

# ST. JOHN'S

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

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

**August 23, 2021, 3:00 p.m.**

**Present:** Mayor Danny Breen  
Deputy Mayor Sheilagh O'Leary  
Councillor Maggie Burton  
Councillor Sandy Hickman  
Councillor Debbie Hanlon  
Councillor Jamie Korab  
Councillor Ian Froude  
Councillor Wally Collins  
Councillor Shawn Skinner

**Regrets:** Councillor Deanne Stapleton

**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  
Susan Bonnell, Manager - Communications & Office Services  
Ken O'Brien, Chief Municipal Planner  
Karen Chafe, City Clerk  
Kelly Maguire, Public Relations & Marketing Officer  
Jennifer Squires, Legislative Assistant

**Others:** 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-2021-08-23/383

**Moved By** Councillor Korab

**Seconded By** Councillor Collins

That the Agenda be adopted as presented.

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

**MOTION CARRIED (9 to 0)**

4. **ADOPTION OF THE MINUTES**

- 4.1 **Adoption of Minutes - August 9, 2021**

SJMC-R-2021-08-23/384

**Moved By** Councillor Skinner

**Seconded By** Deputy Mayor O'Leary

That the Minutes of August 9, 2021 be adopted as presented.

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

**MOTION CARRIED (9 to 0)**

**5. BUSINESS ARISING FROM THE MINUTES****6. DEVELOPMENT APPLICATIONS****6.1 Crown Land Lease in the Agriculture (AG) Zone - 474 Pipeline Road – CRW1800018**

Council questioned if this development would return for approval once the Land Use Assessment Report (LUAR) was complete, if it would be reviewed by the Environment & Sustainability Experts Panel and asked for clarification on land located in the Gould's Environmentally Valuable Area (EVA). The application would be dealt with at the Staff level as forage production is a Permitted Use in the Agricultural Zone. Staff would evaluate the EVA and the LUAR and issue approval if there were no concerns. The Chief Municipal Planner informed Council that the Environmentally Valuable Area was designated in 1992 without a full study of the area, encompassing an area large enough to contain all possible wetlands in the Goulds. The LUAR would inform Staff if there were wetlands in the development area.

SJMC-R-2021-08-23/385

**Moved By** Councillor Burton

**Seconded By** Councillor Collins

That Council approve the Crown Land lease for 7.82 hectares of land at 474 Pipeline Road for an Agricultural Use.

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

**MOTION CARRIED (9 to 0)**

**7. RATIFICATION OF EPOLLS****7.1 Downtown Pedestrian Mall – Duckworth Street Update**

Councillor Hanlon asked if it was possible for Members of Council to change their vote when ratifying an E-Poll. The City Clerk responded that as the E-Poll did not require any action and maintained status quo, Council could put forth a new motion on the matter. Another option would be to vote on the E-Poll as written and create a new motion should it be rejected by Council. Councillor Hanlon noted that they were originally in

agreement with opening the majority of Duckworth Street and leaving New Gower Street to Bate's Hill closed, but after speaking to Staff they have concerns about traffic in the area. During the discussion that followed the following points were made:

- The Duckworth Street portion of the pedestrian mall did not meet expectations, and as a result, businesses are struggling.
- Businesses located in the eastern side of Duckworth Street have invested \$100,000 in the pedestrian mall and would like to be given the opportunity to recoup these costs.
- The feedback and information collected during the pilot project will be used to inform future iterations of the pedestrian mall.
- To close the mall and open Duckworth Street earlier than anticipated would be a disservice.
- Businesses on the east end would benefit from the remainder of the street opening due to increased parking.
- There was very little financial investment made by businesses on the West end of Duckworth Street.
- The City made a commitment to Businesses to open the mall until September 6th.
- Business owners in the Cathedral Street to Prescott Street section of the mall do not want the road closed any longer.
- Businesses from New Gower Street to Bate's Hill have asked for that section to remain closed.

The traffic implications of keeping the section between New Gower Street and Bate's Hill were then discussed. If a large vehicle were to go up or down Bate's Hill and attempt to exit, there may be an issue. The Deputy City Manager of Community Services noted that the solution to that problem would be to have the Commissionaires escort large vehicles through the pedestrian mall and that the portion of the street in question has been closed in the past for the George Street Festival. Staff informed Council that there was also concern about congestion and volume of traffic that would be caused by the partial closure of Duckworth Street.

SJMC-R-2021-08-23/386

**Moved By** Councillor Skinner

**Seconded By** Councillor Hickman

That Council reject the reopening of Duckworth Street from Cathedral Street to Prescott Street and continue with the pilot project as scheduled.

For (5): Mayor Breen, Councillor Hickman, Councillor Froude, Councillor Collins, and Councillor Skinner

Against (4): Deputy Mayor O'Leary, Councillor Burton, Councillor Hanlon, and Councillor Korab

**MOTION CARRIED (5 to 4)**

**7.2 Notices Published – 50 O'Leary Avenue – DEV2100126**

SJMC-R-2021-08-23/387

**Moved By** Councillor Burton

**Seconded By** Deputy Mayor O'Leary

That Council approve the Discretionary Use of a Retail Store and set 13 parking spaces for the Service Shop portion of the business at 50 O'Leary Avenue (approved via e-poll on August 13, 2021).

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

**MOTION CARRIED (9 to 0)**

**8. COMMITTEE REPORTS**

**8.1 Committee of the Whole - August 11, 2021**

**1. Healthy City Strategy**

SJMC-R-2021-08-23/388

**Moved By** Councillor Korab

**Seconded By** Councillor Burton

That Council approve the goals and implementation strategies as outlined in the attached report providing staff and partners with the framework for execution of the Healthy City Strategy.

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

**MOTION CARRIED (9 to 0)**

**2. Nomenclature Committee - Street Renaming – Sea Rose Avenue**

SJMC-R-2021-08-23/389

**Moved By** Councillor Hickman

**Seconded By** Councillor Skinner

That Council approve the proposed street renaming request.

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

**MOTION CARRIED (9 to 0)**

**3. Nomenclature Committee – Street Naming - Edmonds Place**

SJMC-R-2021-08-23/390

**Moved By** Councillor Hickman

**Seconded By** Councillor Froude

That Council approve the requested street name.

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

**MOTION CARRIED (9 to 0)**

4. **Torbay Rd North Commercial Area – Right Turn Lane Additions**

SJMC-R-2021-08-23/391

**Moved By** Councillor Froude

**Seconded By** Councillor Hickman

That Council approve moving forward with the necessary property / easement acquisitions and utility pole relocations in an effort to continue with the recommended turning lane additions on Torbay Road per the Torbay Road North Commercial Area Follow-up Transportation Impact Study. As well, as ensuring these efforts include the future space requirements for the shared-use pathway on the West side of Torbay Road, between Stavanger Drive and Major's Path, as is proposed in the Bike St. John's Master Plan.

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

**MOTION CARRIED (9 to 0)**

9. **DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)**

9.1 **Development Permits List August 5 to 18, 2021**

10. **BUILDING PERMITS LIST (FOR INFORMATION ONLY)**

10.1 **Building Permit List - August 23, 2021**

11. **REQUISITIONS, PAYROLLS AND ACCOUNTS**

11.1 **Weekly Payment Vouchers for the week Ending August 11, 2021**

SJMC-R-2021-08-23/392

**Moved By** Councillor Korab

**Seconded By** Councillor Collins

That Council approve the Weekly Payment Vouchers for the week ending August 11, 2021 in the amount of \$26,824,784.81.

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

**MOTION CARRIED (9 to 0)**

**11.2 Weekly Payment Vouchers for the Week Ending August 18, 2021**

SJMC-R-2021-08-23/393

**Moved By** Councillor Skinner

**Seconded By** Councillor Froude

That Council approve the Weekly Payment Vouchers for the week ending August 18, 2021, in the amount of \$4,193,976.20.

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

**MOTION CARRIED (9 to 0)**

**12. TENDERS/RFPS**

**12.1 2021084 - Heavy Tree Road Culvert Replacement**

SJMC-R-2021-08-23/394

**Moved By** Councillor Hickman

**Seconded By** Councillor Collins

That Council award this open call to the lowest bidder that meets specifications, Pyramid Construction Limited, for \$515,384.00 (HST included) as per the Public Procurement Act.

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

**MOTION CARRIED (9 to 0)**

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

**14. OTHER BUSINESS**

**14.1 Sale of City Land Adjacent to 38 Fleming Street**



SJMC-R-2021-08-23/395

**Moved By** Councillor Skinner

**Seconded By** Deputy Mayor O'Leary

That Council approve the sale of City land adjacent to 38 Fleming Street, as shown in red on the diagram below.

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

**MOTION CARRIED (9 to 0)**

**14.2 119 Churchill Avenue, Adoption, REZ2100005**

SJMC-R-2021-08-23/396

**Moved By** Councillor Burton

**Seconded By** Deputy Mayor O'Leary

That Council adopt St. John's Development Regulations Amendment Number 724, 2021, which will add Personal Care Home as a Discretionary Use to the Residential Medium Density – Pleasantville (R2-Pleasantville) Zone, the Residential Medium Density (R2) Zone and the Residential High Density (R3) Zone.

Further that Council approve the Discretionary Use of a Personal Care Home and Adult Day Care Facility at 119 Churchill Avenue (land west of 109 Charter Avenue and north of 100 Churchill Avenue).

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

**MOTION CARRIED (9 to 0)**

**14.3 120 Barnes Road, Adoption, REZ2100004**

Councillor Burton requested that the motion be amended so that the reduction in minimum Rear Yard requirements for residential dwellings be referred to the Environment & Sustainability Experts Panel for consideration.

SJMC-R-2021-08-23/397

**Moved By** Councillor Burton

**Seconded By** Councillor Skinner

That Council approve the 10% variance for the Side Yard setback to accommodate the extension of a Semi-detached Dwelling at 120 Barnes Road and that Council refer St. John's Development Regulations Amendment Number 723, 2021, which will reduce the minimum Rear Yard of residential dwellings in the Residential Downtown (RD) Zone from 6.0 metres to 3.5 metres to the Environment & Sustainability Experts Panel.

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

**MOTION CARRIED (9 to 0)**

**14.4 135 Cabot Street, Adoption, REZ2100001**

SJMC-R-2021-08-23/398

**Moved By** Councillor Burton

**Seconded By** Councillor Skinner

That Council adopt St. John's Development Regulations Amendment Number 725, 2021, which will add Apartment Building, Micro Unit and Office to the Residential Downtown (RD) Zone as discretionary uses, add the definition of Micro Unit, and add parking standards for Micro Units.

Further, at 135 Cabot Street, that Council approve the discretionary use of an Apartment Building with 6 Micro Units, and approve a 1% variance on the frontage requirement for the proposed Apartment Building.

For (8): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (8 to 0)**

**14.5 Road Closure – Battle of Britain Parade**

SJMC-R-2021-08-23/399

**Moved By** Deputy Mayor O'Leary

**Seconded By** Councillor Skinner

That Council approve the following road closures, on September 19, for the 81st Battle of Britain Parade organized by the Royal Canadian Air Force.

Duckworth Street, from Prescott Street to Cochrane Street 11:00am – 1:15pm

Water Street, from Prescott Street to Cochrane Street 11:00am – 1:15pm

Water Street, from Prescott Street to Becks Cove 1:00pm – 1:15pm

For (8): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (8 to 0)**

**14.6 Quidi Vidi Brewery Anniversary Party**

SJMC-R-2021-08-23/400

**Moved By** Councillor Skinner

**Seconded By** Councillor Collins

That Council

1. Approve the Quidi Vidi Brewery 25th Anniversary Event at Bannerman Park on September 18th from 12:00 pm to 9:00 pm, with a rainy-day event date of September 19th, 2021.

2. Approve the event to operate outside the Parks By-Law, with respect to alcohol sales and vending.

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

**MOTION CARRIED (9 to 0)**

**14.7 2021 George Street Festival – Dates**

SJMC-R-2021-08-23/401

**Moved By** Councillor Skinner

**Seconded By** Councillor Hickman

That Council:

1. Approve the 2021 George Street Festival for September 2.
2. Approve a noise by-law extension to 12pm September 2.
3. Approve the request for extension of liquor service to 3am for September 2.

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

**MOTION CARRIED (9 to 0)**

**14.8 Rugby Canada International Qualifier Match**

SJMC-S-2021-08-23/402

**Moved By** Councillor Skinner

**Seconded By** Deputy Mayor O'Leary

That Council support the local organizing committee in hosting an international 2023 Rugby World Cup qualifier match at the Swilers Rugby Club on September 4th with a grant in the amount of \$25,000.

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

**MOTION CARRIED (9 to 0)**

**15. ACTION ITEMS RAISED BY COUNCIL**

**15.1 Panhandlers in Dangerous Intersections**

The Deputy Mayor informed Council that they had received some correspondence concerning panhandlers in dangerous intersections in the City, and asked Staff if they had any information on the issue. Staff responded that they had worked with organizations such as Thrive and Street Reach in the past, but the focus was on panhandlers and local businesses. It was suggested that this may be outside of the City's jurisdiction and would be more of an RNC issue. As this is an issue of safety and health for vulnerable individuals, the Deputy Mayor asked Staff to provide any available information on the matter.

**15.2 Pole Replacement**

The Deputy Mayor asked Staff could contact Newfoundland Power for an update on City pole replacements. The Deputy Mayor noted that sidewalk accessibility should be maintained should poles be replaced.

**16. ADJOURNMENT**

There being no further business, the meeting adjourned at 4:51.

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MAYOR

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CITY CLERK