

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

August 31, 2020, 3:00 p.m.

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

Regrets: Councillor Maggie Burton

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
Ken O'Brien, Chief Municipal Planner
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**
3. **APPROVAL OF THE AGENDA**

3.1 **Adoption of Agenda**

SJMC-R-2020-08-31/411

Moved By Councillor Collins

Seconded By Councillor Korab

That the Agenda be adopted as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

4. **ADOPTION OF THE MINUTES**

4.1 **Adoption of Minutes - August 17, 2020**

SJMC-R-2020-08-31/412

Moved By Deputy Mayor O'Leary

Seconded By Councillor Hanlon

That the minutes of the Regular meeting held on August 17, 2020 be adopted as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

5. **BUSINESS ARISING FROM THE MINUTES**

6. **NOTICES PUBLISHED**

6.1 3 St. Michael's Avenue - Residential Low Density (R1) Zone - Ward 2

A Discretionary Use has been submitted to operate a Home Occupation in a portion of the dwelling at 3 St. Michael's Avenue. The proposed business will offer a Floral Design Studio.

The proposed studio will have a floor area of 38.2m². The studio will operate Tuesday to Saturday 10 a.m.- 4 p.m. Delivery services will be provided, with an occasional pick up onsite. The property owner is the sole employee and may add an additional two employees in the future. On-site parking is provided.

1 submission received

SJMC-R-2020-08-31/413

Moved By Councillor Korab

Seconded By Councillor Stapleton

That Council approve the application to operate a Home Occupation in a portion of the dwelling at 3 St. Michael's Avenue, subject to meeting all applicable regulatory requirements.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

6.2 60 O'Leary Avenue - Commercial Industrial (CI) Zone - Ward 4

A Discretionary Use has been submitted by Cirque'letics School of Circus Arts for a Commercial School to teach acrobatic-based skills at 60 O'Leary Avenue.

The proposal will have a floor area of 228m². The business will operate 5 - 9:30 p.m. Monday to Friday for lessons. Lessons will be one hour in length and have a maximum of 8-10 children. The facility will also host parties 1 - 5 p.m. Saturdays & Sundays. Party sessions will be two hours in length with a maximum of 20 children. The business will employ up to three people. On-site parking is provided.

1 submission received

SJMC-R-2020-08-31/414

Moved By Councillor Froude

Seconded By Deputy Mayor O'Leary

That Council approve the application submitted by Cirque'letics School of Circus Arts for a Commercial School to teach acrobatic-based skills at 60 O'Leary Avenue, subject to meeting all applicable regulatory requirements.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

6.3 129 Hamilton Avenue - Residential High Density (R3) Zone - Ward 2

A Discretionary Use has been submitted to operate a Pet Grooming Salon as a Home Occupation in a portion of the dwelling at 129 Hamilton Avenue.

The proposed Pet Grooming Salon will have a floor area of 4.73m² and will operate Tuesday to Saturday, 9 a.m.- 5 p.m. Services will be by appointment only. There will be a maximum of 3 appointments per day, and no overlap of appointments will occur. On-site parking is provided.

No submissions received

SJMC-R-2020-08-31/415

Moved By Councillor Hanlon

Seconded By Councillor Korab

That Council approve the application to operate a Pet Grooming Salon as a Home Occupation in a portion of the dwelling at 129 Hamilton Avenue, subject to meeting all applicable regulatory requirements.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

6.4 125 Water Street - Commercial Central Mixed (CCM) Zone - Ward 2

A Discretionary Use has been submitted by Terre Restaurant to use an existing outdoor area as an Outdoor Eating Area and Lounge at the rear of the Alt Hotel at 125 Water Street.

The existing area is 462.5m². The hours for the Outdoor area Café will be 7:30 a.m. – 3 p.m., and the Lounge serving hours will be 11a.m. – 9 p.m., seven days a week. Outdoor speakers are proposed.

2 submissions received

1. **Related item: Decision note re Approval of Discretionary Use and Parking Relief for Outdoor Eating and Lounge Area - 125 Water Street - DEV200115**

Ratification of E-poll conducted August 25, 2020

SJMC-R-2020-08-31/416

Moved By Councillor Lane

Seconded By Councillor Hanlon

That Council approve the Discretionary Use application for an Outdoor Eating Area and Lounge at 125 Water Street subject to meeting all applicable regulatory requirements. The use of outdoor speakers will not be permitted.

That Council approve parking relief for 3 parking spaces at 125 Water Street for the Outdoor Eating and Lounge Area.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

7. COMMITTEE REPORTS**7.1 Development Committee Report**

1. **Variance Request on Lot Area - 174 Pearltown Road - SUB2000029**

SJMC-R-2020-08-31/417

Moved By Councillor Lane

Seconded By Councillor Hanlon

That Council approve the 9% variance on Lot Area at 174 Pearltown Road to accommodate the subdivision of property to create a second Lot, subject to confirmation of property ownership.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

2. Variance Request on the Side Yard Flanking Road Requirement - 70 Diamond Marsh Drive - INT2000079

SJMC-R-2020-08-31/418

Moved By Councillor Lane

Seconded By Deputy Mayor O'Leary

That Council approve the 1.67% variance on the Side Yard on Flanking Road requirement at 70 Diamond Marsh Drive.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

3. Request to Establish the Building Line - 6 McLea Place - SUB2000025

SJMC-R-2020-08-31/419

Moved By Councillor Lane

Seconded By Councillor Stapleton

That Council approve the 8 meter Building Line setback for 6 McLea Place.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

4. **Request to Establish the Building Line - 4 McLea Place - SUB2000025**

SJMC-R-2020-08-31/420

Moved By Councillor Lane

Seconded By Councillor Hanlon

That Council approve the 7 meter Building Line setback for 4 McLea Place.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

5. **Crown Land Amendment to Existing Leases - 215 Northern Pond Road - CRW2000012 & CRW2000013**

SJMC-R-2020-08-31/421

Moved By Councillor Lane

Seconded By Deputy Mayor O'Leary

That Council approve the two Crown Land Lease amendments to add vegetable and fruit production at 215 Northern Pond Road.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

7.2 Committee of the Whole Report - August 19, 2020

1. **FCM Community Energy Financing Program Design Application**

SJMC-R-2020-08-31/422

Moved By Councillor Froude

Seconded By Deputy Mayor O'Leary

That Council support the application to GMF's Community Energy Financing Program Design initiative and further;

That Council provide up to \$5,000 from the approved \$100,000 Sustainability momentum initiatives funds to the CEF Program Design application to enable the partnership to access up to \$80,000 in matching funds from FCM.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

2. **Membership for Arts and Culture Advisory Committee**

SJMC-R-2020-08-31/423

Moved By Councillor Hanlon

Seconded By Councillor Lane

That Council appoint the following members as per the selection review process already undertaken:

- One vacancy representing a Theatre organization; Nicole Rousseau (RCA Theatre Company)
- One vacancy representing a Public Member (Community); Tim Matson (Best Kind Productions)

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

3. **11 Tiffany Lane, REZ2000001**

SJMC-R-2020-08-31/424

Moved By Councillor Lane

Seconded By Councillor Froude

That Council consider amendments to the St. John's Development Regulations to add Personal Care Home to the Apartment High Density (A3) Zone, and to rezone land at 11 Tiffany Lane from the Residential Medium Density (R2) Zone to the Apartment High Density (A3) Zone, and approve the attached draft terms of reference for a land-use assessment report (LUAR).

Further, upon submission of the LUAR, that Council refer the application to a digital Public Meeting chaired by an independent facilitator for public input and feedback.

For (8): Mayor Breen, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

Against (1): Deputy Mayor O'Leary

MOTION CARRIED (8 to 1)

4. **Mobile Vending Review Committee**

SJMC-R-2020-08-31/425

Moved By Councillor Hanlon

Seconded By Councillor Lane

That Council approve the formation of an interim Mobile Vending Review Committee and to appoint Jeff LeDrew, owner of Jumping Bean as the traditional sector representative and Todd Hickey, owner of Ziggys as representation of the Mobile Vending Association.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

5. Donegal Place Traffic Calming

This matter was tabled at Committee of the Whole resulting in a recommendation that was lost. Consequently, the matter is referred to the Regular Meeting for consideration.

SJMC-R-2020-08-31/426

Moved By Councillor Hickman

Seconded By Councillor Hanlon

That Council maintain status quo and not allocate special funding for the requested curb extension on Larkhall Street at Donegal Place.

For (5): Mayor Breen, Councillor Hickman, Councillor Stapleton, Councillor Korab, and Councillor Collins

Against (4): Deputy Mayor O'Leary, Councillor Lane, Councillor Hanlon, and Councillor Froude

MOTION CARRIED (5 to 4)

8. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)

8.1 Development Permits List For the Period of August 13, 2020 To August 26, 2020

9. BUILDING PERMITS LIST

9.1 Building Permits List for the Period of August 13 to August 26, 2020

SJMC-R-2020-08-31/427

Moved By Councillor Hanlon

Seconded By Deputy Mayor O'Leary

That Council approve the Building Permits List for the period of August 13 to August 26, 2020.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

10. REQUISITIONS, PAYROLLS AND ACCOUNTS

10.1 Weekly Payment Vouchers for the Week Ending August 19, 2020

SJMC-R-2020-08-31/428

Moved By Councillor Lane

Seconded By Councillor Stapleton

That Council approve the Weekly Payment Vouchers for the week ending August 19, 2020 in the amount of \$4,684,094.77.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

10.2 Weekly Payment Vouchers for the Week Ending August 26, 2020

SJMC-R-2020-08-31/429

Moved By Councillor Stapleton

Seconded By Councillor Lane

That Council approve the Weekly Payment Vouchers for the week ending August 26, 2020 in the amount of \$2,919,475.91.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

11. TENDERS/RFPS

11.1 2020082 - Supply and Delivery of International Parts

SJMC-R-2020-08-31/430

Moved By Councillor Froude

Seconded By Councillor Stapleton

That Council award this open call, 2020082 – The Supply and Delivery of International Parts, to the lowest qualified bidders meeting the specifications, on an item by item basis, as per the Public Procurement

Act. Items Bold and underlined on the attached spreadsheet are being recommended for award. There was a total of 342 items on this open call, but only 320 to be awarded, with no bids on 15 parts and 7 cores.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

11.2 2020135 - Supply and Delivery of Hydraulic Hoses and Fittings

SJMC-R-2020-08-31/431

Moved By Councillor Froude

Seconded By Deputy Mayor O'Leary

That Council award open call 2020135 – Supply and Delivery of Hydraulic Hoses and Fittings, to the lowest bidder meeting the specifications, PBA Industrial Supplies Ltd. for \$18,761.53 (including HST), as per the Public Procurement Act. There is a price escalation allowance which is up to a maximum of the appropriate CPI index for years 3 and beyond.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

11.3 2020127 - Large Diameter Watermain and Fittings

SJMC-R-2020-08-31/432

Moved By Councillor Korab

Seconded By Councillor Hanlon

That Council award this open call to the lowest bidders that meet specifications, Sections 1 – 5 to Emco Waters Works for a combined total of \$247,238.53 (HST Included) & Section 6 to Forterra Pressure Pipe for \$170,600.00 (HST Included) as per the Public Procurement Act.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

11.4 2020125 - RHB Landfill Final Cover Phase One

SJMC-R-2020-08-31/433

Moved By Councillor Froude

Seconded By Councillor Stapleton

That Council award open call 2020125 RHB Landfill Final Cover Phase One to the lowest bidder meeting specifications Weir's Construction Limited for the sum of \$5,595,172.17 (HST included) as per the Public Procurement Act.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

11.5 2020136 - Standing Offer to supply anthracite and sand media

SJMC-R-2020-08-31/434

Moved By Councillor Froude

Seconded By Councillor Collins

That Council award open call 2020136 Standing Offer to supply and deliver anthracite and sand filter media to the lowest bidder meeting specification Anthrafilter Media & Coal Ltd. for the sum of \$ 123,296.22 (HST included) as per the Public Procurement Act.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

12. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

13. OTHER BUSINESS

13.1 Request for authorization to issue \$138 Million in Sinking Fund Bonds

SJMC-R-2020-08-31/435

Moved By Councillor Lane

Seconded By Councillor Froude

That Council approve the attached resolution permitting the City to issue and sell bonds for an amount of \$138 million for the purpose of funding the capital expenditures outlined in this memo.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Lane, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, and Councillor Collins

MOTION CARRIED (9 to 0)

13.2 Go-Round

Councillor Hanlon

Reported that the Pedestrian Mall is due to conclude on September 7th. While the overall response was favorable, the City will evaluate this pilot project and once completed will consider a fall and Christmas market. Other areas outside the Special Event (i.e. Duckworth Street and George Street) site will continue until the end of September 30, 2020.

Councillor Froude

Noted that the rules around number of people that can ride a bus has increased from 19 to 38 people. Masks are required and where possible people are asked to exit through the rear door.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 4:05 pm

MAYOR

CITY CLERK