



REGULAR MEETING OF COUNCIL

MINUTES - REVISED

Monday, March 11, 2019

Immediately Following Public Hearings

30 Honour House Court - Council Chambers

Members Present:

**Mayor Ann Seamans
Deputy Mayor Tammy Rampersaud
Councillor Wayne Bennett
Councillor John Coughlan
Councillor Jeremy Thorne
Councillor Cecile Cassista
Councillor Andrew LeBlanc**

Staff Present:

**C. Smith, CAO
A. Crummey, Town Clerk
D. Richard, Deputy Town Clerk
R. Higson, Director of Finance
M. Ouellet, Director of Engineering & Public Works
S. Thomson, Director of Economic Development
T. Finlay, Director of Human Resources
G. Cole, Director of Parks, Recreation & Community Relations
D. Pleau, Fire Chief**

Regrets:

Councillor Lana Hansen

1. CALL TO ORDER

Mayor Seamans called the meeting to order at 10:07 p.m.

2. ADOPTION OF THE AGENDA

Moved by: Councillor C. Cassista

Seconded by: Councillor J. Thorne

That the agenda for the Regular Council Meeting of March 11, 2019 be approved.

Motion Carried

3. DECLARATION OF CONFLICTS OF INTEREST

Councillor Bennett stated that he would be declaring a conflict of interest with respect to the Community Investment grant being sought in connection with the Law Enforcement Torch Run.

4. ADOPTION OF THE MINUTES

a. Regular Council Meeting - February 11, 2019

Moved by: Councillor C. Cassista

Seconded by: Deputy Mayor T. Rampersaud

That the minutes of the Regular Council Meeting of February 11, 2019 be approved as amended.

Councillor Thorne pointed out that on page 9 under section 8c he was seeking clarification on the grant for Harvest House not House of Nazareth and requested that it be reflected in the minutes accordingly.

Motion Carried

b. Committee of the Whole Meeting - February 25, 2019

Moved by: Councillor J. Coughlan

Seconded by: Deputy Mayor T. Rampersaud

That the minutes of the Committee of the Whole meeting of February 25, 2019 be approved.

Motion Carried

c. Special Council Meeting - February 25, 2019

Moved by: Councillor J. Thorne

Seconded by: Councillor C. Cassista

That the minutes of the Special Council Meeting of February 25, 2019 be approved.

Motion Carried

5. BUSINESS ARISING FROM THE MINUTES

NIL

6. CORRESPONDENCE

a. Gordon Locke, Deputy Director of Urban Planning/Manager of Subdivision Approvals

Written views of the Planning Advisory Committee re proposed rezoning on the property identified as PID 05103083 from R1 (Single Unit Dwelling) to R2 (Two Unit Dwelling)

Mayor Seamans confirmed that written views would be taken as information.

7. PETITIONS, PRESENTATIONS & DELEGATION

NIL

8. RECOMMENDATIONS FROM COMMITTEE OF THE WHOLE

a. Ratify Community Investment Submissions

8.a.1 DNA Swag Greater Moncton Ladies Hoop Classic Tournament - 25th Anniversary

Moved by: Councillor C. Cassista

Seconded by: Deputy Mayor T. Rampersaud

That Riverview Town Council support the DNA Swag Greater Moncton Ladies Hoop Classic Tournament (25th Anniversary) through a grant in the amount of \$500.

Motion Carried

8.a.2 Law Enforcement Torch Run

Councillor Bennett had previously declared a conflict of interest on this item and left the Council Chambers 10:11 p.m.

Moved by: Deputy Mayor T. Rampersaud

Seconded by: Councillor J. Coughlan

That Riverview Town Council support the Law Enforcement Torch Run (proceeds for Special Olympics) to be held on Saturday, November 2, 2019 through a grant in the amount of \$500.

Motion Carried

Councillor Bennett resumed his seat in the Council chambers at 10:12 p.m.

b. The Moncton Hospital - Extraordinary Care Capital Campaign

Moved by: Councillor J. Coughlan

Seconded by: Councillor C. Cassista

That Riverview Town Council support the Extraordinary Care Fundraiser for the Moncton Hospital Capital Campaign in the amount of \$5,000 per year for a period of five years commencing in 2020 depending on budget availability.

Motion Carried

9. BY-LAWS

a. By-Law 300-7-1

A By-Law to Amend the Town of Riverview Zoning By-Law

First Reading, by title only

The Town Clerk noted that the purpose of this by-law is to amend the Zoning By-law by rezoning PID 05103080 from R1 (Single Unit Dwelling) to R2 (Two Unit Dwelling).

Moved by: Councillor C. Cassista

Seconded by: Deputy Mayor T. Rampersaud

That first reading, by title only, be given to By-Law 300-7-1, A By-Law in Amendment to the Town of Riverview Zoning By-Law 300-7.

Deputy Mayor Rampersaud verified with the Chair that it was appropriate for Council to speak on this matter at this time. She wanted to pass along information from one of the residents who live in the area who had just attended the public hearing. She had just emailed a photograph (illustrating the spare vegetation) to show the 10 meter NB Power easement which property owners are not permitted to encroach upon. She noted that the easement and the proposed buffer provided by the developer would be important if the development proceeds. The property owner would have to lose the use of more of their property if they had to construct a fence or plant trees because they would not be permitted to do so in the easement nor the buffer.

Deputy Mayor Rampersaud confirmed that up until this point in the process she had been legally obligated to listen as per the requirements of the rezoning process. She indicated that she appreciates the engagement of the community and that of the developer in this process. Deputy Mayor Rampersaud noted that she also appreciates and sympathizes with the residents of the area. She struggled with the information but in the end had to take away the emotion and focus on the facts. The facts include that there could be 103 homes built even though the plan refers to 65 (single unit dwellings), and the information contained in the professional traffic study. Deputy Mayor Rampersaud indicated that she would be supporting the motion.

Mayor Seamans confirmed with K. Neatt that the comments pertaining to the easement and buffer would be taken as information.

Councillor LeBlanc indicated that he refrained from comment until this point to avoid any perception of bias. The rezoning application being considered is one of the most challenging he has been part of. Councillor LeBlanc commented that while the Town wants Clayton Developments to be successful and is happy to have a relationship with the developer, he also wants the residents to be happy. He wants to ensure that they have made a sound investment. He continued that he wants the residents to be happy with the purchase they have made and happy with the Town they have chosen to live in.

Councillor LeBlanc indicated that he is happy with the verbal commitment of the developer made in the public hearing in regard to additional planting of trees in the buffer. He noted that he would require the developer to detail the commitment in writing.

Councillor LeBlanc stated that he was not concerned with property value or assessment but rather resale value of the homes. He inquired whether Urban Planning or the developer had a process to take input (for instance, the Greater Moncton Realtors) into consideration during long term planning.

K. Lacelle indicated that it is not something that Urban Planning is actively involved. Rather the Zoning By-Law does provide for a range of uses and are not dictated by the market in the same way that private enterprise or economic development would be. Urban Planning looks at land use not necessarily the sale of land of those land uses.

Councillor LeBlanc remarked that Council's responsibility is to build a community for the future not just for today but also 20 years from now.

K. Lacelle concurred and that Council can rely upon the Town's Municipal Plan, among other things, to do both which does seek to accommodate a mix of housing types today and in the future.

Councillor LeBlanc commented that the information (such as resale values and market trends) is valuable information to be considered when planning for our future.

K. Lacelle indicated that the proposed rezoning is supported by the market. If the market was working with the current plan then the developer would not have submitted the application. The application is driven by a real demand.

Councillor LeBlanc inquired as to the developer's plan should the rezoning application not succeed.

K. Lacelle pointed out that the zoning today could accommodate 103 single unit dwellings. If presented with a subdivision plan or development plan permit for this number of unit dwellings it would legally be approved based on the criteria within the current Zoning By-Law.

Councillor LeBlanc stated that his issue would be around traffic and the difference in the number and types of units as it would relate to traffic.

K. Neatt indicated that the question was not an easy one to answer. He commented that while plans were laid out for large single family dwellings, he does not see the market going in that direction. He is part of a big team that looks at the analytical information, and they would not be asking for the rezoning otherwise. K. Neatt said that he is not sure what

the future lots size would be but he is pretty confident that they would not be large single family lots.

Councillor LeBlanc stated that he appreciates the input from the residents and the information from Urban Planning and Clayton Developments. He remarked that he would support first reading but he is committed to doing more homework.

Councillor Thorne applauded the engagement of the residents. He indicated that he had toured the area, and has heard from the community who have expressed numerous concerns including increased traffic. Councillor Thorne noted that the residents had also referred to protective covenants which the home owner entered into with the developer but not the Town of Riverview. He noted that the home owners feel betrayed by Clayton Developments. He suggested that the developer needs to be more transparent with home buyers. The proposed rezoning will see semi-detached dwellings sandwiched within the existing single family unit dwellings and, in his opinion, it will not work. He stated that he would be voting against the motion.

Councillor Coughlan stated that he respected the process and also respected the views of the citizens. He pointed out that the transparency issue is very important. He commented that the home owners who purchased and constructed their homes felt they were promised something and now feel betrayed. Councillor Coughlan strongly urged Clayton Developments to be good corporate citizens and to continue to work with the citizens and address the concerns being raised. He, too, indicated that he would continue to gather information but would support the motion at this point.

Councillor Bennett remarked that he was present in 2003 when initially Clayton Developments introduced the plan. At the time, Clayton Developments proposed good high end homes and they still stand by that premise. Although, he indicated that he does have some concerns. Councillor Bennett indicated that the expectation is that Clayton Developments would live up to the commitments made; especially in regard to the proposed buffers. He suggested that information be

gathered on statistics from the Real Estate Board and the property values in this kind of instance. He also suggested that privacy is a real issue and more in depth buffer areas are required. Clayton Developments has to do better in this regard. Councillor Bennett remarked that Clayton Developments must operate honestly and ethically and if they fail to do so he would not support future development put forth by Clayton Developments because the trust would not be there.

C. Smith clarified that if direction is being sought it must be clear. He suggested that Council put forth a separate motion for specific direction so that staff is clear on what is expected and from whom. Such a motion would need to be given collectively by Council. Council can deal with the motion for first reading and then propose a directional motion, if they so choose.

Councillor Cassista commended the residents for attending the public hearing and also for their written submissions. She indicated that she lives in the community and is proud of it. She indicated that she had been doing her research in regard to this application. Councillor Cassista indicated that Council has the latitude to rezone based on the information provided. She pointed out that Council had sought the recommendation from the Planning Advisory Committee which supports the proposed rezoning. She noted that the Town's Municipal Plan provides for the proposed rezoning. Councillor Cassista indicated that there have been similar rezonings which allowed for semi-detached dwellings such as Summerdale. She noted that those semi-detached homes are well over \$300,000. Councillor Cassista commented on the information contained in the letter submitted by S. Forster in regard to comparative figures.

Councillor Cassista reported that the Town does have an aging population. She suggested that a lot of this aging population left Riverview because their housing needs could not be met. She recalled an issue prior to her time on Council with a controversy over the construction of an apartment building. She noted that she recently ended up living in that apartment building temporarily and it was not what people had perceived it to be. Councillor Cassista commented that people in Riverview are very family orientated and conscious of their surroundings.

Councillor Cassista indicated that she would be supporting the motion.

Nay votes: **Councillor J. Thorne**

Motion Carried

Moved by: Councillor A. LeBlanc

Seconded by: Deputy Mayor T. Rampersaud

That Riverview Town Council give direction to Urban Planning staff to work with the developer and bring back updated plans on the following issues:

a) plans for vegetation in the buffer; and

b) in depth report on property values, if the development goes ahead.

Motion Carried

b. By-Law 300-25-16

A By-Law Relating to Local Improvements in the Town of Riverview - Berkley Drive (Pine Glen to McAllister)

First reading, by title only

The Town Clerk noted that the purpose of the following four by-laws is to complete local improvement projects on Berkley Drive (Pine Glen to McAllister), Devere Road (Pine Glen to Montgomery, Orin Drive and Weir Drive.

Moved by: Councillor J. Coughlan

Seconded by: Councillor W. Bennett

That first reading, by title only, be given to By-Law 300-25-16, A By-Law Relating to Local Improvement in the Town of Riverview - Berkley Drive (Pine Glen to McAllister).

Motion Carried

c. By-Law 300-25-17

A By-Law Relating to Local Improvements in the Town of Riverview -
Devere Road (Pine Glen Road to Montgomery Avenue)

First reading, by title only

Moved by: Councillor J. Coughlan

Seconded by: Councillor A. LeBlanc

*That first reading, by title only, be given to By-Law 300-25-17, A By-Law
Relating to Local Improvements in the Town of Riverview - Devere Road
(Pine Glen Road to Montgomery Avenue).*

Motion Carried

d. By-Law 300-25-18

A By-Law Relating to Local Improvements in the Town of Riverview –
Orin Drive

First reading, by title only

Moved by: Deputy Mayor T. Rampersaud

Seconded by: Councillor W. Bennett

*That first reading, by title only, be given to By-Law 300-25-18, A By-Law
Relating to Local Improvements in the Town of Riverview - Orin Drive.*

Motion Carried

e. By-Law 300-25-19

A By-Law Relating to Local Improvements in the Town of Riverview -
Weir Drive

First reading, by title only

Moved by: Councillor C. Cassista

Seconded by: Councillor W. Bennett

That first reading, by title only, be given to By-Law 300-25-19, A By-Law Relating to Local Improvements in the Town of Riverview - Weir Drive.

Motion Carried

10. NOTICE OF MOTION

NIL

11. NEW BUSINESS

a. Award of Tender 19-01 - Asphalt Patching (Utility & General)

Moved by: Councillor J. Coughlan

Seconded by: Councillor W. Bennett

That the Town Council of the Town of Riverview award Tender 19-01 for the Asphalt Concrete Patching - Utility and General - Various Streets to MacDonald Paving & Construction Limited in the amount of \$351,250.00 (plus HST) and that the Mayor and Town Clerk be authorized to sign all related documentation.

Motion Carried

b. Award of Tender 19-03 - Lane Markings

Moved by: Councillor J. Thorne

Seconded by: Councillor C. Cassista

That the Town Council of the Town of Riverview award Tender 19-03 for the Traffic Lane Markings - Various Streets to Stripe Works Limited in the amount of \$38,624.80 (plus HST) and that the Mayor and Town Clerk be authorized to sign all related documentation.

Motion Carried

c. Award of Request for Quotation - #19-04 - Crushed Stone

Moved by: Deputy Mayor T. Rampersaud

Seconded by: Councillor J. Thorne

That the Town Council of the Town of Riverview award the Request for Quotation #19-04 for the Supply & Delivery of Crushed Rock to Birch Hill Construction CO. Ltd. in the amount of \$50,650.00 (plus HST) and that the Mayor and Town Clerk be authorized to sign all related documentation.

Motion Carried

d. Award of Request for Quotation- 19-84

Bulk Water Dispensing Station

Moved by: Deputy Mayor T. Rampersaud

Seconded by: Councillor W. Bennett

That the Town Council of the Town of Riverview award the Request for Quotation #19-84 for the Supply of One (1) New Bulk Water Dispensing Station to Flowpoint Environmental Systems Ltd. in the amount of \$43,772.00 (plus HST) and that the Mayor and Town Clerk be authorized to sign all related documentation.

M. Ouellet confirmed with Councillor Coughlan that the station will allow contractors to draw water from our system. Contractors/developers can purchase a prepaid card that will enable them to purchase water at any time from the bulk station. The bulk water dispensing station prevents our water system from being compromised.

Motion Carried

12. COUNCIL STATEMENTS/INQUIRIES

NIL

13. ADJOURNMENT

Moved by: Councillor C. Cassista

Seconded by: Councillor J. Thorne

That the Regular Meeting of Town Council be adjourned at 10:55 p.m.

Motion Carried