

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

September 3, 2019, 4:30 p.m.

Present: Deputy Mayor Sheilagh O'Leary
Councillor Maggie Burton
Councillor Dave Lane
Councillor Sandy Hickman
Councillor Debbie Hanlon
Councillor Deanne Stapleton
Councillor Hope Jamieson
Councillor Jamie Korab
Councillor Ian Froude
Councillor Wally Collins

Regrets: Mayor Danny Breen

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
Elaine Henley, City Clerk
Ken O'Brien, Chief Municipal Planner
Maureen Harvey, Legislative Assistant

Others: Kelly Maguire, Communications Officer

Land Acknowledgement

The following statement was read into the record:

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

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

1. **CALL TO ORDER**

2. **PROCLAMATIONS/PRESENTATIONS**

2.1 **Prostate Cancer Month**

3. **APPROVAL OF THE AGENDA**

4. **ADOPTION OF THE MINUTES**

4.1 **Adoption of Minutes - August 19, 2019**

SJMC-R-2019-09-03/320

Moved By Councillor Froude

Seconded By Councillor Hanlon

That the minutes of the Regular meeting of August 19, 2019 be adopted as presented.

MOTION CARRIED

5. **BUSINESS ARISING FROM THE MINUTES**

5.1 **Application to Rezone Land to the Commercial Neighbourhood Zone for a Lounge and Eating Establishment (Pub and Eatery)**
MPA1800006 - 75 Airport Heights Drive

Multiple submissions attached.

It was reported by the Chief Municipal Planner that a public meeting with respect to this application was previously scheduled but there being no one in attendance, the meeting was cancelled. The matter is now before Council for consideration.

SJMC-R-2019-09-03/321

Moved By Councillor Burton

Seconded By Councillor Stapleton

Recognizing the number of submissions from area residents to the recent public advertisement, that Council defer a decision on Municipal Plan Amendment 153, 2019 to allow for a public meeting to be scheduled and conducted prior to final consideration by Council.

MOTION CARRIED

5.2 St. John's Municipal Plan Amendment Number 152, 2019 and St. John's Development Regulations Amendment Number 698, 2019 - Rezoning from the Commercial Central Mixed Use (CCM) Zone to the Commercial Central Office (CCO) Zone for a Hotel and Concert Hall

MPA1900001 - 9 Buchanan Street, 426 and 430 Water Street - Applicant:
Fougere Menchenton Architecture

SJMC-R-2019-09-03/322

Moved By Councillor Burton

Seconded By Councillor Hanlon

That Council now adopt the attached resolutions for St. John's Municipal Plan Amendment Number 152, 2019 and St. John's Development Regulations Amendment Number 698, 2019, as amended. If the resolutions are adopted by Council, it is further recommended that Council appoint Mr. Cliff Johnston, MCIP, a member of the City's commissioner list, to conduct a public hearing on the proposed amendments. The proposed date for the public hearing is Wednesday, September 25, 2019, at 7 p.m. at St. John's City Hall.

It is further recommended that Council advertise the General Assembly Discretionary Use with the Public Hearing notice.

MOTION CARRIED

6. NOTICES PUBLISHED

6.1 32 Royal Oak Drive - Residential Low Density (R1) Zone (Ward 5)

A Discretionary Use application has been submitted requesting permission to occupy a portion of the existing dwelling for a Home Occupation to allow for a Home Day Spa.

One submission attached

SJMC-R-2019-09-03/323

Moved By Councillor Collins

Seconded By Councillor Lane

That the application to occupy a portion of an existing dwelling for a Home Occupation to allow a Home Day Spa be approved subject to all applicable City requirements.

MOTION CARRIED

6.2 1-3 Petty Harbour Road - Residential Low Density (R1) Zone (Ward 5)

An Extension of a Non-conforming Use application has been submitted by **Brewskies Pub** requesting permission to convert a portion of the building to an Eating Establishment.

No submissions

SJMC-R-2019-09-03/324

Moved By Councillor Collins

Seconded By Councillor Lane

That the application be approved subject to all applicable City requirements.

MOTION CARRIED

6.3 121 Long's Hill - Commercial Central Mixed (CCM) Zone (Ward 2)

Council was informed that the applicant has withdrawn the application.

7. PUBLIC HEARINGS/MEETINGS

8. COMMITTEE REPORTS

8.1 Committee of the Whole Report - August 21, 2019

1. Decision Note dated July 29, 2019 re: Application to Rezone Land from the Agriculture (AG) Zone for 6 One-Acre Residential Building Lots with Agricultural Uses. - REZ1900010, Jillings Road/Foxtrap Access Road

SJMC-R-2019-09-03/325

Moved By Councillor Burton

Seconded By Councillor Collins

That Council refuse the application to rezone land in the area of Jillings Road/Foxtrap Access Road from the Agriculture (AG) Zone as the proposal is not supported by the Provincial Land Development Advisory Authority and the City does not support the rezoning of additional lands for unserviced residential development.

MOTION CARRIED

2. Text Amendment to the St. John's Development Regulations to Reduce Sight Line Requirements REZ1900011- 93-95 Merrymeeting Road (corner of Mayor Avenue)

Decision Note updated to reflect discussion at Committee of the Whole on August 21, 2019

SJMC-R-2019-09-03/326

Moved By Councillor Burton

Seconded By Councillor Lane

That the proposed text amendment to allow an authorized Officer of the City to set a reduced sight line be considered. It is recommended that the application be advertised for public review and comment. The application would then be referred to a regular meeting of Council for consideration of adoption.

This is prompted by an application at 93-95 Merrymeeting Road but would apply to all areas outside of Downtown.

MOTION CARRIED

1. Decision Note dated August 26, 2019 re: Townhouse Development - 93-95 Merry Meeting Road (corner of Mayor Avenue)

SJMC-R-2019-19-03/327

Moved By Councillor Burton

Seconded By Councillor Jamieson

That Council approve the design of buildings separate from the associated text amendment for changes to the sightline regulations for 93-95 Merrymeeting Road (corner of Mayor Avenue) and refer design to the Built Heritage Experts Panel for review.

MOTION CARRIED

3. **Decision Note dated August 15, 2019 re: Text Amendment to the Commercial Central Retail (CCR) Zone for a maximum building height of 18 metres - REZ 1900013 - 331 Water St.**

SJMC-R-2019-09-03/328

Moved By Councillor Burton

Seconded By Councillor Jamieson

That the proposed text amendment to enable a maximum height of 18 metres in the Commercial Central Retail Zone be considered. Further that the application be advertised for public review and comment. The application would then be referred to a regular meeting of Council for consideration of adoption.

MOTION CARRIED

8.2 Development Committee Report - August 27, 2019

1. **Decision Note dated August 27, 2019 re: Request for Building Line Setback - DEV1900159 - 10 Maple Street**

SJMC-R-2019-09-03/329

Moved By Councillor Burton

Seconded By Councillor Froude

That Council approve the 13.36 metre Building Line setback at 10 Maple Street.

MOTION CARRIED

2. **Decision Note dated August 28, 2019 re: Side Yard Variance - INT 1900084 - 77 Sunset Street**

SJMC-R-2019-09-03/330

Moved By Councillor Burton

Seconded By Councillor Collins

That Council approve the 4.2% Variance side yard for the proposed new building lot at 77 Sunset Street.

MOTION CARRIED

3. **Decision Note dated August 27, 2019 re: Request for Parking Relief - 160 Southlands Boulevard - DEV1900166**

SJMC-R-2019-09-03/331

Moved By Councillor Burton

Seconded By Councillor Lane

That Council approve the parking relief for 50 spaces, to allow a total of 77 spaces on the site of 160 Southlands Boulevard.

SJMC-R-2019-19-03/332

Moved By Councillor Collins

Seconded By Councillor Hanlon

With the approval of the mover and seconder it was agreed that the request for parking relief for 50 spaces, to allow a total of 77 spaces on the site of 160 The Boulevard be deferred.

MOTION CARRIED

4. **Decision Note dated August 28, 2019 re: Proposed Subsidiary Apartment in Single Detached Dwelling - DEV1900165 - 164 Signal Hill Road**

SJMC-R-2019-09-03/333

Moved By Councillor Burton

Seconded By Councillor Jamieson

That Council approve the use of a subsidiary apartment in the proposed dwelling at 164 Signal Hill Road.

MOTION CARRIED

5. **Decision Note dated August 20, 2019 re: Proposed Accessory Building in the Open Space Reserve (OR) Zone - 252 Groves Road - INT 1900076**

SJMC-R-2019-09-03/334

Moved By Councillor Burton

Seconded By Councillor Hickman

That Council approve the Accessory Building subject to meeting all the requirements outlined in Section 8.3.6 - Accessory Buildings of the Development Regulations and maintain a 15-meter buffer from the highwater mark of the existing creek at 252 Groves Road.

MOTION CARRIED

9. **RESOLUTIONS**

10. **DEVELOPMENT PERMITS LIST**

10.1 **Development Permits List - August 15 - 28, 2019**

The Development Permits List for the period August 15-28 was provided for the information of Council.

11. **BUILDING PERMITS LIST**

11.1 **Building Permits List - August 15 - 28, 2019**

SJMC-R-2019-09-03/335

Moved By Councillor Korab

Seconded By Councillor Stapleton

That the Building Permits List for the period August 15-28, 2019 be approved as presented.

MOTION CARRIED

12. **REQUISITIONS, PAYROLLS AND ACCOUNTS**

12.1 **Weekly Payment Vouchers for the Week Ending August 21, 2019**

SJMC-R-2019-09-03/336

That Council approve the weekly payment vouchers for the week ending August 21, 2019 in the amount of \$3,320,296.43

MOTION CARRIED

12.2 Weekly Payment Vouchers for Week Ending August 28, 2019

SJMC-R-2019-09-03/337

That Council approve the weekly payment vouchers for the week ending August 28, 2019 in the amount of \$3,269,402.04

MOTION CARRIED

13. TENDERS/RFPS

14. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

15. OTHER BUSINESS

15.1 Decision Note dated August 27, 2019 re: Overnight Construction - Kenmount Road Trunk Storm Sewer - Phase 1B- (Polina Road to Peet Street)

SJMC-R-2019-09-03/338

Moved By Councillor Froude

Seconded By Councillor Hickman

That Council grant the Contractor permission to work outside the City's noise bylaw hours, allowing the Contractor to work between 11:00pm and 7:00am for the Kenmount Road Trunk Storm Sewer Project. This work is anticipated to be sporadic, and therefore public notifications will be provided through the City's website prior to any overnight work taking place.

MOTION CARRIED

15.2 Decision Note dated August 13, 2019 re: Ground Sign Approval

SJMC-R-2019-09-03/339

Moved By Councillor Collins

Seconded By Councillor Hanlon

That Council approve the request to exceed the maximum allowable tolerances as stipulated in the Sign By-Law as proposed.

MOTION CARRIED

15.3 E-Poll Ratification: Bid Approval Note 2019139 - Supply of Sodium Bisulfite**SJMC-R-2019-09-03/340****Moved By** Councillor Froude**Seconded By** Councillor Korab

That Council ratify the E-poll for Bid Approval Note 2019139 for the Supply of Sodium Bisulfite be awarded to UNIVAR CANADA LTD. in the amount of \$840,420.00 (HST included), the lowest bidder meeting specifications as per the Public Procurement Act.

MOTION CARRIED**15.4 E-Poll Ratification: Bid Approval Note 2019162 - 2019 Retaining Wall Rehabilitation Program****SJMC-R-2019-09-03/341****Moved By** Councillor Froude**Seconded By** Councillor Lane

That Council ratify the E-Poll for Bid Approval Note 2019162 re: 2019 Retaining Wall Rehabilitation Program to award to Weirs Construction Limited in the amount of \$358,261.30 (including HST), the lowest bidder meeting specifications as per the Public Procurement Act.

MOTION CARRIED**15.5 Other Business Raised by Councillors**

1. Councillor Stapleton

- Requested staff to order and enforce the removal of signs/posters that have been affixed to poles between Pearson Street and NL Drive.

2. Councillor Korab

- Requested staff to follow up with the City of Vancouver with respect to a by-law that addresses rodent control in an effort to address this issue in the City.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 5:52 pm

MAYOR

CITY CLERK