

# **ST. JOHN'S**

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

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

**March 9, 2020, 4:30 p.m.**

**Present:**

- Mayor Danny Breen
- 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

**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
- Lynnnann Winsor, Deputy City Manager of Public Works
- Cheryl Mullett, City Solicitor
- Elaine Henley, City Clerk
- Ken O'Brien, Chief Municipal Planner
- Shanna Fitzgerald, 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**

2. **PROCLAMATIONS/PRESENTATIONS**

2.1 **Easter Seals Month**

2.2 **International Women's Day – Equal Voice – March 8, 2020**

2.3 **Presentation - Dr. William Pryse-Phillips**

Dr. Pryse-Phillips presented a Children's book, "Mr. Grumbles", to the City of St John's which is based on his and his family's engagement with Bannerman Park since 1977.

3. **APPROVAL OF THE AGENDA**

3.1 **Adoption of Agenda**

**SJMC-R-2020-03-09/120**

**Moved By** Councillor Stapleton

**Seconded By** Councillor Jamieson

That the Agenda be adopted as presented.

For (11): Mayor Breen, 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 (11 to 0)**

4. **ADOPTION OF THE MINUTES**

4.1 **Adoption of Minutes - March 2, 2020**

**SJMC-R-2020-03-09/121**

**Moved By** Councillor Hickman

**Seconded By** Councillor Hanlon

That the minutes of March 2, 2020 be adopted as presented.

For (11): Mayor Breen, 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 (11 to 0)****5. BUSINESS ARISING FROM THE MINUTES****6. NOTICES PUBLISHED****6.1 83 Duckworth St. - Commercial Central Mixed (CCM) Zone - Ward 2****Application**

A Discretionary Use application has been submitted by Brewdock Bar & Eatery for a Lounge and Eating Establishment with an outdoor Lounge and Eating Establishment at 83 Duckworth Street.

**Description**

The hours of operation for the indoor area will be noon to midnight daily (12 p.m. to 12 a.m.) and noon (12 p.m.) to 11 p.m. for the outdoor area. As well, speakers and lighting will be situated in the Outdoor Area.

25 Submissions Received

**SJMC-R-2020-03-09/122**

**Moved By** Councillor Jamieson

**Seconded By** Deputy Mayor O'Leary

That the motion be amended to reflect no outdoor speakers.

For (2): Deputy Mayor O'Leary, and Councillor Jamieson

Against (9): Mayor Breen, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

**MOTION LOST (2 to 9)****SJMC-R-2020-03-09/123**

**Moved By** Councillor Froude

**Seconded By** Councillor Lane

That Council approve the application subject to all applicable City requirements including:

- Outdoor lighting must be directed onto the deck
- Outdoor speakers to not exceed 70dB
- Outdoor speakers to be turned on only when Beer Garden is in use

- Outdoor speakers to be turned off by 9pm
- Outdoor speakers to be downward facing towards patrons
- Outdoor speakers disbursement angle is not to exceed Beer Garden perimeter
- Outdoor speakers are not to be more than 15 feet from furthest patron
- The parties agree that the City of St. John's may review the decibel level at any time and establish a revised maximum decibel level.

For (10): Mayor Breen, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

Against (1): Deputy Mayor O'Leary

**MOTION CARRIED (10 to 1)**

## **7. COMMITTEE REPORTS**

### **7.1 Committee of the Whole Report (Part II) - February 26, 2020**

#### **1. 2020 Capital Out of Revenue**

**SJMC-R-2020-03-09/124**

**Moved By** Councillor Lane

**Seconded By** Deputy Mayor O'Leary

That Council:

1. approve the 2020 Capital Out of Revenue list as attached in the amount of \$10,629,792
2. approve the recommended Parks Reserve projects as attached in the amount of \$595,000

For (11): Mayor Breen, 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 (11 to 0)**

#### **2. Financial Eligibility Requirements for The Low Cost Spay/Neuter Program**

**SJMC-R-2020-03-09/125****Moved By** Councillor Burton**Seconded By** Councillor Korab

That Council approve the following changes to the low income spay/neuter program with an implementation date of March 1, 2020.

- Income eligibility updated to:
  - Single \$25,000 or less.
  - Combined family income \$40,000 or less.

For (11): Mayor Breen, 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 (11 to 0)**

**3. Special Events Regulatory Committee – Terms of Reference**

**SJMC-R-2020-03-09/126****Moved By** Councillor Jamieson**Seconded By** Councillor Hanlon

That Council approve the newly developed Terms of Reference for the Special Events Regulatory Committee as presented.

For (11): Mayor Breen, 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 (11 to 0)**

**4. Election Reform - Recommendations**

**SJMC-R-2020-03-09/127****Moved By** Councillor Froude**Seconded By** Deputy Mayor O'Leary

THAT Council amend the Election Finance By-Law as follows:

- Reduce the limit for a financial contribution considered a “donation” from \$250 to \$100

- Reduce the expenditure caps for each candidate from \$10,000 plus \$1.00 for each voter on the voters list, as follows:
  - Mayor \$10,000 plus .71 per voter on the voters list
  - Deputy Mayor \$10,000 plus .43 per voter on the voters list
  - Councillor at Large \$10,000 plus .14 per voter on the voters list
  - Ward Councillor \$10,000 plus .07 for each voter on the voters list
- Reduce the timeline for disclosure of campaign contributions from the current ninety (90) days to thirty (30) days post-election
- Impose a cap on corporate and union donations to 50 percent of the total allowable contributions in the 2021 election and prohibit any/all corporate and union donations beginning in the 2025 election
- Reduce corporate and trade union donations from \$2,000 to \$1,000 as is currently permitted from an individual
- Contributions can only be made to a candidate within the calendar year of the election
- Require the disclosure of expenditures in addition to the contributions

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

Against (1): Councillor Collins

**MOTION CARRIED (10 to 1)**

**SJMC-R-2020-03-09/128**

**Moved By** Councillor Froude

**Seconded By** Councillor Jamieson

- That Council approve maintaining the current structure which includes the position of Mayor, Deputy Mayor, five ward Councillors and four Councillors at large.

- That Council engage with Municipalities Newfoundland and Labrador (MNL) to determine whether there is a willingness to lobby the Province to change legislation to provide further voting options.
- That Council continue to engage both the public and staff on ways to improve accessibility, diversity and increase voter turnout.
- That Council engage with Municipalities Newfoundland and Labrador (MNL) to determine whether there is a willingness to lobby the Province to change legislation to permit permanent residents to vote.
- That Council engage with Municipalities Newfoundland and Labrador (MNL) to lobby the Provincial Government to amend the Municipal Elections Act to reduce the residency requirements from 30 days to 21 days prior to election day.

For (11): Mayor Breen, 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 (11 to 0)**

**SJMC-R-2020-03-09/129**

**Moved By** Councillor Froude

**Seconded By** Councillor Lane

That Council approve the continued use of signage in elections due to its continued necessity in campaigning.

For (10): Mayor Breen, 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 (10 to 1)**

5. **Strategic Plan 2019 Report on Progress and 2020 Action Plan (Draft)**

**SJMC-R-2020-03-09/130****Moved By** Councillor Lane**Seconded By** Councillor Hanlon

That Council accept the 2019 Strategic Plan and Continuous Improvement Progress Report and approve the 2020 draft initiative plan.

For (11): Mayor Breen, 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 (11 to 0)****7.2 Built Heritage Experts Panel Report - February 12, 2020****1. 164 Signal Hill Road - Single Detached Dwelling - DEV1900165****SJMC-R-2020-03-09/131****Moved By** Councillor Burton**Seconded By** Councillor Jamieson

That Council accept the Built Heritage Expert Panels recommendations for 164 Signal Hill Road that:

1. The proposed building footprint is acceptable
2. A two-storey house is acceptable at this site, however,
  - The proposed overall height should be reduced to mitigate any negative impacts of view for neighbours;
  - The design should be changed to incorporate a low-sloping gable or hipped roof, in keeping with other houses in the neighbourhood.
  - The design, materials and windows should be in keeping with the character of the Battery Neighborhood.

For (11): Mayor Breen, 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 (11 to 0)****7.3 Development Committee - March 3, 2020**



1. **Crown Land Grant - 26 Thistle Place - CRW2000004**

It was noted that 26 Thistle Place is in Ward 5.

**SJMC-R-2020-03-09/132**

**Moved By** Councillor Burton

**Seconded By** Councillor Collins

That Council approve the Crown Land Grant at 26 Thistle Place, the purpose of which is for a residential dwelling and extension of land to the residential dwelling.

For (11): Mayor Breen, 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 (11 to 0)**

2. **Newfoundland Power Powerline Replacement - Thorburn Road - DEV2000018**

**SJMC-R-2020-03-09/133**

**Moved By** Councillor Burton

**Seconded By** Councillor Lane

That Council approve the application made by Newfoundland Power to replace the power line along Thorburn Road located in the Windsor Lake and Broad Cove River Watershed Areas subject to the following:

1. Adhere to the Province's Policy on Protected Water Supply Areas for treated utility poles;
2. NL Power and/or their contractor(s) must have a spill kit present at all times while working in the watershed area;
3. Water & Wastewater are to be notified immediately of any spills, should they occur.

For (11): Mayor Breen, 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 (11 to 0)**

**8. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)****8.1 Development Permits List for the week of February 26 - March 4, 2020****9. BUILDING PERMITS LIST****9.1 Building Permits List for the week ending March 4, 2020****SJMC-R-2020-03-09/134****Moved By** Councillor Jamieson**Seconded By** Councillor Stapleton

That the Building Permits List for the week ending March 4, 2020 be approved as presented.

For (11): Mayor Breen, 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 (11 to 0)**

**10. REQUISITIONS, PAYROLLS AND ACCOUNTS****10.1 Weekly Payment Vouchers for the Week Ending March 4, 2020****SJMC-R-2020-03-09/135****Moved By** Councillor Korab**Seconded By** Councillor Hickman

That Council approve the Weekly Payment Vouchers for the week ending March 4, 2020 in the amount of \$7,150,193.70.

For (11): Mayor Breen, 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 (11 to 0)**

**11. TENDERS/RFPS****11.1 Bid Approval Note - Replacement Deep Well Bar Screen at the Riverhead Wastewater Treatment Facility**

**SJMC-R-2020-03-09/136****Moved By** Councillor Froude**Seconded By** Councillor Lane

That Council award this contract without open call to EEP Technical Solutions in the amount of \$310,464.21 (HST Extra) to allow for the replacement of the deep well bar screen at the Riverhead Wastewater Treatment Facility. EEP Technical Solutions are the only available source for this equipment.

For (11): Mayor Breen, 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 (11 to 0)****11.2 Bid Approval Note - 2020033 - Street Widening & Snow Blowback Bally Haly**

Approved via E-poll

**SJMC-R-2020-03-09/137****Moved By** Councillor Froude**Seconded By** Councillor Jamieson

That Council award this open call to the lowest bidder that meets specifications, Weir's Construction Ltd., as per the Public Procurement Act for \$125,734.10 (HST not included).

For (11): Mayor Breen, 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 (11 to 0)****11.3 Bid Approval Note - 2020031 - Rental of Excavators**

Approved via E-poll

**SJMC-R-2020-03-09/138****Moved By** Councillor Froude**Seconded By** Councillor Hanlon

That Council award open call 2020031 to all compliant vendors. Right of first refusal is given to the vendor with the lowest price. Subsequent

vendors are contacted in order of ranking until the request can be fulfilled. The estimated number of rental hours required over the 3 month period is 2000.

For (11): Mayor Breen, 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 (11 to 0)**

**12. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS**

**12.1 Notice of Motion - Parks By-Law (Amendment No. 1-2020)**

Councillor Jamieson brought forward a Notice of Motion to amend Parks By-Law to allow certain activities on Quidi Vidi Lake during June to September.

**13. OTHER BUSINESS**

**13.1 Travel – City Manager, Kevin Breen**

**SJMC-R-2020-03-09/139**

**Moved By** Councillor Hanlon

**Seconded By** Councillor Stapleton

That Council approve the travel and associated costs for Kevin Breen, City Manager, to represent the City at the Canadian Association of Municipal Administrators (CAMA) meetings from June 1 to 4, 2020 in Huntsville, Ontario.

For (11): Mayor Breen, 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 (11 to 0)**

**13.2 Bay Bulls Road Sidewalk Installation**

**SJMC-R-2020-03-09/140**

**Moved By** Councillor Collins

**Seconded By** Deputy Mayor O'Leary

That Council expropriate the required lands from 47 Long Beach Street and 102, 148, 151, 155, 175 and 178 Bay Bulls Road for the installation of sidewalks on Bay Bulls Road.

For (11): Mayor Breen, 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 (11 to 0)**

**13.3 City of St. John's Underwriting Syndicate**

**SJMC-S-2020-03-09/141**

**Moved By** Councillor Lane

**Seconded By** Councillor Hanlon

That Council approve the underwriting syndicate of Royal Bank (50%), National Bank Financial (25%) and CIBC (25%).

For (11): Mayor Breen, 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 (11 to 0)**

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 5:57 pm.

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MAYOR

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CITY CLERK