



ROTHESAY COUNCIL

OPEN SESSION
Monday, July 11, 2011
MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP
DEPUTY MAYOR BLAIR MacDONALD
COUNCILLOR SCOTT COCHRANE
COUNCILLOR PAT GALLAGHER JETTE
COUNCILLOR TERRY KILFOIL
COUNCILLOR NORMA MULLETT
COUNCILLOR DON SHEA
COUNCILLOR TOM YOUNG

TOWN MANAGER JOHN JARVIE
TOWN CLERK MARY JANE BANKS

ABSENT: DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER

Mayor Bishop called the meeting to order at 8:00 p.m.

1. APPROVAL OF MINUTES Regular Meeting 21 June 2011

MOVED by Counc. Shea and seconded by Counc. Mullett the minutes of 21 June 2011 be approved as circulated.

CARRIED.

2. APPROVAL OF AGENDA

MOVED by Deputy Mayor MacDonald and seconded by Counc. Shea the agenda be approved as circulated.

CARRIED.

3. OPENING REMARKS OF COUNCIL

Mayor Bishop noted the Canada Day celebrations on the Rothesay Common were well-attended this year. He also noted the joint Quispamsis and Rothesay Deer Committee will hold a public information session in the fall to speak with residents. Mayor Bishop advised he attended the official announcement for the \$5 million funding for the Kennebecasis Park Elementary School.

4. DELEGATIONS

4.1 Enterprise Saint John

Tony Gogan, Chair

Dr. David Elias

Stephen Carson, CEO

Christine Comeau

Mr. Tony Gogan, Chair and Stephen Carson, CEO of Enterprise Saint John (ESJ) gave a brief presentation to Council. Mr. Gogan outlined the mandate, services and guiding principles of Enterprise Saint John and commented on the 2011 Work Plan for the agency. He advised ESJ is focusing on making the best use of its resources and focusing on people, ideas and investment. Mr. Gogan outlined the strategic review process and current trends in the labour force and property tax growth rate. He commented on the Economic Development Task Force and its report to Common Council in June. Mr. Carson noted the value proposition for Saint John is different with its focus on the waterfront, heritage and arts and culture. He advised the organization will be focusing on targeted investment initiatives in ICT, knowledge cluster, tourism, energy and advanced manufacturing and working on obtaining private sector investment. Mr. Carson advised Stantec has been retained to work with the agency in identifying the competitive value proposition to attract large scale competitors to Saint John. He also noted that immigrants tend to move on from the area. Mr. Carson advised ESJ had a new communications strategy which included monthly bulletins to keep partners informed. He concluded by saying that by adding together all the strengths of the communities in the region it is a stronger product.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-2-

11 July 2011

Deputy Mayor MacDonald asked what impact the Economic Development Officer to be hired by the City of Saint John would have on Rothesay. Mr. Gogan advised the City no longer has any Deputy City Managers and this individual will act as a liaison between the City and ESJ and developers. Counc. Shea commented the monthly news bulletin was very informative and requested more networking opportunities be held in the region. Mr. Gogan advised ESJ has been focusing its efforts on its partnership and funding with the City and now the matter has been resolved, community prioritization will move ahead on the agenda. There was a brief discussion about the lack of skilled workers and illiteracy rates. Mr. Carson advised a meeting had been held with the Assistant Deputy Minister of Education and the Board to discuss this issue and identify changes needed in the education system.

Mayor Bishop thanked the Enterprise Saint John representatives for their presentation.

5. CORRESPONDENCE FOR ACTION

5.1 2 July 2011 Letter from D. Rushton, 95 Hampton Road RE: Drainage 48 Clark Road.

MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the letter from D. Rushton, 95 Hampton Road RE: Drainage 48 Clark Road dated 2 July 2011 be referred to the Town Manager for a response.

ON THE QUESTION:

There was discussion with respect to water management and net zero discharge. Town Manager Jarvie advised all developments must meet existing By-law requirements, with or without a development agreement. He advised he would meet with the Director of Development Services prior to sending a response.

CARRIED.

5.2 20 June 2011 Letter from Kennebecasis Valley Fire Department RE: Five Year Plan.

MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the letter from Kennebecasis Valley Fire Department RE: Five Year Plan dated 20 June 2011 be referred to the Town Manager for a response.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

N/A

7. REPORTS

7.0 July 2011 Report from Closed Session

➤ Garbage Collection Tender

MOVED by Counc. Cochrane and seconded by Counc. Young Council award Contract # 2011-001RD, Solid Waste Collection and Transportation Services, for garbage and compost collection to FERODOMINION at a cost of \$1,575,000 for a 42 month period beginning July 20, 2011.

CARRIED.

➤ By-law 1-11, A By-law to Manager Town Owned Lands

MOVED by Counc. Gallagher Jette and seconded by Counc. Kilfoil Council schedule a public meeting with Kennebecasis Park and Hastings Cove residents to discuss the draft By-law.

CARRIED.

ROTHESAY COUNCIL

Open Session

Meeting Minutes

-3-

11 July 2011

7.1 25 May 2011 Rothesay Regional Joint Board of Police Commissioners Board Meeting Minutes

31 May 2011 Rothesay Regional Joint Board of Police Commissioners Financial Statements

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the Rothesay Regional Joint Board of Police Commissioners Board Meeting Minutes dated 25 May 2011 and the Rothesay Regional Joint Board of Police Commissioners Financial Statements dated 31 May 2011 be received/filed.

CARRIED.

7.2 31 May 2011 Draft unaudited Utility Financial Statements

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the draft unaudited Utility Financial Statements dated 31 May 2011 be received/filed.

CARRIED.

31 May 2011 Draft unaudited General Fund Financial Statements

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the draft unaudited General Fund Financial Statements dated 31 May 2011 be received/filed.

CARRIED.

7.3 June 2011 Monthly Building Permit Report

MOVED by Counc. Shea and seconded by Counc. Gallagher Jette the June Monthly Building Permit Report be received/filed.

CARRIED.

7.4 4 July 2011 Draft Planning Advisory Committee Meeting Minutes

MOVED by Counc. Young and seconded by Counc. Cochrane the draft Planning Advisory Committee Meeting Minutes dated 4 July 2011 be received/filed.

CARRIED.

➤ 48 Clark Road

See item 8.2

➤ 147 Hampton Road

See Item 8.3

➤ 45 Marr Road

See Item 8.4

➤ 8 Marr Road and 92 Hampton Road

Public Hearings scheduled for July 25, 2011

➤ French Village Road

Public Hearing scheduled for July 25, 2011

➤ Public Hearings – 14 and 20 Rosedale Avenue

MOVED by Counc. Young and seconded by Counc. Mullett Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for By-law 2-10-11, for Monday, August 8, 2011 commencing at 7:30 p.m., to give consideration to an amendment to the Zoning By-law, to rezone the property situate 14 Rosedale Avenue, identified as PID# 30269062, from Single Family Residential - Standard (R1b) to Two Family Residential (R2) to allow for construction of semidetached dwellings.

CARRIED.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-4-

11 July 2011

MOVED by Counc. Young and seconded by Counc. Kilfoil Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for By-law 2-10-12, for **Monday, August 8, 2011 commencing at 7:30 p.m.**, to give consideration to an amendment to the Zoning By-law, to rezone the property situate 20 Rosedale Avenue, identified as PID# 30269088, from Single Family Residential - Standard (R1b) to Two Family Residential (R2) to allow for construction of semidetached dwellings.

CARRIED.

7.5 5 July 2011 Nominating Committee Report

MOVED by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette Chris Northrup be appointed to the Rothesay Water & Sewerage Committee until December 31, 2012 to complete the term left vacant by the resignation of Mark Butler.

CARRIED.

MOVED by Deputy Mayor MacDonald and seconded by Counc. Mullett Jim Baird be appointed to the Rothesay Planning Advisory Committee until December 31, 2012 to complete the term left vacant by the resignation of Brad Mitchell.

CARRIED.

8. OLD BUSINESS

8.1 By-law 5-03-1 "Streets and Sidewalks By-law" Amendment

6 July 2011 Memorandum from Town Clerk Banks
DRAFT By-law 5-03-1

MOVED by Counc. Cochrane and seconded by Counc. Young Reading in its Entirety be given By-law 5-03-1, "A By-law to amend By-law 5-03, "A By-law of the Municipality of Rothesay Respecting Streets and Sidewalks".

CARRIED.

The Clerk read By-law 5-03-1 in its entirety.

MOVED by Counc. Cochrane and seconded by Counc. Young 3rd Reading by Title and Enactment be given By-law 5-03-1, "A By-law to amend By-law 5-03, "A By-law of the Municipality of Rothesay Respecting Streets and Sidewalks".

CARRIED.

The Clerk read By-law 5-03-1 by title.

8.2 48 Clark Road Rezoning (By-law 2-10-03)

➤ 8 June 2011 Memorandum from Town Clerk Banks
DRAFT By-law 2-10-03

MOVED by Counc. Young and seconded by Counc. Shea Council give Reading in its Entirety, to By-law 2-10-03, "A By-law to Amend the Zoning By-law", as amended.

ON THE QUESTION:

Counc. Shea questioned how stormwater management can be enforced without a development agreement. He also requested confirmation the building will be accessible. Town Manager Jarvie advised the development can be approved with conditions. Mayor Bishop noted the applicant advised at the Public Hearing the building will be accessible. Counc. Cochrane advised the Planning Advisory Committee was satisfied the applicant will not allow parking in the front of the building and therefore did not see the need for a development agreement. Town Manager Jarvie advised the applicants are obliged to meet all By-law requirements.

CARRIED.

The Clerk read By-law 2-10-03 in its entirety.

ROTHESAY COUNCIL

Open Session

Meeting Minutes

-5-

11 July 2011

MOVED by Counc. Young and seconded by Counc. Shea Council give 3rd Reading by Title, and Enactment to By-law 2-10-03, "A By-law to Amend the Zoning By-law", as amended.

CARRIED.

The Clerk read By-law 2-10-03 by title.

8.3 **147 Hampton Road Rezoning (By-law 2-10-04)**

- 8 June 2011 Memorandum from Town Clerk Banks
DRAFT By-law 2-10-04

MOVED by Counc. Young Council give Reading in its Entirety, to By-law 2-10-04, "A By-law to Amend the Zoning By-law", as amended.

MOVED by Counc. Cochrane and seconded by Counc. Shea By-law 2-10-04, "A By-law to Amend the Zoning By-law", as amended be tabled pending further discussion between the Town Manager and the property owner, Mr. David Stephen.

CARRIED.

8.4 **45 Marr Road Rezoning (By-laws 2-10-05 and 2-10-06/ development agreement)**

- 8 June 2011 Memorandum from Town Clerk Banks
DRAFT By-law 2-10-05
DRAFT By-law 2-10-06
DRAFT Development Agreement

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil Council give Reading in its Entirety, to By-law 2-10-05, "A By-law to Amend the Zoning By-law".

ON THE QUESTION:

Counc. Cochrane noted he had received a number of emails from residents but did not read them or respond because Council has adopted a policy that states no new information will be received following the close of the public hearing. Counc. Shea advised he was against the proposal because of concerns about the elevation of the property, the stormwater management and potential issues, along with having two zones on one property. Counc. Mullett advised she had concerns about the stormwater management as well. She also commented on the location of the access to Marr Road being located on the blind knoll that could lead to traffic issues. Counc. Kilfoil expressed concern about stormwater management but advised he was in favour of the development and the concerns could be addressed in the development agreement. Deputy Mayor MacDonald expressed concern about stormwater management and noted the comments of the Director of Development Services last month that the developer will be required to provide an engineered design satisfactory to the Town to ensure there is a net zero discharge. He noted this would be addressed in the development agreement and staff would enforce it. Town Manager Jarvie advised the development agreement is an enforceable contract and there is liability for the developer if the requirements are not met. He further noted detailed engineering drawings are provided for review and approval by the Town. Counc. Gallagher Jette suggested the availability of the right to sue is of little comfort if there are water issues that result from the development. Counc. Young advised he would be voting against the By-law.

YEA votes recorded from Deputy Mayor MacDonald, Councs. Cochrane and Kilfoil.

NAY votes recorded from Councs. Gallagher Jette, Mullett, Shea and Young.

DEFEATED.

MOVED by Counc. Cochrane and seconded by Counc. Shea Council give Reading in its Entirety, to By-law 2-10-06, "A By-law to Amend the Zoning By-law".

YEA votes recorded from Deputy Mayor MacDonald, Councs. Cochrane and Kilfoil.

NAY votes recorded from Councs. Gallagher Jette, Mullett, Shea and Young.

DEFEATED.

ROTHESAY COUNCIL

Open Session

Meeting Minutes

-6-

11 July 2011

9. NEW BUSINESS

9.1 Environmental Trust Fund Awards

14 June 2011 Memorandum from Treasurer Johnson with attachments

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald Resolved: that Council accept the agreements for Environmental Trust Fund Awards for Rothesay for 2011 and authorize the Clerk to sign the agreements for Project No. 110073 Rothesay Environmental Risk Assessment and Project No. 110089 Rothesay Curbside Recycling.

CARRIED.

9.2 Tender Award - Project No. 102839.00 – Rothesay Water Main Cleaning/Lining

30 June 2011 Letter from J. Flewelling, P.Eng. CBCL

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald Council Alltech Solutions Inc. Project No. 102839.00 for the construction of the Rothesay Water Main Cleaning & Lining project for a tender price of \$251,882.65.

CARRIED.

9.3 Asphalt Contract 2011 Various Streets and Chipseal Contract 2011 Various Streets

6 July 2011 Memorandum from Treasurer Johnson

6 July 2011 (2) Letters from A. MacKenzie, P.Eng., exp Services Inc.

5 July 2011 Tender Closing summary sheets

MOVED by Counc. Cochrane and seconded by Counc. Shea Resolved that Council award the Asphalt Contract 2011 Various Streets to NRB Construction for the tender price of \$738,799.09, inclusive of HST.

CARRIED.

MOVED by Counc. Cochrane and seconded by Counc. Young Resolved that Council award the Chipseal Contract 2011 Various Streets to Northern Group, Maritime Road Recycling for the tender price of \$167,906.70, inclusive of HST.

ON THE QUESTION:

Counc. Mullett requested clarification on the sidewalk project for Chapel Hill Boulevard. Town Manager Jarvie advised the tender should be out shortly and may include a sidewalk from Marr Road to Chapel Hill Boulevard. He further noted the asphalt and chipseal tenders were under budget so there may be additional projects that can be added. Town Manager Jarvie advised Council could review this at the meeting on July 25, 2011

CARRIED.

10. NEXT MEETING

There are Public Hearings scheduled for Monday, July 25, 2011 at 7:30 p.m. to be followed by a Special Meeting. The next regular meeting of Council will be Monday, August 8, 2011, following Public Hearings.

11. ADJOURNMENT

MOVED by Counc. Young and seconded by Counc. Kilfoil the meeting be adjourned.

CARRIED.

The meeting adjourned at 9:15 p.m.

MAYOR

CLERK