



## **QUISPAMIS TOWN COUNCIL**

### **REGULAR MEETING**

### **MINUTES**

**August 16, 2022, 6:00 pm**

**Council Chambers**

**Quispamsis Town Hall**

**Present:**

Mayor Libby O'Hara  
Deputy Mayor Mary Schryer  
Councillor Mike Biggar  
Councillor Noah Donovan  
Councillor Kerrie Luck  
Councillor Kirk Miller  
Councillor Emil T. Olsen  
Councillor Beth Thompson  
Emmerson, Cheryl; Human Resources Manager  
Kennedy, Aaron; Acting CAO  
Losier, Gary; Director of Engineering & Works  
MacInnis, Lisa; Assistant. Clerk  
Purton Dickson, Dana; Director of Community Services  
Snow, Catherine; Town Clerk

Planning Department -

Dwight Colbourne, Municipal Planner and  
Jennifer Jarvis, Planning Technologist

**Absent:**

Krista Brandon (vacation)

#### **1. Approval of Agenda**

**Moved By** Councillor Biggar

**Seconded By** Deputy Mayor Schryer

The Agenda be approved as prepared.

**Motion Carried**

**2. Mayor's Comments**

Mayor O'Hara acknowledged August 15 was the celebration of National Acadian Day, a day the Acadian people, pioneers and builders of the country have celebrated since 1881.

She noted on August 6, 2022, she attended, along with Councillor Donovan, the Pride Parade in Saint John celebrating the LGBTQ community, their achievements, legal rights and pride.

She further noted the Kennebecasis Public Library will reopen on August 23, after being closed for the past seven months due to flooding of the interior building. A celebration of the reopening will take place at a public reception on August 25, 2022 at 6 pm at the library.

Mayor O'Hara encouraged motorists to be patient with the street construction underway this time of year, noting the DTI are nearing their completion of resurfacing Route 119. She noted the Arterial has over 7000 vehicles travelling it daily, many who are coming from the Kingston Peninsula and other parts of southwestern NB.

**3. Treaty Acknowledgement - Moment of Reflection**

Councillor Donovan read the Treaty Acknowledgement – Moment of Reflection.

**4. Disclosures of Interest**

No disclosures were declared.

**5. Presentations (none)**

**6. Public Hearings**

6.1 (May 17/22) Hamel Drive Developments Ltd. - PID No. 173732 - Application to Amend CPA Development Agreement - Property Situated Adjacent to Route 119, Swanton Drive and Millican Drive

In Attendance: Andrew Harrigan and Bradley Lockhart, Proponents

Mayor O'Hara summarized the Public Hearing process.

Mr. Harrigan noted they do not have further information to present concerning their proposal to amend the existing developer's agreement, as follows:

**Change in Phasing -**

Phase 1A - 1st multi-unit apartment building off Swanton Drive;

Phase 1B - Initial 5 duplex lots off Millican Drive;  
Phase 2 - Continuation of 7 duplex lots off Millican;  
Phase 3A - 6 duplex lots;  
Phase 3B - 2nd multi-unit apartment building; and  
Phase 4 - Final 5 duplex lots.

**Timelines** - July, 2022 to December, 2026

**Change in Number of Units -**

Phase 1A - 1st multi-unit apt. - units to increase from 25 to 36; and  
Phase 3B - 2nd multi-unit apt - from 38 units to 42  
Total - 124 Units

6.1.1 Letter from James Myer Re Traffic Concerns on Millican Drive (Request to Speak)

Mr. Myer was in attendance and expanded upon his correspondence relating an incident about a motorist driving a construction truck at a high speed down Millican Drive heading towards the Hamel Drive site almost hit his dog. Mr. Myer stated while he realizes there must be compromises to accept when new development takes place, of which he is not opposed, he does not find it acceptable for motorist to drive on their street disrespectfully.

Mayor O'Hara asked three times if anyone further wished to speak for or against the proposed application. No one spoke further.

The proponents noted no construction has yet started at the site. The traffic issues on Millican Drive seem to be pre-existing, and they are sensitive to that and would leave it to the Town's engineering department to review the traffic data to determine if traffic calming measures make sense for this area. They clarified the duplexes will be two units, side by side; and the project will provide underground parking, but not for the first phase, and the multi-unit apartment buildings will include elevators.

Councillor Biggar read the Planning Advisory Committee's Notice of Decision dated June 15, 2022, expressing its support of the Hamel Drive Developments Ltd.'s proposal, subject to the terms and conditions as outlined in their Notice.

It was noted the Planning Department, Solicitor and the proponents are still working on finalizing the terms and conditions of an amending agreement that will consolidate all the previous agreements associated with this development.

**Moved By** Councillor Thompson

**Seconded By** Councillor Olsen

The Hamel Drive Development application be referred to the September 6, 2022 Regular Meeting subject to the consolidated amending agreement being finalized by that time.

**Motion Carried**

6.2 (June 21/22) 318 Hampton Road - PID No. 451815 - Proposed Hair Salon - Corner of Hampton Road and Autumn Avenue - In Attendance: Madison Wright, Proponent

(No written objections received)

Ms. Madison Wright expanded upon her rezoning application to rezone 318 Hampton Road from Residential (R1) to Neighbourhood Commercial (NC) for the purpose of renovating the lower unit to an eight (8) chair hair salon, with the upper unit remaining as an owner occupied residential unit with no structural changes.

Mayor O'Hara asked three times if anyone wished to speak for or against the proposed rezoning. No one spoke.

Deputy Mayor Schryer read the Notice of Decision from the Planning Advisory Committee expressing its support of the proposed rezoning of 318 Hampton Road from R1 to NC, PID No. 451815, subject to the terms and conditions as outlined in their Notice dated August 11, 2022.

Planning Technologist, Jennifer Jarvis, informed Council due to a long site issue on Hampton Road, access to the property will be off Autumn Avenue. One of PAC's conditions stated, pursuant to the Zoning By-law, the parking area for the business, not the residential component, will be surfaced with hot-mix asphalt, Portland cement, concrete, or asphalt stone chip seal coat.

**Moved By** Councillor Olsen

**Seconded By** Councillor Biggar

Council give first reading to Proposed Municipal Plan By-law Amendment No. 054-04 to redesignate PID No. 451815, with Civic No. 318 Hampton Road, from Residential (R1) to Commercial (NC), subject to a Section 59 CPA Agreement.

**Motion Carried**

**Moved By** Councillor Biggar

**Seconded By** Councillor Olsen

Council give second reading to Proposed Municipal Plan By-law Amendment No. 054-04 to redesignate PID No. 451815, with Civic No. 318 Hampton Road, from Residential (R1) to Commercial (NC), subject to a Section 59 *CPA* Agreement.

**Motion Carried**

**Moved By** Councillor Luck

**Seconded By** Councillor Donovan

Council give first reading to Proposed Zoning By-law Amendment No. 038-39 to rezone PID No. 451815, with Civic No. 318 Hampton Road, from Single and Two Family Residential (R1) to Neighbourhood Commercial (NC), subject to a Section 59 *CPA* Agreement.

**Motion Carried**

**Moved By** Councillor Miller

**Seconded By** Councillor Thompson

Council give second reading to Proposed Zoning By-law Amendment No. 038-39 to rezone PID No. 451815, with Civic No. 318 Hampton Road, from Single and Two Family Residential (R1) to Neighbourhood Commercial (NC), subject to a Section 59 *CPA* Agreement.

**Motion Carried**

## **7. Minutes of Previous Meetings**

### **7.1 July 19, 2022 - Regular Meeting**

**Moved By** Councillor Thompson

**Seconded By** Deputy Mayor Schryer

Minutes be approved as prepared.

**Motion Carried**

## **8. Unfinished Business**

### **8.1 (May 17/22) Council's Review of Items Referred to the Strategic Plan**

#### **8.1.1 (May 1/18) Proposed Smoke Free Places By-law No. 060**

Memo from Town Solicitor Concerning Legal Opinion on Readings of By-laws (Previous and Existing Councils)

The Town Solicitor's Memorandum provided a legal opinion concerning consideration of third reading of a By-law which was given first and second reading by a previous Council. Mr. McPhee's memo referenced the procedure of the House of Commons, noting with dissolution, all business of the house is terminated, all items on the order, paper, including government and private member bills, die. However, the *Local Governance Act* states, "Anything begun by one council may be continued or completed by a succeeding council", and also under this Act, a municipality has "broad authority to govern as it considers appropriate". It would therefore, he stated, be his view that a subsequent elected Council could give third reading to a By-law which was given first and second reading by an earlier elected Council. The authority, 'may', is discretionary so it would be Council's decision as to what course it chooses to follow regarding any particular file.

A discussion ensued on the proposed Smoke Free Places By-law, its comparison to the *Provincial Smoke Free Places Act* which prohibits smoking in all public parks and facilities, enforcement costs related to enactment of the by-law, and its purpose of bringing more awareness and promotion to a healthy smoke free community.

**Moved By** Councillor Thompson

**Seconded By** Councillor Olsen

Third reading be given to proposed Smoke Free Places By-law No. 060.

*Councillor Luck called a Point of Order on the motion to give third and final reading to the proposed Smoke Free Places By-law as she feels Council has more questions, that this item should begin at the starting point, and that it would be irresponsible for Members to vote upon the proposed By-law until they have more time to review.*

*Mayor O'Hara rendered a decision on Councillor Luck's call for a Point of Order stating she feels Council should move forward on this item, that it has been on the Council Agenda for some time, and that it is incumbent upon Members to review the items before them, and it is up to Council to decide if it wishes to proceed to a vote on third and final reading of the proposed By-law.*

On the question for third and final reading, Councillor Biggar read the proposed Smoke Free Places By-law No. 060 in its entirety.

The Vote was taken.

**Motion Defeated**

Against (5): Deputy Mayor Schryer, Councillor Biggar, Councillor Donovan, Councillor Olsen, and Councillor Thompson

8.1.2 (May 18/21) Poop and Scoop Signage, Waste Containers and Public Benches

The Director of Community Services stated items such as waste containers, benches, etc., will be inventoried and mapped as part of the Town's Asset Management Program, noting there are life cycle and maintenance costs associated with these items that can be provided to Council as part of the Level of Service budget discussions.

**Moved By** Councillor Miller

**Seconded By** Deputy Mayor Schryer

Council refer this item to the 2023 budget deliberation process for consideration.

**Motion Carried**

8.1.3 (June 15/21) Street Maps and Q-Map

**Moved By** Councillor Olsen

**Seconded By** Councillor Thompson

Council refer the Street Maps/Q-Map to the budget process and in the interim, Acting CAO Kennedy investigate the costs of having street maps printed, either as an overall Town map, or a regional KV map, if cost-shared with the neighbouring Town of Rothesay.

**Motion Carried**

8.2 (June 21/22) Councillor Noah Donovan - Request for Street Name - Equality Lane - Off Landing Court - Recommendation from Planning Advisory Committee

Councillor Donovan read PAC's Notice of Decision dated August 11, 2022 expressing its support of naming the portion of street between the Landing Court cul-de-sac, and the Comex bus station to Equality Lane. This is in response to Councillor Donovan's initial suggestion to rename the street to demonstrate Council's commitment to promoting and celebrating diversity and equality in Quispamsis.

**Moved By** Councillor Donovan

**Seconded By** Councillor Biggar

Council support PAC's decision to name the lane that runs from the end of Landing Court to the Arts and Culture Park and Kennebecasis Library Overflow Parking lot to Equality Lane as recommended by Councillor Donovan, subject to the following:

1. A street sign be ordered and installed by the Town's Public Works Department;
2. Notice be sent to the Emergency Services and New Street Distribution List; and,
3. A small explanation sign providing a narrative to the meaning of Equality Lane also be established in the area, showing the Town's commitment to inclusion and diversity.

**Motion Carried**

Against (1): Councillor Olsen

8.3 (July 19/22) Mr. Ashley Fraser - Request for Traffic Calming on Cedar Grove Drive - Staff Report from the Director of Engineering and Works

A Staff Report from the Director of Engineering and Works informed Council historical data has been reviewed from speed and volume counts along Cedar Grove Drive. There appears to be a slight creep upwards in speeding in more recent years, with stable traffic volumes through these streets. The street is already posted at 40 kph. The Town is still in the information gathering stage, looking to see what is required and developing a Traffic Calming plan.

**Moved By** Deputy Mayor Schryer

**Seconded By** Councillor Olsen

The Town continue to monitor vehicle speed and volumes along Cedar Grove Drive and where possible, in 2022 deploy temporary traffic calming devices to monitor their impact. In addition, staff prepare the 2023 budget to include this area in the temporary traffic calming program and advise the KVPD of the Town's observations and request their information and enforcement.

**Motion Carried**

9. **Correspondence** (none)

10. **By-laws**

Council recessed for a five minute health break. Meeting resumed.



10.1 (May 3/22) Proposed By-law No. 062; A By-law of the Municipality of Quispamsis Respecting Ridesharing

**Moved By** Councillor Biggar

**Seconded By** Councillor Donovan

WHEREAS a notice has been published on the Town of Quispamsis' website pursuant to Section 15(3) and 15(4) of the *Local Governance Act*; giving notice concerning proposed By-law No. 062; A By-law of the Municipality of Quispamsis Respecting Ridesharing that will allow the operation of a Vehicle-for-Hire Company and a Vehicle-for-Hire Service, such as Uber or Lyft, within the territorial limits of the Town of Quispamsis;

And Whereas, Council gave the proposed by-law first and second reading at the July 19, 2022 Regular Meeting,

NOW THEREFORE BE IT RESOLVED by the Council of the town of Quispamsis THAT third and final reading be given to Proposed By-law No. 062; A By-law of the Municipality of Quispamsis Respecting Ridesharing.

**Motion Carried**

10.2 (July 19/22) By-law No. 011-2022; A By-law Respecting the Undertaking of Certain Works as a Local Improvement on Various Streets in Quispamsis

**Moved By** Councillor Donovan

**Seconded By** Councillor Olsen

WHEREAS a notice has been published on the Town of Quispamsis' website pursuant to Section 15(3) and 15(4) of the Local Governance Act; giving notice concerning proposed By-law No. 011-2022; A By-law of the Municipality of Quispamsis Respecting the Undertaking of Certain Works as a Local Improvement on Various Streets in Quispamsis; and

Whereas first and second reading were given to said proposed by-law at the July 19, 2022 Regular Meeting,

**NOW THEREFORE BE IT RESOLVED** by the Council of the town of Quispamsis THAT third and final reading be given to Proposed By-law No. 011-2022; A By-law of the Municipality of Quispamsis Respecting the Undertaking of Certain Works as a Local Improvement on Various Streets in Quispamsis.

**Motion Carried**

**11. New Business**

- 11.1 Hillcrest Holdings Ltd. and Langard Ltd. Subdivision Plan – Future Streets (PIDs 30191431 and 30191449) – Council Assent

**Moved By** Deputy Mayor Schryer

**Seconded By** Councillor Thompson

The Council grant assent to the Hillcrest Holdings Ltd. and Langard Ltd. subdivision plan so the plan can be stamped and signed by the Town Clerk and Development Officer for registration in the provincial land registration system.

**Motion Carried**

- 11.2 Deputy Mayor Schryer - Consideration of 6:00 p.m. Regular Meeting Start Time on a Permanent Basis

A discussion ensued on this item. Members noted the 6:00 p.m. start time worked well during the summer months, helping to alleviate meetings going into late night hours. Some reservations were expressed about making 6:00 p.m. a permanent start time as it might prove difficult for those who work 9:00 a.m. to 5:00 p.m. The flexibility of Committee of the Whole start times was also noted depending upon the fullness of the agenda, with it being acknowledged that COW has, for many years, commonly started at 4:30 p.m.

**Moved By** Deputy Mayor Schryer

**Seconded By** Councillor Biggar

Council change the start time for Regular Council Meetings to 6:00 p.m. from 7:00 p.m. on a permanent basis, and the curfew time for Regular Meetings be set for 10 p.m. vs 11 p.m.; and the Procedural By-law No. 033 be amended as well to reflect these changes.

**Motion Carried**

Against (3): Councillor Donovan, Councillor Luck, and Councillor Miller

## **12. Reports**

- 12.1 Town of Quispamsis - Building Report As At July 31, 2022
- 12.2 Kennebecasis Public Library - Announcement of Reopening Date - August 23, 2022 – Mayor O’Hara also noted the August 25, 2022 Reopening Reception at the KPL beginning at 6:00 p.m.
- 12.3 UMNB Bulletin - August 8, 2022

12.4 Big Brothers, Big Sisters - Mega Bike Ride Fundraiser

12.5 Town Treasurer - May and June, 2022 Town of Quispamsis Unaudited Financial Statements

12.6 Planning Advisory Committee - June 28, 2022 Meeting Minutes

**Moved By** Councillor Biggar

**Seconded By** Councillor Olsen

Reports be received and filed.

**Motion Carried**

13. **Business Arising from Committee of the Whole** (none)

14. **Adjournment**

**Moved By** Councillor Olsen

**Seconded By** Deputy Mayor Schryer

Meeting adjourn.

**Motion Carried**

Meeting adjourned at 8:40 p.m.

X

Elizabeth (Libby) O'Hara  
Mayor

X

Catherine Snow  
Town Clerk