

# ST. JOHN'S

## **Minutes of Regular Meeting - City Council**

**Council Chamber, 4th Floor, City Hall**

**February 20, 2023, 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
- Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services
- Cheryl Mullett, City Solicitor
- Ken O'Brien, Chief Municipal Planner
- Karen Chafe, City Clerk
- Kelly Maguire, Public Relations & Marketing Officer
- Christine Carter, Legislative Assistant

**Others:** Erin Skinner

### **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 Heritage Day 2023**

**3. APPROVAL OF THE AGENDA**

**3.1 Adoption of Agenda**

SJMC-R-2023-02-13/72

**Moved By** Councillor Ravencroft

**Seconded By** Councillor Bruce

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 Minutes of February 13, 2023**

SJMC-R-2023-02-13/73

**Moved By** Deputy Mayor O'Leary

**Seconded By** Councillor Ravencroft

That the minutes of February 13, 2023, 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****5.1 Amendment to Heritage By-Law - Exemption from Heritage Design Standards for Registered Charities and Institutions**

Notice of Motion given by Councillor Froude at the February 13th Regular Meeting of Council.

Councillor Burton presented the amendment to the Heritage By-Law Exemption from Heritage Design Standards for Registered Charities and Institutions.

Registered charities have a history of adapting and renovating buildings in Heritage Areas to serve their clientele and the community. Council has been supportive of such work and has demonstrated this support by waiving various fees for registered charities.

Registered charities often secure a portion of their funding, particularly in relation to housing initiatives, from other levels of government. Such funding often comes with time and potentially construction and/or design conditions. Such project conditions may make it difficult or even impossible for a registered charity to utilize funding available to them effectively. Waiving some or all of the Heritage Design Standards where appropriate in the discretion of Council will provide registered charities with the potential to utilize funding more effectively.

The proposed discretionary exemption would not apply to designated Heritage Buildings.

Councillor Burton asked that Council consider an amendment to the recommendation which would remove the reference to Institutions, and it be 'Registered Charitable Organizations'.

Councillor Ellsworth noted his support for this change, and asked that this amendment be reviewed and that Council consider making it broader by adding not for profits as well. This change could help to remove barriers for those not for profits that are providing services for the increasing numbers of people moving into the area.

SJMC-R-2023-02-13/74

**Moved By** Councillor Burton

**Seconded By** Councillor Ellsworth

That the St. John's Heritage (Amendment No. 2 - 2023) By-Law as attached be adopted as amended.

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)**

SJMC-R-2023-02-13/75

**Moved By** Councillor Burton

**Seconded By** Councillor Ellsworth

That the St. John's Heritage (Amendment No. 2 - 2023) By-Law be amended to remove the reference to "institution".

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)**

**5.2 Notice of Motion - Codes of Conduct for Councillors and Municipal Officials**

Notice of Motion given by Councillor Ellsworth at the February 6, 2023 Regular Council Meeting.

**1. Councillor Code of Conduct By-Law**

Councillor Ellsworth provided some background on the Councillor and Municipal Official Code of Conduct By-Laws to be approved by Council, and noted that the full documents can be found on the City's website.

Councillor Burton asked Council to consider a friendly amendment to Section 21 of the Councillor Code of Conduct, and other housekeeping amendments that were read into the record by the City Solicitor.

Members of Council discussed the By-Laws and several issues were raised including the required training and timelines for that training, and the possible negative effects this may have on attracting people to run for Council due to their current community work due to the conflict of interest guidelines.

SJMC-R-2023-02-13/76

**Moved By** Councillor Ellsworth

**Seconded By** Councillor Hanlon

That Council approve and adopt the Councillor Code of Conduct By-Law as amended.

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)**

SJMC-R-2023-02-13/77

**Moved By** Councillor Burton

**Seconded By** Councillor Ellsworth

That Council approve and adopt the amendments, brought forward by Councillor Burton and the City Solicitor in relation to the Code of Conduct By-Law.

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)**

**2. Code of Conduct for Municipal Officials By-Law**

SJMC-R-2023-02-13/78

**Moved By** Councillor Ellsworth

**Seconded By** Deputy Mayor O'Leary

That Council approve and adopt the Municipal Officials Code of Conduct by-law with the change in title as referenced by the City Solicitor.

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. DEVELOPMENT APPLICATIONS**

**6.1 Request for Rear Yard Variance – 19 Westmount Place – INT2300006**

SJMC-R-2023-02-13/79

**Moved By** Councillor Korab

**Seconded By** Councillor Hanlon

That Council approve a 8.9% Variance on the Rear Yard setback for a Single Detached Dwelling at 19 Westmount 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)**

**6.2 Notices Published – 42 Sugarloaf Place – DEV2200164**

Councillor Korab presented the Decision Note regarding a referral received by the City of St. John's from Rogers Communications Inc. requesting concurrence to construct a telecommunications tower at 42 Sugarloaf Place.

In accordance with the 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 42 Sugarloaf Place of Rogers Communications Inc. intention to construct a telecommunications tower system consisting of:

- A 65-meter self-support design tower with supporting antennas and radio equipment;
- A 3.05m x 3.88m equipment shelter to be located at the base of the tower; and
- A security fence around the base of the tower and equipment shelters with a locked gate.

Councillor Korab also advised that Council is not not approving this, but allowing for the public engagement on this request as it is the Federal Government that will make the ultimate decision.

Some members of Council raised the concerns expressed to them from the residents in the area. Concerns included the unknown health issues from close proximity to the tower and the depreciation of their land values. Other members of Council noted the need for these towers and that the health concerns are not substantiated.

The Deputy City Manager of Planning, Engineering and Regulatory Services advised that the proposed location of the tower is away from residents and that Council does not have the authority to reject this application. Health Canada has provided advisories that there are no health and safety concerns.

SJMC-R-2023-02-13/80

**Moved By** Councillor Korab

**Seconded By** Councillor Ravencroft

That Council support the application for a telecommunications tower at 42 Sugarloaf Place.

For (8): Mayor Breen, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

Against (2): Deputy Mayor O'Leary, and Councillor Hanlon

**MOTION CARRIED (8 to 2)**

7. **RATIFICATION OF EPOLLS**

8. **COMMITTEE REPORTS**

**8.1 Committee of the Whole Report - February 8, 2023****1. Travel Per Diems**

SJMC-R-2023-02-13/81

**Moved By** Councillor Ellsworth

**Seconded By** Councillor Korab

That Council approve an increase in the meal per diem from \$53.50 to \$100 per day.

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)**

**2. Downtown Pedestrian Mall and Parklet Program**

Members of Council discussed the recommendations proposed regarding the Downtown Pedestrian Mall and Parklet Program.

There was a very lengthy discussion held at the Committee of The Whole meeting on the seven recommendations put forward, and Council agreed to again deal with Recommendations 1, 3, 4, 5, 6 & 7 separately from Recommendation 2.

Councillor Hanlon reiterated that the reasons for Recommendation 2, that would see the reduction of the area of the Pedestrian Mall, was made for many important reasons, but safety is the top reason and priority. Safety of pedestrian users, accessibility for para-transit vehicles, and ease of access to the area for those with mobility issues or those who are unable to walk long distances were also reasons behind the recommendation.

The following is the complete list of recommendations:

**Recommendation 1:** Staff recommend extended dates for the 2023 – 2025 DPM to coincide with the end of the school year (last Thursday of the week school closes) and to finish on Labour Day Monday of each year.

- 2023 - Thursday June 22<sup>nd</sup> – Monday September 4<sup>th</sup>



- Start dates for future years in line with the NLESD school calendar.

**Recommendation 3:** Staff recommend 3-year period for approvals of the Discretionary Use applications for Parklets.

- 3-year approvals will result in a reduction of administrative time and cost to process applications.
- A commitment will consistency for business owners when planning parklet infrastructure

**Recommendation 4:** Staff recommend parklet rates remain as per 2022 program.

- Presuming the Discretionary Use is approved for 3 years, businesses wishing to lease land for a parklets will enter into a lease for the three years with such lease setting out the period in each year they will lease the land. Businesses may choose to shorten or extend their annual lease period in subsequent years and the annual rental payment shall be adjusted accordingly. However, there shall be no refunds of rent in any year if the business chooses to open later and/or close earlier. The lease may also be terminated by a business.

**Recommendation 5:** Staff recommend an application period.

- While late applications will be considered, for business certainty, businesses will be asked to submit their application no later than April 30.
- This ensures program elements are finalized allowing business to open parklets on time. Such elements include the lease, insurance certificates, plans approvals, ensure safety elements are implemented and to allow for programming into the wayfinding application.

**Recommendation 6:** Jersey Barrier Safety Requirement

- In 2022, jersey barriers were located alongside parklets to provide an additional safety protection against passing vehicles. It is anticipated approximately 30 jersey barriers will be required for the 2023 parklet program.

- Annual cost to purchase and install and remove these barriers is approximately \$12,000 to \$20,000 (depending on how many new barriers will need to be purchased). Staff recommend this cost is absorbed by the City of St. John's.

**Recommendation 7:** Staff recommend the development of a new By-Law for building standards of Parklets.

- By-Law will cover standards including accessibility, sight distance, design and construction standards, use of cooking apparatus, use of heating apparatus, etc.
- Without a By-Law the only mechanism for enforcement is the termination of a lease.

Recommendations 1, 3, 4, 5, 6 and 7 were approved by Council.

**Recommendation 2:** Staff recommend a modified footprint for DPM, to include Water Street from Adelaide Street to Cliff's Baird's Cove. This modification will alleviate safety concerns with vehicles and pedestrians sharing the same road space.

- Continued vehicle access is required to the Courthouse, Colliers Parking lot and private residential parking.
- A modified footprint will allow unimpeded access to the Atlantic Place parking garage.
- Allow for improved accessible parking along Water Street.
- Working with GoBus, in conjunction with their safety supervisor and CSJ traffic services division, to identify an accessible drop off area on Water Street west of Cliff's Baird's Cove
- Previous attempts to eliminate interactions between pedestrians and vehicles in this area have not been successful.

The majority of Council expressed their desire to keep the current footprint of the pedestrian mall and asked staff to find ways to improve accessibility, and ensure safety is upheld, but to not reduce the current area of the pedestrian mall. The feedback from business owners that would be excluded from the pedestrian mall was also raised.

The issue of the effects that the Pedestrian Mall has on businesses located outside of the downtown area was also raised.

SJMC-R-2023-02-13/82

**Moved By** Councillor Hanlon

**Seconded By** Councillor Ravencroft

That Council approve recommendations 1, 3, 4, 5, 6 and 7 noted with the exception of # 2 which will be dealt with separately for the 2023-2025 Downtown Pedestrian Mall and Parklet program.

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)**

SJMC-R-2023-02-13/83

**Moved By** Councillor Hanlon

**Seconded By** Councillor Ellsworth

Regarding Recommendation # 2

1. Staff recommend a modified footprint for DPM, to include Water Street from Adelaide Street to Cliff's Baird's Cove. This modification will alleviate safety concerns with vehicles and pedestrians sharing the same road space.
  - Continued vehicle access is required to the Courthouse, Colliers Parking lot and private residential parking.
  - A modified footprint will allow unimpeded access to the Atlantic Place parking garage.
  - Allow for improved accessible parking along Water Street.
  - Working with GoBus, in conjunction with their safety supervisor and CSJ traffic services division, to identify an accessible drop off area on Water Street west of Cliff's Baird's Cove

- Previous attempts to eliminate interactions between pedestrians and vehicles in this area have not been successful.

Tourism and Event staff recommendation to modify the footprint of the DPM to Adeladie Street to Cliff's Baird's Cove is based on safety and accessibility for all. Safety remains our key priority, and the vehicular access in the area of Cliff's Baird's Cove to Prescott Street has been a concern in previous years. Transportation staff have identified a concern around traffic congestion in the area of Cliff's Baird's Cove. This will have to be monitored and adjustments made where necessary.

For (4): Councillor Ellsworth, Councillor Hanlon, Councillor Korab, and Councillor Ridgeley

Against (6): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Bruce, and Councillor Ravencroft

**MOTION LOST (4 to 6)**

**3. Amendment to Heritage By-Law – Exemption for Registered Charities or Institutions**

**4. 366-374 Empire Avenue, REZ2100013**

SJMC-R-2023-02-13/84

**Moved By** Councillor Burton

**Seconded By** Councillor Ravencroft

That Council consider rezoning 366-374 Empire Avenue from the Apartment 1 (A1) Zone to the Residential 3 (R3) to allow a Townhouse development, and that the application be advertised and referred to a public meeting chaired by an independent facilitator.

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. 40 Quidi Vidi Road, REZ2200010**

Councillor Burton reviewed the Decision Note on the application received from First Light St. John's Native Friendship Centre Inc. to rezone property at 40 Quidi Vidi Road to accommodate an office, clinic and place of assembly. The applicant is proposing to renovate and expand the existing building (the former St. Joseph's Church) to develop the First Light headquarters. This will include a community centre, clinic, and gymnasium which will provide community space, programming, and amenities for the entire community, as well as updated office space and headquarters for the organization. The project will include landscaping and a memory garden dedicated to the survivors of residential schools in the province.

Council is asked to consider a rezoning from the Residential 3 (R3) Zone to the Residential Mixed (RM) Zone at 40 Quidi Vidi Road and approve the draft terms of reference for a land use report (LUR). After receipt of a satisfactory land use report, a public meeting, chaired by an independent facilitator, will be held for public input and feedback.

Members of Council agreed that this is a great development and use of space by the organization to provide very useful services and add to the local neighbourhood.

SJMC-R-2023-02-13/85

**Moved By** Councillor Burton

**Seconded By** Councillor Ravencroft

That Council consider a rezoning from the Residential 3 (R3) Zone to the Residential Mixed (RM) Zone at 40 Quidi Vidi Road and approve the attached draft terms of reference for a land use report (LUR).

Further, upon receiving a satisfactory land use report, that Council refer the application to a public meeting chaired by an independent facilitator for public input and feedback.

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. Intersection of City Committees and the Youth Engagement Working Group**

Councillor Bruce reviewed the Decision Note and referenced the discussions held at the Committee of the Whole meeting on this very positive step to change the Terms of Reference for the City's Advisory Committees, and that we have age diversity on all City Committees going forward.

SJMC-R-2023-02-13/86

**Moved By** Councillor Bruce

**Seconded By** Councillor Hickman

That Council approve the proposed amendment to remove the Youth Representative label from the Terms of Reference for the Advisory Committees, to direct staff to ensure all terms of reference for committees reflect the need to have age diversity and to further direct staff to ensure ongoing communication between the YEWG and City Committees.

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)**

**9. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)**

**10. BUILDING PERMITS LIST (FOR INFORMATION ONLY)**

**10.1 Building Permits List**

**11. REQUISITIONS, PAYROLLS AND ACCOUNTS**

**11.1 Weekly Payment Vouchers Ending Week of February 15, 2023**

SJMC-R-2023-02-13/87

**Moved By** Councillor Ellsworth

**Seconded By** Councillor Ravencroft

That the weekly payment vouchers for the week ending February 15, 2023, in the amount of \$ 6,883,872.47, 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**

**14. OTHER BUSINESS**

**14.1 Arts and Culture Advisory Committee – Approval of New Members**

SJMC-R-2023-02-13/88

**Moved By** Deputy Mayor O'Leary

**Seconded By** Councillor Hanlon

That Council approve the following individuals to serve on the Arts & Culture Advisory Committee:

Mariana Castro-Carvajal – Music Organization representative  
(representing MusicNL)

Tom Gordon - Community representative

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 SERC – Noise By-Law Extension – Movie Filming**

SJMC-R-2023-02-13/89

**Moved By** Councillor Hanlon

**Seconded By** Councillor Ellsworth

That Council approve the requested noise by-law extension on February 22-23.

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**

Deputy Mayor O'Leary requested that the report completed on Artist Need be referred for discussion at the next Arts and Culture Advisory Committee meeting.

**16. ADJOURNMENT**

There being no further business, the meeting adjourned at 4:50 pm.

---

MAYOR

---

CITY CLERK