



**PUBLIC HEARING
MONDAY, AUGUST 8, 2016
30 HONOUR HOUSE COURT
4 p.m.**

Riverview Town Council is considering an amendment to the Zoning By-Law. The purpose of the proposed text amendment is to provide new regulations that would allow the keeping of laying hens in Riverview.

Members Present:

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

Staff Present:

Colin Smith	CAO
Annette Crummey	Town Clerk
Gerry Cole	Director of Parks, Recreation & Community Relations
Tina Smith	Director of Human Resources
Michel Ouellet	Director of Engineering and Public Works (arrived at 4:15 p.m.)
Chief Denis Pleau	Riverview Fire and Rescue
Rita Gauvin	Executive Administrative Assistant

Others:

Sebastien Arcand	Senior Planner, Policy Planning – Urban Planning
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Absent:

Robert Higson	Director of Finance
Shane Thomson	Director of Economic Development
Denyse Richard	Deputy Town Clerk

The Mayor stated the purpose of the public hearing was to consider objections and/or comments on the proposed zoning by-law text amendment that would allow the keeping of backyard hens in Riverview.

Sebastien Arcand conducted a power point presentation outlining the purpose and background information on the proposed zoning by-law text amendment to By-Law 300-6-10, which is to provide new regulations that would allow the keeping of backyard hens in Riverview.

Mr. Arcand explained a “pilot project” was introduced in Riverview in 2014 and at that time the proposal did not move forward and the project was put on hold. He noted since then a growing number of Riverview residents have again expressed an interest on the possibility of keeping a few laying hens in their backyard for personal food production. For this reason, the proposal has again been brought forward to Council to explore the idea of allowing for backyard hen keeping through a zoning by-law text amendment.

Mr. Arcand noted the recommendation to proceed with the By-Law was passed by a slight margin by the Planning Advisory Committee. He also mentioned other municipalities are allowing backyard hen keeping with restrictions and to date no complaints have been received since the introduction of urban hens.

Mayor Seamans confirmed with the Town Clerk that 53 written submissions had been received from the public with respect to the by-law change; 33 letters opposing, 20 letters in favour and two petitions – one opposing with 26 signatures and one in favour with 49 signatures, which were all read into the official record. It was noted that all the required public advertisements had been carried out.

Mayor Seamans opened the public hearing to the audience in attendance for their comments.

Mr. Chris MacDonald of 145 Gray’s Brook Drive inquired about the minimum offset of 30 meters from a well. He was concerned as to what other precautions would be taken, especially for subdivisions and areas within Riverview that do not have storm sewers but have open ditches, to stop any contamination going into the water course.

Mr. Arcand said a small number of hens located in a coop should not create any public safety issues since most people are connected to municipal water. The noted minimum offset is an extra precaution and is based on what other municipalities have implemented.

Lynn McNeil of 77 Darwin Drive mentioned her concerns related to noise and enforcement issues. She said chickens clucking, squawking or fighting may not be louder than a person but would be more annoying. Currently, a rooster is located in her area that residents have complained about and no action has been taken. She feels since the current by-law is not enforced properly concerning cats at large, it would be the same issue for chickens. A fact sheet educating the public is good, but would not decrease the smell or noise of chickens.

Neil McKiernan of Coverdale Road, a retired professional agrologist with Health Canada is in support of the by-law. Mr. McKiernan indicated he does not see any health risks, sanitation issues or nuisance involved with a few chickens in a back yard when compared to dogs and wild birds. He also felt this would show our children to be more connected to how food is produced and would be a great asset to how children are raised in this community.

Mr. Nelson Vessey of 11 Welland St. noted his concerns were with regard to enforcement, the humane treatment of the hens, issues of disease that may occur and to the disposal of the carcasses of dead hens. He indicated there are issues now regarding enforcement and questioned how the by-law would be enforced in the future. Mr. Vessey also felt it was inappropriate for two councillors of the Town to make a video promoting this project prior to the people in the community having a chance to discuss it.

Mayor Seamans addressed the comment with regard to the video. The video was about a young girl who was sharing her experience of raising chickens and provided further information. It was not intended to try to influence any of the Councillors nor anyone in the Town of Riverview.

Susan Dingham from Sussex Avenue requested clarification to address the comments expressed in two letters indicating "free-range chickens". She understood the chickens would have to be penned at all times and felt that was not the understanding expressed in those letters.

Mr. Arcand noted backyard hens would have to be kept in a coop at all times as per the by-law.

Mr. Arcand confirmed with Deputy Mayor Cassista once the by-law was enacted in Moncton, approval from the neighbours was not required. The question was only asked during the pilot project. A \$35 permit development fee is required similar to a building under the category of an accessory shed. The coop structure must follow the by-law requirements and plans and drawings must be provided.

Mr. Arcand confirmed with Councillor Hansen that no concerns or objections were raised when the City of Moncton initially presented this project to the public nor has any negative feedback been received. He noted from an enforcement perspective, issuing fines is working in the City of Moncton. He indicated that Urban Planning does not have the authority to institute conditional approvals in the by-law. The request would have to be presented to the Planning Advisory Committee to impose conditions, as they cannot deny the request. There should be no further consultation done if Council accepts the by-law.

Mr. Arcand confirmed with Mr. Smith that conditional approvals are a very lengthy process and typically are for large-scale commercial developments. For an individual land owner to go through this process would be costly and very cumbersome.

Mr. Arcand confirmed with Councillor Bennett that he has not seen any literature with comparing compost to keeping chickens which would attract more rodents. If a coop is fully enclosed, the potential of anything entering the coop is omitted. He also noted the City of Moncton has on record four residents who are keeping backyard hens. In the cities of Fredericton and Saint John, the numbers are below 10.

Mr. Arcand confirmed with Councillor LeBlanc that enforcement on urban hens would be complaint based. Once a complaint is received, an investigation is done and the proper channels are followed in terms of the nature of the complaint.

Mr. Arcand confirmed with Councillor LeBlanc that some municipalities are doing community agriculture similar to community gardens and allowing the keeping of hens and certain animals. However, the present by-law is not structured to allow it at this point.

Mr. Smith confirmed the Animal Control Officer would play a role if an animal becomes at large. In terms of complaints received on a by-law issue, staff would take the role in that capacity. If there is animal cruelty, that is an issue the Town would not be addressing but instead reaching out to the province and the appropriate departments to address concerns of that nature.

Mr. Smith confirmed with Deputy Mayor Cassista he does not believe this particular by-law would increase the amount of work for the by-law officer to verify and enforce the by-law as we do not anticipate a significant number of people participating in this project.

Mayor Seamans thanked the residents who attended the Council meeting for their participation and confirmed that there were no further questions and/or objections and declared the public hearing concluded at 5:40 p.m.

Immediately Following Public Hearing
REGULAR MEETING OF COUNCIL
Monday, August 8, 2016
Council Chambers
Riverview, NB

Members Present:

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

Staff Present:

Colin Smith	CAO
Annette Crummey	Town Clerk
Gerry Cole	Director of Parks, Recreation & Community Relations
Tina Smith	Director of Human Resources
Michel Ouellet	Director of Engineering and Public Works
Chief Denis Pleau	Riverview Fire & Rescue
Rita Gauvin	Executive Administrative Assistant

Absent:

Robert Higson	Director of Finance
Shane Thomson	Director of Economic Development
Denyse Richard	Deputy Town Clerk

Chief Pleau introduced retired firefighter Terry LeBlanc who had worked for Riverview Fire and Rescue for 21 years. Chief Pleau remarked that Mr. LeBlanc was now being acknowledged for his years of service after an omission had occurred when Mr. LeBlanc retired. Mayor Seamans then presented retired firefighter Terry LeBlanc with the Federal Fire Service Medal, given to firefighters with 20 years of service. The Mayor thanked Mr. LeBlanc for his years of service and apologized that it had taken so long for him to receive such a well-deserved medal.

1. CALL TO ORDER

Mayor Seamans called the meeting to order at 5:50 p.m.

2. ADOPTION OF THE AGENDA

Moved by: Councillor LeBlanc

Seconded by: Deputy Mayor Cassista

Agenda item 7A) to be moved forward and discussed prior to agenda item 4.

That the agenda be approved as amended.

Motion Carried

3. DECLARATIONS OF CONFLICTS OF INTEREST

NIL

7 PETITIONS, PRESENTATION & DELEGATION

A) Presentation by Belen Walsh – NB Refugee Clinic

Ms. Belen Walsh and Mr. Lee Cohen presented Council with an overview of the NB Refugee Clinic which will open its doors to the public in Moncton in September 2016. The NB Refugee Clinic is a not-for-profit, non-governmental, community based organization providing free bilingual legal aid services to refugee claimants and persons making humanitarian-based immigration applications in New Brunswick who cannot afford a lawyer.

Mr. Cohen noted the NB Refugee Clinic is modelled on the Halifax Refugee Clinic which has been providing similar services in Nova Scotia since June 2000. The main activities of the NB Refugee Clinic will be to assist refugee claimants to complete legal forms, to prepare refugee claim applications, and to accompany and provide legal representation to claimants at their refugee hearing before the Immigration and Refugee Board.

The beneficiaries of these services are refugee claimants in Riverview, Moncton, Dieppe or elsewhere in the province of New Brunswick. To date, there are no similar services offered anywhere in the province. As a result, many refugee claimants in the area travel to Montreal or Halifax for help. Providing this service in Riverview, Moncton and Dieppe would help refugee claimant families settle and remain in our communities.

Mayor Seamans thanked Ms. Walsh and Mr. Cohen for taking the time to present to Council and to answer questions on the NB Refugee Clinic.

4. ADOPTION OF THE MINUTES

A) Regular Council Meeting – July 11, 2016

Moved by: Councillor Thorne

Seconded by: Deputy Mayor Cassista

That the minutes of the Regular Meeting of Council held on July 11, 2016 be approved as presented.

Motion Carried

5. BUSINESS ARISING FROM THE MINUTES

NIL

6. CORRESPONDENCE

A) Bill Budd, Director of Urban Planning – Recommendations from Planning Advisory Committee re proposed amendment to Zoning By-Law re Urban Agriculture

Moved by: Councillor Rampersaud

Seconded by: Councillor Bennett

That Riverview Town Council accept the recommendation from the Planning Advisory Committee that Riverview Town Council proceed with the amendment process for Municipal Zoning By-Law 300-6-10 subject to the following change:

“an urban agriculture use is permitted provided it is located outdoors on a lot occupied by a single unit or daycare centre and comply with the more specific details in the by-law.”

Nay Vote: Deputy Mayor Cassista

Motion Carried

8. RECOMMENDATIONS FROM COMMITTEE OF THE WHOLE – June 27, 2016

NIL

9. BY-LAWS

- A) **Second reading, by section only, and third reading, by title only, of By-Law 300-6-9, A By-Law in amendment to the Town of Riverview Zoning By-Law 300-6 (Clayton Developments)**

Moved by: Councillor LeBlanc
Seconded by: Deputy Mayor Cassista

*That **leave** be given to introduce second reading, by section only, and third reading, by title only, of By-Law 300-6-9, A By-Law in Amendment to Zoning By-Law 300-6.*

Motion Carried

Moved by: Councillor LeBlanc
Seconded by: Councillor Bennett

*That **second reading**, by section only, be given to By-Law 300-6-9, A By-Law in Amendment to Zoning By-Law 300-6.*

Section 1

Motion Carried

Moved by: Councillor LeBlanc
Seconded by: Deputy Mayor Cassista

*That **third reading**, by title only, be given to By-Law 300-6-9, A By-Law in Amendment to Zoning By-Law 300-6.*

Motion Carried

- B) **First reading, by title only, of By-Law 300-6-10, A By-Law in amendment to the Town of Riverview Zoning By-Law 300-6 (Urban Agriculture)**

Moved by: Councillor Rampersaud
Seconded by: Councillor Hansen

*That **leave** be given to introduce first reading, by title only, of By-Law 300-6-10, A By-Law in Amendment to Zoning By-Law 300-6.*

Nay Vote: Deputy Mayor Cassista

Motion Carried

Moved by: Councillor Rampersaud
Seconded by: Councillor Hansen

*That **first reading**, by title only, be given to By-Law 300-6-10, A By-Law in Amendment to Zoning By-Law 300-6.*

Several Council members expressed their concerns on the amending by-law specifically with regard to enforcement issues and the proper care and maintenance of the keeping of backyard hens. Many Councillors were not comfortable with the fact that the Town would not be capable of enforcing the by-law if a resident did not follow the by-law properly and abused the system. Councillors also felt it would take too long to correct a situation should it arise.

Mr. Arcand confirmed with several Councillors that the Municipalities Act is being reviewed and hopefully municipalities would be able to have more powers to be able to enforce by-laws. However, at the moment municipalities have recourse through court proceedings, which can be a lengthy process and the municipalities can only act within the realms of their authority.

Nay Votes: Deputy Mayor Cassista
Councillor Thorne
Councillor Hansen
Councillor Coughlan

Motion Defeated

10. NOTICE OF MOTION

NIL

11. NEW BUSINESS

A) Approval of Terms of Reference for Ad Hoc Civic Engagement Committee

Moved by: Councillor LeBlanc
Seconded by: Deputy Mayor Cassista

That Riverview Town Council accept the Terms of Reference for the Civic Engagement Committee.

Motion Carried

B) Grant Report – August, 2016

Canadian Mental Health of NB

Accepted staff recommendation to grant \$250 to the Canadian Mental Health of NB.

New Brunswick Refugee Clinic

Moved by: Councillor LeBlanc

Seconded by: Councillor Coughlan

That the Town Council of the Town of Riverview support the New Brunswick Refugee Clinic with a donation in the amount of \$1,500.

Motion Carried

Riverview A's – Peewee 'AAA'

Moved by: Deputy Mayor Cassista

Seconded by: Councillor LeBlanc

That the Town Council of the Town of Riverview authorize to support in the amount of \$500 to the Riverview A's – Peewee 'AAA' who will be participating in the 2016 13U Atlantic Nationals Championships tournament being held in Mount Pearl, NL from September 8-13, 2016.

Motion Carried

Greater Moncton Chamber of Commerce

Moved by: Deputy Mayor Cassista

Seconded by: Councillor Rampersaud

That the Town Council of the Town of Riverview support the Greater Moncton Chamber of Commerce by participating as a Community Sponsor in the Excellence Awards being held on October 26, 2014 in the amount of \$1,000.

Motion Carried

C) Subdivision Approval – Future Road – West Riverview Boulevard

Moved by: Councillor Rampersaud

Seconded by: Deputy Mayor Cassista

That Riverview Town Council accept the recommendation from the Planning Advisory Committee that Riverview Town Council assent to the location of a 60 meter wide Future Street as shown on the Tentative Plan of Riverview West Subdivision, printed date on plan of July 6, 2016.

Motion Carried

D) Interim Financing Resolution – Re: Operations Centre

Moved by: Deputy Mayor Cassista

Seconded by: Councillor Hansen

Be It Resolved that the Town Council of the Town of Riverview approve a temporary increase in the existing revolving line of credit with RBC from the current limit at \$5,000,000 to \$8,000,000 until November 30, 2016.

The revolving line of credit will be repaid with the proceeds of long term debt which has already been approved by Council.

Motion Carried

12. COUNCIL STATEMENTS/INQUIRIES

Councilor LeBlanc mentioned he would be participating with a group in the Pride Parade taking place on August 20, 2016 at 1:00 p.m. and extended an invitation to others who would like to participate to contact him.

Councillor LeBlanc also noted that Create Team Riverview would partake in the Terry Fox Run in September and anyone wishing to participate can contact him or can register on the Terry Fox website.

Mr. Ouellet confirmed with Deputy Mayor Cassista that a request was sent to the provincial government with regard to a request for a speed reduction for both Hillsborough Road and Coverdale Road in the west end. The Town has received a response denying the request for Hillsborough Road. He said the Town has followed up with a reminder to the province that a response has not been received to date regarding the Town's request for Coverdale Road.

13. ADJOURNMENT

Moved by: Deputy Mayor Cassista

Seconded by: Councillor Thorne

That the meeting be adjourned at 7:25 p.m.

Motion Carried