

ST. JOHN'S

Regular Meeting - City Council Agenda

October 24, 2022

3:00 p.m.

4th Floor City Hall

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Proclamation

CANADIAN DOWN SYNDROME WEEK October 23 - 29, 2022

WHEREAS: Canada has a diverse and dynamic population, rich in strengths, resources and abilities; and

WHEREAS: The successful and productive future of all Canadians is intimately linked to our commitment to ensure that all of our citizens have the opportunity to reach their full potential; and

WHEREAS: Fellow Canadians with Down syndrome, and their families, are members of our communities and are deeply committed to ensuring that all individuals have the opportunity to grow, develop and succeed; and

WHEREAS: Canadian Down Syndrome Week is a week of educational programming directed to ensuring all individuals with Down syndrome live complete and fulfilling lives, with public knowledge, awareness and appreciation of the strengths and contributions of individuals with Down syndrome;

THEREFORE: I, Mayor Danny Breen, do hereby proclaim October 23 - 29, as Canadian Down Syndrome Awareness Week in the City of St. John's.

Signed at City Hall, St. John's, NL on this 24 day of October, 2022.



Danny Breen, Mayor

ST. JOHN'S

ST. JOHN'S

Minutes of Regular Meeting - City Council Council Chamber, 4th Floor, City Hall

October 17, 2022, 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 Ian Froude
- Councillor Carl Ridgeley

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
- Ken O'Brien, Chief Municipal Planner
- Karen Chafe, City Clerk
- Kelly Maguire, Public Relations & Marketing Officer
- Christine Carter, 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**

Mayor Danny Breen called the meeting to order at 3:00 pm.

2. **PROCLAMATIONS/PRESENTATIONS**

2.1 **Proclamation - International Credit Union Day**

3. **APPROVAL OF THE AGENDA**

3.1 **Adoption of Agenda**

SJMC-R-2022-10-17/459

Moved By Councillor Ravencroft

Seconded By Councillor Bruce

That the Agenda be adopted as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

4. **ADOPTION OF THE MINUTES**

4.1 **Adoption of Minutes - October 11, 2022**

SJMC-R-2022-10-17/460

Moved By Councillor Froude

Seconded By Deputy Mayor O'Leary

That the minutes of October 11, 2022, be adopted as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

5. **BUSINESS ARISING FROM THE MINUTES**

6. **DEVELOPMENT APPLICATIONS**

**6.1 Request to Relieve Parking Spaces for 3 Townhouses with
Subsidiary Dwelling Units – 13-15 O’Neil Avenue – SUB2200025**

Councillor Korab presented the Decision Note on the request to relieve parking spaces for 3 Townhouses with subsidiary dwelling units for 13-15 O’Neil Avenue. Staff is recommending that Council reject the request for parking relief for 3 parking spaces at 13-15 O’Neil Avenue as the lack of parking spaces may result in cars parking on lawns due to no overnight parking on the Street and snow clearing problems.

Councillor Ravencroft advised that she had held individual discussions with members of Council regarding this request and that she will be voting against the Staff’s recommendation. As well, she has met with the proponent and a letter has been received from Spinal Cord Injury NL, who are in support of this private development. Representatives are here in the Chambers today, and their attendance demonstrates the dedication of those involved to create accessible housing in this area.

Councillor Ravencroft reiterated the great need in the City for this type of accessible housing development as it meets the needs of those that require it and also demonstrates the dedication of the proponent.

Councillor Ravencroft noted that there are many conditions for rentals in the City, including apartments or houses that do not have parking available to them. Tenants or their guests can make use of downtown parking garages, busses, taxis, and other modes of transportation. It is expected that many of the tenants for these units will be using the Go-Bus service that the need for these parking spaces may not be there. As well, this location is close to all amenities, with bus stops nearby, and many people are choosing to not own a vehicle due to the high cost of gas, insurance, and their environmental impacts.

Councillor Ravencroft remarked that she appreciates the rationale given by the Staff, regarding no off-street parking available and snow clearing issues, but the reality is that units and situations like this are needed to plan for the future and for the residents of the City.

There was a consensus of Council to reject the recommendation made by Staff, and members commented on their support for such initiatives. Councillor Hanlon added that a major focus of the Inclusion Advisory Committee has been to lobby other levels of government for more accessible housing as the need is great, and we need to look outside the box for housing solutions. Councillor Froude stated that with the severe lack of housing, the City needs to get units built as the need for housing

exceeds the need for parking. This area is close to Metro bus routes as well and he hopes that we can support the project.

Councillor Burton also remarked that during the review of the Envision St. John's Municipal Plan Development Regulations many residents lobbied for the removal of parking minimums such as this one to allow for more expedient construction of housing units. There has been some modernization of City parking regulations, and this is a good development. It would be great if this didn't have to come to Council and could be approved at the Staff level. This is a great development, providing accessible housing, in a walkable, service dense area, with many amenities nearby, and close access to available transportation in the neighbourhood.

Councillor Korab advised that as the Development Lead, and to go against the recommendations of Staff, there must be good reasoning. He agrees with the comments made by members of Council and as such will also be voting against the Staff recommendation.

Councillor Korab asked that the proponents clearly advertise that there are only 3 parking spaces and ensure that the potential tenants are fully aware that they may or may not have parking available.

SJMC-R-2022-09-19/461

Moved By Councillor Korab

Seconded By Councillor Ravencroft

That Council reject the request for parking relief for 3 parking spaces at 13-15 O'Neil Avenue as the lack of parking spaces may result in cars parking on lawns due to no overnight parking on the Street and snow clearing problems.

Against (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION LOST (0 to 11)

SJMC-R-2022-10-17/462

Moved By Councillor Ravencroft

Seconded By Councillor Froude

That Council approve the request for parking relief of three space at 13-15 O'Neill Ave.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

6.2 Notices Published – 161 Thorburn Road - DEV2200131

SJMC-R-2022-10-17/463

Moved By Councillor Korab

Seconded By Councillor Ridgeley

That Council approve the Discretionary Use application for a seasonal Retail Use at 161, 169 and 171 Thorburn Road from October 1 to December 30 to allow Halloween and Christmas themed walks. The applicant may be required to undertake further parking and traffic modifications should the need arise.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

7. RATIFICATION OF EPOLLS

8. COMMITTEE REPORTS

8.1 Committee of the Whole Report - October 5, 2022

1. Pedestrian Activated Street Crossings Service Improvements

Councillor Hickman reviewed the Decision Note regarding the improvements for Pedestrian Activated Street Crossings Service improvements. The option proposed is #3 as per the discussions at the last Committee of the Whole meeting.

Deputy Mayor O'Leary recognized the efforts of the Staff and Council members to work towards continuous improvements and addressing these in a timely manner. She noted that this is a good start for improvements and that we are moving in the right direction.

Councillor Ravencroft echoed her support and voiced her agreement with Deputy Mayor O'Leary but feels that the completion

date is too long and needs to be shortened, but that is something that we can move towards. She is pleased that this will see the time cut in half.

Councillor Froude voiced his support as well and is looking forward to seeing what the impact of additional Staff resources will have on this issue.

Councillor Burton reiterated that we have been making great improvements but accessibility tends to stop at intersections and noted that these particular areas are usually cleared by shovels not the sidewalk plows and hopes that this will improve the accessibility and that we need to continue to improve in this area and shorten the timeline.

SJMC-R-2022-10-17/464

Moved By Councillor Hickman

Seconded By Deputy Mayor O'Leary

That Council consider Option 3 if a service level enhancement is contemplated.

Option 3 is outlined as follows:

Pedestrian activated traffic control crossing locations cleared within **72 hours** after the completion of street widening operations.

- 8 City employees
- 1 supervisor
- 2 leased loaders
- 2 light duty trucks
- Cost - \$270,015

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

2. **Windsor Lake Water Treatment Plant Equipment Reserve Fund Replacement of Secondary Cell 2 and 3 Membrane Modules**

SJMC-R-2022-10-17/465

Moved By Councillor Hickman

Seconded By Councillor Ellsworth

That Council make funding available through the Windsor Lake Equipment Reserve Fund to support the purchase of membrane filter modules for Secondary Cell #2 and #3 at the Windsor Lake Water Treatment Plant.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

3. **Autism Society Representative**

Councillor Froude added that Mr. Walsh brings a great deal of integrity and he is sure that he will recuse himself from any conversations as noted.

SJMC-R-2022-10-17/466

Moved By Councillor Hanlon

Seconded By Councillor Ellsworth

The Inclusion Advisory Committee recommends that Mr. Paul Walsh, Autism Society Representative, remain on the Inclusion Advisory Committee as well as the St. John's Transportation Commission for the remainder of his term, providing that:

- Walsh recuses himself from speaking or voting on matters that relate to the services of the SJTC at meetings of the IAC; and
- Walsh recuses himself from speaking or voting on matters that relate to IAC's accessible transportation positions or recommendations during meetings of the SJTC.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

4. Accessible Pedestrian Signal Working Group

Councillor Burton reviewed the background on the establishment of the Working Group and the recommendation from the Inclusion Advisory Committee.

SJMC-R-2022-10-17/467

Moved By Councillor Burton

Seconded By Councillor Hanlon

The IAC Recommends that the Accessibility & Inclusion Facilitator act as a liaison between the IAC and the Pedestrian Signals Working Group to ensure that jurisdictional scans and research of best practices is completed as part of the consultations with the IAC. Final recommendations will be vetted through the IAC Committee for their input and recommendations.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

5. Accessible Parking Working Group

Deputy Mayor O'Leary noted the great work of the Inclusion Advisory Committee in all these areas, and particularly for their work towards improving accessible on-street parking within the City of St. John's with the establishment of the Accessible Parking Working Group.

SJMC-R-2022-10-17/468

Moved By Councillor Hanlon

Seconded By Councillor Bruce

That Council approve the development of an Accessible Parking Working Group, reporting to the Inclusion Advisory Committee, to

provide advice and recommendations for improved accessible on-street parking in the City of St. John's.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

6. Inclusion Representation on City Committees

Councillor Hanlon presented the recommendation from the Inclusion Committee to have Accessibility and Inclusion Staff act as a liaison between the Inclusion Advisory Committee and City Departments and Committees.

Councillor Hanlon reiterated the great work and major strides that have been made because of the work of the very dedicated Staff and Members of the Inclusion Advisory Committee as can be noted by the recommendations presented to Council at today's meeting.

SJMC-R-2022-10-17/469

Moved By Councillor Hanlon

Seconded By Councillor Bruce

The IAC recommends that Accessibility & Inclusion Staff act as a liaison between the IAC and City Departments and Committees to ensure that jurisdictional scans and research of best practices is completed as part of the consultations with the IAC. Final recommendations will be vetted through the IAC Committee for their input and recommendations.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

9. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)

9.1 Development Permits List October 6 - 12, 2022

Council considered the Development Permits List for information.

10. BUILDING PERMITS LIST (FOR INFORMATION ONLY)

10.1 Building Permit List

Council considered the Building Permit List for information.

11. REQUISITIONS, PAYROLLS AND ACCOUNTS

11.1 Weekly Payment Vouchers Ending Week of October 12, 2022

SJMC-R-2022-10-17/470

Moved By Councillor Ellsworth

Seconded By Councillor Korab

That the weekly payment vouchers for the week ending October 12, 2022, in the amount of \$6,895,292.07 be approved as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

12. TENDERS/RFPS

12.1 2022166 - Supply and Install Playground Equipment

SJMC-R-2022-10-17/471

Moved By Councillor Hickman

Seconded By Councillor Ridgeley

That Council approve for award open call 2022160 – Supply and Install Playground Equipment to the lowest bidder meeting specification, Coastline Specialties Ltd., for \$167,750.50 (HST included) as per the Public Procurement Act.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

12.2 2022089 – Ornamental Lighting Equipment

Deputy Mayor O'Leary added that she is very pleased to see this ornamental lighting for parts of the Downtown come to fruition as it will increase illumination in areas where installed.

Mayor Breen noted that there are several of these lights currently installed in the Baird's Cove area downtown and they make a great difference to the lighting of the area.

SJMC-R-2022-10-17/472

Moved By Councillor Burton

Seconded By Councillor Ravencroft

That Council approve for award open call 2022089 – Ornamental Lighting Equipment to the lowest bidder meeting specification, McLoughlan Supplies Ltd, for \$503,838.00 (HST Included) as per the Public Procurement Act.

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

MOTION CARRIED (10 to 0)

13. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS**14. OTHER BUSINESS****14.1 SERC – George Street Mardi Gras**

SJMC-R-2022-10-17/473

Moved By Councillor Hanlon

Seconded By Councillor Ravencroft

That Council approve the road closure, noise by-law extension, and extension of alcohol sales associated with the George Street Mardi Gras on Saturday October 29.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

14.2 Ratification of CUPE Local 1289 Collective Agreement and Application of General Wage Increases to Management/Council

SJMC-R-2022-10-17/474

Moved By Councillor Ellsworth

Seconded By Councillor Froude

That Council ratify the Collective Agreement negotiated with CUPE Local 1289 and approve applying the general wage increases negotiated with CUPE Local 1289 to Management and Council. This will ensure that pay equity and an appropriate wage differential is maintained between Managers/Supervisors and their direct reports.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

15. ACTION ITEMS RAISED BY COUNCIL

Councillor Ridgeley advised Council that a meeting was held last week with the Province seeking support for residents, through emergency funding, for damages incurred to the City's infrastructure and residential property from post tropical storm Earl. He noted that an update from that meeting will be communicated.

Councillor Ridgeley asked that City Staff look at ways to install storm retention systems retroactively in parts of the City that do not already have it, improving what is in the ground to slow water runoff during other major weather events.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 3:55 pm.

MAYOR

CITY CLERK

DECISION/DIRECTION NOTE

Title: Notices Published – 2648 Trans-Canada Highway - DEV2200124

Date Prepared: October 19, 2022

Report To: Regular Meeting of Council

Councillor and Role: Councillor Jamie Korab, Development

Ward: Ward 5

Decision/Direction Required:

That Council approve Bell Mobility's application for a telecommunications tower located at 2678 Trans-Canada Highway.

Discussion – Background and Current Status: A referral has been received by the City of St. John's from Bell Mobility Inc. requesting concurrence to construct a telecommunications tower located at 2678 Trans-Canada Highway.

In accordance with its obligations under the Radiocommunication Act and Innovation, Science and Economic Development Canada's Radiocommunication and Broadcasting Antenna Systems CPC-2-0-03 (Issue 6), the City of St. John's notified residents in the vicinity of 2678 Trans-Canada Highway of Bell Mobility's intention to construct a telecommunications tower system consisting of:

- A 60m, self-support design tower with supporting antennas and radio equipment;
- A 2.032m x 2.438m equipment building located at the base of the tower; and
- A 3m high chain link fence will surround the tower and cabinet which will be secured with a locked gate.

The proposed application site is in the Mineral Working (MW) Zone.

No submissions were received.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighboring property owners.
3. Alignment with Strategic Directions:

ST. JOHN'S

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

4. Alignment with Adopted Plans: St. John's Envision Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: St. John's Development Regulations Section 10 "Mineral Working (MW) Zone" and Siting Protocol for Wireless Facilities in the City of St. John's.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public advertisement in accordance with Section 4.8 Public Consultation of the St. John's Envision Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the Application site. The Application has been advertised in The Telegram newspaper twice and was on the City's website.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council approve the application for a telecommunications tower located at 2678 Trans-Canada Highway.

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 - 2678 Trans-Canada Highway.docx
Attachments:	- 2678 TRANS CANADA HWY.pdf
Final Approval Date:	Oct 19, 2022

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

Lindsay Lyghtle Brushett - Oct 19, 2022 - 12:23 PM

Jason Sinyard - Oct 19, 2022 - 2:16 PM



SUBJECT PROPERTY

2680

2656

MW

2678

2684

2682

TRANS CANADA HWY

IG

DECISION/DIRECTION NOTE

Title: Notices Published – 140 Campbell Avenue - DEV2200101

Date Prepared: October 19, 2022

Report To: Regular Meeting of Council

Councillor and Role: Councillor Jamie Korab, Development

Ward: Ward 2

Decision/Direction Required:

An application for a change and expansion of a Non-Conforming Use has been submitted by Vigilant Technical Sales Ltd. for 140 Campbell Avenue.

Discussion – Background and Current Status:

The proposed change of Non-Conforming Use is from Retail Use to Office Use. The office is a technical representative company and will contain 5 offices and storage. Hours of operation will be Monday to Friday, 8:00 a.m. to 5:00 p.m. Parking relief is requested. The business will expand in size from the main floor to also encompass the 2nd floor, with a total floor area of 208.2m². No extension to the building will occur. The proposed application site is in the Residential 2 (R2) Zone.

One submission in support of the application was received.

7 parking spaces are required: 6 for the Office Use and 1 for the residential Dwelling Unit located in the basement. It is estimated that 4 vehicles can park in the area adjacent to the building, which has been used previously for parking although it does not meet current design standards. The applicant is deficient by 3 parking spaces and is requesting parking relief based on the following reasons:

- The parking spaces provided for the business are for general office use and occasional training of staff for the products supplied to the electrical industry;
- There are employees that work from home and only come to the office to pick up supplies and other employee(s) live in the area and do not require parking;
- Based on floor area, the meeting room and storage will take up most of the first floor, with office space and office supply storage on the second floor;
- They visit their clientele in their own offices or via electronic communication media, so clients visiting their office is not required; and
- Impact to this space will be significantly lower than the previous retail business: there is no retail trade or walk in business.

ST. JOHN'S

There is no on-street parking for this section of Campbell Avenue. The Transportation Engineering Division advised they have no concerns with the proposed parking relief, however there were concerns with the parking lot layout. As this is an existing, non-conforming parking area and overall intensity of the site/business is not increasing, upgrades are not required at this time. Should expansion to the building or site be proposed, upgrades would then be required.

Where an applicant wishes to provide a different number of parking spaces than those required under Section 8.3 and in the opinion of Council the change requested does not merit a Parking Report, a staff report can be accepted. It is recommended that the staff memo be accepted in lieu of a Parking Report.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighboring property owners.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

4. Alignment with Adopted Plans: St. John's Envision Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: Envision St. John's Development Regulations Section 7.5. "Non-Conforming", Section 8.3 "Parking Standards", Section 8.12 "Parking Report" and Section 10 "Residential 2 (R2) Zone".
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public advertisement in accordance with Section 4.8 Public Consultation of the St. John's Envision Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the application sites. Application have been advertised in The Telegram newspaper at least twice 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.
9. Human Resource Implications: Not applicable.

10. Procurement Implications: Not applicable.

11. Information Technology Implications: Not applicable.

12. Other Implications: Not applicable.

Recommendation:

That Council approve the application for the change and expansion of a Non-Conforming Use at 140 Campbell Avenue to allow an Office Use and parking relief of 3 parking spaces.

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 - 140 Campbell Avenue.docx
Attachments:	- DEV2200101-140 CAMPBELL AVENUE.pdf
Final Approval Date:	Oct 20, 2022

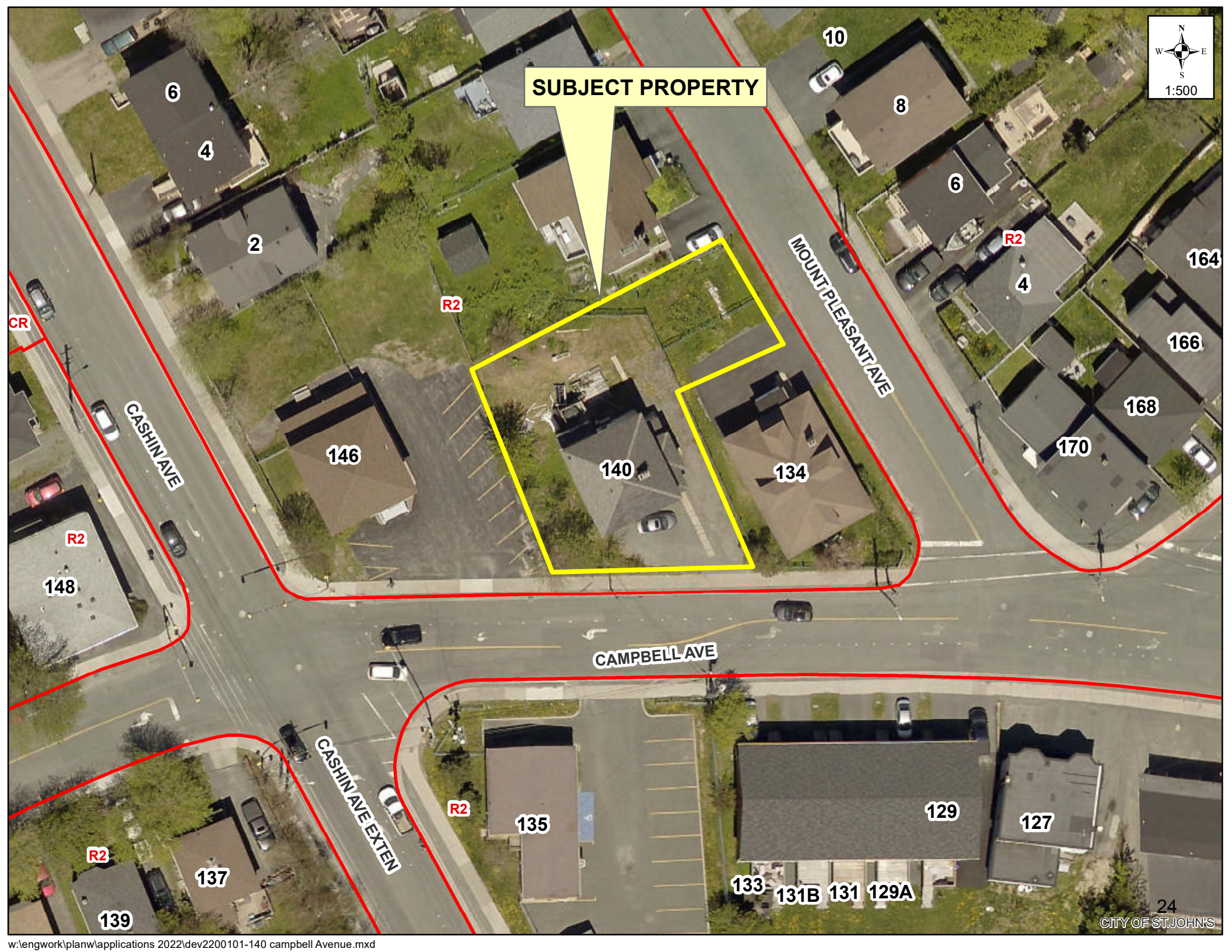
This report and all of its attachments were approved and signed as outlined below:

Lindsay Lyghtle Brushett - Oct 19, 2022 - 4:37 PM

Jason Sinyard - Oct 20, 2022 - 9:37 AM



SUBJECT PROPERTY



Karen Chafe

From: [REDACTED]
Sent: Monday, October 3, 2022 3:50 PM
To: CityClerk
Subject: (EXT) 140 Campbell Ave

Hello,

My name is [REDACTED] and I reside at [REDACTED] I received a letter from the city regarding a change of non-conforming use and expansion application by Vigilant Technical Sales Ltd. For 140 Campbell Ave. My only comment is to say that I support the application.

Thank you.

Sent from [Mail](#) for Windows

BID APPROVAL NOTE

Bid # and Name: 2022170 - 2022 Sidewalk Infill Program
Date Prepared: Tuesday, October 18, 2022
Report To: Regular Meeting
Councillor and Role: Councillor Ian Froude, Planning
Ward: N/A

Department: Planning, Engineering and Regulatory Services
Division: Engineering
Quotes Obtained By: Sherri Higgins
Budget Code: ENG-2022-090
Source of Funding: Capital

Purpose:

Increasing accessibility for all residents through the construction of new sidewalks on existing roads where it is most needed.

Results: ☐ As attached ☒ As noted below

Vendor Name	Bid Amount
Weirs Construction Limited	\$323,497.00
Pyramid Construction Limited	\$418,459.70
Modern Paving Limited	\$426,202.65
Black Diamond Construction Limited	\$441,413.13
Dexter construction company Limited	\$601,583.75
Talon Energy Services Inc	\$746,764.77

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

Contract Duration: Substantial completion is required by July 28, 2023

Bid Exception: None

Recommendation:

That Council approve for award this open call to the lowest bidder meeting specifications, Weirs Construction Limited, for \$323,497.00 (HST Incl.) as per the Public Procurement Act. Please note this was previously approved by way of ePoll on October 18th, 2022.

ST. JOHN'S

Attachments:

Report Approval Details

Document Title:	2022170 - 2022 Sidewalk Infill Program.docx
Attachments:	
Final Approval Date:	Oct 20, 2022

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

Rick Squires - Oct 20, 2022 - 9:33 AM

Derek Coffey - Oct 20, 2022 - 9:59 AM

**Development Permits List
For October 13 to October 19, 2022**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
OT		Home Occupation	524 Thorburn Road	4	Rejection – as per Section 6.18(2) exceeds Floor Area	22-10-13
RES		Building Lot for Single Detached Dwelling	1294 Blackhead Road	5	Approved	22-10-17
OT	Pinnacle Engineering	Servicing Upgrades	350 Torbay Road	1	Approved	22-10-17
RES		Demo/Rebuild for Single Detached Dwelling	8 Kensington Drive	1	Approved	22-10-18

*** Code Classification:**

RES - Residential	INST - Institutional
COM - Commercial	IND - Industrial
AG - Agriculture	
OT - Other	

**** 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.**

**Lindsay Lyghtle Brushett
Supervisor – Planning & Development**

Permits List

Council's October 24, 2022 Regular Meeting

Permits Issued: 2022/10/13 to 2022/10/19

BUILDING PERMITS ISSUED

Residential

Location	Permit Type	Structure Type
10 Leonard Pl	Renovations	Single Detached Dwelling
11 Diana Rd	Renovations	Single Detached w/ apt.
11 Sir Wilfred Grenfell Pl	New Construction	Single Detached w/ apt.
110 Gisborne Pl	Renovations	Townhousing
12 Leonard Pl	Renovations	Mobile Home
12 Leonard Pl	Renovations	Single Detached Dwelling
12 Leonard Pl	Deck	Patio Deck
158 Highland Dr	Renovations	Single Detached w/ apt.
20 Cape Pine St	Renovations	Single Detached w/ apt.
21 Banyan Pl	Renovations	Single Detached Dwelling
21 Pleasantville Ave	Deck	Patio Deck
22 Durham Pl	Accessory Building	Accessory Building
24 Ridgemount St	Deck	Patio Deck
3 Larch Pl	Renovations	Single Detached Dwelling
31 Gallipoli St	New Construction	Single Detached Dwelling
32 Kieley Dr	New Construction	Single Detached Dwelling
33a Shaw St	Deck	Patio Deck
33a Shaw St	Accessory Building	Accessory Building
376 Hamilton Ave Exten	Deck	Patio Deck
49 Feild St	Deck	Patio Deck
5 Bugler Pl	Renovations	Single Detached Dwelling
50 Quidi Vidi Village Rd	Site Work	Single Detached Dwelling
55 Great Southern Dr	New Construction	Single Detached Dwelling
63 Harrington Dr	Renovations	Single Detached Dwelling
7 Charter Crt	Deck	Patio Deck
72 Bonaventure Ave	Renovations	Single Detached Dwelling
88 Bond St	Renovations	Townhousing

This Week: \$1,162,876.95

Commercial

Location	Permit Type	Structure Type
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134 Water St	Renovations	Mixed Use
142 Military Rd	Renovations	Restaurant
48 Kenmount Rd	Change of Occupancy/Renovations	Retail Store
48 Kenmount Rd	Change of Occupancy/Renovations	Retail Store
84-86 Elizabeth Ave	Change of Occupancy/Renovations	Office
88 Water St	Renovations	Mixed Use

This Week: \$227,510.00

Government/Institutional

Location	Permit Type	Structure Type
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This Week: \$0.00

Industrial

Location	Permit Type	Structure Type
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This Week: \$0.00

Demolition

Location	Permit Type	Structure Type
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This Week: \$0.00

This Week's Total: \$1,390,386.95

REPAIR PERMITS ISSUED:

\$47,300.00

NO REJECTIONS

YEAR TO DATE COMPARISONS			
October 24, 2022			
TYPE	2021	2022	% Variance (+/-)
Residential	\$49,628,615.09	\$65,517,448.60	32
Commercial	\$114,110,970.04	\$93,886,572.06	-18
Government/Institutional	\$32,800,499.00	\$1,980,468.00	-94
Industrial	\$4,164,500.00	\$351,000.00	-92
Repairs	\$3,950,060.57	\$1,503,415.92	-62

TOTAL	\$204,654,644.70	\$163,238,904.58	-20
Housing Units (1 & 2 Family Dwelling)	148	200	

Respectfully Submitted,

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

MEMORANDUM

Weekly Payment Vouchers For The Week Ending October 19, 2022

Payroll

Public Works	\$ 429,609.91
Bi-Weekly Casual	\$ 35,364.42
Accounts Payable	\$ 4,828,343.37

(A detailed breakdown available [here](#))

Total: \$ 5,293,317.70

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: Sidewalk Infrastructure Repairs
Date Prepared: Monday, October 17, 2022
Report To: Regular Meeting
Councillor and Role: Councillor Sandy Hickman, Public Works
Ward: N/A

Department: Public Works
Division: Administration
Quotes Obtained By: Jim Moore
Budget Code: 3221-52444/PWP-2022-046
Source of Funding: Operating

Purpose:

To repair concrete trip hazards in various locations throughout the City.

Results: ☐ As attached ☒ As noted below

Vendor Name	Bid Amount
Infinity Construction Ltd.	\$124,005.00
Modern Paving Limited	\$159,025.00
Pyramid Construction Limited	\$176,575.00

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

Contract Duration: Work must be completed by November 30th, 2022

Bid Exception: None

Recommendation:

That Council approve for award this limited call to the lowest bidder meeting specifications, Infinity Construction Ltd., for \$124,005.00 (HST not Incl.) as per the Public Procurement Act.

Attachments:

ST. JOHN'S

Report Approval Details

Document Title:	Sidewalk Infrastructure Repairs.docx
Attachments:	
Final Approval Date:	Oct 18, 2022

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

Rick Squires - Oct 18, 2022 - 12:27 PM

Derek Coffey - Oct 18, 2022 - 1:24 PM

BID APPROVAL NOTE

Bid # and Name: 2022184 – Supply and Delivery of Curb Runners and Cutting Edges
Date Prepared: Tuesday, October 18, 2022
Report To: Regular Meeting
Councillor and Role: Councillor Ron Ellsworth, Finance & Administration
Ward: N/A

Department: Finance & Administration
Division: Supply Chain
Quotes Obtained By: Kim Barry
Budget Code: 0000-15101
Source of Funding: Operating

Purpose:

The purpose of this Open Call is to provide curb runners and cutting edges. These will be stocked at our Central Stores location.

Results: ☒ As attached ☐ As noted below

Vendor Name	Bid Amount

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

Contract Duration: From date of award to July 1, 2023 and the possibility of two (2) one (1) year extensions.

Bid Exception: None

Recommendation:

That Council approve for award this Open Call to the lowest bidder meeting specifications per section, LSW Wear Parts Ltd for curb runners at \$26,812.50 (HST excluded) per year, and S&S Supply Ltd for cutting edges at \$24,460.60 (HST excluded) per year as per the Public Procurement Act.

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Attachments:

Report Approval Details

Document Title:	2022184 - Supply and Delivery of Curb Runners and Cutting Edges .docx
Attachments:	- BidClosingSubmissionSummary - Council.pdf
Final Approval Date:	Oct 19, 2022

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

Rick Squires - Oct 19, 2022 - 8:51 AM

Derek Coffey - Oct 19, 2022 - 9:37 AM

2022184

**Supply and Delivery of Curb Runners and
Cutting Edges**

Closing Date: Tuesday, October 11, 2022

Submission Summary

Vendor

Unofficial Value or Notes

LSW Wear Parts Ltd	Curb Runners: \$26,812.5000 Cutting Edges : \$33,098.5000
S&S SUPPLY LTD	Curb Runners: \$30,269.0000 Cutting Edges : \$24,460.6000
Creighton Rock Drill Ltd.	Curb Runners: No Bid Cutting Edges : Disqualified

BID APPROVAL NOTE

Bid # and Name: Windsor Lake Treatment Plant - Replacement of Cell 2 and 3 Membrane Modules

Date Prepared: Tuesday, October 18, 2022

Report To: Regular Meeting

Councillor and Role: Councillor Sandy Hickman, Public Works

Ward: N/A

Department: Public Works

Division: Water & Wastewater

Quotes Obtained By: Sherry Kieley

Budget Code: 4122-56160

Source of Funding: Choose an item.

Purpose:

Replacement of existing MEMCOR® S10N membrane modules for Secondary Cell #2 & #3 at the Windsor Lake Water Treatment Plant (WL WTP).

Results: ☐ As attached ☒ As noted below

Vendor Name	Bid Amount
FILMTECH CORPORATION	\$154,080.00 USD

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

Contract Duration: N/A – One time purchase of goods

Bid Exception: Contract Award Without Open Call

Recommendation:

That Council approve for award this contract without an open call for bids to the exclusive supplier, Filmtec Corporation, for \$154,080.00 USD, as per the Public Procurement Act.

Attachments:

1. Contract Award Without an Open Call for Bids (Filmtec Corporation).pdf
2. Quote (Filmtec Corporation).pdf

ST. JOHN'S

3. Sole Brand (Filmtec Corporation).pdf
4. Dupont Water Solutions (Filmtec Corporation) – Proprietary Letter.doc
5. Escribe – Funding Made Available from Reserve Fund – Approved.pdf

Report Approval Details

Document Title:	Windsor Lake Treatment Plant - Replacement of Cell 2 and 3 Membrane Modules.docx
Attachments:	<ul style="list-style-type: none">- Contract Award Without an Open Call for Bids (Filmtec Corporation).pdf- Quote (Filmtec Corporation).pdf- Sole Brand (Filmtec Corporation).pdf- DuPont Water Solutions (Filmtec Corporation)- Proprietary Letter.doc- Escribe - Funding Made Available from Reserve Fund - Approved.pdf
Final Approval Date:	Oct 18, 2022

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

Rick Squires - Oct 18, 2022 - 4:05 PM

Derek Coffey - Oct 18, 2022 - 4:30 PM

TO: Government of Newfoundland and Labrador, Public Procurement Agency

**Report to Chief Procurement Officer, Public Procurement Agency
(Pursuant to Section 32 or *The Public Procurement Regulations*)
Version 1 – 2018-03-24**

**FROM: Government Funded Body
City of St. John's, P.O. Box 908, St. John's, NL A1C5M2**

Contract Description:

Contractor, Supplier or Lessor:

Name:

Address:

Country:

Contract Price
(exclusive of HST):

USD

Contract # or PO #:

Date of Award:

Relevant Exception Clause (select only one):

Reason(s) Why an Open Call for Bids Was Not Invited:

Prepared by:

Date:

**Head of Public Body:
(DCM - Finance & Admin)**

Serek Coffey

Date:

Contract Award Without an Open Call for Bids

Relevant Exemption Clauses:

- 6(a)(ii): The commodity is of the nature that an open call for bids could reasonably be expected to compromise security (limited call for bids required)
- 6(a)(iii): The commodity is available from a public body
- 6(a)(iv): An emergency or a situation or urgency exists and the acquisition of the commodity cannot reasonably be made in time by an open call for bids
- 6(a)(v): There is only one source reasonably available for the commodity
- 6(a)(vi): A list of pre-qualified suppliers has been established using a request for qualifications and the public body is requesting quotations from all pre-qualified suppliers on the list
- 6(a)(vii): An acquisition of a commodity is for the purpose of resale or for incorporation into a product or resale
- 6(b): Set rates have been established by the Public Utilities Boards acting under the *Public Utilities Act* or another Act
- 19:
 - (1) The acquisition of a commodity is exempt from the requirements of the framework where the following requirements are satisfied:
 - (a) the minister responsible for economic development has recommended the exemption on the basis that the acquisition of the commodity is for the purpose of economic development;
 - (b) the exemption has been approved by the Lieutenant-Governor in Council; and
 - (c) the exemption is not precluded by an intergovernmental trade agreement.
 - (2) Where a public body acquires a commodity that is exempted under subsection (1), the public body shall report the acquisition to the chief procurement officer.

PRICE QUOTE

Page 1 of 3

FILMTEC CORPORATION 5400 DEWEY HILL RD EDINA MN 55439-2085 UNITED STATES FilmTec Corporation		Document Date 09/22/2022	Order Number 41163358	
		Customer P.O. number GEC-09-22-22-1 09/22/2022		
Ship-to / Consignee 11006071 CITY OF ST JOHN'S WINDSOR LAKE WATER TREATMENT 435 AIRPORT HEIGHTS DR ST. JOHN'S NL A1A 4X9 CANADA		Sold-to 11005115 CITY OF ST JOHN'S PO Box 908 ST JOHN'S NL A1C 5M2 CANADA		
Forwarding Agent/Notify Party/End User				
Transport Mode Road	Shipping Point MARLBOROUGH VIRT 0014 WS			
Carrier / Drayage CUSTOMER PICKUP		Country Shipped From United States	Country of Destination Canada	
Unloading Point		Remit to WIRE/ACH: Acct: 40512844 ABA ACH/Domestic Wire Only: 021000089 Swift Code International Wires: CITIUS33 Citibank, 111 Wall Street, New York, NY 10043 CHECK PAYMENTS: 4118 Collection Center Drive Chicago, IL 60693-0077 Please reference on payments.		
Terms of Delivery and Payment FOB Australia NET 30 DAYS FROM INVOICE DATE				
Item #	Goods Description Shipping Marks	Quantity	Unit Price	Amount
10	Valid to: 10/30/2022 This quotation is valid through the above expiration date. 12038357 MODULE, SPARE S10N PVDF Energy Surcharge\$ Freight Surcharge <div style="display: flex; justify-content: space-between;"> <div> Gross Weight: 1,371.680 KG / 3,024.039 LB Net Weight: 1,306.400 KG / 2,880.121 LB No. of Pkgs: 160 Customs tariff num - Export: 8421.99.0140 NOT REGULATED (NOT DANGEROUS FOR TRANSPORT) </div> <div> Confirm Date 09/22/2022 </div> <div> Quantity 160 EA </div> </div>	160 EA	850.00 USD / EA	136,000.00 USD 4,080.00 14,000.00

Page 2 of 3

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FILMTEC CORPORATION 5400 DEWEY HILL RD EDINA MN 55439-2085 UNITED STATES FilmTec Corporation	Document Date 09/22/2022	Order Number 41163358
	Customer P.O. number GEC-09-22-22-1	09/22/2022

STANDARD CONDITIONS OF SALE

1. Seller warrants only that (a) any products or services provided hereunder meet Seller's standard specifications for the same or such other specifications as may have been expressly agreed to herein; (b) the sale of any products or services provided hereunder will not infringe the claims of any validly issued United States patent covering such product or service itself, but does not warrant against infringement by reason of (i) the use of any information provided, (ii) the use of any product or service in combination with other products, services, or information or in the operation of any process, or (iii) the compliance by Seller with any specifications provided to Seller by Buyer; and (c) all products provided hereunder were produced in compliance with the requirements of the Fair Labor standards Act of 1938, as amended. WITH RESPECT TO ANY PRODUCTS, SERVICES, OR INFORMATION PROVIDED TO BUYER, SELLER MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. Buyer assumes all risk and liability resulting from use of the products, services, or information delivered hereunder, whether used singly or in combination with other products, services, or information.
2. IN NO EVENT WILL SELLER'S AGGREGATE LIABILITY TO BUYER FOR ALL DAMAGES ARISING FROM ANY AND ALL CLAIMS RELATED TO THE BREACH OF THIS AGREEMENT, NONDELIVERY, OR THE PROVISION OF ANY PRODUCT, SERVICE, OR INFORMATION COVERED BY THIS AGREEMENT, REGARDLESS OF WHETHER THE FORM OF ACTION IS BASED ON CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, STATUTE, OR OTHERWISE, EXCEED THE TOTAL PRICE PAID BY BUYER TO SELLER FOR THE PRODUCTS, SERVICES, OR INFORMATION IN RESPECT OF WHICH DAMAGES ARE CLAIMED. NO CLAIM SHALL BE ALLOWED FOR PRODUCT THAT HAS BEEN PROCESSED IN ANY MANNER. FAILURE TO GIVE NOTICE OF A CLAIM WITHIN NINETY (90) DAYS FROM DATE OF DELIVERY, OR THE DATE FIXED FOR DELIVERY (IN CASE OF NONDELIVERY) SHALL CONSTITUTE A WAIVER BY BUYER OF ALL CLAIMS IN RESPECT OF SUCH PRODUCTS, SERVICES, OR INFORMATION. PRODUCTS SHALL NOT BE RETURNED TO SELLER WITHOUT SELLER'S PRIOR WRITTEN PERMISSION. NO CHARGE OR EXPENSE INCIDENT TO ANY CLAIMS WILL BE ALLOWED UNLESS APPROVED BY AN AUTHORIZED REPRESENTATIVE OF SELLER. IN ADDITION, AND TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, EACH PARTY HERETO WAIVES ANY CLAIM TO INDIRECT, CONSEQUENTIAL, PUNITIVE, EXEMPLARY OR MULTIPLIED DAMAGES ARISING OUT OF OR RELATING TO THIS AGREEMENT OR THE PROVISION OF ANY PRODUCT, SERVICE, OR INFORMATION, TO THE EXTENT PERMITTED BY APPLICABLE LAW. THE PARTIES WAIVE AND AGREE NOT TO ASSERT NON-CONTRACTUAL CLAIMS ARISING UNDER STATE LAW RELATING TO THIS AGREEMENT OR THE PROVISION OF ANY PRODUCT, SERVICE, OR INFORMATION COVERED BY THIS AGREEMENT, AND THIS AGREEMENT SHALL BE DEEMED TO INCLUDE SUCH LANGUAGE AS MAY BE REQUIRED TO EFFECT SUCH WAIVER. WAIVER BY EITHER PARTY OF ANY DEFAULT BY THE OTHER HEREUNDER SHALL NOT BE DEEMED A WAIVER BY SUCH PARTY OF ANY DEFAULT BY THE OTHER WHICH MAY THEREAFTER OCCUR.
3. No liability shall result from delay in performance or nonperformance, directly or indirectly caused by circumstances beyond the control of the party affected, including, but not limited to, act of God, fire, explosion, flood, war, act of or authorized by any Government, accident, labor trouble or shortage, pandemic, inability to obtain material, equipment or transportation, failure to obtain or hardship in obtaining reasonably priced supplies of materials, or failure of usual transportation mode. Quantities so affected may be eliminated from the agreement without liability, but the agreement shall remain otherwise unaffected. Seller shall have no obligation to purchase supplies of the product specified herein to enable it to perform this Agreement.
4. If for any reason including but not limited to Force Majeure Seller is unable to supply the total demand for products specified herein, Seller may distribute its available supply among any or all purchasers, as well as departments and divisions of Seller, on such basis as it may deem fair and practical, without liability for any failure of performance which may result therefrom.
5. Seller may furnish such technical assistance and information as it has available with respect to the use of the products or services covered by this agreement. Unless otherwise agreed in writing, all such information will be provided gratis. Buyer agrees to evaluate such information, to make an independent decision regarding the suitability of such information, products and services for Buyer's application, and only use such products, services and information pursuant to then current good product stewardship principles and all regulatory requirements applicable to Buyer's business.
6. Buyer acknowledges that it has received and is familiar with Seller's labeling and literature concerning the products and its properties. Buyer will forward such information to its employees, contractors and customers who may distribute, handle, process, sell or use such products, and advise such parties to familiarize themselves with such information. Buyer agrees that products sold hereunder will not knowingly be resold or given in sample form to persons using or proposing to use the products for purposes contrary to recommendations given by Seller or prohibited by law, but will be sold or given as samples only to persons who can handle, use and dispose of the products safely. Unless agreed to by Seller in a written agreement covering such use, in no event shall Buyer use products or resell products for use in the manufacture of any implanted medical device. Buyer agrees that export of any product, service or information provided hereunder shall be in accordance with applicable Export Administration Regulations.
7. Except as may be contained in a separate trademark license, the sale of product (even if accompanied by documents using a trademark or trade name of Seller) does not convey a license, express or implied, to use any trademark or trade name of Seller, and Buyer shall not use any trademark or trade name of Seller in the conduct of its business without Seller's prior written consent.
8. The Buyer shall reimburse the Seller for all taxes, (excluding income taxes) excises or other charges which the Seller may be required to pay to any Government (National, State or Local) upon the sale, production or transportation of the products, services, or information sold hereunder.
9. In the event Buyer fails to fulfill Seller's terms of payment, or in case Seller shall have any doubt any time as to Buyer's financial responsibility, Seller may decline to make further deliveries except upon receipt of cash or satisfactory security.
10. This agreement is not assignable or transferable by Buyer, in whole or in part, except with the prior written consent of Seller. Seller reserves the right to sell, assign, or otherwise transfer its right to receive payment under this agreement.
11. Dispute Resolution and Arbitration - Buyer and Seller agree to arbitrate all disputes, claims or controversies whether based on contract, tort, statute, or any other legal or equitable theory, arising out of or relating to (a) this Agreement or the relationship which results from this Agreement, (b) the breach, termination or validity of this Agreement, (c) the purchase or supply of any product, service, or information provided by Seller, (d) events leading up to the formation of Buyer's and Seller's relationship, and (e) any issue related to the creation of this Agreement or its scope, including the scope and validity of this paragraph. The parties shall before and as a condition to proceeding to arbitration attempt in good faith to resolve any such claim or controversy by mediation under the International Institute for Conflict Prevention & Resolution ("CPR") Mediation Procedure then currently in effect. Unless the parties agree otherwise, the mediator will be selected from the CPR Panels of Distinguished Neutrals. Any such claim or controversy which remains unresolved 60 days after the appointment of a mediator or 60 days after good faith efforts by either party to proceed to mediation shall be finally resolved by binding arbitration in accordance with the CPR Rules for Non-Administered Arbitration then currently in effect by three independent and impartial arbitrators, none of whom shall be appointed by either party. This Agreement shall be governed by the Federal Arbitration Act, 9 U.S.C. §§ 1-16, to the exclusion of any state laws inconsistent therewith. Such arbitration shall be conducted in a city to be chosen by the arbitrators which is not the principal place of business of either party, and the arbitrators and the parties shall conduct such arbitration in accordance with such procedures as may be necessary to permit use of the then current CPR Arbitration Appeal Procedure. Any judgment upon the award rendered by the arbitrator(s) may be entered by any court having jurisdiction thereof. In the event that either party wishes to appeal an award, the parties shall follow the then current CPR Arbitration Appeal Procedure. Buyer and Seller agree not to file or join any class action or class arbitration, seek or consent to class relief, or seek or consent to the consolidation or joinder of its claims with those of any third party. If any clause within this Arbitration Provision (other than the agreement regarding the conduct of the arbitration in the preceding sentence) is found to be illegal or unenforceable, that clause will be severed from this Arbitration Provision, and the remainder of the Arbitration Provision will be given full force and effect. If such agreement regarding the conduct of the arbitration is found to be illegal or unenforceable and if the arbitrators permit a class arbitration or consolidated or joined matter to proceed, this entire Arbitration Provision will be unenforceable, and the dispute may be decided by a court. The obligations set forth in this paragraph shall survive the termination or expiration of this Agreement.
12. In addition to these Standard Conditions of Sale, any Special Conditions of Sale set forth on this invoice or in the current price list for the products or services sold hereunder shall apply and are incorporated by reference. Unless otherwise specified therein, title, liability for and risk of loss to Product sold hereunder passes to Buyer upon loading for shipment at Seller's producing location.
13. This Agreement shall be construed and governed by Delaware law, without regard to any applicable conflicts of law provisions, and the terms of the UCC, rather than the United Nations Convention on Contracts for the International Sale of Goods, shall apply.
14. Except as expressly provided in any other term or condition of this Agreement, any provision hereof which is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective only to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof or affecting the validity or enforceability of such provision in any other jurisdiction.
15. As part of the sale of goods hereunder, Seller may collect, use and disclose Personal Information about Buyer including company name, address, banking and credit information as well as name, phone number, email address and other contact details of natural persons within Buyer's organization and Buyer's contractors. Seller may share Personal Information with its affiliates and selected third parties around the world in order to complete the sale of goods, as described in Seller's privacy statement. <https://www.dupont.com/privacy.html>
16. This Agreement supersedes all prior agreements, representations and understandings between the parties (whether written or oral) with respect to its subject matter and constitutes (along with the exhibits and schedules attached hereto) a complete and exclusive statement of the terms of the agreement between the parties with respect to the provision of products or services hereunder. Not by way of limitation of the unqualified nature of the foregoing, Buyer acknowledges, agrees and represents that it is not relying upon, and it has not been induced by, any representation, warranty, statement made by, or other information provided by Seller in connection with its decision to purchase or use any product, service, information or technology, other than the representations and warranties Seller as and only to the extent expressly provided in this Agreement. No modification of this Agreement shall be binding upon Seller unless separately contracted in writing and executed by a duly authorized representative of Seller. No modification shall be effected by the acknowledgment or acceptance of purchase order forms stipulating different conditions. Unless Buyer shall notify Seller in writing to the contrary as soon as practicable after receipt of this invoice by Buyer, Buyer shall be deemed to have accepted the terms and conditions hereof and, in the absence of such notification, Buyer's acceptance or use of the products, services, information or technology shall be equivalent to Buyer's assent to the terms and conditions hereof.

Ver. 3/5/07

"SOLE BRAND" PROCUREMENT JUSTIFICATION

The drafting or application of specifications or bid requirements that directly or indirectly limit the bidding to a single brand does not provide for full and open competition, regardless of the number of sources solicited, and must be justified. Allowing for a "brand name or equivalent" permits a competitive process that allows bidders to propose equivalent items. A requirement for a proprietary (or sole brand) item does not necessarily justify sole source procurement, as more than one potential bidder or supplier may exist who can supply that item.

Department/Division name: Public Works – Water & Wastewater

Requestor: Shawn Haye

"Brand name" of product: MEMCOR® CS Submerged Membrane Systems

Description of "brand name" product: Drinking water system used for microfiltration to separate microorganisms and suspended solids in the water treatment process.

Name of manufacturer of "brand name" product: FilmTec Corporation

Only the "brand name" item specified will be accepted because:

_____ patent rights, copyrights, secret processes, or control of certain materials or components provide superior use that cannot be obtained from similar products. Explain below these unique factors and why they are required. Explain below what other brands have been considered, rejected and why.

_____ the sole brand/product is unique and essential to the City's requirements, thereby precluding consideration of a product manufactured by another company. Explain below

✓ the sole brand/product is required to match other similar product already in place. Explain below

If the justification for using a Sole Brand is not listed above please indicate other reasons for restricting competition:

The Windsor Lake Water Treatment Plant was designed to incorporate a microfiltration system with continuous submerged membrane modules operating under low pressure. The current filtration system includes 6 Primary Cells and 3 Secondary Cells with membrane modules in an array housing system. This filtration system was designed and tested to operate with MEMCOR® certified equipment only having specific dimensions and performance specifications. Membrane filtration system have complex and unique operating procedures which require extensive training and understanding on behalf of the water treatment operators responsible for their continuous operation. Therefore, sole branding is required not only to match the pre-existing systems for which the process was designed around, but also to minimize the risk of not being able to convey clean and safe drinking water to the residents and businesses of the City of St. John's.

Breck Cobley 2022/10/11

Signature of Manager or above Date

Shawn Haye 2022/10/11

Signature of Supply Chain Manager Date

Shawn Haye 2022/10/11

Signature of Deputy City Manager Date



October 18, 2022

Mr. Shawn Haye
Manager, Water Treatment
City of St. John's
shaye@stjohns.ca
Re: Windsor Lake WTP

Mr. Haye

This letter is to advise that DuPont Water Solutions Memcor products is the exclusive supplier for all proprietary parts and service related to the Memcor products for the Windsor Lake WTO. In addition, DuPont Water Solutions is the only trained and certified organization to perform service and installations of DuPont Water Solutions (Memcor) equipment.

Please note: FilmTec is a division of Dupont, the quote and invoice will be from Dupont/FilmTec and the PO should be issued directly to FilmTec.

Should you have any questions regarding this statement, please feel free to contact us.

Best regards,

Thank you, Joe

Gene Cerilli

Memcor Sales Rep - Eastern Region
Mobile: +1 (724) 640-5933

MEMCOR® Membrane Technology
DuPont Water Solutions



Sherry Kieley

From: DoNotReply@escribemeetings.com on behalf of eSCRIBE Notification
<DoNotReply@escribemeetings.com>
Sent: Tuesday, October 18, 2022 3:29 PM
To: Sherry Kieley
Subject: (EXT) Agenda Notification for RCM_Oct17_2022

This is an automated message from eSCRIBE.

Agenda Item: Windsor Lake Water Treatment Plant Equipment Reserve Fund Replacement of Secondary Cell 2 and 3 Membrane Modules

Description:

Minutes:

Resolution(s): : SJMC-R-2022-10-17/465

Resolution: That Council make funding available through the Windsor Lake Equipment Reserve Fund to support the purchase of membrane filter modules for Secondary Cell #2 and #3 at the Windsor Lake Water Treatment Plant.

Moved By: Councillor Hickman

Seconded
By: Councillor Ellsworth

Result: MOTION CARRIED

Task(s):

BID APPROVAL NOTE

Bid # and Name: 2022189 - Snow Clearing & Ice Control Private Lanes
Date Prepared: Thursday, October 20, 2022
Report To: Regular Meeting
Councillor and Role: Councillor Sandy Hickman, Public Works
Ward: N/A

Department: Public Works
Division: Administration
Quotes Obtained By: Sherri Higgins
Budget Code: 3231- 52951
Source of Funding: Operating

Purpose:
Snow clearing & ice control for the Private Lanes located throughout the city.

Results: ☐ As attached ☒ As noted below

Vendor Name	Bid Amount
Pyramid Construction Limited	Section 1: No Bid Section 2: \$48,300.00
Alltask Excavating Inc.	Section 1: \$49,680.00 Section 2: \$19,320.00
84748 Newfoundland & Labrador Inc	Section 1: Disqualified Section 2: \$48,645.00
Gladney's Bus Ltd	Section 1: \$67,896.00 Section 2: \$22,632.00
Clarke's Trucking and Excavating Limited	Section 1: \$78,349.50 Section 2: \$30,594.60
JAT excavating Inc	Section 1: \$224,250.00 Section 2: \$44,850.00

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: One (1) year with two (2) possible one (1) year extensions.

Bid Exception: None

Recommendation:

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That Council approve for award this open call that was evaluated on a section-by-section basis to the lowest bidder meeting specifications for both sections, Alltask Excavating Inc., for \$49,680.00 a year (HST included) for Section 1 and \$19,320.00 a year (HST Included) for Section 2 as per the Public Procurement Act.

Attachments:

Report Approval Details

Document Title:	2022189 - Snow Clearing and Ice Control Private Lanes.docx
Attachments:	
Final Approval Date:	Oct 20, 2022

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

Rick Squires - Oct 20, 2022 - 10:03 AM

Derek Coffey - Oct 20, 2022 - 10:06 AM

DECISION/DIRECTION NOTE

Title: SERC – SurrealEstate Road Closure 2

Date Prepared: October 19, 2022

Report To: Regular Meeting of Council

Councillor and Role: Councillor Debbie Hanlon, Special Events Regulatory Committee

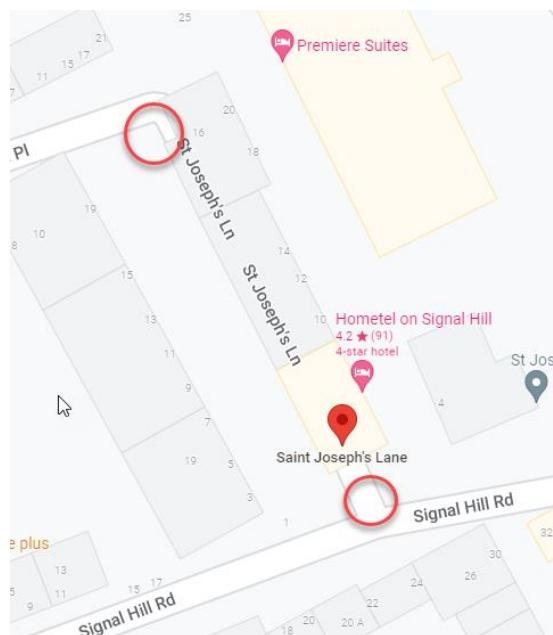
Ward: N/A

Decision/Direction Required: Seeking Council approval of road closures and a noise by-law extension associated with the filming of the television series SurrealEstate.

Discussion – Background and Current Status: SurrealEstate production is requesting a noise by-law extension for filming until 3:00am on October 27 and 28, in the area of Trainor Place. None of the scenes scheduled to be filmed past 11:00pm call for: explosions, car chases, or dialogue above the threshold of normal conversation. The residents of the area will be notified in writing.

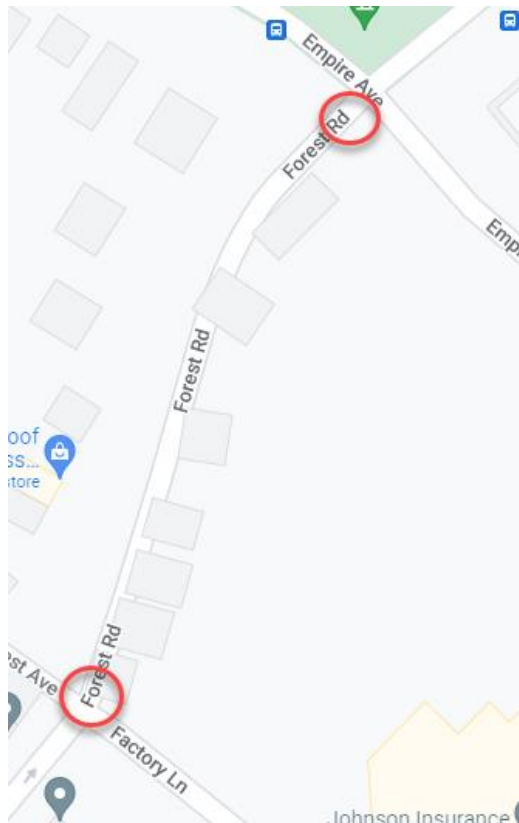
They are also requesting the following road closures. A traffic control company has been secured for the road closures. Local traffic and emergency vehicles will be granted access.

October 27, 10:00am – 5:00pm, St. Joseph's Lane



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October 27, 6:00pm – 12:00am, Forest Road between Factory Lane and Empire Avenue.



November 1, 12:30pm – 12:30am, Circular Road between Rennies Mill Road and Carpasian Road.



Key Considerations/Implications:

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions:
N/A
4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications: N/A
7. Privacy Implications: N/A
8. Engagement and Communications Considerations: N/A
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: N/A

Recommendation:

That Council approve the requested road closures and noise by-law extension associated with the filming of the television series SurrealEstate.

Prepared by: Christa Norman, Special Projects Coordinator

Approved by: Erin Skinner, Supervisor – Tourism and Events

Report Approval Details

Document Title:	SERC - SurrealEstate Road Closure 2.docx
Attachments:	
Final Approval Date:	Oct 19, 2022

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

Erin Skinner - Oct 19, 2022 - 2:45 PM

Tanya Haywood - Oct 19, 2022 - 2:46 PM

DECISION/DIRECTION NOTE

Title: Insurance Policy Renewal

Date Prepared: October 20, 2022

Report To: Regular Meeting of Council

Councillor and Role: Councillor Ron Ellsworth

Ward: N/A

Decision/Direction Required:

Approval of Insurance Policy and premiums as negotiated by AON, the City's insurance broker for November 1, 2022 to November 1, 2023.

Discussion – Background and Current Status:

The City's insurance policies will expire at the end of October. The City has a contract with AON our insurance broker for a three year period that commenced on November 1, 2020. This was secured through an RFP process in 2020. The City pays the broker \$125,000.00 flat fee per year of the contract in exchange for their services in Insurance Brokerage, Risk Management and other related services. The City's Insurance Broker has gone to the market to solicit bids from insurance companies interested in providing coverage to the City.

The City's current policies include coverage for the St. John's Regional Fire Department, St. John's Transportation Commission and St. John's Sports & Entertainment Ltd. The policies provide insurance for multiple coverages including commercial general liability, fleet, property, environment, crime, and vehicle accidents.

General rate increases coupled with global changes in the insurance market and a 7% CPI increase (applied annually upon renewal to all City property/equipment values), has resulted in an increase in premiums for the current renewal proposal. Additionally, it has become increasingly difficult to obtain commercial general liability and property coverage as well as coverage to cover vehicle fleets and their operations.

Given the City's risk exposure, it is not recommended that consideration be given to reducing the City's coverages. This option was explored by the City's Insurance Broker for the current renewal proposal, however, it does not result in any significant premium reduction. Any reduction in coverage has the potential to increase our risk exposure in the case of a significant event.

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In an effort to combat some of the aforementioned issues above, the current renewal proposal will see the City contract with a group of insurance companies for its property coverage. By contracting with a group of insurers, the risk to each individual company is reduced.

Last year's total premium was \$2,199,898.00. The proposed premium this year is \$2,328,517.00.

Key Considerations/Implications:

1. Budget/Financial Implications: The City to pay \$2,453,517.00 (premium and broker's fee) to renew the City's Insurance Policy for November 1, 2022 – November 1, 2023.
2. Partners or Other Stakeholders: AON, Aviva, Intact/Liberty, Markel, Lloyd's, SSQ, Linx Underwriting, Residents of the City, General Public
3. Alignment with Strategic Directions/Adopted Plans: Fiscally Responsible, An Effective City
4. Legal or Policy Implications: Provides appropriate insurance coverage for City assets and operations including SJSEL and Metrobus.
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 renewal of the Insurance Policy and payment of premiums and broker fee for 2022-2023 as negotiated by AON, the City's insurance broker.

Prepared by: Justin Crickard

Approved by: Cheryl Mullett