

1st Floor Boardroom
Moncton City Hall
February 5, 2024
4 p.m.

M I N U T E S – REGULAR PUBLIC MEETING

MEMBERS OF CITY COUNCIL

Mayor Dawn Arnold
Deputy Mayor Shawn Crossman
Councillor Marty Kingston
Councillor Monique LeBlanc
Councillor Charles Leger

Councillor Daniel Bourgeois
Councillor Bryan Butler
Councillor Dave Steeves
Councillor Susan Edgett
Councillor Paul Richard

ALSO PRESENT

S. Doucet, Chief Administrative Officer
K. Ostroski, Deputy City Clerk
N. Robichaud, General Manager, Legal and Legislative Services
E . Aucoin, General Manager, Sustainable Growth and Development Services
A. Binette, General Manager, Operation Services
J. Cohoon, General Manager, Community Services
C. Savoie, Acting General Manager, Protective Services
F. Levesque-Ouellette, Director, Legal Services
I. LeBlanc, Director, Communications
B. Jollette, Superintendent, Officer-in-Charge, Codioc RCMP
C. Landry, Fire Chief and Director, Community Safety
B. Budd, Director, Planning and Development
L. Hanson, General Manager, Corporate Services
Gregg Houser, Deputy Treasurer and Controller
A Smith, Manager, Long Range Policy Planning
Nicole Taylor, Director, Water and Water Treatment
J. Davis, Planner

1. CALL TO ORDER

2. ADOPTION OF AGENDA

Motion : That the Agenda for the Public meeting of this date be adopted as circulated with the addition of the item pertaining to recommendations from the Private meeting of January 8, 2024 and 7.3 Tour Subdivision – Cash in lieu.

*Moved by Councillor Richard
Seconded by Councillor Steeves*

MOTION CARRIED.

3. CONFLICT OF INTEREST DECLARATIONS

None declared.

4. ADOPTION OF MINUTES

None to adopt.

5.
CONSENT AGENDA

No items to adopt.

6.
PUBLIC AND ADMINISTRATION PRESENTATIONS

6.1 PUBLIC PRESENTATIONS

6.1.1 Presentation: Salvus Mobile Health Unit Data/Resourcing – Melissa Baxter, Executive Director

City Council received a presentation from Melissa Baxter, Executive Director, Salvus Mobile Health Unit, regarding the status of the clinic, which is currently operating out of two spaces (with two exam rooms), after being displaced from their previous location. The mobile health unit is being transported to the shelters and expanded to other operations in the City. She presented data, noting the numbers are actually higher than what is being presented today as follow up appointments are difficult to capture. The program is funded by Health Canada and partners with the Horizon & Vitalité Health Networks.

The mobile health unit has been operational for 16 months, serving an average of 31 new client/patients per month. It has been successful in reconnecting some clients with their physicians. Currently 410 users are without a family physician. Ms. Baxter provided their budget which is \$350,000 annually. They sought financial assistance from the City of Moncton to help fund a registered nurse and licensed practical nurse dedicated to the unit. They are also seeking 8,000 – 10,000 square feet of space. She stressed that the mobile unit cannot operate without dedicated staff, hence the need for more funding.

Councillor Richard noted the importance of sharing positive impact stories as he felt such stories would foster a greater appreciation of the work carried out in the community.

Councillor Thériault requested that City Administration provide assistance to Salvus in securing space. Mr. Doucet, CAO, advised that Administration continues to work with Salvus to identify existing locations to find a suitable location. In terms of a timeline, he felt that regular updates could be provided to Council however, securing space would depend on availability in the market.

Councillor Crossman stressed the need for leadership not only from the City but from the Province, adding that data should be shared with the Province on a regular basis to advocate for assistance.

The Mayor thanked the delegates for their service provided to the community. She noted that the City provides \$50,000 for their bus.

6.2 ADMINISTRATION PRESENTATIONS

None at this time.

7.
PLANNING MATTERS

7.1 Public Hearing – Municipal Plan and Zoning By-law amendment to land use tables – changing terms and condition uses to permitted for all residential [Objections received] - Postponed from January 15, 2024 meeting

The Deputy City Clerk advised that additional objections have been received. This item was postponed from the January 15, 2024 Public Council meeting. The Mayor noted that a presentation was made at the last meeting and called upon objectors to share their concerns.

Boyd Anderson submitted additional comments to his objections following the last meeting. He noted that the R2U zone allows up to 8 units, as a matter of right, and the rest of the City up to 4 units. He noted that 7% of households equates to 1,400 households being affected without notice. He did not feel the notice was adequate, adding that a letter should have been sent to every

household affected. He felt that if you wish to move housing along, stop focusing on the Vision Lands. Others should not be affected who have their homes already established.

Mr. Anderson referenced the Master Plan which he did not feel took into consideration the needs of the city. He felt that housing could move forward on the Vision Lands without impacting existing homes, adding that many neighbourhoods would be negatively impacted by this amendment.

The Deputy City Clerk read into the record the objection by Mark LeBlanc who requested that he be included as part of the Municipal Plan Review. The letter also stressed the need for residents to be included for their input. His suggestion was to cancel the amendment and hold discussion during the Municipal Plan Review.

Don MacLellan, representing Rising Tide Community Initiatives, spoke in favor of the plan put forward by Urban Planning. He noted that the Zoning By-Law amendments foster acceleration of housing development in the City and expedite the process. He believed the changes to the land use tables will clarify terms for non-profit organizations by specifying the use permitted in a particular zone.

At the request of Councillor Theriault the map was displayed to delineate the R2 and R2U zones. No changes were proposed from Hillside to Elmwood Drive. Mr. Smith added that the Sunny Brae plan west of the rail line and the R2U zone is not affected by the proposed changes. Elmwood, Broadview and Donald Avenue would be affected by the R2U zoning. The main area affected is west of the train track and the core area.

In reply to Councillor Bourgeois, Mr. Smith noted that streamlining development has been on the Strategic Plan agenda since 2019 and helps address the HAF application initiatives. He added that the federal funding was significant in terms of addressing the housing shortage moving forward. He did not believe future councils would be bound by the proposed amendment, adding that they would have authority under the Community Planning Act to impose further amendments if necessary. The objective is to streamline the by-law and accelerate the housing supply.

Mr. Smith noted that as a part of the broader streamlining initiative, amendments will be presented to Council in the future to look at barriers and increasing density in other parts of the city. The plan is to bring forward a 4-unit and accessory dwelling pieces which would involve a communication plan. Housekeeping amendments will also be presented to the design standards to provide clarity and flexibility.

Councillor Leger noted that the concern to residents is that the fabric of the community could change and he questioned how to foster greater public understanding. Mr. Smith explained that this proposal is not to increase residential densities. Currently, the Sunny Brae neighbourhood allows up to 8 units should there be a vacant property. The area outside of that neighbourhood allows for 6 units which must be developed within the existing building footprint. Other jurisdictions in New Brunswick, such as Dieppe, Fredericton and Saint John, have this type of framework in place with robust development building standards to ensure safe quality development in neighbourhoods. The City of Moncton also has standards in place to provide for safe quality development in the community.

Councillor Thériault requested that the CAO review the process as some notices were sent during the holidays. Mr. Doucet noted that Administration will review the procedures with a view to exploring a different approach in the future.

The Mayor, hearing no other speakers, declared the public hearing closed.

Motion: That Moncton City Council adopt the following by-laws by giving second and third readings:

- (1) Municipal Plan By-law Amendment # Z-122.05;
- (2) Sunny Brae Neighbourhood Plan – Secondary Municipal Plan By-law Amendment # Z-122b.01; and
- (3) Zoning By-law Amendment # Z-222.24.

*Moved by Councillor LeBlanc
Seconded by Councillor Edgett*

MOTION CARRIED.

7.2 Public Hearing – Rezoning PID 01100726 off Whitfield Trites (Winery) – Objections received

City Council received a PowerPoint presentation from Bill Budd, regarding an application from Trace Design to amend the Municipal Plan and rezone land located at 39 Whitfield Trites Road, bearing PID 1100726, by redesignating the property from NH (Neighbourhood) and RR (Rural) to MHT (Magnetic Hill Tourism) and rezoning the land from R2 (Two Unit Dwelling) and RR-1 (Rural Residential) to TR (Tourism and Recreation). This will allow the existing vineyard to expand and provide for retail and entertainment uses at the Pioneer Estates Winery for hosting visitors for indoor and outdoor wine tasting, wine sales, including larger events such as weddings and corporate rentals. The winery is permitted as an agricultural use under the Zoning By-Law, specifically the rural residential zone. They recently constructed a wine production facility which is a permitted use and the operation is serviced by an on site well and septic system, also permitted in this area. This operation is consistent with other activities in the Magnetic Hill area.

Mr. Budd noted three objections to this application relating to privacy and compatibility. In response to these concerns, the applicant is proposing more enhanced screening and landscape buffering with additional trees and shrubs. The application was reviewed by Planning Advisory Committee who is recommending to proceed with the rezoning subject to a number of conditions outlined in the recommendation.

Jim Scott, Trace Planning, outlined the measures being taken to address the concerns of the objectors. He noted the importance of fitting into the neighbourhood with primary access from Whitfield Trites onto the site. The exterior space is designed to accommodate 40 people with up to 100 for special events. It is a social outdoor space with allowances for parking. A vineyard style vine has been proposed as a barrier which would extend along the edge of the properties to the south. He also expressed a willingness to work with the neighbours, adding that they were welcome to the grapes. The intent is to retain and protect the trees and ensure proper drainage. In terms of the concerns relating to treeline at the top of the site, the plan is to extend the treeline to allow residents to see through but maintain the character of the property. He also noted complaints at the work being carried out on the site, noting that portable toilets and containers will be removed and relocated on the property.

The Deputy City Clerk noted three registered objectors who presented their concerns below:

Emelia Giboi, resident, listed a number of concerns as a result of the winery abutting her property, outlined below:

- Currently working with a soil specialist to determine changes to her soil and reported damage to her property but could not confirm the extent at this time.
- She did not believe the facility had a proper drainage plan.
- The distance between the winery and her property is less than 300 feet required by NB legislation.
- Did not believe the Clean Water, Clean Air, Clean Environment and Water Quality Acts were followed and felt an environmental assessment of the property should be conducted.
- Reported Noise By-Law infractions with tractors operating at 5 a.m. and the winery starting operation at 6 a.m. as well as on Sundays.
- Reported an overflow of garbage onto her property, trespassing onto private property, recurring incidents of liquid being disposed on the land which has a cumulative effect on the well water.
- Was advised by Urban Planning that the winery is not permitted to connect to the City's sewer system. She is also awaiting their response on the rationale for allowing this operation without a proper drainage plan.
- Questioned the impact of wedding parties on the neighbours, adding that the operation conflicts with the character of the neighbourhood.
- Questioned the impact on her property assessment and ability to sell her property.
- She has experienced damage for which she has personally incurred expenses.
- From a legal perspective, it falls under legislation regarding neighbourly disputes. She noted a quote from a judge regarding the importance of considering surrounding neighbours.
- She and her neighbours hope that this will be reconsidered to allow them to peacefully enjoy their properties.

- In conclusion she felt that production and activities should be held elsewhere.

Ann MacAuley submitted the following points:

- Suggested that an 8-foot fence be erected around garbage, out buildings and storage facilities as a vine fence was not sufficient to obscure these items.
- Noted a gap with boulders and survey markers placed along the line and did not wish to see the containers reinstated at that location.
- The septic system should be connected to the City's sanitary sewer system.
- The appearance of the property is concerning as well as the encroachment onto the boundary on her property.
- Other concerns are contained in her letter.
- Believed that extending the serviceable boundary was achievable.

Earl Garland submitted a number of comments outlined below, following confirmation by the the Deputy City Clerk that his letter was shared with City Council.

- His concern related to the septic system not being connected to the municipal sewer which runs through the entrance to the Pioneer Estate Winery having a 250 feet distance from the municipal sewer.
- The development would have to be resized to accommodate more than 50 people. Rather than resize, he suggested attaching it to the City's sewer system.
- A number of questions need to be addressed i.e. why a drainage plan was not presented when the building was constructed and why information on the production facility was not provided in the public notice.

Alex Garrault

- Echoed the concerns expressed by the objectors, in particular, with respect to the noise and traffic generated from weddings.

Bill Budd referenced the document prepared by Sarah Anderson, which addresses some of the concerns as follows:

- Safety of surrounding wells and sanitary line along Whitfield Trites Road – the building site is outside the City's urban boundary and development is not permitted to connect to the City's sewer system unless the site line is amended. In a rural designation, connection to the sanitary sewer is not permitted.
- The vineyard is a permitted use at this location under the current zone.
- The building recently received a building permit for a production facility for a vineyard which is a permitted use; Their septic field received provincial approval; The Manager of Planning spoke to the regulating body and an approval process would be required for a larger operation; a condition has been added to the recommendation in that regard.
- Drainage plan – The change of use to expand into a retail operation and entertainment use requires a parking lot with a detailed lot drainage plan. This will be reviewed to ensure no runoff on adjacent properties.
- Chemicals, flushing and sterilization – Spraying is carried out with a rejuvenated recombined applicator which is approved by the Department of Agriculture to avoid health issues.
- An Environmental Impact Assessment was not required – a review of the septic system was carried out by the appropriate provincial departments. Had there been concerns with the Clean Water act, it would have been detected through their process.
- On site septic system – the existing septic field was approved.

Jim Scott noted the comment regarding the mess on the site, adding that it was a construction zone and the work was not completed given the saturation. A drainage plan will be submitted as part of the development. He agreed to review any drainage onto adjacent sites.

Councillor Bourgeois commended the quality of Mr. Scott's presentation and suggested that presentations by City Administration should follow his example. He suggested that Information Systems assist administration in preparing 3D presentations. He inquired on the possibility of relocating the facility to the top of the hill at the eastern corner with Mr. Scott responding that this option was considered but due to the number of vehicles and amount of land required, it was not deemed feasible.

In terms of whether the developer would be willing to pay for the cost to connect to the City's system, Mr. Scott noted that the original design contemplated a possible future connection, however, a review would be required given gravity issues.

Councillor Butler suggested tabling the motion to determine if connection can be made to the City's sewer system to alleviate the stress for the neighbours and Pioneer Estates.

Mr. Budd noted that if Council wished to consider connecting their septic system to the City's, an amendment would be required to the application to adjust the urban boundary. A change of this nature would constitute a significant change to the proposal and would require a new by-law process, a return to the Planning Advisory Committee for a public presentation and hearing, adding another 3- 4 months.

Mr. Scott noted that prior to submitting the application a meeting was held with the residents with 50 attending and changes were made following that meeting. He added that a drainage plan is in place and workers start at 8 a.m. He noted that all provincial requirements for the placement of a septic system on the site have been followed. Ms. Duboi responded that not all of the neighbours had been invited, adding that the winery had already been established at that point.

The Mayor adjourned the public hearing.

Motion: That the motion regarding the Municipal Plan amendment Z-122.4 and Zoning By-Law amendment By-Law Z-222.13 be postponed to revisit the sewage boundary and that drainage plan be attached and that alternatives be provided to the proposed vine edging.

*Moved by Councillor Butler
Seconded by Councillor Steeves*

MOTION TO POSTPONE CARRIED.

7.3 Toure Subdivision (Cash in Lieu)

Bill Budd gave a PowerPoint presentation regarding an application to subdivide property, located at 1091 Ryan Street, to create a lot to accommodate an existing home and a second lot to sell for a proposed residential dwelling.

Motion: That Moncton City Council request cash in lieu of Land for Public Purposes in the amount of \$4,890.77 for the Toure Subdivision.

*Moved by Councillor Butler
Seconded by Councillor Steeves*

MOTION CARRIED.

8. STATEMENTS BY MEMBERS OF COUNCIL

None at this time.

9. REPORTS AND RECOMMENDATIONS FROM COMMITTEES AND PRIVATE MEETINGS

9.1 Recommendation(s) – Private Session – January 8, 2024

Motion: That Moncton City Council authorize the City of Moncton to acquire by transfer PID 70470208, located North of Shediac Road, from REZ DEVELOPMENTS LIMITED, as is where is, and that the Mayor and City Clerk be authorized to execute all documents necessary to complete the acquisition of lands and to affix the corporate seal of the City of Moncton thereto.

*Moved by Councillor Crossman
Seconded by Councillor Thériault*

MOTION CARRIED.

Motion: That Moncton City Council approve the Construction Contribution Agreement between the City of Moncton and New Brunswick Power Corporation, having an estimated contribution of capital in the amount of \$2,131,600 + applicable net taxes, and authorize the Mayor and City Clerk to execute and affix the Corporate Seal of the City of Moncton thereto; and,

further that any required easements or rights-of-way be prepared by the Legal Department, and that the Mayor and City Clerk be authorized to sign related instruments or contracts and to affix the Corporate Seal of the City of Moncton thereto.

*Moved by Councillor Thériault
Seconded by Councillor Crossman*

Councillor Leger noted considerable discussion on the underground wiring cannot be accommodated due to the transmission lines and suggested that be included in the background.

MOTION CARRIED. *Councillor Steeves was absent for the vote.*

9.2 Recommendation(s) – Committee of the Whole – January 22, 2024

Motion: That Moncton City Council enter into an agreement with Fundy Biosphere Initiative Inc. for a term commencing as at the date hereof, and concluding on May 31, 2026, for entry upon lands and premises identified as PIDs 639880, 5011689, 5011721, 640052, 5011796, 637223, 5011804 and 5011333, to operate the sugar woods and facilities pursuant to the Operational Plan presented; and that the Mayor and City Clerk be authorized to execute the proposed Licence Agreement and to affix the Corporate Seal thereto.

*Moved by Councillor Thériault
Seconded by Councillor Richard*

MOTION CARRIED.

10.

REPORTS FROM ADMINISTRATION

10.1 Purchase of New Urban Transit Buses

Motion: That Moncton City Council approve the purchase of:

- Five (5) new 40 ft. diesel Urban Transit Buses from NovaBus on behalf of the City of Dieppe, at a Total Purchase Price of \$3,600,000.00, plus H.S.T. @ 15%;
- One (1) new 40 ft. diesel Urban Transit Bus from NovaBus on behalf of the Town of Riverview, at a Total Purchase Price of \$720,000.00, plus H.S.T. @ 15%; and,
- Four (4) new 40 ft. diesel Urban Transit Buses from NovaBus for the City of Moncton, at a Total Purchase Price \$2,880,000.00, plus H.S.T. @ 15%.
in accordance with the Terms and Conditions specified in City of Moncton Request for Proposal #RFP19-057, awarded to NovaBus in March 2020.

*Moved by Councillor Butler
Seconded by Councillor Bourgeois*

Councillor Bourgeois noted that in the fourth bullet on page 2 of the CRF should reflect 0 emission buses which Ms. Allain agreed to correct.

In reply to Councillor Bourgeois regarding the time required to transition to emission friendly buses, Ms. Allain noted that a procurement is underway for two 0 emission buses which will arrive in 2026. She believed full transition is planned for 2035-2036. The current fleet is strained with all diesel buses in use and greater passenger demand. The challenge for 0 emission buses is providing the charging infrastructure required to operate them. A study was completed last year which models the age of the diesel buses with a plan for replacement. Significant funding will be required from the Provincial and Federal Government.

MOTION CARRIED.

- 10.2 Award Request for Proposal RFP23-002 – Media Advertising Rights (Codiac Transpo Bus Shelters and Buses)

Councillor Steeves returned to the meeting.

Motion: That Moncton City Council approve Administration’s recommendation to award Request for Proposal #RFP23-002 – Media Advertising Rights (Codiac Transpo Bus Shelters and Buses) to the highest-scoring Proponent, being Pattison Outdoor Advertising, for a thirty-six (36) month period, with options to renew the agreement for up to two (2) additional twelve (12) month periods, if it is in the City’s best interest to do so.

And further that the Mayor and City Clerk to be authorized to sign an agreement with Pattison Outdoor Advertising and affix the Corporate Seal of the City of Moncton thereto.

*Moved by Councillor Butler
Seconded by Councillor Steeves*

In reply to Councillor Leger as to why only one bid was received, Tanya Carter responded that the advertising market is very small. Ms. Allain added that it was the choice of Dieppe to be excluded as they wish to use French advertising only.

MOTION CARRIED.

- 10.3 Award of Quotation QP24-012 – Purchase of Six (6) Trackless MT7 Units with Accessories

Councillor Kingston left the meeting.

Motion: That Moncton City Council approve Administration’s recommendation to accept the negotiated price submitted by Saunders Equipment Ltd. for the purchase of Six (6) New Trackless MT7 Municipal Sidewalk Tractors with Standard Attachments, and Six (6) Colpron Sidewalk Spreaders, for the Total Negotiated Purchase Price of \$1,580,134.50, including H.S.T. @ 15%, and Tire Levies; and

That Moncton City Council authorize the release of funds from the General Capital Reserve Fund for the purchase of the above-mentioned equipment in the amount of \$1,432,920.90, which reflects the City’s total “net cost” for this purchase.

*Moved by Councillor Leger
Seconded by Councillor Richard*

Councillor Leger noted that this company was the sole supplier and asked if the price was competitive. Ms. Carter explained that where Saunders have exclusive rights for the Atlantic regions, the City is not privileged to information on prices in other territories across Canada.

Alexandre Binette advised that the City has standardized its equipment to trackless machines. He noted a mini loader is being used on a trial basis on rental.

In reply to Councillor Bourgeois, Mr. Houser agreed to provide information in future Council Report Forms as to whether an item is over or under budget and the amount of funding remaining in the budget.

MOTION CARRIED.

- 10.4 Award Request for Proposal RFP23-064 – Community Buildings GHG Reduction Energy Saving Pathway Feasibility Study

Motion: That Moncton City Council approve the award of Request for Proposal #RFP23-064 – Community Buildings, GHG Reduction and Energy Savings Pathway Feasibility Study to the highest scoring Proponent meeting all Terms and Conditions, and Specification, being Dillon Consulting Limited, in the amount of \$182,518.80 including H.S.T. @ 15%.

*Moved by Councillor Bourgeois
Seconded by Councillor Leger*

Councillor Bourgeois requested that the CAO and Leadership Team consider integrating AI as a requirement in the RFP for future studies.

MOTION CARRIED.

10.5 Award Request for Proposal RFP23-079 – Simultaneous Interpretation Services

Motion: That Moncton City Council approve Administration’s recommendation to award Request for Proposal #RFP23-079 for the provision of Simultaneous Interpretation Services to the highest-scoring Proponent meeting the Terms and Conditions and Specifications set out in the RFP, being Nathalie Wilson, for a one (1) year period, with options to extend the agreement for up to four (4) additional one (1) year periods (if it is in the City’s best interest to do so).

*Moved by Councillor Richard
Seconded by Councillor LeBlanc*

Councillor Richard inquired if there was a clause to address services that were unsuitable, with Ms. Carter responding that terms and conditions regarding the quality of the delivery of services are contained in standing offer contracts. A provider is advised in writing if they are required to take the necessary measures on a go forward basis. The City has the right to terminate the agreement for failure to address an issue or for repeated problems, however, every effort is made to provide the company an opportunity to rectify any issues.

MOTION CARRIED.

10.6 Motion on Transforming Provincial Segregated Housing Units in the City of Moncton

Motion: That Moncton City Council consider and vote on the following Motion, as brought forward by Councillor Bourgeois:

That Moncton City Council establish a committee with the Department of Social Development and NB Housing 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*

MOTION CARRIED.

10.7 Motion to eliminate the smell produced by Trans Aqua (Postponed from the January 15, 2024 Meeting)

Motion: That City Council insist that Trans Aqua 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*

Councillor Butler spoke to the smell in the north end. He reported that area residents have had to endure a noxious smell on a continuous basis which has significantly impacted the quality of life in this area. He added that he received an email from a contractor/developer supporting this motion. He noted that a recent town hall meeting, residents expressed concern at the smell. He stressed the need to place pressure on Trans Aqua to address this issue and asked for support to have three positions from the City on Trans Aqua to develop a plan to move the plant inside or away from the city.

Councillor Leger suggested inviting the City's three representatives to a formal meeting adding that the City cannot force them to take action as it does not have authority under the Clean Water Act. He suggested meeting with them to express the City's willingness to partner with them to develop a solution. He noted for the record, however, that they have taken some measures to mitigate the odors.

The Chief Administrative Officer advised that discussions have been held with the General Manager of Trans Aqua regarding their efforts to address the odor. He noted that they have made efforts and as a result of this notice of motion, their general manager has been advised to verify their responsibility with the New Brunswick Department of Environment and Local Government. The team will continue to work with Trans Aqua and from a regulatory perspective to determine their responsibility to ensure they continue to address the concerns expressed by Council. A list of their efforts are contained in the Council Report form.

Councillor Crossman suggested a date in the motion with Councillor Butler noting that new representatives are being appointed to Trans Aqua and he wished to provide them time to become familiar with the board and this issue. The purpose of his motion is to show that Council is united and will stand by those impacted by this smell, adding that emissions have increased to 75%.

In reply to Councillor Edgett regarding development requests that have been on hold due to the odor issue, Ms. Aucoin noted that it is Council's prerogative to approve the subdivision application which will return to Council in the near future.

In reply to Councillor Thériault, S. Doucet noted that the City was working with Trans Aqua on their odor mitigation plan and this motion will be presented to them if adopted.

Councillor Bourgeois voiced his support for the motion, adding that if Trans Aqua cannot address the smell, the alternative is to find another location.

The Mayor thanked Councillors Butler and Steeves for their initiative. She referenced the CRF regarding the study by Rayan and if the results were available, with Elaine Aucoin advising that she is awaiting a copy from the Province which she has not received.

The Mayor noted that the need for the City to be more aware, when developing the City, of the impact of industrial zones bordering residential zones and removing trees.

MOTION CARRIED.

10.8 Fees and Charges By-Law – Amendments – France Levesque-Ouellette

Motion: That Moncton City Council give first reading to A By Law in amendment of a By-Law Respecting Fees, Rates and Charges for Services Provided by the City of Moncton, being By-Law #1324.1.

*Moved by Councillor Butler
Seconded by Councillor Edgett*

Mr. Houser noted that an incorrect value was provided and this was being corrected as a housekeeping issue.

MOTION CARRIED.

10.9 Update on Short Term Rentals

City Council received a PowerPoint presentation from Josh Davies providing an overview short term rentals in Moncton along with data and pros and cons of such rentals. As of January 2024, 691 short term rental listings exist in the City of Moncton, with 587 unique listings. Of those 691

short term rental units, 538 are rented as an entire home and 153 are rented as private rooms within a dwelling.

Mr. Davies explained that, unlike other Maritime provinces, the Province of New Brunswick does not currently have provincial licensing legislation or framework for short term rentals. In the fall of 2023, the Department of Culture and Tourism announced it would explore potential short-term licensing and regulations. No decision has been made to date. Some municipalities are either in the process of or have adopted Short Term Rental Regulations in Atlantic Canada but do have licensing framework in place, i.e. Halifax Regional Municipality, NS and Charlottetown, PEI.

Motion: That Council direct administration to create a detailed plan and timeline for the creation of a municipal framework to license and regulate short-term rentals, including the necessary additional resources for consideration related to the \$50M funding available from the Federal Government.

Moved by Councillor Leger

Seconded by Councillor Thériault

Councillor Leger suggested that in future councillors be provided advanced notice of items that they raised being placed on the agenda. He moved the alternative outlined in the CRF as it provided an opportunity for the City to take advantage of the \$50M funding from the Federal Government.

Discussion ensued with the following suggestions noted:

- Councillor Thériault noted the need to determine which residences are owner-occupied as some of these properties could be purchased, adding that some of these properties could be purchased at a reasonable price. Mr. Davies responded that further discussions with the Province will be required.
- Councillor Thériault requested that the CAO ensure the Planning Department has the resources to administer this issue. Mr. Doucet, CAO noted that discussion will be held in terms of developing a plan as to what resources are required and the cost associated with the development of the plan.

In reply to Councillor Bourgeois, Mr. Davies noted that Charlottetown regulates through their zoning by-law and Provincial legislation on AirBNBs, which does not exist in New Brunswick. He indicated that Administration could follow up with them to determine their experience to date as well as other municipalities. He noted that in order to regulate, a licensing format would be required. Any provincial framework would have to address health and safety. As well, regulations would have to be in place to access federal funding.

In terms of the City's legal authority to license, Mr. Robichaud noted that the City has authority to regulate under the new Municipalities Act, however, the issue of resources would have to be addressed. In response to Councillor Crossman regarding the status of the original motion which was aimed at safety, Mr. Robichaud advised that a motion was developed following the fire in Montreal which related to health and safety with a simple inspection program. Discussions held internally revealed that inspections would encompass more than just checking smoke detectors. Periodic updates were provided to Council and in addition, discussions were held with the Province who were developing a short-term rental program. The original motion has evolved to take additional factors into consideration.

The Mayor suggested a task force with Saint John and Fredericton to work with the Province to provide consistency in addressing this issue.

Mr. Davies noted that administratively, a review could be undertaken other municipalities from a zoning perspective. He noted, however, that the licensing, safety, enforcement, resources and creating the housing supply must be considered. It would be a substantial undertaking by the City which is why he suggested engaging the Province to work collaboratively to put the proper groundwork in place.

Motion: That the motion on short-term rentals be postponed for one month to allow administration time to have discussions with the Province and determine what federal funds are available as well as the experience of other municipalities who have introduced this framework.

*Moved by Councillor Leger
Seconded by Councillor Thériault*

MOTION TO POSTPONE CARRIED.

**11.
READING OF BY-LAWS**

- 11.1 A By-Law in Amendment of By-Law Respecting Fees, Rates and Charges for Services Provided by the City of Moncton, being By-Law A-1324.1 – First Reading (subject to approval of item 10.8)

The Deputy City Clerk gave first reading to By-Law A-1324.1 being A By-Law in Amendment of By-Law Respecting Fees, Rates and Charges for Services.

- 11.2 A By-Law in Amendment of a By-Law relating to the Adoption of the City of Moncton Municipal Plan, being By-Law Z-122.05 – Changing Residential Uses from Conditional to Permitted – Second and Third reading (subject to approval of item 7.1) – Postponed from January 15, 2024 meeting

Motion: That the Clerk give second reading A By-Law in Amendment of a By-Law relating to the Adoption of the City of Moncton Municipal Plan, being By-Law Z-122.05

*Moved by Councillor Leger
Seconded by Councillor Butler*

MOTION CARRIED

The Deputy City Clerk gave second reading to By-Law Z-122.05.

Motion: That A By-Law in Amendment of a By-Law relating to the Adoption of the City of Moncton Municipal Plan, being By-Law Z-122.05 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 LeBlanc*

MOTION CARRIED.

The Deputy City Clerk gave third reading to By-Law Z-122.05.

- 11.3 A By-Law in Amendment of a By-Law relating to the Adoption of the City of Moncton Sunny Brae Neighborhood Plan – Secondary Municipal Plan, being By-Law Z-122B.01 – Second and Third reading (subject to approval of item 7.1) – Postponed from January 15, 2024 meeting

Motion: That the Deputy City Clerk give second reading to A By-Law in Amendment of a By-Law relating to the Adoption of the City of Moncton Sunny Brae Neighborhood Plan – Secondary Municipal Plan, being By-Law Z-122B.01.

*Moved by Councillor Edgett
Seconded by Councillor Butler*

MOTION CARRIED.

The Deputy City Clerk gave second reading to By-Law Z-122B.01

Motion: That A By-Law in Amendment of a By-Law relating to the Adoption of the City of Moncton Sunny Brae Neighborhood Plan – Secondary Municipal Plan, being By-Law Z-122B.01 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 Edgett*

MOTION CARRIED.

The Deputy City Clerk gave third reading to By-Law Z-122B.01

- 11.4 A By -Law in Amendment of the Zoning By-Law, being By-Law Z-222.24 – Changing Residential Uses from Conditional to Permitted – Second and Third reading (subject to approval of item 7.1) – Postponed from January 15, 2024 meeting

Motion: That second reading be given to A By -Law in Amendment of the Zoning By-Law, being By-Law Z-222.24.

*Moved by Councillor Butler
Seconded by Councillor LeBlanc*

MOTION CARRIED.

The Deputy City Clerk gave second reading to By-Law Z-222.24.

Motion: That A By -Law in Amendment of the Zoning By-Law, being By-Law Z-222.24 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 Deputy City Clerk gave third reading to By-Law Z-222.24.

- 11.5 A By-Law in Amendment of the City of Moncton Zoning By-Law, being By-Law Z-122.4 – Rezoning PID 01100726 off Whitfield Trites (Winery) – Second and Third (subject to approval of item 7.2)

Postponed

- 11.6 A By-Law in Amendment of the City of Moncton Zoning By-Law, being By-Law Z-222.13 – Rezoning PID 01100726 off Whitfield Trites (Winery) –Second and Third Reading (subject to approval of item 7.2)

Postponed

12.

NOTICES MOTIONS AND RESOLUTIONS

- 12.1 Deposit made to the General Operating Reserve from the 2024 General Operating Fund.

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 deposits made into the General Operating Reserve Fund be authorized by resolution; and

WHEREAS the City Treasurer recommends the deposit of \$1,359,858, being the budgeted 2024 deposit from the City's General Operating Fund, be made to the General Operating Reserve Fund.

THEREFORE BE IT RESOLVED that authorization be granted for a deposit in the amount of \$1,359,858 into the General Operating Reserve Fund.

*Moved by Councillor Edgett
Seconded by Councillor Butler*

MOTION CARRIED.

12.2 Deposit made to the General Capital Reserve from the 2024 General Operating Fund.

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 into the General Capital Reserve Fund be authorized by resolution; and

WHEREAS the City Treasurer recommends the deposit of \$13,448,532, being the 2024 budgeted deposit from the City's General Operating Fund, be made to the General Capital Reserve Fund.

THEREFORE BE IT RESOLVED that authorization be granted for a deposit in the amount of \$13,448,532, into the General Capital Reserve Fund.

*Moved by Councillor Leger
Seconded by Councillor LeBlanc*

MOTION CARRIED.

12.3 Deposit made to Utility Operating Reserve from the 2024 Utility Operating Fund.

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

WHEREAS the said Act requires that deposits made into the Utility Operating Reserve Fund be authorized by resolution; and

WHEREAS the City Treasurer recommends the deposit of \$45,000, being the budgeted 2024 deposit from the City's Utility Operating Fund, be made to the Utility Operating Reserve Fund.

THEREFORE BE IT RESOLVED that authorization be granted for a deposit in the amount of \$45,000 into the Utility Operating Reserve Fund.

*Moved by Councillor Edgett
Seconded by Councillor Richard*

MOTION CARRIED.

12.4 Deposit made to Utility Capital Reserve from the 2024 Utility Operating Fund.

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 into the Utility Capital Reserve Fund be authorized by resolution; and

WHEREAS the City Treasurer recommends the deposit of \$1,220,000, being the budgeted 2024 deposit from the City's Utility Operating Fund, be made to the Utility Capital Reserve Fund.

THEREFORE BE IT RESOLVED that authorization be granted for a deposit in the amount of \$1,220,000, into the Utility Capital Reserve Fund.

Moved by Councillor Richard

Seconded by Councillor Steeves

MOTION CARRIED.

13.

APPOINTMENTS TO COMMITTEES

Motion: That appointments be made to the following committees:

- Events Moncton Board – Michelle Duffy
- TransAqua Board – Bruce Tait

Moved by Councillor Butler

Seconded by Councillor Edgett

MOTION CARRIED.

14.

ADJOURNMENT

Motion: That the Public Meeting of this date adjourn.

Moved by Councillor Richard

MOTION CARRIED.

.....
Mayor Arnold, in the Chair

.....
Karyann Ostroski, Deputy City Clerk

8 :28.