

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

December 9, 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
- Lynnann Winsor, Deputy City Manager of Public Works
- Cheryl Mullett, City Solicitor
- Ken O'Brien, Chief Municipal Planner
- Karen Chafe, Supervisor - Office of the City Clerk
- Shanna Fitzgerald, Legislative Assistant
- Kelly Maguire, Public Relations & Marketing 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**
3. **APPROVAL OF THE AGENDA**

3.1 **Adoption of Agenda**

SJMC-R-2019-12-09/546

Moved By Councillor Hanlon

Seconded By Councillor Jamieson

That the Agenda be adopted with the addition of a petition tabled by Councillor Korab regarding the New Years Eve Fireworks.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

4. **ADOPTION OF THE MINUTES**

4.1 **Adoption of the Minutes of December 2, 2019**

SJMC-R-2019-12-09/547

Moved By Councillor Lane

Seconded By Councillor Hickman

That the minutes of December 2, 2019 be adopted as presented.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

5. **BUSINESS ARISING FROM THE MINUTES**

5.1 **Decision Note dated December 3, 2019 re: Discretionary Use Application - 35 Barrow's Road - Request for Outdoor Eating/Lounge**

Area and Parking Relief - DEV1900186 - Quidi Vidi Brewery 35 Barrows Road

SJMC-R-2019-12-09/548

Moved By Councillor Burton

Seconded By Councillor Lane

That Council approve the outdoor Eating Establishment/Lounge area with a clause stating a closing time of 10 pm Sunday to Thursday.

Based on the recent development of additional public parking located within the village, Council also grants parking relief for 16 parking spaces in accordance with Section 9.2.1.1 of the St. John's Development Regulations.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

SJMC-R-2019-12-09/549

Moved By Councillor Jamieson

Seconded By Councillor Collins

That the patio close at 10 pm Sunday to Thursday.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

5.2 Decision Note dated December 2, 2019 re: Application to Rezone Land to the Residential Medium Density (R2) Zone for development of 4 Townhouses - REZ1900012 - 98 Cornwall Avenue (corner of Glenview Terrace)

SJMC-R-2019-12-09/550

Moved By Councillor Burton

Seconded By Councillor Hanlon

That Council adopt St. John's Development Regulations Amendment Number 704, 2019, which will rezone land at 98 Cornwall Avenue from the Residential Low Density (R1) Zone to the Residential Medium Density

(R2) Zone to allow the development of 4 Townhouses.

Further, 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.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

6. NOTICES PUBLISHED

6.1 Notices Published

A Discretionary Use application has been submitted by Rogers Communication Inc. requesting to construct a telecommunications tower located at 63 O'Leary Avenue.

No submissions received

SJMC-R-2019-12-09/551

Moved By Councillor Froude

Seconded By Councillor Korab

That the Discretionary Use application submitted by Rogers Communication Inc. to construct a telecommunications tower located at 63 O'Leary Avenue be approved subject to all applicable City requirements.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

7. COMMITTEE REPORTS

7.1 Committee of the Whole Report - November 27, 2019

1. Decision Note dated November 20, 2019 re: Executive Summary Report on Revenue and Expenditures

SJMC-R-2019-12-09/552

Moved By Councillor Lane

Seconded By Councillor Korab

That Council adopt the 2018 Executive Summary Report on Revenues and Expenditures and further, approve the recommendation to use \$5 million in surplus funds to pay down a portion of the pension debt as outlined and maintain the remaining balance on hand for unforeseen circumstances.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

2. Decision Note dated November 20, 2019 re: Amendment to Rezone Land to the Commercial Downtown Mixed 2 Zone (CDM2) for a Mixed-Use Building - REZ1900009 - 96 and 100 Water Street, 205 and 209 Duckworth Street

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SJMC-R-2019-12-09/553

Moved By Councillor Burton

Seconded By Councillor Jamieson

As per the November 13th meeting of the Built Heritage Experts Panel

1. It is recommended that the design of the building be modified as follows:

- a. Increase the amount of brick and reduce the amount of glass façade, in particular along Water Street and along the façade facing the War Memorial;
- b. Increase the height of the gables facing the War Memorial to reflect the original architecture; and
- c. Use brick instead of glass for the turret.

2. The Built Heritage Experts Panel further recommends:

- a. Requirement of a comprehensive engineering study to ensure the protection of the facade on Water Street during construction; and

- b. Any revised drawings be brought back to the Built Heritage Experts Panel for recommendation prior to referral to a Public Meeting.

Staff agrees with these BHEP recommendations and further recommends the following:

3. It is recommended that the application to rezone 96, 100 Water Street and 205 and 209 Duckworth Street from the Commercial Central Mixed Use (CCM) Zone to the new Commercial Downtown Mixed 2 (CDM2) Zone be considered and the attached draft Terms of Reference for the Land Use Assessment Report be approved. The Terms of Reference have been updated to include:

- a. Requirement for an engineering study regarding how the Water Street façade will be maintained.
- b. Requirement for consultation with Heritage NL, the NL Historic Trust and the Royal Canadian Legion.

4. Refer the application to Parks Canada to determine if the proposed development will impact the designation of the NL National War Memorial National Historic Site.

5. It is recommended that the proposed development be redesigned to meet the standards set out in the Envision St. John's Development Regulations Commercial Downtown Mixed 2 Zone and incorporate the BHEP's recommendations.

6. Upon submission of a satisfactory LUAR that meets the requirements of the CDM2 Zone, it is recommended that the application be referred to a Public Meeting chaired by an independent facilitator. Following the public meeting, the application would be referred to a regular meeting of Council for consideration of adoption.

7. It is further recommended that the LUAR include further details on the structural integrity of the rest of the building.

8. Further, to incorporate into the LUAR the requirement to consult with the Port Authority and/or the Coast Guard regarding the potential impact to the narrows.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

Against (1): Councillor Hickman

MOTION CARRIED (9 to 1)

SJMC-R-2019-12-09/554

Moved By Councillor Froude

Seconded By Councillor Burton

That the LUAR include further details on the structural integrity of the rest of the building.

For (7): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Stapleton, Councillor Jamieson, and Councillor Froude

Against (3): Councillor Hanlon, Councillor Korab, and Councillor Collins

MOTION CARRIED (7 to 3)

3. **Decision Note dated November 19, 2019 re: Temporary Parking Restrictions in Airport Heights**

SJMC-R-2019-12-09/555

Moved By Councillor Stapleton

Seconded By Councillor Hanlon

That Council maintain status quo and not impose a temporary parking restriction in the area of Airport Heights.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

7.2 Special Events Advisory Committee - December 4, 2019

1. City of St. John's New Year's Eve Celebrations and Fireworks - December 31, 2019 - Quidi Vidi Fireworks and Celebration

SJMC-R-2019-12-09/556

Moved By Councillor Jamieson

Seconded By Councillor Hanlon

That the New Year's Eve Celebration and Fireworks at Quidi Vidi be approved as recommended and the associated road closure be approved.

For (9): Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

2. George Street New Year's Eve Celebrations and Pyrotechnics Show

SJMC-R-2019-12-09/557

Moved By Councillor Jamieson

Seconded By Councillor Hickman

That the George Street New Year's Eve Celebrations and Pyrotechnics Show and the noise by-law extension to 12:30 am be approved as recommended.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

3. CBC Broadcast - NYE Countdown hosted by Rick Mercer - December 27 - December 31, 2019 (Film Shoot)

SJMC-R-2019-12-09/558**Moved By** Councillor Jamieson**Seconded By** Councillor Korab

That the requested event be approved. The above noted events are subject to the conditions set out by the Special Events Advisory Committee.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)**7.3 Development Committee Report - December 2, 2019**

1. **Decision Note dated December 4, 2019 re: Crown Land License to Occupy for Mineral Workings Related Use - CRW1900022 - 2700 - 2710 Trans Canada Highway - Farrell's Excavating Ltd.**

SJMC-R-2019-12-09/559**Moved By** Councillor Burton**Seconded By** Councillor Lane

That the Crown Land License for 2700-2710 Trans-Canada Highway be approved with the condition that final approval is subject to the submission of a development application and subject to all Planning, Engineering & Regulatory Services requirements.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

2. **Decision Note dated December 4, 2019 re: Temporary Cul-de-sac bulb above the 190-meter contour - Comprehensive Development Area (CDA) Kenmount Zone - INT 1900128 - Duke Street**

SJMC-R-2019-12-09/560**Moved By** Councillor Burton**Seconded By** Councillor Hickman

That Council allow the relocation of the cul-de-sac bulb to above 190-meter contour subject to no extension of water & sanitary services, no buildings to be constructed on the temporary cul-de-sac and any other conditions following the technical review.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)**8. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)****9. BUILDING PERMITS LIST****9.1 Building Permits List - Period November 28 - December 4, 2019****SJMC-R-2019-12-09/561****Moved By** Councillor Korab**Seconded By** Councillor Jamieson

That Council approve the Building Permits List for the Period November 28 - December 4, 2019

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)**10. REQUISITIONS, PAYROLLS AND ACCOUNTS****10.1 Weekly Payment Vouchers for the Week Ending December 4, 2019****SJMC-R-2019-12-09/562****Moved By** Councillor Lane**Seconded By** Councillor Jamieson

That Council approve the Weekly Payment Vouchers for the week ending December 4, 2019 in the amount of \$4,258,144.07

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

11. TENDERS/RFPS

11.1 Departmental Approval Request - RFP Bid # 2019228 re: Traffic Control Services - Robin Hood Bay

SJMC-R-2019-12-09/563

Moved By Councillor Froude

Seconded By Councillor Collins

That this RFP be awarded to Safety First in the amount of \$679,462.60 based on an evaluation of the proposals by the City's evaluation team as per the Public Procurement Act.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

12. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

12.1 Notice of Motion re: Whistleblower Protection Policy

Councillor Burton gave the following Notice of Motion:

TAKE NOTICE that I will, at a future Regular Meeting of the St. John's Municipal Council, move the repeal of the St. John's Whistleblower Protection By-Law. This motion will be debated after the adoption by Council of the new Fraud Policy

Dated at St. John's, NL, this 9 day of December 2019.

Councillor Maggie Burton

12.2 Petition - Change the Fireworks from 8 pm on New Years Eve back to 12 am Midnight

A petition was tabled by Councillor Korab regarding the above noted containing a total of 441 signatures.

13. OTHER BUSINESS

13.1 Decision Note dated December 4, 2019 re: Councillor Hickman – Travel – Canadian Capital Cities Organization

Councillor Froude requested an information note outlining the different organizations that members of Council are associated with, the purpose of these organizations and the rationale for Council's involvement with each.

SJMC-R-2019-12-09/564

Moved By Councillor Lane

Seconded By Councillor Jamieson

That Council approve the travel costs for Councillor Hickman to attend the semi-annual meeting of the Canadian Capital Cities Organization in Ottawa from January 29, 2020 – February 1, 2020.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

13.2 Travel Report - for the Nine Months ending September 30, 2019

SJMC-R-2019-12-09/565

Moved By Councillor Lane

Seconded By Councillor Froude

That Council approve the travel report for the nine months ending September 30, 2019

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

13.3 Decision Note dated December 5, 2019 re: 250 Southside Road

SJMC-R-2019-12-09/566**Moved By** Councillor Collins**Seconded By** Councillor Lane

That Council approve the conveyance of the parcel of land from the City to the Coast Guard and approve the acceptance of the Easement from the Coast Guard to the City, for the mutual benefit of both parties.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)**13.4 Decision Note dated December 5, 2019 re: 204 Empire Avenue****SJMC-R-2019-12-09/567****Moved By** Councillor Jamieson**Seconded By** Councillor Froude

That Council approve the acceptance of the Quit Claim Deed from Shoppers Realty Inc. and the issuance of the Quit Claim Deed to Shoppers Realty Inc.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)**13.5 Decision Note dated December 6, 2019 re: Collective Agreement between the City of St. John's and CUPE Local 1289****SJMC-R-2019-12-09/568****Moved By** Councillor Lane**Seconded By** Councillor Hickman

That Council ratify the Collective Agreement between the City of St. John's and CUPE Local 1289.

For (10): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (10 to 0)

14. ADJOURNMENT

There being no further business, the meeting adjourned at 6:03 pm.

MAYOR

CITY CLERK