

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

August 23, 2022, 3:00 p.m.

Present: Councillor Sandy Hickman
Councillor Maggie Burton
Councillor Ron Ellsworth
Councillor Jill Bruce
Councillor Jamie Korab
Councillor Ian Froude
Councillor Carl Ridgeley

Regrets: Mayor Danny Breen
Deputy Mayor Sheilagh O'Leary
Councillor Debbie Hanlon
Councillor Ophelia Ravencroft

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
Linda Bishop, Senior Legal Counsel
Ken O'Brien, Chief Municipal Planner
Brian Head, Manager, Parks & Open Spaces
Karen Chafe, City Clerk
Jennifer Squires, Legislative Assistant

Others: Kelly Dyer, Communications and PR Officer

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

As the Mayor was absent, Councillor Hickman acted as Chair and called the meeting to order.

2. PROCLAMATIONS/PRESENTATIONS

3. APPROVAL OF THE AGENDA

3.1 Adoption of Agenda

SJMC-R-2022-08-23/359

Moved By Councillor Froude

Seconded By Councillor Ridgeley

That the Agenda be adopted as presented.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

4. ADOPTION OF THE MINUTES

4.1 Adoption of Minutes - August 8, 2022

SJMC-R-2022-08-23/360

Moved By Councillor Bruce

Seconded By Councillor Ellsworth

That the minutes of August 8, 2022, be adopted as presented.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

5. **BUSINESS ARISING FROM THE MINUTES**

6. **DEVELOPMENT APPLICATIONS**

6.1 **Proposed Rebuild of Non-Conforming Accessory Building – 2 Outer Battery Road – INT2200045**

SJMC-R-2022-08-23/361

Moved By Councillor Korab

Seconded By Councillor Ellsworth

That Council approve the reconstruction and expansion of a 15.7m² Accessory Building at 2 Outer Battery Road, with the condition that it can only extend away from the front property boundary, parallel to the Street.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

6.2 **Notices Published – 8 Riverside Drive East - DEV2200103**

SJMC-R-2022-08-23/362

Moved By Councillor Korab

Seconded By Councillor Bruce

That Council approve the Discretionary Use application for a Home Occupation at 8 Riverside Drive East to allow a family home childcare.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

6.3 Notices Published – 93 Casey Street - DEV2200104

SJMC-R-2022-08-23/363

Moved By Councillor Korab

Seconded By Councillor Ridgeley

That Council approve the application for a change in Non-Conforming Use from a Barbershop to a Retail Store for floral design at 93 Casey Street.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

6.4 Notices Published – 118 Montague Street - DEV2200108

SJMC-R-2022-08-23/364

Moved By Councillor Korab

Seconded By Councillor Froude

That Council approve the Discretionary Use application for a Home Occupation for Pet Grooming at 118 Montague Street.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

6.5 Request for Variance on Accessory Building Height – 80 Grenfell Avenue – INT2200041

Councillor Korab advised that he had inquired if the additional height would impact the surrounding properties. He informed Council that due to the location and slope of the land the accessory building should not have a negative effect on neighbouring properties.

SJMC-R-2022-08-23/365

Moved By Councillor Korab

Seconded By Councillor Ridgeley

That Council approve a 10% variance at 80 Grenfell Avenue to allow an Accessory Building Height of 4.62 metres.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

6.6 Crown Land Grant for an Industrial Use - Incinerator Road – CRW2200004

Councillor Ellsworth voiced his concerns about the amount of land being granted and asked if Staff had any idea of the plan for the land. Staff advised that it was proposed to be a laydown area for the washing and screening of sand, which is a permitted use in the Industrial General Zone. Once a development application has been received Staff will ensure that all requirements are met. Councillor Ellsworth again noted that his concern was with the size and the land and the potential impact on waterways and wetlands in the area.

SJMC-R-2022-08-23/366

Moved By Councillor Korab

Seconded By Councillor Ridgeley

That Council approved the Crown Land Grant for four hundred (400) hectares of land on Incinerator Road. As a condition of the Crown Land being granted, the applicant will be required to submit a Development Application, and all waterways and wetlands on the property will need to be delineated.

For (6): Councillor Burton, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

Against (1): Councillor Ellsworth

MOTION CARRIED (6 to 1)

6.7 Crown Land Grant for Residential Use - Blackhead Road - CRW2200005

SJMC-R-2022-08-23/367

Moved By Councillor Korab

Seconded By Councillor Ridgeley

That Council approve the Crown Land Grant for 0.4 hectares of land on Blackhead Road for the proposed Residential Use.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

6.8 Notices Published – 314-316 LeMarchant Road - DEV2200089

SJMC-R-2022-08-23/368

Moved By Councillor Korab

Seconded By Councillor Froude

That Council approve the Discretionary Use application for a Restaurant (Café) at 314-316 LeMarchant Road.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

6.9 Notices Published – 35 Janeway Place - DEV2200105

SJMC-R-2022-08-23/369

Moved By Councillor Korab

Seconded By Councillor Ellsworth

That Council approve the Discretionary Use application for 2 Four-plex Dwellings at 35 Janeway Place.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

7. RATIFICATION OF EPOLLS

7.1 E-Poll – Stanley Cup Parade

SJMC-R-2022-08-23/370

Moved By Councillor Ellsworth

Seconded By Councillor Froude

That Council approve the requested road closures associated with the Stanley Cup Parade on Monday August 22.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

8. COMMITTEE REPORTS

8.1 Committee of the Whole Report - August 10, 2022

1. Emergency Continuity Management Advisory Group - Terms of Reference

SJMC-R-2022-08-23/371

Moved By Councillor Ellsworth

Seconded By Councillor Bruce

That Council approve the Terms of Reference for the Emergency Continuity Management Advisory Group as presented.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

2. 716 Water Street, Renovations and Extension

SJMC-R-2022-08-23/372

Moved By Councillor Burton

Seconded By Councillor Ridgeley

That Council approve the design of the renovations and extension at 716 Water Street as proposed, with the following exception:

- that the horizontal cladding at the front of the building continue around the sides of the building.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

3. 20 George's Pond Road, LUR Terms of Reference, REZ2000003

SJMC-R-2022-08-23/373

Moved By Councillor Froude

Seconded By Councillor Bruce

That Council consider a rezoning from the Rural (RUR) Zone to the Residential 3 (R3), Apartment 2 (A2) and Commercial Mixed Use (CM) Zone at 20 George's Pond Road; and request that the Minister of Municipal and Provincial Affairs consider an amendment to the St. John's Urban Region Regional Plan to redesignate the proposed development area from the Rural designation to the Urban Development designation.

Further, that Council approve the attached draft terms of reference for a Land Use Report (LUR). Upon receiving a satisfactory Land Use Report, that Council refer the application to a public meeting chaired by an independent facilitator for public input and feedback.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)**4. Pedestrian Signal Operations recall**

Councillor Bruce informed Council that seniors in her ward were appreciative of crosswalks being placed on recall during the winter, as the buttons may freeze making them difficult to operate. Councillor Froude noted that consultation with the City's Sustainable and Active Mobility Advisory Committee and the Inclusion Advisory Committee will provide a balanced approach that addresses the transportation system as a whole.

SJMC-R-2022-08-23/374

Moved By Councillor Burton

Seconded By Councillor Bruce

That Council provide direction to staff to operate Pedestrian Signals on recall in pedestrian core area and any expansion of pedestrian recall will be carried out by working group formed with Inclusion Advisory Committee and the Sustainable and Active Mobility Advisory Committee.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)**5. Youth Forum**

SJMC-R-2022-08-23/375

Moved By Councillor Bruce

Seconded By Councillor Ellsworth

That Council approve the YEWG to start working on a youth forum for Fall 2022 and provide direction on whether they would like to see one or more in-person events and/or virtual events as outlined.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

9. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)

9.1 Development Permits List August 4 to August 17, 2022

Council considered the Development Permits List for information.

10. BUILDING PERMITS LIST (FOR INFORMATION ONLY)

10.1 Building Permits List - August 4 - August 17, 2022

Council considered the Building Permits List for information.

11. REQUISITIONS, PAYROLLS AND ACCOUNTS

11.1 Weekly Payment Vouchers Ending Week of August 10 and August 17, 2022

SJMC-R-2022-08-23/376

Moved By Councillor Ellsworth

Seconded By Councillor Burton

That the weekly payment vouchers for the week ending August 10, 2022, and August 17, 2022, in the amount of \$7,992,815.36 be approved as presented.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

12. TENDERS/RFPS

12.1 Sidewalk Infrastructure Repairs (Limited Call)

SJMC-R-2022-08-23/377

Moved By Councillor Ellsworth

Seconded By Councillor Bruce

That Council approve for award the Limited Call RFQ to the lowest bidder, Infinity Construction Ltd, in the amount of \$202,652.50, as per the Public Procurement Act

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

12.2 2022092 – Learn to Swim Program for City Aquatic Facilities

Councillor Burton asked if the establishment of the Learn to Swim program would increase the availability of swimming lesson slots at City facilities. The Deputy City Manager of Community Services responded that the Learn to Swim program would replace the previous Red Cross program. All current staff will require recertification. An increase in lessons would require additional staff, and the program would provide additional lifeguard training courses which would allow individuals to become lifeguards.

SJMC-R-2022-08-23/378

Moved By Councillor Ellsworth

Seconded By Councillor Ridgeley

That Council approve for award open call 2022092 – Learn to Swim for City Aquatic Facilities to Royal Lifesaving Society Canada – NL Branch Incorporated for \$55,440.00 (exclusive of HST), as per the Public Procurement Act.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

12.3 2022146 - Snow Clearing and Ice Control at Water Treatment Plants

Councillor Ridgeley noted the discrepancy between the bids and questioned if the difference in cost would result in the work not being carried out. The Deputy City Manager of Finance & Administration responded that at times bids are substantially different, but to date the discrepancies have not resulted in a lack of service.

SJMC-R-2022-08-23/379

Moved By Councillor Ellsworth

Seconded By Councillor Ridgeley

That Council approve for award this open call to the lowest bidder meeting specifications, Siteworx Excavation and Development Ltd., for \$88,320.00 (HST Incl.) for a two (2) year period.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

12.4 2022066 – Gleneyre Street Culvert Replacement

Councillor Bruce questioned if the culvert replacement was part of the work that had been moved to Spring of 2023. The Deputy City Manager of Planning, Engineering, & Regulatory Services responded that due to some recent delays with land acquisition, it was determined that the project could not be completed in a timely manner and work would commence in the Spring.

SJMC-R-2022-08-23/380

Moved By Councillor Ellsworth

Seconded By Councillor Bruce

That Council approve for award this open call to the lowest bidder meeting specifications, Bursey Excavating & Development Inc., for \$1,667,328.65 (HST incl.) as per the Public Procurement Act.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

12.5 2022152 - Supply, Install and Remove Christmas Lights

Councillor Hickman inquired if this work had been previously completed by City Staff. The Manager of Parks & Open Spaces replied that the work had been carried out by Staff in the past, but it was found to be more cost effective to outsource the supply and installation of the lights with assistance from City Staff as required.

SJMC-R-2022-08-23/381

Moved By Councillor Ellsworth

Seconded By Councillor Froude

That Council approve for award open call 2022152 – Supply, Install and Remove Christmas Lights to the lowest bidder meeting specifications, Nutri Lawn, for \$131,077.00 (including HST), as per the Public Procurement Act.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

13. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

14. OTHER BUSINESS

14.1 SERC – 2022 Fall Events

SJMC-R-2022-08-23/382

Moved By Councillor Froude

Seconded By Councillor Bruce

That Council approve the road closures associated with the Provincial Marathon, Battle of Britain Parade, and the Terry Fox Run on September 18.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

14.2 National Day for Truth and Reconciliation

Councillor Froude voiced his support of the observance and noted that there has been an effort at all levels of government to reconcile the difficult aspect of our shared past in the historical treatment of Indigenous peoples in Canada. The observance of National Truth and Reconciliation Day supports the [Truth and Reconciliation Commission's calls to action](#) and fits in well with other actions taken on by the City in conjunction with First Voice Urban Indigenous Coalition and their upcoming community action plan. He further encouraged people to use the day to reflect and determine how individuals can act in ways to contribute to reconciliation.

Councillor Korab asked if the National Truth and Reconciliation Day was made to be statutory by the Province if the City would follow suit. The City Manager noted that the language in the collective agreements would require review but believed that the City would move to making the observance mandatory if the Province chose to do so.

SJMC-R-2022-08-23/383

Moved By Councillor Ellsworth

Seconded By Councillor Froude

That Council approve the observing the National Truth and Reconciliation Day on September 30, 2022.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

14.3 Restaurants in CH Zone

SJMC-R-2022-08-23/384

Moved By Councillor Froude

Seconded By Councillor Korab

That Council consider a text amendment to add Restaurant as a permitted use in the Commercial Highway (CH) Zone and advertise the amendment for public comment.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

14.4 Capital Grant Application

SJMC-R-2022-08-23/385

Moved By Councillor Ridgeley

Seconded By Councillor Ellsworth

That Council approve the Capital Grant application from Panda Bear Little University Inc.

For (7): Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (7 to 0)

15. ACTION ITEMS RAISED BY COUNCIL

16. ADJOURNMENT

There being no further business, the meeting adjourned at 3:55 p.m.

MAYOR

CITY CLERK