'ADMINISTRATION

10.1 Public Hearing – 2024 BIA Budget (no objections)

The Mayor opened the public hearing and asked if there were any objectors or proponents wishing to speak on this item.

Motion: That Moncton City Council approve the Downtown Moncton Centre-ville Inc. proposed levy for the year 2023, in the amount of \$955,260.

That the proposed budget when published, establish the Special Levy Rate for 2023 at 0.16/\$100.00 of Assessment based upon projected data – 2023 Assessments; and

That Moncton City Council give first reading to By-Law A-1002.23.

Moved by: Deputy Mayor Crossman

Seconded by: Councillor Edgett

MOTION CARRIED

10.2 Stop up and close associated with rezoning matter – Unbuilt future streets off McLaughlin Drive

Motion: That Moncton City Council proceed with the stop up and close process of unbuilt future street stubs (Marquette Ave. and Ashworth Dr.) and

1. That Council give first reading to Stop up and close By-law # T-221.4;
2. That a public hearing be set for January 15, 2024

Moved by: Councillor Edgett

Seconded by: Councillor LeBlanc

MOTION CARRIED

10.3 **North End Air Quality testing results** – Tim Moerman and Steve Schaller of Hive Engineering

Mr. Moerman provided a backgrounder on the initiation of the North End Air Quality study that included the retention of an external engineering consulting firm to conduct air quality testing and assessments within identified areas of concern in Moncton's North End.

Hive Engineering (Hive) was retained to complete this study and arranged to carry out air testing in response to times when a high number of odour complaints were received from area residents. Air was tested for substances considered likely to result in the odours previously reported (i.e. sewage/fecal smells and burning/chemical odours) and compared to guidelines for maximum acceptable concentrations. In response to concerns raised at the public meeting, Hive also collected wipe samples of soot from several sites on Amiens Drive.

Direct read measurements were logged in the field; and air samples were collected and sent for testing to determine their concentrations. All results were compared to the relevant government established guidelines or regulations.

Mr. Moerman proceeded to introduce Steve Schaller of Hive Engineering who provided an overview on the results of their testing for the study.

Results Overview:

- Odours were confirmed each day of testing
- VOCs were all below guidelines
- Nothing detected in Sewage Screen
- Direct Read for TSP, SO₂ and TVOC - All below, except on TVOC
- Wipe sampling on Amiens and soot confirmed

Community Engagement on September 13, 2023, residents reported:

- Black particulate on Amiens
- Dust in Air Levels
- PFAS in Air

Concerns with the process included:

- Concerns with assessment timing
- Concerns of potential polluters were “tipped off” reducing real time issues
- Concerns with Fixed Monitoring Stations

Citizen engagement included a survey on the Let's Chat website and a dedicated complaint phone line.

The majority of complaints were of sewage and compost and burning/chemical smell.

The final results from the consultant concluded that:

- Air Testing did not indicate a hazard despite strong and unpleasant odours.
- That the City continue to work with potential sources that are causing the odors.

- That the City continue testing in Spring/ Summer 2024.
- Set up fixed monitoring stations to evaluate odors in specific areas.
- Deeper assessment is required into the validation of PFAS in the air.

Motion: That City Council direct administration to request information on the updated odour mitigation plan being completed by Rayan Environmental and to be submitted to the department of the Environment and Local Government by the end of January 2024;

Continue discussions with TransAqua regarding ongoing odour complaints and further actions that could be taken to mitigate this issue;

Initiate discussions with the department of the Environment and Local Government regarding potential air quality testing to be completed in 2024, as recommended by Hive Engineering; and

Report back to City Council on the items above by the end of Q1 2024.

Moved by: Councillor Léger
Seconded by: Councillor LeBlanc

Councillor Bourgeois requested that the motion be amended to include “as well as dissolve odours produced by TransAqua.

The City Solicitor proposed the following motion that include all proposed amendments and the mover and seconder agreed to the amendments.

Motion: That Council directs Administration to Request information on the updated odour mitigation plan being completed by Rayan Environmental and to be submitted to the department of the Environment and Local Government by the end of January 2024; and

Continue discussions with TransAqua regarding ongoing odour complaints and further actions that could be taken to mitigate this issue, including but not limited to requesting TransAqua’s board (the Greater Moncton Wastewater Commission) for additional options to be evaluated and costed, including moving the operations inside a facility, instead of outdoors, as well as the relocation of the operations within an appropriately zoned area, further from residential properties;

Initiate discussions with the department of the Environment and Local Government regarding potential air quality testing to be completed in 2024, as recommended by Hive Engineering, as well as other areas of the City experiencing odor issues within the jurisdiction of the Department of Environment and Local Government; and

Initiate discussions with the department of the Environment and Local Government regarding potential air quality testing to be completed in 2024, as recommended by Hive Engineering; and,

Report back to City Council on the items above by the end of Q1 2024.

The mover and seconder agreed to the changes to the original motion proposed by the City Solicitor.

Councillor Bourgeois made a motion to sever the 4 parts of the motion.

Motion: That City Council sever the previous motion into four parts.

Moved by: Councillor Bourgeois

There was no seconder for the motion to sever. The motion failed.

MOTION CARRIED

*Nay: Councillor Steeves
Councillor Butler
Councillor Richard
Deputy Mayor Crossman*

Item 12.4 was moved ahead on the Agenda

12.4 Notice of Motion – Motion to eliminate the smell produced by Transaqua’s aeration plant

WHEREAS the regional wastewater commission (Transaqua) owns and operates an aeration plant in the Moncton Industrial Park that emits foul odours on a regular basis;

WHEREAS the foul odours emitted from the plant comes in part from human waste;

WHEREAS the foul odours emitted from the plant affects the health of residents with allergies and sensitivities to odours, as well as the quality of life of many residents;

BE IT THEREFORE RESOLVED that City Council insist that Transaqua build a facility on its lot to keep the odours inside and equip it with air filters to eliminate the odours or, alternatively, move its aeration plant outside the city

Moved by: Councillor Butler
Seconded by: Councillor Steeves

10.4 Update on Short Term Rentals

This item was originally brought forward by Councillor Léger at the May 1, 2023 Public meeting of Council. The discussion was postponed to the July 17, 2023 Public meeting, at which time Council passed the following motion for Administration to continue its advocacy for the Province of New Brunswick to develop a short-term rental accommodation registration and regulation program to better enable municipalities to manage short-term rental accommodations in their communities; and that the item be brought back to Council at the September 18 Council meeting for discussion.

Due to a delay in receiving information from the Province, the item was brought back for discussion at the October 3, 2023 Public meeting of Council. At that meeting, Administration informed Council of our latest information from the Province: the short-term rental file had been transferred to the Department of Tourism, who had engaged a consulting firm to complete an Accommodation Study to include short-term rentals. The project was to be completed in July, however it has been delayed. Administration was informed on December 12, 2023 by the Department of Tourism that they are currently finalizing the Study and reviewing the short-term rental data, and hope to have further information to share in January 2024. Administration will continue its advocacy efforts on this important file.

Councillor Léger received information on a company “Host Compliance” that some municipalities are using to monitor short term rentals and would like administration to look into this company and the services they provide and report back to Council at the first meeting in February.

11.

READING OF BY-LAWS/LECTURE D'ARRÊTÉS MUNICIPAUX

- 11.1 **A By-Law** relating to the stopping up and closing of highways within the City of Moncton, being By-Law T-221.4 – *First Reading*

The City Clerk gave first reading to By-Law T-221.4

- 11.2 **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-1002.23 – *Second and Third Reading*

Motion: That the Clerk give second reading to By-Law A-1002.23

Moved by: Councillor LeBlanc
Seconded by: Deputy Mayor Crossman

MOTION CARRIED

The City Clerk gave second reading to By-Law A-1002.23

Motion: That a By-Law Relating to the City of Moncton’s By-Laws, being A-1002.23, 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: Deputy Mayor Crossman

MOTION CARRIED

The City Clerk gave third reading to By-Law A-1002.23

12.

NOTICES MOTIONS AND RESOLUTIONS/AVIS DE MOTIONS ET RÉOLUTIONS

- 12.1 Withdrawal from the General Operating Reserve for the 2023 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 \$1,200,000 be made to the General Operating Fund; and

THEREFORE, BE IT RESOLVED that authorization be granted for a withdrawal in the amount of \$1,200,000 be made from the General Operating Reserve Fund to the General Operating Fund.

Moved by: Councillor Léger

Seconded by: Councillor Leblanc

MOTION CARRIED

12.2 Deposit to General Capital Reserve for Development Charges

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

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

WHEREAS the City Treasurer recommends a deposit to the General Capital Reserve Fund in the amount of \$1,669,464.93 be made from the General Operating Fund; and

THEREFORE, BE IT RESOLVED that authorization be granted for a deposit in the amount of \$1,669,464.93 be made to the General Capital Reserve Fund from the General Operating Fund.

Moved by: Councillor Léger

Seconded by: Councillor Richard

MOTION CARRIED

12.3 Deposit of the 2023 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 \$500,000 be made from the Utility Operating Fund; and

THEREFORE, BE IT RESOLVED that authorization be granted for a deposit in the amount of \$500,000 be made to the Utility Capital Reserve Fund from the Utility Operating Fund.

Moved by: Councillor Léger

Seconded by: Councillor Edgett

MOTION CARRIED

12.5 **Notice of Motion** – Motion on transforming provincial segregated housing units in the City of Moncton

WHEREAS the Province of New Brunswick presently owns and operates seven segregated housing units within the City of Moncton: Auburn Circle, Lewis Street, Katherine Avenue, McKenzie Avenue, Beechwood Avenue, Echo Drive and Palisade Drive;

WHEREAS segregated housing units are antiquated forms of social development affordable housing and have been replaced by an integrated and mixed housing development model, in order to provide parents and their children on social assistance with an integrated lifestyle;

WHEREAS Moncton City Council commissioned a study published in 2013 to establish the feasibility of transforming the Lewis Street housing unit, from a segregated to an integrated housing development, and the feasibility study provided a positive way forward;

WHEREAS, a decade later, the seven segregated housing units remain in Moncton, thereby preventing many parents and children from enjoying a fully inclusive life in the City;

WHEREAS the feasibility of the pilot project was put on hold until the federal and provincial governments launched housing initiatives, which both have done in 2023;

AND WHEREAS other changes have occurred since 2013, notably the affordable housing crisis and the reduction in the provincial deficit – that make the pilot project feasible;

BE IT THEREFORE RESOLVED that Moncton City Council establish a committee with the Department of Social Development to update the feasibility study for the Lewis Street pilot project

and, if feasible, to draft a joint plan by the end of 2024 to transform the seven segregated units located in the City into seven integrated housing development projects before the end of 2034, commencing with the Lewis Street unit as a pilot project.

Moved by: Councillor Bourgeois
Seconded by: Councillor Butler

**13.
APPOINTMENTS TO COMMITTEES**

Motion: That the following appointments be approved:

Greater Moncton International Airport Authority
• Jim Lockyer

Moved by: Councillor Steeves
Seconded by: Councillor Butler

MOTION CARRIED

**14.
ADJOURNMENT**

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

Moved by: Councillor Richard

MOTION CARRIED

.....
Dawn Arnold
MAYOR

.....
Shelley M. Morton
CITY CLERK & DIRECTOR OF
LEGISLATIVE SUPPORT

/ 6:24 p.m.

/ko