

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

January 11, 2021, 3:00 p.m.

Present: Mayor Danny Breen
Deputy Mayor Sheilagh O'Leary
Councillor Maggie Burton
Councillor Sandy Hickman
Councillor Debbie Hanlon
Councillor Deanne Stapleton
Councillor Jamie Korab
Councillor Ian Froude
Councillor Wally Collins
Councillor Shawn Skinner

Staff: Kevin Breen, City Manager
Derek Coffey, Deputy City Manager of Finance & Administration
Tanya Haywood, Deputy City Manager of Community Services
Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services
Lynnann Winsor, Deputy City Manager of Public Works
Cheryl Mullett, City Solicitor
Susan Bonnell, Manager - Communications & Office Services
Elaine Henley, City Clerk
Ken O'Brien, Chief Municipal Planner
Maureen Harvey, Legislative Assistant

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. **PROCLAMATIONS/PRESENTATIONS**
3. **APPROVAL OF THE AGENDA**

3.1 **Adoption of Agenda**

SJMC-R-2021-01-11/1

Moved By Deputy Mayor O'Leary

Seconded By Councillor Collins

That the Agenda be adopted as presented.

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

MOTION CARRIED (10 to 0)

4. **ADOPTION OF THE MINUTES**

4.1 **Adoption of Minutes - December 14, 2020**

SJMC-R-2021-01-11/2

Moved By Councillor Skinner

Seconded By Councillor Hanlon

That the minutes of the December 14, 2020 Regular Meeting be adopted as presented.

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

MOTION CARRIED (10 to 0)

5. **BUSINESS ARISING FROM THE MINUTES**

5.1 New Sanitation Regulations By-Law

SJMC-R-2021-01-11/3

Moved By Councillor Froude

Seconded By Councillor Hickman

In keeping with the Notice of Motion presented at the December 14, 2020 Regular Meeting of Council, Council approves to repeal the Sanitation Regulation By-Law enacted April 23, 1986, and enacts a new comprehensive Sanitation Regulations By-Law regulating disposal of residential waste in the City of St. John's.

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

MOTION CARRIED (10 to 0)

6. NOTICES PUBLISHED

6.1 Notices Published - 5 Ayrshire Place - Residential Low Density (R1) Zone - Ward 2

Application

A Discretionary Use Application has been submitted for a Home Occupation for Seamstress at 5 Ayrshire Place.

Description

The business involves creating baby and maternity accessories, and the applicant is the sole employee. The floor area for the business is 35m² and will operate Monday – Friday, 8:30 a.m. – 4:30 p.m. clients will visit the property by appointment only for pickups, and on-site parking is provided.

Six (6) submissions attached.

Application

A Discretionary Use Application has been submitted for a Home Occupation for Seamstress at 5 Ayrshire Place.

Description

The business involves creating baby and maternity accessories, and the applicant is the sole employee. The floor area for the business is 35m²

and will operate Monday – Friday, 8:30 a.m. – 4:30 p.m. clients will visit the property by appointment only for pickups, and on-site parking is provided.

Six (6) submissions received (attached)

SJMC-R-2021-01-11/4

Moved By Councillor Froude

Seconded By Councillor Hanlon

That Council approve the discretionary use application for a seamstress home occupation at 5 Ayrshire Place subject to meeting all applicable requirements.

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

MOTION CARRIED (10 to 0)

**6.2 Notices Published - 20 Gower Street - Residential Downtown (RD)
Zone Ward 2 - APPROVED VIA E-POLL**

Application

A Discretionary Use Application has been submitted to convert an existing Dwelling (Heritage Building) into a Bed & Breakfast and Eating Establishment at 20 Gower Street.

Description

The proposed use is for 5 Bed & Breakfast rooms, while the Eating Establishment (Heritage Use) will occupy a floor area of 37m² with seating for 12 people. Hours of operation for the Eating Establishment will be 7 days a week from 10 a.m. – 11 p.m., by reservation only. A restaurant liquor license is proposed.

Ten (10) submissions received.

SJMC-R-2021-01-11/5

Moved By Councillor Skinner

Seconded By Deputy Mayor O'Leary

That Council ratify an e-poll approving a discretionary use application to convert an existing dwelling at 20 Gower Street into a Bed & Breakfast and Eating Establishment subject to meeting all applicable requirements.

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

MOTION CARRIED (10 to 0)

6.3 Notices Published - 79 MacBeth Drive - Residential Low Density (R1) Zone - Ward 1 - REJECTED VIA E-POLL DECEMBER 16, 2020

Application

A Discretionary Use Application has been submitted to operate a Retail Business as a Home Occupation at 79 MacBeth Drive.

Description

The business will involve the sale of miscellaneous items online (example toys and clothing), and clients will pick up purchased items from the home. The business will operate daily between 9 a.m. – 8 p.m. Pickup times will be by appointment only, with individual pickup spaces 15 minutes apart, 10-20 times per week. Two on-site parking spaces are provided for the business.

One (1) submission attached.

SJMC-R-2021-01-11/6

Moved By Councillor Stapleton

Seconded By Councillor Korab

That Council ratify an e-poll rejecting a Discretionary Use Application to operate a Retail Business a Home Occupation at 79 MacBeth Drive as the proposed development is deemed to be too intense for the area.

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

MOTION CARRIED (10 to 0)

6.4 Notices Published - 203 Merrymeeting Road - Residential High Density (R3) Zone - Ward 2

Application

A change of Non-Conforming Use application has been submitted by The Old Dublin Bakery for 203 Merrymeeting Road.

Description

The proposed use is for a Bakery with a floor area of approximately 99.2m². The Bakery will employ up to 10 full-time employees and operate Monday-Saturday 7 a.m. to 4 p.m., and Sundays 7 a.m. – 12 p.m. The business will also include overnight production. No parking is provided onsite, and parking relief has been requested.

Eleven (11) submissions received.

SJMC-R-2021-01-11/7

Moved By Councillor Skinner

Seconded By Councillor Burton

That Council approve the application changing a non-conforming use at 203 Merrymeeting Road subject to meeting all applicable requirements.

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

MOTION CARRIED (10 to 0)

7. COMMITTEE REPORTS

7.1 Development Committee Report

**1. Request for Crown Land Lease in the Agriculture (AG) Zone
529 Power's Road
CRW2000017**

SJMC-R-2021-01-11/8

Moved By Councillor Burton

Seconded By Councillor Collins

That Council approve the Crown Land lease for 3.1 hectares of land at 529 Power's Road.

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

MOTION CARRIED (10 to 0)

**2. Set parking relief for a proposed Bakery
203 Merrymeeting Road
DEV2000188**

SJMC-R-2021-01-11/9

Moved By Councillor Burton

Seconded By Councillor Skinner

That Council approve parking relief for the proposed Bakery at 203 Merrymeeting Road.

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

MOTION CARRIED (10 to 0)

**3. Request for Crown Land Transfer
Paddy's Pond Place
CRW2000020**

SJMC-R-2021-01-11/10

Moved By Councillor Burton

Seconded By Councillor Collins

That Council approve the transfer of Provincial Crown Land to Federal Crown Land in the area of Paddy's Pond Place.

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

MOTION CARRIED (10 to 0)

**4. Request for Crown Land Transfer
Foxtrap Access Road
CRW2000019**

SJMC-R-2021-01-11/11

Moved By Councillor Burton

Seconded By Councillor Collins

That Council approve the transfer of Provincial Crown Land to Federal Crown Land in the area of the Foxtrap Access Road.

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

MOTION CARRIED (10 to 0)

7.2 Committee of the Whole Report - December 9, 2020

**1. Regional Water Reserve Fund Purchase – Replacement
Southlands Pump**

SJMC-R-2021-01-11/12

Moved By Councillor Hickman

Seconded By Councillor Froude

That Council approve access to funding from the Regional Water Equipment Replacement Reserve Fund to support the purchase of a replacement Southlands Pump.

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

MOTION CARRIED (10 to 0)

2. 28 Eric Street - REZ1900015

SJMC-R-2021-01-11/13

Moved By Councillor Burton

Seconded By Deputy Mayor O'Leary

That Council consider a proposed rezoning of the eastern portion of 28 Eric Street from the Open Space (O) Zone to the Residential High Density (R3) Zone, and that the application be advertised and referred to a virtual Public Meeting chaired by an independent facilitator.

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

MOTION CARRIED (10 to 0)

7.3 Audit and Accountability Standing Committee Report - December 16, 2020

1. St. John's Regional Fire Department - Review of Training Division

SJMC-R-2021-01-11/14

Moved By Councillor Stapleton

Seconded By Councillor Hickman

That Council approve the SJRFD – Review of Training Division report and the associated action plans put forth by management.

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

MOTION CARRIED (10 to 0)

2. Closure of Recreation Division Report

SJMC-R-2021-01-11/15

Moved By Councillor Stapleton

Seconded By Councillor Hanlon

That Council approve the removal of the H.G.R. Mews Community Centre and Wedgewood Park Recreation Centre (Cash Handling, Petty Cash, Sales and Attendance Reporting) audit report from Internal Audit's follow-up list.

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

MOTION CARRIED (10 to 0)

3. Closure of Commercial Property Tax Allowance Report

SJMC-R-2021-01-11/16

Moved By Councillor Stapleton

Seconded By Councillor Korab

That Council approve the removal of the Commercial Property Tax Allowance audit report from Internal Audit's follow-up list.

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

MOTION CARRIED (10 to 0)

8. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)

8.1 Development Permits List December 10, 2020 To January 6, 2021

9. BUILDING PERMITS LIST (FOR INFORMATION ONLY)

9.1 Building Permit List for the week ending December 31, 2020

10. REQUISITIONS, PAYROLLS AND ACCOUNTS

10.1 Weekly Payment Vouchers for Week Ending December 16, 2020

SJMC-R-2021-01-11/17

Moved By Councillor Stapleton

Seconded By Councillor Hanlon

That Council approve the Weekly Payment Vouchers for the week ending December 16, 2020 in the amount of 4,114,003.28

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

MOTION CARRIED (10 to 0)

10.2 Weekly Payment Vouchers for Week Ending December 23, 2020

SJMC-R-2021-01-11/18

Moved By Councillor Stapleton

Seconded By Councillor Hanlon

That Council approve the Weekly Payment Vouchers for the week ending December 23, 2020 in the amount of \$ 2,408,703.34

CARRIED UNANIMOUSLY BY THOSE PRESENT

10.3 Weekly Payment Vouchers for the Week Ending January 6, 2021

SJMC-R-2021-01-11/19

Moved By Councillor Stapleton

Seconded By Councillor Hanlon

That Council approve the Weekly Payment Vouchers for the week ending January 6, 2021 in the amount of \$ 7,442,188.86

CARRIED UNANIMOUSLY BY THOSE PRESENT

11. TENDERS/RFPS

11.1 Ratification of E-Poll - 2020175 - Community Services - Bussing for Recreation Programs

SJMC-R-2021-01-11/20

Moved By Councillor Hickman

Seconded By Deputy Mayor O'Leary

That Council ratify an e-poll to award this open call for Bussing for Recreational Programs, to the lowest bidder meeting specifications, Executive Bus Limited, for \$73,814.96 (HST not included) per year as per the Public Procurement Act.

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

MOTION CARRIED (10 to 0)

11.2 2020189 – Supply and Delivery of Work Boots

SJMC-R-2021-01-11/21

Moved By Councillor Hickman

Seconded By Councillor Froude

That Council award open call 2020189 – Supply and Delivery of Leather Work Boots, to the lowest bidder meeting the specifications, Campbell's Ship Supplies for \$90,089.88 (including HST), as per the Public Procurement Act.

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

MOTION CARRIED (10 to 0)

12. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

13. OTHER BUSINESS

13.1 Ratification of E-Poll – Local Board of Appeal Membership

SJMC-R-2021-01-11/22

Moved By Councillor Skinner

Seconded By Councillor Hanlon

That Council ratify its decision to appoint Renee Dyer and Nick Summers to the City of St. John's Local Board of Appeal effective immediately.

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

MOTION CARRIED (10 to 0)

13.2 Temporary Bump-outs / Intersection of Ladysmith and Kiwanis

SJMC-R-2021-01-11/23

Moved By Councillor Froude

Seconded By Councillor Burton

That Council approve for the temporary bump-outs at the intersection of Ladysmith Drive and Kiwanis Street to remain in place until the permanent bump-outs are constructed.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

Against (1): Councillor Hickman

MOTION CARRIED (9 to 1)

13.3 138 Ladysmith Drive, Adoption MPA2000007

SJMC-R-2021-01-11/24

Moved By Councillor Burton

Seconded By Councillor Froude

That Council adopt the attached resolutions for St. John's Municipal Plan Amendment Number 156, 2021 and St. John's Development Regulations Amendment Number 712, 2021, and appoint Mr. Glenn Barnes, NLAA, MRAIC, a member of the City's commissioner list, to conduct a virtual

Public Hearing on the proposed amendments. The proposed date for the Public Hearing is Thursday, February 4, 2021, at 7 p.m.

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

MOTION CARRIED (10 to 0)

13.4 Ratification of E-Poll - Stormwater Detention Requirement in LUAR Terms of Reference

SJMC-R-2021-01-11/25

Moved By Councillor Burton

Seconded By Councillor Hickman

That Council update the "Municipal Services" section of the Land Use Assessment Report Terms of Reference for 5 & 7 Little Street and 6 Lambe's Lane to remove reference to the 10-year climate-change rainfall and replace it with the following: "The proposed development will be required to comply with the City's stormwater detention policy. Provide information on how on-site stormwater detention will be managed."

Further, than Council update the "Municipal Services" section of the Land Use Assessment Report Terms of Reference for 314-316 LeMarchant Road to remove reference to the 10-year climate-change rainfall and replace it with the following: "The proposed development will be required to comply with the City's stormwater detention policy. Provide information on how stormwater will be managed on the site."

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

MOTION CARRIED (10 to 0)

13.5 42-52 Diamond Marsh Drive, Adoption MPA2000002

SJMC-R-2021-01-11/26

Moved By Councillor Burton

Seconded By Councillor Collins

That Council adopt the attached resolutions for St. John's Municipal Plan Amendment Number 155, 2021 and St. John's Development Regulations Amendment Number 711, 2021, and appoint Mr. Cliff Johnston, MCIP, a member of the City's commissioner list, to conduct a virtual Public Hearing on the proposed amendments. The proposed date for the Public Hearing is Wednesday, February 3, 2021, at 7 p.m.

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

MOTION CARRIED (10 to 0)

13.6 Collective Agreement – City of St. John's and NAPE Local 7808

SJMC-R-2021-01-11/27

Moved By Councillor Korab

Seconded By Councillor Stapleton

That Council ratify the Collective Agreement between the City of St. John's and NAPE Local 7808 for the period of July 1, 2018 to June 30, 2022.

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

MOTION CARRIED (10 to 0)

14. ACTION ITEMS RAISED BY COUNCIL

Deputy Mayor O'Leary - Asked if staff could reach out to contractors undertaking work during the winter months to refrain from placing snow on city streets.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 4:34 pm.

MAYOR

CITY CLERK