



ROTHESAY COUNCIL

OPEN SESSION
Monday, May 11, 2009
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
DIRECTOR OF OPERATIONS (DO) SCOTT HATCHER
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER

PUBLIC HEARING

Municipal Plan Amendment – Rothesay Estates
PID #s 00243683 (portion), 30239784, 30239776, 30239792

Documentation

16 April 2009

5 May 2009

24 April 2009

6 May 2009

DRAFT

Appearances:

1st Section 68 advertisement

2nd Section 68 Advertisement

Staff Report with attachments

Recommendation from Planning Advisory Committee

By-law 1-02-9

**G. Drescher, Development Officer, Director of
Development Services**

B. Darling, North Star Holdings

Objections:

The Eldridge Family, Isaac Street

PUBLIC HEARING

Zoning By-law Amendment – Rothesay Estates
PID #s 00243683 (portion), 30239784, 30239776, 30239792

Documentation

DRAFT

Appearances:

As above

By-law 2-02-35

**G. Drescher, Development Officer, Director of
Development Services**

B. Darling, North Star Holdings

Objections:

The Eldridge Family, Isaac Street

Mayor Bishop called the Public Hearings to order at 8:05 p.m., following an attempt to resolve technical difficulties with the A/V equipment. He advised if there were no objections, the Public Hearings related to Rothesay Estates, Isaac/Kaitlyn Street would be heard concurrently. He gave instructions to those in attendance.

DDS Drescher gave a brief presentation, noting the legislative process to be followed for the application. The purpose of the amendments is to re-designate and re-zone the subject properties situate generally on Kaitlyn Street, identified as PID#s 00243683 (portion), 30239784, 30239776, 30239792, located in Rothesay Estates subdivision, for a proposed town house style development, conditional upon the execution of a Development Agreement in accordance with Sections 39 and 101 of the Community Planning Act.

Mr. Bob Darling gave a presentation to Council. He noted the proposal is for 5 four-unit

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buildings and 1 two-unit building and distributed a picture of a recent similar development on the west side of Saint John . He noted the units are attached, with a garage, and walkout to the back property edge along the railroad tracks. It was noted this is not the same property that was submitted for the arena proposal.

Mayor Bishop called three times for those wishing to speak in opposition to the proposal. The following people spoke: Dave Eldridge, 17 Isaac Street; Roy Hobson, on behalf of son-in-law Jamie Higgs, 19 Isaac Street; Adam Raeburn, 15 Isaac Street; Elsa Russell, 25 Isaac Street; Kelsey McCormick, 16 Isaac Street. The following comments were made: a premium paid for the property, purchased on advice future development would be single family homes, issue with previous arena proposal and now higher density residential, traffic and safety concerns, rejection of previous application key determinant in purchase of lot, impact on quiet nature of the neighbourhood, currently a dead-end street with little traffic, purchase based on subdivision containing 58 single family homes only and possible future proposals that might be considered.

Mr. Darling advised the street configuration will not change, and instead of nine homes there will be 22 semi-detached, single family homes with garages. He noted the units will be similar in size to the houses already in the subdivision and indicated a premium was paid for lots in the area if the purchaser had another builder construct the home. Mr. Darling indicated the arena proposal had been brought forward based on a need in the community and it would not be pursued. Upon questioning, he advised a year ago he would have said the properties would be developed as single family homes but now this type of home is in demand by seniors wishing to downsize and remain in the community. The value of the homes will be just under \$200,000 with a full basement and walkout to the back of the property. There will be walking trails incorporated as well. Mr. Darling was asked if the street could be connected through to Dobson Lane and he advised he did not know who owned the property on Dobson Lane.

Mayor Bishop called three times for those wishing to speak in favour of the proposal.

MOVED by Counc. Young and seconded by Counc. Kilfoil the Public Hearings be adjourned.

CARRIED.

The Public Hearing adjourned at 8:40 p.m.

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PUBLIC HEARING

Zoning By-law Text Amendment

Documentation

16 April 2009

5 May 2009

29 April 2009

6 May 2009

DRAFT

Appearances:

1st Section 68 advertisement

2nd Section 68 Advertisement

Staff Report with attachments

Recommendation from Planning Advisory Committee

By-law 2-02-34

**G. Drescher, Development Officer, Director of
Development Services**

Mayor Bishop called the Public Hearing to order at 8:40 p.m. and gave instructions to those in attendance.

DDS Drescher gave a brief presentation, noting the legislative process to be followed for the application. The proposal is to amend the text of Zoning By-law 2-02 to change the definition of "Club Facility" from "premises owned or occupied by members of a club within which the activities of a club are conducted" to "Club Facility/House" which means "premises owned or occupied by members of a club within which the activities of a club are conducted and may be licensed under the Liquor Control Act, R.S.N.B. (1973) Chapter L-10, and amendments thereto." DDS Drescher noted this would apply to such facilities as the Fairvale Outing Association, Bill McGuire Centre, Riverside Golf and Country Club and Rothesay Yacht Club.

Mayor Bishop called three times for those wishing to speak in opposition to the proposal.

Mayor Bishop called three times for those wishing to speak in favour of the proposal.

MOVED by Counc. Young and seconded by Counc. Kilfoil the Public Hearing be adjourned.

CARRIED.

The Public Hearing adjourned at 8:45 p.m.

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1. **APPROVAL OF MINUTES** Regular Meeting – 14 April 2009
MOVED by Counc. Gallagher Jette and seconded by Counc. Shea the minutes of 14 April 2009 be approved as circulated.

ON THE QUESTION:

Counc. Mullett noted she was not in attendance at the last Council meeting and missed the discussion on LEED standards which she sees as a proactive approach to becoming a sustainable community. Mayor Bishop called a point of order, noting the motion was to approve the minutes.

CARRIED.

1.1 Business Arising from Minutes

N/A

2. **APPROVAL OF AGENDA**
MOVED by Counc. Shea and seconded by Counc. Cochrane the agenda be approved as circulated with the following changes:

- *Bring Forward Items 9.1 and 9.2 to follow Item 5.4*
- *Addition of Item 9.4 Female washroom at Works Garage tender*

CARRIED.

3. **OPENING REMARKS OF COUNCIL**

- Mayor Bishop advised he and Counc. Shea participated in McHappy Day on May 6 at McDonalds in support of Ronald McDonald charities.
- Mayor Bishop thanked the Clerk for her work in escorting photographer Judy Parrott around Rothesay for a week in conjunction with the Cultural Connect Scotland project. The exhibit will be on display in the Scottish Parliament in November.
- Mayor Bishop noted the annual Spring Clean up in Rothesay is well underway and the Mayor thanked DO Hatcher for his work in making the arrangements.
- Mayor Bishop advised Rothesay had strong representation at the “Imagine the Possibilities” event April 24-25, noting the region is on the move and continuing to improve.
- Mayor Bishop noted the recent fires on Dunedin Road are being fully investigated by the Kennebecasis Valley Fire Department in consultation with the provincial Fire inspector, provincial electrical inspector and NBPower.
- Counc. Cochrane noted the KV Chamber of Commerce will be sponsoring the KV 1 Item Food Drive on May 23rd. Those interested in volunteering can contact Tobbi Lynn Debly at the KVCC office.

4. **DELEGATIONS**

4.1 N/A

5. **CORRESPONDENCE - FOR ACTION**

- 5.1 22 April 2009 Letter from KVFD RE: Dispatching of medical first responder services with attachment.

MOVED by Counc. Young and seconded by Counc. Shea Council forward a letter of support for the pilot project for the purpose of exploring technological solutions to automate transfer of dispatch information between MCMC and participating fire departments.

ON THE QUESTION:

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It was clarified 9-1-1 calls go to Saint John and are then transferred to Moncton for dispatch. The Kennebecasis Valley Fire Department (KVFD) was made aware of dispatch calls prior to the service being taken over by Ambulance NB but are no longer notified. The goal is to provide the most efficient service to residents. Counc. Gallagher Jette asked if there was an expectation of additional costs if support in principle is given to the pilot project. Counc. Cochrane noted the number of medical calls for KVFD have been reduced by half and the project is to determine if a beneficial result can be obtained for Valley residents. Deputy Mayor MacDonald asked if there were incidents where current services had been jeopardized. Town Manager Jarvie noted the problem is not unique to the area and further commented the ambulance used to be stationed at the Campbell Drive Fire Station so the department was aware of calls. Counc. Cochrane added that the current rotation system of ambulances from other areas in the province can lead to delays in response times and if the Fire Department is aware they can possibly respond more quickly.

CARRIED.

- 5.2 29 April 2009 Letter from NBPA RE: presentation to Council.
MOVED by Counc. Young and seconded by Counc. Gallagher Jette the New Brunswick Police Association be invited to give a presentation to Council in Open Session.

CARRIED.

- 5.3 2 May 2009 Letter from F. Melanson RE: vehicle damage.
MOVED by Counc. Gallagher Jette and seconded by Counc. Mullett the letter from F. Melanson RE: vehicle damage be referred to the Public Works and Infrastructure Committee.

ON THE QUESTION:

Mayor Bishop acknowledged Mr. Melanson's presence in the gallery. He was advised he would be notified of the date of the meeting and he could appear before the Committee.

CARRIED.

- 5.4 5 May 2009 Memorandum from Town Manager Jarvie RE: Letter of support for Enbridge Gas w/attached letter from Sackville Chamber of Commerce.
MOVED by Deputy Mayor MacDonald and seconded by Counc. Mullett Council support the request in principle from Enbridge Gas, while recognising that there are a multitude of details to be worked out before any such system could be operational.

ON THE QUESTION:

Counc. Kilfoil advised he supported the request but not if the streets were left in the same state as they had been in the City of Saint John. Counc. Young questioned gas and oil companies getting government grant money. Counc. Shea asked if the Green Infrastructure Fund would be money the Town would be applying for and whether this was a competing interest. There was general discussion related to utilities having the right to dig up municipal streets and the municipality does not have much power to ensure proper restitution. Town Manager Jarvie advised the matter had not been fully researched as the request for support is in the early stage of the process.

NAY votes recorded from Councils. Shea and Young.

CARRIED.

Items 9.1 and 9.2 were brought forward.

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9. NEW BUSINESS

BUSINESS ARISING FROM PUBLIC HEARINGS(see public hrg documentation)

9.1 Rothesay Estates Subdivision (Isaac Street/Kaitlyn Street)

- By-law 1-02-9, "A By-law to Amend the Municipal Plan By-law"

MOVED by Counc. Kilfoil and seconded by Counc. Mullett Council give 1st Reading, by Title, to By-law 1-02-9, "A By-law to Amend the Municipal Plan".

CARRIED.

The Clerk read By-law 1-02-9 by title.

MOVED by Counc. Kilfoil and seconded by Counc. Mullett Council give 2nd Reading, by Title, to By-law 1-02-9, "A By-law to Amend the Municipal Plan".

CARRIED.

The Clerk read By-law 1-02-9 by title.

- By-law 2-02-35, "A By-law to Amend the Zoning By-law"

MOVED by Counc. Kilfoil and seconded by Counc. Cochrane Council give 1st Reading, by Title, to By-law 2-02-35, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-35 by title.

MOVED by Counc. Kilfoil and seconded by Counc. Mullett Council give 2nd Reading, by Title, to By-law 2-02-35, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-35 by title.

9.2 Zoning By-law Text Amendment (Club house/facility)

- By-law 2-02-34, "A By-law to Amend the Zoning By-Law"

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil Council give 1st Reading, by Title, to By-law 2-02-34, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-34 by title.

MOVED by Counc. Cochrane and seconded by Counc. Shea Council give 2nd Reading, by Title, to By-law 2-02-34, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-34 by title.

6. CORRESPONDENCE - FOR INFORMATION

6.1 17 April 2009 Letter to Premier Graham RE: Canadian Blood Services Task Force.

MOVED by Counc. Gallagher Jette and seconded by Counc. Shea the letter to Premier Graham RE: Canadian Blood Services Task Force be received/filed.

CARRIED.

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- 6.2 22 April 2009 Letter from Environment Minister Roland Haché RE: 2009 Environmental Leadership Awards.
MOVED by Counc. Young and seconded by Counc. Gallagher Jette the letter from Environment Minister Roland Haché RE: 2009 Environmental Leadership Awards be received/filed.

CARRIED.

- 6.3 23 April 2009 Letter from Department of Transportation RE: Notice of Intent to Survey Route 1 – Route 100 to Route 111.
MOVED by Counc. Young and seconded by Counc. Gallagher Jette the letter from Department of Transportation RE: Notice of Intent to Survey Route 1 – Route 100 to Route 111 be received/filed.

CARRIED.

- 6.3.1 27 April 2009 Letter to Kennebecasis Valley Chamber of Commerce RE: improvements to Interchange at Fire Hall.
MOVED by Counc. Young and seconded by Counc. Shea the letter to Kennebecasis Valley Chamber of Commerce RE: improvements to Interchange at Fire Hall be received/filed.

CARRIED.

- 6.3.2 29 April 2009 Letter to Transportation Minister Landry RE: Route 1 at 111 Interchange Improvements.
MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the letter to Transportation Minister Landry RE: Route 1 at 111 Interchange Improvements be received/filed.

CARRIED.

- 6.4 1 May 2009 Memorandum from Town Clerk RE: Council Travel Expense (meals).
MOVED by Counc. Young and seconded by Counc. Cochrane the memorandum from Town Clerk RE: Council Travel Expense (meals) be received/filed.

CARRIED.

- 6.5 1 May 2009 Email from J. Roundell, PA to Rodney Weston, MP RE: RInC funding.
MOVED by Counc. Cochrane and seconded by Counc. Shea the email from J. Roundell, PA to Rodney Weston, MP RE: RInC funding be received/filed.

CARRIED.

- 6.6 3 May 2009 Email from D. MacGowan RE: proposed development Higginson Ave/ Appleby Drive area.
MOVED by Deputy Mayor MacDonald and seconded by Counc. Shea the email from D. MacGowan RE: proposed development Higginson Ave/ Appleby Drive area be received/filed.

CARRIED.

7. REPORTS

7.0 May 2009
N/A

Report from Closed Session

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- 7.1 2008 Kennebecasis Valley Fire Department Audited Financial Statements

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the 2008 Kennebecasis Valley Fire Department Audited Statements be received/filed.

ON THE QUESTION:

Deputy Mayor MacDonald noted there is no reference to the pension plan contained in the financial statements. It was noted the Fire Department belongs to the Municipal Employees Pension Plan. It was noted the Finance Committee will be reviewing the pension plan this year. Counc. Cochrane indicated the Fire Board is aware of the potential yearly cost for the retirement pay allowance that forms part of the collective agreement. The requirement is age 55 and 10 years service. Counc. Cochrane further advised the arbitration board for the new collective agreement has been appointed and the arbitration is scheduled for September/October.

CARRIED.

- 11 February 2009 Kennebecasis Valley Fire Department Inc. Board Meeting Minutes

March 2009 Kennebecasis Valley Fire Department Monthly Response Report
MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the 11 February 2009 Kennebecasis Valley Fire Department Inc. Board Meeting Minutes and March 2009 Kennebecasis Valley Fire Department Monthly Response Report be received/filed.

CARRIED.

- 7.2 11 March 2009 Kennebecasis Public Library Board Meeting Minutes
MOVED by Counc. Mullett and seconded by Counc. Kilfoil the 11 March 2009 Kennebecasis Public Library Board Meeting Minutes be received/filed.

CARRIED.

- 7.3 25 March 2009 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes
31 March 2009 Rothesay Regional Joint Board of Police Commissioners Financial Statements

MOVED by Counc. Shea and seconded by Counc. Kilfoil the 25 March 2009 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes and 31 March 2009 Rothesay Regional Joint Board of Police Commissioners Financial Statements be received/filed.

ON THE QUESTION:

Counc. Shea advised the limit on the terms of board appointments is being investigated.

CARRIED.

- 7.4 31 March 2009 Unaudited Utility Fund Financial Statements
MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the 31 March 2009 unaudited Utility Fund Financial Statements be received/filed.

CARRIED.

- 31 March 2009 Unaudited General Fund Financial Statements
MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the 31 March 2009 unaudited General Fund Financial Statements be received/filed.

CARRIED.

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- 14 April 2009 Draft Finance Committee Meeting Minutes
MOVED by Counc. Cochrane and seconded by Counc. Shea the 14 April 2009 draft Finance Committee Meeting Minutes be received/filed.
CARRIED.
- 7.5 15 April 2009 Draft Heritage Preservation Review Board Meeting Minutes
MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the 15 April 2009 draft Heritage Preservation Review Board Meeting Minutes be received/filed.
CARRIED.
- 7.6 22 April 2009 Draft Public Works and Infrastructure Committee Meeting Minutes
MOVED by Counc. Mullett and seconded by Counc. Shea the 22 April 2009 draft Public Works and Infrastructure Committee Meeting Minutes be received/filed.
CARRIED.
- 7.7 April 2009 Monthly Building Permit Report
MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the April 2009 Monthly Building Permit Report be received/filed.
CARRIED.
- 7.8 4 May 2009 Draft Planning Advisory Committee Meeting Minutes
MOVED by Counc. Young and seconded by Counc. Cochrane the 4 May 2009 draft Planning Advisory Committee Meeting Minutes be received/filed.
CARRIED.
- Rothesay Estates Subdivision Municipal Plan and Zoning By-law amendment
Dealt with above.
 - Zoning By-law Text Amendment
Dealt with above.
 - 2524 Rothesay Road Development (Kileel Developments)
 - 6 May 2009 Memorandum from Town Clerk Banks with attachment
 - 6 May 2009 Memorandum from Planning Advisory Committee**MOVED** by Counc. Cochrane schedule the Public Presentation, in accordance with the *Community Planning Act*, for Wednesday, May 27, 2009 commencing at 7:00 p.m. to give consideration to the proposed development for a portion of the property situate 2524 Rothesay Road, identified as PID# 30233407.
Motion lost due to lack of seconder.
- 7.9 6 May 2009 Operations Report
MOVED by Counc. Kilfoil and seconded by Counc. Shea the 6 May 2009 Operations Report be received/filed.
CARRIED.

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➤ Quotation Awards

- CSA Certified Pressure Steamer

MOVED by Counc. Kilfoil and seconded by Deputy Mayor MacDonald Council award the CSA Certified Pressure Steamer tender to the low bidder, Fernrob PCS Inc. for the quotation price of \$20,253.79, inclusive of HST.

CARRIED.

- Winter Maintenance Truck Attachment 20009 International 7600

MOVED by Counc. Kilfoil and seconded by Deputy Mayor MacDonald Council award the truck attachment for a 2009 International 7600 quotation to the low bidder, Parts for Trucks for the quotation price of \$95,937.00, inclusive of HST.

CARRIED.

- Winter Maintenance Truck Attachment 20009 Dodge 5500

MOVED by Counc. Kilfoil and seconded by Counc. Young Council award the truck attachment for a 2009 Dodge 5500 quotation to the low bidder, Parts for Trucks for the quotation price of \$95,937.00, inclusive of HST.

CARRIED.

8. UNFINISHED BUSINESS

8.1 67 Kingshurst Lane development agreement (matter tabled March 2009)

5-7 May 2009 Email correspondence from/to Peter Hyslop, solicitor

The matter remained on the table.

8.2 Saint John Airport Inc. – Building Canada Fund application fax poll ratification

1 May 2009 Memorandum from Town Clerk Banks

MOVED by Counc. Shea and seconded by Counc. Mullett Council ratify the fax poll of 16 April 2009, more specifically:

Rothesay Council welcomes and supports the Saint John Airport Inc's participation in the Communities Component (Airports) of the Building Canada Fund in view of its key role as an economic enabler, and an essential component for activity in the region and further, directs the Mayor to forward a letter of support.

CARRIED.

9. NEW BUSINESS

BUSINESS ARISING FROM PUBLIC HEARINGS(see public hrg documentation)

9.1 Rothesay Estates Subdivision (Isaac Street/Kaitlyn Street)

- By-law 1-02-9, "A By-law to Amend the Municipal Plan By-law"
- By-law 2-02-35, "A By-law to Amend the Zoning By-law"

Dealt with above.

9.2 Zoning By-law Text Amendment (Club house/facility)

- By-law 2-02-34, "A By-law to Amend the Zoning By-Law"

Dealt with above.

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LEGISLATION

9.3 Bill 77, "Act to Amend the Community Planning Act"(Chapter 59)

6 May 2009 Memorandum from Town Manager Jarvie

2 April 2009 Letter from Environment Minister Roland Haché with attached legislation

It was noted the new provisions in the legislation give the Development Officer more authority, either through the legislation or by delegation from the Planning Advisory Committee. Town Manager Jarvie advised the intent of the changes is to expedite development for routine/minor variances. He further noted the changes identify specific obligations for the Development Officer. Town Manager Jarvie advised Council the Development Officer will meet with representatives from other jurisdictions. It was noted there will be a draft policy prepared that will be reviewed by the Planning Advisory Committee. Counc. Mullett suggested a monthly summary report be provided to the Planning Advisory Committee and given to Council with the minutes. Counc. Cochrane noted the change from five years to ten years for a municipal plan review.

MOVED by Counc. Young and seconded by Counc. Shea the documentation related to Bill 77, Chapter 59 (Amendments to the Community Planning Act) be received/filed.

CARRIED.

Meeting addendum

9.4 Female washroom at the Works Garage tender

Town Manager Jarvie advised Council the Town has hired female seasonal staff and the Works Garage has plumbing roughed in for a female washroom but it is incomplete. Quotations were requested and the budget was \$8000. The lowest quotation was \$11,725.00. Town Manager Jarvie noted current projects total \$393,000 with a budgeted amount of \$483,000 so there is room in the budget.

MOVED by Counc. Shea and seconded by Counc. Gallagher Jette staff proceed with the quotation to complete the female washroom at the Works Garage.

CARRIED.

10. NEXT MEETING

Mayor Bishop noted the Municipal Plan presentation will be held on Wednesday, May 13, 2009 at 7:00 p.m. at Rothesay High School.

MOVED by Counc. Cochrane and seconded by Counc. Mullett the next regular meeting of Council be held on Wednesday, June 10, 2009.

CARRIED.

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 10:05 p.m.

MAYOR

CLERK