

QUISPAMSIS TOWN COUNCIL

REGULAR MEETING

MINUTES

| **December 6, 2022, 6:00 pm****Council Chambers****Quispamsis Town Hall** |
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| 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 |
|  | Kennedy, Aaron; Acting CAOBrandon, Krista: Town Treasurer Colbourne, Dwight, Municipal Planning OfficerEmmerson, Cheryl, Human Resources ManagerJarvis, Jennifer; Planning Technologist |
|  | MacInnis, Lisa; Assistant Clerk Purton Dickson, Dana; Director of Community Services |
|  | Roszell, Tim; Communications Manager |
|  | Snow, Catherine; Town Clerk |
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| Absent: | Losier, Gary; Director of Engineering & Works (out-of-country) |
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# **1. Approval of Agenda**

**Moved By** Deputy Mayor Schryer
**Seconded By** Councillor Biggar

The Agenda be approved as prepared.

**Motion Carried**

# **2. Mayor's Comments**

Mayor O’Hara made reference to the following occasions and events:

* December 6th – National Day of Remembrance and Action on Violence Against Women – marking the 33rd Anniversary of the killing of 14 women at the Ecole Polytechnique in Montreal. Flags outside the Quispamsis Town Hall are at half-mast in recognition and remembrance of this tragedy.
* Holiday Events -
	+ November 23, 2022 - Christmas Tree Lighting Ceremony at Arts & Culture Park was attended by over 1000 people. Coffee and cookies were compliments of Tim Hortons and NB Power. Quispamsis Climate Change Committee Solar Charger Bank Contests saw 10 winners. The Outdoor Skating Rink will open soon at this location.
	+ November 26, 2022 – 24th Annual KV Santa Claus Parade. Quispamsis was awarded the “Best Town Float – Friendly Competition Award” for the second consecutive year. A big thank you extended to staff for helping bring the holiday spirit to the community.
* Quispamsis Recreation Master Plan – the Open House held last month was well attended and a public presentation of the final plan will take place in the New Year.
* Kennebecasis Regional Joint Board of Police Commissioners – Honours and Awards Ceremonies held at the Rothesay Town Hall recognition of four civilians for actions they took to help people in need; and Police Exemplary Service Medals awarded to Sergeant Evan Scott and Sergeant Colin Flynn.
* Upcoming Event – Quispamsis will be hosting at the qplex an exhibition game between Team Finland and Team USA on December 19 before the start of the 2023 IIHF World Junior Hockey Championship; tickets sold out in less than two hours.
* With winter weather approaching residents are asked to set driveway markers back from the road; and to remove portable basketball nets from public streets.
* Town trails will be available year round –dogs are required to be on a leash at all times, except if at the Homestar Dog Park.

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

Councillor Miller read the Moment of Reflection.

# **4. Disclosures of Interest**

## 4.1 Deputy Mayor Schryer declared a disclosure of interest on Item 9.2. Propertystar Inc. - Request to Extend Serenity Heights Subdivision - Phase 1-B Development Agreement

# **5. Presentations**

## 5.1 Public Presentation - 247 Hampton Road - Rezoning Application - Proposed Medical Clinic - Residential to Commercial

In Attendance: Dr. Monica Graves & Dr. Natalie Graves;(In-person), and Nathan Merrithew, Architect (Virtual)

Dr. NatalieGraves made presentation to Council on her, and her sister, Dr. Monica Graves’ application to rezone 247 Hampton Road from Single and Two Family Residential to Commercial for the purpose of operating a Family Medical practice. There will be no residential component to the operation, and access to the parking lot will be off Lake Road. They plan to offer a full range of healthcare including inpatient hospital care, newborn care, prenatal and women's health as well as palliative care. They currently care for over 2000 patients and are keen to remain in this growing community.

The building meets the current and future needs for the medical clinic, including location, size, interior layout, parking, and accessibility to the main level. They currently employ one full-time and one part-time administrative staff. The patient parking abuts the streets and not residential properties, and the building entrance will front on the Hampton Road away from residential properties. The clinic will be opened Monday – Friday from 8:30 a.m. to 5:00 p.m

Dr. Natalie Graves noted their application was to have the property rezoned to Central Commercial vs. the Neighbourhood Commercial that the Planning Staff are recommending as they feel it will provide them with more options and prevent them from having to come back before Council if there are any future changes. She noted long term plans could see the medical clinic expanding to accommodate up to four (4) physicians.

The Municipal Planning Officer spoke to the Neighbourhood Commercial zone vs. the Central Commercial zone, noting both zones will require the applicant to enter into a Section 59 CPA development agreement with the Town that would set out the terms and conditions of the rezoning. Planning Staff had recommended Neighbourhood Commercial as they felt the proposed family medical clinic use at the location being proposed was more conducive to this zone. While the Zoning By-law states Neighbourhood Commercial will permit a doctor’s office for up to two practicing doctors, Council can increase this amount through the development agreement terms so long as the property can accommodate the increased number of doctors, i.e. sufficient number of parking spaces, adequate building space, etc. The Central Commercial zone would permit a broader range of commercial uses, however, would also require an amendment to the development agreement if there was a change in use from what is being proposed.

The Town Clerk informed Council the legislative advertising for this evening’s Public Presentation was based on the consideration for a Neighbourhood Commercial rezoning to accommodate up to three medical professionals. If the rezoning request was to be changed to Central Commercial at this time, another Public Presentation date would need to be held, and advertised publicly with the change in the commercial zoning type.

The Municipal Planning Officer and the applicants expressed their agreement, moving forward, that the requested zone be changed from Residential (R1) to a Central Commercial zone (vs. Neighbourhood Commercial), to accommodate up to a maximum of four doctors.

**Moved By** Councillor Luck
**Seconded By** Deputy Mayor Schryer

Council set a second Public Presentation date for December 20, 2022 at 6:00 p.m., changing the rezoning request from Residential – One & Two Family (R1) to Commercial – Central Commercial (CC).

**Motion Carried**

# **6. Public Hearings** (none)

# **7. Minutes of Previous Meetings**

## 7.1 November 15, 2022 - Regular Meeting

**Moved By** Deputy Mayor Schryer
**Seconded By** Councillor Donovan

Minutes be approved as prepared.

**Motion Carried**

# **8. Unfinished Business** (none)

# **9. Correspondence**

## 9.1 Recommendation from Nominating Committee Re Appointment to Kennebecasis Valley Fire Department Inc.'s Board of Directors

A Staff Report from the Town Clerk on behalf of the Nominating Committee recommended Council endorse the appointment of Ms. Patricia Murray to serve on the Kennebecasis Valley Fire Board to fill the current vacancy left by Ms. Norah Soobraee.

**Moved By** Councillor Donovan
**Seconded By** Deputy Mayor Schryer

Council accept the Nominating Committee’s recommendation to appoint Ms. Patricia Murray to the Kennebecasis Valley Fire Board, effective January 1, 2023 to June 30, 2023 to complete the term of her predecessor, at which time, the Nominating Committee will consider renewing her term for a further 3 year appointment.

**Motion Carried**

## 9.2  Mark Hatfield, Propertystar Inc. - In Attendance - Request to Extend Serenity Heights Subdivision - Phase 1-B Development Agreement

Deputy Mayor Schryer declared a conflict of interest on this item and left the meeting.
Staff Report from Mark Morrison, CET, Engineering Manager – A Staff Report from Mr. Morrison informed Council Propertystar Inc. entered into a Subdivision Developer’s Agreement with the Town for Serenity Heights Subdivision Phase 1B on February 4, 2021. The purpose of the agreement is to subdivide land and create six (6) residential building lots, a public street, land for public purposes, and to create public utility easements. Base asphalt was placed in October 2022 while seal asphalt is planned for the next construction season. The developer’s agreement will expire on February 4, 2023, and since this occurs in the winter months, the asphalt paving may be delayed to the following construction season. Mr. Hatfield was advised of the 90-day expiry and is before Council to request an extension of his development agreement.

**Moved By** Councillor Biggar
**Seconded By** Councillor Thompson

| Whereas the Developer has been showing consistent progress and testing results and site visits have been favourable, Council accept Town Staff’s recommendation to grant an extension to the Developer's Agreement of the Serenity Heights Subdivision Phase 1B from the February 4, 2023 date to September 1, 2023. |
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**Motion Carried**

Deputy Mayor Schryer returned.

## 9.3 Robert Viger, Developer, Maple Ridge Subdivision Phases 1, 1B, 2A, 2B and 3A - DA Extension

Staff Report from Mark Morrison, CET - Engineering Manager – Mr. Morrison’s Staff Report informed Council Robert Viger entered into a Subdivision Developer’s agreement on October 1, 2018 with the Town for Maple Ridge Subdivision Phase 1. Subsequent agreements for Phases 1B, 2A, 2B and 3A were registered on September 15, 2020, which expired September 15, 2022. Base asphalt was placed on Corduroy Road over the past two years while seal asphalt is planned for the next construction season. Mr. Viger was advised of the September 15, 2022 expiration of his agreements, and has requested extensions, and has also posted bonding for these phases.

**Moved By** Councillor Luck
**Seconded By** Councillor Thompson

Council accept Mr. Morrison's recommendation to grant an extension to the Development Agreements of the Maple Ridge Subdivision Phases 1, 1B, 2A, 2B, and 3A to September 1, 2023 when all outstanding work is to be completed.

**Motion Carried**

# **10. By-laws**

## 10.1 By-law No. 063; A By-law of the Municipality of Quispamsis Respecting Tourism Accommodation Levy

Consideration of 1st and 2nd Reading

A Staff Report from Acting CAO Kennedy informed Council In the Members’ Agreement governing Envision Saint John: The Regional Growth Agency, it is stated that “each of the Members agree that they shall use their best efforts to enact through the legislated process, on or before December 31st, 2022, a by-law under section 101.1 of the Local Governance Act , to collect a 3.5% levy against the purchase price charged to any guest of any premises operated to provide, for remuneration, temporary sleeping accommodation for the public for a continuous period not exceeding 31 days. This would apply to hotels, motels, inns, bed and breakfasts, resorts, hostels, campgrounds, etc. The Members Agreement also stipulates that the revenue generated by the Tourism Accommodation Levy will be provided to Envision Saint John for tourism promotion and development, minus a five per cent administrative fee. Currently, the only business in Quispamsis that meets the criteria to charge the Tourism Accommodation Levy is the Quality Inn & Suites Amsterdam on Millennium Drive.

Acting CAO Kennedy informed Council the proposed By-law was modelled after the Cities of Fredericton and Saint John’s by-laws, and does not include Airbnbs.

**Moved By** Councillor Olsen
**Seconded By** Councillor Miller

First reading be given to By-law No. 063; A By-law of the Municipality of Quispamsis Respecting the Tourism Accommodation Levy.

**Motion Carried**

**Moved By** Councillor Olsen
**Seconded By** Councillor Miller

Second reading be given to By-law No. 063; A By-law of the Municipality of Quispamsis Respecting the Tourism Accommodation Levy.

**Motion Carried**

## 10.2 929 Hampton Road - Cancellation of Zoning By-law Amendment No. 038-30 and Associated Development Agreement -Harrison Rebar

A Staff Report from Jennifer Jarvis, Planning Technologist, informed Council on October 25, 2022, an application to permit a Temporary Use Permit at 929 Hampton Road was brought before the Planning Advisory Committee. The applicant, Reficio Construction Inc., was applying for a Temporary Use Permit to allow a home renovation, retail, and material business.

During the review of the Reficio Construction application, it was noted the outstanding execution of the Development Agreement for the rezoning of the property to allow a fabrication business, Harrison Rebar, was never executed by Harris Rebar. Further to the outstanding Harris Rebar Development Agreement, there is a further limitation of land use as per a Development Agreement signed in 1997, limiting the use of the land to only that of Leisure Time Sales Ltd.

The Planning Advisory Committee did grant the Temporary Use for a period of one (1) year to allow Reficio Construction Incorporated to operate their business at 929 Hampton Road, subject to the following terms and conditions:

1. The Development Agreement be amended to include a decorating and hardware establishment business, as a permitted use, initiated by the property owners within six (6) months of this approval; and

2. A request be made to the Council to cancel Zoning By-law Amendment 038-30 with Harris Rebar within six (6) months of this approval as the development never proceeded.

The Town Clerk received a request from the landowners of 929 Hampton Road on October 26, 2022, requesting that Zoning By-law Amendment 038-30 be cancelled.

**Moved By** Councillor Thompson
**Seconded By** Councillor Biggar

Council cancel Zoning By-law Amendment 038-30 – a Notwithstanding Clause permitting Harris Rebar Inc. to operate a rebar fabrication facility at 929 Hampton Road (PID 30178727) and associated Development Agreement as per the motion and resolution of Council on May 7, 2019.

**Motion Carried**

# **11. New Business**

## 11.1 Tender No. 2022TQ10-31 Supply & Install of Plow Equipment – Staff Report from Director of Engineering & Works

A Staff Report from the Director of Engineering & Works informed Council the 2023 budget identified the purchase of this equipment was included with the overall Plow Truck budget which was initially established at $740,000. In September of this year the two tenders for the cab and Chassis portion of the package were awarded. One truck was $194,250 and the second was $156,875 and the total cost once the non-recoverable HST is incorporated, totalled, $351,125.

This tender value of $409,900 will result in a budget requirement of $427,468 which includes non-recoverable HST The remaining budget is now $373,825 which leaves a funding shortfall of $53,643 Mr. Losier proposed the tender be approved as recommended with a consideration that once final project costs are accounted, any cost beyond the current allocated budget will be redirected from a budget surplus in 2023 or be redirected from Capital reserve funds.

**Moved By** Deputy Mayor Schryer
**Seconded By** Councillor Olsen

Council award Tender No. 2022TQ10-31, for the Supply and Installation of Plow Equipment to the sole bidder, Applied Pressure Inc., for the bid price of $409,900.00 (plus HST). Once final project costs are accounted for, any cost beyond the current allocated budget will be redirected from any budget surplus in 2023 or be redirected from the Capital Reserve Funds.

**Motion Carried**

# **12. Reports**

## 12.1 Planning Advisory Committee - November 8, 2022 Meeting Minutes

## 12.2 UMNB Letter to Premier Blaine Higgs - Request to Remove Kris Austin from the Official Languages Committee

## 12.3 Letter from Town of Rothesay to KVFD Inc. - Agreement to Extend Regional Fire Protection Agreement for One Year

## 12.4 UMNB - November 28, 2022 and December 6, 2022 - Bulletin

## 12.5 2023 PAC and Council Meeting Calendar

## 12.6 Town of Quispamsis - Sport Hosting Program Recipients - KVHS Tugboat Basketball Tournament; and KVHS Female AAA Hockey Tournament

**Moved By** Councillor Donovan
**Seconded By** Councillor Luck

Reports be received and filed.

**Motion Carried**

# **13. Business Arising from Committee of the Whole**

# **14. Adjournment**

**Moved By** Councillor Olsen
**Seconded By** Councillor Luck

Meeting adjourn. Meeting adjourned at 7:15 p.m.

**Motion Carried**

