ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

May 25, 2020, 3:00 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 Lynnann 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 Susan Bonnell, Manager - Communications & Office Services

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-2020-05-25/240
Moved By Councillor Hanlon
Seconded By Deputy Mayor O'Leary

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 - May 11, 2020

SJMC-R-2020-05-25/241
Moved By Councillor Burton
Seconded By Councillor Lane

That the minutes of the Regular Meeting held on May 11, 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 Discretionary Use Application - 91 Shoal Bay Road - Rural (R) Zone - Ward 5

Application
A Discretionary Use application has been submitted by P & R Holdings Incorporated requesting permission to occupy additional area of 3800 m^2 at the rear of 91 Shoal Bay Road as an area for Heavy Equipment Storage.

Description
The business will provide storage for such equipment as dump trucks, backhoes, loaders and other various paving equipment.

This item was deferred from the Regular Council Meeting of May 11, 2020.

SJMC-R-2020-05-25/242
Moved By Councillor Collins
Seconded By Councillor Hanlon

That Council approve the application submitted by P & R Holdings Incorporated requesting permission to occupy additional area of 3800 m^2 at the rear of **91 Shoal Bay Road** as an area for Heavy Equipment Storage subject to all applicable regulatory requirements. Approval is also subject to construction of a privacy fence 2.4m in height along the south property boundary closest to 95 Shoal Bay 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)

7. COMMITTEE REPORTS

7.1 Development Committee Report

1. Crown Land Grant for Heavy Equipment Storage - 91 Shoal Bay Road - Rural (R) Zone

SJMC-R-2020-05-25/243
Moved By Councillor Burton
Seconded By Councillor Collins

That Council approve the proposed Crown Land Grant at 91 Shoal Bay Road subject to the Discretionary Use being approved.

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. Request for Parking Relief - Village Mall Shopping Center - 430 Topsail Road - Commercial Regional

SJMC-R-2020-05-25/244
Moved By Councillor Burton
Seconded By Councillor Korab

That Council approve the parking relief for 135 parking spaces at 430 Topsail Road. Future occupancies of the vacant suites must be submitted for review and request of parking relief by Council.

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. Request for Accessory Building in the Flood Plain Buffer - INT2000038 - 14 Kilkenny Street

SJMC-R-2020-05-25/245
Moved By Councillor Burton
Seconded By Councillor Stapleton

That Council approve the proposed 30m^2 Accessory Building at the rear of 14 Kilkenny Street in accordance with Section 11.2.4(3) of the St. John’s Development Regulations, and subject to the removal of the existing Accessory Buildings on the property.

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. Crown Land Grant for Wharf Construction and Extension - CRW2000008 - 35 Barrows Road

SJMC-R-2020-05-25/246
Moved By Councillor Burton
Seconded By Councillor Jamieson

That Council approve the proposed Crown Land Grant for the wharf construction and extension at 35 Barrows Road, subject to the submission of a Development Application should the Crown Land grant be approved by the Provincial Department of Fisheries and Land Resources.

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)

9. BUILDING PERMITS LIST

9.1 Building Permits List for week ending May 20, 2020

SJMC-R-2020-05-25/247
Moved By Deputy Mayor O'Leary
Seconded By Councillor Hanlon

That Council approve the Building Permits List for the week ending May 20, 2020.

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 May 13, 2020

SJMC-R-2020-05-25/248
Moved By Councillor Hickman
Seconded By Councillor Collins

That Council approve the Weekly Payment Vouchers for the week ending May 13, 2020 in the amount of $3,866,719.06.

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)

10.2 Weekly Payment Vouchers for the Week Ending May 20, 2020

SJMC-R-2020-05-25/249
Moved By Councillor Froude
Seconded By Deputy Mayor O'Leary

That Council approve the Weekly Payment Vouchers for the week ending May 20, 2020 in the amount of $1,327,042.22.

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 2020055 - Supply of Granular and Rock Cover Materials - Robin Hood Bay Waste Management Facility

SJMC-R-2020-05-25/250
Moved By Councillor Froude
Seconded By Councillor Stapleton

That Council award this open call 2020055 Supply of Granular and Rock Cover Materials - Robin Hood Bay Waste Management Facility to the lowest bidder meeting specifications, Clarke's Trucking and Excavating Limited for the sum of $477,250.00 (HST included), as per the Public Procurement Act.

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 2020053 - Guide Rail Repair

SJMC-R-2020-05-25/251
Moved By Councillor Froude
Seconded By Councillor Lane

That Council accept the lowest bidder meeting specifications for open call 2020053 Guide Rail Repair, **Farrell's Excavating Ltd**. for the sum of $101,085.00 HST included, as per the Public Procurement Act.

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 2020068 - 2020 Infrastructure Maintenance Contract #2 – Concrete Sidewalk Repairs

SJMC-R-2020-05-25/252
Moved By Councillor Froude
Seconded By Councillor Hanlon

That Council accept the lowest bidder meeting specifications for open call 2020068 – 2020 Infrastructure Maintenance Contract #2 Concrete Sidewalk Repairs, **Infinity Construction Ltd.** for the sum of $904,769.98 HST included, as per the Public Procurement Act.

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)

11.4 2020045 - Kenmount Road Infrastructure Phase 2

Approved via E-Poll on May 20, 2020

SJMC-R-2020-05-25/253
Moved By Councillor Froude
Seconded By Councillor Lane

That Council award Kenmount Road Infrastructure Upgrades Phase 2 to **Weir's Construction Ltd**. for the sum of ($4,623,766.13 HST included) the lowest bidder meeting specifications as per the Public Procurement Act.

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)

11.5 2020075 - Streets Rehab #1 2020

SJMC-R-2020-05-25/254
Moved By Councillor Froude
Seconded By Deputy Mayor O'Leary

That this item be deferred to a future meeting of Council.

For (5): Deputy Mayor O'Leary, Councillor Burton, Councillor Jamieson, Councillor Korab, and Councillor Froude

Against (6): Mayor Breen, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, and Councillor Collins

MOTION LOST (5 to 6)

SJMC-R-2020-05-25/255
Moved By Councillor Froude
Seconded By Councillor Collins

That Council award open call 2020075 Streets Rehab #1 2020 to the lowest bidder meeting specifications, **Pyramid Construction Limited** for the sum of $7,098,017.35 (HST included), as per the Public Procurement Act.

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)

11.6 2020057 - Supply and Delivery of Work Coveralls

SJMC-R-2020-05-25/256
Moved By Councillor Froude
Seconded By Councillor Lane

That Council award open call 2020057 – Supply and Delivery of Work Coveralls, Section 1 Non-Insulated Coveralls, to the lowest bidder meeting the specifications for this section, Professional Uniforms and Mats for $76,885.40 (including HST), as per the Public Procurement Act.

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)

11.7 Development of a SCADA Standard

SJMC-R-2020-05-25/257
Moved By Councillor Froude
Seconded By Councillor Lane

That Council award this work to **CH2M Hill** for the sum of ($249,992.00 HST extra) the sole source provider of the SCADA information required, as per the Public Procurement Act.

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 Petition - Atlantic Place

Deputy Mayor O'Leary tabled a petition on behalf of the St. John's Citizens for Atlantic Place Consultation regarding the Atlantic Place Hotel Development proposal at Clift's-Baird's Cove. This live petition can be found at https://www.change.org/atlanticplacehotel

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12.2 Notice of Motion - 1 Clift's-Baird's Cove

Deputy Mayor O'Leary gave the following Notice of Motion:

TAKE NOTICE that I will at a future Regular Meeting of Council, move a motion to have the City of St. John’s Municipal Council rescind the following resolution from the Regular Meeting of May 11, 2020:

1 Clift’s-Baird’s Cove, MPA1900005
SJMC-R-2020-05-11/236
Moved By Councillor Burton
Seconded By Councillor Hickman
That Council approve the attached resolutions for St. John’s Municipal Plan Amendment Number 147, 2020 and St. John’s Development Regulations Amendment Number 680, 2020, as adopted.

That Council approve the Discretionary Use of 1 Clift’s-Baird’s Cove as a Hotel located on the 9th and/or higher Storeys of a Building in the A.P. Parking Garage Zone.

That Council approve the Discretionary Use of 1 Clift’s-Baird’s Cove as ground floor Retail Store or Office in the A.P. Parking Garage Zone, as proposed in the November 2019 Land Use Assessment Report for 1 Clift’s-Baird’s Cove.

That Council approve parking relief for 21 spaces for the proposed use of 1 Clift's-Baird's Cove, as per Section 9.1.2(1) of the Development Regulations.

For (6): Mayor Breen, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, and Councillor Collins
Against (5): Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Jamieson, and Councillor Froude

MOTION CARRIED (6 to 5)

DATED at St. John's, NL, this 25th day of May, 2020.

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Deputy Mayor Sheilagh O'Leary

Deputy Mayor O'Leary requested that Council suspend the Rules of Procedure as per Section 74 of the Rules of Procedure so as to enable immediate debate of the aforementioned Notice of Motion to rescind Council's decision dated May 11, 2020 in relation to item 13.4 – 1 Clift's-Baird's Cove, MPA1900005.

The City Solicitor made reference to section 69 of the Rules of Procedure: No motion to rescind any resolution of the Council shall be allowed unless notice of the intention to move the same has been given in writing at a meeting of Council previous to that at which the same is moved, and the requirement for notice may not be waived.

13. OTHER BUSINESS

13.1 Robin Hood Bay Loader Purchase

SJMC-R-2020-05-25/258
Moved By Councillor Froude
Seconded By Councillor Lane

That Council approve the purchase of the 2013 Cat 950H loader for $112,653 (+ HST). The purchase will be funded through the Robin Hood Bay Equipment Reserve Fund and will not impact tipping fees or operational costs at the regional landfill site.

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 Change Order Approval – Engineering Consulting Services - Hebron Way Extension to Major's Path Project

SJMC-R-2020-05-25/259
Moved By Councillor Froude
Seconded By Councillor Stapleton

That Council approve a change order for engineering consulting services to Pinnacle Engineering Limited for the Hebron Way Extension to Majors Path Project in the amount of $172,500.00 (HST 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)

14. ADJOURNMENT

There being no further business, the meeting adjourned at 3:50 pm.

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MAYOR

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CITY CLERK