

# ST. JOHN'S

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

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

**September 7, 2021, 3:00 p.m.**

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

**Regrets:** Councillor Debbie Hanlon

**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  
Susan Bonnell, Manager - Communications & Office Services  
Ken O'Brien, Chief Municipal Planner  
Karen Chafe, City Clerk  
Jennifer Squires, 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**
3. **APPROVAL OF THE AGENDA**

- 3.1 **Adoption of Agenda**

SJMC-R-2021-09-07/403

**Moved By** Councillor Skinner

**Seconded By** Councillor Collins

That the Agenda be adopted as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Stapleton, 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 23, 2021**

SJMC-R-2021-09-07/404

**Moved By** Councillor Froude

**Seconded By** Deputy Mayor O'Leary

That the minutes of August 23, 2021 be adopted as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Stapleton, 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 Referral from Town of Portugal Cove – St. Phillip’s Regarding a Proposed Building Extension in the Watershed – 901-909 Thorburn Road – INT2100074

Councillor Skinner expressed concern that allowing the proposed extension would permit the commercial intensification of the building. Staff responded that as the existing store is of Non-Conforming Use, any change in non-conformity would require a decision from Council. Council agreed that as this was modest extension not meant to intensify the business but to allow them to work more efficiently that there would be minimal risk to the watershed.

SJMC-R-2021-09-07/405

**Moved By** Councillor Burton

**Seconded By** Councillor Hickman

That Council approve the extension to the existing commercial Building at 901-909 Thorburn Road (Sharpe’s Store), which would allow an extension of 17.8m<sup>2</sup> to the existing kitchen in accordance with Section 104 (4)(d) City of St. John’s Act.

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

**MOTION CARRIED (9 to 0)**

### 6.2 Request for Single Detached Dwelling and Establish Building Line – 6 Winter Avenue - DEV2100140

SJMC-R-2021-09-07/406

**Moved By** Councillor Burton

**Seconded By** Councillor Froude

That Council approve the construction of a Single Detached Dwelling and set the Building Line at 7.02 metres at 6 Winter Avenue.

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

**MOTION CARRIED (9 to 0)**

**6.3 Crown Land Grant for Residential Use - 1040 Main Road - CRW2100111**

SJMC-R-2021-09-07/407

**Moved By** Councillor Burton

**Seconded By** Deputy Mayor O'Leary

That Council reject the proposed Crown Land Grant for 0.19 hectares at 1040 Main Road.

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

**MOTION CARRIED (9 to 0)**

**6.4 Notices Published – 43 Welland Street - DEV2100139**

Councillor Korab questioned if it would be possible to limit the intensification of the business, as it is located in a largely residential area. As the development is of Non-Conforming Use, the City could enter into a development agreement that would limit the scale of the operation.

SJMC-R-2021-09-07/408

**Moved By** Councillor Burton

**Seconded By** Councillor Korab

That Council approve the change of Non-Conforming Use at 43 Welland Street to allow an Office Use, soil testing and storage of field-testing equipment.

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

**MOTION CARRIED (9 to 0)**

**7. RATIFICATION OF EPOLLS**

**7.1 2021083 - The Supply and Delivery of Station Uniforms (Fire Department)**

SJMC-R-2021-09-07/409

**Moved By** Councillor Hickman

**Seconded By** Councillor Skinner

That Council award this open call to the lowest bidder meeting specifications, Uniform Works Limited \$74,905.45 per year (HST included) as per the Public Procurement Act.

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

**MOTION CARRIED (9 to 0)**

**7.2 2021114 - Gould's Servicing Phase 3 - Force Main**

SJMC-R-2021-09-07/410

**Moved By** Councillor Collins

**Seconded By** Councillor Hickman

That Council award this open call to the lowest bidder meeting specifications, Dexter Construction Company Limited, for \$6,989,595.35 (HST included) as per the Public Procurement Act.

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

**MOTION CARRIED (9 to 0)**

**7.3 2021121 - Goulds Servicing (Phase 2) - Sanitary Trunk Sewer Extension**

SJMC-R-2021-09-07/411

**Moved By** Councillor Collins

**Seconded By** Deputy Mayor O'Leary

That Council award this open call to the lowest bidder meeting specifications, Weir's Construction Limited, for \$6,524,197.25 (HST included) as per the Public Procurement Act.

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

**MOTION CARRIED (9 to 0)**

**7.4 2021126 - H.G.R. Mews Centre Replacement - Bid Submission and Contractor Selection**

SJMC-R-2021-09-07/412

**Moved By** Councillor Hickman

**Seconded By** Councillor Korab

THAT Council award this contract to the proponent with the highest score, J.W. Lindsay Enterprises Limited, for \$ 33,597,250.00 (HST included) as per the Public Procurement Act.

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

**MOTION CARRIED (9 to 0)**

**7.5 Notices Published – 10 King’s Road – DEV2100136**

SJMC-R-2021-09-07/413

**Moved By** Councillor Burton

**Seconded By** Councillor Skinner

That Council approve the Discretionary Use of an Outdoor Eating Area at 10 King’s Road subject to the applicant either leasing or purchasing city property (approved via e-poll September 1, 2021).

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

**MOTION CARRIED (9 to 0)**

**8. COMMITTEE REPORTS**

**8.1 Committee of the Whole Report - August 25, 2021**

**1. Envision St. John’s Municipal Plan & Development Regulations - Approval**

SJMC-R-2021-09-07/414

**Moved By** Councillor Burton

**Seconded By** Deputy Mayor O’Leary

That Council approve the Envision St. John’s Municipal Plan and Development Regulations, dated September 2021, as amended.

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

**MOTION CARRIED (9 to 0)**

2. **Draft Heritage By-Law – What We Heard and Revised Draft**

SJMC-R-2021-09-07/415

**Moved By** Councillor Burton

**Seconded By** Councillor Skinner

That Council recommend approval of the 9 recommendations listed above for the St. John's Heritage By-Law.

**MOTION CARRIED**

3. **Electric Vehicle Infrastructure Funding**

Councillor Skinner felt that electric vehicle chargers should not be looked at as revenue generating, and that funds paid to the City via the use of the chargers should be used to cover maintenance costs and further expand the EV charging network. He also noted that charging from home is complicated in the Downtown area and a pilot project will be taking place to further investigate the issue.

SJMC-R-2021-09-07/416

**Moved By** Councillor Froude

**Seconded By** Councillor Korab

That Council approves the locations and funds to implement the proposed EV charging network with the proposed fee structure for publicly available chargers.

**MOTION CARRIED**

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

9.1 **Development Permits List August 19 to September 1, 2021**

Council considered the Development Permits list for information.

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

10.1 **Building Permits List - September 7, 2021**

Council considered the Building Permit List for information.



## 11. REQUISITIONS, PAYROLLS AND ACCOUNTS

### 11.1 Weekly Payment Vouchers for the Week Ending August 25, 2021

SJMC-R-2021-09-07/417

**Moved By** Councillor Stapleton

**Seconded By** Councillor Collins

That Council approve the Weekly Payment Vouchers for the week ending August 25, 2021 in the amount of \$3,717,015.30

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

**MOTION CARRIED (9 to 0)**

### 11.2 Weekly Payment Vouchers for the week Ending September 1, 2021

SJMC-R-2021-09-07/418

**Moved By** Deputy Mayor O'Leary

**Seconded By** Councillor Hickman

That Council approve the Weekly Payment Vouchers for the week ending September 1, 2021 in the amount of \$2,964,750.35

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

**MOTION CARRIED (9 to 0)**

## 12. TENDERS/RFPS

### 12.1 ESRI – Annual Renewal

SJMC-R-2021-09-07/419

**Moved By** Councillor Hickman

**Seconded By** Councillor Skinner

That Council award this sole source contract to ESRI Canada for \$296,440.00 (excluding HST) as per the Public Procurement Act.

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

**MOTION CARRIED (9 to 0)**

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

**13.1 Notice of Motion - Heritage By-Law**

Notice of Motion to adopt new Heritage By-Law

Councillor Burton gave the following Notice of Motion to adopt new Heritage By-Law:

NOTICE OF MOTION

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move to enact a new comprehensive Heritage By-Law regulating Heritage Buildings and Heritage Areas in the City of St. John's.

DATED at St. John's, NL this 7<sup>th</sup> day of September, 2021.

COUNCILLOR Maggie Burton

**14. OTHER BUSINESS**

**14.1 SERC – Fall Events**

SJMC-R-2021-09-07/420

**Moved By** Councillor Skinner

**Seconded By** Councillor Stapleton

That Council approve road closures for the following events:

- Motorcycle Ride for Dad, September 25
- Gower Street Block Party, September 26 (rain date October 3)
- March for Gender Equality, October 23 (rain date October 24)

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

**MOTION CARRIED (9 to 0)**

#### 14.2 **SERC – Film Shoot Road Closures and Noise By-Law Extensions**

Councillor Froude asked if residents were given notice of road closures in advance. Staff affirmed that notification of those directly impacted is requested for road closures.

SJMC-R-2021-09-07/421

**Moved By** Councillor Skinner

**Seconded By** Deputy Mayor O'Leary

That Council approve the road closures and noise by-law extensions for Astrid and Lilly Save the World filming on Sept 13, 14, and 23.

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

**MOTION CARRIED (9 to 0)**

#### 14.3 **Municipal Diversion Initiative**

Councillor Froude noted that generally policy items are not dealt with during an election period and requested that this item be referred to the next Council.

SJMC-R-2021-09-07/422

**Moved By** Councillor Froude

**Seconded By** Deputy Mayor O'Leary

That Council defer the proposed Municipal Diversion Initiative that would make use of alternative mechanism of resolution outside of prosecution to the new Council.

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

**MOTION CARRIED (9 to 0)**

**14.4 Lease of City Land in front of 15 George Street**

Councillor Skinner asked that sidewalk accessibility be taken into consideration in the design of the new patio.

SJMC-R-2021-09-07/423

**Moved By** Councillor Skinner

**Seconded By** Councillor Stapleton

That Council approve the Lease of the City owned land in front of 15 George Street, as shown in red on the diagram below, for the installation of a permanent patio

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

**MOTION CARRIED (9 to 0)**

**14.5 Quit Claim of Land Between 34/36 and 38 Heffernan's Line and 17-19 Beaver Brook Drive**

SJMC-R-2021-09-07/424

**Moved By** Councillor Collins

**Seconded By** Councillor Skinner

That Council approve the Quit Claim of the abandoned drainage ditch between 34/36 and 38 Heffernan's Line and 17 and 19 Beaver Brook Drive, as shown in red on the diagram below.

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

**MOTION CARRIED (9 to 0)**

**14.6 Quit Claim – Right-of-Way between 12 and 14 Waterford Heights South**

SJMC-R-2021-09-07/425

**Moved By** Councillor Collins

**Seconded By** Councillor Froude

That Council approve the Quit Claim of the Right of Way between 12 and 14 Waterford Heights South, as shown in red on the diagram below.

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

**MOTION CARRIED (9 to 0)**

**14.7 Sale of City land in front of 5 and 7 Little Street**

SJMC-R-2021-09-07/426

**Moved By** Councillor Froude

**Seconded By** Councillor Skinner

That Council approve the sale of City land in front of 5 and 7 Little Street, as shown in red on the diagram below.

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

**MOTION CARRIED (9 to 0)**

**14.8 23 King's Bridge Road, Designated Heritage Building Window Replacement, REN2100002**

SJMC-R-2021-09-07/427

**Moved By** Councillor Burton

**Seconded By** Councillor Skinner

That Council approve the window replacements at 23 King's Bridge Road, as proposed.

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

**MOTION CARRIED (9 to 0)**

**14.9 Accessory Building – 13 Devine Pl**

SJMC-R-2021-09-07/428

**Moved By** Councillor Korab

**Seconded By** Councillor Hickman

That Council issue an Order pursuant to section 102(1) of the Urban and Rural Planning Act, 2000 to remove the accessory building at 13 Devine Place which violates the St. John's Development Regulations.

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

**MOTION CARRIED (9 to 0)**

**14.10 6 Lambe's Lane, Adoption-in-Principle, MPA2000005**

Members of Council acknowledged concerns from residents about parking in the area. If Council were to approve the adoption-in-principle, it would in no way obligate them to approve the development. The development would go through a Commissioner's hearing and residents would have ample opportunity to voice their concerns. The request for parking relief would come after the Commissioner's hearing. Councillor Hickman reminded Council that Memorial University was a partner of the City, and they have expressed concerns about the impact the development would have on the university. Council noted that there is a gap in market-level, affordable apartments, and this development would alleviate this issue and would also align with the City's plans for development. Councillor Froude informed Council that for the approximately 1,500 individuals living in residences on campus, MUN provides 80 parking spaces.

Proportionally, for the Lambe's Lane development to have same ratio of residents to spaces, there would be a requirement of 30 parking spaces.

Council were supportive of the motion as it would allow further discussion and engagement on the proposed development and permit additional high-density proposals in the area should the current proposal be rejected.

SJMC-R-2021-09-07/429

**Moved By** Councillor Froude

**Seconded By** Councillor Burton

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment 158, 2021 and St. John's Development Regulations Amendment 726, 2020, regarding proposed apartment buildings at 6 Lambe's Lane.

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

Against (1): Councillor Hickman

**MOTION CARRIED (8 to 1)**

## 15. **ACTION ITEMS RAISED BY COUNCIL**

### 15.1 **Festival Clean Up**

The Deputy Mayor requested information concerning the cleanup process after festivals held within the City. Staff responded that the organizer is ultimately responsible for cleaning up and depending on the size and scale of the festival this process may take 24 to 48 hours to complete. Obvious garbage is first removed, then large equipment, such as audio equipment, fencing and other large structures, are moved from the area. This is then followed by a more thorough cleaning.

### 15.2 **Affordable Housing**

The Deputy Mayor notified Council that the City currently has 90 vacant affordable housing units, and 52 of those units are not rent ready. They urged council to bear this in mind when entering into upcoming budget discussions. Council also noted that many units are overbuilt and not suitable for single people or small families.

**15.3 Participation in Municipal Politics**

The Mayor stated that interest in running in municipal elections is not as strong as it has been in previous years and that it was important to identify and address concerns that keep people from running. This issue will need to be examined over the next four years to encourage participation in the next election.

**16. ADJOURNMENT**

There being no further business, the meeting adjourned at 4:26 p.m.

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MAYOR

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CITY CLERK