



QUISPAMISIS TOWN COUNCIL

REGULAR MEETING

MINUTES

February 15, 2022, 7:00 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
- Brandon, Krista; Town Treasurer
- 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

1. Approval of Agenda

Moved By Deputy Mayor Schryer

Seconded By Councillor Thompson

The Agenda be approved as prepared.

Motion Carried

2. Mayor's Comments

Mayor O'Hara encouraged everyone to watch Family Feud Canada next Tuesday evening, February 22, 2022, as it will be featuring the Quinn Family - Mike, Diane, Heather, Sue and Tim from Quispamsis, airing on CBC Television, at 7:30 p.m.

Mayor O'Hara also acknowledged the upcoming Family Day long weekend, and encouraged people to spend time with their families.

3. Treaty Acknowledgement - Moment of Reflection

Councillor Thompson read the Treaty Acknowledgement and Moment of Reflection

4. Disclosures of Interest

No disclosures were declared.

5. Presentations

5.1 Public Presentation - Request to Rezone 17.12 Hectares (42.30 Acres), Identified as PID No. 250217 and PID No. 173765 from Residential to Commercial - Property Situated between Route 119, CN Rail, Monarch Drive and Phinney Lane

Mark Hatfield, Proponent, In Attendance

Mr. Mark Hatfield presented his proposed application to amend the Municipal Plan By-law No. 054 and Zoning By-law No. 038 to permit the rezoning from Residential (R1) to Highway Commercial (HC) of two parcels of land on the north side of Route 119, consisting of a total of 17.12 hectares, (42 acres), with each parcel being developed in separate phases. The first phase to include a home improvement business and the second phase will include a mixed-use development property, consisting of both food service and retail developments. The property would have access off a public road that will be developed off Route 119.

Mr. Hatfield suggested the following benefits from the proposed rezoning:

- Promote Local Community & Growth;
- Job Creation and Retention;
- Tax Base Expansion;
- Improved Infrastructure;
- Assist in solving the bottleneck issue at KVHS /Hampton Road during peak times;
- Attract more families to Quispamsis;
- Access road to Phinney Lane.

A report from Don-More Surveys & Engineering Ltd. provided a Preliminary Servicing Review of the proposed Mixed Commercial development -

- Water - the initial phases of this development would be serviced by on-site wells with building sizes being limited to non-sprinklered buildings until such time as municipal water services becomes available;
- Sanitary Servicing - There are two sanitary systems which the Town could potentially connect to, and the applicant would work with the town to determine which works best in terms of connection;

- Stormwater Management Approach - As the site is developed, stormwater management would be performed on the development site to limit peak flows to pre-development levels - flat roofs with flow controllers on the roof drains; and parking areas designed with catch basin system.

A report from Englobe Corp Engineering provided a Route 119 Access Traffic Impact Study -

- The location proposed for the public street access is along the west perimeter of the Phase 1 development property. It will connect onto route 119 at approximately 264m west of Monarch Drive. As part of the Phase 1 development, the access road will extend 183m north along the property line and end in a cul-de-sac. The Phase 2 development will see the road extended over and connect on to Phinney Lane.
- The length of the existing eastbound left turn lane at Monarch Drive was reviewed and it is recommended that this lane be reduced to 223m so it will not intersect with the proposed access road location.
- The intersection of Route 119 and the public road will operate at a good level as a stop-controlled intersection during both peak periods.
- A traffic signal warrant analysis indicates traffic signals will be warranted with the addition of the Phase 2 development. A roundabout may also be considered as an alternative to signals.
- A left turn lane warrant analysis was completed for eastbound approach at the intersection of Route 119 and the public road and concluded that a left turn lane would not be warranted with only the Phase 1 development, but likely will be warranted early on in the Phase 2 development process.

Mayor O'Hara opened the floor to Council to ask questions, noting this is not the time for the hearing of objections but rather the time to gather information on the proposal.

In response to Members' inquiries, Mr. Hatfield advised -

- The Department of Environment watercourse setback requirements will be implemented on the portion of the property where the Colton Brook flows through. There are no other protected watercourses on the proposed development.
- Once developed, the Phinney Lane extension would become a public street.
- He has not discussed the option of creating an access onto Route 119 from the KVHS/Millican Drive area, but he has discussed this option with Town

Staff as a potential remedy to the current bottleneck created at the Hampton Road/Bob Munro Drive intersection during peak hours.

- Specifics on servicing property for sewerage management, etc., would be contained in terms and conditions of a Section 59 CPA Agreement.
- A 7.5m buffer is proposed for the first five (5) Monarch Drive properties, with the buffer for the remainder of the Monarch Drive properties that border the proposed development will increase in size with the natural greenspace due to the Colton Brook watercourse setbacks. Looking to incorporate a trail system that could loop out as far as Phinney Lane and back again.
- Looking at municipal water connection for Phase 2 of the development.
- Provincial approval has been received for access onto Route 119.
- Lighting - standard downward facing illumination that minimizes light pollution.

Moved By Councillor Biggar

Seconded By Councillor Miller

Council refer Propertystar's proposed rezoning application to PAC for its written views, notice be issued to property owners within a 100m radius of the property proposed for rezoning, and a Public Hearing date be scheduled for March 15, 2022 at 7:00 p.m.

Motion Carried

6. Public Hearings (none)

7. Minutes of Previous Meetings

7.1 February 1, 2022 - Regular Meeting

Moved By Councillor Olsen

Seconded By Councillor Thompson

Minutes be approved as prepared.

Motion Carried

8. Unfinished Business

8.1 (Dec.7/21) David McKenzie, Owner, Ascension Elevating Devices Ltd. - 355 Hampton Road - Application to Amend Section 59 Community Planning Act Agreement to Permit Addition of Accessory Buildings and Additional Staff

A Notice of Decision from PAC acknowledged that there is a pending sale of the business currently operating as Ascension Elevator Devices Ltd. which is to occur over the next three months, and which will include the company relocating from its

355 Hampton Road location. PAC therefore recommends support of Ascension Elevator Devices Ltd.'s request to amend their Development Agreement with the Town for additional accessory buildings and additional staff for a twelve month period based on the premise that the property will be sold, and, the existing two sea containers and connecting building will be removed from the property, once sold.

Moved By Councillor Thompson

Seconded By Councillor Olsen

Whereas the applicant, David McKenzie of Ascension Elevator Devices Ltd., has indicated there is a pending sale of the business currently operating as Ascension Elevator Devices Ltd. which is to occur within the next three (3) months;

And Whereas this will include the said company relocating from the property identified as 355 Hampton Road within nine (9) months of the sale;

BE IT THEREFORE RESOLVED THAT Council approves the request to amend the Development Agreement between the Town of Quispamsis and Ascension Elevator Devices Ltd. of 355 Hampton Road, for not more than twelve (12) months from the date of the Amending Agreement, *subject to the terms and conditions outlined in the Amending Agreement, including -*

1. The Amending Agreement to increase the number of administrative staff from the one (1) position to six (6) positions, and to increase the number of service repair persons to four (4), valid for twelve (12) months only due to the pending sale of the company;
2. Once the company, currently operating as Ascension Elevator Devices Ltd., is sold, and the business is removed from the property at 355 Hampton Road, the Quonset hut structure (accessory structure), that being the two sea containers and connecting building, is to be removed from the property; and
3. If the company does not sell, Mr. McKenzie, or the current property owner, must return to Council to seek further approval for the use of the property at the twelve (12) month term ending the Amending Development Agreement.

Motion Carried

8.2 (Jan.18/22) Concerns Re Consumer Fireworks

Mayor O'Hara removed herself from the Chair, and called upon Deputy Mayor Schryer to preside over the meeting while she spoke on the Consumer Fireworks discussion.

Mayor O'Hara noted the consumer fireworks issue first came before Council at the January 18, 2022 Regular Meeting, when the portion of the Fire Prevention By-law that applies to fireworks was addressed by the Fire Chief. In addition, the current Noise By-law prohibits use of consumer fireworks after 11 p.m. The correspondence from residents expressed concerns re the safety of fireworks, PTSD and the stress they can put on pets. The Fire Chief had noted consumer fireworks, are generally safe, when used properly.

Staff had been asked to review the matter and had come back with three options based on best practices across Canada. A motion had been put forth but was defeated to make changes to the current by-law requirements that would only see fireworks permitted during statutory holidays. The Rothesay Town Council had also recently received a request to ban consumer fireworks, and they decided they were not going to do anything. She noted the two KV Towns had adopted the same Fire Prevention By-law to establish the Fire Department's consistent response to both communities. Mayor O'Hara acknowledged the discussion on fireworks at the February 1, 2022 meeting concluded with her stating she would strike a small Committee to review this matter, however she did not pursue this, as there was no motion of Council to that effect. Mayor O'Hara resumed the Chair.

Moved By Councillor Luck

Seconded By Councillor Donovan

The Nominating Committee create a Working Group consisting of Council Members, community member(s), by-law enforcement and representation from the Kennebecasis Regional Police Force to sort through evidence concerning the use of consumer fireworks, and come back to Council with solid recommendations keeping in mind the time line with summer approaching, which is when consumer fireworks are most used..

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

Motion Defeated

9. Correspondence

9.1 Andrew McIntyre, KV Custom Homes - Rezoning Application - 124 Pettingill Road - PID No.'s 30216527 and PID No. 00251694 - Residential (R1) to Residential (R3) Terrace Dwellings

Mr. Andrew McIntyre was in attendance and expanded upon his rezoning application to rezone approximately 4.7 hectares, (11.32 acres), of land with access off the Pettingill Road and Heritage Way from Residential (R1) to Terrace

Dwelling (R3). The proposed three phased Terrace Dwelling Development will consist of a total of 44 Distinct Ownership units contained in 15 separate buildings. At present, he noted, there is a demand and need for accessible homes for the aging population. The terrace homes will be esthetically pleasing and marketable to home buyers of diverse ages and abilities, free from day to day chores, and will be filled with trees, gardens, viewing areas including access to the QR trail system.

Moved By Councillor Olsen

Seconded By Deputy Mayor Schryer

Council direct the Town Clerk to refer the application requesting the rezoning of 124 Pettingill Road, (PIDs 00251694 and 30216527), from Single or Two-Family Dwellings (R1) to Terrace Residential Dwelling (R3) to the Planning Advisory Committee for its written reviews, schedule a Public Hearing date for March 15, 2022 at 7:00 p.m., and notify property owners within a 100 metre radius of the properties proposed for rezoning in accordance with the *New Brunswick Community Planning Act 2017*, c.19.

Motion Carried

9.2 Deputy Mayor Mary Schryer - Professional Development Schedule

Correspondence from Deputy Mayor Schryer noted professional development is a common practice and strives to enhance knowledge, improves productivity, and allows for team building. She asked Council to explore the idea of a scheduled professional calendar, with ideas for professional development being submitted by Council and Staff, acknowledging the time of day to be considered to allow everyone to participate.

The Town Treasurer acknowledged the Council Remuneration By-law No. 018 allows for annual expenses of \$4000 for the Mayor's professional development, and \$3,500 for each Councillor.

A brief discussion ensued on this matter with the majority of members expressing their view that they did not feel the professional development programs need to be mandatory, and liked the idea of staff providing a list of resources so Members can choose programs of interest.

Moved By Deputy Mayor Schryer

Seconded By Councillor Donovan

Council direct Deputy Mayor Schryer's suggestion re a Professional Development Schedule to Staff to research potential professional development opportunities and bring back information to Council; and in the interim, if Council Members have any

suggestions re specific training to advise Staff to research what programs might be offered.

Motion Carried

10. By-laws

10.1 Code of Conduct By-law No. 056 Review

Moved By Deputy Mayor Schryer

Seconded By Councillor Olsen

As Section 6 of the Council Code of Conduct By-law requires that the By-law 'must at a minimum be reviewed every four years, following the general municipal election', and whereas, the By-law has not been reviewed since its enactment in November of 2018; a review of the Code of Conduct By-law be completed at an upcoming meeting in April, with any recommended changes at that time to then go through the by-law amendment enactment process.

Motion Carried

11. New Business

11.1 Woodleigh Park Phase 28C - Council Assent

Moved By Councillor Miller

Seconded By Deputy Mayor Schryer

The Council grant assent to Woodleigh Park Subdivision Phase 28C, subject to execution of a standard Subdivision Development Agreement, 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 Gondola Point Park - Phase 12 A - Council Assent

Moved By Councillor Olsen

Seconded By Deputy Mayor Schryer

The Council grant assent to Gondola Point Park Phase 12A Subdivision Plan, subject to execution of a standard Subdivision Development Agreement, 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

12. Reports

- 12.1 Kennebecasis Valley Fire Department Inc. – 2021 Annual Report & Attendance Report
- 12.2 Kennebecasis Valley Fire Department Inc. - Board Meeting Minutes - December 8, 2021
- 12.3 Local Governance Reform - Next Steps and FAQs
- 12.4 Statistics Canada - 2021 Population Census - Quispamsis
- 12.5 Town of Quispamsis Building Report - January 2022

Moved By Councillor Donovan

Seconded By Councillor Thompson

Reports be received and filed.

Motion Carried

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

14. Adjournment

Moved By Councillor Biggar

Seconded By Councillor Olsen

Meeting adjourn. Meeting adjourned at 8:25 p.m.

Motion Carried

X	X
Elizabeth (Libby) O'Hara Mayor	Catherine Snow Town Clerk