

ST. JOHN'S

Regular Meeting - City Council Agenda

December 6, 2021

3:00 p.m.

4th Floor City Hall

Pages

1. CALL TO ORDER
2. PROCLAMATIONS/PRESENTATIONS
 - 2.1. 90th Anniversary of the St. John's Elks Club 3
Ms. Rhonda Skanes, Director (Membership) for the St. John's Elks Lodge 245 will be in attendance.
3. APPROVAL OF THE AGENDA
 - 3.1. Adoption of Agenda
4. ADOPTION OF THE MINUTES
 - 4.1. Adoption of Minutes - November 29, 2021 4
5. BUSINESS ARISING FROM THE MINUTES
6. DEVELOPMENT APPLICATIONS
 - 6.1. Notices Published – 1 Campbell Avenue - DEV2100157 12
 - 6.2. Notices Published – 585 Torbay Road – DEV2100144 16
7. RATIFICATION OF EPOLLS
8. COMMITTEE REPORTS
9. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)
 - 9.1. Development Permits List November 25 to December 1, 2021 19
10. BUILDING PERMITS LIST (FOR INFORMATION ONLY)

10.1.	Building Permits List	20
11.	REQUISITIONS, PAYROLLS AND ACCOUNTS	
11.1.	Weekly Payment Vouchers for the Week Ending December 1, 2021	22
12.	TENDERS/RFPS	
12.1.	2021157 - HRV Service for Non-Profit Housing	23
13.	NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS	
13.1.	Notice of Motion - Heritage Designation By-Law - 265 Lemarchant Road	25
	Notice of Motion - Heritage Designation By-Law - 265 Lemarchant Road	
14.	OTHER BUSINESS	
14.1.	Expropriation of Easement – 133 Blackmarsh Road	26
14.2.	Council Representation – St. John’s Transportation Commission	31
14.3.	Art Procurement 2021	33
14.4.	Galway Industrial Stormwater Detention	37
15.	ACTION ITEMS RAISED BY COUNCIL	
16.	ADJOURNMENT	

Proclamation

90th Anniversary of the St. John's Elks Lodge 245

December 5th, 2021

Whereas: The St. John's Elks Lodge 245 was formed on December 5th, 1931 within the Benevolent and Protective Order of Elks; and

Whereas: The members of St. John's Elks Lodge 245 have served St. John's since that time through community service and fundraising for charitable causes; and

Whereas: St. John's Lodge 245 is a member of the National organization Elks of Canada with over 240 Lodges and 8000 members ready to continue growing into the future and helping wherever needed; and

Whereas: The members of St. John's Elks Lodge 245 are obliged to promote Equality, Love, Kindness and Service within their community; and

Whereas: December 5th, 2021 will mark the 90th Anniversary of the St. John's Elks Lodge 245

Therefore: I, Danny Breen, Mayor of the City of St. John's, do hereby proclaim Sunday, December 5th, 2021 as the 90th Anniversary of the St. John's Elks Lodge 245 and congratulate them for their contribution to the community of St. John's over the past 90 years and their commitment to continue to do so in the future.

Signed at City Hall, St. John's, NL on this 6th day of December, 2021.

Danny Breen, Mayor

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

November 29, 2021, 3:00 p.m.

Present:

- Mayor Danny Breen
- Deputy Mayor Sheilagh O'Leary
- Councillor Maggie Burton
- Councillor Ron Ellsworth
- Councillor Sandy Hickman
- Councillor Debbie Hanlon
- Councillor Jill Bruce
- Councillor Ophelia Ravencroft
- Councillor Jamie Korab
- Councillor Carl Ridgeley

Regrets: Councillor Ian Froude

Staff:

- Kevin Breen, City Manager
- Derek Coffey, Deputy City Manager of Finance & Administration
- Tanya Haywood, Deputy City Manager of Community Services
- Lynnann Winsor, Deputy City Manager of Public Works
- Cheryl Mullett, City Solicitor
- Karen Chafe, City Clerk
- Kelly Maguire, Public Relations & Marketing Officer
- Jennifer Squires, 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**
 - 2.1 **Economic Abuse Awareness Day**
3. **APPROVAL OF THE AGENDA**
 - 3.1 **Adoption of Agenda**

SJMC-R-2021-11-29/564

Moved By Councillor Ravencroft

Seconded By Councillor Hanlon

That the Agenda be adopted as presented.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

4. **ADOPTION OF THE MINUTES**
 - 4.1 **Adoption of Minutes - November 22, 2021**

SJMC-R-2021-11-29/565

Moved By Deputy Mayor O'Leary

Seconded By Councillor Hickman

That the minutes of November 22, 2021, be adopted as presented.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

5. **BUSINESS ARISING FROM THE MINUTES**
6. **DEVELOPMENT APPLICATIONS**

6.1 Accessory Building in the Commercial Neighbourhood Zone – 2 Hunt’s Lane – INT2100115

SJMC-R-2021-11-29/566

Moved By Councillor Korab

Seconded By Councillor Ellsworth

That Council approve the 36.6 square metre Accessory Building in the Commercial Neighbourhood (CN) Zone at 2 Hunt’s Lane.

For (10): Mayor Breen, Deputy Mayor O’Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

6.2 Notices Published – 101-103 Long’s Hill - DEV2100159

SJMC-R-2021-11-29/567

Moved By Councillor Korab

Seconded By Councillor Ravencroft

That Council approve the Discretionary Use application for a Dwelling Unit – 1st Storey of the existing Building at 101-103 Long’s Hill.

For (10): Mayor Breen, Deputy Mayor O’Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

6.3 Request for Accessory Building Variance on Height – 4 Paddington Place – INT2100117

SJMC-R-2021-11-29/568

Moved By Councillor Korab

Seconded By Councillor Ellsworth

That Council approve a 10% Variance to allow the Accessory Building height 5.43 metres at 4 Paddington Place.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

7. RATIFICATION OF EPOLLS

8. COMMITTEE REPORTS

8.1 Committee of the Whole Report - November 17, 2021

1. City of St. John's Emergency Management Plan

SJMC-R-2021-11-29/569

Moved By Councillor Ridgeley

Seconded By Councillor Hickman

That Council approve the City of St. John's Emergency Management Plan - 2021

MOTION CARRIED

9. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)

9.1 Development Permits List for November 18 to 24, 2021

Council considered the Development Permits List for information.

10. BUILDING PERMITS LIST (FOR INFORMATION ONLY)

10.1 Building Permits List

Council considered the Building Permits List for information.

11. REQUISITIONS, PAYROLLS AND ACCOUNTS

11.1 Weekly Payment Vouchers for the Week Ending November 24, 2021

SJMC-R-2021-11-29/570

Moved By Councillor Burton

Seconded By Councillor Bruce

That the weekly payment vouchers for the week ending November 24, 2021, in the amount of \$7,746,306.83 be approved as presented.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

12. TENDERS/RFPS

13. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

13.1 16 Days of Activism

SJMC-R-2021-11-29/571

Moved By Deputy Mayor O'Leary

Seconded By Councillor Hanlon

That Council approve the attached resolution for 16 Days of Activism in support of the International Day for the Elimination of Violence Against Women.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

14. OTHER BUSINESS

14.1 SERC – Shea Heights Christmas Parade

SJMC-R-2021-11-29/572

Moved By Councillor Hanlon

Seconded By Councillor Ridgeley

That Council approve the road closure associated with the Shea Heights Christmas Parade on December 19, 2021.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

14.2 Expropriation of Easement – 133 Blackmarsh Road

Councillor Korab requested that the item be deferred until the following week to provide the homeowner an opportunity to discuss the expropriation with Staff. Councillor Korab asked for additional information concerning the notification process for residents regarding work on their property. The City Manager will ask the Deputy City Manager of Planning, Engineering, and Regulatory Services to provide a response. Councillor Korab then informed Council that the deferral of the expropriation will not impact the development and construction the new Mews Centre.

SJMC-R-2021-11-29/573

Moved By Councillor Korab

Seconded By Councillor Burton

That council defer the expropriation of easement at 133 Blackmarsh Road.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

14.3 SERC – Noise By-Law Extension Request – Hudson and Rex

SJMC-R-2021-11-29/574

Moved By Councillor Hanlon

Seconded By Councillor Ellsworth

That Council approve the requested noise by-law extensions for the filming of Hudson and Rex December 5 – 8, 2021.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

14.4 Water Street Paid Parking Extension

Councillor Burton noted the implementation of PayByPhone parking on Water Street would facilitate turnover in the Downtown area, which would have a positive impact on business revenue. Having one system for payment on Water Street will make things more cohesive and less confusing for patrons. Councillor Ravencroft stated that she would not be supporting the motion, as many do not have access to a credit card or cell phone and their parking options will be limited. More work is required to ensure access for all. Councillor Burton agreed that it was not a perfect system, and although limited, parking in the timed areas will be accessible to those without a phone or card. Councillor Burton also noted that while they recognize the impact this will have on those without access to the items required, they also have concerns with implementing a cash-based system due to vandalism in the past. It was asked if it would be possible to confirm if the private parking garages in the area accepted cash, as these could then be used by residents without access to a credit card and cell phone. Councillor Burton then advised that the new parking measures would not be implemented until after Christmas to allow for the City and businesses to communicate the parking changes to residents.

SJMC-R-2021-11-29/575

Moved By Councillor Burton

Seconded By Councillor Ellsworth

That Council approve implementation of the PayByPhone application as the only parking method on Water Street, between Bishops Cove to Cochrane Street, with the exception of commercial parking permit areas.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, and Councillor Ridgeley

Against (1): Councillor Ravencroft

MOTION CARRIED (9 to 1)**14.5 Churchill Square Interim Parking**

Councillor Burton stated that Council have been in communication with businesses located in Churchill Square and they have asked for assistance with parking turnover. The proposed change will reduce the existing 2-hour timed parking to 1-hour timed parking, and the 4-hour timed parking to 2-hour timed parking. This is an interim solution until the Paid Parking Strategy is ready for implementation.

SJMC-R-2021-11-29/576

Moved By Councillor Burton

Seconded By Councillor Ellsworth

That Council approve changes to the Churchill Square timed parking, including updating the 2-hour timed parking area to 1-hour, and the 4-hour area to 2-hour.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)**15. ACTION ITEMS RAISED BY COUNCIL****16. ADJOURNMENT**

There being no further business, the meeting adjourned at 3:40 p.m.

MAYOR

CITY CLERK

DECISION/DIRECTION NOTE

Title: Notices Published – 1 Campbell Avenue - DEV2100157

Date Prepared: November 30, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Jamie Korab, Development

Ward: Ward 2

Decision/Direction Required: A Change of Non-Conforming Use application has been submitted by The Calm Place Inc. for 1 Campbell Avenue.

Discussion – Background and Current Status: The proposed application is to change the occupancy of 1 Campbell Avenue from an Office to a Clinic for counselling/therapy services. Hours of operation will be Monday to Friday, 10 a.m. to 6 p.m. The Clinic will occupy the entire Building, with a floor area of approximately 250m². The Clinic will employ two employees. On-site parking is provided. The proposed application site is zoned Residential 2 (R2). Under the Envision Development Regulations, Section 7.5.(3)(d) Non-Conforming, the existing Use may be varied with the approval of Council to a Use that is more compatible, in Council's opinion, with the Municipal Plan and these Regulations.

Zero submissions were received.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighbouring property owners.
3. Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-2029 – A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: Envision St. John's Development Regulations Section 7.5.(3)(d) Non-Conforming.
5. Privacy Implications: Not applicable.



6. Engagement and Communications Considerations: Public advertisement in accordance with Section 5.5 of the St. John's Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the application sites. Applications have been advertised in The Telegram newspaper at least once and are posted on the City's website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

Recommendation:

That Council approve the change in Non-Conforming Use at 1 Campbell Avenue from an Office Use to a Clinic Use for counselling/therapy services.

Prepared by:

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development
Planning, Engineering and Regulatory Services

Approved by:

Jason Sinyard, P.Eng, MBA Deputy City Manager
Planning, Engineering and Regulatory Services

Report Approval Details

Document Title:	Notices Published - 1 Campbell Avenue .docx
Attachments:	- 1 CAMPBELL AVENUE.pdf
Final Approval Date:	Dec 1, 2021

This report and all of its attachments were approved and signed as outlined below:

Lindsay Lyghtle Brushett - Nov 30, 2021 - 3:25 PM

Jason Sinyard - Dec 1, 2021 - 9:44 AM



SUBJECT PROPERTY

BEAUMONT ST

CAMPBELL AVE

LEMARCHANT RD

PLEASANT ST

INST-DT

COH

R3

R2

R2

RM

CM

R2

DISCLAIMER: This map is based on current information at the date of production.

DECISION/DIRECTION NOTE

Title: Notices Published – 585 Torbay Road – DEV2100144

Date Prepared: November 30, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Jamie Korab, Development

Ward: Ward 1

Decision/Direction Required: A Discretionary Use application has been submitted by Persepolis Persian Restaurant Limited at 585 Torbay Road.

Discussion – Background and Current Status: The Discretionary Use is for a Restaurant that will be approximately 175m² and have up to four employees. Hours of operations will be seven days a week, 11 a.m. to 10 p.m. On -site parking is provided. The proposed application is in the Industrial Commercial (IC) Zone.

Zero submissions were received.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighbouring property owners.
3. Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-2029 – A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: Envision St. John's Development Regulations Industrial Commercial (IC) Zone (2) Discretionary Uses.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: : Public advertisement in accordance with Section 5.5 of the St. John's Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the application sites. Applications have been advertised in The Telegram newspaper at least once and are posted on the City's website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.

ST. JOHN'S

7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

Recommendation:

That Council approve the Discretionary Use application for a Restaurant at 585 Torbay Road.

Prepared by:

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development
Planning, Engineering and Regulatory Services

Approved by:

Jason Sinyard, P.Eng, MBA Deputy City Manager
Planning, Engineering and Regulatory Services

Report Approval Details

Document Title:	Notices Published - 585 Torbay Road.docx
Attachments:	
Final Approval Date:	Dec 1, 2021

This report and all of its attachments were approved and signed as outlined below:

Lindsay Lyghtle Brushett - Nov 30, 2021 - 3:58 PM

Jason Sinyard - Dec 1, 2021 - 9:43 AM

Development Permits List
For the Period of November 25 to December 1, 2021

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM		Demo/Rebuild for Fishing Stages & Wharf	31 Barrow's Road	2	Approved	21-11-30
INST	Whiteway Holding Inc	Subdivide of Land	10 Escasoni Place & 230 Portugal Cove Road	1	Approved	21-11-30
RES		Lot Consolidation	5 Mooney Crescent	5	Approved	21-12-1

* **Code Classification:**
RES - Residential INST - Institutional
COM - Commercial IND - Industrial
AG - Agriculture
OT - Other

Lindsay Lyghtle Brushett
Supervisor - Planning and Development

** This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.

Building Permits List

Council's December 6, 2021 Regular Meeting

Permits Issued: 2021/11/25 to 2021/12/01

Class: Residential

10 Carriage Lane	New Construction	Single Detached Dwelling
10 Leonard J. Cowley St	New Construction	Single Detached Dwelling
14 Forest Ave	Fence	Fence
142a Old Pennywell Rd	New Construction	Townhousing
142b Old Pennywell Rd	New Construction	Townhousing
142c Old Pennywell Rd	New Construction	Townhousing
16 Road DE Luxe	Accessory Building	Accessory Building
161 Freshwater Rd	Renovations	Semi Detached Dwelling
165 Castle Bridge Dr	New Construction	Single Detached Dwelling
180 Cheeseman Dr	New Construction	Single Detached Dwelling
21 Kilbride Ave	Fence	Fence
21 Kilbride Ave	Accessory Building	Accessory Building
27 Malka Dr	New Construction	Single Detached Dwelling
3 Darling St	Change of Occupancy/Renovations	Single Detached Dwelling
3 Noad Pl	Site Work	Townhousing
307 Brookfield Rd	Fence	Fence
5 Parkhill St	Change of Occupancy	Single Detached Dwelling
50 Diamond Marsh Dr	New Construction	Single Detached Dwelling
56 Tigress St	New Construction	Single Detached w/ apt.
72 Greenspond Dr	Site Work	Single Detached Dwelling

This Week: \$1,942,606.52

Class: Commercial

126 Water St	Renovations	Retail Store
278 Kenmount Rd	Sign	Car Sales Lot
360 Paddy's Pond Rd	Extension	Transportation Terminal
40 Kenmount Rd	Sign	Restaurant
402 Logy Bay Rd	Accessory Building	Accessory Building
41 Shaw St	Renovations	Mixed Use
547 Kenmount Rd	Renovations	Car Sales Lot

This Week: \$1,614,128.00

Class: Government/Institutional

57 Bonaventure Ave Renovations

Home For The Aged

This Week: \$229,000.00

Class: Industrial

This Week: \$0.00

Class: Demolition250 Waterford Bridge
Rd Demolition

Residential Board & Care

This Week: \$120,000.00

This Week's Total: \$3,905,734.52

Repair Permits Issued 2021/11/25 to 2021/12/01:

\$552,757.00

YEAR TO DATE COMPARISONS			
December 6, 2021			
TYPE	2020	2021	% VARIANCE (+/-)
Residential	\$48,139,789.83	\$60,408,551.02	25
Commercial	\$134,724,077.71	\$119,543,420.82	-11
Government/Institutional	\$677,431.00	\$33,568,907.00	4855
Industrial	\$3,000.00	\$4,164,500.00	138717
Repairs	\$3,312,253.90	\$4,766,337.57	44
TOTAL	\$186,856,552.44	\$222,451,716.41	19
Housing Units (1 & 2 Family Dwelling)	150	181	

Respectfully Submitted,

Jason Sinyard, P.Eng., MBA
Deputy City Manager
Planning, Engineering and Regulatory Services

MEMORANDUM

Weekly Payment Vouchers For The Week Ending December 1, 2021

Payroll

Public Works	\$ 512,135.95
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Bi-Weekly Casual	\$ 36,359.23
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Accounts Payable	\$ 6,123,026.14
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(A detailed breakdown available [here](#))

Total:	\$ 6,671,521.32
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ST. JOHN'S

DEPARTMENT OF FINANCE

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

BID APPROVAL NOTE

Bid # and Name: 2021157 - HRV Service for Non-Profit Housing
Date Prepared: Monday, November 29, 2021
Report To: Regular Meeting
Councillor and Role: Councillor Sandy Hickman, Public Works
Ward: N/A

Department: Public Works
Division: City Buildings
Quotes Obtained By: Sherri Higgins
Budget Code: 52475 - 6361 to 6382
Source of Funding: Operating

Purpose:

The purpose of the open call is the provision of HRV Service for Non-Profit Housing

Results: ☐ As attached ☒ As noted below

Vendor Name	Bid Amount
Clean Air Solutions	\$489,072.00

Expected Value: ☐ As above
☒ Value shown is an estimate only for a 1 year period. The City does not guarantee to buy specific quantities or dollar value.

Contract Duration: Two years with a potential one-year extension

Bid Exception: None

Recommendation:

That Council approve for award this open call to the lowest and sole bidder, Clean Air Solutions, for \$489,072.00 per year (HST Incl.) as per the Public Procurement Act.

Attachments:

ST. JOHN'S

Report Approval Details

Document Title:	2021157 - HRV Service for Non-Profit Housing .docx
Attachments:	
Final Approval Date:	Nov 29, 2021

This report and all of its attachments were approved and signed as outlined below:

Rick Squires - Nov 29, 2021 - 1:02 PM

Derek Coffey - Nov 29, 2021 - 1:08 PM

NOTICE OF MOTION

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move a motion to adopt a Heritage Designation By-Law for the following property so as to have the structure situate on this property designated as a Heritage Building:

- 265 Lemarchant Road (PID #13652)

DATED at St. John's, NL this day of , 2021.

COUNCILLOR

ST. JOHN'S

DECISION/DIRECTION NOTE

Title: Expropriation of Easement – 133 Blackmarsh Road

Date Prepared: November 23, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Jamie Korab, Development

Ward: Ward 3

Decision/Direction Required:

Recommendation on the expropriation of an easement at the front of 133 Blackmarsh Road for the installation of a pole and guy wire as part of the development/construction of the new Mews Centre.

Discussion – Background and Current Status:

Newfoundland Power is in the process of upgrading and installing the required poles and overhead wires to bring the new Mews Centre onto the power grid. As part of services to the Mews Centre, they require the installation of a pole and guy wires at the front of 133 Blackmarsh Road. The Legal Department has reached out to the property owner to acquire an easement, however we have not received a response. In an effort to move the project along, the Legal Department recommends to expropriate this easement and settle the compensation after the fact. This will avoid delays to the required servicing work.

The purchase price for the easement has been valued at \$3.00 per square foot resulting in compensation to the property owners in the approximate amount of \$336.00. Newfoundland Power has already completed the survey, a copy of which is attached.

Key Considerations/Implications:

1. Budget/Financial Implications:
 - a. City to pay \$336.00 plus reasonable legal fees for the expropriation of this easement.
2. Partners or Other Stakeholders:
 - a. NL Power
3. Alignment with Strategic Directions/Adopted Plans:
 - a. An Effective City
4. Legal or Policy Implications:
 - a. A Notice of Expropriation will have to be prepared
5. Privacy Implications:
 - a. N/A

ST. JOHN'S

6. Engagement and Communications Considerations:
a. N/A

7. Human Resource Implications:
a. N/A

8. Procurement Implications:
a. N/A

9. Information Technology Implications:
a. N/A

10. Other Implications:
a. N/A

Recommendation:

That Council approve the Expropriation of land at the front of 133 Blackmarsh Road as shown in the attached survey, with final compensation to be negotiated with the property owner.

Prepared by: Andrew Woodland, Legal Counsel
Approved by: Cheryl Mullett, City Solicitor



AUBREY K. BURT SURVEYS LTD.
NEWFOUNDLAND LAND SURVEYOR

331 INDIAN MEAL LINE • P.O. BOX 1095 • TORBAY, NL • A1K 1K7
PHONE: (709) 437 1088 • FAX: (709) 437 1064
EMAIL: aubrey@akbsurveys.ns.net

Easement to be acquired by Newfoundland Power Inc. from:
Bernard Reddy and Carol-Ann Reddy, Civic 133 Blackmarsh Road, St. John's

SCHEDULE "A"

All that piece or parcel of land situate, lying and being on the southeast side of Blackmarsh Road, in the City of St. John's, in the province of Newfoundland Labrador, Canada and being more particularly described as follows, that is to say:

BEGINNING at a point, said point being in the southeastern limit of Blackmarsh Road and having co-ordinates of North 5 267 636.930 metres and East 324 584.032 metres of the modified three degree transverse Mercator projection (Zone 1, NAD 83) for the province of Newfoundland Labrador, Canada:

THENCE running by land of Natasha Warford (Civic 131 Blackmarsh Road (Registration No. 971491 Registry of Deeds for Newfoundland Labrador) S 53° 02' 39" E a distance of 5.011 metres;

THENCE running by land of Bernard and Carol-Ann Reddy (Civic 133 Blackmarsh Road (Roll 1981 Frame 859-Registry of Deeds for Newfoundland Labrador) S 41° 22' 54" W a distance of 2.293 metres;

THENCE running N 48° 09' 28" W a distance of 4.982 metres;

THENCE running along the aforementioned southeastern limit of Blackmarsh Road N 40° 56' 24" E a distance of 1.866 metres, more or less, to the principal **Point of Beginning**.

The above described piece or parcel of land contains an area of 10.376 square metres, more or less, the same being more particularly described on the drawing hereto attached.

All bearings refer to Grid North (NAD 83).





Report Approval Details

Document Title:	Expropriation of Easement at 133 Blackmarsh Road.docx
Attachments:	
Final Approval Date:	Nov 25, 2021

This report and all of its attachments were approved and signed as outlined below:

Cheryl Mullett - Nov 25, 2021 - 10:51 AM

DECISION/DIRECTION NOTE

Title: Council Representation – St. John’s Transportation Commission

Date Prepared: December 2, 2021

Report To: Regular Meeting of Council

Councillor and Role: Mayor Danny Breen, Governance & Strategic Priorities

Ward: N/A

Decision/Direction Required:

Council’s approval is required to fill the vacancy left by Deputy Mayor O’Leary on the St. John’s Transportation Commission.

Discussion – Background and Current Status:

Deputy Mayor O’Leary has advised that due to various other work and personal commitments, she is unable to fulfill her obligations as representative of the St. John’s Transportation Commission and therefore has to resign. Council accepted her resignation and subsequently conducted an e-poll to fill her vacancy, resulting in the selection of Councillor Ellsworth.

Key Considerations/Implications:

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders: St. John’s Transportation Commission
3. Alignment with Strategic Directions/Adopted Plans: An Effective City: A City that performs effectively and delivers results.
4. Legal or Policy Implications: N/A
5. Privacy Implications: N/A
6. Engagement and Communications Considerations: N/A
7. Human Resource Implications: N/A
8. Procurement Implications: N/A
9. Information Technology Implications: N/A
10. Other Implications: N/A



Recommendation:

That Council approve the appointment of Councillor Ron Ellsworth to replace Deputy Mayor Sheilagh O'Leary as one of the three Council representatives sitting on the St. John's Transportation Commission.

Prepared by:

Approved by:

DECISION/DIRECTION NOTE

Title: Art Procurement 2021

Date Prepared: November 29, 2021

Report To: Regular Meeting of Council

Councillor and Role: Deputy Mayor Sheilagh O'Leary, Community Services

Ward: N/A

Decision/Direction Required: Approval of the 2021 Art Procurement jury's recommendation to Council regarding purchase of artwork submitted to the 2021 Art Procurement program.

Discussion – Background and Current Status:

The Art Procurement program considers submissions by individual artists and commercial art galleries for purchase by the City and subsequent inclusion in the Civic Art Collection. Pieces in the Civic Art Collection are on display throughout City Hall and other City buildings, in offices, boardrooms, public spaces, etc. These artworks are also regularly displayed in Wyatt Hall as a part of seasonal or themed exhibitions intended to share the collection with the general public and encourage engagement with the visual arts.

This year in response to the call for submissions, there were 115 pieces submitted for consideration, from 44 artists. Each artist can submit up to three pieces for consideration.

The jury for the Art Procurement program is comprised of subject matter experts in the area of visual art: practicing artists, art teachers, art writers, curators, and/or other persons knowledgeable in the area of visual art.

The jury met virtually on November 29, 2021 and selected twenty (20) pieces for purchase (please see attached list), totaling \$19,412. The annual budget for Art Procurement is \$20,000.

Upon approval, agreements will be signed between the City and the selected artists and/or the commercial gallery representing them, and the selected artworks will be delivered to the City Archives for cataloguing and inclusion in the Civic Art Collection.

Key Considerations/Implications:

1. Budget/Financial Implications: The 2021 budget includes \$20,000 for the purchase of artwork through the Art Procurement program. The jury has recommended the purchase of artwork totaling \$19,412.

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2. Partners or Other Stakeholders: City staff worked with an external jury to assess and select artworks to be recommended for purchase.
3. Alignment with Strategic Directions/Adopted Plans: Art Procurement addresses the City's strategic plan "Our City, Our Future," specifically "A Connected City:" "Increase and improve opportunities for residents to connect with each other and the City," and "Develop and deliver programs, services and public spaces that build safe, healthy and vibrant communities."
4. Legal or Policy Implications: Selected artists and/or the commercial galleries representing them will enter into an agreement with the City indicating both the City's and the Artist's rights to use, copyright, etc.
5. Privacy Implications: N/A
6. Engagement and Communications Considerations: The Call for Submissions was promoted through City channels, and EDCP staff will work with Communications staff to determine the most appropriate means through which an announcement concerning the selected pieces may be shared.
7. Human Resource Implications: N/A
8. Procurement Implications: Once approved, the artworks selected by the Jury will be acquired for inclusion in the Civic Art Collection.
9. Information Technology Implications: N/A
10. Other Implications: N/A

Recommendation:

That Council approve the Art Procurement Jury's recommendations for purchase as attached.

Prepared by: Théa Morash

Approved by: Elizabeth Lawrence

Report Approval Details

Document Title:	Decision Note - Art Procurement 2021.docx
Attachments:	- 2021 Art Procurement - Artworks Recommended for Purchase.pdf
Final Approval Date:	Dec 2, 2021

This report and all of its attachments were approved and signed as outlined below:

Elizabeth Lawrence - Dec 1, 2021 - 12:58 PM

No Signature - Task assigned to Tanya Haywood was completed by workflow administrator Karen Chafe

Tanya Haywood - Dec 2, 2021 - 2:42 PM

**2021 Art Procurement
Artworks Recommended for Purchase**

	Artist	Title	Price
1	Aiden, Nicholas	Healing	\$ 900.00
2	Afanassiev, Iakov	Confederation Hill at Night	\$ 650.00
3	Amadi, Brian	Fire That Melts	\$ 1,100.00
4	Batten, Chris	A Few Tom Cods	\$ 470.00
5	Bendzsa, Sylvia	1980s Outer Battery	\$ 852.17
6	Bendzsa, Sylvia	Sailing Past the Light	\$ 565.22
7	Brazil, Barbara	Heading downtown, St. John's Mummers Parade	\$ 1,800.00
8	Cole, Joanne	There was a Considerable Vein Running Up Through the Cliff, Three or Four Hundred Feet High	\$ 2,200.00
9	Connolly, Michael	Stream in the Snow	\$ 850.00
10	Eckert, Hazel	Silhouette	\$ 400.00
11	Enstrom, Malin	Silver II	\$ 1,600.00
12	Gardiner, Jillian	Far Off and Away	\$ 1,050.00
13	Hann, Clayton	Victorian Era Platform St. John's Railway Station	\$ 400.00
14	Jackson, Peter	Urn Blossoms	\$ 475.00
15	Leyton, Bonnie	Mall Guys	\$ 1,500.00
16	MacCallum, John	Study for Ghost	\$ 1,000.00
17	Makaremi Nia, Nasim	Embroidery Pads	\$ 600.00
18	Rabinowitz, Toby	Foxes Hiding	\$ 1,500.00
19	Ryall, Margaret	Composition 38	\$ 700.00
20	Singh, Anita	Garden Flowers	\$ 800.00
TOTAL			\$ 19,412.39

DECISION/DIRECTION NOTE

Title: Galway Industrial Stormwater Detention

Date Prepared: December 2, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Jamie Korab, Development

Ward: Ward 5

Decision/Direction Required:

Staff seek approval to create regional stormwater detention facility in the climate change floodplain and buffer of the Galway Industrial Area.

Discussion – Background and Current Status:

The layout of the developable area for the Galway Industrial Area was first proposed by Dewcor in 2013 during the review of Galway Construction Project 03 (CP03) – Industrial Park Stage 1. Galway CP03 was approved by City staff in 2016. During that review, the 2015 floodplain was approved based on non-climate-change rainfall data. Also in 2013, Dewcor mapped the wetlands in the industrial area and in 2014 proposed a Galway Protected Natural Area (PNA) instead of the delineated wetland. In 2019, Council adopted the PNA instead of the 2013 delineated wetland area and also adopted St. John's Development Regulations Amendment No. 684, 2019, which set out the boundaries of the Galway Protected Natural Area to be protected from development. The intent was that lands outside of the PNA would be available for development. See Figure 1.

In 2019, Dewcor advised the City that they planned to evaluate using the Galway Protected Natural Area for stormwater detention. This would accommodate stormwater runoff from some of the proposed lots along Danny Drive and potentially some development in the surrounding catchment area. Dewcor were advised that the floodplain mapping in the area would have to be updated to include the proposed detention storage area within the PNA.

In 2021, Dewcor submitted two climate-change-rainfall floodplains for the Galway Industrial Park area. These models are based on the 100 year event with future climate change. Figure 2 shows the climate-change floodplain through the Industrial Area with no stormwater detention provided within the PNA. Figure 3 shows the area with Dewcor's proposed use of the PNA as a stormwater detention facility. Creating the stormwater detention facility has the added benefit of containing the floodplain wholly within the PNA and allowing the development of the industrial lots.

Under the Envision St. John's Development Regulations, 2021 – Section 4.10(3), development is not permitted in a waterway or the buffer adjacent to a body of water or in a floodplain.

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However, Section 4.10(4) states notwithstanding Section 4.10(3), Council may permit the following types of development in a buffer of a waterway:

- (a) residential decks, residential fences and residential accessory buildings;
- (b) public works and infrastructure;
- (c) public utility;
- (d) servicing of a private development;
- (e) protection of areas of geological instability;
- (f) flood control infrastructure;
- (g) trails and parks;
- (h) landscaping;
- (i) construction of storm water detention infrastructure;
- (j) paving of gravel parking lots existing as of the coming into force of these Regulations;
- (k) wharves and stages, or
- (l) driveways.

Furthermore, Section 4.10(5) states notwithstanding Section 4.10(3), Council may permit the following types of development in bodies of water:

- (a) public works and infrastructure;
- (b) public utility;
- (c) protection of areas of geological instability;
- (d) flood control infrastructure;
- (e) trails and parks;
- (f) landscaping;
- (g) construction of storm water detention infrastructure;
- (h) wharves and stages; and
- (i) driveways.

Section 4.10(6) states that before an approval is given for the types of development listed above, the City's Environment and Sustainability Experts Panel must be consulted. The proposed development was referred to the panel; the panel noted no concerns with the development.

Key Considerations/Implications:

1. Budget/Financial Implications:
Not applicable
2. Partners or Other Stakeholders:
The Developer.
3. Alignment with Strategic Directions/Adopted Plans:
This aligns with the goal of being a sustainable city that enhances the natural and built environment and creates the conditions to drive the economy by being business friendly.

4. Legal or Policy Implications:
Not applicable
5. Privacy Implications:
Not applicable
6. Engagement and Communications Considerations:
Not applicable
7. Human Resource Implications:
Not applicable
8. Procurement Implications:
Not applicable
9. Information Technology Implications:
Not applicable
10. Other Implications:
Not applicable

Recommendation:

That Council approve creation of regional stormwater detention facility in the climate change floodplain and buffer to support the Galway Industrial Area.

Prepared by: Tracy-Lynn Goosney, P.Eng., Manager of Development-Engineering

Approved by: Jason Sinyard, P.Eng., MBA, Deputy City Manager-PERS

Figure 1 - 2015 Floodplain (No Climate Change)

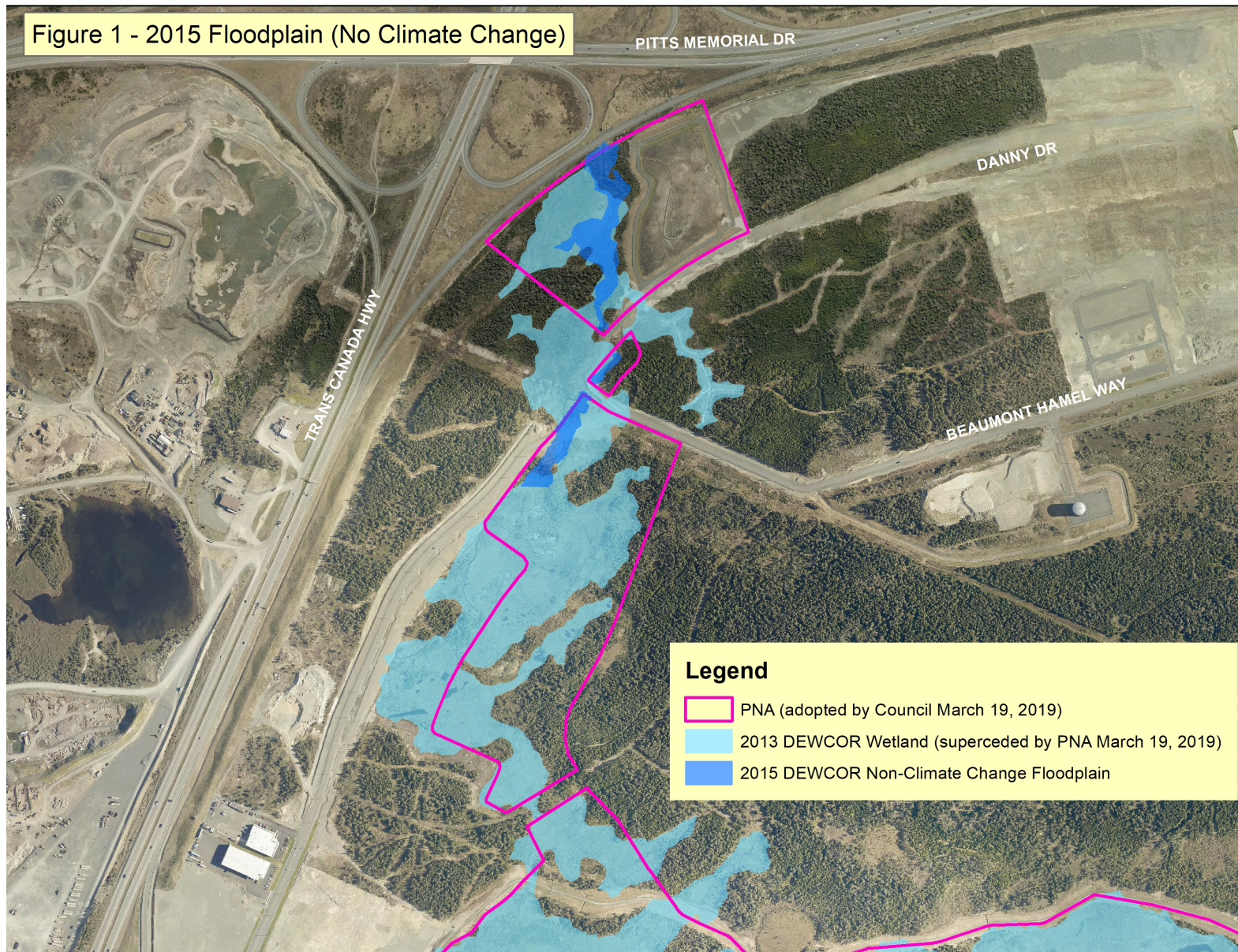


Figure 2 - 2021 Floodplain with Climate Change and No Stormwater Detention

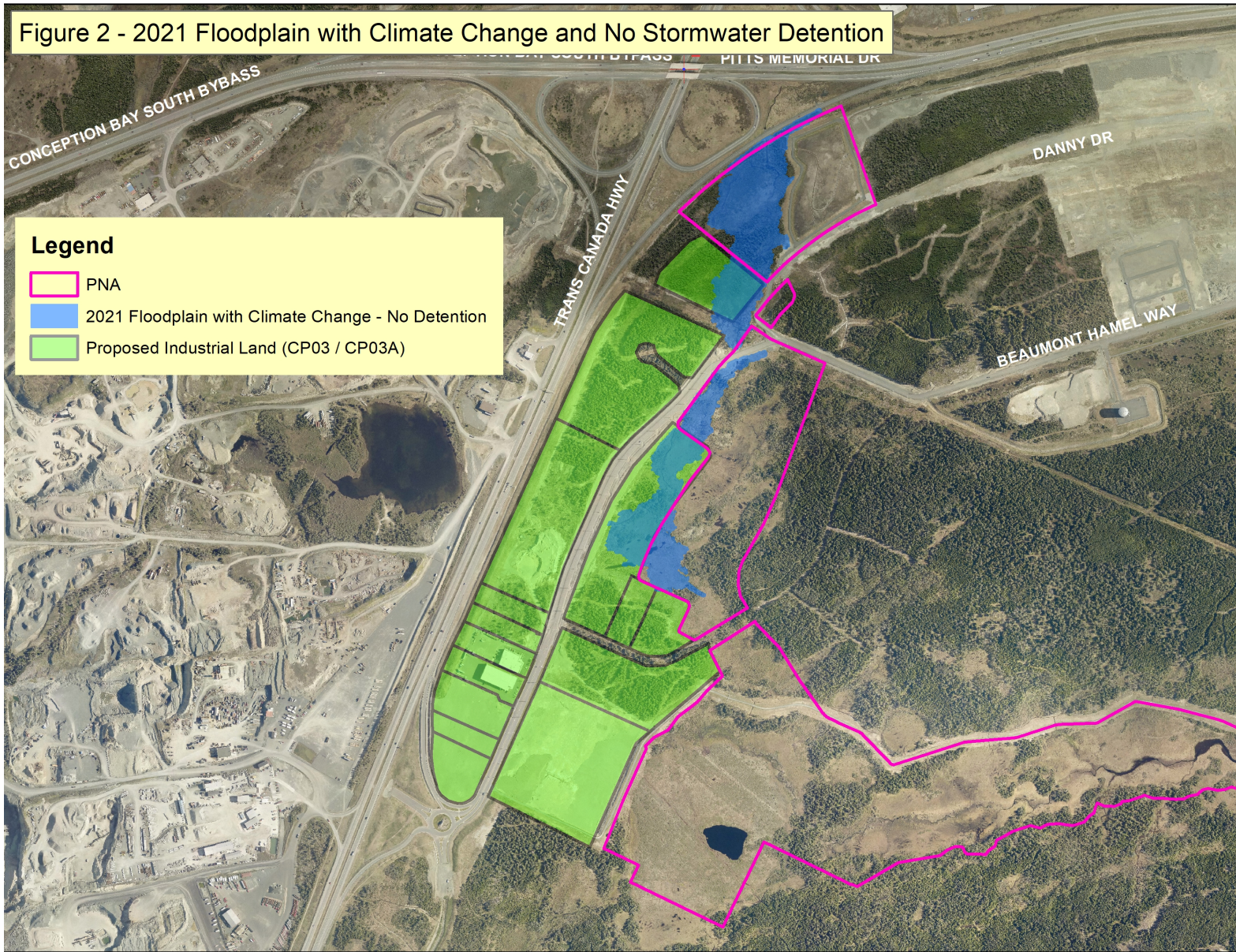


Figure 3 - 2021 Floodplain with Climate Change and Stormwater Detention

