

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

September 23, 2019, 4:30 p.m.

Present: Mayor Danny Breen
Deputy Mayor Sheilagh O'Leary
Councillor Maggie Burton
Councillor Sandy Hickman
Councillor Debbie Hanlon
Councillor Hope Jamieson
Councillor Wally Collins

Regrets: Councillor Dave Lane
Councillor Deanne Stapleton
Councillor Jamie Korab
Councillor Ian Froude

Staff: Kevin Breen, City Manager
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
Ken O'Brien, Chief Municipal Planner
Karen Chafe, Supervisor - Office of the City Clerk
Maureen Harvey, Legislative Assistant
Shanna Fitzgerald, Legislative Assistant

Others: Shelley Pardy, Communications

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**
 - 2.1 **National Tree Day**
 - 2.2 **Circus Fest September 26-29, 2019**

3. **APPROVAL OF THE AGENDA**
 - 3.1 **Agenda of September 23, 2019**

SJMC-R-2019-09-23/379

Moved By Councillor Collins

Seconded By Councillor Jamieson

That the agenda be adopted as presented.

MOTION CARRIED

4. **ADOPTION OF THE MINUTES**
 - 4.1 **Adoption of the Minutes of September 16, 2019**

SJMC-R-2019-09-23/380

Moved By Councillor Hanlon

Seconded By Councillor Hickman

That the minutes of September 16, 2019 be adopted as presented.

MOTION CARRIED

5. **BUSINESS ARISING FROM THE MINUTES**
 - 5.1 **Decision Note dated September 4, 2019 re: Proposed Extension to Accessory Building in the Watershed - 292 Southern Shore Highway - INT1900092 (Deferred from September 9, 2019 meeting)**

As the motion below put forward by Councillor Collins was lost, the application is rejected as recommended by Staff for the reasons outlined in the above cited Decision Note.

SJMC-R-2019-09-23/381

Moved By Councillor Collins

Seconded By Councillor Hanlon

That the application for the extension of the second Accessory Building be approved contrary to Staff's recommendation outlined in the above cited Decision Note.

For (1): Councillor Collins

Against (6): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, and Councillor Jamieson

MOTION LOST (1 to 6)

6. NOTICES PUBLISHED

6.1 Discretionary Use Application submitted by Crombie REIT requesting approval to construct and operate an eating establishment with drive-thru at 46 Kenmount Road (East of Mall Access @ Polina Road)

Councillor Burton requested that Staff provide some suggestions for modernizing drive-thrus in the City. Specifically, 150m restrictions in school areas and near hospitals. Mayor Breen commented that a drive-thru review was done previously and there were regulations brought in related to residential areas.

Deputy Mayor O'Leary requested that the St. John's Food Policy Group review drive-thru conditions and review the article of September 22, 2019 from the Canadian Press titled "Fredericton latest Canadian city to grapple with drive-thru woes".

SJMC-R-2019-09-23/382

Moved By Councillor Burton

Seconded By Deputy Mayor O'Leary

That the application be approved subject to all applicable City requirements.

For (4): Mayor Breen, Councillor Hickman, Councillor Hanlon, and Councillor Collins

Against (3): Deputy Mayor O'Leary, Councillor Burton, and Councillor Jamieson

MOTION CARRIED (4 to 3)

6.2 Discretionary Use Application submitted by Crombie REIT requesting approval to construct and operate a major bank with a drive-thru ATM - 46 Kenmount Road (West of Mall Access @ Polina Road)

No submissions

SJMC-R-2019-09-23/383

Moved By Councillor Burton

Seconded By Councillor Hanlon

That the application be approved subject to all applicable City requirements.

For (4): Mayor Breen, Councillor Hickman, Councillor Hanlon, and Councillor Collins

Against (3): Deputy Mayor O'Leary, Councillor Burton, and Councillor Jamieson

MOTION CARRIED (4 to 3)

7. PUBLIC HEARINGS/MEETINGS

8. COMMITTEE REPORTS

8.1 Development Committee Referrals from Meeting held September 17, 2019

1. Decision Note dated September 16, 2019 re: Proposed Extension to Commercial Garage in the Watershed - INT1900097, 760 Thorburn Road

SJMC-R-2019-09-23/384

Moved By Councillor Burton

Seconded By Deputy Mayor O'Leary

That the application to raise the roof be rejected as this would intensify a commercial use within a protected watershed, as determined by the City Manager and Council.

MOTION CARRIED

2. Decision Note dated September 17, 2019 re: Request for Council to Set Zone Requirements - DEV 1900121, 24 Pepperell Road

SJMC-R-2019-09-23/385**Moved By** Councillor Burton**Seconded By** Councillor Jamieson

That Council approve the proposed zone requirements as presented.

Proposed Zone requirements:

- Building Line Setback: 16 metres
- Side Yard: 33 metres

MOTION CARRIED

3. **Decision Note dated September 18, 2019 re: Proposed Rebuild of Dwelling, 62-92 King's Hill Road, Town of Portugal Cove-St. Phillips, INT1800121**

SJMC-R-2019-09-23/386**Moved By** Councillor Burton**Seconded By** Councillor Hickman

That Council approve the application subject to the entire property boundary being marked by a fence and the mature landscaping being restored. Any areas of the property where clear cutting of trees has occurred, must be replaced with common tree types.

MOTION CARRIED

4. **Decision Note dated September 18, 2019 re: Crown Land License, CRW1900015, 165 Southside Road**

SJMC-R-2019-09-23/387**Moved By** Councillor Burton**Seconded By** Councillor Collins

That the Crown Land License for 165 Southside Road be approved.

MOTION CARRIED

5. **Decision Note dated September 18, 2019 re: Proposed Eight Storey Seniors' Apartment Building, 45 East White Hills Road, DEV1800217**

SJMC-R-2019-09-23/388**Moved By** Councillor Burton**Seconded By** Deputy Mayor O'Leary

That the provided LUAR be advertised for public review and for Council to schedule a Public Meeting in accordance with Section 5.5(4) of the St. John's Development Regulations.

MOTION CARRIED

6. **Decision Note dated September 16, 2019 re: Proposed Residential Dwelling, Residential Battery (RB) Zone, DEV 1900148, 52 Outer Battery Road**

This item was deferred to a future meeting of Council.

SJMC-R-2019-09-23/389**Moved By** Councillor Burton**Seconded By** Councillor Jamieson

That this matter is deferred to a future meeting of Council.

MOTION CARRIED

8.2 **Special Events Advisory Committee Report of September 20, 2019**

1. **Event: 'Rex' Season 2 (approved via e-poll September 20, 2019)**

SJMC-R-2019-09-23/390**Moved By** Councillor Hickman**Seconded By** Councillor Jamieson

That Council ratify the e-poll of September 20, 2019 and approve the "REX" Season 2 event as proposed.

MOTION CARRIED

9. **RESOLUTIONS**

10. **DEVELOPMENT PERMITS LIST**

10.1 **Development Permits List for the Period September 12 to 18, 2019**

Council considered for information the Development Permits List for the Period September 12-18, 2019.

11. BUILDING PERMITS LIST

11.1 Building Permits List for the period September 12 to September 18, 2019

SJMC-R-2019-09-23/391

Moved By Councillor Hanlon

Seconded By Councillor Jamieson

That the Building Permits List for the period September 12 to September 18, 2019 be approved as presented.

MOTION CARRIED

12. REQUISITIONS, PAYROLLS AND ACCOUNTS

12.1 Weekly Payment Vouchers for the Week Ending September 18, 2019

SJMC-R-2019-09-23/392

Moved By Councillor Hanlon

Seconded By Councillor Jamieson

That Council adopt the weekly payment vouchers for the week ending September 18, 2019 in the amount of \$4,957,031.00

MOTION CARRIED

13. TENDERS/RFPS

13.1 Bid Approval Note # 2019209 re: Infrastructure Maintenance - Manholes and Catch Basins

SJMC-R-2019-09-23/393

Moved By Councillor Hanlon

Seconded By Councillor Collins

That this open call 2019209 Infrastructure Maintenance - Manholes and Catch Basins be awarded to Infinity Construction for \$267,633.75 HST included, as the lowest submission meeting specifications as per the Public Procurement Act.

MOTION CARRIED

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

14.1 **Notice of Motion re: Heritage Designation By-Law - 119 Waterford Bridge Road, PID # 14138**

Councillor Burton brought forward the following Notice of Motion:

NOTICE OF MOTION

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move a motion to adopt a Heritage Designation By-Law for the following property so as to have the building situate on this property designated as a Heritage Building:

- 119 Waterford Bridge Road, PID #14138

DATED at St. John's, NL this 23 day of September, 2019.

COUNCILLOR BURTON

14.2 **Notice of Motion re: Massage Parlour Applications**

Councillor Burton brought forward the following Notice of Motion:

NOTICE OF MOTION

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move a motion to end the moratorium on new development applications relating to massage parlours.

DATED at St. John's, NL this 23 day of September, 2019.

COUNCILLOR BURTON

15. **OTHER BUSINESS**

16. **ADJOURNMENT**

There being no further business, the meeting adjourned at 5:22 p.m.

MAYOR

CITY CLERK