ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

October 26, 2020, 3:00 p.m.

Present:	Mayor Danny Breen Deputy Mayor Sheilagh O'Leary Councillor Maggie Burton Councillor Dave Lane Councillor Sandy Hickman Councillor Debbie Hanlon Councillor Deanne Stapleton Councillor Shawn Skinner Councillor Jamie Korab Councillor Ian Froude Councillor Wally Collins
Staff:	Kevin Breen, City Manager Derek Coffey, Deputy City Manager of Finance & Administration Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services Lynnann Winsor, Deputy City Manager of Public Works Susan Bonnell, Manager - Communications & Office Services Elaine Henley, City Clerk Ken O'Brien, Chief Municipal Planner Maureen Harvey, Legislative Assistant Kelly Maguire, Public Relations & Marketing Officer

Land Acknowledgement

The following statement was read into the record:

"We respectfully acknowledge the Province of Newfoundland & Labrador, of which the City of St. John's is the capital City, as the ancestral homelands of the Beothuk. Today, these lands are home to a diverse population of indigenous and other peoples. We would also like to acknowledge with respect the diverse

histories and cultures of the Mi'kmaq, Innu, Inuit, and Southern Inuit of this Province."

1. CALL TO ORDER

2. SWEARING IN OF WARD 2 COUNCILLOR ELECT - SHAWN SKINNER

Judge Pamela Goulding conducted the swearing in of Councillor Elect Shawn Skinner who thereafter proceeded to take his seat in the Council Chambers.

Councillor Skinner was extended congratulations on his recent election and welcomed to the meeting.

3. PROCLAMATIONS/PRESENTATIONS

4. APPROVAL OF THE AGENDA

4.1 Adoption of Agenda

SJMC-R-2020-10-26/529
Moved By Councillor Skinner
Seconded By Councillor Collins

That the Agenda be adopted as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

5. ADOPTION OF THE MINUTES

5.1 Adoption of Minutes - October 19, 2020

SJMC-R-2020-10-26/530
Moved By Deputy Mayor O'Leary
Seconded By Councillor Lane

That the minutes of October 19, 2020 be adopted as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

6. BUSINESS ARISING FROM THE MINUTES

6.1 Notice of Motion given October 19, 2020 - Adoption of the St. John's Election Finance (Amendment No. 1-2020) By-Law

At the October 19, 2020 Regular Meeting of Council, Councillor Froude gave notice of intent to move the adoption of the St. John's Election Finance (Amendment No. 1-2020) By-Law that will have the effect of incorporating recommended election reforms into the St. John's Election Finance By-Law for the 2021 general municipal election.

1. Amendments to Election Finance By-Law

A notice of motion was presented at the October 19, 2020 Regular Meeting of Council.

SJMC-R-2020-10-26/531
Moved By Councillor Froude
Seconded By Councillor Burton

That Council approve Amendment No. 1-2020 to the St. John's Election Finance By-Law.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

Against (1): Councillor Hickman

MOTION CARRIED (10 to 1)

7. NOTICES PUBLISHED

7.1 Notices Published - 9 Kerry Street

A change of Non-Conforming Use Application has been submitted by The Green Room Inc. requesting permission to change the Use of 9 Kerry Street to a storage and support facility for a Television Production Company.

The proposed Studio is to be used for office space and storage of production material. It will have a floor area of approximately 198m2. The studio will employ 3 full-time employees and operates Monday to Friday, 8 a.m. – 6 p.m. On-site parking is provided for 3 spaces.

Three (3) submissions received

SJMC-R-2020-10-26/532
Moved By Councillor Froude
Seconded By Councillor Lane

That the application for a change of Non-Conforming Use Application by The Green Room Inc. requesting permission to change the Use of 9 Kerry Street to a storage and support facility for a Television Production Company be approved subject to meeting all applicable requirements.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

7.2 Notices Published - 13 Cherry Hill

A Discretionary Use Application has been submitted for a Home Occupation for Wellness Coaching at 13 Cherry Hill Road.

The business involves Therapeutic Stretch, Reiki & Coaching and will operate part-time Monday-Friday, 1-2 clients per day between 10 a.m.-2 p.m. Appointments will be 1 hour with no overlap. Total floor area used for the business is 16.35m2. The applicant is the sole employee. One on-site parking space is provided for the business.

Three (3) submissions received.

SJMC-R-2020-10-26/533
Moved By Councillor Froude
Seconded By Deputy Mayor O'Leary

That the Discretionary Use Application for a Home Occupation for Wellness Coaching at 13 Cherry Hill Road be approved subject to meeting all applicable requirements

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

7.3 Notices Published - 23 Duffy Place

A Discretionary Use Application has been submitted to the City of St. John's seeking approval to install a Wireless Communication Facility adjacent to the building at the west side at 23 Duffy Place.

In accordance with the City of St. John's Siting Protocol for Wireless Facilities, the City of St. John's hereby notifies property owners in the vicinity of 23 Duffy Place of the intention to install the additional 2-9 antennas.
• The antennas will be 1.4m in height, covered by radomes that will be ground mounted on a concrete base (total height of 2.7m or 9ft)
• The area will be fully enclosed by a secure shielding fence of 7m by 41m which is 2.5m (8ft) in height.

No submissions

SJMC-R-2020-10-26/534
Moved By Councillor Froude
Seconded By Councillor Lane

That the Discretionary Use Application seeking approval to install a Wireless Communication Facility adjacent to the building at the west side at 23 Duffy Place be approved subject to meeting all applicable requirements.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

7.4 Notices Published - 350 Torbay Road

A Discretionary Use Application has been submitted to occupy a portion of the building at 350 Torbay Road as Warehouse Use.

The proposed Warehouse will have a floor area of 469m2 and will be used to supply a large chain of retail stores. The business will operate Monday to Thursday, from 9 a.m. to 6 p.m., Friday 8 a.m. to 6 p.m., Saturday and Sunday 9 a.m. to 5 p.m. There will be limited traffic due to limited number of clients using the site.

Four (4) submissions received.

SJMC-R-2020-10-26/535
Moved By Councillor Stapleton
Seconded By Councillor Hanlon

That the Discretionary Use Application submitted to occupy a portion of the building at 350 Torbay Road as Warehouse Use be approved subject to meeting applicable requirements.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

7.5 Notices Published - Trans-Canada Highway

A Discretionary Use Application has been submitted by Coady Construction & Excavating Limited requesting permissions to develop a Mineral Workings Quarry for 40 hectares of land off the Trans-Canada Highway (1.9km East of Foxtrap Access Road/TCH Interchange on North

side of TCH).

The proposed quarry will be used for the production and removal of aggregate material for construction purposes.

No submissions received.

SJMC-R-2020-10-26/536
Moved By Deputy Mayor O'Leary
Seconded By Councillor Hanlon

That the Discretionary Use Application submitted by Coady Construction & Excavating Limited requesting permissions to develop a Mineral Workings Quarry for 40 hectares of land off the Trans-Canada Highway (1.9km East of Foxtrap Access Road/TCH Interchange on North side of TCH) be deferred until the next regular meeting pending consultation with adjacent municipalities.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Froude, and Councillor Collins

Against (1): Councillor Korab

MOTION CARRIED (10 to 1)

8. COMMITTEE REPORTS

8.1 Development Committee Report

1. Request for Driveway Access Through the Floodplain Buffer 139 Petty Harbour Road DEV2000125

SJMC-R-2020-10-26/537
Moved By Councillor Burton
Seconded By Councillor Collins

That Council approve the proposed driveway access through the floodplain buffer at 139 Petty Harbour Road in accordance with Section 11.2.4(2) of the St. John’s Development Regulations.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

2. Request for Parking Relief - 390 Elizabeth Avenue

Ratification of E-Poll

SJMC-R-2020-10-26/538
Moved By Councillor Burton
Seconded By Councillor Hickman

That Council ratify an e-poll approving parking relief for 4 parking spaces to accommodate the Office Use for Sharing Our Cultures Inc. at 390 Elizabeth Avenue.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

8.2 Committee of the Whole Report - October 14, 2020

1. Youth Engagement Action Team Report

SJMC-R-2020-10-26/539
Moved By Councillor Burton
Seconded By Deputy Mayor O'Leary

That Council review the report and its recommendations and consider which ones they want to prioritize to improve youth engagement.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

2. 139 Petty Harbour Road - DEV2000125

SJMC-R-2020-10-26/540
Moved By Councillor Burton
Seconded By Councillor Collins

That Council approve the proposed development on 139 Petty Harbour Road.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

3. Community Services Grants Policy

SJMC-R-2020-10-26/541
Moved By Councillor Korab
Seconded By Deputy Mayor O'Leary

That Council approve the Community Services Grants Policy and rescind the related policies (04-04-01, 04-09-02, and 09-05-01).

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

4. Inclusion Advisory Committee (IAC) Approval of New Members

SJMC-R-2020-10-26/542
Moved By Councillor Stapleton
Seconded By Councillor Hanlon

That Council approve the appointment of five (5) new members to the Inclusion Advisory Committee:

- Alyse Stuart: to provide an in-depth knowledge of women's issues, perspectives and the barriers that limit meaningful participation in the community.
- Heidi Edgar: to provide an in-depth knowledge and experience of mental health/illness issues and the barriers that limit meaningful participation in the community.
- Jayne Simmons: to provide an in-depth knowledge, understanding and expertise of physical and neurological disabilities and the barriers faced by individuals living with these disabilities that limit meaningful participation in the community.
- Dr. Sulaimon Giwa: to provide an in-depth knowledge, understanding and lived experience of racism as well as expertise in building a culture of anti-racism that fosters inclusion and meaningful participation in the community.
- TJ Jones: to provide an in-depth knowledge, understanding and experience of LGBTQ2S issues, perspectives and the barriers that limit meaningful participation in the community.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

5. Downtown Decorative Street Lighting Working Group Recommendation

SJMC-R-2020-10-26/543
Moved By Councillor Hanlon
Seconded By Councillor Skinner

That Council replace the existing decorative globe HPS fixtures with new LED fixtures that meet the aesthetic requirements developed by the Downtown Decorative Street Lighting Working Group in partnership with Downtown St. John's once funding for the project becomes available.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

6. 2020 Heritage Financial Incentives Program

SJMC-R-2020-10-26/544
Moved By Councillor Burton
Seconded By Councillor Lane

That Council approve the twenty-two (22) grant applications as summarized in the attached tables subject to compliance with the requirements of the Heritage Financial Incentives Grant Program and the City's heritage requirements.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

7. 50 Bonaventure Avenue, Heritage Designation

SJMC-R-2020-10-26/545
Moved By Councillor Burton
Seconded By Councillor Skinner

That Council approve the proposed heritage designation of 50 Bonaventure Avenue and direct the Legal Department to undertake a Designation By-law for Council's consideration.

Further, subject to an application being made and approval of heritage designation, that Council advertise the Discretionary Use of a Heritage Use (Eating Establishment/café) at 50 Bonaventure Avenue.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

8. Built Heritage Experts Panel Membership

SJMC-R-2020-10-26/546
Moved By Councillor Burton
Seconded By Councillor Lane

That Council approve the following:

1. an additional term of membership for Rachael Fitkowski (category of landscape architect) and Dawn Boutilier (category of other)

2. appointment of the following members to the BHEP

- John Hancock, architecture category
- Katherine Deborah Hann, historian/archival expert/historic preservationist category
- Mitchell O'Reilly, contractor category
- Michelle Sullivan – other category (background with Brigus Historical Society)

- Nick Lynch, other category (MUN Geography professor)

3. a change to the Terms of Reference to replace Historian/Archival Expert category to Historian/Archival Expert/Historic Preservationist category

4. Letters of appreciation to departing members signed by the Mayor.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

9. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)

9.1 Development Permits List For October 15 - 21, 2020

Council reviewed the above-noted Development Permits List.

10. BUILDING PERMITS LIST (FOR INFORMATION ONLY)

10.1 Building Permits List for the week ending October 21, 2020

Council reviewed the above-noted Building Permits List.

11. REQUISITIONS, PAYROLLS AND ACCOUNTS

11.1 Weekly Payment Vouchers for the week Ending October 21, 2020

SJMC-R-2020-10-26/547
Moved By Councillor Hickman
Seconded By Councillor Stapleton

That the weekly payment vouchers for the week ending October 21, 2020 in the amount of $ 2,379,829.36 be approved.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

12. TENDERS/RFPS

13. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

13.1 Proposed Resolution - Excessive Vehicle Noise

During discussion, Council acknowledged that excessive vehicle noise is not related only to modifications on vehicles as, often, at-market vehicles are equipped with components that result in excessive noise. While limited resources for enforcement at both the municipal and provincial levels is limited, and where enforcement is financially imprudent, consideration ought to be given to limiting street access to such vehicles.

SJMC-R-2020-10-26/548
Moved By Deputy Mayor O'Leary
Seconded By Councillor Burton

WHEREAS scientific evidence suggests that excessive noise affects hearing long term and negatively impacts a person's health and well-being – especially those who have issues with sensory inputs; and

WHEREAS it has been shown that excessive noise from the exhaust systems on vehicles (cars, trucks, motor cycles, ATVs and dirt bikes) can be a source of distraction for road users and a significant disruption to the peace and tranquility of residents in their homes, businesses, cafes, and parks and recreational spaces; and

WHEREAS communities throughout the Province of Newfoundland and Labrador are experiencing problems of excessively loud vehicle noise; and

WHEREAS the issue of excessive noise from vehicles with modified exhaust systems has been part of public discourse since at least 2012; and

WHEREAS a coalition of concerned neighbourhood groups and citizens of known as Pipe Down NL was formed to appeal to the provincial government to change/apply the legislation on noise pollution caused by after market installation of exhaust pipes on cars, trucks and motorcycles; and

WHEREAS this matter is governed under the jurisdiction of the Province's Highway Traffic Act; and

WHEREAS regulations, tools and technology are readily available to aid in enforcement of the Highway Traffic Act; and

WHEREAS other jurisdictions in Canada have made amendments to regulations and legislation to deal with noise from exhaust systems and that they have sound level meters to measure noise generated from vehicles for the purposes of ticketing and fines.

BE IT SO RESOLVED THAT The City of St. John's continue to lobby the Provincial Government of NL to request that the Highway Traffic Act and/or associated regulations be enforced to ensure prohibition of modifications to exhaust systems that increase noise and to enforcement with fines and ticketing. Further, that the City of St. John's continue to lobby the Provincial Government of NL to ensure adequate resources (technology and staffing) are funded to allow enforcement agencies to effectively apply the legislation and regulations prohibiting excessively loud vehicles.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

14. OTHER BUSINESS

14.1 138 Ladysmith Drive, Adoption-in-Principle

SJMC-R-2020-10-26/549
Moved By Councillor Burton
Seconded By Councillor Froude

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment 156, 2020 and St. John's Development Regulations Amendment 712, 2020, regarding land at 138 Ladysmith Drive.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

14.2 42-52 Diamond Marsh Drive, Adoption-in-Principle, MPA2000002

SJMC-R-2020-10-26/550
Moved By Councillor Burton
Seconded By Councillor Collins

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment 155, 2020 and St. John's Development Regulations Amendment 711, 2020, regarding land at 42-52 Diamond Marsh Drive.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

14.3 Sale of City land at the rear of 21 Myrick Place

SJMC-R-2020-10-26/551
Moved By Councillor Collins
Seconded By Councillor Hickman

That Council approve the sale of City land at the rear of 21 Myrick Place, as shown in red on the diagram below.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

14.4 Road Closure Requests for The Surrealtor Film Shoot

SJMC-R-2020-10-26/552
Moved By Councillor Hanlon
Seconded By Councillor Burton

That Council approve the requested road closures for The Surrealtor film shoot.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Skinner, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

15. GO-ROUND

Councillor Hanlon requested that reconsideration be given to free parking for veterans at parking meters and at city buildings.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 5:04 pm

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MAYOR

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CITY CLERK