

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

August 5, 2019, 4:30 p.m.

Present: Mayor Danny Breen
Deputy Mayor Sheilagh O'Leary
Councillor Maggie Burton
Councillor Dave Lane
Councillor Sandy Hickman
Councillor Debbie Hanlon
Councillor Deanne Stapleton
Councillor Hope Jamieson
Councillor Jamie Korab
Councillor Ian Froude
Councillor Wally Collins

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
Elaine Henley, City Clerk
Shanna Fitzgerald, Legislative Assistant

Others: Lindsay Lyghtle Brushett for Ken O'Brien

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 **Agenda of August 5, 2019**

SJMC-2019-08-05/258

Moved By Councillor Collins

Seconded By Councillor Jamieson

That the Agenda be adopted with the addition of the following:

- Departmental Approval Request - Request for Proposals (RFP) - Non-Destructive Testing of Prestressed Concrete Cylinder Pipe Water Transmission Mains
- Bid Approval Note - 2019160 - Bulk Garbage and Recyclable Metals Collection

MOTION CARRIED

4. **ADOPTION OF THE MINUTES**

4.1 **Minutes of July 22, 2019**

SJMC-2019-08-05/259

Moved By Deputy Mayor O'Leary

Seconded By Councillor Lane

That the minutes of July 22, 2019 be adopted as presented.

MOTION CARRIED

5. **BUSINESS ARISING FROM THE MINUTES**

5.1 **Decision Note dated July 31, 2019 re: St. John's Municipal Plan Amendment Number 152, 2019 and St. John's Development Regulations Amendment Number 698, 2019**

Rezoning from the Commercial Central Mixed Use (CCM) Zone to the Commercial Central Office (CCO) Zone for a hotel and concert hall
MPA1900001 - 9 Buchanan Street, 426 and 430 Water Street - Applicant:
Fougere Menchenton Architecture

Councillor Jamieson requested that Staff compile an information note for referral to a future Committee of the Whole Meeting about the engagement process related to Development Applications.

SJMC-2019-08-05/260

Moved By Councillor Burton

Seconded By Deputy Mayor O'Leary

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment 152, 2019 and St. John's Development Regulations Amendment 698, 2019, which would rezone 9 Buchanan Street, 426 and 430 Water Street and City owned land, from the Commercial Central Mixed Use (CCM) zone to the Commercial Central Office (CCO) and Open Space (O) Zones, to allow for a hotel and concert hall. A map and text amendment to both the Municipal Plan and Development Regulations to amend setback and the Downtown Building Control maps is also required.

Further that the documents be sent to the Department of Municipal Affairs and Environment with a request for provincial release. Once the release is received, the amendment will be referred back to a future Regular Meeting of Council for consideration of adoption and the appointment of a commissioner to conduct a Public Hearing, as required by the Urban and Rural Planning Act.

MOTION CARRIED

6. NOTICES PUBLISHED

6.1 Notices Published - 44 Pleasant Street

A change of Non-Conforming Use Application has been submitted requesting permission to change the occupancy from a Retail Use to a Gallery (Retail Use) and Art Classes (School Use).

SJMC-2019-08-05/261

Moved By Councillor Jamieson

Seconded By Deputy Mayor O'Leary

That the Development Application in relation to 44 Pleasant Street be approved subject to meeting all applicable city requirements.

MOTION CARRIED

6.2 Notices Published - 130 Gower Street

A Discretionary Use application has been submitted requesting permission to operate a Home Occupation for Printing Services.

SJMC-2019-08-05/262

Moved By Councillor Jamieson

Seconded By Councillor Hanlon

That the Development Application in relation to 130 Gower Street be approved subject to meeting all applicable city requirements.

MOTION CARRIED

6.3 Notices Published - 604 Water Street

A Discretionary Use application has been submitted to the City for Residential Occupancy.

SJMC-2019-08-05/263

Moved By Councillor Jamieson

Seconded By Councillor Collins

That the Development Application in relation to 604 Water Street be approved subject to meeting all applicable city requirements.

MOTION CARRIED

6.4 Notices Published - 43 Golf Avenue

A Discretionary Use application has been submitted to the City for a Home Occupation.

SJMC-2019-08-05/264

Moved By Councillor Jamieson

Seconded By Deputy Mayor O'Leary

That the Development Application in relation to 43 Golf Avenue be approved subject to meeting all applicable city requirements.

MOTION CARRIED

6.5 Notices Published - 3 Blackmarsh Road

A change of Non-Conforming Use application has been submitted requesting a Change in Occupancy.

SJMC-2019-08-05/265

Moved By Councillor Jamieson

Seconded By Councillor Korab

That the Development Application in relation to 3 Blackmarsh Road be approved subject to meeting all applicable city requirements.

MOTION CARRIED

7. PUBLIC HEARINGS/MEETINGS**8. COMMITTEE REPORTS****8.1 Built Heritage Experts Panel - July 17, 2019****1. Decision Note dated July 8, 2019 re: 26 Alexander Street, Conversion to Condominium Units and Exterior Renovations**

Decision note modified slightly by the Panel.

SJMC-2019-08-05/266

Moved By Councillor Burton

Seconded By Councillor Jamieson

That Council approve the renovations to the exterior of 26 Alexander Street for the development of a 34-unit condominium, subject to;

- the applicant using nichiha cladding as put forth by the proponent at the BHEP meeting, as opposed to vinyl siding and
- consideration of replacement of surplus parking space(s) and adding a small landscape feature to the development.

MOTION CARRIED

8.2 Committee of the Whole Report of July 24, 2019**1. Decision Note dated July 5, 2019 re: Sidewalk Snowclearing Routes**

Recommendation changed based on discussion at Committee of the Whole.

SJMC-2019-08-05/267

Moved By Councillor Froude

Seconded By Councillor Jamieson

That Council approve the following changes/additions to sidewalk snowclearing:

- Route Changes:

Empire Avenue from Stamp's Lane to Freshwater Road, the change is proposed to add the North side of the road in addition to the South side of the road to accommodate Canada Post mail deliveries.

- Route Additions:

- Old Pennywell Road from Brier Avenue to Columbus Drive, on both sides of the road, an addition of approximately 400 meters;
- The Boulevard from Pleasantville Avenue to the CNIB crosswalk, on the north side of the road, an addition of approximately 120 meters;
- Forest Road from Lake View Avenue to Regiment Road, on the south side of the road, an addition of approximately 1000 meters;
- A section will also be cleared in front of the school in Shea Heights (approximately 300 meters).

Staff will confirm the costs, associated with the above cited proposed changes, which should easily be absorbed by savings achieved last year through operational efficiencies. The Department of Public Works will confirm the costs associated with these proposed revisions.

MOTION CARRIED

2. **Decision Note dated July 15, 2019 re: Audit Committee - Terms of Reference**

SJMC-2019-08-05/268

Moved By Councillor Hanlon

Seconded By Councillor Lane

That Council approve the newly drafted Terms of Reference for the Audit Standing Committee with the following amendment:

- that under ***Section 3.1.1 - Composition - Council Members***, one of the three councillors appointed to the Committee be selected as the lead councillor responsible for speaking on behalf of the Committee.

MOTION CARRIED

3. **Decision Note dated July 17, 2019 re: Application to Rezone Land to the Commercial Neighbourhood (CN) Zone for a Lounge and Eating Establishment (Pub and Eatery) MPA1800006 - 75 Airport Heights Drive**

SJMC-2019-08-05/269

Moved By Councillor Burton

Seconded By Councillor Stapleton

That Council consider the amendments to the St. John's Municipal Plan and Development Regulations at 75 Airport Heights Drive to rezone land from the Commercial Local (CL) Zone to Commercial Neighbourhood (CN) Zone and that the application be advertised for public review and comment. Following the public consultation, the application would be referred to a regular meeting of Council for consideration of adoption.

MOTION CARRIED

4. **Decision Note dated July 17, 2019 re: Harbour Drive PayByPhone Parking**

SJMC-2019-08-05/270

Moved By Councillor Hanlon

Seconded By Councillor Jamieson

That in addition to the PayByPhone option, the City install pay station meter hardware on Harbour Drive as part of the City's new parking meter equipment roll out.

MOTION CARRIED

8.3 Development Committee Report - July 30, 2019

1. **Decision Note dated July 30, 2019 re: Request 10% Frontage Variance SUB1800024 - 37 Malka Drive**

SJMC-2019-08-05/271

Moved By Councillor Burton

Seconded By Councillor Stapleton

That council approve the 10% frontage variance for the proposed new building lot.

MOTION CARRIED

2. **Decision Note dated July 31, 2019 re: Proposed Demolition and Rebuild of Dwelling - 26A King's Hill Road, Town of Portugal Cove-St. Philips - INT1700084**

SJMC-2019-08-05/272

Moved By Councillor Burton

Seconded By Councillor Jamieson

That Council approve the application for a Small Home at the subject location within the Broad Cove Watershed.

MOTION CARRIED

3. **Decision Note dated July 29, 2019 re: Proposed berm for planting trees in the Broad Cove River Watershed - INT1900059 - 870-876 Thorburn Road**

SJMC-2019-08-05/273

Moved By Councillor Burton

Seconded By Councillor Froude

That Council reject the proposed berm and tree planting and have the site remediated to its original state.

MOTION CARRIED

8.4 Special Events Advisory Committee Report - August 1, 2019

Churchill Park Music Festival August 21/22 or 28/29, 2020

SJMC-2019-08-05/274

Moved By Councillor Korab

Seconded By Councillor Froude

That the Churchill Park Music Festival scheduled for August 21/22 or 28/29, 2020 be approved subject to conditions set out by the Special Events Advisory Committee.

MOTION CARRIED

9. RESOLUTIONS**10. DEVELOPMENT PERMITS LIST****10.1 Development Permits List for the period July 18-31, 2019**

Council considered as information the above cited Development Permits list.

11. BUILDING PERMITS LIST**11.1 Building Permits List for the period July 18-31, 2019**

SJMC-2019-08-05/275

Moved By Councillor Hanlon

Seconded By Councillor Stapleton

That the Building Permits List for the period July 18-31, 2019 be approved as presented.

MOTION CARRIED

12. REQUISITIONS, PAYROLLS AND ACCOUNTS**12.1 Weekly Payment Vouchers For The Week Ending July 24, 2019**

SJMC-2019-08-05/276

Moved By Councillor Hanlon

Seconded By Councillor Stapleton

That the Weekly Payment Vouchers for the week ending July 24, 2019 in the amount of \$7,495,331.07 be approved as presented.

MOTION CARRIED

12.2 Weekly Payment Vouchers for the Week Ending July 31, 2019

SJMC-2019-08-05/277

Moved By Councillor Hanlon

Seconded By Councillor Stapleton

That the Weekly Payment Vouchers for the week ending July 31, 2019 in the amount of \$4,485,996.39 be approved as presented.

MOTION CARRIED

13. TENDERS/RFPS

13.1 Bid Approval Note 2019175 - Materials Quality Control

SJMC-2019-08-05/278

Moved By Councillor Froude

Seconded By Deputy Mayor O'Leary

That this open call be awarded to the lowest bidder that meets specifications, Amec Foster Wheeler Environment and Infrastructure, for \$84,456.00 (HST incl.) per year, as per the Public Procurement Act.

MOTION CARRIED

13.2 Bid Approval Note 2019043 - Inspection, Maintenance and Servicing of HVAC Equipment

SJMC-2019-08-05/279

Moved By Councillor Froude

Seconded By Councillor Hickman

That this open call be awarded to the lowest bidder that meets specifications, C&E Group Ltd., as per the Public Procurement Act, for \$43,406.35 including HST, per year.

MOTION CARRIED

13.3 Bid Approval Note 2019130 - Vehicle Towing Services**SJMC-2019-08-05/280****Moved By** Councillor Froude**Seconded By** Councillor Hanlon

That this open call be awarded to lowest (and only) bidder that meets specifications, Perry Matthews Towing Inc. for \$106,000.00 per year (excluding HST), as per the Public Procurement Act.

MOTION CARRIED**13.4 Bid Approval Note 2019160 - Bulk Garbage and Recyclable Metals Collection****SJMC-2019-08-05/281****Moved By** Councillor Froude**Seconded By** Councillor Stapleton

That this open call is awarded to the lowest bidder that meets specification(s), T2 Ventures Inc., for \$69,000.00 per year as per the Public Procurement Act.

MOTION CARRIED**13.5 Request for Proposals (RFP) 2019089 - Non-Destructive Testing of Prestressed Concrete Cylinder Pipe Water Transmission Mains****SJMC-2019-08-05/282****Moved By** Councillor Froude**Seconded By** Councillor Collins

That this RFP be awarded to Recommendation Pure Technologies Ltd. in the amount of \$2,058,908.25 (HST included) based on an evaluation of the proposals by the City's evaluation team as per the Public Procurement Act.

MOTION CARRIED**14. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS****14.1 Notice of Motion re: Public Meetings for Heritage Buildings**

Deputy Mayor Sheilagh O'Leary gave the following Notice of Motion:

TAKE NOTICE that I will at the next Regular Meeting of Council, move a motion to have City Council consider the following:

Until such time as a new Heritage By-Law has been adopted by Council, applications for additions to a designated Heritage Building (excluding those in Residential Zones) be brought to Council, prior to development approval to allow Council to consider whether a public meeting is warranted.

Dated at St. John's, NL, this 5 day of August, 2019.

Deputy Mayor Sheilagh O'Leary

14.2 Notice of Motion re: Amendments to St. John's Ticketing Amendment By-Law

Councillor Debbie Hanlon gave the following Notice of Motion:

TAKE NOTICE that I will at the next Regular Meeting of Council,

Move to enact amendments to the St. John's Ticketing Amendment By-Law to include provisions related to timed parking.

Dated at St. John's, NL, this 5 day of August, 2019.

Councillor Debbie Hanlon

14.3 Petition - Macbeth Drive

Councillor Stapleton tabled a Petition requesting that the City of St. John's put effective traffic calming measures in place (namely speed bumps, as well as any other measures the City of St. John's might deem necessary or appropriate) on MacBeth Drive. The petition will be referred to the Department of Planning Engineering and Regulatory Services for review and consideration.

14.4 Notice of Motion re: Defer Development pending adoption of Heritage By-Law

Councillor Jamieson gave the following Notice of Motion:

TAKE NOTICE that I will at the next Regular Meeting of Council, move a motion to have City Council consider the following:

Defer all new development applications in the proposed Heritage Area 4 pending adoption of the Heritage By-Law.

DATED at St. John's, NL, this 5 day of August, 2019.

Councillor Hope Jamieson

15. OTHER BUSINESS

15.1 E-Poll Ratifications for the Period July 23 - August 5, 2019

1. **E-Poll re: Decision Note dated June 25, 2019 re: 336 Water Street (corner of Adelaide Street), Mary Brown's Restaurant - Mural**

Approval of Mural on side of building facing Adelaide St.

SJMC-2019-08-05/283

Moved By Councillor Lane

Seconded By Councillor Jamieson

That Council ratify the E-poll for approval of the mural on the side of the building facing Adelaide Street located at 336 Water Street, as proposed.

MOTION CARRIED

2. **E-Poll re: Decision Note dated July 23, 2019 re: 336 Water Street (corner of Adelaide Street) Mary Brown's Restaurant, Mural REN 1900205**

Rejection of Mural on front facade of building facing Water St.

SJMC-2019-08-05/284

Moved By Councillor Jamieson

Seconded By Councillor Hanlon

That Council ratify the E-poll refusing the mural along the Water Street façade on the front of the building located at 336 Water Street, as proposed.

MOTION CARRIED

3. **E-Poll re: Decision Note dated July 30, 2019 re: Mobile Sign Placement at Entrance to Bowring Park**

Approval of a Mobile Sign to be placed on City property near the entrance to Bowring Park.

SJMC-2019-08-05/285

Moved By Councillor Collins

Seconded By Councillor Stapleton

That Council ratify the E-poll approving the request and grant permission for the placement of the mobile sign on City property near the entrance to Bowring Park.

MOTION CARRIED

4. **E-Poll re: Bid Approval Note - Bid # 2019167 - 2019 Watermain and Sewer Improvements**

Watermain improvements to improve water quality, repairs to deteriorated sections of sanitary sewers and upgrades to sanitary sewer pump stations which have reached the end of their service life.

SJMC-2019-08-05/286

Moved By Councillor Froude

Seconded By Councillor Jamieson

That Council ratify the E-poll for Bid Approval Note 2019167 - 2019 Watermain and Sewer Improvements be awarded to Prevision Excavation Ltd. (\$1,220,063.75 HST included), the lowest bidder meeting specifications as per the Public Procurement Act.

MOTION CARRIED

15.2 **Decision Note dated July 23, 2019 re: Federation of Canadian Municipalities (FCM) - Council Representative/Travel**

SJMC-2019-08-05/287

Moved By Deputy Mayor O'Leary

Seconded By Councillor Stapleton

That Council approve Councillor Maggie Burton's appointment to a standing committee of the Board of Directors with the Federation of Canadian Municipalities (FCM) and the associated travel.

MOTION CARRIED**15.3 Decision Note dated August 1, 2019 re: Travel – 2019 Canadian Capital Cities Annual Conference Councillor Sandy Hickman****SJMC-2019-08-05/288****Moved By** Councillor Stapleton**Seconded By** Councillor Froude

That Council approve the travel costs for Councillor Sandy Hickman to attend the 2019 Canadian Capital Cities Annual Conference in Regina, Saskatchewan from September 15 to 17, 2019.

MOTION CARRIED**15.4 Decision Note dated August 1, 2019 re: Travel – Stewardship Association of Municipalities (SAM) Councillor Ian Froude****SJMC-2019-08-05/289****Moved By** Councillor Collins**Seconded By** Deputy Mayor O'Leary

That Council approve all costs for Councillor Ian Froude to attend SAM Fall Meeting being held in Gander from September 20 to 21, 2019.

MOTION CARRIED**15.5 Decision Note dated July 31, 2019 re: Designated Heritage Building Exterior Renovations - 51 Monkstown Road****SJMC-2019-08-05/290****Moved By** Councillor Lane**Seconded By** Councillor Jamieson

That Council approve the exterior renovations at 51 Monkstown Road, as proposed.

MOTION CARRIED

15.6 Other Business Raised by Councillors**1. Deputy Mayor O'Leary**

Deputy Mayor O'Leary requested to refer to the Sustainability Coordinator and the Environmental Advisory Committee the idea of creating a tree planting program in the City, particularly in deforested areas due to development, as a way to be progressive and support global efforts to offset climate change.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 5:50.

MAYOR

CITY CLERK