

MINUTES

REGULAR MEETING - CITY COUNCIL

May 14, 2018 – 4:30 p.m. - Council Chambers, 4th Floor, City Hall

Present	Mayor Danny Breen Deputy Mayor Sheilagh O’Leary Councillor Deanne Stapleton Councillor Sandy Hickman Councillor Hope Jamieson Councillor Wally Collins Councillor Jamie Korab Councillor Ian Froude
Regrets	Councillor Maggie Burton Councillor Dave Lane Councillor Debbie Hanlon
Others	Kevin Breen, City Manager Jason Sinyard, Deputy City Manager of Planning, Engineering and Regulatory Services Tanya Hayward, Deputy City Manager, Community Services Derek Coffey, Deputy City Manager, Finance and Administration Cheryl Mullett, City Solicitor Elaine Henley, City Clerk Kenessa Cutler, Legislative Assistant

CALL TO ORDER/ADOPTION OF AGENDA

Mayor Breen called the meeting to order and read the following statement:

“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.”

SJMC2018-05-14/268R

Moved – Councillor Collins; Seconded – Councillor Korab

That the agenda be adopted with the following addition:

- **Decision Note dated May 9, 2018 re: Swilers Rugby Field – Repairs to Storm Sewer**

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

SJMC2018-05-14/269R

Moved – Councillor Froude; Seconded – Councillor Stapleton

That the minutes of May 7, 2018 be adopted as presented.

CARRIED UNANIMOUSLY

BUSINESS ARISING

**St. John's Municipal Plan Amendment Number 145, 2018 and
St. John's Development Regulations Amendment Number 675, 2018
Text Amendment to the Rural (R) Zone for development of a Pipe Storage Yard
File No. MPA1800002 - 650 Fowlers Road
Applicant: 75579 Newfoundland and Labrador Inc.**

Council considered the above listed.

SJMC2018-05-14/270R

Moved – Councillor Froude; Seconded – Councillor Collins

That Council approve the resolutions for St. John's Municipal Plan Amendment Number 145, 2018 and St. John's Development Regulations Amendment Number 675, 2018. These amendments add Pipe Storage Yard as a Discretionary Use to the Rural (R) Zone, in regard to an application at 650 Fowler's Road. A text amendment to the Rural District under the St. John's Municipal Plan is also required. The amendments will 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

Decision Note dated May 2, 2018 re: Amendments to Commercial Maintenance By-Law, Residential Property Standards By-Law, Building By-Law, Plumbing By-Law, and Electrical By-Law

Council considered the above listed.

SJMC2018-05-14/271R

Moved – Councillor Froude; Seconded – Councillor Jamieson

That Council adopt the required by-law amendments, listed below, as outlined in the above Decision Note:

- **Commercial Maintenance (Amendment No. 1-2018) By-Law**
- **Residential Property Standards (Amendment No. 1-2018) By-Law**

- **Building (Amendment No. 2-2018) By-Law**
- **Plumbing (Amendment No. 1-2018) By-Law**
- **Electrical (Amendment No. 1-2018) By-Law**

CARRIED UNANIMOUSLY

Council Statement re: Galway Development

Mayor Breen read the following statement:

“I would like to address the current situation with the Galway development.

Let me be perfectly clear, on behalf of myself, this Council and City staff. We are strongly in support of the Galway project and have no desire to see this development fail. In fact, we want Galway to succeed. We have always wanted Galway to succeed. Why would we want anything different? Galway is a major development with excellent potential for the City of St. John’s in terms of both residential and commercial property.

Developer Danny Williams is proposing that the City release all permits now, and then proceed to mediation to resolve the issue related to snow storage for the new development.

We have discussed this issue at length in Council and do not feel that there is any reasonable prospect that mediation will resolve this issue. The purpose of mediation is to reach a middle ground. The City cannot mediate its development conditions. Rather, the City wishes to offer a resolution that protects the taxpayers of St. John’s, offers an avenue for trades people to return to work, and furthers progress in Galway.

Our primary objective is to ensure this major development occurs in a way that protects the residents of the City from future liability and unnecessary expense.

Here are the facts of the matter:

- Galway is the first major residential development above the 190m elevation in the City. This is a point that cannot be ignored. This is new ground for us and means that development has to occur differently than it would anywhere else in the city.
- Basic services like water, sewer, and snow clearing have to be approached differently because of the location of Galway. That doesn’t mean there are any issues with Galway that cannot be resolved, but there are issues none-the-less.
- On the matter of snow storage, there has always been a condition of development related to the need for land for snow storage. The developer originally agreed to this condition in 2015.
- We need this land because of Galway’s elevation, the distance from our current snow disposal areas and the sheer size of the development. Trucking

snow is a costly venture and having somewhere close at hand to deposit the snow will reduce costs for the City.

The snow storage site is infrastructure required to service the development, the same as roads and pipes. Therefore, the City must have ownership without restriction. Conversely, the Developer wishes to retain ownership of the site, and only allow use for the purpose of snow storage through a lease or easement. Conveyance of land to a municipality for public infrastructure is typical for developments across the City and the country. Have we asked a developer to do this anywhere else in the city, for this specific purpose? No. But as I have already stated, this has nothing to do with this developer and everything to do with where he is developing.

The cost of constructing public infrastructure is the responsibility of developers before it is conveyed to the municipality. The Developer has raised concerns about additional unexpected costs of constructing the snow storage site. The land in question was chosen by the Developer for snow storage. Since then, the Developer has deposited large amounts of unsuitable fill which has increased the construction costs.

Regarding the fence, the land is near enough to the residential core of Galway that it must be fenced in order to be safe. Otherwise, we run the risk of children playing in the area or of individuals accessing it on recreational vehicles. It is obvious why safety on a site with dump trucks coming and going and large piles of snow that may shift and collapse is important.

This developer seems to feel there is some other motive and that we want this land for some other purpose. We do not. It is not developable land. There is no depot going on that land. It's too small and there's no water service.

Given the nature of mediation and the nature of this dispute, mediation will not solve this matter.

Council discussed the Developer's proposal prior to this meeting. Staff was directed to make a counter proposal which was sent to the Developer prior to this meeting.

This issue requires resolution. However, we are not prepared to compromise the need for conveyance.

The City acknowledges that it does not have the operational experience to accurately determine how much land it will require to deal with the anticipated levels of snow above the 190 elevation where Galway is situated. We don't wish to halt development until this determination can be made; in fact, allowing some development to proceed actually improves the city's ability to assess how much snow storage will be required.

The City has been willing to provide 65 residential permits serviced by a temporary 1 acre site prepared to the City's specifications. 27 of those permits have been issued in stage 1 of the development. The City is prepared to allow the Developer to use the

remaining 38 permits in other residential areas of Galway. Once the size of a permanent snow storage site is determined we must at that time resolve the outstanding dispute through agreement or other mechanism.

We will continue to act in the best interest of the citizens of St. John's to further the Galway development. It is our hope that the developer can meet us on this point so construction can continue."

NOTICES PUBLISHED

- **79 Hopedale Crescent**
Residential Kenmount (RK) Zone
One submission received

A Discretionary Use Application has been submitted requesting permission to occupy 79 Hopedale Crescent as a Home Occupation for an automotive dealership office.

SJMC2018-05-14/272R

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

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

CARRIED UNANIMOUSLY

- **55 Pippy Place**
Commercial Industrial (CI) Zone
One submission received

A Discretionary Use Application has been submitted requesting permission to occupy a portion of 55 Pippy Place as a Commercial School for a School of Circus Acts.

SJMC2018-05-14/273R

Moved – Councillor Collins; Seconded – Councillor Froude

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

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

Development Committee Report – May 8, 2018

Council considered the above noted report and the recommendations therein:

Request for Building Line Setback - DEV1800081 - 48 Burry Port Street

SJMC2018-05-14/274R

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

That Council approve the 7.9 metre building line setback.

CARRIED UNANIMOUSLY

Request for Building Line Setback - DEV1800082 - 50 Burry Port Street

SJMC2018-05-14/275R

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

That Council approve the 7.9 metre building line setback.

CARRIED UNANIMOUSLY

Committee of the Whole Report – May 9, 2018

Council considered the above noted report and the recommendations therein:

1. Decision Note dated May 2, 2018 re: Goulds Recreation Association Softball Field Proposal

SJMC2018-05-14/276R

Moved – Councillor Collins; Seconded – Councillor Hickman

That Council approve the conversion of the Eric Williams Soccer Pitch to a softball field.

**CARRIED
WITH COUNCILLOR JAMIESON DISSENTING**

2. Decision Note dated May 2, 2018 re: Neighbourhood Watch Proposal

SJMC2018-05-14/277R

Moved – Councillor Stapleton; Seconded – Councillor Jamieson

That Council approve to pursue a Neighbourhood Watch partnership with Jiffy Cabs. Upon approval, the Neighbourhood Services team will work with Jiffy Cabs to establish parameters, ensure suitable signage is in place, decals are available for each vehicle, provide education session to Jiffy staff to ensure all messages are accurate and work to expand this concept to other interested taxi providers.

CARRIED UNANIMOUSLY

3. Decision Note dated April 12, 2018, re: Downtown Business Exit, Entry and Relocation Survey

SJMC2018-05-14/278R

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

That Council accept the following recommendations:

- 1. Develop a plan for ongoing connecting and engagement with downtown businesses. This plan will address:
 - a. Communication**
 - b. Building awareness of programs and services**
 - c. Feedback from businesses**
 - d. Understanding trends**
 - e. Welcoming programming****

- 2. A series of targeted meetings with City departments, external stakeholders and other relevant groups to discuss learnings from the downtown survey and previous demographics survey work, and potential options and solutions. For example, it may be worthwhile to convene a conversation that includes parking garage owners as we discuss additional parking possibilities.**

CARRIED UNANIMOUSLY

4. Decision Note dated May 2, 2018 re: Neighbourhood Watch Proposal

SJMC2018-05-14/279R

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

That Council accept the following recommendations:

That A Sub-Committee of the Downtown Advisory Committee be struck to develop a fish festival concept and prepare a report to be presented to the Downtown Advisory Committee.

The report will develop a defined set of objectives and a draft program concept, identify possible organizational structure, e.g., not-for-profit, managed by an event company, budget, partnership options (financial and in-kind), identify competitive analysis, outline branding and marketing matters, logistics consideration including regulatory among other factors. A timeline with deliverables should be included in the report. The report of the Sub-Committee would be shared with the Downtown Advisory Committee.

CARRIED UNANIMOUSLY

DEVELOPMENT PERMITS LIST

Council considered as information, the above noted for the period of May 3, 2018 to May 9, 2018.

BUILDING PERMITS LIST

Council considered the above noted for the period of April 26, 2018 to May 9, 2018.

SJMC2018-05-14/280R

Moved – Councillor Korab; Seconded – Councillor Collins

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

CARRIED UNANIMOUSLY

REQUISITIONS, PAYROLLS AND ACCOUNTS

Council considered the requisitions, payrolls and accounts for the week ending May 9, 2018.

SJMC2018-05-14/281R

Moved – Councillor Korab; Seconded – Councillor Collins

That the requisitions, payrolls and accounts for the week ending May 9, 2018 in the amount of \$3,778,279.73 be approved as presented.

CARRIED UNANIMOUSLY

TENDERS/RFPS

Tender 2018075 – Infrastructure Maintenance Contract #1 – Concrete Sidewalk Repairs

Council considered the above noted.

SJMC2018-05-14/282R

Moved – Councillor Froude; Seconded – Councillor Jamieson

That Council award the above listed tender to the lowest bidder meeting specifications, Cutting Edge Inc. in the amount of \$210,945.75, as per the Public Procurement Act.

CARRIED UNANIMOUSLY

Tender 2018077 – Hydrant Painting

Council considered the above noted.

SJMC2018-05-14/283R

Moved – Councillor Froude; Seconded – Councillor Hickman

That Council award the above listed tender to the lowest bidder meeting specifications, Penney Holdings, in the amount of \$22,770.00, as per the Public Procurement Act.

CARRIED UNANIMOUSLY

Tender 2018088 – Supply of Traffic Paint

Council considered the above noted.

SJMC2018-05-14/284R

Moved – Councillor Froude; Seconded – Councillor Stapleton

That Council award the above listed tender to the lowest bidder meeting specifications, Ennis Paint Canada ULC in the amount of \$174,044.29, as per the Public Procurement Act.

CARRIED UNANIMOUSLY

Tender 2018089 – Janitorial Services Paul Reynolds Centre

Council considered the above noted.

SJMC2018-05-14/285R

Moved – Councillor Froude; Seconded – Councillor Korab

That Council award the above listed tender to the lowest bidder meeting specifications, Iggy's Cleaning Services in the amount of \$130,824.00, as per the Public Procurement Act.

CARRIED UNANIMOUSLY

Tender 2018091 – Labrie Parts

Council considered the above noted.

SJMC2018-05-14/286R

Moved – Councillor Froude; Seconded – Councillor Collins

That Council award the above listed tender to the lowest and only bidder, Saunders Equipment, in the amount \$89,603.68 as per the Public Procurement Act.

CARRIED UNANIMOUSLY

NEW BUSINESS

Decision Note dated May 9, 2018 re: Swilers Rugby Field – Repairs to Storm Sewer

Council considered the above listed Decision Note.

SJMC2018-05-14/287R

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

That Council approve the following recommendations:

- 1. Council fund repairs 1 and 2 at an approximate cost of \$45,000.**
- 2. Council fund repair 3 if it is determined that this damage was not caused by the Swilers or their contractor when installing the previous manhole.**
- 3. Council instruct Swilers to repair item 3 at their cost if it is determined that their previous work caused the damage.**
- 4. That all work be undertaken by Swilers’ contractor with supervision of repairs by City staff.**
- 5. That funding come from the capital reserve budget.**

CARRIED UNANIMOUSLY

OTHER BUSINESS

May 2018 Economic Update

Council considered the above listed as information.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:35 p.m.

MAYOR

CITY CLERK