

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

August 4, 2020, 3:00 p.m.

Present:

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

Regrets:

- Councillor Debbie Hanlon

Staff:

- 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
- Elaine Henley, City Clerk
- Ken O'Brien, Chief Municipal Planner
- Maureen Harvey, Legislative Assistant

Others:

- Linda Bishop - Senior Legal Counsel
- Brian Head - Manager of Parks & Open Space
- Garrett Donaher - Manager of Transportation Engineering
- Susan Bonnell - Manager of 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**

3. **APPROVAL OF THE AGENDA**

3.1 **Adoption of Agenda**

SJMC-R-2020-08-04/362

Moved By Councillor Hickman

Seconded By Deputy Mayor O'Leary

That the Agenda be adopted as presented.

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

MOTION CARRIED (10 to 0)

4. **ADOPTION OF THE MINUTES**

4.1 **Adoption of Minutes - July 20, 2020**

SJMC-R-2020-08-04/363

Moved By Councillor Burton

Seconded By Councillor Korab

That the minutes of the meeting held July 20, 2020 be adopted as presented.

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

MOTION CARRIED (10 to 0)

5. **BUSINESS ARISING FROM THE MINUTES**

6. **NOTICES PUBLISHED**

6.1 **Notices Published for the week of August 4, 2020 - 4 Holdsworth Street**

Ratification of E-Poll conducted July 28, 2020

A Discretionary Use application has been submitted by The Bull & Barrell for an Outdoor Lounge Area at 4 Holdsworth Street.

The area will be approximately 25.3m², utilizing the existing deck. The hours for the Outdoor Area will be 6 p.m. – 2 a.m., seven days a week.

No submissions received.

SJMC-R-2020-08-04/364

Moved By Councillor Jamieson

Seconded By Councillor Stapleton

That Council approve the application subject to meeting all applicable regulatory requirements.

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

MOTION CARRIED (10 to 0)

6.2 Notices Published for the week of August 4, 2020 - 19 Dundas Street - Residential Low Density (R1) Zone - Ward 4

A Discretionary Use application has been submitted for a Home Occupation for a blood collection & urinalysis service at 19 Dundas Street.

It will occupy a floor area of 17m², and clients will be seen Monday – Friday, 7 a.m. to noon. 1 client per every 15-minute appointment. The applicant is the sole employee. 1 parking space is provided for the business.

Seven (7) submissions received.

Discussion took place with staff being requested to consider an alternate means of notification for people who rent properties within the 150m radius of the property being considered. The matter will be discussed at Committee of the Whole.

As well, concerns were expressed with the application because of the number of submissions received expressing concern as well as traffic congestion in a residential area with people lining up for appointments.

SJMC-R-2020-08-04/365

Moved By Councillor Froude

Seconded By Deputy Mayor O'Leary

That Council reject the application for 19 Dundas Street.

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

Against (2): Councillor Lane, and Councillor Hickman

MOTION CARRIED (8 to 2)

6.3 Notices Published for the week of August 4, 2020 - 90 Duckworth Street - Commercial Central Mixed Use (CCM) Zone, Ward 2

Ratification of E-Poll

A Discretionary Use application has been submitted by Bannerman Brewery for an Outdoor Eating and Lounge Area at 90 Duckworth Street

The outside area will be temporary with an area of approximately 88m² and located in the front of the building on the asphalt around the existing deck. The hours for the outdoor area will be noon – 10 p.m., seven days a week, weather permitting.

Seven (7) submissions received.

SJMC-R-2020-08-04/366

Moved By Councillor Jamieson

Seconded By Councillor Lane

That Council approve the discretionary use application by Bannerman Brewery for an Outdoor Eating and Lounge Area at 90 Duckworth Street.

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

MOTION CARRIED (10 to 0)

6.4 Notices Published for the week of August 4, 2020 - 167 Water Street/50 Harbour Drive - Commercial Central Retail (CCR) Zone - Ward 2

Ratification of E-Poll

A Discretionary Use application has been submitted by Pier 8 Development for an Outdoor Eating and Lounge Area at 167 Water Street/50 Harbour Drive

The area will be approximately 98m² and is located at the rear of 167 Water Street. The hours for the Outdoor Area will be 11 a.m.- 9 p.m., seven days a week.

SJMC-R-2020-08-04/367

Moved By Councillor Jamieson

Seconded By Deputy Mayor O'Leary

That Council approve the application subject to meeting all applicable regulatory requirements.

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

MOTION CARRIED (10 to 0)

6.5 Notices Published for the week of August 4, 2020 - 95 Merrymeeting Road - Residential High Density (R3) Zone - Ward 2

A Change of Non-Conforming Use Application has been submitted by Jack Axes to change use at 95 Merrymeeting Road to a Place of Amusement for an axe throwing randy and recreational liquor license.

The proposed business will occupy a floor area of 149m² and will have 4 target lanes. The proposed hours of operation are Monday – Wednesday, 4 p.m. – 10 p.m., Thursday 4 p.m. – 11 p.m., Friday 4 p.m. – 12 a.m., Saturday 12 p.m. – 12 a.m., and Sunday 2 p.m. – 10 p.m.. The business will employ 8 people with 1-3 people per shift. 6 parking spaces are provided on site.

Forty-seven (47) submissions.

SJMC-R-2020-08-04/368

Moved By Councillor Jamieson

Seconded By Councillor Lane

That Council approve the application subject to meeting all applicable regulatory requirements.

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

MOTION CARRIED (10 to 0)

6.6 Notices Published for the week of August 4, 2020 - 36 Cabot Avenue - Residential Battery (RB) Zone - Ward 2

Ratification of E-Poll

An application has been made to subdivide property at 36 Cabot Avenue to create two additional building lots which will front Battery Road.

Each dwelling will be a 3 storey Single Detached Dwelling with an inhouse garage and meet the Residential Battery (RB) Zone Requirements. A Land Use Assessment Report (LUAR) subject to the St. John's Development Regulations has been submitted and is advertised for review.

Twenty-one (21) submissions.

SJMC-R-2020-08-04/369

Moved By Councillor Lane

Seconded By Deputy Mayor O'Leary

That Council ratify the e-poll approving the application subject to meeting all applicable regulatory requirements.

For (7): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Stapleton, Councillor Stapleton, Councillor Korab, Councillor Korab, Councillor Collins, and Councillor Collins

Against (3): Councillor Burton, Councillor Jamieson, Councillor Jamieson, Councillor Froude, and Councillor Froude

MOTION CARRIED (7 to 3)

6.7 Notices Published for Week of August 4, 2020 - Approval of Discretionary Use and Temporary Parking Relief for an Outdoor Eating Area and Lounge - 115 Duckworth StreetDEV2000099

An application was submitted to add a temporary Outdoor Eating Area and Lounge to the "The Vu" Eating Establishment at 115 Duckworth Street. This application is a Discretionary Use as the property is located within 150 metres of a Residential Zone, Apartment Zone, Church, or a School.

The proposed Use was advertised subject to Section 5.5 of the Development Regulations.

No submissions received.

SJMC-R-2020-08-04/370

Moved By Councillor Jamieson

Seconded By Councillor Burton

That Council approve the Discretionary Use application for Outdoor Eating Area and Lounge at

115 Duckworth Street subject to meeting all applicable regulatory requirements.

Further, that Council approve the temporary parking relief of 8 parking stalls to accommodate the Outdoor Eating Area and Lounge.

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

MOTION CARRIED (10 to 0)

6.8 Notices Published for week of August 4, 2020 - Approval of Discretionary Use and Parking Relief for Outdoor Eating Area and Lounge - 4 Cathedral Street (288-290 Duckworth Street)DEV200095

An application was submitted to extend the outdoor Eating Area and Lounge at 4 Cathedral Street. This is a Discretionary Use as it is located within 150m of a Residential Zone, Apartment Zone, Church, or a School. The proposed extension is approximately 23.3 m², for a total patio area of 32.2 m², which is located on the northwest side of the property. Hours of operation will be noon to 10 p.m., seven days a week and outdoor speakers are proposed.

Fourteen (14) submissions received.

SJMC-R-2020-08-04/371

Moved By Councillor Jamieson

Seconded By Councillor Burton

That Council approve the Discretionary Use application for the deck extension for an Outdoor

Eating Area and Lounge at 4 Cathedral Street (288-290 Duckworth Street) subject to meeting

all applicable regulatory requirements. The use of outdoor speakers will not be permitted.

Further, that Council approve parking relief for 1 parking space at 4 Cathedral Street (288-290 Duckworth Street).

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

MOTION CARRIED (10 to 0)

7. COMMITTEE REPORTS

7.1 Development Committee Report

1. Request to Set Building Line Setback 10 Carriage Lane DEV2000090

SJMC-R-2020-08-04/372

Moved By Councillor Burton

Seconded By Councillor Korab

That Council approve the 6.36 metre Building Line setback at 10 Carriage Lane to accommodate the construction of a Single Detached Dwelling.

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

MOTION CARRIED (10 to 0)

2. Proposed Subdivide for Two Additional Building Lots 36 Cabot Avenue SUB2000006

SJMC-R-2020-08-04/373

Moved By Councillor Burton

Seconded By Councillor Korab

That Council approve the subdivision of 36 Cabot Avenue for two additional Lots and to reestablish the Building Line for each Lot at 3.0 meters.

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

Against (2): Councillor Jamieson, and Councillor Froude

MOTION CARRIED (8 to 2)

3. **Request for Parking Relief**
167 Water Street / 50 Harbour Drive
DEV2000085

SJMC-R-2020-08-04/374

Moved By Councillor Burton

Seconded By Deputy Mayor O'Leary

That Council approve parking relief for 8 parking spaces to accommodate the Outdoor Eating Area and Lounge at 167 Water Street/50 Harbour Drive.

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

MOTION CARRIED (10 to 0)

4. **Request for Temporary Parking Relief**
90 Duckworth Street
DEV2000086

SJMC-R-2020-08-04/375

Moved By Councillor Burton

Seconded By Councillor Stapleton

That Council approve the parking relief of 1 parking space to accommodate the Outdoor Eating Area at 90 Duckworth Street.

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

MOTION CARRIED (10 to 0)

**5. Crown Land Amendment to Existing Lease and Grant
24 Main Road**

SJMC-R-2020-08-04/376

Moved By Councillor Burton

Seconded By Councillor Collins

That Council approve the amendment to the Crown Land Lease and Grant for 24 Main Road.

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

MOTION CARRIED (10 to 0)

**6. Proposed Enclosure of Stairwell - Broad Cove Watershed
134 Bennett's Road
INT200063**

SJMC-R-2020-08-04/377

Moved By Councillor Burton

Seconded By Councillor Froude

That Council approve the request to enclose the 2.76 m2 stairwell at 134 Bennett's Road.

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

MOTION CARRIED (10 to 0)

7.2 Committee of the Whole Report - July 22, 2020

1. **Environment & Sustainability Experts Panel Report June 26, 2020**

1. **Review of Parking Requirements for Section 8 of the Envision St. John's Development Regulations**

SJMC-R-2020-08-04/378

Moved By Councillor Froude

Seconded By Councillor Lane

That Council consider electric vehicle spaces in new construction regulations.

That Council consider providing guidance for bicycle spaces and facilities in new construction regulations.

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

MOTION CARRIED (10 to 0)

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

8.1 **Development Permits List For The Period Of July 16, 2020 To July 29, 2020**

9. **BUILDING PERMITS LIST**

9.1 **Building Permit List for week ending July 29, 2020**

SJMC-R-2020-08-04/379

Moved By Councillor Burton

Seconded By Councillor Collins

That Council approve the Building Permits List for the period 2020/07/16 to 2020/07/29

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

MOTION CARRIED (10 to 0)

10. REQUISITIONS, PAYROLLS AND ACCOUNTS

10.1 Weekly Payment Vouchers for the Week Ending July 22, 2020

SJMC-R-2020-08-04/380

Moved By Councillor Froude

Seconded By Councillor Korab

That the weekly payment vouchers for the week ending July 22, 2020 in the amount of \$ 8,151,546.27 be approved as presented.

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

MOTION CARRIED (10 to 0)

10.2 Weekly Payment Vouchers for the Week Ending July 29, 2020

SJMC-R-2020-08-04/381

Moved By Councillor Burton

Seconded By Councillor Hickman

That the weekly payment vouchers for the week ending July 29, 2020 in the amount of \$ 2,744,578.82 be approved as presented.

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

MOTION CARRIED (10 to 0)

11. TENDERS/RFPS

11.1 2020113 – Two (2) New, current production, Cab & Tandem Chassis Dump Trucks

SJMC-R-2020-08-04/382

Moved By Councillor Froude

Seconded By Councillor Stapleton

That Council award open call 2020113 - Two (2) New, current production, Cab & Tandem Chassis Dump Trucks to the lowest bidder meeting

specification, Harvey & Company Ltd., as per the Public Procurement Act, for the amount of \$399,725.28, HST included.

The City reserves the right to order an additional 1 or 2 units within 6 months of award, at the same tendered price.

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

MOTION CARRIED (10 to 0)

11.2 2020117 Infrastructure Water and Sewer

SJMC-R-2020-08-04/383

Moved By Councillor Froude

Seconded By Councillor Lane

That Council award open call 2020117 Infrastructure Water and Sewer the award to Pyramid Construction Limited for the sum of \$1,404,265.00 (HST included) to the lowest qualified bidder meeting specifications as per the Public Procurement Act.

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

MOTION CARRIED (10 to 0)

11.3 2020095 – Two (2), New, not used, Pumper Apparatus

SJMC-R-2020-08-04/384

Moved By Councillor Froude

Seconded By Councillor Collins

That Council award open call 2020095 – Two (2) New, not used, Pumper Apparatus to the lowest bidder meeting specification, Metalfab Ltd., as per the Public Procurement Act, for \$1,324,414.02 plus HST.

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

MOTION CARRIED (10 to 0)

11.4 2020101- Loader.

SJMC-R-2020-08-04/385

Moved By Councillor Froude

Seconded By Councillor Collins

THAT Council award open call # 2020101-Loader to Toromont CAT for \$283, 400 plus HST

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

MOTION CARRIED (10 to 0)

11.5 2020111 – Two (2) 2020 Sanders

SJMC-R-2020-08-04/386

Moved By Councillor Froude

Seconded By Deputy Mayor O'Leary

That Council award open call 2020111 – Two (2) Tandem Sanders to the lowest bid meeting specification, Saunders Equipment, as per the Public Procurement Act, for \$804,920.00 plus HST.

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

MOTION CARRIED (10 to 0)

12. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

12.1 Petition from residents of Portia Place and Crosbie Road - Requesting Traffic Calming.

Councillor Froude tabled a petition from the residents of Portia Place and Crosbie Road which seeks Council's consideration for traffic calming. The petition was referred to staff for analysis of eligibility.

13. OTHER BUSINESS

13.1 Block Party – Elton Place

Ratification of E-Poll

SJMC-R-2020-08-04/387

Moved By Councillor Hickman

Seconded By Deputy Mayor O'Leary

That Council approve the Block Party on Elton Place with associated road closure and noise by-law exemption.

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

MOTION CARRIED (10 to 0)

13.2 Demolition of Dwelling – 2 Hartery Crescent

SJMC-R-2020-08-04/388

Moved By Councillor Collins

Seconded By Councillor Burton

That Council grant the Demolition Order of 2 Hartery Crescent as the dwelling is in a state of disrepair and unfit for habitation presenting possible safety hazards.

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

MOTION CARRIED (10 to 0)

13.3 Evaluation of Transportation Changes in Response to COVID-19

SJMC-R-2020-08-04/389

Moved By Councillor Hickman

Seconded By Councillor Korab

That, effective August 5, 2020, Council conclude the transportation pilot project which was implemented in response to COVID 19 with removal of signage and markings at the earliest possible opportunity.

For (7): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Stapleton, Councillor Korab, and Councillor Collins
Against (3): Councillor Burton, Councillor Jamieson, and Councillor Froude

MOTION CARRIED (7 to 3)

14. GO-Round

Councillor Jamieson tabled her resignation as Ward 2 Councillor effective today, August 4, 2020. She thanked staff and the general public for the opportunity to

work collaboratively in making many improvements throughout the City during her tenure.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 4:43 pm.

MAYOR

CITY CLERK