

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

September 30, 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
Ken O'Brien, Chief Municipal Planner
Karen Chafe, Supervisor - Office of the City Clerk
Maureen Harvey, 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**

2.1 **Seniors Week - September 30 - October 6**

Council welcomed the proclamation of Seniors Week as presented by Sharron Callahan and Neil Hamilton. Both are part of the Seniors Advisory Committee and has commended the City in establishing such a committee and feel it is valuable for all older adults.

Councillor Hickman joined the meeting at 4:34 pm.

2.2 **International Walk & Wheel to School Month (October)**

Krista Gladney from the City's Department of Community Services was welcomed to comment on the proclamation made for the International Walk and Wheel to School Month.

2.3 **World Breastfeeding Week - October 1 - 7**

Council welcomed Brenda Oldford, Eastern Health and guests to comment on the proclamation.

Moved By Deputy Mayor O'Leary
Seconded By Councillor Jamieson

The City of St. John's will create a supportive environment for our breastfeeding citizens and employees by:

- Informing all staff that the right to breastfeed anywhere anytime is protected by the Canadian Charter of Rights and Freedoms.
- Offering employees time to feed their child or pump their milk.
- Making every effort to provide a place for a breastfeeding individual to breastfeed discreetly, if requested.
- Offering tangible support to defend the individual's right to breastfeed in public should the person be criticized for doing so

MOTION CARRIED

3. APPROVAL OF THE AGENDA

3.1 Agenda dated September 30, 2019

SJMC-2019-09-30/394

Moved By Councillor Jamieson

Seconded By Councillor Hanlon

That the agenda of September 30, 2019 be adopted as circulated.

MOTION CARRIED

4. ADOPTION OF THE MINUTES

4.1 Minutes dated September 23, 2019

SJMC-2019-09-30/395

Moved By Councillor Korab

Seconded By Councillor Collins

That the minutes of the Regular Meeting held September 23, 2019 be adopted as circulated.

MOTION CARRIED

5. BUSINESS ARISING FROM THE MINUTES

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

At the Regular Meeting of Council held on September 23, 2019 Councillor Burton brought forward a **NOTICE OF MOTION** to adopt a Heritage Designation By-Law for the following property to have the building situate on this property designated as a Heritage Building:

- 119 Waterford Bridge Road, PID #14138

SJMC-2019-09-30/396

Moved By Councillor Burton

Seconded By Councillor Hickman

That Council adopt a Heritage Designation By-Law for the following property to have the building situate on this property designated as a Heritage Building:

- 119 Waterford Bridge Road, PID #14138

MOTION CARRIED

5.2 Notice of Motion re: Massage Parlour Applications

Councillor Burton elaborated on the Notice of Motion given at the September 23, 2019 Regular Meeting of Council to end the moratorium on new development applications relating to massage parlours.

Mayor Breen highlighted the following:

- a. Regulatory Regime at the City (1994 Development Regulations)
- b. Proposed Development Regulations (Adopted in Principle by Council but not legally enforced until Provincial Approval)
- c. What the Province may be able to regulate.
- d. What the City can regulate
- e. Existing criminal law

He indicated that if the motion passes, staff will prepare a Text Amendment to the current Development Regulations. The text amendment will put in place the zoning of Massage Parlours as defined and contemplated in the Proposed New Development Regulations. This will take 3-4 months on average to come into legal effect. This may occur prior to the Council receiving Provincial Approval for the new Development Regulations as whole. This motion states that when the Text Amendment is legally enacted (in 3-4 months) the moratorium on accepting development applications or Massage Parlours will be lifted.

The Text Amendment will not deal with regulation of Massage Parlours as it is outside the City's jurisdiction. It will deal with where massage parlors can be located from a municipal planning perspective. It will not regulate how the businesses are operated. It will not regulate employment standards or occupational, health and safety standards – this is provincial jurisdiction. It will not deal with criminal activity that may occur at these businesses – that is federal jurisdiction and for the RNC to enforce.

Recognizing the City's inability to impose safety standards for massage parlours, Deputy Mayor O'Leary requested that the Provincial Government be written and requested to review its requirements to ensure that sex workers are afforded adequate safeguards from a safety perspective.

Given recent submissions to Council on this matter and in the interest of time, discussion took place as to whether it would be appropriate to hold a public meeting prior to the text amendment being brought forward to Council. Discussion concluded with the introduction of an amendment to the motion, followed by a vote on the main motion.

Cheryl Mullett joined the meeting at 4:47 pm.

SJMC-2019-09-30/397

Moved By Deputy Mayor O'Leary

Seconded By Councillor Hanlon

Recognizing that normal practice is to advertise the amendment, receive comments from the public after which Council decides if it wishes to hold a public meeting, that Council approve the commissioning of a public meeting prior to the matter being brought before Council.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

SJMC-2019-09-30/398

Moved By Councillor Burton

Seconded By Councillor Jamieson

Whereas the draft 2019 St. John's Development Regulations considers massage parlours as a separate land-use category with appropriate criteria for their location, that Council approve the termination of the moratorium on new development applications relating to massage parlours, pending the legal enactment of an amendment package to the current St. John's Development Regulations, to be prepared by Staff, that is in line with what is proposed in the new draft 2019 St. John's Development Regulations.

Take note that this legal enactment could take approximately three months to impose while the City follows the timeline set out required in the

Urban and Rural Planning Act for changes to the Development Regulations

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

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

SJMC-2019-09-30/399

Moved By Councillor Jamieson

Seconded By Councillor Hanlon

That Council defer the above-noted Decision Note.

MOTION CARRIED

5.4 47A Heavy Tree Road - Diamond Marsh Subdivision Stage 4 - St. John's Municipal Plan Amendment Number 150, 2018 and St. John's Development Regulations Amendment Number 686, 2018

Application to Rezone Land to the Residential Medium Density (R2)

Zone for development of 32 Semi-Detached Dwellings.

MPA1800004.

Applicant: Fairview Investment Limited

SJMC-2019-09-30/400

Moved By Councillor Burton

Seconded By Councillor Collins

That Council adopt the attached resolutions for St. John's Municipal Plan Amendment Number 150, 2018 and St. John's Development Regulations Amendment Number 686, 2018. Further that Council appoint Ms. Marie Ryan, a member of the City's commissioner list, to conduct a public hearing on the proposed amendments. Ms. Ryan would also consider the proposed St. John's Urban Region Regional Plan Amendment Number 4,

2018, at this same public hearing and would subsequently prepare a single report with recommendations for the consideration of both the Minister of Municipal Affairs & Environment and St. John's Council.

The proposed date for the public hearing is Wednesday, October 23, 2019, at 7pm at St. John's City Hall.

MOTION CARRIED

5.5 93-95 Merry Meeting Road (Corner of Mayor Avenue) - St. John's Development Regulations Amendment Number 702, 2019 - Text Amendment to the St. John's Development Regulations to Reduce Sight Line Requirements - REZ1900011

SJMC-2019-09-30/401

Moved By Councillor Burton

Seconded By Councillor Lane

That Council adopt St. John's Development Regulations Amendment Number 702, 2019, which will allow an authorized Officer of the City to set a reduced sight line.

Further that the amendment be referred to the Department of Municipal Affairs and Environment with a request for Provincial Registration in accordance with the provisions of the Urban and Rural Planning Act, 2000.

MOTION CARRIED

5.6 Decision Note dated September 23, 2019 re: 9 Buchanan Street, 426 and 430 Water Street

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

Councillor Jamieson requested that Council be provided with an information note that delineates the process of Municipal Plan and Development Regulations Amendments.

It was also noted that while this decision deals with the planning aspect of the proposed development, there is much to be done as it relates to final development review.

SJMC-2019-09-30/402**Moved By** Councillor Burton**Seconded By** Councillor Hanlon

That Council approve the attached resolutions for St. John's Municipal Plan Amendment Number 152, 2019 and St. John's Development Regulations Amendment Number 698, 2019, as adopted. Further that the amendments be referred to the Department of Municipal Affairs and Environment, with a request for Provincial Registration in accordance with the Urban and Rural Planning Act.

Further that, as part of the approval process, Council approve the Discretionary Use of 9 Buchanan Street, 426 and 430 Water Street for a Place of Assembly in the Commercial Central Office (CC)) Zone, as advertised subject to Section 5.5 of the Development Regulations.

And further that as part of the approval process, Council approve parking relief for 2 spaces for the proposed use of 9 Buchanan Street, 426 and 430 Water Street as per Section 9.1.2(1) (Parking Relief) of the Development Regulations.

MOTION CARRIED**6. NOTICES PUBLISHED****6.1 85 Bond Street - Residential Downtown (RD) Zone - Ward 2**

A change of Non-Conforming Use application has been submitted requesting permission to change the occupancy to a Bakery with Retail.

The proposed business will occupy a floor area of 74m². Hours of operation are Monday - Saturday 6 a.m. – 6 p.m. (retail hours 7 a.m.-6 p.m.) and Sunday 6 a.m. – 4 p.m. (retail hours 10 a.m.- 4 p.m.). The business will employ 2 employees.

5 submissions received.

SJMC-2019-09-30/403**Moved By** Councillor Jamieson**Seconded By** Councillor Lane

That the application for a change of Non-Conforming Use at 85 Bond Street to a Bakery with Retail be approved subject to all applicable City requirements.

MOTION CARRIED

6.2 9 Buchanan Street, 426 and 430 Water Street - Commercial Central Mixed - (CCM) Zone - Ward 2

A Rezoning/Discretionary Use application has been submitted by Fougere Menchenton Architecture, on behalf of Steele Hotels Limited, for a Place of Assembly (concert hall).

To develop a 1400 seat, 2 427.8 m² Place of Assembly (concert hall) at 9 Buchanan Street, 426 and 430 Water Street to be part of the proposed Hotel on the same site.

No submissions received

SJMC-2019-09-30/404

Moved By Councillor Jamieson

Seconded By Councillor Hanlon

That the application be approved subject to approval of rezoning to the CCO Zone where a Place of Assembly is a Discretionary Use.

MOTION CARRIED

7. PUBLIC HEARINGS/MEETINGS

8. COMMITTEE REPORTS

8.1 Committee of the Whole Report - September 18, 2019

1. Decision Note dated September 26, 2019 re: Terms of Reference Review - Advisory Committees, Working Groups and Experts Panels

SJMC-2019-09-30/405

Moved By Councillor Froude

Seconded By Councillor Stapleton

That the Terms of Reference for Advisory Committees, Working Groups and Experts Panels be approved as per the Decision Note circulated.

MOTION CARRIED

2. **Decision Note dated September 26, 2019 re: Terms of Reference - Environmental and Sustainability Experts Panel**

Discussion on the Decision Note resulted in an amendment to the main motion, following which time the main motion was voted upon.

SJMC-2019-09-30/406

Moved By Councillor Froude

Seconded By Councillor Lane

That the following additions be made to the Terms of Reference for the Environmental & Sustainability Experts Panel:

- strengthen the language from "adaptation" to adaptation resilience"
- add "arborist" to the list of members

MOTION CARRIED

SJMC-2019-09-30/407

Moved By Councillor Froude

Seconded By Deputy Mayor O'Leary

That Council approve the dissolution of the current Environmental Advisory Committee and establish an Environment and Sustainability Experts Panel and further that the provision of a Council liaison be included in the Terms of Reference.

MOTION CARRIED

8.2 Development Committee Items Referred from September 24, 2019

1. **3 Dover Place - Request for Building Line Setback - DEV1900180**

SJMC-2019-09-30/408

Moved By Councillor Burton

Seconded By Councillor Hickman

That Council approve the 8.1 metre Building Line setback for 3 Dover Place.

MOTION CARRIED

2. 43 Quidi Vidi Road - Proposed Home Occupation- Residential High Density (R3) Zone - DEV1900026

SJMC-2019-09-30/409

Moved By Councillor Burton

Seconded By Councillor Jamieson

That Council amend the previous approval and Development Agreement for the Home Occupation situated at 43 Quidi Vidi Road.

MOTION CARRIED

3. 69-71 Doyle's Road - Request for Building Line Setback - SUB1900029

SJMC-2019-09-30/410

Moved By Councillor Burton

Seconded By Councillor Collins

That Council approve the 17 metre Building Line setback for 69-71 Doyle's Road.

MOTION CARRIED

4. 204 Freshwater Road - Request for Temporary Parking Relief, INT 1900088, Shoppers Drug Mart

Councillor Jamieson requested that a mailout be of the proposed changes be distributed to the residents in the immediate area to which Council agreed.

SJMC-2019-09-30/411

Moved By Councillor Burton

Seconded By Councillor Hanlon

That Council approve temporary parking relief at 201 Freshwater Road as the proposed 17 parking spaces for the duration of six months.

MOTION CARRIED

SJMC-2019-09-30/412

Moved By Councillor Jamieson

That Council defer consideration of the application pending receipt and review of submissions from mailout.

MOTION LOST

9. RESOLUTIONS

10. DEVELOPMENT PERMITS LIST

10.1 Development Permits List - September 19-25, 2019

Council considered, for information, the Development Permits List for the period September 19-25, 2019.

11. BUILDING PERMITS LIST

11.1 Building Permits List - September 19 - September 25, 2019

SJMC-2019-09-30/413

Moved By Councillor Hanlon

Seconded By Councillor Hickman

That the Building Permits List for the period September 19-25, 2019 be approved as presented.

MOTION CARRIED

12. REQUISITIONS, PAYROLLS AND ACCOUNTS

12.1 Weekly Payment Vouchers for the week ending September 25, 2019

SJMC-2019-09-30/414

Moved By Councillor Lane

Seconded By Councillor Stapleton

That the weekly payment vouchers in the amount of \$6,457,105.45 for the week ending September 25, 2019 be approved as presented.

MOTION CARRIED

13. TENDERS/RFPS

13.1 Bid Approval Note - 2019183 - Supply and Delivery of Labrie Parts

SJMC-2019-09-30/415

Moved By Councillor Froude

Seconded By Councillor Korab

That Council award this tender to the lowest bidders meeting specifications for Craig snow plow parts, as per the Public Procurement Act and as listed in the bid approval note.

MOTION CARRIED

13.2 Bid Approval Note - 2019192 - Roll Off Truck Services Robin Hood Bay

Councillor Jamieson declared a conflict of interest in this matter and abstained from voting.

SJMC-2019-09-30/416

Moved By Councillor Froude

Seconded By Councillor Hanlon

That Council award this open call to the sole bidder meeting specifications, GFL Environmental Inc., as per the Public Procurement Act, for \$1,023,822.00 HST included.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

Abstain (1): Councillor Jamieson

MOTION CARRIED (10 to 0)

13.3 Bid Approval Note - 2019193 - Supply Litter Fencing - Robin Hood Bay

SJMC-2019-09-30/417

Moved By Councillor Froude

Seconded By Deputy Mayor O'Leary

That Council approve this open call to Provincial Fence Products Ltd. in the amount of \$207,000 (HST included), the lowest bidder meeting specifications as per the Public Procurement Act.

MOTION CARRIED

13.4 Bid Approval Note 2019204 - Supply and Install Residential and Commercial Flooring

SJMC-2019-09-30/418

Moved By Councillor Froude

Seconded By Councillor Hickman

That the open call to supply commercial and residential flooring on an as required basis be awarded to the Carpet Factory Superstore Inc. (\$135,598.80), the lowest bidder meeting specifications as per the Public Procurement Act.

MOTION CARRIED

14. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

15. OTHER BUSINESS

15.1 Committee Assignments and Council Leads

Councillor Lane announced the changes to Committee Assignments and Council Leads for the remaining two years of this Council's term of office. They are as follows:

Mayor Breen	Governance & Strategic Priorities, Economic Development, Big City Mayors Caucus, Citizenship Court
Deputy Mayor O'Leary	Housing, MNL Board Rep, Pippy Park Commission, Urban Municipalities Caucus Rep, Northeast Avalon Joint Council
Councillor Burton	Planning & Development, Youth Advisory Committee, Development Committee, Animal Care and Control Experts Panel, Audit Standing Committee, Heritage (Built Heritage Experts Panel)
Councillor Lane	Finance & Administration, Business Support Initiative, St. John's Transportation Commission, Bicycling Advisory Committee, Water Street Infrastructure Project Liaison

Councillor Hickman	Transportation & Regulatory Services, Canadian Capital Cities Organization, Taxi Committee, Bowring Park Foundation. NL Sports Centre
Councillor Hanlon	Tourism Culture & Immigration, Downtown St. John's Board, Cruise Ship Liaison, Arts Advisory Committee
Councillor Stapleton	Seniors Advisory Committee, Inclusion Advisory Committee, Neighborhood Watch, Clean St. John's, Graffiti Task Force, Audit Standing Committee
Councillor Jamieson	Victoria Park Foundation, Railway Coastal Museum, Special Events Advisory Committee, St. John's Transportation Commission
Councillor Korab	Community Services, Chair SJSE, Quidi Vidi Rennies River Development Foundation
Councillor Froude	Public Works and Sustainability, Chair St. John's Transportation Commission, Environment and Sustainability Experts Panel
Councillor Collins	Regional Fire Services Committee, Regional Water Committee, Regional Wastewater Committee, Shea Heights Board, Gould's Recreation Association

SJMC-2019-09-30/419

Moved By Councillor Collins

Seconded By Councillor Hickman

That Council approve the list of Council Leads and Committee Assignments as noted above.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Jamieson, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (11 to 0)

16. **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:20 pm.

MAYOR

CITY CLERK