

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

August 19, 2019, 4:30 p.m.

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

Regrets: Councillor Debbie Hanlon

Staff: Kevin Breen, City Manager
Tanya Haywood, Deputy City Manager of Community Services
Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services
Elaine Henley, City Clerk
Ken O'Brien, Chief Municipal Planner
Shanna Fitzgerald, Legislative Assistant

Others: Linda Bishop, Acting City Solicitor
Brian Head, Acting Deputy City Manager of Public Works

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 **International Women in Cyber Day**

September 1, 2019 as International Women in Cyber Day

3. **APPROVAL OF THE AGENDA**

3.1 **Agenda of August 19, 2019**

SJMC-2019-08-19/291

Moved By Councillor Collins

Seconded By Councillor Jamieson

That the agenda be adopted with the following additions:

- Addition to the Special Events Advisory Committee Report - Chef's Hike at the O'Brien Farm
- RFP - Supply of Services for Paid Parking Management and Enforcement
- RFP - 2019 Bridge Rehabilitation Program

and the following deletion:

- Decision Note dated August 14, 2019 re: Application to Develop a Multi-Purpose Annex - St. John's Designated Heritage Building, Anglican Cathedral of St. John the Baptist - 16 Church Hill - DEV1900091

MOTION CARRIED

4. **ADOPTION OF THE MINUTES**

4.1 **Adoption of Minutes dated August 5, 2019**

SJMC-2019-08-19/292

Moved By Councillor Burton

Seconded By Councillor Stapleton

That the minutes of August 5, 2019 be adopted as presented.

MOTION CARRIED**5. BUSINESS ARISING FROM THE MINUTES****5.1 Decision Note dated August 14, 2019 re: Application to Develop a Multi-Purpose Annex - St. John's Designated Heritage Building, Anglican Cathedral of St. John the Baptist - 16 Church Hill - DEV1900091**

The Anglican Diocese of Eastern Newfoundland and Labrador withdrew the current request for approval from Council.

1. Public Meeting Minutes and Submissions - 16 Church Hill - July 25, 2019**2. Information Note dated July 23, 2019 re: Interpreting Zone Lines at 16 Church Hill - Application to Develop a Multi-Purpose Annex at the Cathedral of St. John the Baptist - DEV1900091****5.2 Decision Note dated August 14, 2019 re: St. John's Development Regulations Amendment 699, 2019 Text Amendment to the Commercial Mixed Use (CM) Zone to allow a 6-Storey Mixed-Use Building in the Churchill Square Retail Area - REZ1800009 - 43-53 Rowan St**

Applicant: KMK Properties

Councillor Hickman has requested that Staff review the parking and circulation plan for traffic in the Churchill Square Area and how to improve it for pedestrians as well as how to further enhance the green space.

Councillor Burton suggested the developer continue to consult with the Built Heritage Experts Panel to discuss design considerations. She also requested that consideration be given to the financial arrangement for parking permits and leasing and how this compares to the fair market value of those parking spaces.

SJMC-2019-08-19/293

Moved By Councillor Burton

Seconded By Councillor Lane

That Council adopt St. John's Development Regulations Amendment Number 699, 2019, which will amend text in the Commercial Mixed Use (CM) Zone, to allow the proposed 6-Storey Mixed-Use Building at 43-53

Rowan Street within the Churchill Square Retail Area and related residential parking within the designated retail area. If the attached amendment is adopted by Council, it will then be referred to the Department of Municipal Affairs and Environment with a request for Provincial Registration in accordance with the provisions of the *Urban and Rural Planning Act*.

As part of the approval process Council should also approve the following parking recommendations:

A: Rowan Place

Approximately 32 dedicated parking stalls on Rowan Place are proposed to be leased to the proponent. This number is to be tied to the total unit count, less the on-site parking provided. As such, the residential portion of the development will benefit from 1 dedicated parking stall per unit as required by City regulation. These leased spaces will be the responsibility of the proponent to enforce.

B: Churchill Square Parking

Approximately 36 additional residential permits are proposed to be made available to the proponent. This number will be determined by subtracting the number of stalls leased on Rowan Place from the total requested (68). These residential permit holders as well as those with employee/commercial permits to be restricted to a defined 'permit corral' to ensure they are not in 'prime' perimeter stalls. The spaces in this corral would also be available for general public use. From Dec 1 to April 30 each year these residential permit holders to be further limited to a defined winter maintenance corral between 6PM and 8AM.

C: Winter Maintenance

The City to increase winter maintenance on the square to a commercial 'curb to curb' snow clearing standard.

MOTION CARRIED

1. **Public Meeting Minutes and Submissions - 43-53 Rowan Street - July 3, 2019**

5.3 **Notice of Motion given by Councillor Debbie Hanlon dated August 5, 2019**

1. **Decision Note dated August 12, 2019 re: Timed Parking Areas - By-Law Amendment**

SJMC-2019-08-19/294

Moved By Deputy Mayor O'Leary

Seconded By Councillor Lane

That the Ticketing Amendment By-Law be amended to include a separate section specifically for timed parking areas. The By-Law is attached for Council's adoption.

MOTION CARRIED

5.4 **Notice of Motion given by Deputy Mayor Sheilagh O'Leary dated August 5, 2019**

Shanna Fitzgerald left the meeting at 6:42 pm.

SJMC-2019-08-19/295

Moved By Deputy Mayor O'Leary

Seconded By Councillor Stapleton

That until such time as a new Heritage By-Law has been adopted by Council, applications for additions to a designated Heritage Building (excluding those in Residential Zones) be brought to Council, prior to development approval to allow Council to consider whether a public meeting is warranted.

For (3): Deputy Mayor O'Leary, Councillor Stapleton, and Councillor Collins

Against (7): Mayor Breen, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Jamieson, Councillor Korab, and Councillor Froude

MOTION LOST (3 to 7)

SJMC-2019-08-19/296

Moved By Councillor Burton

Seconded By Councillor Jamieson

Until such time as a new Heritage By-Law has been adopted by Council, applications for additions to a designated Heritage Building (excluding those in Residential Zones) that do not meet the Heritage Standards be brought to Council after review by the Built Heritage Experts Panel, prior

to final approval to allow Council to consider whether a public meeting is warranted.

For (2): Councillor Burton, and Councillor Jamieson

Against (8): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION LOST (2 to 8)

5.5 Notice of Motion given by Councillor Hope Jamieson dated August 5, 2019

SJMC-2019-08-19/297

Moved By Councillor Jamieson

Seconded By Councillor Froude

That this Notice of Motion be deferred pending preparation of an information note.

MOTION CARRIED

6. NOTICES PUBLISHED

6.1 Application - 54 Freshwater Road

A Discretionary Use application has been submitted requesting permission to operate a Home Occupation for Music Lessons at 54 Freshwater Road.

SJMC-2019-08-19/298

Moved By Councillor Jamieson

Seconded By Councillor Burton

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

MOTION CARRIED

6.2 Application - 271 Brookfield Road

A change of Non-Conforming Use application has been submitted requesting permission to extend the lounge use within the existing building.

SJMC-2019-08-19/299**Moved By** Councillor Collins**Seconded By** Councillor Hickman

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

MOTION CARRIED**7. PUBLIC HEARINGS/MEETINGS****8. COMMITTEE REPORTS****8.1 Special Events Advisory Committee Report - August 19, 2019****1. Mary Brown's Mural Reveal/Grand Opening - August 17, 2019**

Approved via E-poll on August 14, 2019.

SJMC-2019-08-19/300**Moved By** Councillor Korab**Seconded By** Deputy Mayor O'Leary

That Council approve the Mary Brown's Mural Reveal/Grand Opening and associated road closure on August 17, 2019 subject to conditions set out by the Special Events Advisory Committee.

MOTION CARRIED**2. George Street Tailgate Party - September 13 & 14, 2019****SJMC-2019-08-19/301****Moved By** Councillor Korab**Seconded By** Councillor Jamieson

That the George Street Tailgate Party scheduled for September 13 & 14, 2019 be approved subject to conditions set out by the Special Events Advisory Committee.

MOTION CARRIED**3. Take Back the Night - September 20, 2019**

SJMC-2019-08-19/302**Moved By** Councillor Korab**Seconded By** Deputy Mayor O'Leary

That the Take back the Night event scheduled for September 20, 2019 be approved subject to conditions set out by the Special Events Advisory Committee.

MOTION CARRIED**4. Gower Street Block Party - September 22, 2019****SJMC-2019-08-19/303****Moved By** Councillor Korab**Seconded By** Deputy Mayor O'Leary

That the Gower Street Block Party and associated road closure scheduled for September 22, 2019 be approved subject to conditions set out by the Special Events Advisory Committee.

MOTION CARRIED**5. Chef's Hike at the O'Brien Farm - August 22, 2019****SJMC-2019-08-19/304**

That the Chef's Hike at the O'Brien Farm and associated road closure scheduled for August 22, 2019 be approved subject to conditions set out by the Special Events Advisory Committee.

MOTION CARRIED**8.2 Development Committee Report - August 13, 2019****1. Decision Note dated August 14, 2019 re: Approval Request for Expansion of Dwelling in the Battery - DEV1900114 - 1 Top Battery Road****SJMC-2019-08-19/305****Moved By** Councillor Burton**Seconded By** Councillor Jamieson

That item be referred to the Built Heritage Experts Panel for further consideration.

MOTION CARRIED

2. **Decision Note dated August 14, 2019 re: Request 10% Variance on Lot Area - DEV1900136 - 9 Prince William Place**

SJMC-2019-08-19/306

Moved By Councillor Burton

Seconded By Councillor Lane

That Council approve the 9.7% Lot Variance in order to transfer land to the adjacent property owner.

MOTION CARRIED

3. **Decision Note dated August 13, 2019 re: Request 9.5% Rear Yard Variance - INT1900078 - 130 Castle Bridge Drive**

SJMC-2019-08-19/307

Moved By Councillor Burton

Seconded By Councillor Collins

That Council approve the 9.5% rear yard variance for the proposed building extension.

MOTION CARRIED

4. **Decision Note dated August 14, 2019 re: Request to Rebuild Accessory Building in the Watershed - INT1900062 - 869-873 Thorburn Road - Portugal Cove-St. Philips**

SJMC-2019-08-19/308

Moved By Councillor Burton

Seconded By Councillor Lane

That the application for the replacement of the existing dwelling be approved as it meets City Act criteria of being more than 50% dilapidated, with the following conditions:

1. The total floor area must not exceed 50% of the existing dwelling as proposed;
2. The building plans are to be submitted, reviewed and approved by Development Staff;and

3. The relocation of the accessory building shall be inspected before and after relocation.

MOTION CARRIED

9. RESOLUTIONS

10. DEVELOPMENT PERMITS LIST

10.1 Development Permits List for the period August 1-14, 2019

Council considered as information the above cited Development Permits list.

11. BUILDING PERMITS LIST

11.1 Building Permits List for the period August 1-14, 2019

SJMC-2019-08-19/309

Moved By Councillor Stapleton

Seconded By Councillor Jamieson

That the Building Permits List for the period August 1-14, 2019 be approved as presented.

MOTION CARRIED

12. REQUISITIONS, PAYROLLS AND ACCOUNTS

12.1 Weekly Payment Vouchers for the Week Ending August 7, 2019

SJMC-2019-08-19/310

Moved By Councillor Stapleton

Seconded By Councillor Jamieson

That Council adopt the weekly payment vouchers for the week ending August 7, 2019 in the amount of \$7,054,527.03.

MOTION CARRIED

12.2 Weekly Payment Vouchers for the Week Ending August 14, 2019

SJMC-2019-08-19/311

Moved By Councillor Stapleton

Seconded By Councillor Jamieson

That Council adopt the weekly payment vouchers for the week ending August 14, 2019 in the amount of \$5,676,447.27.

MOTION CARRIED

13. TENDERS/RFPS

13.1 Council Approval Request (Bid Approval Note) - 2019171 - Supply and Install Flooring Buckmaster Rec Centre

SJMC-2019-08-19/312

Moved By Councillor Froude

Seconded By Councillor Jamieson

That this open call be awarded to Handyman Experts Ltd. (\$134,385.55 HST Included) the lowest submission meeting specifications as per the Public Procurement Act.

MOTION CARRIED

13.2 Council Approval Request (RFP) - 2019161 - 2019 Bridge Rehabilitation Program

SJMC-2019-08-19/313

Moved By Councillor Froude

Seconded By Councillor Hickman

That this RFP be awarded to Harbourside Engineering Consultants in the amount of \$358,027.49 based on an evaluation of the proposals by the City's evaluation team as per the Public Procurement Act.

MOTION CARRIED

13.3 Council Approval Request (RFP) - 2019069 - Supply of and Services for Paid Parking Management and Enforcement

SJMC-2019-08-19/314

Moved By Councillor Froude

Seconded By Deputy Mayor O'Leary

That this RFP be awarded to Cale Canada Inc. in the amount of \$2,410,000 based on an evaluation of the proposals by the City's evaluation team as per the Public Procurement Act.

MOTION CARRIED**14. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS****14.1 Petition - Save Mundy Pond Park**

Councillor Korab tabled a Petition from citizens concerned about the development of the HGR Mews Community Center in Mundy Pond Park. They are opposed to the location selection.

15. OTHER BUSINESS**15.1 E-Poll Ratifications from the Period August 6 - 16, 2019****1. Bid Approval Note # 2019168 re: Linegar Avenue Upgrading Phase 1B**

SJMC-2019-08-19/315

Moved By Councillor Froude

Seconded By Councillor Collins

That Council ratify the E-poll for Bid Approval Note 2019168 - Linegar Ave Upgrading Phase 1B to award this open call to the lowest bidder meeting specifications, Pyramid Constructions Limited, for \$1,598,511.50 (HST included) as per the Public Procurement Act.

MOTION CARRIED**15.2 Decision Note dated August 14, 2019 re: Travel – Mayor Danny Breen**

SJMC-2019-08-19/316

Moved By Deputy Mayor O'Leary

Seconded By Councillor Stapleton

That Council approve the travel and associated costs for Mayor Breen to attend the Atlantic Mayor's Congress meetings in Campbellton, New Brunswick from October 3 to 6, 2019.

MOTION CARRIED**15.3 Decision Note dated August 16, 2019 re: H.G.R. Mews Community Centre Replacement Site Selection**

SJMC-2019-08-19/317**Moved By** Councillor Collins**Seconded By** Councillor Burton

That the recommendation contained in the above cited decision note be deferred pending review of the petition tabled by Councillor Korab.

For (3): Councillor Burton, Councillor Hickman, and Councillor Collins

Against (7): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Stapleton, Councillor Jamieson, Councillor Korab, and Councillor Froude

MOTION LOST (3 to 7)

SJMC-2019-08-19/318**Moved By** Councillor Korab**Seconded By** Councillor Collins

That Council approve Mundy Pond Park as the future site location of the H.G.R. Mews Community Centre Replacement.

MOTION CARRIED

15.4 Other Business Raised by Councillors**1. Councillor Burton**

- Councillor Burton suggested that rims be installed around garbage bins to hold pop bottles so they can be collected for recycling. The matter was referred to Clean St. John's and the Parks Department.
- Councillor Burton requested that the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls be circulated among Council and Staff.

2. Councillor Collins

- Councillor Collins requested that Staff consider the location of any new splash pads and advise of any plans for future Splash Pads.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 6:34 pm.

MAYOR

CITY CLERK