

MINUTES

REGULAR MEETING - CITY COUNCIL

February 25, 2019 – 4:30 p.m. – Foran/Greene Room, 4th Floor, City Hall

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

Others Kevin Breen, City Manager
Derek Coffey, Deputy City Manager, Finance & Administration
Lynnann Winsor, Deputy City Manager, Public Works
Jason Sinyard, Deputy City Manager, Planning, Engineering & Regulatory Services
Cheryl Mullett, City Solicitor
Ken O'Brien, Chief Municipal Planner
Elaine Henley, City Clerk
Karen Chafe, Supervisor – Office of the City Clerk

Land Acknowledgement

The following statement was read by Mayor Breen

"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."

CALL TO ORDER/ADOPTION OF AGENDA

SJMC2019-02-25/105R

Moved – Councillor Hanlon; Seconded – Councillor Jamieson

That the agenda be adopted with the following additions:

- Letter from Northeast Avalon ACAP dated February 22, 2018 re: Galway Wetland
- Departmental Approval Request – Finance and Administration – Wide Area Network (WAN)
- Departmental Approval Request – Public Works – 2 Tandem Sanders

- Bid Approval Note – 2019028 – Food Service Provider for Seniors Outreach Program

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

SJMC2019-02-25/106R

Moved – Deputy Mayor O’Leary; Seconded – Councillor Lane

That the minutes of February 18, 2019 be adopted as presented.

CARRIED UNANIMOUSLY

Councillor Froude tabled as information the cover sheet of a report by David Thompson from 2013 entitled “Suburban Sprawl: Exposing Hidden Costs, Identifying Innovations”. The link to the full report is here:

http://thecostofsprawl.com/report/SP_SuburbanSprawl_Oct2013_opt.pdf

BUSINESS ARISING FROM THE MINUTES

Information Note dated February 15, 2019 re: Interpreting the Rural (R) Zone Line along Paddy’s Pond Floatplane Lots – DEV1800007

Council considered as information the above cited Information Note.

Decision Note dated February 21, 2019 re: Restoring Downtown Parking Relief to the St. John’s Development Regulations, Section 9, St. John’s Development Regulations Amendment Number 692, 2019

SJMC2019-02-25/107R

Moved – Councillor Burton; Seconded – Deputy Mayor O’Leary

That Council adopt the recommendation outlined in the above cited Decision Note that Council advertise the text amendment (included in today’s Regular Agenda), to the St. John’s Development Regulations for public review and comment, including sending it to specific groups. The application would then be referred to a regular meeting of Council for consideration of adoption.

CARRIED UNANIMOUSLY

Decision Note dated February 4, 2019 re: Application to Amend St. John's Development Regulations to Designate and Protect Galway Wetlands

Members of Council spoke to the above noted matter in depth, voicing their opinions on their preferred method to protect the Galway Wetlands, either via the Wetland Delineation (2013) map or the Protected Natural Area (2014) map.

SJMC2019-02-25/108R

Moved – Councillor Burton; Seconded – Councillor Froude

That Council decide to protect the Galway wetland as delineated by the Wetland Delineation (2013) map. Following Council's decision, staff will bring forward the appropriate Development Regulation amendments at a future meeting of Council.

**MOTION LOST WITH ONLY MOVER, SECONDER,
DEPUTY MAYOR O'LEARY AND COUNCILLOR
JAMIESON IN FAVOR**

SJMC2019-02-25/109R

Moved – Councillor Hanlon; Seconded – Councillor Stapleton

That Council decide to protect the Galway wetland as delineated by the Protected Natural Area (2014) map. Following Council's decision, staff will bring forward the appropriate Development Regulation amendments at a future meeting of Council.

**MOTION CARRIED WITH DEPUTY MAYOR O'LEARY;
COUNCILLORS FROUDE, BURTON AND
JAMIESON DISSENTING**

Councillor Hickman retired from meeting at 5:25 pm

NOTICES PUBLISHED

- a. A Discretionary Use application has been submitted requesting a change of Non-Conforming Use at 59 Flower Hill to convert the existing Residential Retail Store into a Dwelling Unit

SJMC2019-02-25/110R

Moved – Councillor Jamieson; Seconded – Councillor Burton

That Council approve the above noted application subject to all applicable City requirements.

CARRIED UNANIMOUSLY

b. A Discretionary Use application has been submitted requesting to operate a Car Washing Establishment in an existing building at 355-367 Main Road

SJMC2019-02-25/111R

Moved – Councillor Collins; Seconded – Deputy Mayor O’Leary

That Council approve the above noted application subject to all applicable City requirements.

CARRIED UNANIMOUSLY

c. A Discretionary Use application has been submitted by Clarke’s Trucking & Excavation Ltd. requesting permission to use 4325 & 4327 Trans-Canada Highway as a quarry for Mineral Workings Use.

SJMC2019-02-25/112R

Moved – Councillor Collins; Seconded – Councillor Korab

That Council approve the above noted application subject to all applicable City requirements.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

Committee of the Whole Report – February 20, 2019

1. Decision Note dated February 13, 2019 re: Text Amendment to revise the Definition of Institution - REZ1800019 - 21 Adams Avenue

SJMC2019-02-25/113R

Moved – Councillor Burton; Seconded – Councillor Jamieson

That the following Committee recommendation be approved:

- That the application for a text amendment to the St. John’s Development Regulations to revise the definition of Institution be considered. Further, that the application be advertised for public review and comment. The application would then be referred to a regular meeting of Council for consideration of adoption.**

CARRIED UNANIMOUSLY

2. Decision Note dated February 13, 2019 re: Application to Rezone Land to the Residential Mixed (RM) Zone for an Office - REZ1800016 - 276 Pennywell Road

SJMC2019-02-25/114R

Moved – Councillor Burton; Seconded – Councillor Jamieson

That the following Committee recommendation be approved:

- That the Committee recommend Council's approval of the following recommendation as outlined in the above cited decision note: that Council consider a proposed rezoning at 276 Pennywell Road from the Residential Medium Density (R2) Zone to the Residential Mixed (RM) Zone, as well as associated Development Regulations text amendments. It is also recommended that the application be advertised for public review and comment. The application would be referred to a regular meeting of Council for consideration of adoption.

CARRIED UNANIMOUSLY

3. Decision Note dated February 13, 2019 re: 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

SJMC2019-02-25/115R

Moved – Councillor Burton; Seconded – Deputy Mayor O'Leary

That the following recommendation be approved:

- That Council consider the proposed rezoning at 9 Buchanan Street, 426 and 430 Water Street from the Commercial Central Mixed Use (CCM) Zone to the Commercial Central Office (CCO) Zone, as well as the associated Municipal Plan and Development Regulations text amendments. Upon submission of a satisfactory Land Use Assessment Report, it is recommended that the application be referred to a Public Meeting chaired by an independent facilitator. Following the public meeting, the application would be referred to a regular meeting of Council for consideration of adoption.

CARRIED UNANIMOUSLY

4. Built Heritage Experts Panel Report of Feb. 6, 2019

i. **Decision Note – 9 Buchanan Street, Designated Heritage Building Review Initiated by an Application for a Demolition Permit**

SJMC2019-02-25/116R

Moved – Councillor Burton; Seconded – Councillor Hanlon

That the following Committee recommendation be approved:

- That Council approve the recommendation as outlined in the above cited decision note: that as 9 Buchanan Street does not merit designation as a Heritage Building, it is recommended to work with the developer and encourage that the redevelopment of the site incorporate design that respects the past histories of the site and neighbourhood.

CARRIED UNANIMOUSLY

ii. Decision Note - 139 Water St. – Exterior Façade Renovations

SJMC2019-02-25/117R

Moved – Councillor Burton; Seconded – Councillor Korab

That the following Committee recommendation be approved:

- That Council approve the Built Heritage Experts Panel recommendation that the exterior façade renovations at 139 Water Street be approved as presented.

CARRIED UNANIMOUSLY

5. Decision Note dated February 13, 2019 re: Envision St. John's Municipal Plan and Development Regulations Drafts dated February 2019 - Adoption-in-Principle

Councillor Burton gave the following Notice of Motion:

TAKE NOTICE that I will at the next Regular Meeting of Council, move a motion to approve the recommendation contained in the above cited Decision Note and as follows:

- That Council adopt-in-principle the Envision St. John's Municipal Plan and the Envision St. John's Development Regulations, dated February 2019. If adopted-in-principle by Council, these will be sent to the Department of Municipal Affairs and Environment with a request for provincial release. Once the release is received, the documents will be referred back to a future regular meeting of Council for consideration of formal adoption and the appointment of a commissioner to conduct a public hearing, as required by the Urban and Rural Planning Act.

Dated at St. John's, NL, this 25th day of February, 2019.

Councillor Maggie Burton

Development Committee Report – February 19, 2019

1. Day Care Center Extension, DEV 1800207 – 31 Doyle's Road

Council considered as information the above cited Information Note. Staff will revise the approval for the additional floor area.

2. Request for Building Line Setback, DEV 1900032 – 27 Waterford Heights North

SJMC2019-02-25/118R

Moved – Councillor Burton; Seconded – Councillor Collins

That the following Committee recommendation be approved:

- That Council approve the 11.67 metre building line setback.**

DEVELOPMENT PERMITS LIST

Council considered, for information, the development permits list for the week ending February 20, 2019.

BUILDING PERMITS LIST

Council considered the above noted for the period of February 14, 2019 to February 20, 2019.

SJMC2019-02-25/119R

Moved – Deputy Mayor O'Leary; Seconded – Councillor Hanlon

That Council approve the above cited building permits list as presented.

CARRIED UNANIMOUSLY

REQUISITIONS, PAYROLLS AND ACCOUNTS

Council considered the requisitions, payrolls and accounts for the week ending February 20, 2019.

SJMC2019-02-25/120R

Moved – Deputy Mayor O'Leary; Seconded – Councillor Hanlon

That the requisitions, payrolls and accounts for the week ending February 20, 2019 in the amount of \$6,664,012.96 be approved as presented.

CARRIED UNANIMOUSLY

TENDERS

Bid Approval Note – 2019014 – PW – Lease of Excavator

SJMC2019-02-25/121R

Moved – Councillor Froude; Seconded – Councillor Lane

That this open call be awarded to the lowest bidder that meets specifications, Wajax Equipment, in the amount of \$322,442.11, as per the Public Procurement Act.

CARRIED UNANIMOUSLY

Bid Approval Note – 2019015- PERS – Water Street Infrastructure Improvements – Phase II

SJMC2019-02-25/122R

Moved – Councillor Lane; Seconded – Councillor Jamieson

That this Limited Call be awarded to Dexter Construction Company Limited in the amount of \$4,389,685.13 (HST Included), as the lowest cost submission meeting specifications as per the Public Procurement Act.

CARRIED UNANIMOUSLY

Bid Approval Note – F&A - Aerial Imagery

SJMC2019-02-25/123R

Moved – Councillor Froude; Seconded – Councillor Lane

That this contract without open call be awarded to the sole and exclusive provider of orthogonal and oblique imagery in Canada: Pictometry Canada Corporation in the amount of \$96,622.00 (HST excluded).

CARRIED UNANIMOUSLY

Departmental Approval Request – Finance and Administration – Wide Area Network (WAN)

SJMC2019-02-25/124R

Moved – Councillor Froude; Seconded – Councillor Lane

That the Departmental Approval Request be awarded to the lowest bidder meeting specifications, Rogers, in the amount of \$120,750 (HST included), as per the terms and conditions of the Public Procurement Act.

CARRIED UNANIMOUSLY

Departmental Approval Request – Public Works – 2 Tandem Sanders

SJMC2019-02-25/125R

Moved – Councillor Froude; Seconded – Councillor Lane

That this RFP be awarded to Western Star and Freightliner Trucks Newfoundland in the amount of \$559,664 based on an evaluation of the proposals by the City's evaluation team as per the Public Procurement Act.

CARRIED UNANIMOUSLY

Bid Approval Note 2019028: Food Service Provider

SJMC2019-02-25/126R

Moved – Councillor Froude; Seconded – Councillor Lane

That this open call be awarded to the lowest and only bidder that meets specifications, The Hub, at a cost of \$19,025.00 as per the Public Procurement Act.

CARRIED UNANIMOUSLY

Notices of Motion:

Deputy Mayor 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 support writing a letter to both the Premier of Newfoundland and Labrador and the Federal Minister of Transportation to lobby for the elimination of the cost recovery of Marine Atlantic servicing from North Sydney to Port aux Basques as was agreed upon in our Confederation terms of union agreement.

In the spirit of maintaining affordable access to our Province for both economic development and tourism, this would ensure that there will be a cost-effective and quality ferry service connecting the island portion of Newfoundland & Labrador to the rest of Canada.

DATED at St. John's, NL, this 25th day of February, 2019.

Deputy Mayor Sheilagh O'Leary

ADJOURNMENT

There being no further business, the meeting adjourned at 5:58 p.m.

MAYOR

CITY CLERK