ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

August 17, 2020, 3:00 p.m.

Present:	Mayor Danny Breen Deputy Mayor Sheilagh O'Leary Councillor Maggie Burton Councillor Sandy Hickman Councillor Debbie Hanlon Councillor Deanne Stapleton Councillor Jamie Korab Councillor Ian Froude Councillor Wally Collins
Regrets:	Councillor Dave Lane
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 Elaine Henley, City Clerk Ken O'Brien, Chief Municipal Planner Shanna Fitzgerald, Legislative Assistant Susan Bonnell, Manager - Communications & Office Services Brian Head, Manager - Parks & Open Spaces

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-2020-08-17/390
Moved By Councillor Hanlon
Seconded By Councillor Burton

That the Agenda be adopted as presented.

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

MOTION CARRIED (9 to 0)

4. ADOPTION OF THE MINUTES

4.1 Adoption of Minutes - August 4, 2020

SJMC-R-2020-08-17/391
Moved By Councillor Collins
Seconded By Councillor Stapleton

That the minutes of the Regular meeting held on August 4, 2020 be adopted as presented.

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

MOTION CARRIED (9 to 0)

5. BUSINESS ARISING FROM THE MINUTES

5.1 By-Election

Mayor Danny Breen announced that the by-election for the vacant Ward 2 Council seat will take place on Tuesday, October 20, 2020.

A by-election is required following the resignation of Ward 2 Councillor Hope Jamieson, who has recently taken a new position with a national housing organization. Under the Municipal Elections Act, a by-election must be held within three months of the vacancy occurring.

The timeline for the upcoming Ward 2 by-election is below:

- Nominations open Tuesday, September 15
- Nominations close Tuesday, September 22
- Election Period begins Friday, October 2
- Election day Tuesday, October 20

Further information regarding the Ward 2 voter's list, and the Vote-By-Mail process will be released soon.

6. NOTICES PUBLISHED

6.1 60 O'Leary Avenue - Commercial Industrial (C1) Zone - Ward 4

A Discretionary Use has been submitted by InShape Fitness Ltd. for a Fitness Facility at 60 O'Leary Avenue.

The proposed Facility will be a 24-hour, card access gym. The business will have a floor area of 431m^2 and allow a maximum of 30 persons in the building at a time.

2 submissions received.

Councillor Froude requested that the traffic concerns raised in the submissions be considered by staff.

SJMC-R-2020-08-17/392
Moved By Councillor Froude
Seconded By Councillor Korab

That Council approve the application submitted by InShape Fitness Ltd. for a Fitness Facility at 60 O'Leary Avenue, subject to meeting all applicable regulatory requirements.

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

MOTION CARRIED (9 to 0)

6.2 133 Old Bay Bulls Road - Residential Low Density (R1) Zone - Ward 5

A Discretionary Use has been submitted to operate a Home Occupation in a portion of the dwelling at 133 Old Bay Bulls. The proposed business will offer Doggy Daycare services.

The proposal will have a floor area of 44.77m^2. The Doggy Daycare will operate Monday – Friday 8 a.m. – 6 p.m. The business will care for a maximum 10-12 dogs. The dogs will be contained to the dwelling, no outdoor space will be provided. The property owner is the sole employee. On-site parking is provided.

11 submissions received.

SJMC-R-2020-08-17/393
Moved By Deputy Mayor O'Leary
Seconded By Councillor Hickman

That Council reject the application to open a Doggy Daycare at 133 Old Bay Bulls Road subject to Section 7.8 (J) as the proposed activities associated with the Home Occupation would cause an increase in noise and inconvenience to occupants of nearby residencies.

For (6): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Stapleton, Councillor Korab, and Councillor Froude

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

MOTION CARRIED (6 to 3)

7. COMMITTEE REPORTS

7.1 Development Committee Report

1. Request for Building Line Setback for Single Detached Dwelling - 10 Carriage Lane - DEV2000090

SJMC-R-2020-08-17/394
Moved By Councillor Burton
Seconded By Deputy Mayor O'Leary

That Council approve a 6.08 metre Building Line Setback at 10 Carriage Lane to accommodate the construction of a Dwelling.

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

MOTION CARRIED (9 to 0)

2. Request for Accessory Building in the Flood Plain Buffer - 9 Valleyview Road - INT2000065

SJMC-R-2020-08-17/395
Moved By Councillor Burton
Seconded By Councillor Hanlon

That Council approve the proposed Accessory Building at 9 Valleyview Road in accordance with St. John’s Development Regulations Section 11.2.4 (2) and the applicable Accessory Building regulations under Section 8.3.6.

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

MOTION CARRIED (9 to 0)

3. Establish Parking Requirement for proposed Fitness Facility - 60 O’Leary Avenue - DEV20000103

SJMC-R-2020-08-17/396
Moved By Councillor Burton
Seconded By Councillor Froude

That Council set the parking requirement for the proposed Fitness Facility at 30 parking spaces at 60 O’Leary Avenue.

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

MOTION CARRIED (9 to 0)

4. Variance Request for Lot Frontage - 13 Viguer's Road

SJMC-R-2020-08-17/397
Moved By Councillor Burton
Seconded By Councillor Collins

That Council approve a variance of 5% for Lot Frontage for development of a new Lot at 13 Vigeur's Road.

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

MOTION CARRIED (9 to 0)

5. Establish Building Line Setback - 29 Beaver Brook Drive - INT2000076

SJMC-R-2020-08-17/398
Moved By Councillor Burton
Seconded By Councillor Collins

That Council approve the 6.0 metre Building Line setback for 29 Beaver Brook Drive.

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

MOTION CARRIED (9 to 0)

7.2 Committee of the Whole Report - August 5, 2020

1. 5 and 7 Little Street - MPA2000003

SJMC-R-2020-08-17/399
Moved By Councillor Burton
Seconded By Councillor Froude

That Council consider amendments to the St. John's Municipal Plan and Development Regulations to rezone land from the Residential Medium Density (R2) Zone to the Apartment Low Density (A1) Zone at 5 and 7 Little Street, and approve the attached draft Terms of Reference for a Land Use Assessment Report to consider a Personal Care Home at this location.

Further, upon submission of a satisfactory Land Use Assessment Report, that Council refer the application to a digital Public Meeting chaired by an independent facilitator for public input and feedback.

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

MOTION CARRIED (9 to 0)

2. 6 Lambe's Lane - MPA2000005

Councillor Burton requested that accessible parking is added to the requirements in the LUAR.

SJMC-R-2020-08-17/400
Moved By Councillor Burton
Seconded By Deputy Mayor O'Leary

That Council consider amendments to the St. John's Municipal Plan and Development Regulations to rezone land from the Institutional (INST) Zone to the Apartment High Density (A3) Zone at 6 Lambe's Lane to allow a 200-unit student apartment development, and approve the attached draft terms of reference for a Land Use Assessment Report to consider Apartment Buildings at this location.

Further, upon receiving a satisfactory Land Use Assessment Report, that Council refer the application to a digital Public Meeting chaired by an independent facilitator for public input and feedback.

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

MOTION CARRIED (9 to 0)

7.3 Audit and Accountability Standing Committee Report - August 6, 2020

1. 2019 Audited Financial Statements

SJMC-R-2020-08-17/401
Moved By Councillor Stapleton
Seconded By Councillor Burton

That Council approve the 2019 audited financial statements.

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

MOTION CARRIED (9 to 0)

2. Compliance Review of Permit to Operate a Class 4 Water Distribution System

SJMC-R-2020-08-17/402
Moved By Councillor Stapleton
Seconded By Councillor Hanlon

That Council approve the Compliance Review of Permit to Operate a Class 4 Water Distribution System report and the associated action plans put forth by management.

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

MOTION CARRIED (9 to 0)

7.4 Special Events Regulatory Committee Report

1. On the Road with Shanneyganock and Friends Concert Tour

Ratification of E-poll conducted August 6, 2020

SJMC-R-2020-08-17/403
Moved By Councillor Korab
Seconded By Deputy Mayor O'Leary

That Council approve the On the Road with Shanneyganock and Friends Concert Tour.

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

MOTION CARRIED (9 to 0)

8. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)

8.1 Development Permits List for the Period of July 30, 2020 to August 12, 2020

9. BUILDING PERMITS LIST

9.1 Building Permits List for the Period of July 30 to August 12, 2020

SJMC-R-2020-08-17/404
Moved By Councillor Stapleton
Seconded By Councillor Hanlon

That Council approve the Building Permits List for the period of July 30 to August 12, 2020.

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

MOTION CARRIED (9 to 0)

10. REQUISITIONS, PAYROLLS AND ACCOUNTS

10.1 Weekly Payment Vouchers for the Week Ending August 5, 2020

SJMC-R-2020-08-17/405
Moved By Deputy Mayor O'Leary
Seconded By Councillor Korab

That Council approve the Weekly Payment Vouchers for the week ending August 5, 2020 in the amount of $4,848,005.24.

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

MOTION CARRIED (9 to 0)

10.2 Weekly Payment Vouchers for the Week Ending August 12, 2020

SJMC-R-2020-08-17/406
Moved By Councillor Collins
Seconded By Councillor Hickman

That Council approve the Weekly Payment Vouchers for the week ending August 12, 2020 in the amount of $6,756,575.83.

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

MOTION CARRIED (9 to 0)

11. TENDERS/RFPS

11.1 2020112 - Supply and Delivery for Lease, 1 new, not previously used, rubber-tired articulating Loader

SJMC-R-2020-08-17/407
Moved By Councillor Froude
Seconded By Councillor Burton

That Council award to the bidder with the highest points, Toromont CAT, for the amount $13,163.23 per month.

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

MOTION CARRIED (9 to 0)

11.2 RFP #2020054 – Mobile Wireless Devices and Data Services

SJMC-R-2020-08-17/408
Moved By Councillor Froude
Seconded By Councillor Korab

That Council award contract #2020054 for Mobile Wireless Devices and Data Services to Bell Mobility at an approximate cost of $120,000 per year for an estimated cost of $720,000.

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

MOTION CARRIED (9 to 0)

12. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

13. OTHER BUSINESS

13.1 74 Circular Road - Designated Heritage Building - Exterior Renovations - REN2000328

Ratification of E-poll conducted August 7, 2020

SJMC-R-2020-08-17/409
Moved By Councillor Burton
Seconded By Deputy Mayor O'Leary

That Council approve exterior renovations at 74 Circular Road, a designated Heritage Building, as proposed.

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

MOTION CARRIED (9 to 0)

13.2 Section 9 - Off-Street Parking Requirements for Commercial and Mixed-Use Buildings with Five (5) or More Occupancies - Text Amendment

SJMC-R-2020-08-17/410
Moved By Councillor Burton
Seconded By Councillor Froude

That Council adopt St. John’s Development Regulations Amendment Number 708, 2020, which will amend the off-street parking requirement for existing Commercial and Mixed-Use Buildings with five (5) or more occupancies.

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

MOTION CARRIED (9 to 0)

13.3 Go-Round

Deputy Mayor O'Leary

- Spencer Street residents have concerns about vulnerable residents, crime and residential issues. Staff are working to address property issues and complaints that have come forward. Deputy Mayor O'Leary requested that Healthy Communities staff review.

- Backyard fireworks - The Fire Chief will request an update to the 2012 jurisdictional report regarding backyard fireworks.

Councillor Hanlon

- Ward 2 will be under Councillor Hanlon's responsibility until the by-election on October 20, 2020.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 4:06 pm.

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MAYOR

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CITY CLERK