

## **MINUTES**

### **REGULAR MEETING - CITY COUNCIL**

**April 16, 2018 – 4:30 p.m. - Council Chambers, 4<sup>th</sup> Floor, City Hall**

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- Present** Mayor Danny Breen  
Deputy Mayor Sheilagh O'Leary  
Councillor Maggie Burton  
Councillor Debbie Hanlon  
Councillor Deanne Stapleton  
Councillor Hope Jamieson  
Councillor Wally Collins  
Councillor Dave Lane  
Councillor Debbie Hanlon
- Regrets** Councillor Jamie Korab  
Councillor Ian Froude  
Councillor Sandy Hickman
- Others** Kevin Breen, City Manager  
Jason Sinyard, Deputy City Manager of Planning, Engineering and  
Regulatory Services  
Derek Coffey, Deputy City Manager, Finance and Administration  
Brian Head, Manager of Parks and Public Spaces  
Linda Bishop, Acting City Solicitor  
Ken O'Brien, Chief Municipal Planner  
Elaine Henley, City Clerk  
Kenessa Cutler, Legislative Assistant

#### **CALL TO ORDER/ADOPTION OF AGENDA**

##### **SJMC2018-04-16/202R**

**Moved – Councillor Collins; Seconded – Councillor Jamieson**

**That the agenda be adopted with the following additions:**

- **Decision Note dated April 5, 2018 re: Amendment of the Building By-Law**
- **Decision Note dated April 5, 2018 re: Repeal of the Tree Regulations**

**CARRIED UNANIMOUSLY**

#### **ADOPTION OF MINUTES**

##### **SJMC2018-04-16/203R**

**Moved – Councillor Collins; Seconded – Councillor Jamieson**

**That the minutes of April 9, 2018 be adopted as presented.**

**CARRIED UNANIMOUSLY**

**BUSINESS ARISING FROM THE MINUTES**

**St. John's Development Regulations Amendment # 676, 2018  
Application to Rezone Land to the Apartment Low Density (A1) Zone  
REZ1600018 - 280 Blackmarsh Road**

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Council considered the above noted.

**SJMC2018-04-16/204R**

**Moved – Councillor Burton; Seconded – Councillor Hanlon**

**That Council adopt St. John's Development Regulations Amendment Number 676, 2018, which will rezone land at 280 Blackmarsh Road from the Residential Low Density (R1) and Open Space (O) Zones to the Apartment Low Density (A1) Zone to allow a 12 unit, 2-storey apartment building. It will now 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.**

**CARRIED UNANIMOUSLY**

**Committee of the Whole Report - March 28, 2018 – Item #3. i. Decision Noted dated March 8, 2018 re: 8 Military Road – St. Thomas' Parish Hall – LED Wall Signs**

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Council considered the above noted.

**SJMC2018-04-16/205R**

**Moved – Councillor Burton; Seconded – Councillor Stapleton**

**That Council approve the recommended LED wall sign at 8 Military Road at the location facing Military Road. It is also recommended that the sign not include rolling messages or animation or the permission of third party advertising.**

**Further that staff undertake a review of the Heritage Area Sign Bylaw such that it includes conditions specific to available LED sign technology.**

**CARRIED UNANIMOUSLY**

**NOTICES PUBLISHED**

**A Discretionary Use application has been submitted by Gower Pub Limited requesting permission to change the occupancy of 79-81 New Gower Street from a Restaurant to a Lounge for a Pub.**

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Council considered the above noted.

**SJMC2018-04-16/206R**

**Moved – Councillor Burton; Seconded – Councillor Lane**

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

**CARRIED UNANIMOUSLY**

**A Discretionary Use application has been submitted by New Hut requesting approval to operate a national brand coffee shop drive-thru at 464 Topsail Road.**

**Council considered the above noted.**

**SJMC2018-04-16/207R**

**Moved – Councillor Burton; Seconded – Councillor Hanlon**

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

**CARRIED UNANIMOUSLY**

**DEVELOPMENT COMMITTEE REPORT**

**Development Committee Report – April 10, 2018**

**Council considered the above noted report and the recommendations therein:**

**55 Kiwanis Street – DEV1700181 – 10% Rear Yard Variance**

**SJMC2018-04-16/208R**

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

**That Council approve the 10% rear yard variance.**

**CARRIED UNANIMOUSLY**

**256A Back Line – CRW1800010 – Crown Land Lease for Agricultural Use**

**SJMC2018-04-16/209R**

**Moved – Councillor Burton; Seconded – Councillor Jamieson**

**That Council approve the Crown Land Lease.**

**CARRIED UNANIMOUSLY**

**COMMITTEE OF THE WHOLE REPORT**

**Committee of the Whole Report – April 11, 2018**

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Council considered the above noted report and the recommendations therein:

- 1. Decision Note dated April 3, 2018 re: Host-Urban Accord Meeting – Municipalities Newfoundland and Labrador (MNL)**
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**SJMC2018-04-16/210R**

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

**That Council approve the costs associated with hosting the Urban Accord meetings held at the Paul Reynolds Community Centre on March 14 and 15, 2018.**

**CARRIED UNANIMOUSLY**

- 2. Decision Note dated April 3, 2018 re: The Royal St. John’s Regatta Committee – Hall of Fame Induction Luncheon**
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**SJMC2018-04-16/211R**

**Moved – Councillor Lane; Seconded – Councillor Stapleton**

**That Council grant approval to host the annual Hall of Fame Induction Luncheon for the Royal St. John’s Regatta Committee on July 25, 2018.**

**CARRIED UNANIMOUSLY**

- 3. Decision Note dated March 28, 2018 re: Application to Rezone Land to Commercial Local Zone for an Office Use, REZ1800001, 75 Airport Heights Drive**
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**SJMC2018-04-16/212R**

**Moved – Councillor Burton; Seconded – Councillor Stapleton**

**That Council consider a proposed rezoning at 75 Airport Heights Drive from Residential Low Density (R1) to Commercial Local (CL), and the application be advertised for public review and comment. Staff further recommend that the application be referred to a Public Meeting chaired by a member of Council. Following the public meeting, the application would be referred to a Regular meeting of Council for consideration of adoption.**

**CARRIED UNANIMOUSLY**

4. **Decision Note dated April 5, 2018 re: 390 Duckworth Street, Exterior Repairs, The Majestic Theatre**
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**SJMC2018-04-16/213R**

**Moved – Councillor Burton; Seconded – Councillor Jamieson**

**That Council approve the exterior renovations to the Majestic Theatre, located at 390 Duckworth Street, as submitted.**

**CARRIED UNANIMOUSLY**

5. **Decision Note dated March 14, 2018 re: George Street Association Taxi Layby Request**
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**SJMC2018-04-16/214R**

**Moved – Councillor Hanlon; Seconded – Councillor Jamieson**

**That Council, on a trial basis, approve a new after-hours taxi layby area on the south side of New Gower Street stretching from the City Hall Annex westward to the existing mobile vendor parking stall. Implement this trial layby area form 8PM to 6AM daily and adjust the existing George Street layby to match these times.**

**CARRIED UNANIMOUSLY**

6. **Bike St. John’s Advisory Committee Report – March 21, 2018**
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**SJMC2018-04-16/215R**

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

**That Council give final approval to the Bike St. John’s Advisory Committee Terms of Reference and further to remove the term Nexter and replace it with a representative between the ages of 19 and 35.**

**CARRIED UNANIMOUSLY**

7. **Decision Note dated April 4, 2018 re: 2017 Traffic Pilot Projects**
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a. **Duckworth Street-Plymouth Road Loop**

**SJMC2018-04-16/216R**

**Moved – Councillor Hanlon; Seconded – Deputy Mayor O’Leary**

**That Council give approval to the following:**

Council proceed with permanent implementation of the Duckworth Street - Plymouth Road Loop, as soon as funding can be assigned.

**CARRIED UNANIMOUSLY**

**b. Veteran's Square Reconfiguration**

**SJMC2018-04-16/217R**

**Moved – Councillor Hanlon; Seconded – Councillor Jamieson**

**That Council approve the following:**

**Council proceed with permanent implementation of the Veteran's Square Reconfiguration, as soon as funding can be assigned.**

**CARRIED UNANIMOUSLY**

**c. Great Eastern Drive-Petite Forte Drive Mini-Roundabout**

**SJMC2018-04-16/218R**

**Moved – Councillor Hanlon; Seconded – Councillor Stapleton**

**That Council defer the recommendation to reject installing the Great Eastern Drive-Petite Forte Drive Mini-Roundabout on a permanent basis until discussions could be held by the Chief of Police with the Ward Councillor to inform area residents properly of safety options.**

**CARRIED UNANIMOUSLY**

**DEVELOPMENT PERMITS LIST**

Council considered as information, the above noted for the period of April 5, 2018 to April 11, 2018.

**BUILDING PERMITS LIST**

Council considered, for approval, the above noted for the period of April 5, 2018 to April 11, 2018.

**SJMC2018-04-16/219R**

**Moved – Councillor Burton; Seconded – Councillor Lane**

**That the building permits list dated April 5, 2018 to April 11, 2018 be adopted as presented.**

**CARRIED UNANIMOUSLY**

**REQUISITIONS, PAYROLLS AND ACCOUNTS**

Council considered the requisitions, payrolls and accounts for the week ending April 11, 2018.

**SJMC2018-04-16/220R**

**Moved – Councillor Burton; Seconded – Councillor Lane**

**That the requisitions, payrolls and accounts for the week ending April 11, 2018 in the amount of \$1,475,857.87 be approved as presented.**

**CARRIED UNANIMOUSLY**

**TENDERS/RFPS**

**Tender for the Supply of one Fairbanks Morse Model 5824 (5814) Vertical Mounted Split Case Pump at the Ruby Line Pump Station**

Council considered the above noted.

**SJMC2018-04-16/221R**

**Moved – Councillor Collins; Seconded – Councillor Lane**

**That Council approve the recommendation to award the contract for the supply of a Fairbanks Morse Pump, to Natpro in the amount of \$73,940.00. Taxes not included.**

**CARRIED UNANIMOUSLY**

**NOTICES OF MOTION/PETITIONS**

**Decision Note dated April 5, 2018 re: Amendment of the Building By-Law**

Council considered the above listed.

**SJMC2018-04-16/222R**

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

**That Council approve the Residential Landscape Requirement Policy and bring forward a Notice of Motion (copy attached) to adopt the amendments to the Building By-Law at a future meeting of Council.**

**CARRIED UNANIMOUSLY**

Deputy Mayor O’Leary then made the following motion:

**TAKE NOTICE** that, I will at the next regular meeting of the St. John's Municipal Council, move to enact an amendment to the St. John's By-Law so as to incorporate provisions for trees in accordance with the Residential Landscape Requirements Policy.

**Decision Note dated April 5, 2018 re: Repeal of the Tree Regulations**

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Council considered the above listed Decision Note.

Deputy Mayor O'Leary then made the following motion:

**TAKE NOTICE** that, I will at the next regular meeting of the St. John's Municipal Council, move to repeal the Tree Regulations.

**NEW BUSINESS**

**Decision Note dated April 2, 2018 re: Vacancies and New Applicants for Built Heritage Experts Panel**

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Council considered the above noted.

**SJMC2018-04-16/223R**

**Moved – Councillor Burton; Seconded – Councillor Lane**

**That Council approve the following: subsequent to the appointment of Built Heritage Experts Panel by Council on February 21, 2016 and in order to maximize participation on the Panel, based on recent resignations, the following people be appointed/reaffirmed in accordance with Section 3.1.1 of the Terms of Reference:**

- 1. Glenn Barnes (Chair) – extend until February 21, 2019**
- 2. Bruce Blackwood – extend until February 21, 2019**
- 3. Garnet Kindervater – extend until February 21, 2019**
- 4. Mark Whelan – extend until February 21, 2019**
- 5. Dawn Boutilier – April 24, 2018 – April 23, 2020**
- 6. Rachel Fitkowski – April 24, 2018 – April 23, 2020**
- 7. Robert Sweeny – April 24, 2018 – April 23, 2020**

**CARRIED UNANIMOUSLY**

**Decision Note dated April 3, 2018 re: St. John's Local Board of Appeal**

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Council considered the above noted.

**SJMC2018-04-16/224R**

**Moved – Deputy Mayor O'Leary; Seconded – Councillor Stapleton**



**That Council agree that in accordance with Section 4 of the City of St. John's Development Regulations, that Council appoint Ms. Janet Bradshaw as a member of the Local Board of Appeal with a term effective immediately until January 6, 2020; and further that Council continue with past practice in allowing the Board of Appeal to make the selection for the position of Chair from among its members, with Council confirming this appointment at a subsequent Regular Meeting**

**CARRIED UNANIMOUSLY**

**Decision Note dated April 11, 2018 re: Travel – Councillor Ian Froude – MNL – Municipal Symposium – May 3 to 5, 2018 – Gander, NL**

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Council considered the above noted.

**SJMC2018-04-16/225R**

**Moved – Deputy Mayor O'Leary; Seconded – Councillor Jamieson**

**That Council approve the costs for Councillor Froude to attend the Municipal Symposium in Gander from May 3 to 5, 2018.**

**CARRIED UNANIMOUSLY**

**Decision Note dated April 11, 2018 re: Property to the right and rear of 280 Blackmarsh Road**

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Council considered the above noted.

**SJMC2018-04-16/226R**

**Moved – Councillor Burton; Seconded – Councillor Hanlon**

**That Council approve the sale of City property for the amount of \$8.00 per square foot plus. Council also executed the attached Purchase and Sale Agreement.**

**CARRIED UNANIMOUSLY**

**Decision Note dated April 11, 2018 re: 69 Linegar Avenue**

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Council considered the above noted.

**SJMC2018-04-16/227R**

**Moved – Councillor Collins; Seconded – Councillor Burton**

**That Council approve the expropriation of the easement with compensation to be determined.**

**CARRIED UNANIMOUSLY**

**Decision Note dated April 12, 2018 re: 1 Duckworth Street – Battery Café**

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Council considered the above noted.

**SJMC2018-04-16/228R**

**Moved – Councillor Jamieson; Seconded – Deputy Mayor O’Leary**

**That Council agree to allow the operator of the Battery Cafe the ability to extend his liquor license to include the patio space. Council also approved the installation of a temporary heater/fireplace, in accordance with City By-Laws. This is conditional on the tenant providing staff with acceptable proof of insurance with City named as additional insured.**

**CARRIED UNANIMOUSLY**

**Decision Note dated April 12, 2018 re: Expropriation – Storm Sewer Easement**

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Council considered the above noted.

**SJMC2018-04-16/229R**

**Moved – Councillor Collins; Seconded – Councillor Burton**

**That Council resolve to expropriate the 2 parcels of land located at 375 and 377 Southside Road for the purpose of an easement to install a storm sewer.**

**CARRIED UNANIMOUSLY**

**Decision Note dated April 12, 2018 re: Land Acknowledgment Statement – Revision**

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Council considered the above noted.

**SJMC2018-04-16/230R**

**Moved – Councillor Lane; Seconded – Councillor Collins**

**That Council rescind its Directive #R2018-02-19/18 and approve the amended the Land Acknowledgement Statement noted below:**

***“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.”***

**CARRIED UNANIMOUSLY**

**Councillor Hanlon**

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Requested that Mayor Breen send Ms. Pearl Power a letter of congratulations for her Loblaw's Woman of Distinction award which recognizes Ms. Power's extensive volunteer work.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 5:51 p.m.

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**MAYOR**

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**CITY CLERK**