City of Saint John
Common Council Meeting
AGENDA

Monday, July 29, 2019

6:00 pm

8th Floor Common Council Chamber (Ludlow Room), City Hall

Si vous avez besoin des services en francais pour une réunion de Conseil communal, veuillez contacter le bureau du greffier communal au 658-2862.

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5.18	Lease Agreement with Saint John Arts Centre - Peel Plaza (Recommendation in Report)	121 - 124
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16. Supplemental Agenda

17. Committee of the Whole

18. Adjournment

City of Saint John
Common Council Meeting
Monday, July 29, 2019

Committee of the Whole

1. Call to Order

Si vous avez besoin des services en français pour une réunion de Conseil communal, veuillez contacter le bureau du greffier communal au 658-2862.

Each of the following items, either in whole or in part, is able to be discussed in private pursuant to the provisions of subsection 68(1) of the Local Governance Act and Council / Committee will make a decision(s) in that respect in Open Session:

4:00 p.m., 8th Floor Boardroom, City Hall

1.1 Approval of Minutes 68(1)
1.2 Financial Matter 68(1)(c)
1.3 Financial Matter 68(1)(c)
1.4 Negotiation Matter 68(1)(c)
1.5 Financial Matter 68(1)(c)
1.6 Financial Matter 68(1)(c)
1.7 Land Matter 68(1)(d)

Ville de Saint John
Séance du conseil communal
Lundi 29 juillet 2019
18 h
Salle du conseil communal (salle Ludlow), au 8e étage de l'hôtel de ville

Comité plénier

1. Ouverture de la séance

Si vous souhaitez obtenir des services en français pour une séance du conseil communal, veuillez communiquer avec le bureau du greffier communal au 658-2862.

Chacun des points suivants, en totalité ou en partie, peut faire l'objet d'une discussion en privé en vertu des dispositions prévues au paragraphe 68(1) de la *Loi sur la gouvernance locale*. Le conseil/comité prendra une ou des décisions à cet égard au cours de la séance publique :

16 h, Salle de conférence, 8e étage, hôtel de ville

1.1 Approbation du procès-verbal – paragraphe 68(1)
1.2 Question financière – alinéa 68(1)c)
1.3 Question relative aux négociations – alinéa 68(1)c)
1.4 Question financière – alinéa 68(1)c)
1.5 Question financière – alinéa 68(1)c)
1.6 Question financière – alinéa 68(1)c)
1.7 Question relative aux biens-fonds – alinéa 68(1)*d*)

Séance ordinaire

1. Ouverture de la séance

2. Approbation du procès-verbal

2.1 Procès-verbal du 8 juillet 2019

2.2 Procès-verbal du 11 juillet 2019

3. Adoption de l'ordre du jour

4. Divulgations de conflits d'intérêts

5. Questions soumises à l'approbation du conseil

5.1 Service de police de Saint John : demande relative à un événement sur la voie publique – Third Shift (recommandation : approuver l'exemption pour la consommation d'alcool dans un lieu public)

5.1.1 Third Space : demande de fermeture de rue pour le festival artistique Third Shift / demande de présentation (recommandation : refuser la demande de présentation puisque la recommandation d'approbation figure à l'ordre du jour)

5.2 Service de police de Saint John : demande relative à un événement sur la voie publique – E2L Jam (recommandation : approuver l'exemption pour la consommation d'alcool dans un lieu public)

5.3 Émission de débentures à l'automne – Avis de motion (recommandation figurant au rapport)

5.4 Contrat 2019-17 : Séparation des égouts de l'avenue Meadowbank (recommandation figurant au rapport)

5.5 Commission sur le stationnement de Saint John : nomination de Nicholas MacLean du Corps canadien des commissionnaires à titre d'agent chargé de l'exécution des arrêtés (recommandation figurant au rapport)

5.6 Comité consultatif d'urbanisme : subdivision (somme d'argent tenant lieu de réserve de terrains d'utilité publique) du 188-190, rue Winslow (recommandation figurant au rapport)

5.7 Contrat 2019-05 : Phase 3 de la réhabilitation structurale des conduites d'égouts sanitaires – Divers emplacements (recommandation figurant au rapport)

5.8 M.E. Carpenter : priorités en matière de transport (recommandation : accepter à titre informatif)

5.9 Date d'audience publique proposée – 319, rue Lancaster (recommandation figurant au rapport)

5.10 Demande de fonds de réserve de croissance – Programme des normes communautaires (recommandation figurant au rapport)

5.11 Désignation d'un agent chargé de l'exécution des arrêtés (recommandation figurant au rapport)

5.12 Changement de nom de rue (recommandation figurant au rapport)

5.13 Contrat de services de consultation d'un évaluateur de sécurité qualifié (QSA) (recommandation figurant au rapport)

5.14 Conseil des commissaires de la police de Saint John : Budget de fonctionnement 2019 – Bilan financier d'avril du Service de police de Saint John (recommandation : accepter à titre informatif)

5.15 E. Cusack – Stationnement pour les élèves des écoles secondaires du centre-ville (recommandation : consulter la Commission sur le stationnement)

5.16 Saint John Water – Rapport annuel sur l'eau 2018 (recommandation : accepter à titre informatif)

5.17 Soumission n° 2019-081204T – Station de pompage intégrée – Travaux de génie civil (recommandation figurant au rapport)

5.18 Bail conclu avec le Saint John Arts Centre – Place Peel (recommandation figurant au rapport)

5.19 Area 506 : approbation de la demande d'exploitation prolongée (recommandation : autoriser la Ville à fournir une lettre d'appui pour une licence d'heures prolongées – responsabilité du pouvoir d'approuver de la province)

6. Commentaires présentés par les membres

7. Proclamation

7.1 25e anniversaire du Marathon près de la mer – 10 et 11 août 2019

7.2 Fête de l'indépendance de l'Inde – 15 août 2019

8. Délégations et présentations

8.1 Develop Saint John – Projets d'infrastructure prioritaires

9. Audiences publiques – 18 h 30

9.1 Modification proposée à l'Arrêté de zonage – 81, promenade Bayside, avec rapport du Comité consultatif d'urbanisme recommandant le rezonage

9.1.1 81, promenade Bayside (1re et 2e lectures)

9.2 Modification proposée au règlement de zonage – 149, rue Broad, avec rapport du Comité consultatif d'urbanisme recommandant le rezonage / présentation du personnel

9.2.1 149, rue Broad (1re et 2e lectures)

9.3 Modification proposée en ce qui concerne l'article 59 – 49, avenue Noel, avec rapport du Comité consultatif d'urbanisme recommandant la modification

10. Étude des arrêtés municipaux

10.1 Modification de l'Arrêté de zonage, sous réserve des conditions imposées par l'article 59 – 646-648, chemin Westmorland (3e lecture)

10.2 Modification de l'Arrêté de zonage, sous réserve des conditions imposées par l'article 59 – 0, voie Heather (3e lecture)

11. Interventions des membres du conseil

11.1 Interdiction des plastiques à usage unique (conseiller Hickey)

11.2 Lettres / documents adressés au Conseil (mairesse suppléante McAlary)

11.3 Arbres destinés à la Côte Chipman (mairesse suppléante McAlary)

11.4 Restructuration financière (maire Darling)

11.5 Lettre d'appui des collectivités voisines (maire Darling)

11.6 Barrière du pont des Reversing Falls (conseiller Sullivan)

11.7 Rapport sur le développement durable (conseiller MacKenzie)

12. Affaires municipales évoquées par les fonctionnaires municipaux

12.1 Mise à jour sur le développement durable (verbalement)

12.2 Démolition de bâtiments vacants, délabrés et dangereux au 174, rue Pitt (NID 00006403)

12.3 Démolition de bâtiments vacants, délabrés et dangereux aux 261-263, rue Wentworth et 214, rue Britain (NID 00001149)

12.4 Demande de fixation de la date de l'audience publique – Mise à jour de l'Arrêté concernant les aires de conservation du patrimoine de Saint John (phase 1)

13. Rapports déposés par les comités

13.1 Comité des finances : Budgets d'immobilisations du fonds d'administration 2020 et 2021

13.2 Comité des finances : Budgets d'immobilisations du fonds des services publics de l'eau et des égouts proposés pour 2020 et 2021

14. Étude des sujets écartés des questions soumises à l'approbation du Bureau

15. Correspondance générale

15.1 Lettre de l'honorable Jeff Carr : Soutenir Saint John – Un plan en trois parties

15.1.1 Commentaires du personnel : Clarification des recettes à court terme générées par « Soutenir Saint John – Un plan en trois parties »

15.2 Demande de commandite : La Fondation de l'Hôpital St. Joseph – Première édition de l'événement annuel « Late Night with the Foundation »

15.3 Demande de commandite : WE Believe Saint John

15.4 Demande d'achat de billets : Rocmaura Nursing Home Foundation

15.5 Demande de commandite : Collège communautaire du Nouveau-Brunswick – Activités de la semaine d'orientation

15.6 Saint John Citizens Coalition – Marque GrowSJ

16. Ordre du jour supplémentaire

17. Comité plénier

18. Levée de la séance

The City of Saint John

MINUTES – REGULAR MEETING
COMMON COUNCIL OF THE CITY OF SAINT JOHN
JULY 8, 2019 AT 6:00 PM
IN THE COUNCIL CHAMBER

Present: Mayor Don Darling
Deputy Mayor Shirley McAlary
Councillor-at-Large Gary Sullivan
Councillor Ward 1 Blake Armstrong
Councillor Ward 1 Greg Norton
Councillor Ward 2 Sean Casey
Councillor Ward 2 John MacKenzie
Councillor Ward 3 Donna Reardon
Councillor Ward 3 David Hickey
Councillor Ward 4 David Merrithew
Councillor Ward 4 Ray Strowbridge

Also Present: City Manager J. Collin
Deputy City Manager N. Jacobsen
City Solicitor J. Nugent
Fire Chief K. Clifford
Commissioner of Finance and Treasurer K. Fudge
Deputy Commissioner Growth and Community Development P. Ouellette
Deputy Commissioner of Transportation and Environment J.Hussey
Commissioner of Saint John Water B. McGovern
Common Clerk J. Taylor
Deputy Common Clerk P. Anglin

DRAFT

1. Call to Order

2. Approval of Minutes

2.1 Minutes of June 17, 2019

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:
RESOLVED that the minutes of the meeting of Common Council held on June 17, 2019, be approved.

MOTION CARRIED.

3. Approval of Agenda

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:
RESOLVED that the agenda of this meeting be approved with the addition of items:

- 12.3 M&C 2019-168 South Bay Wellfield Performance staff report added
- 17.1 Sustainability Report Update
- 17.2 Appointments to Committees
- 17.3 South Bay Wellfield Update
- 17.4 Pension Plan Analysis Project

MOTION CARRIED.

Moved by Councillor Norton, seconded by Councillor Sullivan:
RESOLVED that the item 17.3 South Bay Wellfield Update be moved ahead on the agenda.

MOTION CARRIED.

4. Disclosures of Conflict of Interest

City Solicitor J. Nugent, Deputy City Manager N. Jacobsen and Councillor G. Norton declared a conflict with the items 12.3 South Bay Wellfield Performance and 17.3 South Bay Wellfield Update.

5. Consent Agenda

5.1 Refer to Discussion 14.1

5.2 That the Saint John Board of Police Commissioners - 2018 Operating Budget - December Year End (Unaudited) Financial Results be received for information.

5.3 That the M.E. Carpenter Letter: Safe Pedestrian Access be received for information.

5.4 That the M.E. Carpenter Letter: Saint John Transit Evaluation be received for information.

5.5 That as recommended by the City Manager in the submitted report *M&C 2019-163: Proposal for Cured-in-Place Point Repair Liners*, the standing offer agreement for the supply and installation of Cured-in-Place Point Repair Liners and associated work be awarded to Industrial Hydro-Vac NB Limited for 2019 with an option to extend for years two through five.

5.6 That as recommended by the City Manager in the submitted report *M&C 2019-169: Online Payment Solution*, Common Council receive the report for information.

5.7 That as recommended by the City Manager in the submitted report *M&C 2019-173: Succeed and Stay Project - Research*, the City enter into an agreement with the University of New Brunswick for the Succeed and Stay Project.

5.8 That as recommended by the City Manager in the submitted report *M&C 2019-164: Licence Agreement for Moonlight Bazaar on City Property*,

1. That the City enter into a Licence agreement with Five & Dime Inc. hereby called the "Organizer" for $1.00 to grant its agents, employees, partners and contractors access to and use the City owned property, identified as PID No. 8979 for the Moonlight Bazaar event, including the painting of a mural on the City retaining wall, and further removal of same, subject to the following terms and conditions:
   a. the Licence shall commence on July 15, 2019 and conclude at 11:59 pm (local time) on July 21, 2019;
   b. that Five & Dime Inc. shall, at no expense to the Licensor, obtain and maintain in full force and effect during the entire term of this Licence, a Commercial General Liability Insurance policy with policy limits of not less than five million dollars ($5,000,000.00) inclusive per occurrence for bodily injury and property damage; which policy shall name the City as an additional insured and shall contain a cross-liability clause and host liquor liability coverage;
   c. proof of insurance stated in (b) above is due on or before close of business July 12, 2019;
   d. all damages, cost, claims, demands, actions, suits or other proceedings by whomsoever claimed, made, brought or prosecuted in any manner and whether in respect of property owned by others or in the Licensee does hereby indemnify and save harmless the Licensor from respect of damage sustained by others based upon or arising out of or in connection with the use of the Licensed Area;
   e. the Organizer is responsible for security of the area and their property;

f. that the organizing committee has made satisfactory arrangements with the Saint John Parking Commission for the temporary relocation of the necessary parking spaces for the users of the parking lot for the length of time as noted above in (a);
g. the provision of washroom facilities will be the responsibility of the Organizer;
h. the site is to be thoroughly cleaned to the satisfaction of the City of Saint John representatives when the event has concluded;
i. that Five & Dime Inc. or its representatives be authorized to make application for any permit that is required in conjunction with the Moonlight Bazaar event; and
j. that the proponent provide $1,000.00 to the City to be used for future maintenance of the art work, as the City deems appropriate, and

2. That the Mayor and Common Clerk be authorized to execute the Licence Agreement.

5.9 That as recommended by the City Manager in the submitted report *M&C 2018-160: Sale of Portion of Land at Mispec Beach to the Province*, Common Council enter into the Corporate Agreement of Purchase and Sale with Her Majesty The Queen in Right of the Province of New Brunswick, as represented herein by the Minister of Transportation and Infrastructure, attached hereto M & C # 2019-160, and further directs the Mayor and Common Clerk to execute any document necessary to effect the transfer.

5.10 That as recommended by the City Manager in the submitted report *M&C 2019-174: Naval Memorial – Harbour Passage – Licence Agreement with United Services Institute of New Brunswick ("RUSI")*, Common Council approve the proposed Licence Agreement between the City and Royal United Services Institute of New Brunswick Inc. (**"RUSI"**) as attached to M&C 2019-174 and authorize its execution by the Mayor and Common Clerk once confirmation has been received that RUSI has been duly incorporated.:

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:
RESOLVED that the recommendation set out in each consent agenda item respectively, with the exception of item 5.1 which has been referred as item 14.1 for discussion, be adopted.

MOTION CARRIED UNANIMOUSLY.

6. Members Comments

Council members commented on various community events.

7. Proclamations

7.1 Hepatitis Awareness Day – July 28, 2019

The Mayor declared July 28, 2019 as Hepatitis Awareness Day in the City of Saint John.

8. Delegations/Presentations

9. Public Hearings 6:30 PM

9.1 Proposed Zoning Bylaw Amendment – 0 Heather Way with Planning Advisory Committee report recommending Rezoning / Staff Presentation

9.1.1 Zoning Bylaw Amendment (1st and 2nd Reading)

Ken Melanson presented the recommendations contained in the staff report.

The Common Clerk advised that the necessary advertising was completed with regard to amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 55,603 square metres, located at 0 Heather Way, also identified as PID Number 55208300 from Two-Unit Residential (R2) to Mid-Rise Residential (RM) with no written objections received.

Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning staff's report considered at its June 18, 2019 meeting at which the committee recommended the rezoning of a parcel of land located at 0 Heather Way as described above with Section 59 Conditions.

The Mayor called for members of the public to speak against the re-zoning with no one presenting.

The Mayor called for members of the public to speak in favour of the re-zoning with Andrew Toole representing the developer Dunnett's Landscaping Ltd. presenting.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:
RESOLVED that the by-law entitled, "A Law to Amend the Zoning ByLaw of The City of Saint John" amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 55,603 square metres, located at 0 Heather Way, also identified as PID Number 55208300 from Two-Unit Residential (R2) to Mid-Rise Residential (RM), be read a first time.

MOTION CARRIED.

Read a first time by title, the bylaw entitled, "A Law to Amend the Zoning By-Law of The City of Saint John."

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Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning Bylaw of The City of Saint John" amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 55,603 square metres, located at 0 Heather Way, also identified as PID Number 55208300 from Two-Unit Residential (R2) to Mid-Rise Residential (RM), be read a second time.

MOTION CARRIED.

Read a second time by title, the bylaw entitled, "A Law to Amend the Zoning By-Law of The City of Saint John."

9.2 Proposed Zoning Bylaw Amendment – 646-648 Westmorland Road with Planning Advisory Committee report recommending Rezoning / Staff Presentation

9.2.1 Zoning Bylaw Amendment (1st and 2nd Reading)

The Common Clerk advised that the necessary advertising was completed with regard to amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 1,000 square metres, located at 648 Westmorland Road, also identified as PID Number 55208300 from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN) with no written objections received.

Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning staff's report considered at its June 18, 2019 meeting at which the committee recommended the rezoning of a parcel of land located at 646-648 Westmorland Road as described above with Section 59 Conditions.

The Mayor called for members of the public to speak against the re-zoning with no one presenting.

The Mayor called for members of the public to speak in favour of the re-zoning with Mr. Harold McInnis East Side Food Bank and Rev. Greg McMullen St Mary's and St Bartholomew's Church presenting.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:
RESOLVED that the by-law entitled, "A Law to Amend the Zoning Bylaw of The City of Saint John" amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 1,000 square metres, located at 648 Westmorland Road, also identified as PID Number 55208300 from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN), be read a first time.

MOTION CARRIED.

Read a first time by title, the bylaw entitled, "A Law to Amend the Zoning Bylaw of The City of Saint John."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:
RESOLVED that the by-law entitled, "A Law to Amend the Zoning Bylaw of The City of Saint John" amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 1,000 square metres, located at 648 Westmorland Road, also identified as PID Number 55208300 from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN), be read a second time.

MOTION CARRIED.

Read a second time by title, the bylaw entitled, "A Law to Amend the Zoning Bylaw of The City of Saint John."

10. Consideration of By-laws

10.1 ByLaw respecting Code of Conduct for Elected Members of The City of Saint John (3rd Reading)

Moved by Councillor Reardon, seconded by Councillor Sullivan:
RESOLVED that the by-law entitled, "By-Law Number LG-5, A By-Law respecting the Code of Conduct for Elected Members of The City of Saint John", be read.

MOTION CARRIED.

In accordance with the *Local Governance Act* sub-section 15(3) the by-law entitled, "A *ByLaw respecting Code of Conduct for Elected Members of The City of Saint John*" instead of being read in its entirety was read in summary as follows:

"The *Local Governance Ac*t authorizes and requires local governments to establish a Code of Conduct Bylaw. The submitted *Code of Conduct Bylaw* includes the following mandatory provisions:

- Values of Members of Council
- Behavior of Members of Council
- Use of Local Government Property, Resources and Services by Members of Council
- Use of Communication Tools and Social Media.

The Code of Conduct Bylaw also addresses:

- Conflicts of Interest
- Roles and Responsibilities
- Gifts and Benefits
- Conduct at Meetings

- Handling of Confidential Information including a provision to not disclose confidential information following service on Council, and
- Remedial Action if Contravention occurs."

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:
RESOLVED that the by-law entitled, "*By-Law Number LG-5, A By-Law respecting the Code of Conduct for Elected Members of The City of Saint John*", be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, "By-Law Number LG-5, A By-Law respecting the Code of Conduct for Elected Members of The City of Saint John."

10.2 Public Presentation – Proposed Municipal Plan Amendment re: Policies related to Green Energy Development

Deputy Commissioner Ouellette read into the record a public presentation to amend the *Municipal Plan* policies including amending Sections 2.4 The Rural Areas, 2.5 Lands Common to the Primary Development Area and The Rural Areas, 7.8 Energy Efficiency and subsections 3.6.1 Rural Resource and 3.7.1 Parks and Natural Areas in addition to other relevant subsections and policies in order to facilitate Green Energy Developments and facilitate the ability to construct green energy projects involving wind and solar in limited designations in the Municipal Plan.

As advertised, written objections to the proposed amendment may be made to Council by August 7, 2019. Enquiries may be made to the Common Clerk or the Growth and Community Services.

11. Submissions by Council Members

12. Business Matters - Municipal Officers

12.1 General Fund Debt Management Policy FAS-006

Councillor Merrithew, Chair of Finance commented on the importance of the General Fund Debt Management Policy. The Commissioner of Finance outlined the report details.

Moved by Councillor Merrithew, seconded by Councillor Sullivan:
RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-167: General Fund Debt Management Policy FAS-006*, Common Council approve the General Fund Debt Management Policy FAS-006

MOTION CARRIED.

12.2 2019-2020 Arena Rental Fees and Ice Allocation Policy

Referring to the submitted report entitled *2019-2020 Arena Rental Fees and Ice Allocation Policy* Deputy Commissioner T. O'Reilly illustrated the proposed 2019-2020 rates and the rate comparison throughout the region and Atlantic Canada.

The City Manager commented that the cost recovery model referred to in the report is set for one season only. The rates are estimated operating cost-recovery shared by the Saint John Taxpayers and Arena Users. Capital Costs are not addressed. Going forward all aspect of City finances involving the arena rental fees will be reviewed.

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:
RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-166: 2019-2020 Arena Rental Fees and Ice Allocation Policy*, Common Council:

1) Endorse the changes proposed in M&C 2019 - 166 to how the City charges fees for rental of ice at the four City-operated arenas,
2) Endorse a continued investment of additional City taxpayer contribution to reduce the cost of youth access to ice at the City's four City-operated arenas,
3) Approve the arena hourly rental rates at the four City-operated arenas for one year starting October 11, 2019 as proposed in M&C 2019- 166, and
4) Approve the updated City of Saint John Ice Allocation Policy as attached to M&C 2019 - 166.

MOTION CARRIED.

City Solicitor J. Nugent, Deputy City Manager N. Jacobsen and Councillor G. Norton withdrew from the meeting.

12.3 M&C 2019-168 South Bay Wellfield Performance

Referring to the submitted report entitled *M&C 2019-168 South Bay Wellfield Performance* the Commissioner of Water advised of the proactive steps required to reduce demand on the wells and protect the South Bay Wellfield from the risk of saltwater intrusion. The West Side Water Servicing Adjustments will transition sections of West Side to water from the Loch Lomond Drinking Water Treatment Facility. Other areas will remain on the South Bay wells.

The City is pursuing legal remediation from the consulting firm, BGC Engineering Inc. the SCDWP Groundwater Advisor that recommended the South Bay Wellfield as a sustainable source for the City.

The Commissioner stated that Saint John Water continues to serve customers across the City with safe, clean, drinking water quality that exceeds the New Brunswick and the Canadian guidelines for drinking water quality. Regular testing of the water supplies from both the South Bay Wellfield and the Loch Lomond Drinking Water Treatment Facility (LLDWTF) confirms that Saint John has two excellent sources of high-quality drinking water. Water quality results are available on the City's website.

A series of public open houses has been scheduled by the City to answer residents' questions about the Loch Lomond switchover. Communications resources are also being made available to the public. An interactive map for residents is available on the webpage to assist residents determine if they will be receiving well water or water from the Loch Lomond Drinking Water Treatment facility.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:
RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-168 South Bay Wellfield Performance* Common Council adopt the following:

Whereas, in preparation for carrying out the Safe, Clean Drinking Water Project (SCDWP), the City of Saint John explored potential sources of safe, clean drinking water; and

Whereas, in 2012, the South Bay Aquifer was identified as a potential source of groundwater; and

Whereas the City engaged engineering consultants to carry out due diligence, to verify the quality and quantity of water in the South Bay Aquifer; and

Whereas the City's engineering consultants advised that the South Bay Aquifer could supply a sufficient quantity of safe, clean drinking water to service West Saint John; and

Whereas, in reliance upon that advice, the City arranged, as part of the SCDWP, to supply drinking water to West Saint John from three wells that draw water from the South Bay Aquifer; and

Whereas, in 2018, following the implementation of that decision, the City was advised by the same engineering consultants that, contrary to prior advice, the South Bay Aquifer cannot supply an adequate quantity of water for West Saint John without well water levels falling below sea level, and below the minimum prescribed level set out in the Approval to Operate granted by the New Brunswick Department of the Environment and Local Government for the West Wells; and

Whereas, in order to address the long-term risk of saltwater intrusion into the South Bay Aquifer, and in order to ensure compliance with the Approval to Operate, it is necessary to reduce the quantity of water drawn by the City from the South Bay Aquifer; and

Whereas the City has identified an interim solution, that involves supplying areas of West Saint John with safe, clean drinking water from the Loch Lomond Drinking Water Treatment Facility;

Now therefore be it resolved that the City implement the interim solution described in M&C No. 2019-168 of supplying water from the Loch Lomond Drinking Water Treatment Facility to Lower West, Milford, Randolph, Fundy Heights, Duck Cove and Sand Cove neighbourhoods, as shown in a yellow colour on the plan titled West Side Water Servicing Adjustments in Appendix 1 while it develops a long-term solution to ensure a long-term sustainable supply of safe, clean drinking water for West Saint John.

MOTION CARRIED.

City Solicitor J. Nugent, Deputy City Manager N. Jacobsen and Councillor G. Norton re-entered the meeting.

13. Committee Reports

14. Consideration of Issues Separated from Consent Agenda

14.1 (5.1) That the Fundy Regional Service Commission - Audited Financial Statements for the Year Ended 31 December 2018.

Moved Deputy Mayor McAlary, seconded by Councillor Reardon:
RESOLVED that the Fundy Regional Service Commission be requested to present to council on their mandate, achievements to date and plans for the future.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:
RESOLVED that the Fundy Regional Service Commission – Audited Financial Statements for the Year Ended 31 December 2018 be received for information.

MOTION CARRIED.

15. General Correspondence

15.1 <u>Ticket Purchase Request – New Brunswick Afrofest</u>

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:

RESOLVED that the Ticket Purchase Request – New Brunswick Afrofest be approved and the Office of the Common Clerk be directed to purchase tickets for those Council members wishing to attend the event.

MOTION CARRIED.

16. Supplemental Agenda

17. Committee of the Whole

17.1 Sustainability Report Update

The City Manager commented that the City received a Cabinet Confidence document; and recommends that Council request the Government of New Brunswick to release the Cabinet Confidence document publicly; thereafter Council will debate the report.

Responding to question, the City Solicitor advised that the document provided to the City by the province has impressed on the top of the page that the report is "Advice to Cabinet and Common Council: Confidential – Not for Distribution or Release". The provincial legislation *Right to Information and Protection of Privacy Act* (RTIPPA) expressly provides that a public body must not disclose advice given to Cabinet.

Moved by Councillor Sullivan, seconded by Councillor MacKenzie:
RESOLVED that Common Council formally request to the Government of New Brunswick the public release of the Saint John Sustainability Report; after which Common Council will determine its position on the aforementioned report.

MOTION CARRIED with the Deputy Mayor McAlary and Councillors Norton and Casey voting nay.

Responding to question "Will the release of all relevant information include any and all advice received from senior staff?" the City Manager responded that all the information will be included.

Moved by Councillor MacKenzie, seconded by Councillor Sullivan:
RESOLVED that Common Council formally request that all parties publicly release all analysis, information and products associated with the work and deliberations of the Joint Sustainability Working Group.

MOTION CARRIED with Councillor Casey voting nay.

17.2 Appointments to Committees

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that as recommended by the Committee of the Whole having met on July 8th, 2019 Common Council approve the following appointments:
Community Grants Evaluation – to appoint Amit Tamarak for a three year term from July 8, 2019 to July 8, 2022.

Fort LaTour Development Authority – to appoint Jane Fullerton for a three year term from August 23, 2019 to August 23, 2022.

Growth Committee – to appoint Councillor David Hickey from July 8, 2019 to the end of his current term on Council.

PRO Kids – to re-appoint Devin Burnham for a three year term from August 23, 2019 to August 23, 2022.

Saint John Community Arts Board – to appoint Lisa Hrabluk, Joanna Killen, Suping Shi, and Trina Thorpe each for a three year term from July 8, 2019 to July 8, 2022.

Saint John Energy – to re-appoint Bill Edwards for a three year term from July 8, 2019 to July 8, 2022; and to re-appoint Stephen MacMackin for a three year term from September 4, 2019 to September 4, 2022.

Saint John Free Public Library – to appoint Mohamed Bagha for a three year term from August 23, 2019 to August 23, 2022.

Saint John Substandard Properties Appeal Committee – to appoint Don Cullinan for a three year term from July 8, 2019 to July 8, 2022.

MOTION CARRIED.

Councillor Hickey expressed interest to fill a vacant position on the Arts Board.

Moved by Councillor Reardon, seconded by Councillor MacKenzie:
RESOLVED that Councillor Hickey's request to apply to be a member of the Arts Board be referred back to the Nominating Committee.

MOTION CARRIED.

17.3 South Bay Wellfield Update Hydrogeological Assessment

Moved by Councillor Reardon, seconded by Councillor Armstrong:
RESOLVED that as recommended by the Committee of the Whole having met on June 24th, 2019 concerning the South Bay Wellfield Sustainable Yield and Potential Claim Against BGC Engineering Inc., Common Council approve the following:

1. That, pursuant to its contractual obligations, The City of Saint John provide 30 days' notice to BGC Engineering Inc. of termination of its contract with the City relating to the Hydrogeological Assessment of the South Bay Wellfield; and further

2. That The City of Saint John initiate the Dispute Resolution Process leading to arbitration under the contract between the City and BGC Engineering Inc. relating to the Hydrogeological Assessment of the South Bay Wellfield; and further

3. That the City of Saint John retain Torys LLP for legal services required in relation to the South Bay Wellfield for an amount not to exceed $275,000.00 plus HST and disbursements.

MOTION CARRIED.

17.4 Pension Plan Affordability

Moved by Councillor Reardon, seconded by Councillor Hickey:
RESOLVED that as recommended by the Committee of the Whole having met on July 8, 2019 Common Council approve a maximum of $70,000 be allocated from the Restructuring Reserve Fund to support the Pension Plan Affordability Analysis Project.

MOTION CARRIED with Deputy Mayor McAlary and Councillor Armstrong voting nay.

18. Adjournment

Moved by Councillor MacKenzie, seconded by Councillor Armstrong:
RESOLVED that the meeting of Common Council held on July 8, 2019, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 8:55 p.m.

DRAFT

The City of Saint John

MINUTES – SPECIAL MEETING
COMMON COUNCIL OF THE CITY OF SAINT JOHN
JULY 11, 2019 AT 6:00 PM
IN THE COUNCIL CHAMBER

Present: Mayor Don Darling
Deputy Mayor Shirley McAlary
Councillor-at-Large Gary Sullivan
Councillor Ward 1 Blake Armstrong
Councillor Ward 1 Greg Norton
Councillor Ward 2 Sean Casey
Councillor Ward 2 John MacKenzie
Councillor Ward 3 Donna Reardon
Councillor Ward 3 David Hickey
Councillor Ward 4 David Merrithew
Councillor Ward 4 Ray Strowbridge

Also Present: City Manager J. Collin
Deputy City Manager N. Jacobsen
City Solicitor J. Nugent
Police Chief B. Connell
Fire Chief K. Clifford
Commissioner of Finance and Treasurer K. Fudge
Deputy Commissioner Growth and Community Development P. Ouellette
Deputy Commissioner of Transportation and Environment J. Hussey
Commissioner of Saint John Water B. McGovern
Common Clerk J. Taylor
Deputy Common Clerk P. Anglin

DRAFT

1. Call to Order

1.1 Addition to Agenda

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:
RESOLVED that the following item be added to the agenda:

- Denial of Pension under the *Heart and Lung Act*.

MOTION CARRIED.

1.2 Approval of Agenda

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:
RESOLVED that the agenda for the July 11th, 2019 meeting be approved.

MOTION CARRIED.

1.3 Denial of Pension under the *Heart and Lung Act*

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:
RESOLVED that as recommended by the Committee of the Whole having met on July 8th, 2019 Common Council approve the following:

WHEREAS an application was made by Employee No. xxxx for a pension pursuant to the terms of *An Act Respecting the Saint John Firefighters' Association*;

AND WHEREAS the aforementioned application for a pension was evaluated in accordance with established/applicable criteria and the City has received satisfactory medical advice confirming that Employee No. xxxx **does not** meet the eligibility criteria as identified in section 1 of *An Act Respecting the Saint John Firefighters' Association* (the "*Heart and Lung Act*") as further clarified by an Order of the Court of Queen's Bench of New Brunswick, dated April 5, 2018, because he is indeed able to *"continue to carry on in the Saint John Fire Department"*;

BE IT RESOLVED that the employee identified by Employee No. xxxx be denied a pension pursuant to the terms of the *Heart and Lung Act*, as interpreted having regard to the interpretative clarification provided in the Order of the Court of Queen's Bench of New Brunswick, dated April 5th, 2018.

MOTION CARRIED.

1.4 Sustainability Saint John: A Three-Part Plan

Referring to the submitted staff PowerPoint presentation entitled "Common Council - Sustaining Saint John – A Three Part Plan", the City Manager described the aim of the presentation: to present to Common Council a summary of the joint (Province/City) sustainability efforts of the past 15 months and the resulting report; with a view to setting the conditions for motions, questions, discussion and decision.

The presentation outlined the following:

Financial Background Review

Importance of Property tax revenues and growth
Property Tax Revenues and Growth
The City of Saint John reliance on property taxes is very high; nearly 80% of our revenues come from property taxes. Property tax reform is vital; the City must diversify revenue streams.

Reliance on Short Term Provincial Assistance
The City is relying on Provincial Funding to operate, the short-term financial assistance ends in 2020.

The Challenge
Saint John has significant structural deficits. The "structural deficit" must be solved. The City's revenue growth is 1% per year and costs are 3% per year. Just cutting does not solve the challenge; the problem will return until costs balance revenue. Binding arbitration changes and wage escalation policy are vital. The City has reduced the workforce by 82 positions since 2008. How many more can be removed?

Highest Tax Rate in New Brunswick
City residents pay the highest tax rate in New Brunswick and 44% more than the Town of Rothesay.
City residents pay an unequitable tax burden based on income.

City Debt
City debt exceeds $230M – Debt Management Policy is vital.

Infrastructure Debt
Infrastructure Deficit
City has a sizable infrastructure deficit $434M – We must invest more in Capital.

2018 Funding Agreement

Common Council approved the 2018 budget with $4.7 in proposed cuts; $2.5M public safety cut and $1.7M transportation service cut. On or about December 11, 2017 the City received a letter from the New Brunswick Premier Brian Gallant that resulted in short-term financial assistance with the following terms: $22.8M over a three year period ($3.5M in 2018, $8.9M in 2019 and $10.4M in 2020). The Funding Agreement terms included no cuts to front facing services and Working Committee Solutions report to be delivered in early 2019.

Sustaining Saint John – A Three-Part Plan - Review of Three Part Plan

Part 1 Developed by the Working Group – Implement 20 Action Items

1. Collective Agreements – City of Saint John to address non-sustainable clauses.
2. Special Pension Payments – City of Saint John to explore options to decrease annual payments but not diminish overall contributions.
3. City Boundaries – Province/City of Saint John will explore if reducing territorial boundaries would yield cost savings.
4. Binding Arbitration – The Government of New Brunswick will invite local government and union representatives to develop a proposal for binding arbitration reform.
5. Tax exemption – Municipal Transit Facilities.
6. Municipal Property Tax Reform – Province will lead a comprehensive review of current property tax policy and any tax-related tools that would benefit municipalities.
7. Population Growth – Province with ACOA will support City of Saint John's *Population Growth Framework* by accelerating pilot to attract 500 new residents.
8. Saint John Energy – City of Saint John will conduct independent evaluation of Saint John Energy growth agenda.
9. Regional Facilities – Capital Costs – Province introduce legislation to add capital costs to regional facilities' funding formula.
10. Accommodation Levy – Province has introduced legislation for mandatory levy.
11. Regional Services Commission - Province will review the RSC model to find improvements in regional service delivery.
12. City of Saint John Budget – City will commit to further reduce expenses and/or increase revenues.
13. Fundamental review of organizational structure of City employees.
14. Develop Continuous Improvement Framework.
15. Third Party Operational Audit.
16. Fundamental review of Economic Development Framework.
17. Facilitate growth through enhanced collaboration with industry.
18. Develop and execute long-term financial plan.
19. Develop and execute Debt Management Plan and Wage Escalation Policy.
20. Complete next Phase of Asset Management Plan.

Part 2 Developed by GNB/Provincial Cabinet – Establish a Regional Management Task Force to achieve equitable cost-sharing by March 31, 2020

From the Terms of Reference the objectives of the Regional Management Task for are:
To Achieve comprehensive and equitable service cost-sharing through the engagement of regional governance partners; and
To establish a collaborative regional planning and priority-setting framework on service-sharing and other areas of common interest through this forum.
As a deliverable, a signed agreement, delivered to the Province March 31, 2020.

Part 3 Developed by GNB/Provincial Government – Commit to a re-assessment by the Provincial Government of the City's operational status in May 2020, to determine what, if any, further response is required.
In May of 2020, once Government officials have reviewed the status to date on the 20 Actions, and the outcomes from the Regional Management Task Force, the Government has committed to re-assessing the City's financial status.
In making this commitment, the Government does not want to discourage the diligent efforts of regional leaders and the City of Saint John from making every gain possible to benefit the City and the region as a whole. At this time, no additional provincial funding has been identified. Instead, Government will re-assess the situation and determine whether any further action is required, including any further policy, operational, or financial measures.
The timing of Government's decision-making in May 2020, will allow for pre-budget planning by the City in advance of the new municipal fiscal year of January 1, 2021.

Staff Analysis

20 Action Items - Over half are City initiatives that are in progress or planned. Some are minor (i.e.: Removing provincial property tax from transit facility). Some have tremendous (albeit uncertain) potential; Property Tax Reform, Binding Arbitration, Saint John Energy revenue, Regional Management Task Force (Part 2 of Plan). Most have been committed to in other forums, but this is the first time for a Cabinet-endorsed written document.

Action items will not yield major results before 2023. Quoting from the report"…are expected to yield modest revenue or savings for the city beginning in 2020, with more substantive returns in 2023 and beyond".

All action items require implementation plans with due dates and milestones, "SMART" objectives (Specific, Measureable, Assignable, Relevant, Time Based) and performance measurement throughout.

If we assume major benefits in 2023 and beyond, the City of Saint John should plan to address the entirety of deficit for the years 2021 and 2022; this will require drastic,

impactful and difficult decisions that will affect everyone. A phased approach would be required so planning has already begun and must accelerate. 2021 is "just around the corner" from a budgeting point of view, especially when major changes must be implemented.

Motion brought forward from Closed Session of the Committee of the Whole

June 26th, 2019
RESOLVED that the City not accept the *"Sustaining Saint John – A Three Part Plan"* report as it does not meet the majority of the objectives of the City of Saint John; and further, that a letter be sent to the Province thanking them for their efforts thus far.

Questions and Discussion

Following the presentation the City Manager responded to questions. Responding to "What is the risk in the report, what is bankable revenue in the report versus future commitment?" The City Manager enumerated the known "bankable" revenue:

- Exemption to provincial property tax on the Transit facility $300,000
- Changes to Regional Facilities legislation impacts on operating and capital costs $600,000

These are two tangible bankable revenues within the action items.
Responding to further question in terms of money on the table from the report, the City Manager quantified in addition:

- External audit Operational Review $200,000 minimum
- Change from the voluntary hotel levy to a mandatory levy will add $300,000-$700,000 annually.

Responding to question "What is the financial risk of the action items in the report?" the Commissioner of Finance stated there are significant commitments and significant major themes in the report that would not only impact the City of Saint John but municipalities across New Brunswick. Many of the major reforms that are needed and committed to in the plan are for 2022 and beyond and the details for each of those major reforms are yet to be determined.

From a financial perspective relying solely on the recommendations of the report given that the timing of actions are uncertain, and considering the time required for action items that the City is responsible to address, such as collective agreements, and things of that nature, the uncertain timing of the conclusions in the report carries risk, and risk for future finances for the City of Saint John.

The Commissioner advised that the City of Saint John, based on its current costs of services, can no longer afford those services based on the revenues that with certainty we can predict we are going to receive in the foreseeable future and that we are going to have to make some cost adjustments going forward.

The Mayor asked the City Manager the following question: "When Council was briefed previously on the Working Group action items and we discussed that as a Council, did Council place any condition on its approval in principle, on those action items?" When asked to clarify the Mayor stated, "When Council discussed the draft city actions and draft provincial actions that there was an element to that in terms of tax reform that was an ask from the Province." The City Manager responded, "Are you referring to the bridging strategy?" The Mayor responded "Yes, I would call that tax reform." The City Managed elaborated, "As we worked through the 18-20 action items, once we came to the realization that the large, potential significant change would be 2023 or beyond and that the City of Saint John would have a very significant challenge for the fiscal years of 2021 and 2022 we then started to discuss within the Sustainability Working Group options to deal with that short term challenge. We did initially focus on offering potential bridging strategies to our counterparts at the Provincial level to get us through those years. One of the bridging strategies morphed into the first step toward property tax reform, holistic comprehensive property tax reform. It was so suggested within the Working Group and mentioned to various elected officials, as I understand, at both levels of government. The proposal put forward is in recognition of the City of Saint John's heavy industrial base and the stress it puts City services and infrastructure, although they (heavy industry) pay a large portion of property tax, a proportion of that goes to the province. Our suggestion was in order to recognize and compensate for the additional pressures that are put onto our services, police, fire response, for example and the pressure that is put on our infrastructure, for example one heavy truck puts the same wear and tear as approximately 10,000-18,000 cars; our suggestion was as the first step of comprehensive tax reform to transfer the industrial tax portion of Provincial property tax to the City, in recognition of those pressures."

Responding to a question "What were the staff recommendations on the report?" the City Manager responded that 4 recommendations were presented by staff:

1. Endorse plan with reservations - action items will not yield results before 2023.
2. Detailed implementation plans are required for the action items with due dates, milestones, "SMART" objectives (Specific, Measurable, Assignable, Relevant, Time Based) and with performance measurement throughout.
3. Assuming benefits in 2023 develop plans for deficit years 2021, 2022.
4. Direct City Manager to develop a communication plan to release the report.

A point of order was raised by Councillor Sullivan for not following the *Procedural Bylaw* speaking times. The Mayor stated the topic is important and he is tracking speaking times.

Responding to a question "What are examples of the $10-12 Million in budget cuts required?" the City Manager provided illustrative examples:

- Reduce transit subsidy
- Reduce protective services

- Eliminate community grants
- Cease recreation subsidies
- Increase user fees for resident services, such as garbage
- Increase non-resident fees
- Workforce reductions, pay reductions
- There will be more potholes and more ice on roads.

The City Manager also stated that staff is pursuing revenue streams to offset budget cuts.

Responding to a question "What will happen if the report is not endorsed?" The City Manager responded he does not know, he can only speculate and did offer his speculation as comments in Closed Session on June 26, 2019.

Motions and Decision

Moved by Councillor Sullivan, seconded by Councillor Norton:
RESOLVED that Common Council adopt the submitted report entitled *Sustaining Saint John: A Three-Part Plan*.

Councillor Reardon asked if a tabling motion could be entertained.

The Clerk advised that a tabling motion would require a timeline and a reason for the tabling motion.

A 30 day timeline was suggested.

Councillor Reardon stated her reason for considering the tabling motion would be to facilitate further review of the report, which was just released yesterday and to have the provincial members present at tonight's meeting consider the concerns and remarks made by council and to take the concerns to the Province to determine if more could be offered to assist the City.

Moved by Councillor Reardon, seconded by Deputy Mayor McAlary:
RESOLVED that the matter *Sustaining Saint John – A Three Part Plan* be tabled for 30 days to facilitate further negotiation with the Province.

MOTION TIED, with Deputy Mayor McAlary and Councillors Reardon, Hickey, Sullivan, and Norton voting "yea" and Councillors MacKenzie, Merrithew, Armstrong, Strowbridge and Casey voting "nay".

The Mayor cast the deciding vote in favour.

MOTION CARRIED.

Adjournment

Moved by Councillor MacKenzie, seconded by Councillor Armstrong:
RESOLVED that the special meeting of Common Council held on July 11, 2019, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 8:24 p.m.

DRAFT

SAINT JOHN POLICE FORCE

1 Peel Plaza, E2L 0E1
P.O. Box 1971
Saint John, New Brunswick
Canada E2L 4L1

Service De Police De Saint John
C.P. 1971
Saint John Nouveau-Brunswick
Canada E2L 4L1

"We Serve and Protect – with Respect"
"Nous Servons et Protégeons – avec Respect"

BRUCE E. CONNELL
Chief of Police/ Chef de Police

Address all correspondence to: Office of the Chief of Police

Envoyer toute la correspondence au: Bureau du Chef de Police

Telephone/Téléphone: (506) 648-3200

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police@saintjohn.ca

www.saintjohnpolice.ca

SAINT JOHN

Explore our past/ Explorez notre passé Discover your future/ Découvrez votre avenir

July 10, 2019

Jonathan Taylor
City Clerk / Office of the Common Clerk
City of Saint John
P.O. Box 1971
Saint John, NB E2L 4L1

Dear Mr. Taylor:

RE: Street Event Application – 'Third Shift' / August 16, 2019

As required under Schedule 'S' (Regulation Respecting Processions and Assemblages on Public Streets) of the current City of Saint John By-Law No.: MV-10 (A By-law Respecting Traffic On Streets In The City of Saint John Made Under The Authority of The Motor Vehicle Act, 1973, and Amendments Thereto), section C. - *Authority* states:

> C. *Authority*
>
> This regulation has been adopted by Common Council of the City of Saint John. Authority to administer this regulation has been assigned to the Saint John Police Force Chief of Police, except with respect to Street Events involving consumption of alcoholic beverages in public places, as noted below.
>
> Authority to administer this regulation is referenced at Section 3 of the *By-Law Number M-10: A By-Law Respecting the Traffic on Streets in the City of Saint John Made Under The Authority of the Motor Vehicle Act 1973 and Amendments Thereto (the "Saint John Traffic By-Law").*
>
> The consumption of alcoholic beverages in public places is prohibited; however a Street Event organizer may apply for an exemption. Application once again is to the Chief of Police, but the request is then routed (by the Chief) to Common council for consideration and approval.

The 'Third Shift' Street Event scheduled for Friday, August 16, 2019, from 5:00 pm until 12:00 am, will involve alcohol consumption and therefore requires consideration and approval from Common Council.

As per section C. - *Authority* of Schedule 'S', the applicant for the event – Third Space Gallery - assumes the responsibility of acquiring any and all licenses in accordance with the applicable Provincial legislation for consumption of alcohol. In all other respects, the application for this Street Event permit must satisfy the 'conditions for consideration' and all application requirements. As Chief of Police of the Saint John Police Force, I will process the request accordingly, contingent on and subsequent to Common Council granting the exemption for consumption of alcoholic beverages in public places.

I am satisfied that all of the conditions applicable within the 'regulation' will be met and, with the approval of Common Council for an exemption for the consumption of alcohol in public places, I will issue the said permit listing the terms and conditions of this Street Event.

I would also like to add, as per section E. - *Procedure*, subsection 4. - *Permit*, as Chief of Police of the Saint John Police Force, I am authorized to cancel an event and / or revoke a Street Event Permit at any time upon violation of any legislation, regulations or by-laws or upon violation of any of the conditions of the said Street Event Permit.

Yours truly,

Bruce E. Connell
Chief of Police
Saint John Police Force

Enclosures

Aug 16 7pm-12A FREE

RECEIVED
JUN 21 2019

City of Saint John
Street Event
APPLICATION FORM

Please complete all sections of this application and return to:

Chief of Police
Saint John Police Force
PO Box 1971
Saint John, NB E2L 4L1
FAX: 506-648-3304

Date: June 12, 2019 **Date Received:** _____ **(Office)**

1. Name of Street Event: THIRD SHIFT

2. Name of organization hosting / planning event: ThirdSpace Gallery

3. Specify nature of your organization: commercial, non-profit, charitable, etc.
(please give tax number if applicable)

non-profit

4. Key contact for event: Christiana Myers, Programming Coordinator

Address: 89 Canterbury St Suite 407, Saint John, NB
Postal Code: E2L 2C7
Phone #: (506) 349-4120 (H) _____ (O) _____ (F) _____
Email Address: tiersespace@gmail.com

Secondary contact for event: Abigail Smith

Address: 89 Canterbury St. Suite 407, Saint John, NB
Postal Code: E2L 2C7
Phone #: (506) 647-7222 (H) _____ (O) _____ (F) _____
Email Address: thirdshiftassociate@gmail.com

5. Name & Main theme of event: THIRD SHIFT: Night-time contemporary public art festival and exhibition

6. Main activities of event: Public installations of contemporary art projects throughout Uptown accompanied by programming including workshops, artist talks, and participatory projects.

7. Objectives of event, in order of priority: To engage the public with contemporary art, to activate underutilized spaces within Uptown Saint John, to inspire residents to reimagine their city through engaging and inspiring projects.

8. Date(s) and times to be held: August 16, 2019 - Event runs 7pm to 12am, street closure required from 12pm to 12am.

FREE

RECEIVED
JUN 1 2019

9. Please identify the frequency of this event (approval is for current event only):

Annual X
Biennial
One time only
Other _____ Please Specify _____

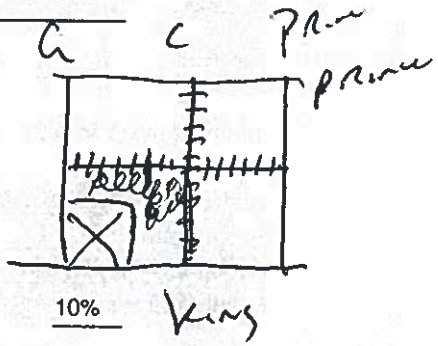
10. Location (Streets): Canterbury from King to Princess / Grannan from Germain to Prince William

11. Historical Background: This is the fifth THIRD SHIFT festival to take place in the Trinity Royal Heritage District of Uptown Saint John.

12. Number of volunteers involved in event: 20

13. Target audience:
(Please describe the demographic reach you expect with this event)

Mostly 18-35 but there is also programming geared toward children.



13.1 Percentage of potential audience:

Adults 65% Children _____ Youth 10%
Families 15% Seniors 10%

14. Estimated attendance: 3000

14.1 Estimated type of attendance: [for statistical purposes only; not mandatory]

a) % who are participants 2%
b) % who are spectators 95%
c) % from the city of Saint John 80%
d) % from outside the city of Saint John 20%
e) % from outside the province 5%

14.2 From d and e above, please provide an estimated percentage breakdown for the accommodation type that will be used for out of area visitors. [for statistical purposes only; not mandatory]

a) % Visiting friends & relatives 5%
b) % Campground _____
c) % Hotel / Motel 80%
d) % Bed & Breakfast 15%
e) % Other _____ Please Specify _____

General Financial Information: Only required in order to understand the scope of the proposed event, and to confirm that the applicant/organizer has resources necessary to cover costs associated with the conditions of permit. 'Total Operating Budget' is the key information. Financial information will remain confidential.

15. Total operating budget: $25,000

16. Funding sources: (detail estimated amount)

A. Grants

Provincial:	$5,000
Federal:	
Other:	$3,000
Total:	

B. Sponsorship

Private:	$8,000
Corporate:	$7,000
Other:	In-Kind
Total:	$2,000

Revenue from other sources:

Source: _____ Funds: _____
Source: _____ Funds: _____
Source: _____ Funds: _____

Funds on hand from other years:
n/a

Total Revenue expected:
$500

If available, please attach a detailed budget of projected expenditures (confidential use only).

17. Identify any major sponsors that may be involved:
Historica, Commercial Properties, Picaroon's

18. If this event is to be used as a fund raiser, who is the beneficiary?
n/a

19. Has your event received support from the City of Saint John in past years?

Yes ◉ No ○

Please identify the year in which you received support: 2015 - 2019, Saint John Community Arts Board

lease detail the level of support you received in the past: approx $2,000 - $3,000

20. Briefly outline your marketing strategy for this event. (Include any print or electronic exposure you expect to receive): Online marketing through Uptown Saint John posters, Facebook, Instagram, coverage through CBC and the Telegraph Journal

21. A person or group requesting a Street Event Permit -- other than City departments, gencies, boards and commissions and agents of the City of Saint John – may have to carry third party liability insurance for the Street Event. Whether all or part of the event takes place on or asses over City of Saint John public property the Street Event organizers may have to obtain and aintain in full force a Commercial General Liability insurance policy with limits of not less than $2,000,000, naming the City of Saint John as an "Additional Insured". Where liquor will be served or sold at a Street Event, the organizers shall obtain and maintain in full force a Commercial General Liability insurance policy with limits of not less than $5,000,000, naming the City of Saint John as "Additional Insured"; and additional liquor liability insurance shall also be obtained. Evidence of all required insurance coverage(s) shall be forwarded to the City of Saint John, care of the Common Clerk, at least 10 working days before the Street Event.

22. How will this event be evaluated? The event will be evaluated through attendee, artist, and committee feedback.

. Will you require City of Saint John services? If so, please detail:

We will require barricades for the street closure and if available, some security support in the form of police officers. We may also require operation from the Saint John Parking Commission as there are city lots within the street closure area and we may require a small number of parking spaces (T-3 only) in city parking lots outside of the closure boundary requested

lease Note: Many municipal services are subject to costs and are the sole responsibility of the rganizer. The municipality reserves the right to ask for pre-payment for these costs in the form of a money order or a certified cheque made payable to the City of Saint John, otherwise the costs will be invoiced to the organizer after the event is completed.

. Using a separate sheet(s), please provide as much detail as possible on your event logistics. Please nclude all route maps and site plans if applicable and any additional information that you feel will explain your event.

With regard to the City of Saint John requirements outlined in this application I have signing authority or the above stated event. I understand the City of Saint John requirements of an event organizer as outlined in this application and will ensure that the event I represent will comply with these requirements:

ame Signature

Christiana Myers

Name Print

SAINT JOHN POLICE FORCE
REVIEW OF REQUEST FOR STREET EVENT (CLOSURE)

(PLEASE REFER TO THE ATTACHED 'STREET EVENT APPLICATION' FORM)

NAME OF EVENT: *'Third Shift'*

DATES / TIMES: Friday, *August 16, 2019 (5pm-midnight)*

TYPE: *Night-time contemporary public art festival*

APPLICANT: *Third Space Gallery (Christiana Myers)*

LOCATION: *Canterbury Street – south of Grannan Lane to the corner of Princess Street.*

DESCRIPTION:

The 'Third Shift' art festival has been held for four (4) previous years, in the area encompassing Canterbury Street between King and Princess, also along the length of Grannan Lane. There have been no reports of anti-social behavior reported previously related to this event.

Previous to this current application, Third Shift was a liquor-free event. The 2019 Application requests permission for alcohol to be served, with Picaroons seeking a Liquor License Extension.

Due to a number of recent residential and commercial developments requiring access from Grannan Lane, the application for Third Shift can only be approved for the area of Canterbury Street, south of Grannan lane to the corner of Princess Street.

INSURANCE (Y) / N (see 'Notes', below)

LIQUOR (LICENSE): (Y) / N (License Extension requested by Picaroons, see 'Notes', below)

POLICE CONSULTED (Y) / N

POLICE HIRED: Y / (N)

PRIVATE SECURITY (Y) / N (volunteer)

CONDITIONS: (to be communicated to the Applicant)

- The area of the road closure will be Canterbury Street, south of Grannan Lane to the corner of Princess Street, commencing at 5pm.

- Barricades and Road Closed signage must be in place.

2019 'Third Shift' (P.2)

- A full-seized vehicle (ie: pick-up truck) must be positioned inside the barricade at the corner of Grannan Lane, to prevent errant or willful vehicle incursion into the foot-traffic area.
- Security must be in place at both barricades, at all times.
- Security must have the ability to move the barricade vehicle, in the event of an emergency.
- Liquor License must be presented to the Common Clerk's office, no less than 10 business days before the event.
- Proof of Liability Insurance must be presented to the Common Clerk's office no less than 10 business days prior to the event.

APPLICATION RECOMMENDED: Y/N

S/Sgt J [illegible] 2019-July-09.

SAINT JOHN POLICE FORCE **DATE**

THIRD SHIFT PRESENTATION FOR CITY COUNCIL

All requests must be submitted by no later than 4 p.m. on the Wednesday prior to the Council meeting.
Submissions must not contain defamatory or offensive language
Submissions must include the name and mailing address or the telephone number of the author
Any person or group wishing to speak at a Council meeting (except for Public Hearings) is required to submit this form in order for Council to decide if a presentation will be approved and scheduled at a subsequent Council meeting. If your request is approved, you will receive a letter from the Common Clerk and the office will reach out to you to schedule the presentation. This form can be filled out electronically and then emailed to the Common Clerk's office at commonclerk@saintjohn.ca , or it can be printed out and mailed or hand delivered to the following:

Mailing Address:
Office of the Common Clerk
City Hall Building
PO Box 1971
Saint John, NB E2L 4L1

Street Address:
Office of the Common Clerk
City Hall Building
8th Floor – 15 Market Square
Saint John, NB E2L 1E8

If you have attachments that you would like to add, simply attach to email or attach to paper copy that you mail or hand deliver.

ABOUT YOUR PERSONAL INFORMATION

Personal information and opinions in communications shall become part of the public record, unless the author of the communication requests the removal of his personal information when submitting it, or the Clerk determines that the release of the personal information contravenes the Right to Information and Protection of Privacy Act, SNB 2009, c R-10.6, and amendments thereto.

If you have any further questions please call us at 658-2862

ABOUT PERSON/GROUP PRESENTING

First Name: Abigail Last Name: Smith
Name of Organization/Group (where applicable): Third Space
Mailing Address: 89 Canterbury Street Suite 407
City or Town: Saint John Province: NB Postal Code: E2L 2C7
Day Time Phone Number: 506 647 7222 Email: thirdshiftassociate@gmail.com

If you do NOT wish to have your personal information (address, phone number, email) become part of the public record, please check this box.

ABOUT YOUR REQUEST

Topic of Presentation: Street Closure for THIRD SHIFT Art Festival

Purpose for Presentation (what is the ask of Council): To approve Street Closure of Grannan Lane and Canterbury between King and Princess on August 16th, 2019, for THIRD SHIFT contemporary art festival.

Background Information:

THIRD SHIFT is a festival of public contemporary artworks presented by Third Space, a not-for-profit artist-run centre in Saint John, New Brunswick. Established in 2015, THIRD SHIFT aims to offer citizens a unique opportunity to engage with contemporary art and re-imagine their city. THIRD SHIFT holds space for new experiences and communal exchange through the exhibition of temporary installations, interventions, performances and projections in the heart of Uptown Saint John. Motivated by the potential for deeper engagement, THIRD SHIFT is proud to announce it has expanded its schedule to include two days of artistic presentations and workshops leading up to our signature nighttime exhibition on Friday, August 16th, 2019. All activities are free of charge and open to the public.

THIRD SHIFT has occurred in this location for 4 years and is an established, free, all-ages, non-profit event. This year our application has been limited to only Canterbury Street while we are aware that other, similar events have been approved for this season for the same location. We take all required security precautions, public safety precautions, secure permissions from nearby businesses and residents. Additionally, given that the public expects the event to occur on Grannan Lane, we believe there will be a greater influx of pedestrian traffic on Grannan regardless of street closure, which could cause greater safety concerns if the street is not closed to vehicles.

YOUR SIGNATURE

Signature: Date: July 24, 2019

Christiana Myers, Third Space Programming Coordinator

SAINT JOHN POLICE FORCE

1 Peel Plaza, E2L 0E1
P.O. Box 1971
Saint John, New Brunswick
Canada E2L 4L1

Service De Police De Saint John
C.P. 1971
Saint John Nouveau-Brunswick
Canada E2L 4L1

"We Serve and Protect – with Respect"
"Nous Servons et Protégeons – avec Respect"

BRUCE E. CONNELL
Chief of Police/ Chef de Police

Address all correspondence to: Office of the Chief of Police

Envoyer toute la correspondence au: Bureau du Chef de Police

Telephone/Téléphone: (506) 648-3200

Fax/Télécopieur: (506) 648-3304

police@saintjohn.ca

www.saintjohnpolice.ca

SAINT JOHN

Explore our past/
Explorez notre passé
Discover your future/
Découvrez votre avenir

July 24, 2019

Jonathan Taylor
City Clerk / Office of the Common Clerk
City of Saint John
P.O. Box 1971
Saint John, NB E2L 4L1

Dear Mr. Taylor:

RE: Street Event Application – 'E2L Jam' / August 23, 2019

As required under Schedule 'S' (Regulation Respecting Processions and Assemblages on Public Streets) of the current City of Saint John By-Law No.: MV-10 (A By-law Respecting Traffic On Streets In The City of Saint John Made Under The Authority of The Motor Vehicle Act, 1973, and Amendments Thereto), section C. - *Authority* states:

> C. *Authority*
>
> This regulation has been adopted by Common Council of the City of Saint John. Authority to administer this regulation has been assigned to the Saint John Police Force Chief of Police, except with respect to Street Events involving consumption of alcoholic beverages in public places, as noted below.
>
> Authority to administer this regulation is referenced at Section 3 of the *By-Law Number M-10: A By-Law Respecting the Traffic on Streets in the City of Saint John Made Under The Authority of the Motor Vehicle Act 1973 and Amendments Thereto (the "Saint John Traffic By-Law").*
>
> The consumption of alcoholic beverages in public places is prohibited; however a Street Event organizer may apply for an exemption. Application once again is to the Chief of Police, but the request is then routed (by the Chief) to Common council for consideration and approval.

The 'E2L Jam' Street Event scheduled for Friday, August 23, 2019, from 7:00 pm until 11:00 pm, will involve alcohol consumption and therefore requires consideration and approval from Common Council.

As per section C. - *Authority* of Schedule 'S', the applicant for the event – Five & Dime - assumes the responsibility of acquiring any and all licenses in accordance with the applicable Provincial legislation for consumption of alcohol. In all other respects, the application for this Street Event permit must satisfy the 'conditions for consideration' and all application requirements. As Chief of Police of the Saint John Police Force, I will process the request accordingly, contingent on and subsequent to Common Council granting the exemption for consumption of alcoholic beverages in public places.

I am satisfied that all of the conditions applicable within the 'regulation' will be met and, with the approval of Common Council for an exemption for the consumption of alcohol in public places, I will issue the said permit listing the terms and conditions of this Street Event.

I would also like to add, as per section E. - *Procedure*, subsection 4. - *Permit*, as Chief of Police of the Saint John Police Force, I am authorized to cancel an event and / or revoke a Street Event Permit at any time upon violation of any legislation, regulations or by-laws or upon violation of any of the conditions of the said Street Event Permit.

Yours truly,

Bruce E. Connell
Chief of Police
Saint John Police Force

Enclosures

City of Saint John
Street Event
APPLICATION FORM

Please complete all sections of this application and return to:

Chief of Police
Saint John Police Force
PO Box 1971
Saint John, NB E2L 4L1
FAX: 506-648-3304

Date: July 13, 2019 **Date Received:** _____ **(Office)**

1. Name of Street Event: E2L Jam

2. Name of organization hosting / planning event: Five & Dime

3. Specify nature of your organization: commercial, non-profit, charitable, etc. (please give tax number if applicable)

Commercial

4. Key contact for event: Jody Kliffer

Address: 80 Sydney Street, Saint John, NB
Postal Code: E2L 2L6
Phone #: 898-0020 (H) _____ (O) _____ (F) _____
Email Address: jody@fiveanddimesj.com

Secondary contact for event: Chris Grannan

Address: Grannan Street
Postal Code: _____
Phone #: 651-7262 (H) _____ (O) _____ (F) _____
Email Address: chris@grannangroup.com

5. Name & Main theme of event: E2L Jam - music festival

6. Main activities of event: Live music, outdoor beer garden, some food sales

7. Objectives of event, in order of priority: create an urban venue for live music

8. Date(s) and times to be held: Aug 23rd, 7pm-11pm

9. Please identify the frequency of this event (approval is for current event only):

Annual yes
Biennial ____
One time only ____
Other _____ Please Specify _____

10. Location (Streets): Canterbury Street and Grannan Street - in the intersection

11. Historical Background: this will be the 3rd year for this event

12. Number of volunteers involved in event: maybe 6 to 12

13. Target audience:
(Please describe the demographic reach you expect with this event)

13 .1 Percentage of potential audience:

Adults _____ Children _____ Youth _____
Families _____ Seniors _____

14. Estimated attendance: about 500

14.1 Estimated type of attendance: [for statistical purposes only; not mandatory]

a) % who are participants ____
b) % who are spectators ____
c) % from the city of Saint John ____
d) % from outside the city of Saint John ____
e) % from outside the province ____

14.2 From d and e above, please provide an estimated percentage breakdown for the accommodation type that will be used for out of area visitors. [for statistical purposes only; not mandatory]

a) % Visiting friends & relatives ____
b) % Campground ____
c) % Hotel / Motel ____
d) % Bed & Breakfast ____
e) % Other _____ Please Specify _____

General Financial Information: Only required in order to understand the scope of the proposed event, and to confirm that the applicant/organizer has resources necessary to cover costs associated with the conditions of permit. 'Total Operating Budget' is the key information. Financial information will remain confidential.

15. Total operating budget: $6000

16. Funding sources: (detail estimated amount)

A. Grants

Provincial: _____
Federal: _____
Other: _____
Total: _____

B. Sponsorship

Private: _____
Corporate: $5000
Other: _____
Total: _____

Revenue from other sources:

Source: Restaurants & bars in the area Funds: $1000
Source: _____ Funds: _____
Source: _____ Funds: _____

Funds on hand from other years:

_____

Total Revenue expected:

_____

If available, please attach a detailed budget of projected expenditures (confidential use only).

17. Identify any major sponsors that may be involved:

_____ Moosehead may be involved
_____

18. If this event is to be used as a fund raiser, who is the beneficiary?

_____

19. Has your event received support from the City of Saint John in past years?

Yes _____ No no

Please identify the year in which you received support: _____

Please detail the level of support you received in the past: _____

20. Briefly outline your marketing strategy for this event. (Include any print or electronic exposure you expect to receive): we're going to use social media mostly, posting through Facebook and Instagram. We will try to get on CBC and will poster widely.

21. A person or group requesting a Street Event Permit – other than City departments, agencies, boards and commissions and agents of the City of Saint John – may have to carry third party liability insurance for the Street Event. Whether all or part of the event takes place on or passes over City of Saint John public property the Street Event organizers may have to obtain and maintain in full force a Commercial General Liability insurance policy with limits of not less than $2,000,000, naming the City of Saint John as an "Additional Insured". Where liquor will be served or sold at a Street Event, the organizers shall obtain and maintain in full force a Commercial General Liability insurance policy with limits of not less than $5,000,000, naming the City of Saint John as "Additional Insured"; and additional liquor liability insurance shall also be obtained. Evidence of all required insurance coverage(s) shall be forwarded to the City of Saint John, care of the Common Clerk, at least 10 working days before the Street Event.

22. How will this event be evaluated? by attendance

A. Will you require City of Saint John services? If so, please detail:
We will require the Parks & Rec Department to supply some garbage bins and bags, as well as some barriers to help close the street

Please Note: Many municipal services are subject to costs and are the sole responsibility of the organizer. The municipality reserves the right to ask for pre-payment for these costs in the form of a money order or a certified cheque made payable to the City of Saint John, otherwise the costs will be invoiced to the organizer after the event is completed.

B. Using a separate sheet(s), please provide as much detail as possible on your event logistics. Please include all route maps and site plans if applicable and any additional information that you feel will explain your event.

With regard to the City of Saint John requirements outlined in this application I have signing authority for the above stated event. I understand the City of Saint John requirements of an event organizer as outlined in this application and will ensure that the event I represent will comply with these requirements:

Name Signature

Jody Kliffer
Name Print

E2L Jam: 2019 Site Plan

E2L Jam

About the Event

The E2L Jam is a one-day music event taking place at the Grannan Lane & Canterbury Street intersection. The event is scheduled for Friday, August 23rd. The E2L is in its third year and will for the first time stand alone as its own event without attachment to the Area 506 music festival. The evening is intended to bring together some of the best local bands to celebrate the depth and talent of the Saint John music scene. The event runs from approximately 7pm to 11pm. The growing popularity of the event helps support local business, tourism, and artists.

DETAILED EVENT SCHEDULE:

Date: Friday, August 23rd
Time: 5pm-Midnight

Schedule
5pm – 6pm: set up of site, including:

- Stage (small temporary stage rented from local church)
- lighting
- Sound equipment (hired professional)
- Vendors (approximately 3 food vendors with insurance)
    - Vendor setup will be minimal, involving 6" table, electrical cords, garbage bins
- Beer tent
    - Beer tent will include ticket booth

6pm-7pm: People begin to arrive
7pm-11pm: Live performances

11pm-approximately midnight: Tear down and clean up

Setup crew and volunteers:

- Five & Dime, Churchills Pub, and Port City Royal are all partners in this event and will make staff available for setup and tear down as needed.
- Security provided by Trojan Rugby Club (will also help with tear down if needed)

Other Info
Fencing: Uptown Saint John is offering in-kind support for the event by providing temporary bollards to block off Grannan Lane and mesh fencing to delineate the area (same as last year). Saw horses and pylons are provided each year by the City and will be used again this year.

Waste: We will have recycling bins, compost bins and garbage bins located throughout the area.

Number of participants anticipated: We expect around 500 attendees (depending on weather)

Alcohol: This will be a licensed event. The license will be an extension of the Churchill's License.

Contact information for the event organizers:
Jody Kliffer: (506)898-0020; jody@fiveanddimesj.com
Chris Grannan: (506)651-7262 chris@grannangroup.com

Notification area businesses:
We have spoken directly with the following businesses:

- Five & Dime
- Churchill's Pub
- Port City Royal
- Rogue Coffee
- Thandi
- Pomodori's
- Buckland/Merrifield
- Picaroons
- Hop Scotch
- Uptown Saint John
- Historica Properties

Support for the event is unanimous.

SAINT JOHN POLICE FORCE
REVIEW OF REQUEST FOR STREET EVENT (CLOSURE)

(PLEASE REFER TO THE ATTACHED 'STREET EVENT APPLICATION' FORM)

NAME OF EVENT: *'E2L Jam' (2019)*

DATES / TIMES: *Friday, August 23, 7:00-11:00pm*

TYPE: *Street music festival, with 2-3 food vendors, and a ticketed beer tent*

APPLICANT: *Jody Kliffer and Chris Grannan*

LOCATION: *Canterbury Street, from south of Grannan Lane to Princess Street.*

DESCRIPTION:

The E2L Jam is a street music festival, intended to help promote local artists and support the area business (restaurants and bars). The organizers advise they have the support of area businesses.

This is the third iteration of the E2L Jam; these applicants have produced this event in August 2017 and 2018, without reported incidents of anti-social behavior.

The organizers have met with the SJPF and police have been hired to be on-site along with volunteers monitoring public safety concerns.

Due to a number of recent residential and commercial developments requiring access from Grannan Lane, the application for E2L Jam can only be approved for the area of Canterbury Street, south of Grannan lane to the corner of Princess Street.

INSURANCE: Y / N

LIQUOR (LICENSE): Y / N

POLICE CONSULTED: Y / N

POLICE HIRED: Y / N

PRIVATE SECURITY: Y / N

CONDITIONS: (to be communicated to the Applicant)

- 2 Extra Duty police officers are to be hired, 8-11pm.
- The area of the road closure will be Canterbury Street, south of Grannan Lane to the corner of Princess Street, commencing at 5pm. (see attached '2019 E2L Jam site map')

- Barricades and Road Closed signage must be in place.
- A full-seized vehicle (ie: pick-up truck) must be positioned inside the barricade at the corner of Grannan Lane, to prevent errant or willful vehicle incursion into the foot-traffic area.
- Security must be in place at both barricades, at all times.
- Security must have the ability to move the barricade vehicle, in the event of an emergency.
- Liquor License must be presented to the Common Clerk's office, no less than 10 business days before the event.
- Proof of Liability Insurance must be presented to the Common Clerk's office no less than 10 business days prior to the event.

APPLICATION RECOMMENDED: Y/N

S/Sgt J Dale — 2019-July-19

SAINT JOHN POLICE FORCE — **DATE**

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-178
Report Date	July 11, 2019
Meeting Date	July 29, 2019
Service Area	Finance and Administrative Services

His Worship Don Darling and Members of Common Council

SUBJECT: Fall Debenture Issue – Notice of Motion

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Craig Lavigne	***Kevin Fudge/Cathy Graham***	***John Collin***

RECOMMENDATION

It is recommended that the Mayor make the following motion:

"I give Notice that I will, at a meeting of Common Council held after the expiration of thirty days from this day, move or cause to be moved, the following resolution:

RESOLVED that occasion having arisen in the public interest for the following Public Civic Works and needed Civic Improvements that the City of Saint John proposes issue of the following debentures to be dated on or after August 28th, 2019:

GENERAL FUND			
Protective Services	$	3,100,000	
Transportation Services	$	3,500,000	
Economic Development	$	600,000	
Parks and Recreation	$	200,000	**$7,400,000**
REFINANCE DEBENTURES			
Debenture No. BB 13- 2009 (General Fund – 5 years)	$	2,830,000	
Debenture No. BB 14 -2009 (Water & Sewerage – 10 years)	$	2,500,000	
Debenture No. BB 15 -2009 (Transit – 5 years)	$	1,670,000	**$7,000,000**
TOTAL			**$ 14,400,000**

THEREFORE RESOLVED that debentures be issued under provisions of the Acts of Assembly 52, Victoria, Chapter 27, Section 29 and amendments thereto, to the amount of $ 14,400,000.

EXECUTIVE SUMMARY

The Notice of Motion has been prepared as a first step in the financing of certain capital projects approved by Council in previous Capital Budgets and refinancing of debentures issued in November 2009.

PREVIOUS RESOLUTION

N/A

REPORT

The Notice of Motion has been prepared as a first step in the financing of certain capital projects and the refinancing of debentures issued in November 2009. The purpose of the issue is summarized in the resolution.

The Notice of Motion places the City in a position to take action after the expiry of 30 days at such time as bond market and opportunities permit.

At this stage, it is not necessary to set limits with respect to the coupon rate or the terms for which bonds are to be issued. These will be established at a later date and will be related to the market conditions at that time.

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

N/A

ATTACHMENTS

N/A

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-186
Report Date	July 22, 2019
Meeting Date	July 29, 2019
Service Area	Saint John Water

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Contract 2019-17: Meadowbank Avenue Sewer Separation

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Susan Steven-Power	***Brent McGovern/ Brian Keenan***	***John Collin***

RECOMMENDATION

It is recommended that Contract No. 2019-17: Meadowbank Avenue Sewer Separation be awarded to the low Tenderer, Fairville Construction Ltd., at the tendered price of $135,286.00 (including HST) as calculated based upon estimated quantities, and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council award Contract 2019-17: Meadowbank Avenue Sewer Separation to the low Tenderer.

PREVIOUS RESOLUTION

July 30, 2018; 2019 Water & Sewerage Utility Fund Capital Program approved

REPORT

BACKGROUND

The approved 2019 Water and Sewerage Utility Fund Capital Program included funding for inflow and infiltration reduction in the Millidgeville area to regain capacity in the Millidgeville Sewershed. It was determined that, as a result of sewer system analysis in the Millidgeville area, there is work that could be done

to separate storm flows from sanitary sewers and, subsequently, redirect storm flow away from the Beach Crescent Lift Station. This would result in more capacity in the sanitary system for future development in this area. The work involves the installation of sewer main and new manholes as well as reinstatement of concrete curb, concrete sidewalk, asphalt and topsoil/sod.

TENDER RESULTS

Tenders closed on July 9, 2019 with the following results, including HST:

1.	Fairville Construction Ltd., Saint John, NB	$ 135,286.00
2.	MIDI Construction Ltd., Saint John, NB	$ 142,166.45
3.	TerraEx Inc., Saint John, NB	$ 147,418.50
4.	Galbraith Construction Ltd., Saint John, NB	$ 159,744.20
5.	Maguire Excavating Ltd., Saint John, NB	$ 159,867.83

The Engineer's estimate for the work was $89,204.35, including HST.

ANALYSIS

Following analysis of the tenders, it was determined that the Engineer's estimate for the project was low. The pipe in this area is significantly deeper than typical sewer mains and this would add extra cost and complexity to the construction of this project.

The tenders were reviewed by staff and all were found to be formal in all respects. Staff is of the opinion that the low tenderer has the necessary resources and ability to perform the work, and recommend acceptance of their tender.

FINANCIAL IMPLICATIONS

The Contract includes work that is charged against the 2019 Water and Sewerage Utility Fund Capital Program. Assuming award of the Contract to the low tenderer, an analysis has been completed which includes the estimated amount of work that will be performed by the Contractor and Others.

The analysis is as follows:

Budget	$ 150,000.00
Project net cost	$ 145,796.53
Variance (Surplus)	$ 4,203.47

POLICY – TENDERING OF CONSTRUCTION CONTRACTS

The recommendation in this report is made in accordance with the provisions of Council's policy for the tendering of construction contracts, the City's General Specifications and the specific project specifications.

STRATEGIC ALIGNMENT

This report aligns with Council's Priority for Valued Service Delivery, specifically as it relates to investing in sustainable City services and municipal infrastructure.

SERVICE AND FINANCIAL OUTCOMES

Completion of this project will allow for additional capacity in the sanitary sewer system for development and growth in the Millidgeville area Sewershed.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

N/A

ATTACHMENTS

N/A

Saint John
Parking Commission

Commission sur le
stationnement de Saint John

SAINT JOHN TRANSIT

July 24, 2019

Jonathan Taylor
Common Clerk
City of Saint John
8th Floor, City Hall
Saint John, NB

Dear Mr. Taylor,

RE: Appointment of Nicholas MacLean, Badge No. 9967
Canadian Corps of Commissionaires
as a By-Law Enforcement Officer

We are requesting that the following resolution be presented to Common Council for approval:

> "Resolved that pursuant to Section 14 of the Police Act of the Province of New Brunswick, the Common Council of the City of Saint John does hereby appoint the following member of the Canadian Corps of Commissionaires as By-Law Enforcement Officer with the responsibility and authority to enforce provisions of the Parking Meter By-Law and the provisions of Section 5, Section 5.1, Section 7, Section 8, Section 15 and Section 16 of the Saint John Traffic By-Law, namely: Nicholas MacLean, Badge No. 9967.
>
> And further that this appointment shall continue until such time as the appointee ceases to be a member of the Canadian Corps of Commissionaires or until the appointment is rescinded by Common Council, whichever comes first."

Yours truly,

Marc Dionne
Director of Operations
Saint John Parking Commission

/KM

PLANNING ADVISORY COMMITTEE

The City of Saint John

July 17, 2019

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Subdivision (Money-in-Lieu of Land for Public Purposes)
188-190 Winslow Street**

The Committee considered the attached report at its July 16, 2019 meeting.

Rick Turner, representing the applicant Hughes Surveys and Consultants, appeared before the Committee and was in agreement with the recommendation contained in the staff report. No one else appeared before the Committee to speak in favour or against the application and no letters were received regarding the application.

After considering the report and the comments made by the applicant, the Committee recommended that Council accept money-in-lieu of Land for Public Purposes.

RECOMMENDATION:

That Common Council authorize the acceptance of money-in-lieu of the required Land for Public Purposes for the proposed subdivision at 188-190 Winslow Street (PID 00362764).

Respectfully submitted,

Rick Stephen
Vice Chair

Attachments - Staff Report to PAC dated July 12, 2019

The City of Saint John

Date:	July 12, 2019
To:	Planning Advisory Committee
From:	Growth & Community Planning Growth & Community Development Services
For:	**Meeting of Tuesday, July 16, 2019**

SUBJECT

Applicant:	Hughes Surveys and Consultants Inc.
Owner:	1163046 B.C. Limited
Location:	188-190 Winslow Street
PID:	00362764
Plan Designation:	Medium to High Density Residential
Existing Zoning:	Mid-Rise Residential (RM)
Application Type:	Subdivision
Jurisdiction:	The *Community Planning Act* authorizes the Planning Advisory Committee to advise Common Council concerning the vesting of land for public purposes in conjunction with the subdivision of land.

SUMMARY

The landowner is proposing to subdivide the site, which contains two existing buildings, into two separate lots, one for each building. The proposal requires the assent of Common Council for money in lieu of Land for Public Purposes, which is recommended by Staff.

RECOMMENDATION

That Common Council authorize the acceptance of money-in-lieu of the required Land for Public Purposes for the proposed subdivision at 188-190 Winslow Street (PID 00362764).

DECISION HISTORY

Our files indicate that there have been no previous decisions relating to the subject property.

ANALYSIS

Proposal

The landowner has proposed subdivision of the site into separate lots for each of the two buildings. The proposal requires the assent of Land for Public Purposes or money-in-lieu of Lands for Public Purposes.

Site and Neighbourhood

The property is located on the Lower West Side of Saint John at the southwest corner of Winslow Street and Watson Street. The 459 square metre property contains 2-2 unit dwellings. A common driveway located between the two buildings provides access from Winslow Street.

The site, and adjacent lands along Winslow Street are zoned Mid-Rise Residential (RM) and contain a mix of single unit, two unit and multiple unit dwellings. The broader area to the north and west of the site is also zoned Mid-Rise Residential (RM) with the areas to the south and east largely zoned Two-Unit Residential (R2).

Municipal Plan

The site and surrounding area southwest of Watson Street are designated Stable Residential in the Municipal Plan. These areas are built out and not anticipated to receive major change over the horizon of the current Municipal Plan. As the proposal only involves subdivision, which does not involve redevelopment or a change in the net density of the site, the proposal conforms to the intent of the Stable Residential designation.

Zoning and Variances

The proposed lots generally meet the requirement of the Mid-Rise Residential (RM) zone, but will require variances to permit increased lot coverage and reduced lot area, lot depth and lot frontage. These variances will be processed by the Development Officer following the granting of the required assent by Common Council.

Subdivision

The proposed subdivision satisfies the standards of the Subdivision By-law. The *Community Planning Act* states that the creation of a new lot must include a dedication of Land for Public

Purposes, or money-in-lieu of land, which requires the Committee and Council to consider accepting. Given the direction of the City's Subdivision Bylaw, staff recommends that Council receive money-in-lieu of Land for Public Purposes. This approach is supported by the City's Parks and Public Spaces service area.

Conclusion

The proposed subdivision meets the intent of the Municipal Plan. Consistent with the direction established in the Subdivision By-law, Staff recommends that Council accept money-in-lieu of Land for Public Purposes.

ALTERNATIVES AND OTHER CONSIDERATIONS

There are no alternate considerations for this application.

ENGAGEMENT

Public

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on July 3, 2019.

SIGNATURES AND CONTACT

Prepared:

Mark Reade , P.Eng., MCIP, RPP
Senior Planner

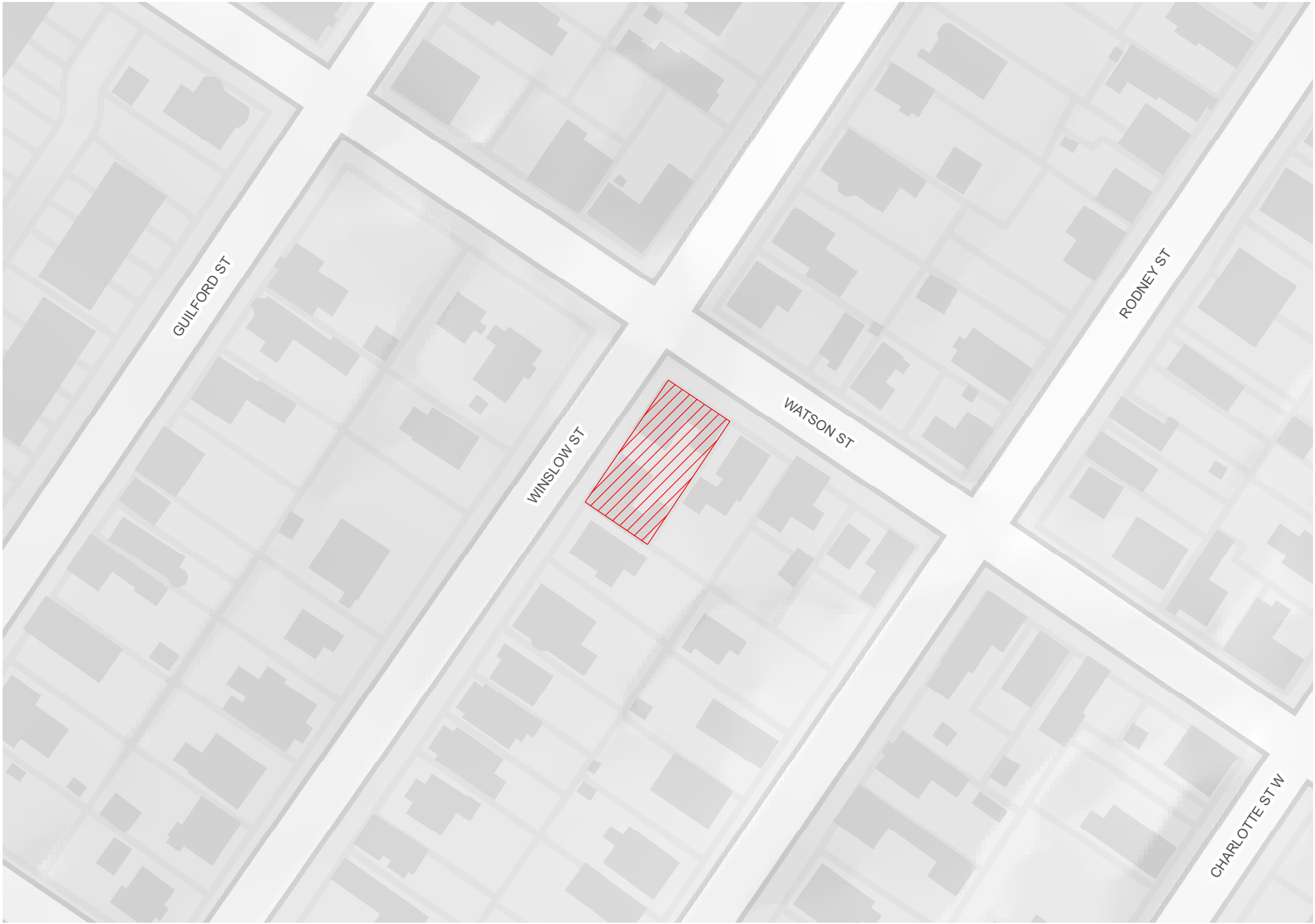
Reviewed / Approved:

Kenneth Melanson BA, MCIP, RPP
Community Planning Manager

Contact: Mark Reade
Phone: (506)721-0736
E-mail: mark.reade@saintjohn.ca
Project: 19-110

APPENDIX

Map 1: **Site Location**
Map 2: **Municipal Plan**
Map 3: **Zoning**
Map 4: **Aerial Photography**
Map 5: **Site Photography**
Submission 1: **Tentative Plan of Subdivision**



Map 1 - Site Location

Hughes Surveys and Consultants - 188-190 Winslow Street

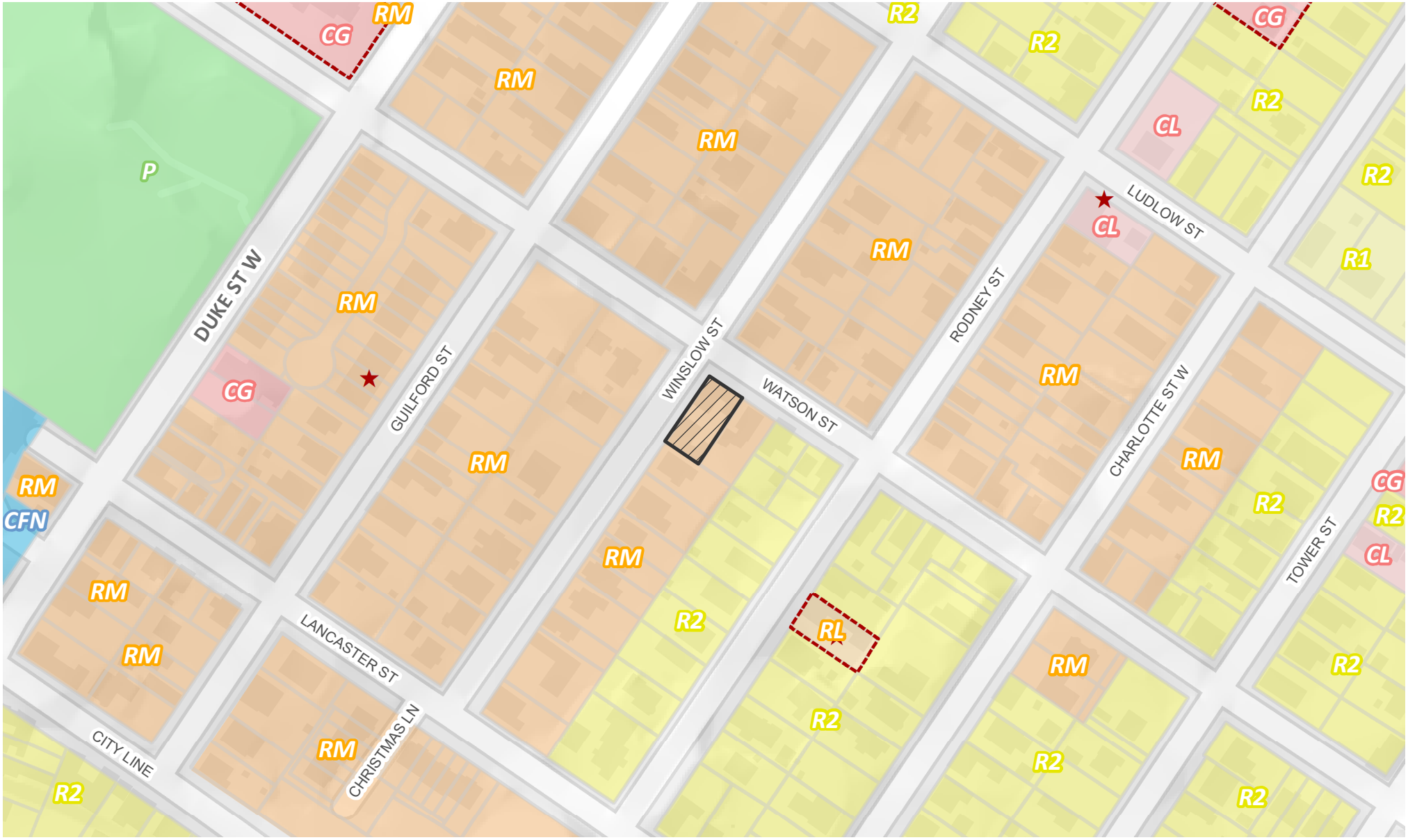
The City of Saint John
Date: June 19, 2019

Map 2 - Future Land Use

Hughes Surveys and Consultants - 188-190 Winslow Street

The City of Saint John
Date: June 19, 2019

0 50 m



(CFN) Neighbourhood Community Facility
(CG) General Commercial
(CL) Local Commercial
(P) Park
(R1) One-Unit Residential
(R2) Two-Unit Residential
(RL) Low-Rise Residential
(RM) Mid-Rise Residential

★ Section 59 Conditions

Map 3 - Zoning

Hughes Surveys and Consultants - 188-190 Winslow Street

The City of Saint John
Date: June 19, 2019

Map 4A - Aerial Photography

Hughes Surveys and Consultants - 188-190 Winslow Street

The City of Saint John
Date: June 19, 2019

0 25 m

Map 4B - Aerial Photography

Hughes Surveys and Consultants - 188-190 Winslow Street

The City of Saint John
Date: June 19, 2019

View of site from Watson Street/Winslow Street intersection

View from Watson Street frontage

View of 190 Winslow Street

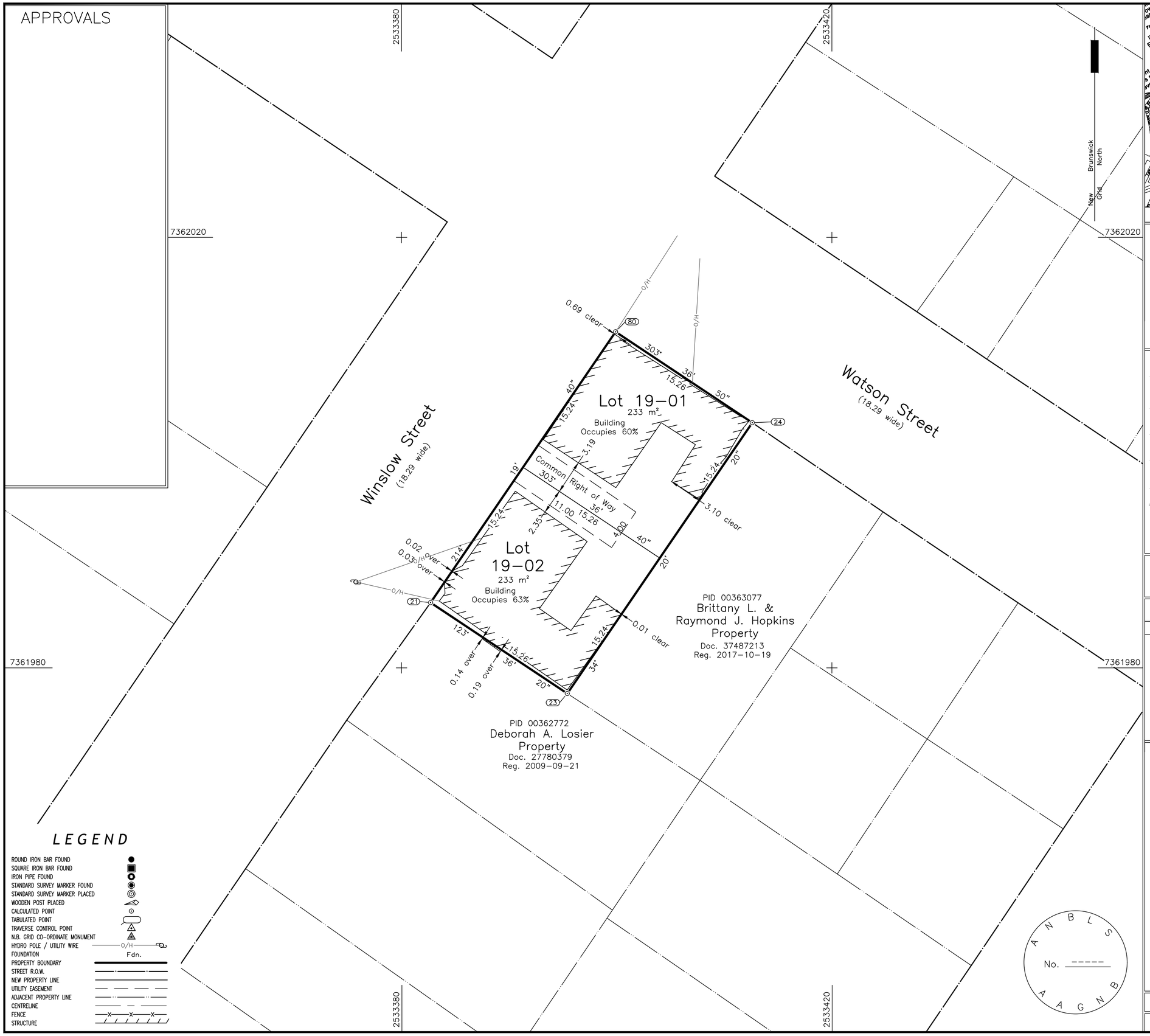
View of 188 Winslow Street

Map 5 - Site Photography

Hughes Surveys and Consultants - 188-190 Winslow Street

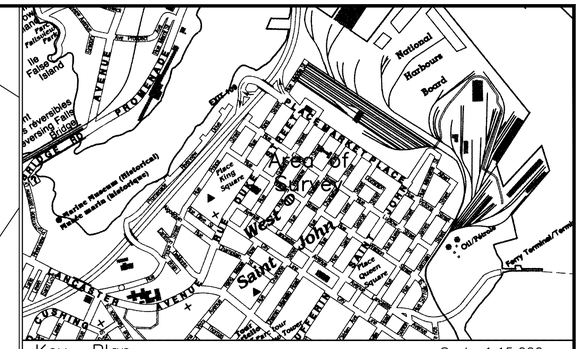
The City of Saint John
Date: July-05-19

APPROVALS



LEGEND

ROUND IRON BAR FOUND	●
SQUARE IRON BAR FOUND	■
IRON PIPE FOUND	⊙
STANDARD SURVEY MARKER FOUND	◉
STANDARD SURVEY MARKER PLACED	◎
WOODEN POST PLACED	
CALCULATED POINT	⊙
TABULATED POINT	
TRAVERSE CONTROL POINT	
N.B. GRID CO-ORDINATE MONUMENT	
HYDRO POLE / UTILITY WIRE	O/H
FOUNDATION	Fdn.
PROPERTY BOUNDARY	
STREET R.O.W.	
NEW PROPERTY LINE	
UTILITY EASEMENT	
ADJACENT PROPERTY LINE	
CENTRELINE	
FENCE	—X—X—X—
STRUCTURE	



Scale 1:15,000

Registration Data

Owner Name : 1163046 B.C. Ltd.
PID : 00362764
Effective Date : ---
Instrument : Transfer # 26803149 Reg. 2009–02–06

Agent _____
Owner Names

NOTES

1. Directions are N. B. Grid azimuths derived from G.P.S. observations on N.B. Mon's. ---- (NAD83 CSRS HPN Values).
2. All distances are in metres; to convert to imperial equivalents divide by 0.3048.
3. Area of survey outlined thus ⊙——⊙, peripheral information compiled from various sources.
4. All document and plan references refer to the Registry Office for Saint John County or the Land Titles District of New Brunswick.
5. Field survey completed on ----.
6. All computations performed and coordinates shown on this plan are based on New Brunswick Stereographic Double Projection and the NAD83(CSRS) Reference System as realized by Service New Brunswick High Precision Network coordinate survey monuments.

Purpose Of Plan

To create Lot 19–01, 19–02, and a common Right of Way from PID 00362764

New Brunswick Grid Co–Ordinate Values

Sta.	X	Y	Rmks.

Scale Factor Applied -------

Tentative Plan

1163046 B.C. Ltd. Subdivision , Winslow Street, City of Saint John, Saint John County, New Brunswick

Prepared By
HUGHES SURVEYS & CONSULTANTS INC.

Surveyed by _____ Apr. 30, 2019
Date

1 : 200 4 0 4 8 12 16 meters

ANBLS No. ----- AAGNB

Dwg. No.	Disk No.	Topos	Disk No.
S19040	2019	-------	----
Dwn. by B.E.S.	Job No. Y19040	Rev. No.	Map Ref. G/08–T2A, SW(3)

H:\2019\Jobs\S19040\DWG\S19040.dwg Thursday, May 02, 2019 3:12:38 PM

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-188
Report Date	July 22, 2019
Meeting Date	July 29, 2019
Service Area	Saint John Water

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Contract 2019-05: Sanitary Sewer Structural Lining Phase III – Various Locations

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Joel Landers	***Brent McGovern / Brian Keenan***	***John Collin***

RECOMMENDATION

It is recommended that Contract 2019-05: Sanitary Sewer Structural Lining Phase III – Various Locations, be awarded to the tenderer, Eastern Trenchless Ltd., at the revised tendered price of $159,285.12 (including HST) as calculated based upon estimated quantities, and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Contract 2019-05: Sanitary Sewer Structural Lining Phase III – Various Locations, be awarded to the tenderer.

PREVIOUS RESOLUTION

October 2, 2017; 2018 Water & Sewerage Utility Fund Program approved.

REPORT

BACKGROUND

The approved 2018 Water & Sewerage Utility Fund Capital Program includes funding for the Cured in place structural lining of sanitary sewers in various locations. The location of the lining work recommended for award is on Union Street from Sydney Street to Prince Edward Street.

TENDER RESULTS

Tenders closed on July 9, 2019 with the following results, including HST:

1. Eastern Trenchless Ltd., Fredericton, NB $ 344,904.80

The Engineer's estimate for the work was $220,000.00, including HST.

ANALYSIS

The tender was reviewed by staff and was found to be formal in all respects. Staff is of the opinion that the tenderer has the necessary resources and expertise to perform the work, and recommend acceptance of their tender (revised tendered price of $159,285.12 including HST).

The difference between the original tendered amount and the available budget is $154,904.80 ($344,904.80-$190,000.00). Staff wanted to ensure that the City was receiving good value for the funds being allocated to this project. With this in mind, Staff contacted the tenderer to discuss the difference in the tendered amount versus the Engineer's estimate and to explore ways to negotiate a better overall project price. The tenderer and Staff were successful in negotiating the quantities of lining work that would result in an overall project cost within the available budget. The negotiated tender price is now $159,285.12 (including HST).

FINANCIAL IMPLICATIONS

The Contract includes work that is charged against the 2018 Water and Sewerage Utility Fund Capital Program. Assuming award of the Contract to the tenderer, an analysis has been completed which includes the estimated amount of work that will be performed by the Contractor and Others.

The analysis is as follows:

Budget	$ 190,000.00
Project net cost	$ 154,946.52
Variance (Surplus)	$ 35,053.48

POLICY – TENDERING OF CONSTRUCTION CONTRACTS

The recommendation in this report is made in accordance with the provisions of Council's policy for the tendering of construction contracts, the City's General Specifications and the specific project specifications.

STRATEGIC ALIGNMENT

This report aligns with Council's Priority for Valued Service Delivery, specifically as it relates to investing in sustainable City services and municipal infrastructure.

SERVICE AND FINANCIAL OUTCOMES

The sanitary sewer on this section of Union Street is in poor condition and requires rehabilitation. The rehabilitation of the infrastructure will reduce the likelihood of future service disruptions to the local residents and businesses due to infrastructure failures.

This project will be completed within the original approved financial budget.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

N/A

ATTACHMENTS

N/A

To: Mayor and Council of the City of Saint John

Re: Transportation Priorities

RECEIVED
JUL 2 2 2019

Your Worship and Council,

Transportation is the lifeblood of a community. You walk, ride or drive to access the necessities of life: food, shelter and commerce. A genuine transportation plan addresses the basic needs of the populace.

Move SJ, the publically funded entity tasked with municipal transportation, can be likened to an irresponsible home owner, with no money, who chooses to ignore his property's dangerous crumbling infrastructure and insists on financing a professionally landscaped arboretum with state of the art docking facilities to impress his friends when they come to visit.

The high number of fall related hospital visits this past winter testify to the treacherous conditions of our sidewalks yet I am told that Harbour Passage was kept ice free.

It is not fair for the taxpaying citizens of Saint John to sacrifice Safe Pedestrian Access to finance a high maintenance recreational trail designed to service out of town commuters and impress seasonal cruise ship visitors.

Move SJ is fundamentally flawed.

Respectfully,

Mary Ellen Carpenter

41 Crown St. #207
Saint John, NB. E2L 0E2
(506) 899-0519

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-182
Report Date	July 19, 2019
Meeting Date	July 29, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Proposed Public Hearing Date – 319 Lancaster Street

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Kenneth Melanson	***Jacqueline Hamilton***	***John Collin***

RECOMMENDATION

That Common Council schedule the public hearing for the rezoning application of Jamie Reschny (319 Lancaster Street) for Monday September 9, 2019 at 6:30 p.m. in the Ludlow Room, and refer the applications to the Planning Advisory Committee for a report and recommendation.

EXECUTIVE SUMMARY

The purpose of this report is to advise Common Council of the rezoning/condition update applications received and to recommend an appropriate public hearing date. The next available public hearing date is September 9, 2019.

PREVIOUS RESOLUTION

At its meeting of August 3, 2004, Common Council resolved that:

1. *the Commissioner of Planning and Development receive all applications for amendments to the Zoning By-law and Section 39 [now referred as section 59] resolutions/ agreements and proceed to prepare the required advertisements; and*
2. *when applications are received a report will be prepared recommending the appropriate resolution setting the time and place for public hearings and be referred to the Planning Advisory Committee as required by the* Community Planning Act*.*

REPORT

In response to the motion above, this report indicates the applications received and recommends an appropriate public hearing date. Details of the applications are available in the Common Clerk's office and will form part of the documentation at the public hearings. The following application was received:

Name of Applicant	Location	Existing Zone	Proposed Zone	Reason
Jamie Reschny	319 Lancaster Street	Neighbourhood Community Facility (CFN)	Two-Unit Residential (R2)	To convert a former place of worship to become two dwelling units.

STRATEGIC ALIGNMENT

While the holding of public hearings is a legislative requirement of the *Community Planning Act*, it is also a key component of a clear and consistent land development process, which provides transparency and predictability to the development community and City residents.

The development approvals process helps fulfill Council's priorities of:

- ensuring Saint John has a competitive business environment for investment,
- supporting business retention and attraction; and
- driving development in accordance with PlanSJ which creates the density required for efficient infrastructure, services and economic growth.

SERVICE AND FINANCIAL OUTCOMES

The scheduling of the public hearing and referral to the Planning Advisory Committee satisfies the legislative and service requirements as mandated by the Community Planning Act.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Not Applicable

ATTACHMENTS

None

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-183
Report Date	July 18, 2019
Meeting Date	July 29, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Growth Reserve Fund Request – Community Standards Program

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Growth Committee		

RECOMMENDATION

Growth Committee recommends the following resolution for Common Council's consideration:

> Common Council authorizes the transfer of $30,000 from the Growth Reserve Fund to support the enhanced Community Standards Program for the remainder of 2019.

EXECUTIVE SUMMARY

The Enhanced Community Standards Program was established as a pilot in 2017 to address non-life safety compliance issues. The Program focuses on issues that directly impact the aesthetics, enjoyment and pride of neighborhoods, including unsightly premises, garbage issues, zoning infractions and general upkeep of properties which negatively impact property value and quality of life of citizens.

The Program's focus on community standards has gained important momentum in an area that the City of Saint John has historically struggled to achieve compliance. With an additional resource and a focused approach on community standards issues, the program has helped deliver Council's priority of a *Vibrant and Safe* City. The Enhanced Community Standards Program is a strong enabler of growth and is a key driver of a liveable City, which is central to attracting and retaining people and investment to our City.

To continue the success of the Program, Growth Committee recommends a $30,000 draw from the Growth Reserve Fund to extend funding for the Community Standards Officer Position for the remainder of 2019. The following

report will provide a Program update and will provide 2019 year-end projections should Common Council adopt the funding allocation.

PREVIOUS RESOLUTION

N/A

STRATEGIC ALIGNMENT

Enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law* aligns with Council's Vibrant, Safe City priority.

REPORT

Enhanced Community Standards Program Results

The Enhanced Community Standards Program was established as a pilot in 2017 to address non-life safety compliance issues. The pilot program introduced a Community Standards Officer over an entire year (i.e. enhanced service delivery). The Program is a strong enabler of growth and is a key driver of a liveable City, which is central to attracting and retaining people and investment to our City.

Aggressive, strategic targets, a focused, streamlined approach and a talented and dedicated resource with a background in community policing have been key components to the success of the Enhanced Community Standards Program. Since 2017, the results of the Program have exceeded all expectations in resolving community standards issues, which in turn, has generated enthusiasm and positive feedback from the public. Resolved issues as a result of the Program include: unsightly premises, garbage issues, zoning infractions and general upkeep of properties.

2017, 2018 and 2019 Community Standards Program Results

	2017	2018	2019 (YTD)
Notices to Comply Issued	20	9	14
Property Cleanups Undertaken By Staff	2	6	1
Total Resolved Unsightly Premises Cases	82	75	95

Prior to the establishment of the Program, gaining compliance on non-life safety cases such as the clean-up of unsightly properties was a significant challenge. In 2017, a total of 82 unsightly premises cases were resolved with 20 Notices to Comply issued. In 2018, a total of 75 unsightly premises cases were resolved with 9 Notices to Comply issued. To date in 2019, the Community Standards Program has been able to resolve a record number of 95 unsightly premises

cases and 16 Zoning By-law enforcement cases with 14 Notices to Comply issued. While the Program has already supported impressive compliance and resolution, staff observes that there remains continued demand within the community.

It is anticipated that an extension funded by the Growth Reserve for the remainder of 2019 will allow an additional 40 properties to be cleaned, with approximately 6 unsightly property clean-ups being undertaken through a staff initiated clean-up. In other words, additional funding would support a total of 135 resolved unsightly premises cases in 2019.

The Community Standards Officer Position has been funded for the first 6 months of this year through the general operating budget, but the ability to offer enhanced support for the remainder of the year is being requested through Council's allocation of Growth Reserve funding towards the Program. The Growth Committee is recommending that $30,000 be allocated from the Growth Reserve fund to extend funding for the Community Standards Program to deliver the enhanced service for the remainder of 2019.

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

N/A

ATTACHMENTS

N/A

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-185
Report Date	July 17, 2019
Meeting Date	July 29, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Designation of By-Law Enforcement Officer

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Christopher McKiel	***Amy Poffenroth/ Jacqueline Hamilton***	***John Collin***

RECOMMENDATION

It is recommended that Common Council adopt the attached resolution.

EXECUTIVE SUMMARY

The purpose of this report is to designate Jordan McKinley, Assistant Building Inspector, as a by-law enforcement officer for the various by-laws which are enforced by Growth and Community Development Services.

In doing so, Mr. McKinley will be authorized to:

- Issue Orders to Comply and Notices to Comply with respect to enforcement of by-laws that fall within the scope of the *Community Planning Act* and the *Local Governance Act*;
- Lay informations in Provincial Court with respect to enforcement of by-laws that fall within the scope of the *Community Planning Act* and the *Local Governance Act*; and
- Conduct inspections pertaining to enforcement of by-laws that fall within the scope of the *Community Planning Act* and the *Local Governance Act*.

PREVIOUS RESOLUTION

N/A

REPORT

It is necessary at this time to designate Jordan McKinley as a by-law enforcement officer by adopting the attached resolution so that he may carry out his duties pertaining to enforcement of the *Saint John Building By-law*, the *Zoning By-law*, the *Flood Risk Areas By-law*, the *Saint John Dog Control By-law*, the *Mobile Home Parks By-law*, the *Saint John Flood Risk Areas By-law*, *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law* and the *Saint John Minimum Property Standards By-law*.

STRATEGIC ALIGNMENT

This report aligns with Council's "Vibrant, Safe City" Priority.

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The City Solicitor's Office reviewed the attached resolution.

ATTACHMENTS

Resolution

RESOLVED, that as recommended by the City Manager, the following resolution be adopted:

1. **WHEREAS** the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Local Governance Act*, S.N.B. 2017 c.18, and amendments thereto (the "*Local Governance Act*"), including the *Saint John Minimum Property Standards By-law*, By-law Number M-14, and amendments thereto, (the "*Saint John Minimum Property Standards By-law*") and it may from time to time be necessary to commence proceedings in the Provincial Court of the Province of New Brunswick, when a person has violated or failed to comply with the said By-law;

   AND WHEREAS section 72 of the *Local Governance Act* provides that a council may appoint by-law enforcement officers for the local government and may determine their terms of office;

   AND WHEREAS subsection 25(1) of the Saint John *Minimum Property Standards By-law* provides that a by-law enforcement officer appointed by council may notify the owner or occupier of premises, dwelling, dwelling unit or structure by issuing an Order where the condition of the premises, dwelling, dwelling unit or structure does not comply with said By-law;

   AND WHEREAS section 150(1) of the *Local Governance Act* provides that proceedings for breach of a by-law shall be commenced in the name of the clerk of the local government or such other person as is designated for that purpose by the council;

      NOW THEREFORE BE IT RESOLVED, that Jordan McKinley is hereby appointed as by-law enforcement officer with respect to the enforcement of the *Saint John Minimum Property Standards By-law*, effective immediately, and this appointment shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first;

      AND BE IT FURTHER RESOLVED, that Jordan McKinley is hereby appointed and authorized to notify owners and occupiers where the condition of the premises, dwellings, dwelling units or structures does not comply with the *Minimum Property Standards By-law*, effective immediately, and this appointment and authorization shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first;

      AND BE IT FURTHER RESOLVED, that Jordan McKinley is hereby designated and authorized to lay informations in the Provincial Court of the Province of New Brunswick for breach of the *Saint John Minimum Property Standards By-law*, effective immediately, and this designation and authorization shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first.

2. **WHEREAS** the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Local Governance Act*, S.N.B. 2017 c.18, and amendments thereto (the "*Local Governance Act*"), including the *Saint John Minimum Property Standards By- law*, By-law Number M-14 and amendments thereto, and it may from time to time be necessary to make inspections for the administration of the By-law;

   AND WHEREAS section 72 of the *Local Governance Act* provides that a council may appoint by-law enforcement officers for the local government and may determine their terms of office;

   AND WHEREAS subsection 144(2) of the *Local Governance Act* provides that a council may authorize by-law enforcement officers to enter the land, building or other structure at any

reasonable time, and carry out the inspection after giving reasonable notice to the owner or occupant of the land, building or other structure to be entered;

NOW THEREFORE BE IT RESOLVED, that Jordan McKinley, by-law enforcement officer, is hereby appointed as inspection officer and authorized to enter at all reasonable times upon any property within the territorial boundaries of the City of Saint John for the purpose of making any inspection that is necessary for the administration of the *Saint John Minimum Property Standards By- law* which received first and second reading by Common Council on September 10, 2018 and third reading on September 24, 2018, being enacted upon approval by the Minister of Local Government, and/or the *Local Governance Act* effective immediately, and this authorization shall continue until he ceases to be an employee of the Growth and Community Development Services department of The City of Saint John or until rescinded by Common Council, whichever comes first.

3. **WHEREAS** the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Local Governance Act*, S.N.B. 2017 c.18, and amendments thereto (the "*Local Governance Act*"), including the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto, (the "*Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*") and it may from time to time be necessary to commence proceedings in the Provincial Court of the Province of New Brunswick, when a person has violated or failed to comply with the said By-law;

AND WHEREAS section 72 of the *Local Governance Act* provides that a council may appoint by-law enforcement officers for the local government and may determine their terms of office;

AND WHEREAS subsection 132(1) and 132(2) of the *Local Governance Act* provides that an officer appointed by council may notify the owner or occupier of premises, a building or structure by notice in the form prescribed by regulation when a condition exists pursuant to subsections 131(1), 131(2) or 131(3) of the said Act;

AND WHEREAS section 150(1) of the *Local Governance Act* provides that proceedings for breach of a by-law shall be commenced in the name of the clerk of the local government or such other person as is designated for that purpose by the council;

NOW THEREFORE BE IT RESOLVED, that Jordan McKinley is hereby appointed as by-law enforcement officer with respect to the enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, effective immediately, and this appointment shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first;

AND BE IT FURTHER RESOLVED, that Jordan McKinley is hereby appointed and authorized to notify owners and occupiers with respect to premises, buildings or structures that are unsightly; buildings or structures that are a hazard to the safety of the public by reason of being vacant or unoccupied; buildings or structures that are a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength, as set out in the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, effective immediately, and this appointment and authorization shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first;

AND BE IT FURTHER RESOLVED, that Jordan McKinley is hereby designated and authorized to lay informations in the Provincial Court of the Province of New Brunswick for breach of the *Saint John Unsightly Premises and Dangerous Buildings and Structures*

By-law, effective immediately, and this designation and authorization shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first.

4. **WHEREAS** the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Local Governance Act*, S.N.B. 2017 c.18, and amendments thereto (the "*Local Governance Act*"), including the *Saint John Unsightly Premises and Dangerous Buildings and Structures By- law*, By-law Number M-30 and amendments thereto, and it may from time to time be necessary to make inspections for the administration of the By-law;

   AND WHEREAS section 72 of the *Local Governance Act* provides that a council may appoint by-law enforcement officers for the local government and may determine their terms of office;

   AND WHEREAS subsection 144(2) of the *Local Governance Act* provides that a council may authorize officers enter the land, building or other structure at any reasonable time, and carry out the inspection after giving reasonable notice to the owner or occupant of the land, building or other structure to be entered;

   NOW THEREFORE BE IT RESOLVED, that Jordan McKinley, by-law enforcement officer, is hereby appointed as an inspection officer and authorized to enter at all reasonable times upon any property within the territorial boundaries of the City of Saint John for the purpose of making any inspection that is necessary for the administration of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By- law* which received first and second reading by Common Council on May 22, 2018 and third reading on June 4, 2018, being enacted upon approval by the Minister of Local Government, and/or the *Local Governance Act* effective immediately, and this authorization shall continue until he ceases to be an employee of the Growth and Community Development Services department of The City of Saint John or until rescinded by Common Council, whichever comes first.

5. **WHEREAS** subsection 135(4) of the *Local Governance Act*, S.N.B. 2017 c.18, and amendments thereto, provides that within thirty days after the terms of a notice have been complied with or a debt due to a local government or due to the Minister of Finance, as the case may be, is discharged, the local government shall provide a certificate in the form prescribed by regulation which requires that the corporate seal of the local government be affixed;

   NOW THEREFORE BE IT RESOLVED, that Jonathan A. Taylor, Common Clerk, is hereby authorized to affix the corporate seal of The City of Saint John to a Certificate of Discharge that is issued by Jordan McKinley under the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, and such authorization shall continue until Jonathan A. Taylor ceases to be the Common Clerk of The City of Saint John or until it is rescinded by Common Council, whichever comes first.

6. **WHEREAS** the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Community Planning Act*, S.N.B 2017, c. 19, and amendments thereto (the "*Community Planning Act*"), including the *Saint John Building By-law*, By-law Number C.P. 102 and amendments thereto, and it may from time to time be necessary to make inspections for the administration of the By-law;

   AND WHEREAS subsection 133(1) of the *Community Planning Act* provides that a council may authorize persons at all reasonable times, and with the consent of the owner or occupant, enter any land, building or premises for the purposes of inspection if the Director, the development officer or the person authorized by the Minister or the council has reasonable grounds to believe that a development or form of development on or in the land,

building or premises violates a provision of this Act or the regulations or a bylaw or an order made under this Act;

NOW THEREFORE BE IT RESOLVED, that Jordan McKinley, who is a by-law enforcement officer, is hereby authorized at all reasonable times, and with the consent of the owner or occupant, enter any land, building or premises within the territorial boundaries of the City of Saint John for the purpose of making any inspection that is necessary for the administration of the *Saint John Building By-law,* effective immediately, and this authorization shall continue until he ceases to be an employee of the Growth and Community Development Services department of The City of Saint John or until rescinded by Common Council, whichever comes first.

7. **WHEREAS** the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Community Planning Act*, S.N.B 2017, c. 19, and amendments thereto (the "*Community Planning Act*"), including the *Saint John Building By-law*, By-law Number C.P. 102, and amendments thereto, and it may from time to time be necessary to make orders for the administration of the By-law;

AND WHEREAS subsection 134(1) of the *Community Planning Act* provides that a council may authorize persons to, when a development is undertaken in violation of the *Community Planning Act,* a by-law or regulation under the *Community Planning Act,* a by-law or terms and conditions imposed on the development, order the cessation of the development, alteration of such development so as to remove the violation, or the doing of anything required to restore the land, building or structure to its condition immediately prior to the undertaking of such development;

NOW THEREFORE BE IT RESOLVED, that Jordan McKinley who is a by-law enforcement officer, is hereby authorized to, when a development is undertaken in violation of the *Community Planning Act,* the *Saint John Building By-law* or the terms and conditions imposed on the development, order the cessation of the development, alteration of such development so as to remove the violation, or the doing of anything required to restore the land, building or structure to its condition immediately prior to the undertaking of such development, effective immediately, and this authorization shall continue until he ceases to be an employee of the Growth and Community Development Services department of The City of Saint John or until rescinded by Common Council, whichever comes first.

8. **WHEREAS** the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Community Planning Act*, S.N.B 2017, c. 19, and amendments thereto (the "*Community Planning Act*"), including the *Saint John Building By-law*, By-law Number C.P. 102, and amendments thereto, and it may from time to time be necessary to commence proceedings in the Provincial Court of the Province of New Brunswick, when a person has violated or failed to comply with the said By-law;

AND WHEREAS paragraph 137(a) of the *Community Planning Act* provides that no person shall violate or fail to comply with a provision of a by-law made under this Act;

AND WHEREAS section 139 of the *Community Planning Act* provides that proceedings for an offence under this Act shall be commenced in the name of the Minister or the clerk of the local government or any other person who is designated for that purpose by the council;

NOW THEREFORE BE IT RESOLVED, that Jordan McKinley is hereby designated and authorized to lay informations in the Provincial Court of the Province of New Brunswick for breach of the *Saint John Building By-law*, effective immediately, and this appointment and authorization shall continue until he ceases to be an employee of Growth and

Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first.

9. **WHEREAS**, the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Local Governance Act*, S.N.B. 2017 c.18, including the *Saint John Dog Control By-law*, By-law Number M-13, and the *Mobile Home Parks By-law*, By-law Number M-20, including all amendments thereto, and it may from time to time be necessary to commence proceedings in the Provincial Court of the Province of New Brunswick, when a person has contravened or failed to comply with these By-laws;

   AND WHEREAS section 72 of the *Local Governance Act* provides that a council may appoint by-law enforcement officers for the local government and may determine their terms of office;

   AND WHEREAS section 150(1) of the *Local Governance Act* provides that proceedings for breach of a by-law shall be commenced in the name of the clerk of the local government or such other person as is designated for that purpose by the council;

   NOW THEREFORE BE IT RESOLVED, that Jordan McKinley is hereby appointed as by-law enforcement officer with respect to the enforcement of the *Saint John Dog Control By-law* and the *Mobile Home Parks By-law*, effective immediately, and this appointment shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first;

   AND BE IT FURTHER RESOLVED, that Jordan McKinley is hereby designated and authorized to lay informations in the Provincial Court of the Province of New Brunswick for breach of the *Saint John Dog Control By-law* and the *Mobile Home Parks By-law*, effective immediately, and this appointment and authorization shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first.

10. **WHEREAS**, the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Community Planning Act*, S.N.B 2017, c. 19, and amendments thereto, (the "*Community Planning Act*"), including the *City of Saint John Flood Risk Areas By-law*, By-law Number C.P. 11, and *The Zoning By-law*, By-law Number C.P. 110, including all amendments thereto, and it may from time to time be necessary to commence proceedings in the Provincial Court of the Province of New Brunswick, when a person has contravened or failed to comply with these By-laws;

    AND WHEREAS paragraph 137(a) of the *Community Planning Act* provides that no person shall violate or fail to comply with a provision of a by-law made under this Act;

    AND WHEREAS section 139 of the *Community Planning Act* provides that proceedings for an offence under this Act shall be commenced in the name of the Minister or the clerk of the local government or any other person who is designated for that purpose by the council;

    NOW THEREFORE BE IT RESOLVED, that Jordan McKinley is hereby designated and authorized to lay informations in the Provincial Court of the Province of New Brunswick for breach of the *City of Saint John Flood Risk Areas By-law* and *The Zoning By-law*, effective immediately, and this appointment and authorization shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first.

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-179
Report Date	July 18, 2019
Meeting Date	July 29, 2019
Service Area	Corporate Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: STREET NAME CHANGE

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Yves Léger	***Neil Jacobsen***	***John Collin***

RECOMMENDATION

It is recommended that Common Council amend the list of Official Street Names and approve the following changes:

1. Remove the name “chemin Mill Road”.

EXECUTIVE SUMMARY

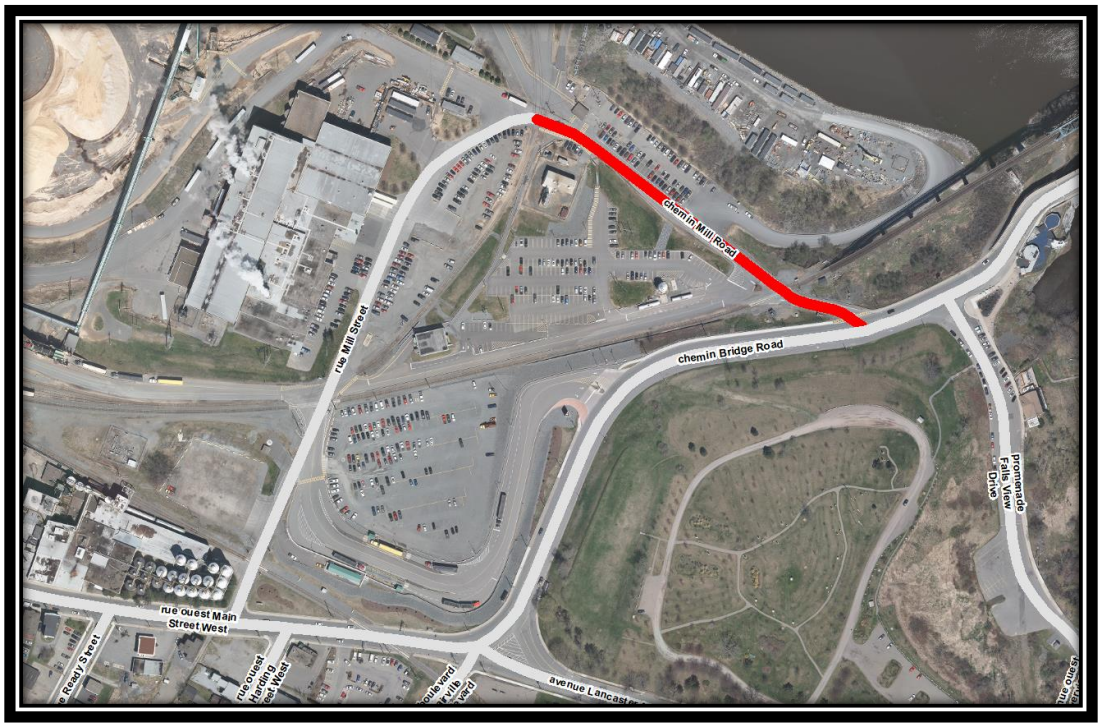
A request was received from NB9-1-1 to clear up some confusion with civic addresses on Mill Street and Mill Road. Because no residences or businesses are using a civic address on Mill Road, and Mill Road and Mill Street are essentially the same street, it is Staff’s opinion that Mill Road should be renamed to become part of Mill Street in order to reduce confusion for emergency service responders.

PREVIOUS RESOLUTION

None.

REPORT

A request was received from NB9-1-1 to clear up some confusion with civic addresses on Mill Street and Mill Road. Because no residences or businesses are using a civic address on Mill Road, and Mill Road and Mill Street are essentially the same street, it is Staff’s opinion that Mill Road (in red on the map below) should be renamed to become part of Mill Street in order to reduce confusion for emergency service responders.



STRATEGIC ALIGNMENT

Ensuring street names meet NB 9-1-1- guidelines aligns directly with Council's "Vibrant, Safe City" priority.

SERVICE AND FINANCIAL OUTCOMES

The costs to the City of Saint John for this change are approximately $75 associated in replacing the street name sign at the intersection with Bridge Road.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Transportation and Environmental Services were consulted and will cover the costs from their operating budget.

ATTACHMENTS

None.

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-184
Report Date	July 24, 2019
Meeting Date	July 29, 2019
Service Area	Corporate Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: ***Qualified Security Assessor (QSA) Consulting Services Contract***

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Sarah Ranson	***Stephanie Rackley-Roach*** ***Kevin Fudge***	***John Collin***

RECOMMENDATION

The City Manager recommends that:

1) Mayor and Council enter into an agreement with Grant Thornton for Qualified Security Assessor (QSA) consulting services for a term of two years with possible extension of two additional years (for a total of four years).

2) The Mayor and Common Clerk be authorized to execute the necessary contract documents.

EXECUTIVE SUMMARY

The Information Technology and Finance service areas require Qualified Security Assessor (QSA) consulting services to assist in achieving Payment Card Industry Data Security Standard (PCI DSS) compliance. The City is contractually required to meet this standard as a merchant that accepts credit cards for payment. Additional benefits of PCI DSS compliance are reduced risk of a data breach and avoidance of the potentially significant cost of non-compliance.

PREVIOUS RESOLUTION

N/A

REPORT

The Payment Card Industry (PCI) Security Standards Council is a global forum for the ongoing development, enhancement, storage, dissemination and implementation of security standards for account data protection and continuity of operations. The Payment Card Industry Data Security Standard (PCI DSS) forms part of the operating regulations that are the rules under which merchants are allowed to operate merchant accounts. Security threats are non-stop and evolve every day, which is why PCI DSS compliance efforts must be a continuous process of assessment and remediation to ensure safety of cardholder data.

Given the City accepts credit and debit card payments, the City is contractually obligated to be PCI DSS compliant as a condition of the agreement with Chase Paymentech. The City is working on becoming PCI DSS compliant to ensure the protection of personal data and the City's interests in the delivery of efficient public service.

City staff has taken the initial steps towards compliance. This work included network scans and implementing a PCI DSS compliant third party service provider for online parking ticket payments. Although outsourcing online payment processing simplifies security requirements and can reduce the City's risk exposure, using a third party payment processor does not provide automatic compliance or exclude the City from PCI DSS compliance.

In order to meet PCI DSS compliance, the Finance and Information Technology service teams have completed a procurement process for a Qualified Security Assessor (QSA) to advise and guide the City as we work toward achieving and maintaining a compliant status. This requires understanding and implementing twelve requirements for PCI DSS compliance noted below. Failure to achieve even one of the requirements results in failure to be compliant.

PCI DSS Requirements

1. Install and maintain a firewall configuration to protect cardholder data
2. Do not use vendor-supplied defaults for system passwords and other security parameters
3. Protect stored cardholder data
4. Encrypt transmission of cardholder data across open, public networks
5. Use and regularly update anti-virus software or programs
6. Develop and maintain secure systems and applications
7. Restrict access to cardholder data by business need-to-know
8. Assign a unique ID to each person with computer access
9. Restrict physical access to cardholder data
10. Track and monitor all access to network resources and cardholder data
11. Regularly test security systems and processes

The PCI DSS compliance project will include a review of our current processes, assessment of our security standards, completion of a gap analysis, and implementation of the necessary controls or remediation. The project team will

also determine how to integrate PCI DSS compliance into organizational work planning and budgeting processes. The implementation project ends when our **Attestation of Compliance (AOC)** is accepted by our acquirer, Chase Paymentech, the company that processes our credit and debit card payments with the banks. At this point, PCI DSS compliance becomes part of our business operations. Maintaining PCI DSS compliance is an ongoing process of assessment, remediation and reporting.

The benefit of using a QSA is to have subject-matter expertise for understanding the twelve requirements, completing on-site security assessments required by PCI DSS, and for guidance when implementing compensating controls. Compensating controls may be considered if the City cannot meet a PCI DSS requirement explicitly as stated due to legitimate technical or documented business constraints. In summary, leaning on a QSA's expertise will ultimately lead to a successful AOC submission.

STRATEGIC ALIGNMENT

As outlined in Council Priorities, the City supports valued customer service delivery. PCI DSS compliance contributes to this priority by ensuring citizen's personal and cardholder data is handled properly. There is also a fiscal benefit as the City reduces the risk of data breaches.

SERVICE AND FINANCIAL OUTCOMES

The agreement is for two years, with the possibility of extending for two additional one year periods. The contract is valued at $41,200.00 each year, although there is no guarantee of volume of work. Funds for this work is allocated in the Information Technology and Finance service area operating budgets. The business risks and ultimate costs of non-compliance, such as fines and legal fees, could exceed the cost of implementing PCI DSS standards.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Materials Management facilitated the Request for Proposal (RFP) process to solicit proposals for Qualified Security Assessor Services. As such, the RFP closed on June 6, 2019 with the following proponents responding by submitting proposals:

- Grant Thornton LLP — Halifax, NS
- Digital Boundary Group — London, ON
- Bell Aliant — Saint John, NB
- MNP LLP — Mississauga, ON
- Online Business Systems — Winnipeg, MB

A review committee, consisting of staff from Materials Management, Finance and our IT Department reviewed the submissions for completeness and

compliance with the RFP requirements and selection criteria consisting of the following:

1. Quality and Completeness
2. Demonstrated Understanding of the Project and Deliverables
3. Proposed Approach
4. Specific Experience, Qualifications and Expertise of Key Personnel
5. Cost

Also in accordance with the City's standard procedures, the committee members evaluated and ranked each proposal based on the proposals' technical merits. Following this, the financial proposals were opened and evaluated and corresponding scores were added to the technical scores.

Grant Thornton LLP's proposal was ranked the highest based on an overall rating of the evaluation criteria as well as offering the lowest cost.

The above processes are in accordance with the City's Procurement Policy and Materials Management support the recommendations being put forth.

ATTACHMENTS

The agreement template is attached as information. Pending approval and formal resolution from Council, the Materials Management service will send the agreement package to Grant Thornton and the Common Clerk for signatures.

AGREEMENT

2019-080602P

Qualified Security Assessor Services

Saint John, NB

AGREEMENT

This Agreement made in duplicate copies this ____ day of _____, 2019.

BETWEEN:

THE CITY OF SAINT JOHN, having its City Hall at 15 Market Square, Saint John, New Brunswick, a body corporate by Royal Charter, confirmed and amended by Acts of the Legislative Assembly of the Province of New Brunswick, hereinafter called the "City"

OF THE FIRST PART

And

[Name of Organization] a [Type of organization], having offices located at [address], in the City of [City] and the Province of [Province], hereinafter referred to as the "Consultant"

OF THE SECOND PART

WHEREAS the City issued Request for Proposal **[2019-080602P]** for **[Qualified Security Assessor Services]** (the "Request for Proposal"); and

AND WHEREAS the Consultant submitted a technical proposal and a financial proposal, both dated **[Date]** in response to the Request for Proposal (collectively, the "Proposal"); and

AND WHEREAS the Request for Proposal and the Proposal are attached hereto as Schedules "A" and "B" respectively and form part hereof;

AND WHEREAS the Financial Proposal forms part of the Proposal, is attached hereto as Schedule "C"; and

AND WHEREAS the Common Council at its meeting held on [Date] resolved that:

"[Resolution]."

NOW THEREFORE THIS AGREEMENT WITNESSETH, that in consideration of the mutual covenants and agreements herein and subject to the terms and conditions set out in the Request for Proposal and the Proposal, the parties for themselves, their successors and permitted assigns respectively, mutually agree as follows:

1. The Consultant shall perform the services and carry out the terms and conditions set out in the Request for Proposal and the Proposal.

2. The City shall pay the Consultant, in return for the services performed, fees as outlined in the financial proposal part of the Proposal, plus HST.

Term

3. The terms of this Agreement is for a period of two (2) years. The City with the consultant's mutual agreement may choose to extend this contract for two (2) additional one (1) year periods.].

Termination

4. The City may immediately terminate this Agreement upon giving notice to the Consultant where:

    a. The Consultant makes an assignment for the benefit of its creditors, is declared bankrupt or commits an act of bankruptcy, becomes insolvent, makes a proposal or otherwise takes advantage of provisions for relief under the *Bankruptcy and Insolvency Act* (Canada)or similar legislation in any jurisdiction, or any other type of insolvency proceedings being commenced by or against the Consultant under the *Bankruptcy and Insolvency Act* (Canada) or similar legislation;

    b. The Consultant breaches any of the terms or conditions of the within Agreement;

    c. In the City's reasonable opinion, the Consultant, prior to or after executing this Agreement, makes a material misrepresentation or omission or provides materially inaccurate information to the City;

    d. The Consultant undergoes a change of control which, in the reasonable opinion of the City, adversely affects the Consultant's ability to satisfy some or all of its obligation under the within Agreement;

    e. The Consultant subcontracts for the provision of part or all of the services without first obtaining the written approval of the City.

The above rights of termination are in addition to all other rights of termination available at law, or events of termination by operation of law.

Performance

5. Both parties agree to do everything necessary to ensure that the terms of this Agreement take effect.

Non-Performance

6. The failure on the part of either party to exercise or enforce any right conferred upon it under this Agreement shall not be deemed to be a waiver of any such right or operate to bar the exercise or enforcement thereof at any time or times thereafter.

Indemnification

7. The Consultant hereby agrees to indemnify and hold harmless the Indemnified Parties from and against any and all liability, loss, costs, damages and expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits or other proceedings, (collectively "Claims"), by whomever made, sustained, brought or prosecuted, for third party bodily injury (including death), personal injury and damage to real or tangible personal property, in any way based upon, occasioned by or attributable to anything done or omitted to be done by the Consultant, its subcontractors or their respective directors, officers, agents, employees or independent contractors in the course of performance of the Consultant's obligations under, or otherwise in connection with, this Agreement. The obligations contained in this paragraph shall survive the termination or expiry of this Agreement.

Remedies

8. Upon default by either party under any terms of this Agreement, and at any time after the default, either party shall have all rights and remedies provided by law and by this Agreement.

9. No delay or omission by either party in exercising any right or remedy shall operate as a waiver of them or of any other right or remedy, and no single or partial exercise of a right or remedy shall preclude any other or further exercise of them or the exercise of any other right or remedy. Furthermore, either party may remedy any default by the other party in any reasonable manner without waiving the default remedied and without waiving any other prior or subsequent default by the defaulting party. All rights and remedies of each party granted or recognized in this Agreement are cumulative and may be exercised at any time and from time to time independently or in combination.

Mediation

10. All disputes arising out or in connection with this Agreement, or in respect of any legal relationship associated with or derived from this Agreement, shall be mediated pursuant to the National Mediation Rules of the ADR Institute of Canada, Inc. Despite this Agreement to mediate, a party may apply to a court of competent jurisdiction or other competent authority for interim measures of protection at any time. The place of mediation shall be the City of Saint John and Province of New Brunswick.

Force Majeure

11. It is agreed between the parties that neither party shall be held responsible for damages caused by delay or failure to perform his undertakings under the terms of the Agreement when the delay or failure is due to fires, strikes, floods, acts of God, lawful acts of public authorities, or delays or defaults caused by common carriers, which cannot be reasonably foreseen or provided against.

No Assignment

12. This Agreement is not assignable. Any attempt to assign any of the rights, duties or obligations of this Agreement is void.

Time

13. This Agreement shall not be enforced, or bind any of the parties, until executed by all the parties named in it.

Notices

14. Any notice under this Agreement shall be sufficiently given by personal delivery or by registered letter, postage prepaid, mailed in a Canadian post office and prepaid courier, addressed, in the case of notice to the City of Saint John, to the Common Clerk, 15 Market Square, P. O. Box 1971, Saint John, New Brunswick, E2L 4L1 and in the case of notice to the Consultant to [Address], or to any other address as may be designated in writing by the parties, and the date of receipt of any notice by mailing shall be deemed conclusively to be 5 days after the mailing.

Amendments

15. No change or modification of this Agreement shall be valid unless it is in writing and signed by each party.

Acknowledgment of Terms and of Entirety

16. It is agreed that this written instrument embodies the entire agreement of the parties with regard to the matters dealt within it, and that no understandings or agreements, verbal or otherwise, exist between the parties except as expressly set out in this instrument.

Further Documents

17. The parties agree that each of them shall, upon reasonable request of the other, do or cause to be done all further lawful acts, deeds and assurances whatever for the better performance of the terms and conditions of this Agreement.

Validity and Interpretation

18. Descriptive headings are inserted solely for convenience of reference, do not form part of this Agreement, and are not to be used as an aid in the interpretation of this Agreement.

19. It is intended that all provisions of this Agreement shall be fully binding and effective between the parties, but in the event that any particular provision or provisions or part of one is found to be void, voidable or unenforceable for any reason whatsoever, then the particular provision or provisions or part of the provision shall be deemed severed from the remainder of this Agreement and all other provisions shall remain in full force.

Governing Law

20. This Agreement shall be governed by and construed in accordance with the laws of the Province of New Brunswick.

Successors, Assigns

21. This Agreement shall enure to the benefit of and be binding on the respective successors and permitted assigns of each of the parties.

Independent Legal Advice

22. The parties each acknowledge having obtained their own independent legal advice with respect to the terms of this Agreement prior to its execution.

Acknowledgment of Receipt of Copy

23. Each party acknowledges receipt of a true copy of this Agreement.

Defined Terms

24. When used in this Agreement, the following word or expression has the following meaning:

"**Indemnified Parties**" means the City, its officers, directors, employees, agents or independent contractors.

IN WITNESS WHEREOF the parties have affixed their respective corporate seals, attested by the hands of their respective officers duly authorized in that behalf on the day aforementioned.

SIGNED, SEALED & DELIVERED	)	**THE CITY OF SAINT JOHN**
In the presence of:	)	per
	)	
	)	
	)	_____
	)	Mayor
	)	
	)	
	)	_____
	)	Assistant Common Clerk
	)	
	)	Common Council Resolution:
	)	_____
	)	
	)	**[Organization]**
	)	Per:
	)	
	)	_____
	)	[Title]

SAINT JOHN BOARD OF POLICE COMMISSIONERS

ONE Peel Plaza, E2L 0E1
PO Box 1971
Saint John, New Brunswick
Canada E2L 4L1

Bureau des Commissaires du
Service de Police de Saint John
C.P. 1971
Saint John Nouveau-Brunswick
Canada E2L 4L1

EDWARD KEYES
Chair/ Président
JEFF MCALOON
Vice Chair/Vice Président
DOUGLAS JONES
Secretary/Secrétaire
BRIAN BOUDREAU
Commissioner/Commissaire
DON DARLING
Commissioner/Commissaire
GARY SULLIVAN
Commissioner/Commissaire
MAIKE WHITE
Commissioner/Commissaire
MICHAEL COSTELLO
Commissioner/Commissaire

BRUCE CONNELL
Chief of Police/
Chef de Police

DAPHNE WAYE
Executive Administrator/
Secrétaire Administrative

Telephone/Téléphone:
(506) 648-3324

E-mail/Courriel:
policecommission@saintjohn.ca

SAINT JOHN

Explore our past/
Explorez notre passé
Discover your future/
Découvrez votre avenir

July 16, 2019

Mayor Don Darling and Members of
Common Council

Your Worship and Councillors:

Re: 2019 Operating Budget – SJPF April Financial Results

The Saint John Board of Police Commissioners, at its meeting on Tuesday, July 16, 2019 accepted and approved the attached (unaudited) Financial Report of the Saint John Police Force's Operating Budget as of April 30, 2019.

On behalf of the Saint John Board of Police Commissioners, I am pleased to provide a copy of this report to Common Council in accordance with Section 7(3) of the *New Brunswick Police Act.*

Respectfully submitted,

Edward Keyes, Chair
Saint John Board of Police Commissioners

EK/dew

Attachment

7.2

REPORT TO SAINT JOHN BOARD OF POLICE COMMISSIONERS

COMMITTEE OF WHOLE

July 16, 2019

Mr. Edward Keyes, Chair and
Members of the Board of Police Commission

Chair Keyes and Members

SUBJECT

2019 Operating Budget – SJPF April Financial Results

BACKGROUND

The purpose of this report is to provide the Board with an update on the financial position of the Saint John Police Force's Operating Budget as of April 30, 2019.

FINANCIAL HIGHLIGHTS

For the period ended as at April 30, 2019, the **net** operating expenses for the Saint John Police Force were under budget by $541,984 or 6.6%.

There are seven key areas that contributed to this budget variance.

1. Revenue surpassed the first trimester projection by $60,343.
2. Salaries and Wages were under budget by $319,945.
3. Overtime costs exceeded budget by $58,826.
4. Extra-Duty overtime expense was $22,623 and is 100% recoverable.
5. Court Time and Other Personnel costs were over budget by $63,748.
6. Fringe Benefits were under by $112,377.
7. Good and Services were under budget by $171,893.

Subject: 2019 Operating Budget – SJPF April Financial Results

Budget Analysis

REVENUE OFF-SETS

Secondment revenue is up by $25,438 and the additional $34,177 generated from extra-duty assignments and other cost recovery opportunities through operational activities is used as a direct offset to the overtime cost or for any necessary (unbudgeted) expenditure during the year.

SALARIES AND WAGES

Salaries were under budget by $319,945 and these savings will be used to cover the increase in overtime and court time expense.

OVERTIME

Saint John Police Association (SJPA)

The overtime expense was over budget by $58,826. The Patrol Division accounted for $17,716 and the Criminal Investigation Division was over by $24,418.

The overtime expense for Extra-Duty was $22,623 and this amount is 100% covered from billings to third parties for paid over-time assignments.

OTHER PERSONNEL COSTS

Court Time - Saint John Police Association (SJPA)

The expense for court time exceeded budget by $62,713 and a major portion is related to banked time being paid out that exceed six months from the date it was earned.

GOODS & SERVICES

The various Goods and Services accounts were under budget by $171,893 and this is a timing difference between actual expenses and the monthly budget allocation.

All significant purchases will be completed by August 2019 and other discretionary spending will be closely monitored by management leading up to the end of the year to ensure any possible savings are recognized to deliver a balanced budget.

RECOMMENDATION

- **It is recommended that the Board accept and approve this (unaudited) Financial Report for the period ended as at April 30, 2019 and forward a copy to Common Council as required under Section 7 (3) of the New Brunswick Police Act.**

Attached reports and documents:

- Consolidated Statement of Operations – April 30, 2019
- Budget Variance Analysis – April 30, 2019

Respectfully submitted,

Marven E. Corscadden, CPA, CGA
DIRECTOR BUSINESS DEVELOPMENT &
CORPORATE EFFECTIVENESS

Bruce Connell
CHIEF OF POLICE

SAINT JOHN POLICE FORCE
BUDGET VARIANCE ANALYSIS
For the Period Ended April 30, 2019

Budget	Expenses	Variance	Current Variance	
			Timing	Actual
$8,334,076	$7,852,435	$481,641	$481,641	

Expense Category	Variance	Explanation of Variance
Salaries & Wages	**$319,945**	• **Salaries: Non-Union** over budget by **($70k).** • **Salaries: Local 486** under budget by **$63k**. • **SJPA Police Officer wages** under budget by **$328k.**
Overtime	**($58,826)**	• **Overtime: SJPA-Patrol:** Over budget by **($17k)**. • **Overtime-SJPA-Criminal Investigations:** Over budget by **($24k)**. • **Extra-Duty Overtime -** Over by **($23k)** and this expense is 100% recovered with earned revenue as all hours paid are invoiced to 3rd parties for Extra–Duty assignments.
Other Personnel Costs	**($63,748)**	• **Court Time:** Over budget by **($63k)**.
Fringe Benefits	**$112,377**	• **Benefits:** The rate for police officers is at 28.6% and 24.8% for civilian employees. This rate now includes the employer portion the Long-Term Disability (LTD) program and **the** Shared Risk Pension plan. It also includes EI, CPP, WCB and employee group benefit costs.
General Services	**$41,274**	• **Telephone:** Under budget by **$16k**. • **Employer Training:** Under by **$32k**.

Saint John Police Force – April 30, 2019
Budget Variance Analysis

Expense Category	Variance	Explanation of Variance
Insurance	**($17,623)**	• **Deductible Account:** Over budget by **($19k)** and this represents charges back to Police via the City's insurance department for 3rd party claims (damages) and/or monies due to the SJPF for police vehicles involved and damaged in accidents.
Professional Services	**$21,751**	• **Legal:** Under budget by **$14k**. • **Detention Security:** Under budget by **$12k** and this is due to the timing of the vendor invoices and monthly budget allocation.
Other Purchased Services	**($15,646)**	• **Other Purchased Services:** Over budget by **($16k)**.
Repair & Maintenance	**$31,341**	• **Computer Maintenance: $31k** - This is the timing between the monthly budget allocation and the payment of invoices for computer maintenance and software licensing contracts with various vendors.
Rentals	**$8,027**	• No significant variance at the end of April 2019.
Purchased Goods	**($6,966)**	• No significant variance at the end of April 2019.
Government Services	**($2,444)**	• No significant variance at the end of April 2019.

Internal Services	**($3,485)**	• No significant variance at the end of April 2019.
Asset Purchases	**$115,664**	• **Vehicles $116k** – This amount is due to timing difference between the budget allocation and when new police vehicles are purchased and delivered. All expenditures will be completed by the end of the calendar year.

Saint John Police Force
Consolidated Statement of Operations
For the Period Ended April 30, 2019

	2019			2018		
	Budget	Actual	Variance	Budget	Actual	Variance
Salaries & Wages	5,223,254	4,903,309	319,945	5,071,882	4,983,756	88,126
Overtime	201,299	260,125	(58,826)	202,324	294,901	(92,577)
Other Personnel Costs	61,229	124,977	(63,748)	62,110	74,609	(12,499)
Fringe Benefits	1,589,314	1,476,937	112,377	1,507,472	1,444,857	62,615
Total Wages & Fringe Benefits	**7,075,096**	**6,765,348**	**309,748**	**6,843,788**	**6,798,123**	**45,665**
General Services	156,732	115,458	41,274	145,984	110,560	35,424
Insurance	43,332	60,955	(17,623)	43,500	48,180	(4,680)
Professional Services	101,656	79,905	21,751	102,988	185,023	(82,035)
Other Purchased Services	30,392	46,038	(15,646)	30,392	33,365	(2,973)
Repairs & Maintenance	70,000	38,659	31,341	38,332	64,717	(26,385)
Rentals	359,384	351,357	8,027	359,384	158,365	201,019
Purchased Goods	107,700	114,666	(6,966)	110,700	5,084	105,616
Government Services	5,100	7,544	(2,444)	1,700	5,084	(3,384)
Internal Corporate Charges	269,020	272,505	(3,485)	255,324	161,195	94,129
Asset Purchases	115,664	-	115,664	664	-	664
Total Goods & Services	**1,258,980**	**1,087,087**	**171,893**	**1,088,968**	**771,573**	**317,395**
Surplus/(Deficit)	**$ 8,334,076**	**$ 7,852,435**	**$ 481,641**	**$ 7,932,756**	**$ 7,569,696**	**$ 363,060**
			5.78%			**4.58%**

REQUEST TO PRESENT TO COUNCIL FORM

The City of Saint John

ABOUT PERSON/GROUP PRESENTING

First Name: **Erin** Last Name: **Cusack**
Name of Organization/Group (where applicable): Click here to enter text.
Mailing Address: Click here to enter text.
City or Town: **Saint John** Province: **New Brunswick** Postal Code: Click here to enter text.
Day Time Phone Number: Click here to enter text. Email: Click here to enter text.

☒If you do **NOT** wish to have your personal information (address, phone number, email) become part of the public record, please check this box.

ABOUT YOUR REQUEST

Topic of Presentation: Parking for Uptown High School Students
Purpose for Presentation (what is the ask of Council): The purpose of this presentation is to propose a change to the parking regulations to create a limited student parking pass for uptown high school students with special needs.
Background Information:My idea is to create a better system for the uptown student parking that every licensed high school student struggles with. Many students are required to drive to school and struggle to arrive on time and to attend employment and/or extra-curricular activities after school. My idea is designed to help solve this problem and remove the danger created by students running out of classes to attend to parking restrictions and struggling to avoid regular $30 tickets.

Students who attend Uptown High Schools, currently must move their cars every two hours, which causes unnecessary stress, frustrated teachers and it impacts everyone's learning environments. The current parking regulations are adding unnecessary burden onto students whose focus should be on learning.

I have two proposals that I would like council to consider: the first one would be to create a limited student parking pass. This pass would be valid from 8-4, allowing students with special needs to stay in class all day and leave immediately after school. The second solution would be to extend the parking limit from two hours to four hours for students with a special needs pass. Either solution

would be only available for students who could prove that they needed the longer hours.

YOUR SIGNATURE

Signature: Click here to enter text. Date: **2019-07-09**

FOR USE BY THE CITY OF SAINT JOHN ONLY

Date Received: Click here to enter a date. **Council Meeting Date:** Click here to enter a date.

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-187
Report Date	July 24, 2019
Meeting Date	July 29, 2019
Service Area	Saint John Water

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: **Saint John Water – 2018 Annual Water Report**

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Kendall Mason	***Brent McGovern***	***John Collin***

RECOMMENDATION

It is recommended that Common Council receive and file this report summarizing the Saint John Water 2018 Annual Water Report.

EXECUTIVE SUMMARY

Municipalities in New Brunswick operate public drinking water systems under conditions set out in certificates of *Approval to Operate* drinking water treatment and distribution facilities. Developed by the Department of the Environment and Local Government (DELG), in collaboration with the Department of Health, these formal approvals set out standards for water treatment facilities, distribution systems and operators that strive to assure safe drinking water.

The City of Saint John (as the *Approval Holder*) provides drinking water services to the public under authority of *Approval to Operate W-1510: Drinking Water Treatment and Distribution Facilities.* This *Approval to Operate* was issued by the New Brunswick Minister of the Environment effective September 07, 2017, and expires September 06, 2022.

The certificate of *Approval to Operate* is a regulatory tool designed around the multi-barrier philosophy. All municipal water systems in New Brunswick are required to abide by the various conditions set out in *Approvals to Operate* drinking water treatment and distribution facilities. The standards set through the various conditions strive to ensure safe and reliable drinking water for all users. Saint John Water fully endorses the philosophy behind the need for strict regulation of systems supplying such a vital public service.

ANNUAL REPORT

Condition 25 (Approval W-1510) of the certificate requires submission of an Annual Report to the Department of the Environment and Local Government. The report provides pertinent technical and operating information to the Regulator on the City's water systems including:

- Monitoring results (daily/weekly/monthly data such as free chlorine residual, turbidity, pH, temperature, iron, manganese, etc.)
- Monthly water production
- Operational highlights (significant incidents and system improvements, changes, or additions);
- Alarm log - major alarms
- Summary of backflow prevention and cross-connection activities;
- Summary of flushing activities;
- Operator information (training, certifications, and staffing changes);
- Public relations (notifications & public education)
- List of major new extensions and/or renewals complete with analytical results (microbiological, organic & inorganic)

PREVIOUS RESOLUTION

October 2, 2017; ***2018 Water & Sewerage Utility Fund Capital Budget.***
(M&C No. 2017-247)

October 30th, 2017; ***2018 Water & Sewerage Utility Operating Budget***.
(M&C No. 2017-273)

STRATEGIC ALIGNMENT

This report aligns with Council's priority for Sustainable City Services and Municipal Infrastructure.

BACKGROUND

Protective Barriers

People must have water to live; good health depends on consuming adequate quantities of safe, clean drinking water. That water must be delivered, at the best cost possible, to Saint John homes, institutions and businesses in a state that is clear, colourless, odourless and free of disease-causing micro-organisms (pathogens) or harmful chemicals.

The Drinking Water Service is a public service that provides drinking water to the community and is vital to the economic vitality of the region. This service includes the supply of water, treatment, testing, transmission and distribution, administration of the service, and billing and collections.

Saint John Water manages its drinking water service based on the Multi-Barrier Approach from the water source to the user's tap. Drinking water quality must be assured through a series of protective barriers, for instance:

- Source (watershed and wellfield) Protection;
- Drinking Water Treatment;
- Operations and Maintenance (including staff training, development and staff levels);
- Monitoring and Alarms (Sampling Plan, SCADA system, and record keeping);
- Distribution System (residual chlorine maintenance, total coliform sampling, E. coli sampling, water quality flushing, storage reservoirs, backflow prevention and cross connection control); and
- Emergency Response

ANALYSIS

The Saint John Water – 2018 Annual Water Report, with all its attachments, consists of hundreds of pages of facts and data. Rather than table the full voluminous document with Common Council, a summarized version with selected sections is provided. A full copy of the report with all appendices is on file with the Common Clerk and available on the City of Saint John webpage Tuesday July 30, 2019.

Saint John Water is responsible for the delivery of water and wastewater services on behalf of the City of Saint John. In accordance with Condition 25 of the *Approval to Operate*, the annual water report is intended to provide the (DELG) with pertinent information relating to operation of the municipal water system.

Analytical Results

The City of Saint John obtains its drinking water from primarily one watershed, and two wellfields, Loch Lomond (east), the South Bay Wellfield (west) and the Harbourview Wellfield. The quality of water in the lakes that make up the watershed is important to the final quality of treated potable water. To that end, Saint John Water analyzed raw water sources in the eastern water system from ten locations and in the western water system from four locations. Saint John Water also analyzes the raw water at each of the five production wells (3 West and 2 Harbourview). With the new West Well system, there are also monitoring wells surrounding the wellfield which form part of the overall monitoring of the raw water. This raw water sampling is in addition to the water quality Sampling Plan approved by the DELG.

The approved Water Sampling Plan from the DELG required that samples be collected weekly at thirty five locations across the three water distribution systems and microbiologically analyzed. Twenty of the sites are required to be analyzed semi-annually for inorganic parameters and quarterly for organic parameters.

In addition to the testing noted above, numerous other water parameters are tested routinely to monitor system safety and drinking water quality.

Water Production: Spruce Lake and South Bay Wellfield Combined

Annual water production (raw from Spruce Lake and potable from the South Bay Wellfield) during 2018 for the Spruce Lake / South Bay Wellfield system was approximately 41.9 billion litres, an increase of 4.2 billion litres over 2017 annual Spruce Lake water production, which was 37.7 billion litres. A comparison of water production for previous four years can be seen in Table 1 below.

Table 1: 2018 Annual Water Production (raw and treated) Spruce Lake & South Bay Wellfield

Year	Production (billion Liters)	Increase/Decrease from Previous Year (billions of Liters)
2018	41.9	+4.2
2017	37.7	-4.6
2016	42.3	8.1
2015	34.2	-3.5
2014	37.7	-1.9

In 2018, Loch Lomond water flowed from the East water system crossing Reversing Falls Bridge to the West system via a 900 mm transmission main from January to October. When East water is flowing across the bridge, it only supplies Industrial Customers (Irving Pulp and Paper and Irving Tissue). The water distribution system configuration physically prevents East treated water from mixing with west potable water due to a physical air gap which was installed between the 2 systems as part of the Safe Clean Drinking Water Project (SCDWP). Water flow across the bridge stopped on October 2, 2018 when the requirement for having the 900mm pipe in service to accommodate the SCDWP work ceased. During the period, the 900 mm transmission main was in service, Industrial Customers on the West side were supplied with water for process based on the operating split of approximately one-sixth of their water from East and five-sixths from the West raw water system. It is important to note that the West system supplies only raw untreated water to these Industrial Customers. Irving Pulp and Paper will be supplied raw water from the West Industrial System going forward.

In 2018, peak monthly production was 4.65 billion litres occurring in the month of July. This is 0.90 billion litres higher than the peak in 2017 as can be seen in the Table 2 below. Table 2 compares the previous four year's peak production and the month in which it occurred.

Table 2 : Peak Monthly Production (raw and treated) Spruce Lake/South Bay Wellfield

Year	Peak Monthly Production (billion Liters)	Increase/Decrease from Previous Year (billions of Liters)	Peak Month
2018	4.65	+0.90	Jul
2017	3.75	-0.52	Aug
2016	4.27	-0.03	Sep
2015	4.30	-0.42	Jul
2014	4.72	+0.84	Aug

2018 South Bay Wellfield Treated Water Production

Annual ground water withdrawn from the South Bay aquifer in 2018 was about 4.2 billion litres. 2018 was the first full year water was pumped from the aquifer and delivered to Customers after chlorination and orthophosphate addition at the Spruce Lake Treatment Facility. Table 3 below breaks down the annual ground water withdrawn from the South Bay Aquifer by month including the peak volumes per month.

Table 3 : South Bay Wellfield – 2018 Water Production

Month	Peak Daily Production (Mega Litres)	Average Daily Production (Mega Litres)	Monthly Production (Mega Litres)
January	16.5	13.0	402.2
February	15.5	12.6	351.7
March	14.5	12.3	381.8
April	15.1	12.3	368.9
May	15.2	12.2	377.2
June	14.5	11.6	347.9
July	14.0	11.8	366.0
August	15.0	11.3	349.4
September	13.1	11.0	329.2
October	14.3	10.2	317.3
November	11.6	9.3	279.2
December	11.3	9.5	294.0
TOTAL			**4,164.9**
AVERAGE		**11.4**	

Condition 2 in Approval to Operate W-1510 states a maximum annual average pumping rate for the combined three production wells of 12.5 ML/day. It further states that the 12.5 ML/day operational pumping rate for the South Bay Wellfield is to be averaged over a running annual basis (i.e. a maximum of 4562.5ML pumped over 365 days).

As can be seen in Table 3, a maximum of 4164.9 ML was pumped from the aquifer in 2018. This represents 91.3% of the maximum allowable water pumped from the aquifer or 397.6 ML lower than the maximum allowable as per the Approval to Operate. Furthermore, the daily average pumping rate over the entire year is 11.4 ML/day which is lower than the 12.5 ML/day permitted within the Approval to Operate; therefore Saint John Water is compliant with condition 2 of the Approval to Operate. The Figure 1, below illustrates the daily pumping rates for the three production wells along with the total of all three pumps (purple line).

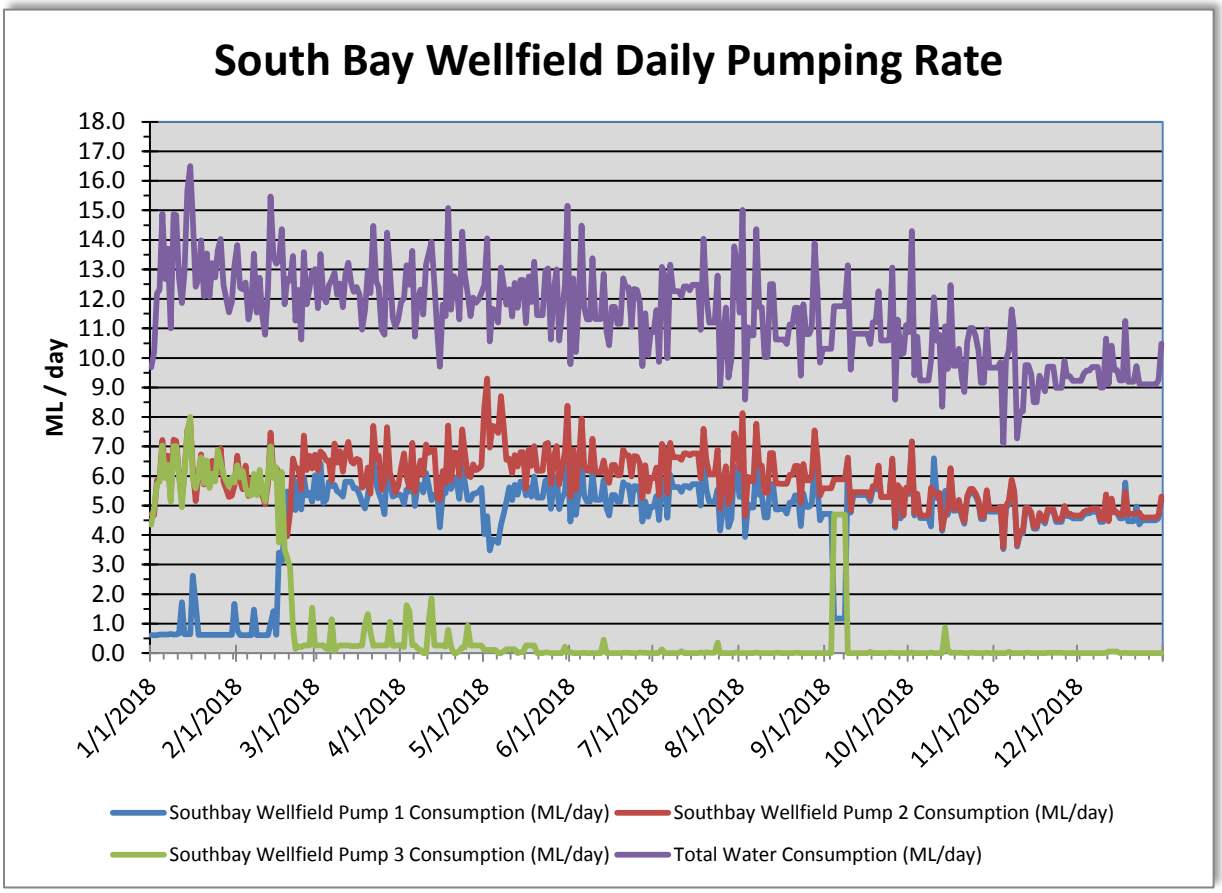


Figure 1: 2018 South Bay Wellfield Daily Pumping Rates

As can be seen in Figure 1, the water demands on the west side were highest in January 2018 decreasing constantly over the entire year ending with the lowest water demands at the end of 2018. This pattern of water usage or water demands by Customer has not been experienced in previous years by Saint John Water. Water demands can be expected to peak in summer months during higher water usage periods.

Approval to Operate W-1510 also requires the monitoring and recording of water levels in each of the three production wells (Condition 27). Condition 27 further states that each well is not to fall below +1m above mean sea level (amsl) more than 100 days/year with a maximum of 20 consecutive days. Table 4, below shows the water elevation for each production well on a quarterly basis since the production wells were commissioned in September 2017.

Table 4: South Bay Wellfield
2017/2018 Quarterly Production Well Water Elevation[1]

Well ID	Monitoring Period	Water Level Elevation at Start of the Monitoring Period (m asl)	Water Level Elevation at End of the Monitoring Period (m asl)	Approximate Change in Water Level Elevation (m)	
				Quarterly	Total[2,3]
Well #1	Q1 (Oct –Dec 2017)	4.6	2	2.6	2.6
	Q2 (Jan – Mar 2018)	2	0.6	1.4	4
	Q3 (Apr – Jun 2018)	0.6	0.2	0.4	4.4
	Q4 (Jul – Sep 2018)	0.2	-0.8	1	5.4
	Q5 (Oct – Dec 2018)	-0.8	-1.2	0.4	5.8
Well #2	Q1 (Oct –Dec 2017)	4.7	2	2.7	2.7
	Q2 (Jan – Mar 2018)	2	0.5	1.5	4.2
	Q3 (Apr – Jun 2018)	0.5	0.1	0.4	4.6
	Q4 (Jul – Sep 2018)	0.1	-0.7	0.8	5.4
	Q5 (Oct – Dec 2018)	-0.7	-1.1	0.4	5.8
Well #3	Q1 (Oct –Dec 2017)	4.7	2	2.7	2.7
	Q2 (Jan – Mar 2018)	2	0.6	1.4	4.1
	Q3 (Apr – Jun 2018)	0.6	0.2	0.4	4.5
	Q4 (Jul – Sep 2018)	0.2	-0.7	0.9	5.4
	Q5 (Oct – Dec 2018)	-0.7	-0.8	0.1	5.5

Notes:
1. Data supplied by BGC Engineering based on Saint John Water's SCADA data
2. Total change in water elevation to the water level elevation observed at each location (August 21, 2017 before the start of the wellfield operation (September 14, 2017).
3. Total change at the end or Q4 is the annual change.

As shown in Table 4, the water level in each of the three production wells begins to stabilize below the +1m amsl towards the end of 2018. As a result, Saint John Water is out of compliance with respect to Condition 27 of the Approval to Operate the Drinking Water System. Saint John Water has been diligently working with industry experts along with the Department of Environment and Local Government and Department of Health to find a solution to this issue and restore the water levels in the aquifer above the +1 amsl.

Musquash Water System Supplemental Supply to Spruce Lake Watershed

When the water level in Spruce Lake drops to approximately 60 metres, Saint John Water turns on the Musquash Pump Station and transfers water from the East Musquash watershed to Menzies Lake. This inter-basin transfer is necessary to provide for the industrial demand and to assure adequate lake levels in Spruce Lake in times of low precipitation. A total volume of 16.007 billion litres was transferred during a total of 111 days of pumping in 2018. For comparison purposes, the previous four year's inter-basin transfers are shown in Table 5 below.

Table 5: Musquash – Menzies Lake Interbasin Transfer

Year	Volume Transferred (billions of Litres)	# of Operating Days
2018	16.007	111
2017	16.615	111
2016	23.726	182
2015	10.548	87
2014	7.197	57

Water Production: Loch Lomond System

During 2018, annual water production for the Loch Lomond system (raw and treated) was 27.5 billion litres, a decrease of 5.8 billion litres over 2017 Loch Lomond water production, which was 33.3 billion litres. This decrease can be contributed to the decrease flow across the Reversing Falls Bridge via the 900mm transmission main compared to 2017 along with the rehabilitation of various water transmission and distribution pipes associated with the Safe, Clean drinking Water project. For comparison purposes the Table 6, shows the total annual water production (raw and treated) for the previous four years.

Table 6: 2018 Annual Water Production (raw and treated) – Loch Lomond System

Year	Production (billion Litres)	Increase/Decrease from Previous Year (billions of Litres)
2018	27.5	-5.8
2017	33.3	+1.6
2016	31.7	-4.7
2015	36.4	+4.4
2014	32.0	+0.2

2018 Loch Lomond System Monthly Water Production

Annual treated water production for 2018 for the Loch Lomond system was approximately 24.5 billion litres, a decrease of 5.4 billion litres from 2017 water production, which was 29.9 billion litres. In 2018, peak daily production was 137.5 ML an increase from 2017 which was 135.1 ML. Table 7 presents the Peak Daily Production and the Monthly treated water production.

Table 7: Loch Lomond System 2018 Treated Water Production

Month	Peak Daily Production (Mega Litres)	Monthly Production (Mega Litres)
January	100.6	2,404.5
February	97.5	2,192.5
March	102.4	2,320.8
April	136.0	2,263.9
May	97.6	2,261.5
June	119.2	2,559.7
July	137.5	3,112.4
August	126.1	2,450.8
September	54.9	1,401.0
October	43.5	1,143.1
November	46.0	1,134.7
December	44.1	1,243.7
TOTAL		**24,488.5**

CHEMICAL CONSUMPTION

During 2018, a total of 99.6 tonnes of gaseous chlorine were purchased for the Loch Lomond System. This is a dramatic drop in consumption from previous years due to the commissioning and start-up of the new Loch Lomond Drinking Water Treatment Facility (LLDWTF). As part of the Safe, Clean drinking Water project, the start-up of the new treatment plant occurred on August 30, 2018. As a result of this start-up Saint John Water stopped the addition of Chlorine gas at Latimer Lake on September 21, 2018 after a planned transition to the new plant.

A total of 52.9 tonnes of sodium hypochlorite was purchased for the South Bay Wellfield. The drop in chlorine usage for the West system compared to previous years is mainly due to the conversion from surface water to ground water in September 2017, which has a much lower organic content than the surface water supply and thus has much less chlorine demand.

Table 8: Chemical Consumptions by Year

Year	Loch Lomond System - gaseous Chlorine (tonnes)	Spruce Lake System - Sodium Hypochlorite (tonnes)
2018	99.6	52.9
2017	129.4	133.9
2016	119.8	167.6
2015	171.5	175.2
2014	144.2	186.7
2013	158.3	210.6

OPERATIONAL HIGHLIGHTS

Saint John Water manages its drinking water service based on the Multi-Barrier Approach from the water source to the user's tap. Drinking water quality must be assured through a series of protective barriers. Source water (watershed and wellfield) protection is the first barrier. To aid in this, both Spruce Lake and Loch Lomond watersheds are protected under the Province of New Brunswick's Watershed Protection Area Designation Order. This order places various restrictions on the types of activities allowed on either the watercourse or surrounding land. In general, it is much less expensive to prevent negative impacts to watersheds than site remediation after an incident has occurred.

Many of the lands in the watersheds are forested, and this brings risks such as forest fire, disease, and insect infestation. When forests are not managed properly or are not maintained in a state of good health, it puts the drinking water supply at risk.
In 2018, like previous years, we received various public concerns from home owners around the Loch Lomond watershed related to misuse and illegal dumping on city owned property. Operational staff increased surveillance in these areas and in some cases erected signs and barriers in the affected areas in an attempt to curtail these activities. Staff also removed several truckloads of garbage from these sites.

Operational Highlight – Water Treatment

2018 marked a significant achievement for Saint John Water, the City of Saint John and the citizens it serves. For many decades, the City operated a Water Treatment Facility at Latimer Lake which consisted of coarse screening followed by chlorination. This rudimentary process provided drinking water to Customers east of the Reversing Falls for many years. With the completion of the new Loch Lomond Drinking Water Treatment Facility in late August 2018, the City is now delivering high quality drinking water to its customers using a modern day state-of-the-art Water Treatment Facility. This treatment facility, along with several kilometres of transmission/distribution pipe, was part of the Safe Clean Drinking Water Project.

Operational Highlight – Water Distribution

In 2018, Saint John Water Staff responded to 44 water main breaks, 4 more than 2017. The mains ranged in size from 50mm to 400 mm in diameter.

Also in 2018, Saint John Water did not experience any large transmission main failures. This was a direct result of the new installations as well as the rehabilitated portions of the transmission main system that was completed on the Safe Clean Drinking Water Project.

Operational Highlight – Orthophosphate Introduction

In 2018, Saint John Water began introducing an orthophosphate solution to both the East and West water systems. Orthophosphates are commonly used in the water treatment industry to combat pipe corrosion by stabilizing the internal pipe scale. The orthophosphate solution is a NSF 61 certified product which means it has been approved to be used in potable water systems. It should be noted that the introduction of orthophosphate was approved by both the Department of Health (DOH) and the Department of Environment and Local Government (NBDELG) prior to implementation.

Figure : Temporary Orthophosphate Dosing System - Spruce Lake WTP

A temporary orthophosphate dosing system was added to the West system to potentially assist in stabilizing existing scale formation on private copper plumbing. The dosing system was commissioned in March 2018.

Orthophosphate addition in the East system started in June 2018 as a means to slowly transition the water quality in the east system to water that will eventually be produced from the new Loch Lomond Drinking Water Treatment Facility. The temporary dosing of orthophosphate solution at Latimer Lake Water Treatment Facility ceased in early September shortly after the LLDWTF came on-line. The addition of orthophosphate at the new LLDWTF was always contemplated under the Safe, Clean Drinking Water Project.

For comparison purposes, Table 9 below illustrates orthophosphate consumption for the past year for both the East and West systems**.** Also included in the table is the mass of dry Orthophosphate product the City purchased for the new LLDWTF.

Table 9: Orthophosphate Consumption

Year	Loch Lomond System - Liquid Orthophosphate (Litres)	South Bay System – Liquid Orthophosphate (Litres)	Loch Lomond Drinking Water Treatment Facility (kg)
2018	8,000	7,000	14,515

Operational Highlight – Sodium Hydroxide Introduction

In 2018, Saint John Water began introducing a 50% sodium hydroxide solution to the East water systems. Sodium Hydroxide is commonly used in the water treatment industry to adjust the pH of finished water. It is a NSF 61 certified product which means it has been approved to be used in potable water systems. It should be noted that the introduction of sodium hydroxide was approved by both the DOH and NBDELG prior to implementation.

pH adjustment in the East system started in April 2018 as a means to slowly transition the water pH in the east system to water that will eventually be produced from the new Loch Lomond Drinking Water Treatment Facility. The temporary dosing of sodium hydroxide solution at Latimer Lake Water Treatment Facility ceased in early September shortly after the LLDWTF came on-line. Table 10 below shows the amount of Sodium Hydroxide consumed with the temporary dosing system at Latimer Lake. pH adjustment at the new LLDWTF was always contemplated under the Safe, Clean drinking Water Project.

Table 10: Sodium Hydroxide Consumption

Year	Loch Lomond System - Sodium Hydroxide (kg)
2018	106,877

Operator Training & Certification

Saint John Water continues to make advances in the operation and maintenance of our water and wastewater systems and the pivotal role they play in providing for the protection of public health and the delivery of a vital service. The City of Saint John continues to work with the New Brunswick Community College – Saint John in developing training programs for its water and wastewater operators. The training has been attended by City of Saint John staff, numerous other municipalities from New Brunswick and by private companies. A detailed training and certification summary is included in the annual report.

SERVICE AND FINANCIAL OUTCOMES

Staff will be forwarding the *Saint John Water 2018 Annual Water Report* to the DELG and the Department of Health on behalf of the City of Saint John (*Approval Holder*). An electronic version of the full 2018 Annual Report is available on the City of Saint John Web site.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

N/A

ATTACHMENTS

N/A

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-189
Report Date	July 24, 2019
Meeting Date	July 29, 2019
Service Area	Saint John Water

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: **Tender No. 2019-081204T -** ***Packaged Pump Station – Civil Works***

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Dean Price	***Brent McGovern / Kendall Mason***	***John Collin***

RECOMMENDATION

It is recommended that:

1) Common Council approve an adjustment to the 2019 Water & Sewerage Utility Fund Capital Program to establish a new project entitled Fallsview Drive – Interim Booster Pump Station with a budget of $575,000 ($525,000 net cost after HST rebate) with the overall 2019 Water & Sewerage Utility Fund Capital Program to remain at the original approved envelope amount as the Fallsview Drive – Interim Booster Pump Station project will be offset from a $525,000 budget surplus from the Metcalf Street project;

2) The tender submitted by Keel Construction Ltd. , for Tender No. 2019-081204T: Packaged Pump Station – Civil Works, in the amount of $228,107.66 plus HST be accepted. Additionally, it is recommended that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's approval to award the Packaged Pump Station – Civil Works to the lowest compliant bidder.

PREVIOUS RESOLUTION

On July 8, 2019, Common Council resolved that the City implement the interim solution described in M&C No. 2019-168 " South Bay Wellfield Performance" of supplying water from the Loch Lomond Drinking Water Treatment Facility to Lower West, Milford, Randolph, Fundy Heights, Duck Cove and Sand Cove neighbourhoods, while it develops a long-term solution to ensure a long-term sustainable supply of safe, clean drinking water for West Saint John.

STRATEGIC ALIGNMENT

Saint John invests in sustainable City services and municipal infrastructure.

SERVICE AND FINANCIAL OUTCOMES

Council with the adoption of M&C 2019-168 on July 8, 2019 approved the design and construction of an interim booster pump station at Fallsview Drive at a cost of approximately $575,000 ($525,000 net cost after HST rebate) which will be offset from surplus funds from the Metcalf Street project under the 2019 Water & Sewerage Utility Fund Capital Program.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS – MATERIALS MANAGEMENT

Tender no. 2019-081204T for the civil work related to the Packaged Pump Station was issued on July 10, 2019 and closed on July 23, 2019 with four (4) companies submitting bids as follows (excluding HST):

COMPANY NAME	TENDERED PRICE
Fairville Construction Ltd	$246,293.00
TerraEx Inc	$306,095.00
Galbraith Construction Ltd	$297,898.30
Keel Construction Ltd	$228,107.66

Staff of Materials Management, and Saint John Water have reviewed the tender and have found it to be complete and formal in every regard. Staff believes that the low tenderer has the necessary resources and expertise to perform the work, and recommend acceptance of their tender.

The above process is in accordance with the City's Procurement Policy and Materials Management support the recommendation put forth.

ATTACHMENTS

N.A.

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-190
Report Date	July 23, 2019
Meeting Date	July 29, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Lease Agreement with Saint John Arts Centre – Peel Plaza

CLOSED SESSION
This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	Acting City Manager
Curtis Langille	***Kevin Fudge/Ian Fogan***	***John Collin***

RECOMMENDATION

1. That Common Council adopt the following terms and conditions contained in this recommendation to be incorporated into a Lease agreement with the Saint John Arts Centre, which had previously expired on June 30, 2013 with all other terms and conditions remaining the same:

    a) the term of the lease shall be ten (10) years commencing on August 1, 2019 and ending July 31, 2029;
    b) the annual rent payable to the City of Saint John shall be as follows:
        i) on August 1, 2019 $10.00, plus HST (if applicable);
        ii) as of August 1, 2020 an annual rent of $111,632.00 to be paid in equal quarterly installments commencing on August 1st of each and every year during the term, pursuant to the payment schedule of the Greater Saint John Regional Facilities Commission with annual increases of one percent with the last year of the Term commencing on August 1, 2028 having an annual rent of $120,881.00, plus HST ((if applicable);
    c) the City will provide the Lessee with an Option to renew this lease for one additional term of ten years at the then prevailing market rate to be mutually agreed upon by both parties and the exercise of which shall be in writing delivered to the lessor not later than January 31, 2029;
    d) in the event the lessee desires to encumber this Lease, assign or sublet all or any part of the premises or grant any licence, concession or other right of occupancy, the Lessee shall notify the Landlord in writing, attention Real Estate Services, City of Saint John, the name of the proposed assignee, sub lessee or other transferee and the terms and conditions of the proposed assignment, sublease or transfer;
    e) the Lessee shall be responsible to pay all public utilities, electricity (including heating the premises), natural gas, water, sewerage, telephone and internet

services (both fixed-line and mobile) with payments to be quarterly as detailed above in (1)(b)(ii); and

f) the lessee shall pay real property tax for the premises with payments to be quarterly as detailed above in (1)(b)(ii).

2. that the City Solicitor be directed to prepare the lease reflective of the foregoing and that the Mayor and Common Clerk sign any documentation necessary to execute this agreement.

EXECUTIVE SUMMARY

A Lease agreement between the City and the Saint John Arts Centre (SJAC) for the use and operation of the Carnegie building had expired on June 30, 2013; the SJAC has been over-holding on a month to month arrangement since that date. This is a Regional Facility with expected cost sharing between the City and the three surrounding communities.

The Saint John Arts Centre Board has reviewed and supports approval of a new lease agreement with the City as per the terms and conditions stated in the recommendation contained in this report.

STRATEGIC ALIGNMENT

Staff aims to provide open, transparent and consistent internal process to facilitate investment and development, while maintaining City standards that align with the City's economic health priorities.

REPORT

The lease agreement with SJAC expired on June 30, 2013 and the arrangement between the parties has been on a month to month basis since that date with the financial arrangement remaining unchanged.

As per the Greater Saint John Regional Facilities Commission Act, the facility under the control and management of the Saint John Arts Centre Inc., called the Saint John Arts Centre, is a regional facility and should be managed accordingly with the financial responsibility shared by all four municipalities. In order to achieve this in a fair and equitable manner, a new lease between the SJAC and the City should incorporate into its terms and conditions that the Lessee be responsible for **all** public utilities, including heat and should also be responsible for property taxes and pay fair market rent.

The total floor area of the Arts Centre is 13,954 square feet. Staff considers a fair market rent for this building type; considering its location, amenities, etc. to be $8.00 per square foot of leased space. This results in a fair market value rent of $111,632.00 annually. As the budget has already been set for the upcoming year, it is proposed to commence fair market rents one year into this agreement with one percent added to the annual rent for the duration of the lease. Staff is in agreement with the lessee that the lessee be billed quarterly of each and every year during the term, pursuant to the payment schedule of the Greater Saint John Regional Facilities Commission.

In addition to receiving fair market rent, the lessee is agreeable to pay property taxes and all public utilities, including heat. These would also be billed quarterly.
The proposed lease would include one ten (10) year term with an option by the proponent to renew for one additional 10 year term.

SERVICE AND FINANCIAL OUTCOMES

The Regional Facilities Commission provides for fair and equitable funding of operating budgets for its five regional facilities listed in its Act; the Saint John Arts Centre being one of them. These terms and conditions as recommended by staff are reflective of a lease between a landlord and its tenant whereby the tenant is expected to pay fair market rent and to be responsible to pay all operating costs associated with the space it leases.

Based on the formula used by the Greater Saint John Regional Facilities Commission, the City would budget for two-thirds of the operating costs with one-third being the responsibility of the outlying municipalities. This lease would allow the City to recover approximately $47,000.00 annually from the other municipalities, which amounts to approximately $500,000.00 over the proposed ten (10) year term.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

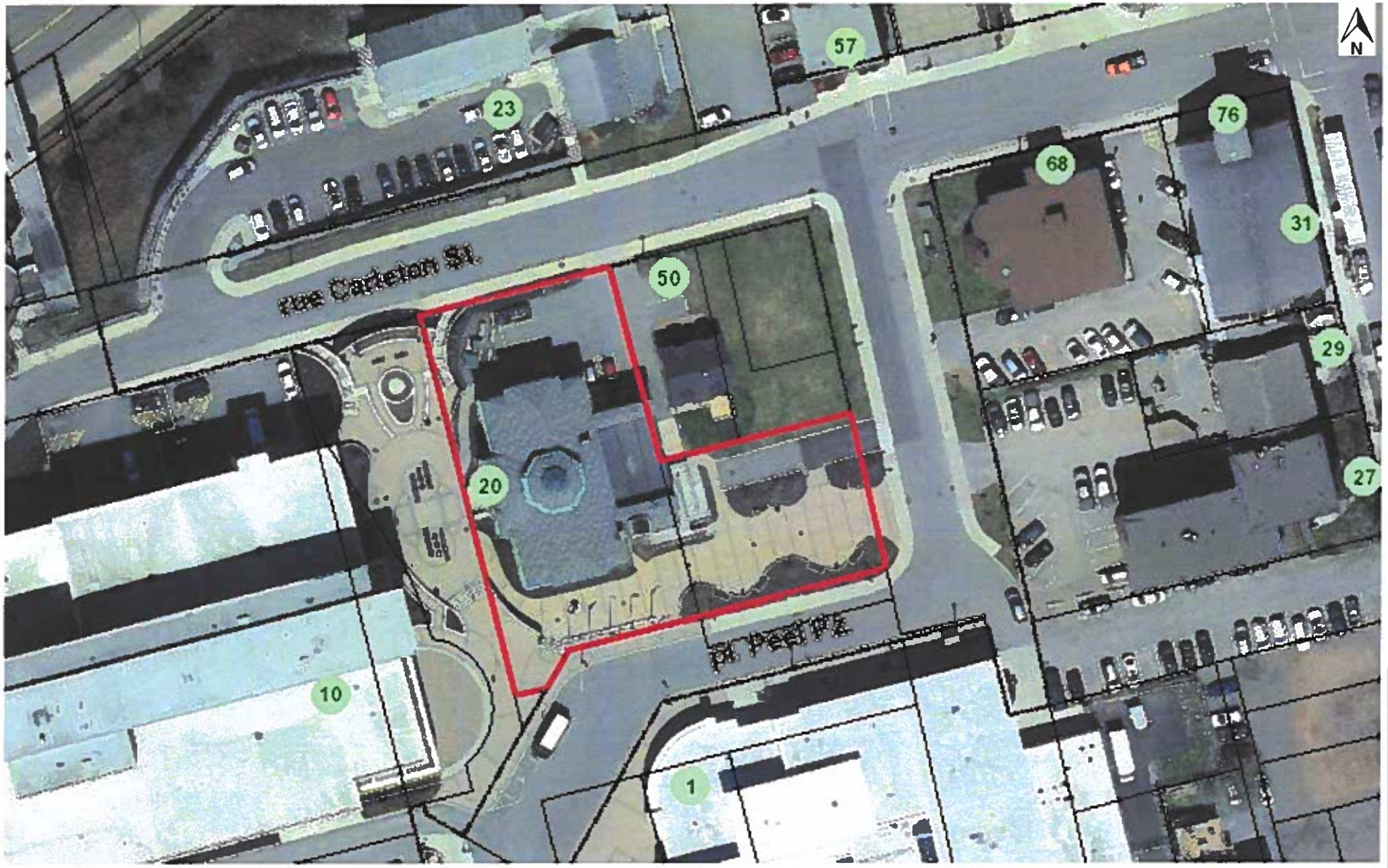
Facilities Management was solicited for their input in the preparation of this report.

ATTACHMENT

Location Map

SAINT JOHN

Saint John Arts Centre: 20 Peel Plaza



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AREA 506

July 19, 2019

Melanie Hopkins

Licensing Office

Melanie.hopkins@gnb.ca

Endorsement of Application for Extended Operations – Delivered via Email

Melanie:

I am writing to endorse the application for the members of the NMWCA (Grannan's Seafood Restaurant, McGill's, Saint John Ale House and Lemongrass Thai Fare) to extend their hours of operation on Aug 2-4, 2019. The NMWCA are located on the adjacent property to the Area 506 festival ground.

We feel that after the festival ends, keeping the properties open an extra hour will enhance the festival experience as they will have entertainment on their boardwalk stage.

The extension would be until 3:00am (1 hour).

If you require any further information please feel free to get in touch at any time at 506-645-1653 or ray@area506.ca.

Sincerely,

Ray Gracewood
Founder and Committee Chair
AREA 506
ray@area506.ca
506.645.1653

Proposed Council Resolution respecting AREA 506 Application for Extended Hours of Operation:

RESOLVED that Common Council endorses the request by AREA 506 for members of the NMWCA (Grannan's Seafood Restaurant, McGill's, Saint John Ale House and Lemongrass Thai Fare) to extend their hours of operation on August 2 – 4, 2019 until 3:00 am (1 hour).

The City of Saint John

PROCLAMATION

WHEREAS: This is a very exciting year as the City of Saint John welcomes the 25th Anniversary of the Marathon by the Sea Event. Marathon by the Sea prides itself on being an inclusive weekend event for everyone. With a focus on family, fitness and fun, it's an event that thousands of runners and walkers look forward to every year; and

WHEREAS: First known as the Festival by the Sea Marathon, Marathon by the Sea has grown to become an internationally recognized event. The course offers a challenging route which showcases the charm and beauty of historic Saint John and the renowned Bay of Fundy. But Marathon by the Sea has also earned great respect and recognition in the running world as a Boston Marathon qualifier; and

WHEREAS: Marathon by the Sea has a significant economic impact on the City of Saint John with spinoffs worth an estimated 1.2 million dollars in 2017 alone, according to Discover Saint John. Over its 25-year history, Marathon by the Sea has led to tens of thousands of dollars being donated to various charities throughout Saint John. It truly is a community-centred event that gives back in so many ways; and

WHEREAS: Entirely organized by a team of dedicated volunteers, Marathon by the Sea is proud to be the largest summer running event on the entire east coast of Canada. This year, being the 25th anniversary year, promises to be a record breaker with participants registered from Canada, the United States, as well as Germany, Italy, France and Sweden..

NOW THEREFORE: I, **Mayor Don Darling,** of **Saint John** do hereby proclaim that **St. Patrick Street** will be called **"Thunder Alley"** for the Marathon by the Sea 25th anniversary this **August 10th and 11th**..

In witness whereof I have set my hand and affixed the official seal of the Mayor of the City of Saint John.

The City of Saint John

PROCLAMATION

WHEREAS: India is a diverse, vibrant land, rich in heritage, tradition and a variety of topographies, cultures and languages. While each region in the country has its own distinct individuality, they are at the same time a proud part of their united identity – the nation of India; and

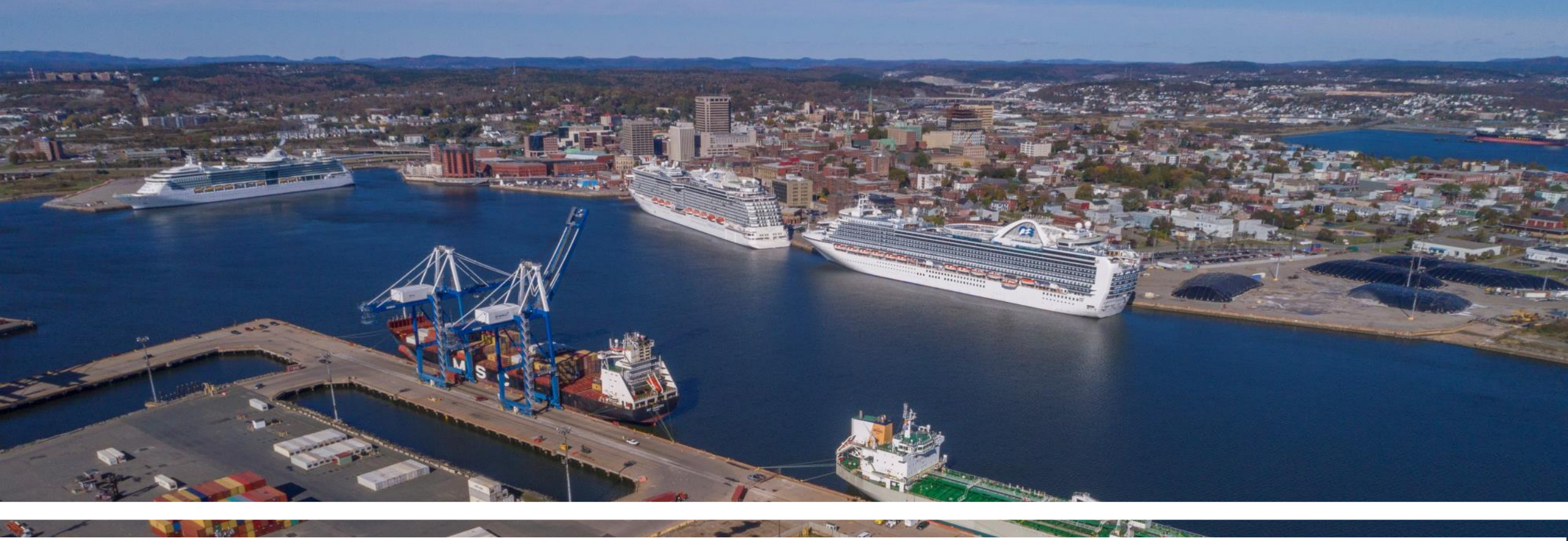
WHEREAS: India is home to 1.3 billion people and holds a significant position in the world's economic, political, social and cultural landscape. Over the years, many people from India have immigrated to Canada to live work and contribute to the development of Canada as a strong, diverse nation. Their love and gratitude for their new home holds as strong as it does for their country of origin; and

WHEREAS: In Saint John too, we now have a sizeable and rapidly growing in Indian community, who with their energy, passion and hard work, actively contribute not only to our economy but to the richness of our social and cultural spectrum. While connected to their roots, they have embraced their new home, sharing their traditions and culture freely with our community but also adapting to their present surroundings; and

WHEREAS: August 15th is India Independence Day. In 2019, this day marks the completion of 72 years of India's existence as a sovereign, socialist, secular, democratic republic. It is a time of joy and celebration of India's eventful journey and progress to the present day. It is also a time to recognize the pain and hardship endured to reach this point, and show gratitude to the many selfless souls whose courage and sacrifice earned India its freedom and identity as an independent nation. To them, today, we bow as the Indian National Flag is raised in honour of this momentous milestone of the remarkable nation.

NOW THEREFORE: I, **Mayor Don Darling,** of **Saint John** do hereby proclaim **August 15th, 2019**, as **India Independence Day**, in the City of Saint John.

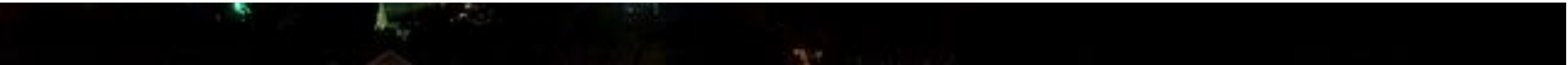
In witness whereof I have set my hand and affixed the official seal of the Mayor of the City of Saint John.



DEVELOP
SAINT JOHN

DEVELOP SAINT JOHN

Priority Infrastructure Projects - July 29, 2019



RESOLVED that the City of Saint John's top three infrastructure funding requests to Federal and Provincial Governments with the exception of emergency response related funding, include:

- A new school in the central peninsula;
- Development of the Fundy Quay site; and,
- Foster Thurston/Ashburn Lake Road NB Route 1 Interchange Project

Mission

We grow the tax base in Saint John by relentlessly creating and seizing strategic real estate opportunities and getting deals done.

Portfolio includes 56 projects with a total potential tax base increase of $560 million.

Three catalytic projects

- Greatest ability to leverage private sector investment and tax base growth
- Strong business cases for both City and Province
- Support the Vision of PlanSJ and the Neighbourhood Plan

Three catalytic projects

Fundy Quay Development

Route 1 Ashburn / Retail Drive Interchange

New Central Peninsula School

Fundy Quay Development

Fundy Quay Development

A Priority of PlanSJ & the Central Peninsula Neighbourhood Plan

Catalyst for new Investment & Development

Significantly Enhances the City's Brand & Reputation

Contributes to the Growth of the Regional Economy

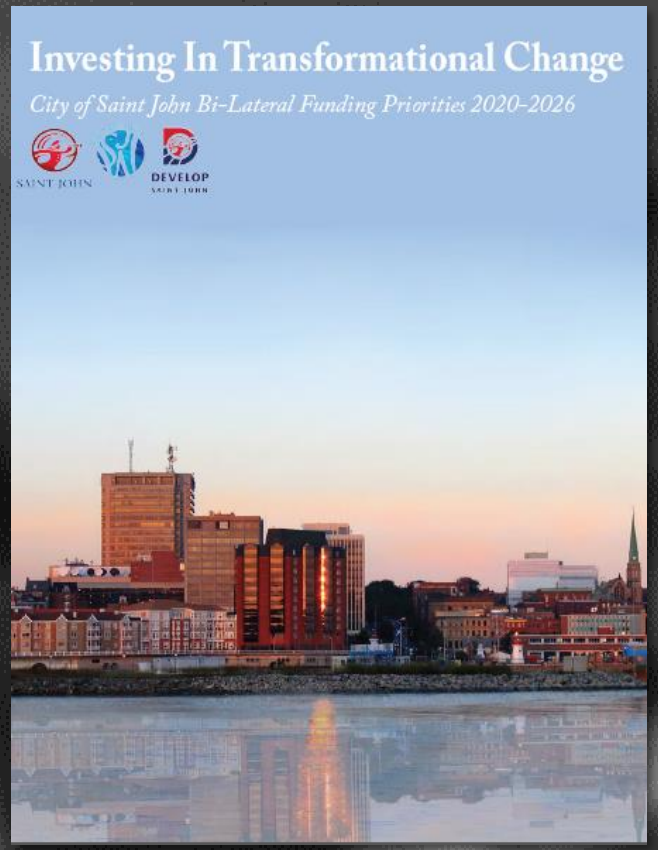
Provides Cultural and Recreational Amenities for all of Greater Saint John

Fundy Quay Development

A Complex Infrastructure Project

A Complex Project

The Fundy Quay project will require a strong private sector development partner, with the support of the City, the Province & Federal Government.



Funding Applications Submitted

DMAF Funding Application:

Seawall Repair & Raise Elevation

Bi-Lateral Funding Application:

Soil Remediation
Site Raising & Flood Protection
Loyalist Plaza Update, Harbour Passage, & Pedway
District Energy System

Fundy Quay

Where We Are At

Stage 1 Call for Expressions of Interest for Private Sector Partner completed

Working with Potential Private Sector Partner on Feasibility, Due Diligence & Business Planning

Approval of Federal Funding for the Sea Wall (DMAF)

Bi-Lateral Funding Application Submitted

Fundy Quay

The Next Steps

Continue Working with Private Sector Partner on Feasibility, Due Diligence, Business Planning & Anchor Use Attraction

Working with the Province on Funding & Potential Anchor Use Opportunities

Awaiting Results of Bi-Lateral Funding Application

Building a Strong Business Case for the City, Province & Federal Government

Seawall work could begin in 2020

Fundy Quay Development

The Business Case (Under Development)

Anticipated Private Sector Investment: *$150 - $200 Million*

Estimated Direct Municipal Tax Revenues: *$1.5 - $2.5 Million Annually*

Indirect Municipal Tax Revenues: *Up to $550,000 Annually*

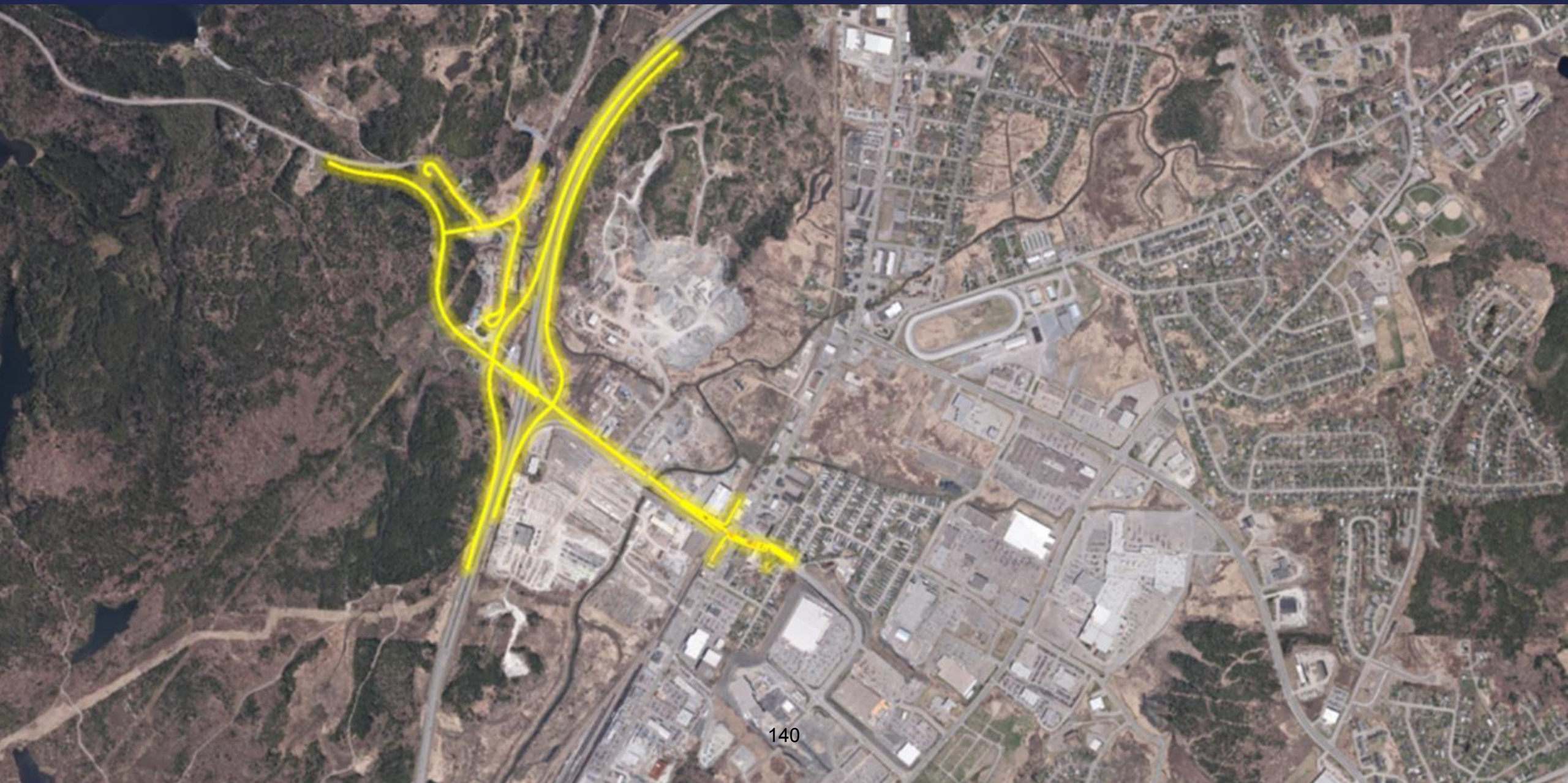
A Strong Investment for the Province

Preliminary Economic Analysis Completed by

TCI Management Consultants

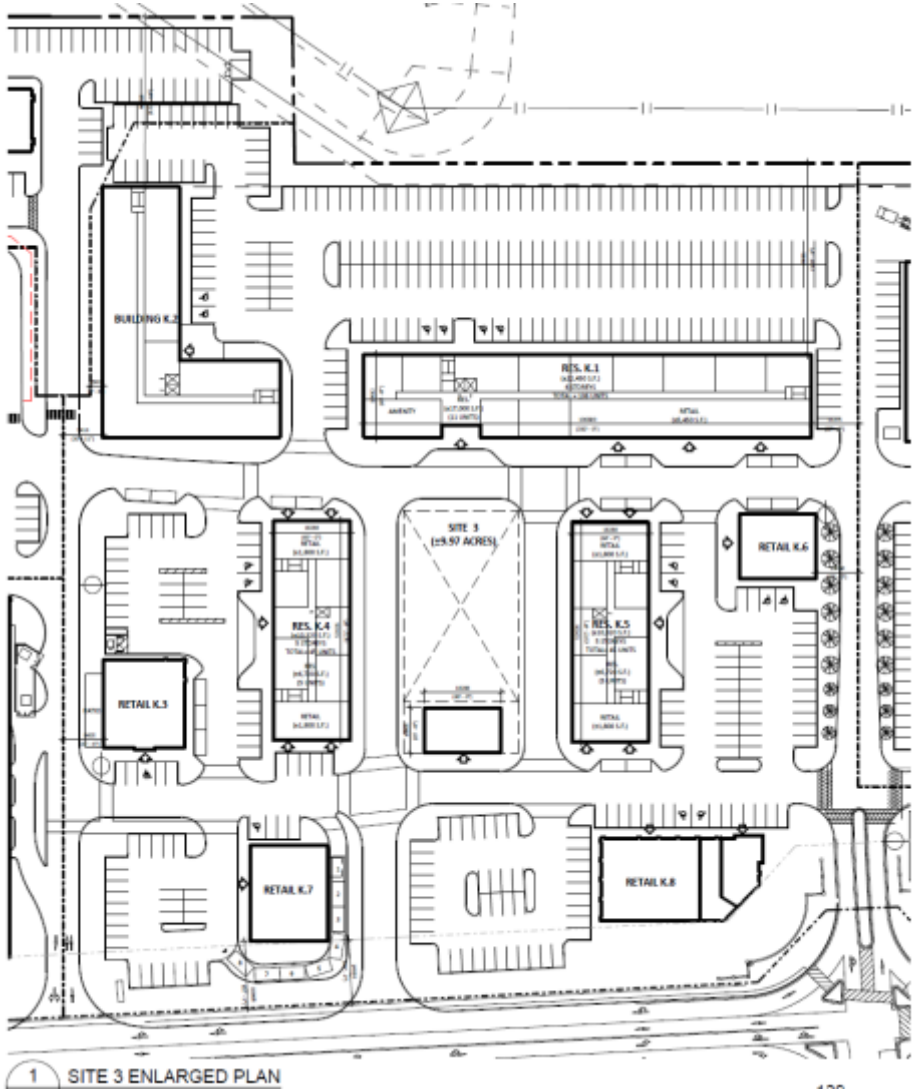
TURNER DRAKE & PARTNERS

Route 1 Ashburn / Retail Drive Interchange



Route 1 Interchange - Required for *"The Crossing"* Development

Route 1 Interchange – Required for *East Point Final Phase*



Route 1 Interchange

Municipal Benefits

Addresses Traffic Issues on Rothesay Avenue

Improves Access to McAllister Regional Retail Centre

Improves North – South Connections to Hospital / UNB Cluster

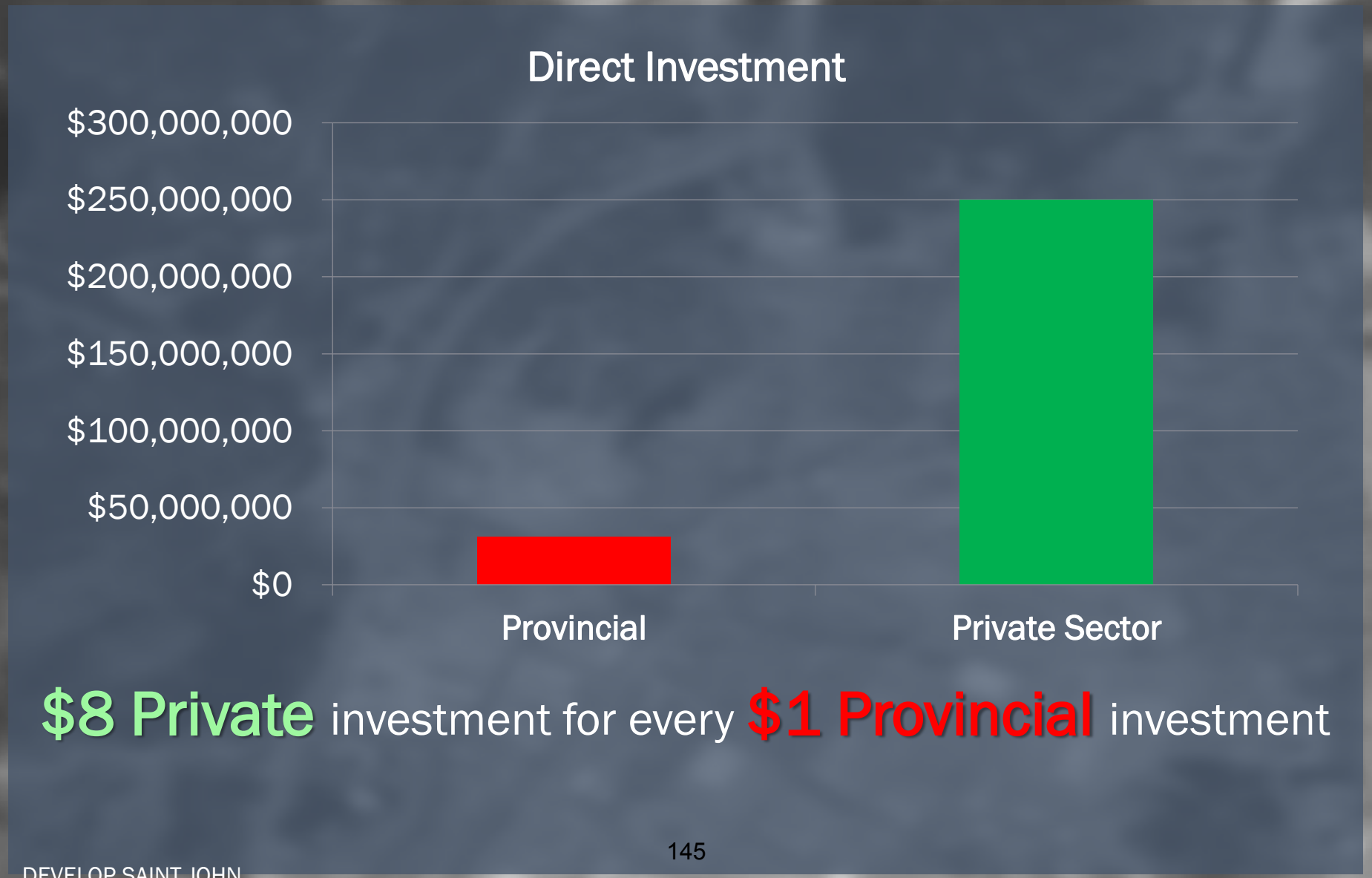
Allows for the Completion of East Point & the Construction of The Crossing

Annual Tax Revenues of $2.1 Million at Full Build Out

Provincial Return on Investment

RETURN
ON
INVESTMENT

Private Sector Direct Investment Leveraged



$8 Private investment for every **$1 Provincial** investment

Provincial Revenues (From Construction Activity)

Tax Revenue Generated From Construction Activity	
Personal Income Tax	$10,600,00
Taxes on Products	$15,500,000
Sales Taxes	$9,900,000
Total	**$36,000,000**

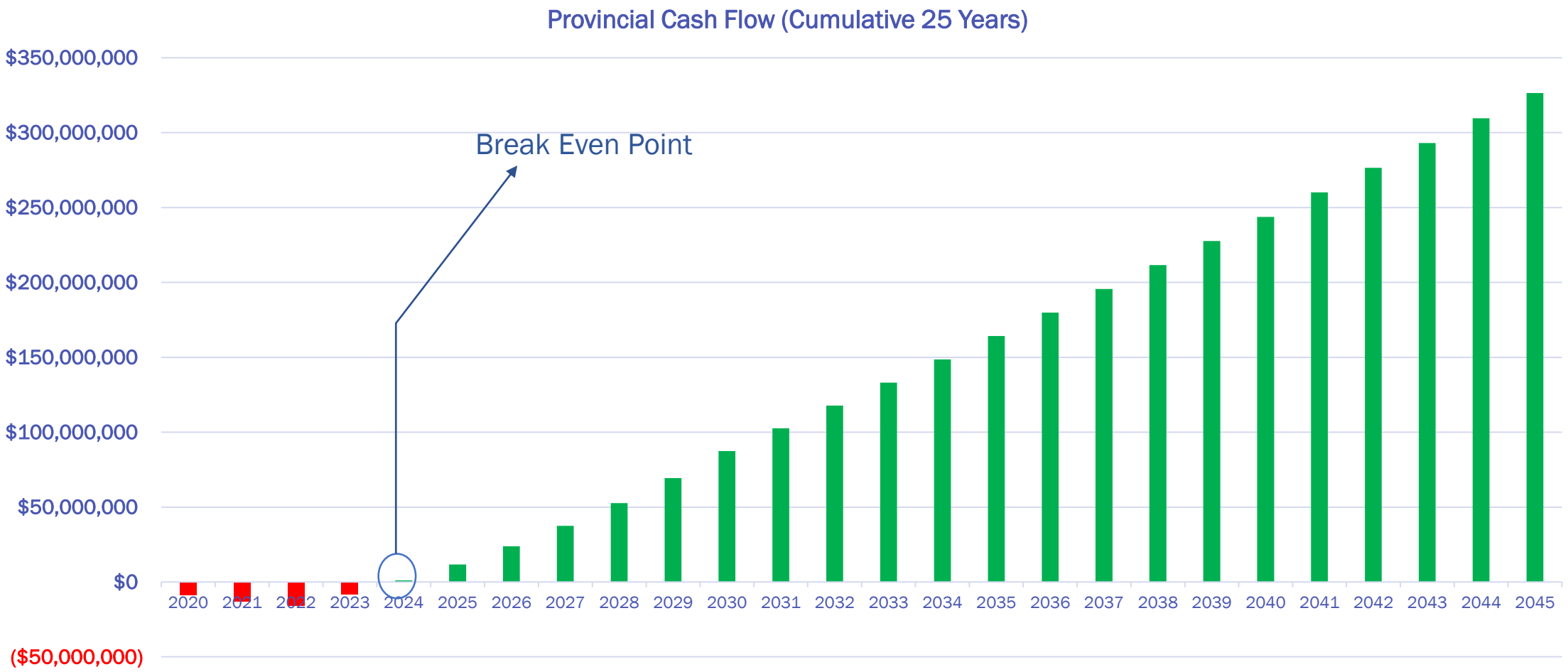
TCI Management Consultants

Provincial Revenues (From Operations: Ashburn & New East Point)

Annual Tax Revenues at Full Build Out	
Personal Income Tax	$3,000,000
Taxes on Products	$6,400,000
Sales Tax	$4,100,000
Property Tax	$1,500,000
Total	**$15,000,000**

TCI Management Consultants

Provincial Revenues



New Central Peninsula School

St. John the Baptist / King Edward School

Prince Charles School

New Central Peninsula School

A Central Peninsula Neighbourhood Plan Priority

Supports the transition to mixed income neighbourhoods

Replaces some of the oldest schools in the Province with the most innovative

Will catalyze growth and reinvestment

Retains young families in the urban core

Includes an innovative community commons to enhance programming

School Program Overview

Proposed School Details

K-8 School, 113,000 sq. ft.

550 Student Capacity, with 30 Classrooms

Early French Immersion Program

Early Learning Centre for up to 80 licensed spaces

Innovative & Collaborative Community & Learning Commons Approach

The Business Case

Municipal Benefits

Annual Property Tax Increase of $1.1 Million

Will support the transition to mixed income neighbourhoods

Will replace some of the oldest schools in the Province with the most innovative

Will catalyze growth and reinvestment

Will retain young families in the urban core

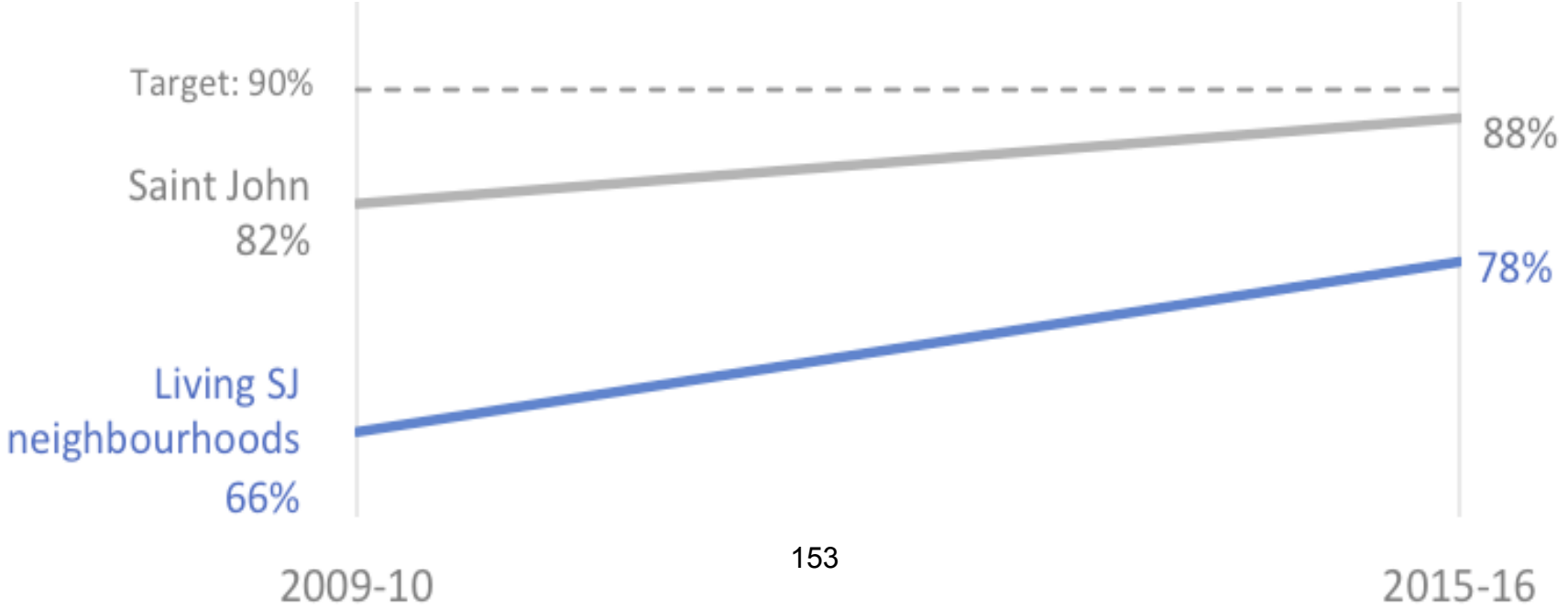
Will provide an innovative community commons to enhance programming

The Business Case

Social Savings

Community programs have significantly contributed to a reduction in the number of drop-outs in Saint from 211 to 128.

The present value of ***Provincial Savings*** in this impact is estimated to be between ***$13.2M - $26.5M***

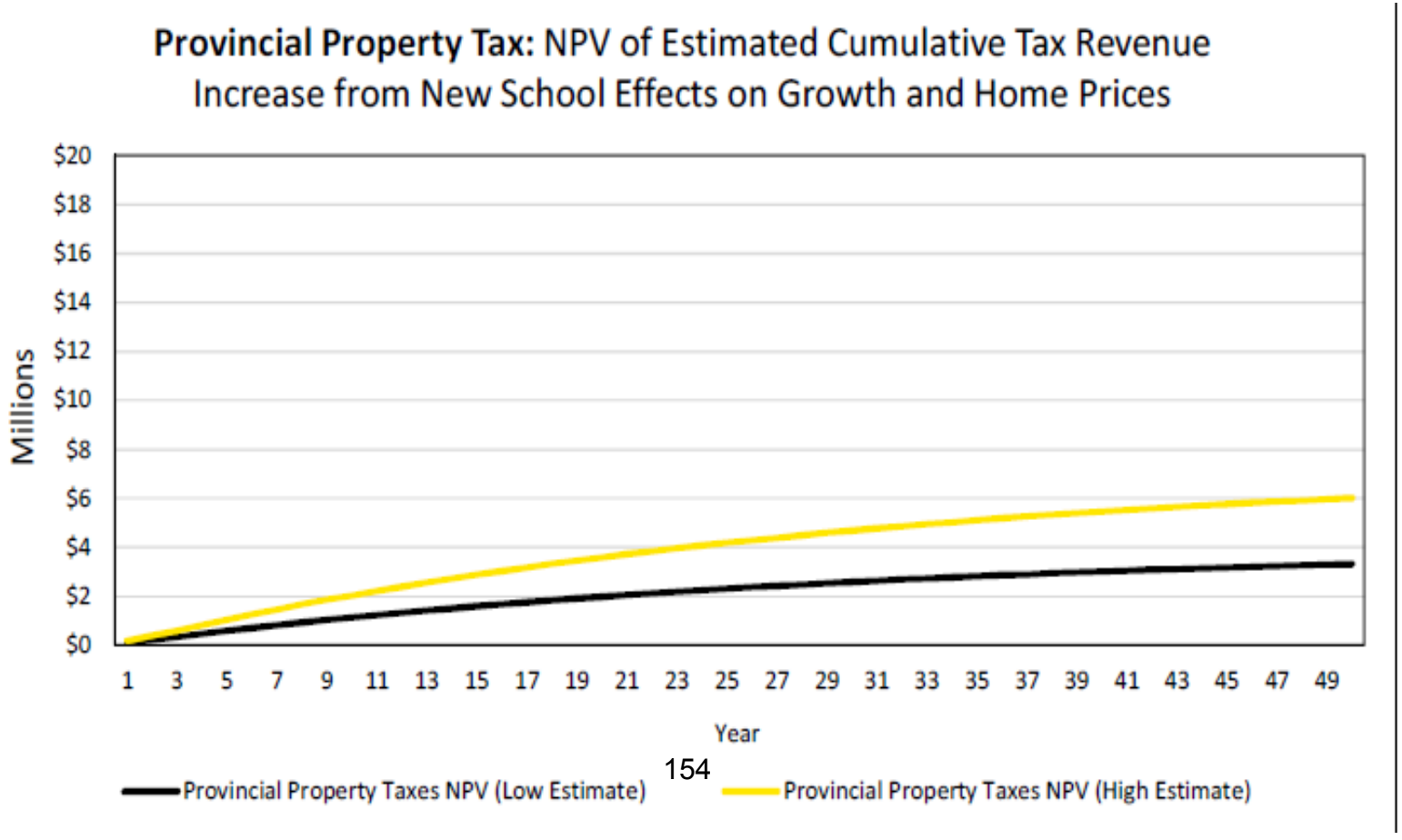


The Business Case

Property Tax Base Benefits (Province of New Brunswick)

Annual Provincial Revenue Increase: *$144k - $262k*

Present Value of *$3.3M - 6.0M*



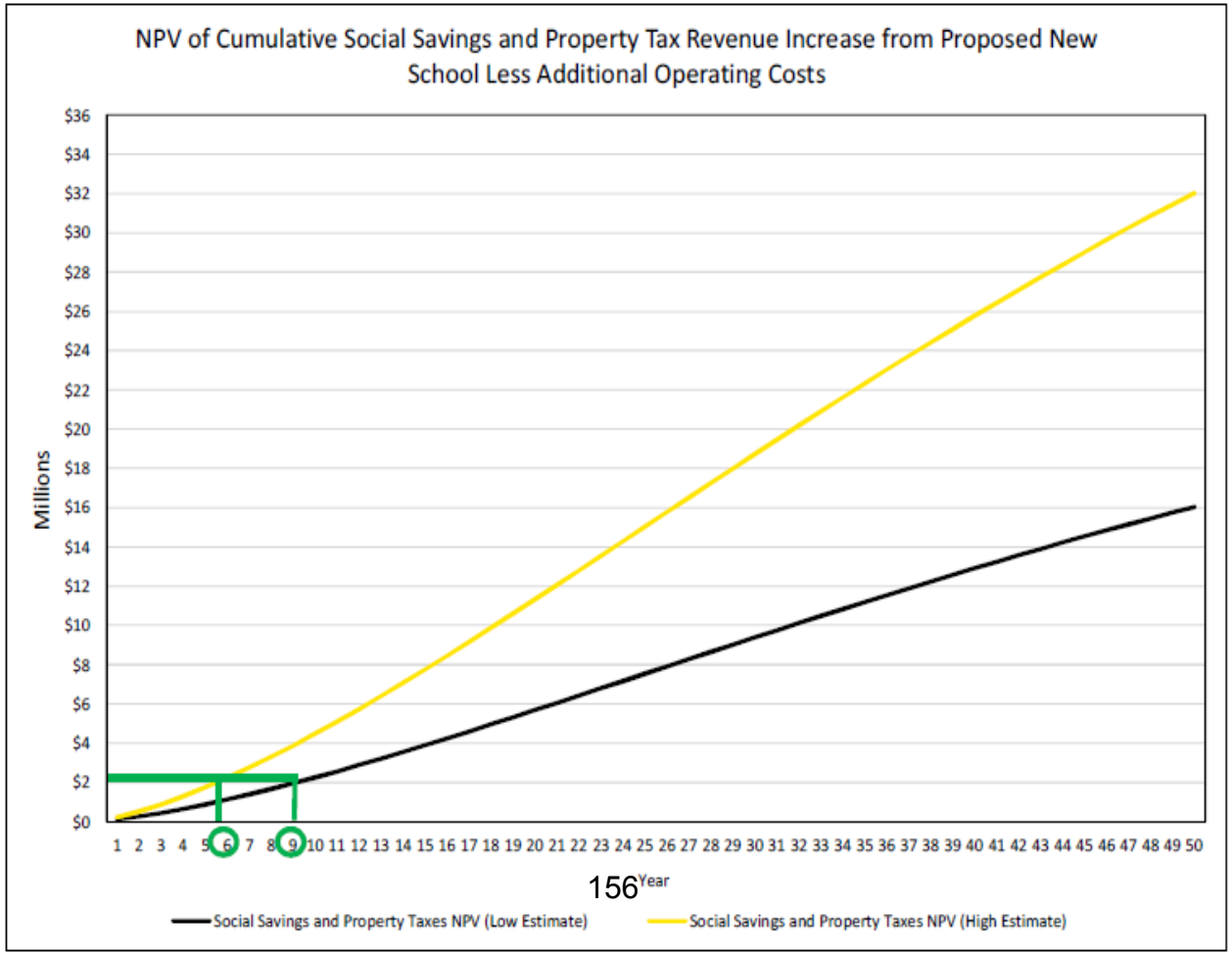
The Business Case

Leveraged Resources & GNB Cost Savings

Approximately $2 Million in Potential Community Contributions

GNB Return on Investment

Payback by Year 6
NPV over Lifecycle: ***$16M*** *(95% prob)* **- *$32M*** *(50% prob)*



DEVELOP
SAINT JOHN

GETTING DEALS DONE

PLANNING ADVISORY COMMITTEE

The City of Saint John

July 17, 2019

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

SUBJECT: **Rezoning Application**
81 Bayside Drive

On June 17, 2019 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its July 16, 2019 meeting.

Staff presented the proposal to members of the Committee. As this was a City of Saint John initiated application, staff acted on behalf of the landowner (Everett Erb). No members of the public spoke in favour or in opposition to the application. The Committee adopted the staff recommendation.

RECOMMENDATION:

1. That Common Council rezone a 930 square metre parcel of land located at 81 Bayside Drive, also identified as PID No. 00317636, from Neighbourhood Community Facility (CFN) to General Commercial (CG).

Respectfully submitted,

Rick Stephen
Vice Chair

Attachments

1 – Staff Presentation
2 – Staff Report dated July 12, 2019

The City of Saint John

Date:	July 12, 2019
To:	Planning Advisory Committee
From:	Growth & Community Planning Growth & Community Development Services
For:	**Meeting of Tuesday, July 16, 2019**

SUBJECT

Applicant:	City of Saint John
Owner:	Erb's Enterprises Ltd.
Location:	81 Bayside Drive
PID:	00317636
Plan Designation:	Stable Commercial
Existing Zoning:	Neighbourhood Community Facility (CFN)
Proposed Zoning:	**General Commercial (CG)**
Application Type:	Rezoning
Jurisdiction:	The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. Common Council will consider the Committee recommendation at a public hearing on **Monday, July 29, 2019**. Committee may impose conditions.

SUMMARY

The City of Saint John is initiating this application on behalf of the landowner (Everett Erb) to rezone 81 Bayside Drive from Neighbourhood Community Facility (CFN) to General Commercial (CG). This application will correct the improper zoning applied to the site during the adoption of the City of Saint John Zoning Bylaw (ZoneSJ) exercise.

RECOMMENDATION

That Common Council rezones 930 square metres of land located at 81 Bayside Drive, also identified as PID No. 00317636, from Neighbourhood Community Facility (CFN) to General Commercial (CG).

DECISION HISTORY

There are no relevant planning decisions made for 81 Bayside Drive.

ANALYSIS

Proposal

The City of Saint John is seeking approval of the rezoning of 81 Bayside Drive from Neighbourhood Community Facility (CFN) to General Commercial (CG) to rectify the improper transition made during the adoption of ZoneSJ. This issue came to the City's attention when the property owner made an inquiry to the One Stop Development Shop.

Staff has reviewed the Municipal Plan and in accordance with Policy I-3, has determined that the rezoning of 81 Bayside Drive is consistent with the vision of the plan.

Site and Neighbourhood

The subject site is located in East Saint John, and is designated as Stable Commercial. The lot abuts Bayside Drive, and has two small lanes separating it from other Neighbourhood Community Facility lots. The neighbourhood consists of a diverse number of uses, ranging from Two-Unit Residential to Light Industrial, while the site itself is adjacent to a large Neighbourhood Community Facility (Bayside Middle School).

As the site is currently zoned Neighbourhood Community Facility (CFN), the uses for the site are limited, which is in stark contrast to similar sites on Bayside Drive, most of which are zoned General Commercial (CG) or Corridor Commercial (CC). By rectifying the zoning of the site to CG, the uses for the site can include restaurants, grocery stores, and service stations that are similar uses to other developments along Bayside Drive.

Conclusion

Approval of the re-zoning of 81 Bayside Drive from Neighbourhood Community Facility (CFN) to General Commercial (CG) will restore the correct zoning rights, allowing the property to be developed more appropriately with the vision of the Municipal Plan.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternatives were considered.

ENGAGEMENT

Public

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on July 3, 2019. The public hearing for the rezoning was advertised on the City of Saint John's website on July 12, 2019.

SIGNATURES AND CONTACT

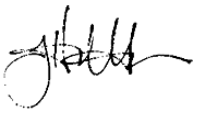
Prepared:

Corey Cooper, MPlan
Planner

Reviewed:

Kenneth Melanson, BA, RPP, MCIP
Manager, Community Planning

Approved:



Jacqueline Hamilton, MURP, MCIP, RPP
Commissioner

Contact: Cooper, Corey
Phone: (506) 632-6846
E-mail: **corey.cooper@saintjohn.ca**
Project: 19-0107

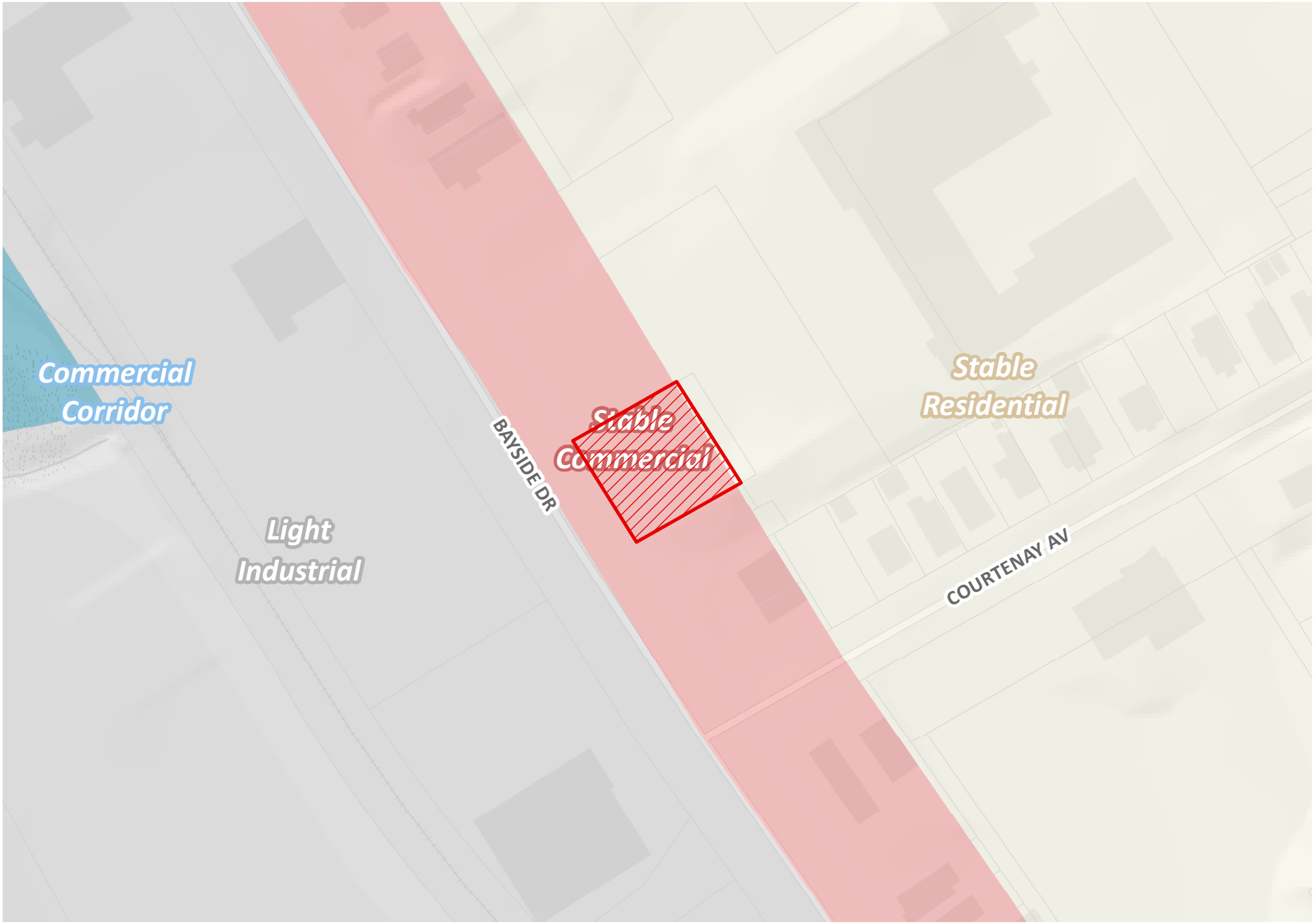
APPENDIX

Map 1: **Site Location**
Map 2: **Municipal Plan**
Map 3: **Zoning**
Map 4: **Aerial Photography**
Map 5: **Site Photography**

Map 1 - Site Location

City of Saint John - 81 Bayside Drive

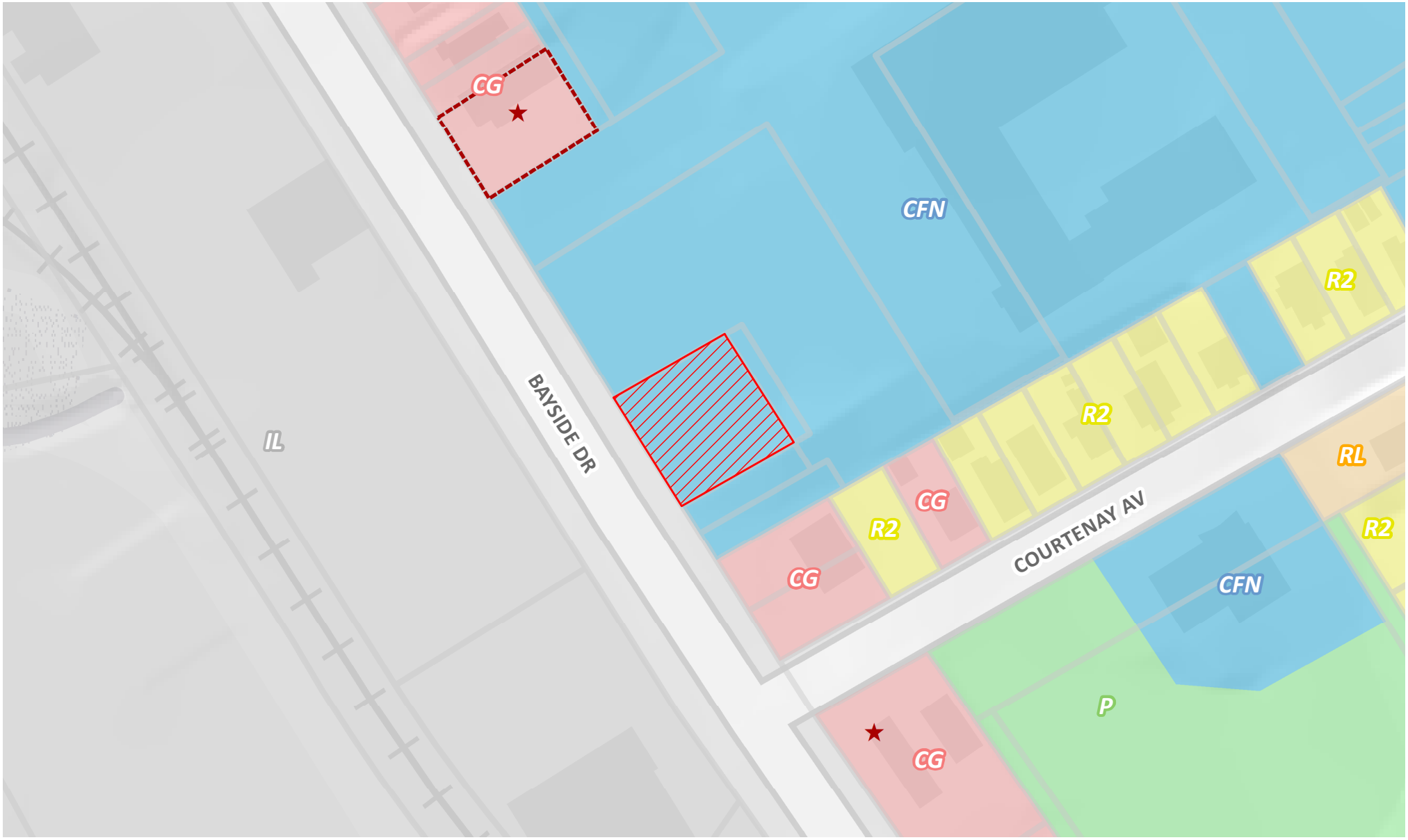
The City of Saint John
Date: June-10-19



Map 2 - Future Land Use

City of Saint John - 81 Bayside Drive

The City of Saint John
Date: June-10-19



(CFN) Neighbourhood Community Facility (RL) Low-Rise Residential

(CG) General Commercial

(IL) Light Industrial

(P) Park

(R2) Two-Unit Residential

★ Section 59 Conditions

Map 3 - Zoning

City of Saint John - 81 Bayside Drive

The City of Saint John
Date: June-10-19

Map 4 - Aerial Photography

City of Saint John - 81 Bayside Drive

The City of Saint John
Date: June-10-19

0 25 m

MCA
MCA
MCA

MCA
MCA
MCA

81 Bayside Drive

Presentation to Planning Advisory Committee

July 16th, 2019

Growth & Community Planning Team
Growth & Community Development Services

SAINT JOHN

Proposal

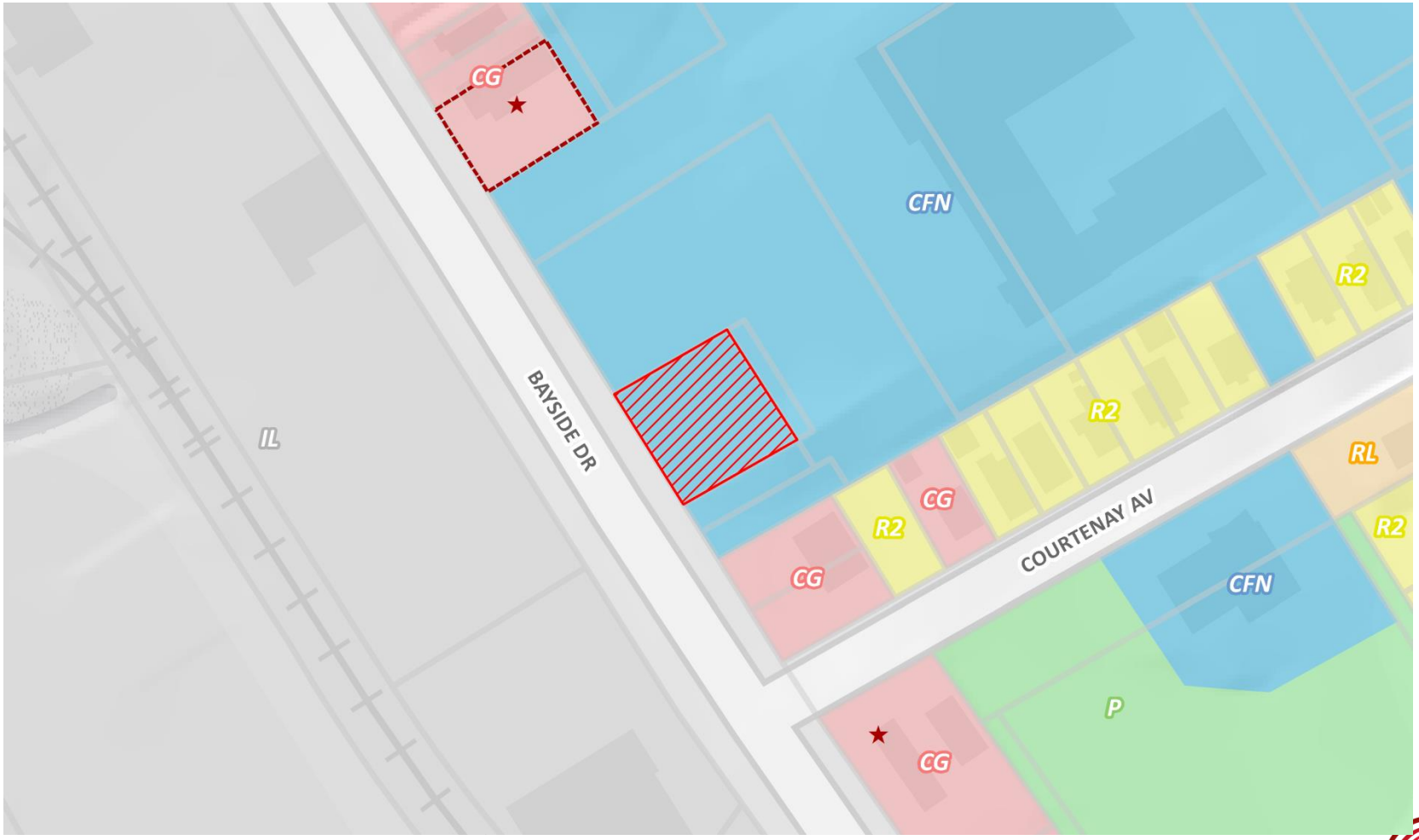
Rezoning Application

- The City of Saint John is seeking approval of the rezoning of 81 Bayside Drive from Neighbourhood Community Facility (CFN) to General Commercial (CG) to rectify the improper transition made during the adoption of ZoneSJ. This issue came to the City's attention when the property owner made an inquiry to the One Stop Development Shop.

Site Location

SAINT JOHN

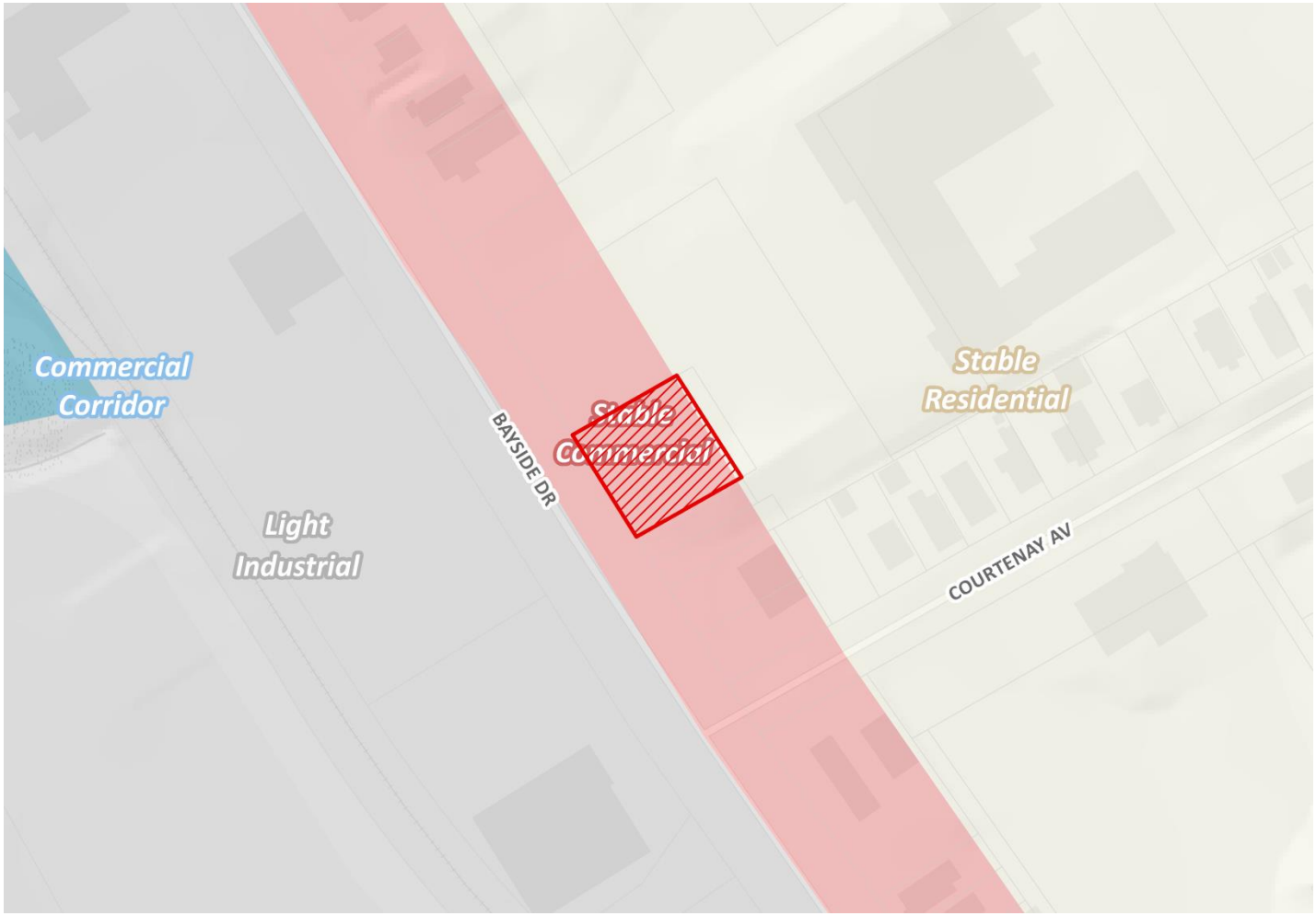
Site Zoning



Site Aerial

SAINT JOHN

Future Land Use

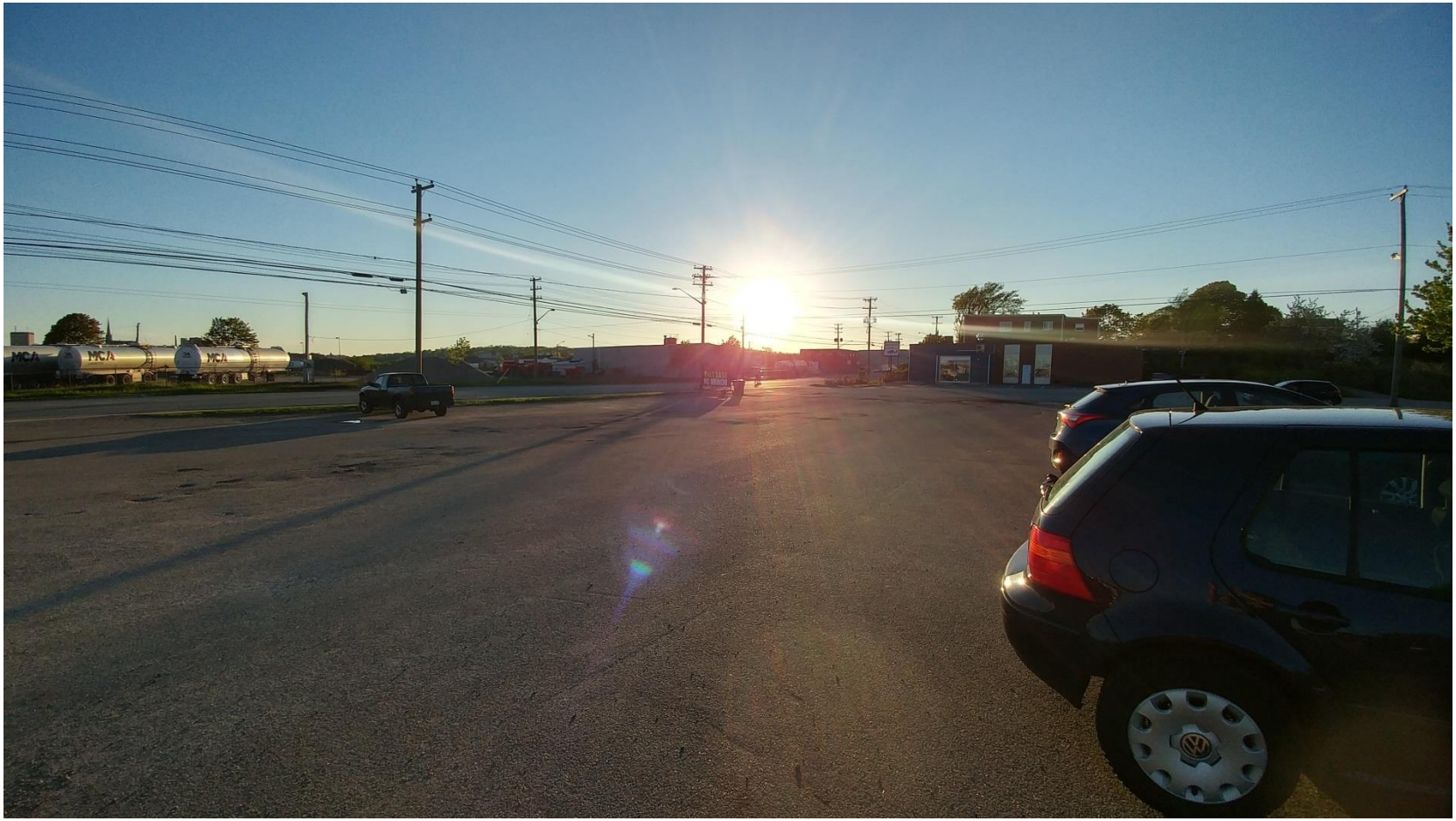


Site Photos

View from 175 Site (Site)

SAINT JOHN

Site Photos



View from Site (West of Site)

SAINT JOHN

Public Engagement

- Notification of the proposal was sent to landowners within 100 metres of the subject property of July 3rd, 2019.
  - Our office received no letters from the public.

- The public hearing for the rezoning was advertised on the City of Saint John's website on July 8th, 2019.

Staff Recommendation

- Approval of the re-zoning of 81 Bayside Drive from Neighbourhood Community Facility (CFN) to General Commercial (CG will restore the correct zoning rights, allowing the property to be developed more appropriately with the vision of the Municipal Plan).

Public Engagement

- Letters to land owners – July 3rd, 2019
  - No letters were received
- Website ad (Public Hearing) – July 8th, 2019
- PAC Meeting – July 16th, 2019
  - Applicant presentation
  - No members of public in attendance

PAC Recommendation

- PAC recommends:
  - That Common Council rezones 81 Bayside Drive from Neighbourhood Community Facility (CFN) to General Commercial (CG).

One Stop **Development Shop** PLANNING BUILDING INFRASTRUCTURE SAINT JOHN

onestop@saintjohn.ca Phone: 658-2911 Fax: 632-6199

General Application Form

GROWTH & COMMUNITY DEVELOPMENT SERVICES
CITY OF SAINT JOHN

LOCATION

CIVIC ADDRESS: 81 Bayside Drive | PID #: 00317636

STAFF USE

HERITAGE AREA: Y / (N) | INTENSIFICATION AREA: Y / (N) | FLOOD RISK AREA: Y / (N) | APPROVED GRADING PLAN: Y / N

APPLICATION #: 19-0107 | DATE RECEIVED: June 14/19

RECEIVED BY: Paula

APPLICANT INFORMATION

	NAME	EMAIL	PHONE
APPLICANT	City of Saint John	corey.cooper@saintjohn.ca	506 632 6846
MAILING ADDRESS	P.O. Box 1971, 15 Market Square		POSTAL CODE E2L 4L1
CONTRACTOR			
MAILING ADDRESS			POSTAL CODE
OWNER	Erb's Enterprises Ltd. (Everett Erb)	camroc@bellaliant.com	657 8469
MAILING ADDRESS	P.O. Box 7811		POSTAL CODE E2L 4B3

PRESENT USE: CFN | PROPOSED USE: CG

CHECK ALL THAT APPLY

BUILDING		PLANNING	INFRASTRUCTURE	HERITAGE
☐ INTERIOR RENOVATION	☐ NEW CONSTRUCTION	☐ VARIANCE	☐ STREET EXCAVATION	☐ HERITAGE DEVELOPMENT
☐ EXTERIOR RENOVATION	☐ ACCESSORY BLDG	☐ PLANNING LETTER	☐ DRIVEWAY CULVERT	☐ HERITAGE SIGN
☐ ADDITION	☐ POOL	☒ PAC APPLICATION	☐ DRAINAGE	☐ HERITAGE INFILL
☐ DECK	☐ DEMOLITION	☒ COUNCIL APP	☐ WATER & SEWERAGE	☐ HERITAGE DEMO
☐ CHANGE OF USE	☐ SIGN	☐ SUBDIVISION	☐ OTHER	☐ OTHER
☐ MINIMUM STANDARDS	☐ OTHER	☐ OTHER ? Rezoning		

DESCRIPTION OF WORK

Rezoning from CFN to CG (correction to zoning map From Zone SJ), fee = ~~0~~

☐ I consent to the City of Saint John sending to me commercial electronic messages, from time to time, regarding City initiatives and incentives.

General Collection Statement

This information is being collected in order for the City of Saint John to deliver an existing program / service; the collection is limited to that which is necessary to deliver the program / service. Unless required to do so by law, the City of Saint John will not share your personal information with any third party without your express consent.

The legal authority for collecting this information is to be found in the Municipalities Act and the Right to Information and Protection of Privacy Act. For further information or questions regarding the collection of personal information, please contact the Access & Privacy Officer:

City Hall Building
8th Floor - 15 Market Square
Saint John, NB E2L 1E8
commonclerk@saintjohn.ca
(506) 658-2862

The City of Saint John

I, the undersigned, hereby apply for the permit(s) or approval(s), indicated above for the work described on plans, submissions and forms herewith submitted. This application includes all relevant documentation necessary for the applied for permit(s) or approval(s). I agree to comply with the plans, specifications and further agree to comply with all relevant City By-laws and conditions imposed.

Applicant Name: Everett Erb

X Applicant Signature

Date: June 14 / 2019

PROPOSED ZONING BY-LAW

RE: 81 BAYSIDE DRIVE

Public Notice is hereby given that the Common Council of The City of Saint John intends to consider amending The City of Saint John Zoning By-law at its regular meeting to be held in the Ludlow Room, City Hall, on **Monday**, **July 29, 2019** at **6:30 p.m.**, by:

Rezoning a parcel of land having an area of approximately 930 square metres, located at 81 Bayside Drive, also identified as PID No. 00317636, from **Neighbourhood Community Facility (CFN) to General Commercial (CG)**, as illustrated below.

PROJET DE MODIFICATION DE L'ARRÊTÉ DE ZONAGE

OBJET: 81 RUE BAYSIDE

Par les présentes, un avis public est donné par lequel le conseil communal de The City of Saint John indique son intention d'étudier la modification suivante à l'Arrêté de zonage de The City of Saint John, lors de la réunion ordinaire qui se tiendra dans la salle Ludlow, à l'hôtel de ville, le **lundi, 29 juillet 2019** à **18 h 30** :

Rezonage d'une parcelle de terrain d'une superficie d'environ 930 mètres carrés, située au 81 rue Bayside, et portant le NID 00317636, de **zone d'installations communautaires de quartier (CFN)** à **zone commerciale générale (CG)** comme le montre la carte ci-dessous.

REASON FOR CHANGE:
To rezone the lot from Neighborhood Community Facility (CFN) to General Commercial (CG) in

RAISON DE LA CHANGEMENT:
Révision du zonage d'une parcelle de terrain, actuellement zonée *installation communautaire de*

response to a mapping error made during the ZoneSJ initiative.

quartier (CFN) pour en faire une zone *commerciale générale* (CG) afin de corriger une erreur de cartographie commise dans le cadre de l'initiative ZoneSJ.

The proposed amendment may be inspected by any interested person at the office of the Common Clerk, or in the office of Growth and Community Development Services, City Hall, 15 Market Square, Saint John, N.B. between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, inclusive, holidays excepted.

Toute personne intéressée peut examiner le projet de modification au bureau du greffier communal ou au bureau du service de la croissance et du développement communautaire à l'hôtel de ville situé au 15, Market Square, à Saint John, au Nouveau-Brunswick., entre 8 h 30 et 16 h 30 du lundi au vendredi, sauf les jours fériés.

Written objections to the amendment may be sent to the undersigned at City Hall.

Veuillez faire part de vos objections au projet de modification par écrit à l'attention du soussigné à l'hôtel de ville.

If you require French services for a Common Council meeting, please contact the office of the Common Clerk.

Si vous avez besoin des services en français pour une réunion de Conseil Communal, veuillez contacter le bureau du greffier communal.

Jonathan Taylor, Common Clerk
658-2862

Jonathan Taylor, Greffier communal
658-2862

BY-LAW NUMBER C.P. 111-
A LAW TO AMEND
THE ZONING BY-LAW
OF THE CITY OF SAINT JOHN

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

1 Amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 930 square metres, located at 81 Bayside Drive, also identified as PID No. 00317636 from Neighbourhood Community Facility (CFN) to General Commercial (CG)

- all as shown on the plan attached hereto and forming part of this by-law.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the * day of *, A.D. 2019 and signed by:

ARRÊTÉ N^{O} C.P. 111-
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE ZONAGE DE THE CITY OF SAINT JOHN

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

L'arrêté de zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

1 La modification de l'annexe A, Carte de zonage de The City of Saint John, permettant de modifier la désignation pour une parcelle de terrain d'une superficie d'environ 930 mètres carrés, située à 81 rue Bayside et portant le NID 00317636, de zone d'installations communautaires de quartier (CFN) à zone commerciale générale (CG)

- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le * 2019, avec les signatures suivantes :

_____
Mayor/Maire

_____
Common Clerk/Greffier communal

First Reading -
Second Reading -
Third Reading -

Première lecture -
Deuxième lecture -
Troisième lecture -

PLANNING ADVISORY COMMITTEE

The City of Saint John

July 17, 2019

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

SUBJECT: **Rezoning Application**
149 Broad Street

On June 17, 2019 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its July 16, 2019 meeting.

Staff presented the proposal to members of the Committee. The applicant, Jeremy Wayte (Tailored Developments), was present and indicated full support for the staff recommendation. The Chair called for any members of the public to speak. Rick Turner of Hughes Surveys, a neighbouring property, was present and noted support for the application. The Committee adopted the staff recommendation.

RECOMMENDATION:

1. That Common Council rezone an approximately 1,483 square metre parcel located at 149 Broad Street, also identified as PID No. 00000604, from Neighbourhood Community Facility (CFN) to Urban Centre Residential (RC).

2. That, pursuant to Section 59 of the Community Planning Act, the development and use of the parcel of land with an area of approximately 1,483 square metres, located at 149 Broad Street also identified as PID No. 00000604, be subject to the following condition:

That any development of the site be in accordance with a detailed site plan to be prepare by the proponent and subject to the approval of the Development Officer, indicating: the location of all buildings and structures, vehicular parking areas & driveways, bicycle parking, loading areas, signage, exterior lighting, outdoor storage areas, landscape and amenity areas, and other site features. The site plan is to be attached to the application for the building permit for the proposed development.

Respectfully submitted,

Rick Stephen
Vice Chair

Attachments

1 – Staff Presentation
2 – Staff Report dated July 12, 2019

The City of Saint John

Date:	July 12, 2019
To:	Planning Advisory Committee
From:	Growth & Community Planning Growth & Community Development Services
For:	**Meeting of Tuesday, July 16, 2019**

SUBJECT

Applicant:	Tailored Developments
Owner:	Lang Lee
Location:	149 Broad Street
PID:	00000604
Plan Designation:	Medium to High Density Residential
Existing Zoning:	Neighbourhood Community Facility (CFN)
Proposed Zoning:	Urban Centre Residential (RC)
Application Type:	Rezoning
Jurisdiction:	The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. Common Council will consider the Committee recommendation at a public hearing on **Monday, July 29, 2019**. Committee may impose conditions.

SUMMARY

The proposal is to rezone a 1,483 square metre property from Neighbourhood Community Facility (CFN) to Urban Centre Residential (RC) to enable the redevelopment of a vacant 3 storey brick building. The building, formerly known as the Courtenay House, operated as a number of uses including a community facility from 1892 until its closure in 1976. Staff are supportive of the proposal as it would allow for the adaptive reuse of a community facility building into a multiple unit dwelling.

RECOMMENDATION

1. That Common Council rezone an approximately 1,483 square metre parcel located at 149 Broad Street, also identified as PID No. 00000604, from Neighbourhood Community Facility (CFN) to Urban Centre Residential (RC).

2. That, pursuant to Section 59 of the *Community Planning Act,* the development and use of the parcel of land with an area of approximately 1,483 square metres, located at 149 Broad Street also identified as PID No. 00000604, be subject to the following condition:

    a. That any development of the site be in accordance with a detailed site plan to be prepare by the proponent and subject to the approval of the Development Officer, indicating: the location of all buildings and structures, vehicular parking areas & driveways, bicycle parking, loading areas, signage, exterior lighting, outdoor storage areas, landscape and amenity areas, and other site features. The site plan is to be attached to the application for the building permit for the proposed development.

DECISION HISTORY

There are no Council or Planning Advisory Committee decisions associated with this property subsequent to 1979.

ANALYSIS

Proposal

The proposal is to rezone a parcel located at 149 Broad Street from Neighbourhood Community Facility (CFN) to Urban Centre Residential (RC) to enable conversion to a multiple unit dwelling. Renovations tentatively consist of creating 10 apartment units (6 two bedroom and 4 one bedroom). A site plan was included in the application, which shows the creation of on-site parking in the side and rear yard to service the units. The final site plan, as required by condition of the rezoning, will need to be submitted at the time of any building permit.

Site and Neighbourhood

The property is located in the eastern portion of the City's south end neighbourhood and is situated on the north side of Broad Street. Under the Municipal Plan, Broad Street is identified as an arterial street, a road whose function is the movement of larger volumes of all types of vehicle traffic at medium to high speeds. The existing 3 storey brick building occupies 35% of the lot with an attached shed. The remainder of the lot is vacant, but notably, there are 4-5 mature trees located in the northwest corner of the property.

According to Archives NB, Courtenay House had a longstanding history of serving as a home for women over the age of sixty. In 1976 residents were transferred to the Church of St. John and St. Stephen Home Inc. Since that time, there have been a variety of uses which have occupied the building. Under the current owner, the property has remained vacant since 2016. A structural report was conducted by Tailored Developments and submitted prior to the rezoning application, with the conclusion that overall the structure is in good condition to be rehabilitated for a residential dwelling.

The property is surrounded by residential uses, with the neighbourhood block made up of converted dwellings housing between 2 and 6 units. In addition to residences, the outlying neighbourhood contains an office/warehouse, nursing home, and vacant lands of Imperial Oil. The property is within close proximity to amenities such Queen Square and Rainbow Park and lies well within walking distance of the City's urban core.

Municipal Plan and Rezoning

The property is designated Medium to High Density Residential under the Municipal Plan and lies within an Urban Neighbourhood Intensification Area. From this perspective, the proposal is appropriate. Policy LU-45 of the Plan states that "Council shall permit within this designation a range of housing types with an emphasis on the provision of higher density housing forms such as apartment, condominium, and townhouse units."

Furthermore, Policy I-2 of the Plan sets out general criteria to be evaluated by the City in its consideration of amendments to the Zoning By-law. This proposal is capable of meeting this criteria based on the following:

a) The proposal is in conformity with the goals and policies of the Municipal Plan.
b) Owing to its location within an intensification area, the proposal is not premature or inappropriate in terms of the delivery of services, proximity to community amenities, access, or potential for negative impacts to designated heritage buildings.
c) The proposal consists of an existing building; however, appropriate controls will be placed on any renovation through the requirement of a site plan that must demonstrate conformity in terms of parking, outdoor storage, signs, and any other relevant matters.
d) The proposed site is suitable in terms of environmental considerations and susceptibility of flooding.
e) Terms and conditions related to phasing of the development are not applicable.

f) Public health and safety considerations at this time are not applicable; however, any renovations will be required to be in conformity the Building By-law.

General Urban Design Policy UD-9 under the Municipal Plan "encourages sustainability in design by promoting the conservation and adaptive re-use of existing buildings and designing sites to retain mature trees." The proposal is noteworthy for its adaptive reuse of an existing building and piece of the South End's built heritage. A review of the preliminary site plan indicated that a side yard setback variance would be required to permit the parking configuration as shown. The final site plan will be dealt with by the Development Officer at the time of submission of the building permit, including evaluation of any potential variances. The site plan also indicates the removal of mature trees to the northwest of the property. The retention of mature trees on the property is encouraged as much as possible.

Conclusion

In evaluating the rezoning proposal, it was found to be appropriate in terms of land use, density, and adaptive reuse of an existing building. The addition of new housing stock in this area of the City is much in conformity with the intent of the Municipal Plan and on this basis staff is recommending approval of the rezoning.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternatives were considered.

ENGAGEMENT

Public

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on July 5, 2019. The public hearing for the rezoning was advertised on the City website on July 8, 2019.

SIGNATURES AND CONTACT

Prepared:

Andrew Reid , MCIP, RPP
Planner

Reviewed:

Kenneth Melanson, BA, RPP, MCIP
Manager, Community Planning

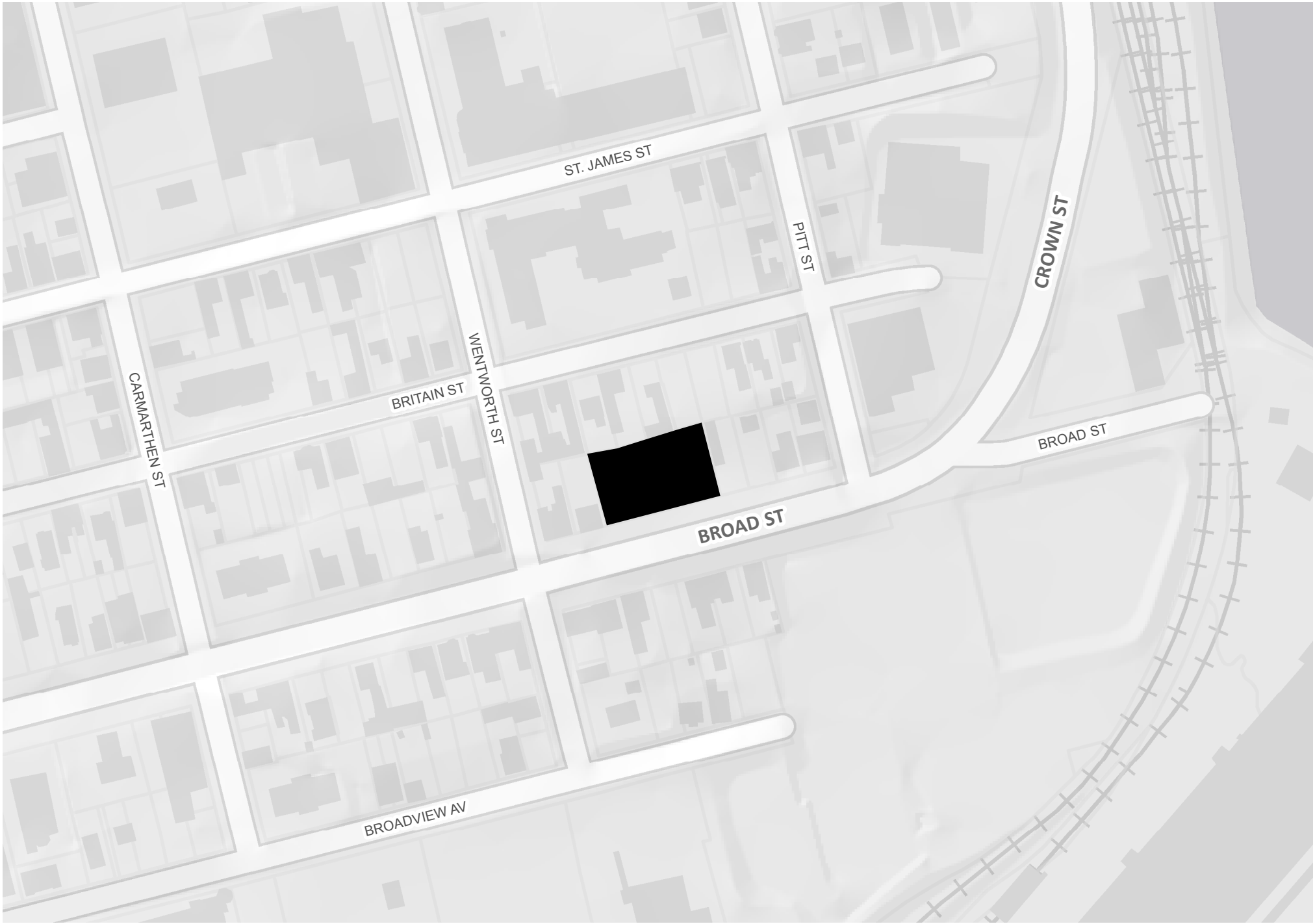
Approved:

Jacqueline Hamilton, MURP, MCIP, RPP
Commissioner

Contact: Andrew Reid
Phone: (506) 658-4447
E-mail: andy.reid@saintjohn.ca
Project: 19-98

APPENDIX

Map 1: **Site Location**
Map 2: **Municipal Plan**
Map 3: **Zoning**
Map 4: **Aerial Photography**
Map 5: **Site Photography**
Submission 1: **Site Plan**
Submission 2: **Rendering**

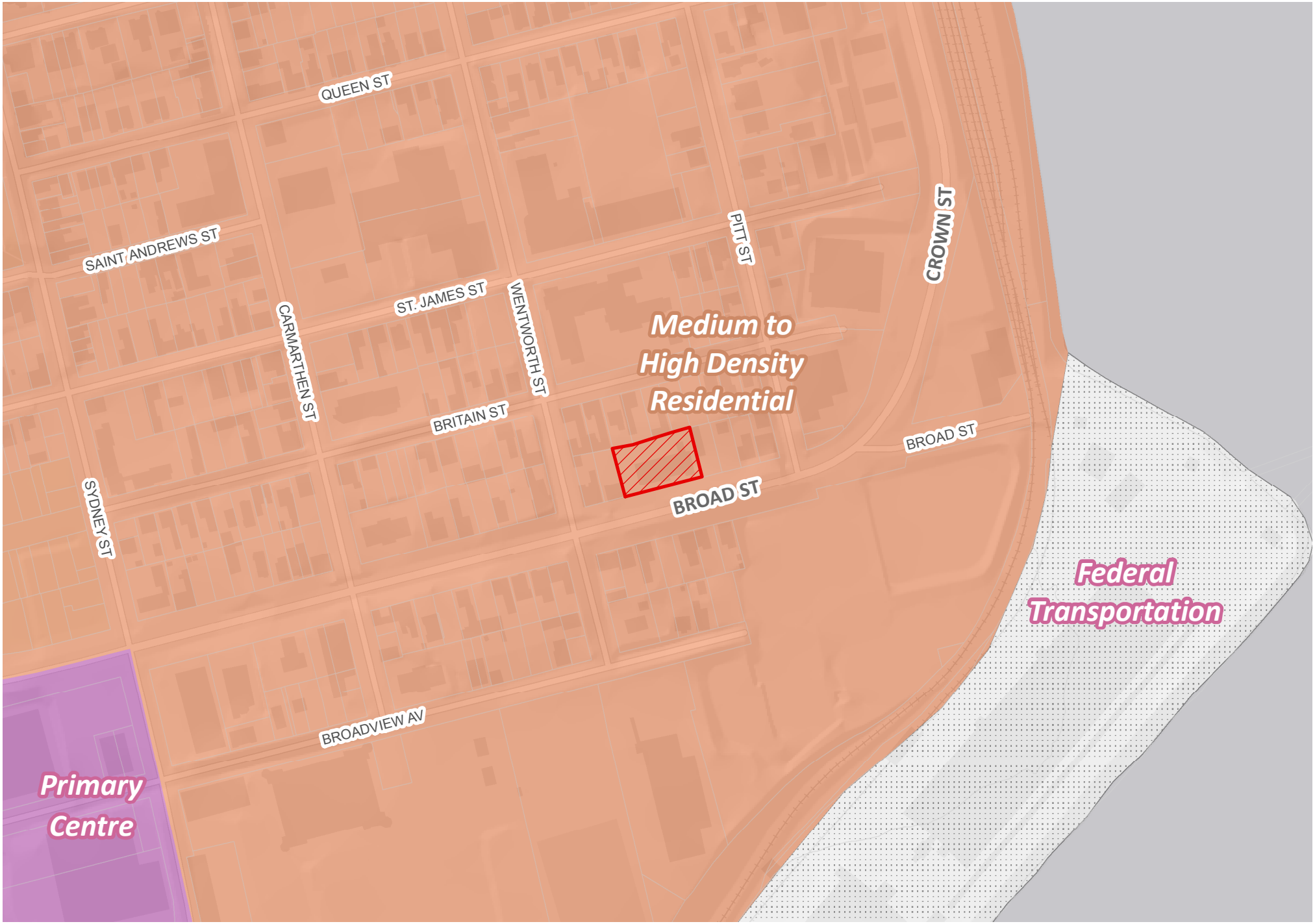


Map 1 - Site Location

Tailored Developments on behalf of Mr. Lang Lee

The City of Saint John
Date: June-07-19

0 50

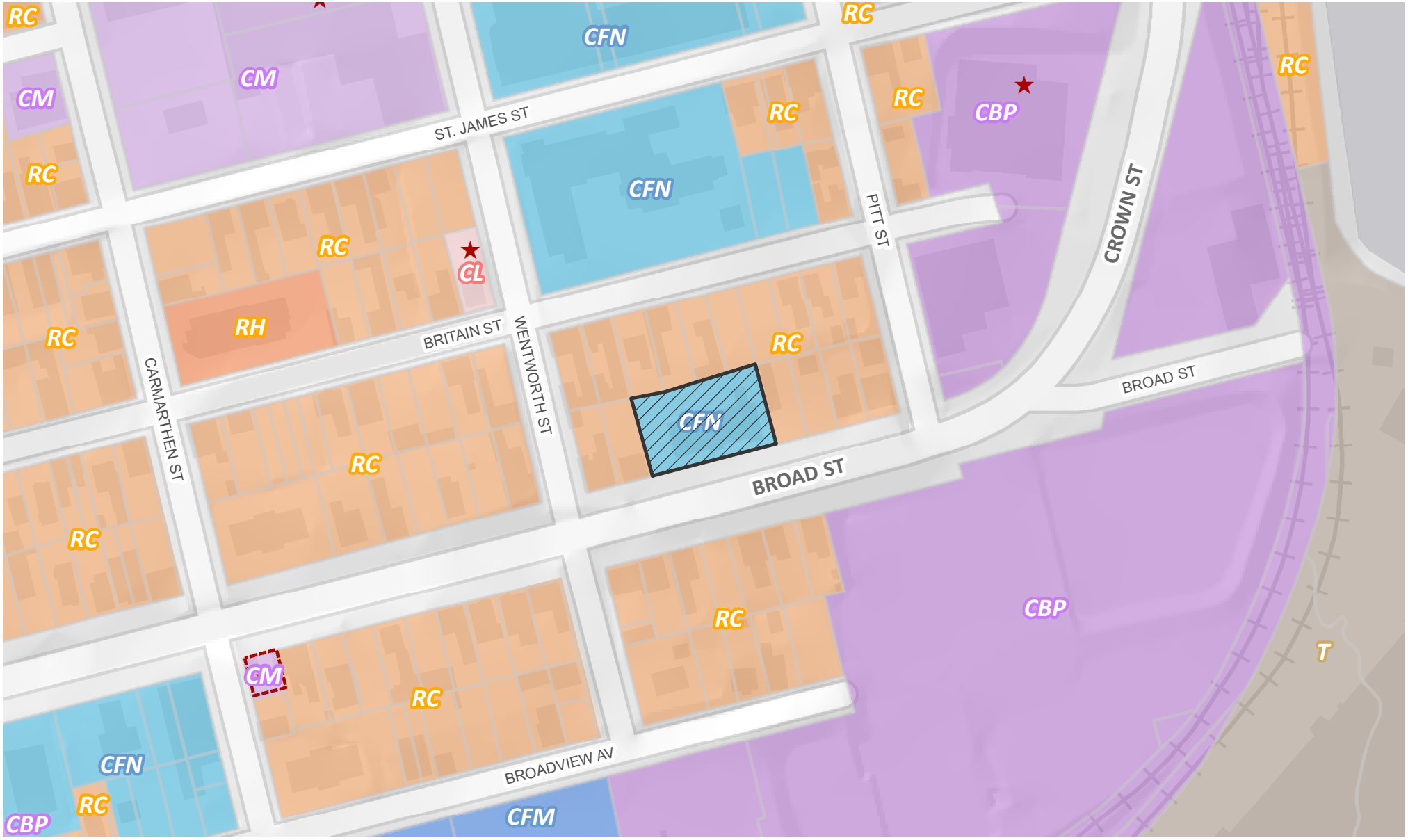


Map 2 - Future Land Use

Tailored Developments on behalf of Mr. Lang Lee

The City of Saint John
Date: June-07-19

0 50 m



(CBP) Business Park Commercial
(CFM) Major Community Facility
(CFN) Neighbourhood Community Facility
(CL) Local Commercial
(CM) Mixed Commercial
(RC) Urban Centre Residential
(RH) High-Rise Residential
(T) Transportation

★ Section 59 Conditions

Map 3 - Zoning

Tailored Developments on behalf of Mr. Lang Lee

The City of Saint John
Date: June-07-19

Map 4 - Aerial Photography

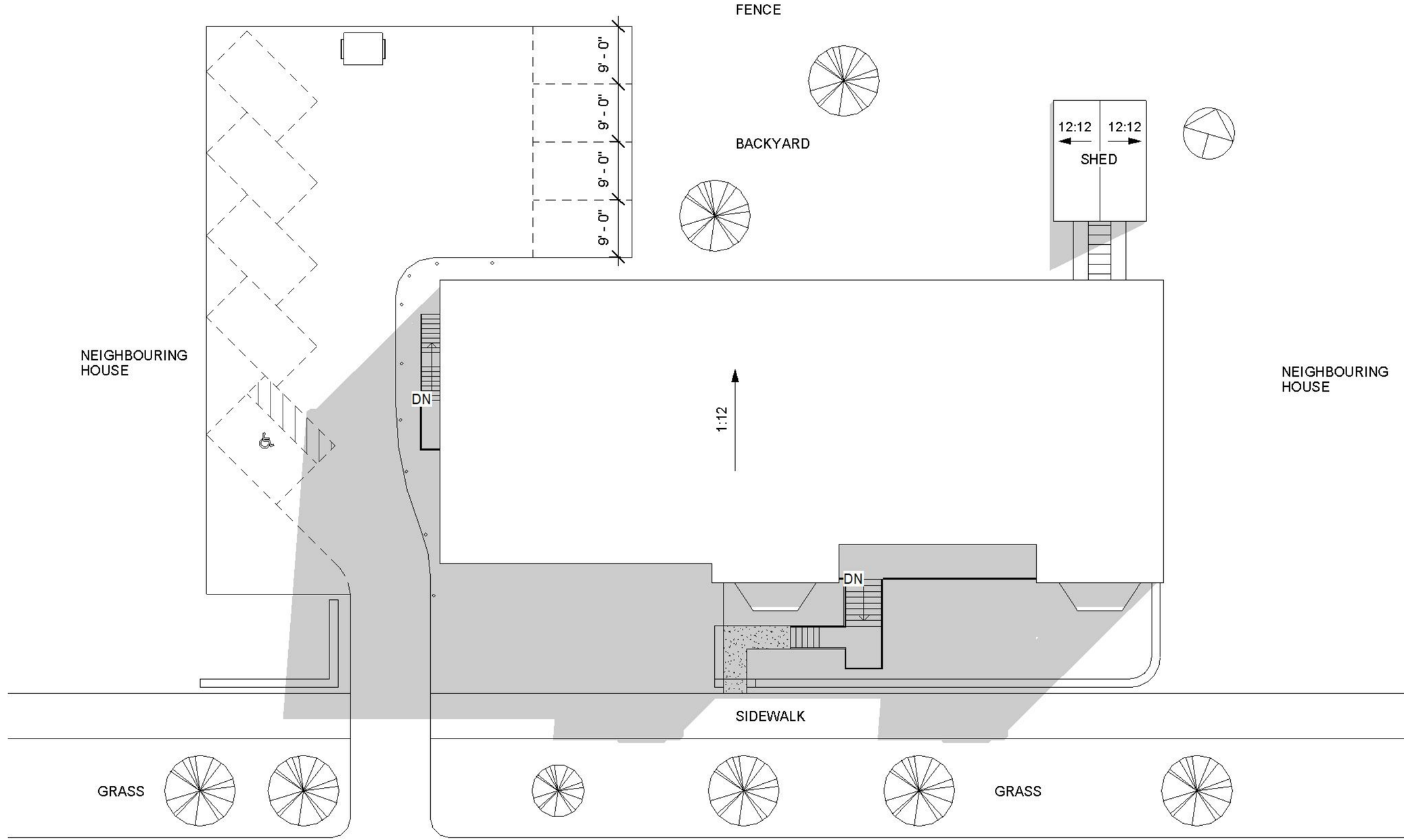
Tailored Developments on behalf of Mr. Lang Lee

The City of Saint John
Date: June-07-19

Site Photography

Tailored Developments on behalf of Mr. Lang Lee - 149 Broad Street

The City of Saint John
Date: June-17-19



149 BROAD ST.

1 Site

1/16" = 1'-0"

TAILORED DEVELOPMENTS

Project Management,
Construction & Engineering

263 Deerwood Drive,
Fredericton. NB E3E 1B8.
Phone. (506)999-2882.

Saint John NB.

Site plan

For permit	31/05/2019
Project Number	.
Drawn by	Se
Checked by	JW

A101

Scale 1/16" = 1'-0"

TAILORED DEVELOPMENTS

Project Management,
Construction & Engineering

263 Deerwood Drive,
Fredericton. NB E3E 1B8.
Phone. (506)999-2882.

Saint John NB.

3D color samples

For permit	31/05/2019
Project Number	.
Drawn by	Author
Checked by	Checker

A104

Scale 12" = 1'-0"

149 Broad Street

Presentation to Council

July 29, 2019

Growth & Community Planning Team
Growth & Community Development Services

SAINT JOHN

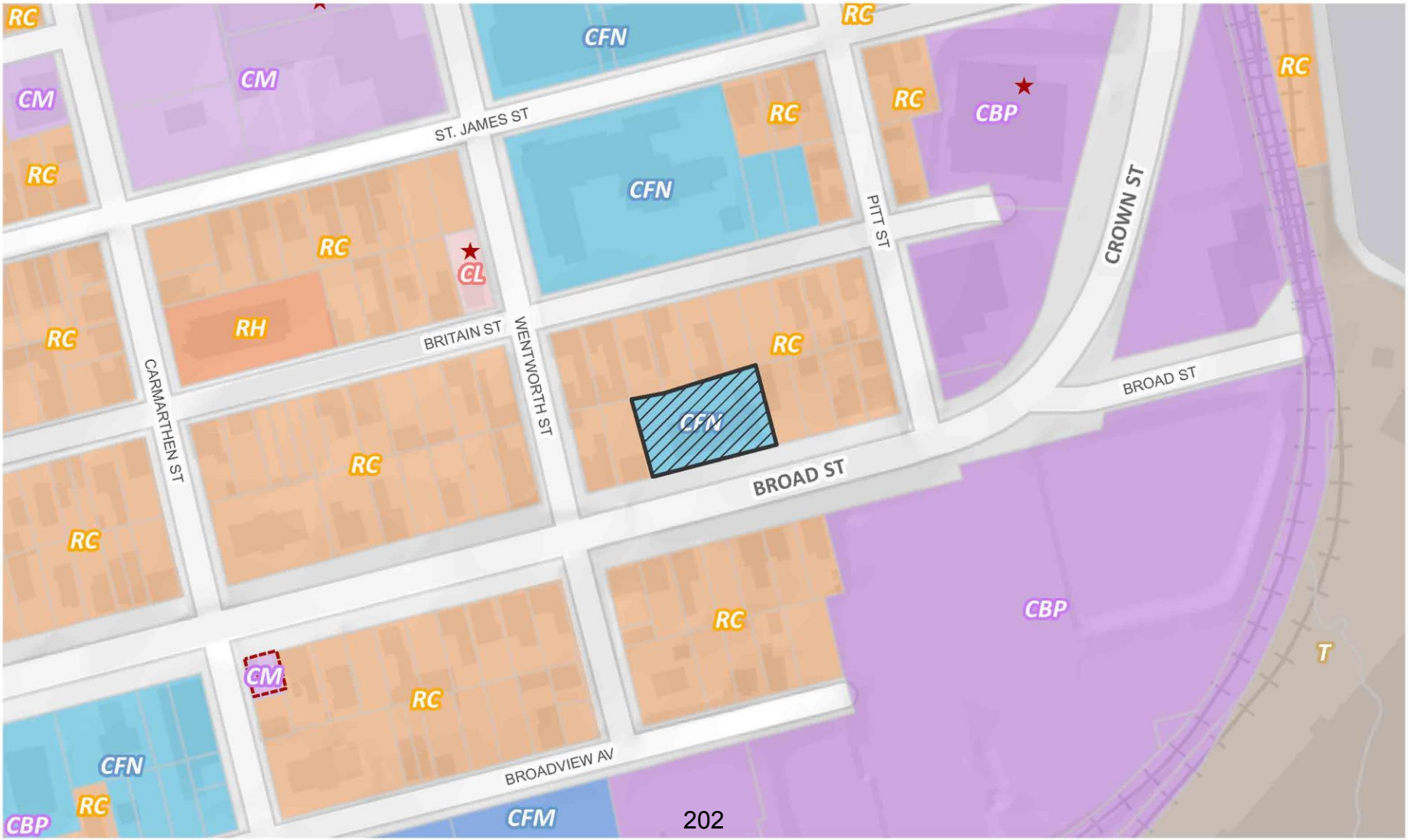
Proposal

Rezoning

- Rezone a 1,483 m2 property from Neighbourhood Community Facility (CFN) to Urban Centre Residential (RC) to enable redevelopment of a vacant building that is currently on the Vacant and Dangerous Building list.

Site Location

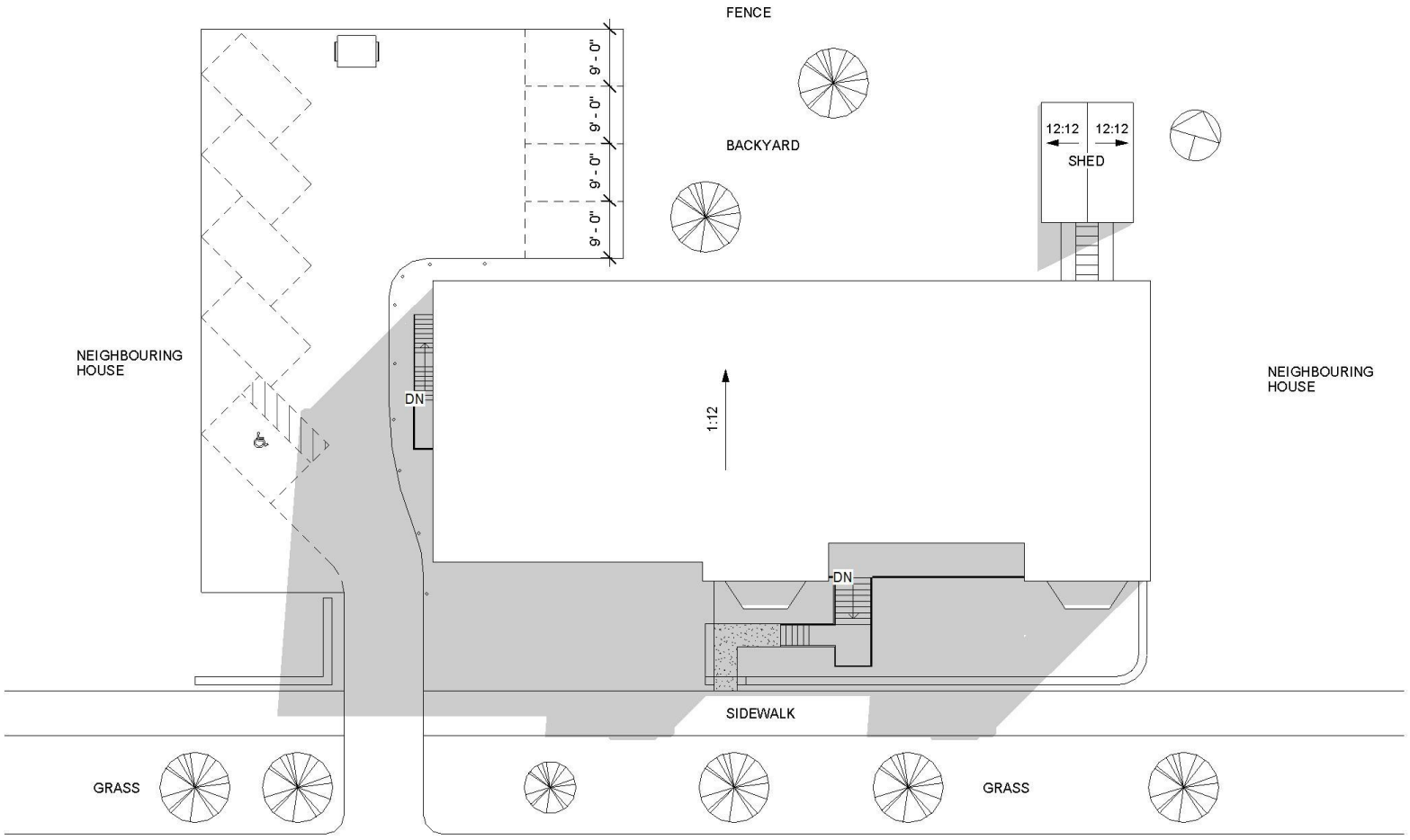
Zoning



(CBP) Business Park Commercial (RC) Urban Centre Residential

Future Land Use

Site Plan



1 Site

TAILORED DEVELOPMENTS

Project Management,
Construction & Engineering

263 Deerwood Drive,
Fredericton. NB E3E 1B8.
Phone. (506)999-2882.

Saint John NB.

Site plan

For permit	31/05/2019
Project Number	.
Drawn by	Se
Checked by	JW

A101

Site Aerial

Site Photos

Site Photos

Public Engagement

- Letter to area property owners on July 5, 2019
- Advertisement posted on City website July 8, 2019
- PAC Meeting held on July 16, 2019
  - No letters or phone calls received with respect to the proposal
  - One member of the public spoke at PAC in support of proposal

Staff Recommendation

That the Committee recommend Common Council approve the rezoning subject to the following conditions:

- Detailed site plan

PAC Recommendation

Adopt Staff Recommendation

That Common Council approve the rezoning subject to the following conditions:

- Detailed site plan

SAINT JOHN

Development Shop

SAINT JOHN

onestop@saintjohn.ca Phone: 658-2911 Fax: 632-6199

General Application Form

GROWTH & COMMUNITY DEVELOPMENT SERVICES
CITY OF SAINT JOHN

LOCATION	CIVIC ADDRESS:	149 Broad St, Saint John.	PID #:	604
STAFF USE	HERITAGE AREA: Y / N	INTENSIFICATION AREA: Y / N	FLOOD RISK AREA: Y / N	APPROVED GRADING PLAN: Y / N
	APPLICATION #:	19-0098	DATE RECEIVED:	May 31, 2019
			RECEIVED BY:	Aimee + Andrew R.

APPLICANT INFORMATION

APPLICANT: Mr. Lang Lee / Jeremy Wayte (Authorized Agent)	EMAIL	PHONE
MAILING ADDRESS		POSTAL CODE
CONTRACTOR: Tailored Developments	EMAIL: TailoredDevelopements@gmail.com	PHONE: 506/999-2882
MAILING ADDRESS: 263 Deerwood Drive, Hanwell, NB		POSTAL CODE: E3E 1B8
OWNER: Mr. Lang Lee	EMAIL: lyedlee@gmail.com	PHONE: 1-(519) 830-4861
MAILING ADDRESS: 38 William St Guelph, ONT		POSTAL CODE: N1E 5E3

PRESENT USE: Commercial PROPOSED USE: Apartment Building

CHECK ALL THAT APPLY

BUILDING		PLANNING	INFRASTRUCTURE	HERITAGE
☐ INTERIOR RENOVATION	☐ NEW CONSTRUCTION	☐ VARIANCE	☐ STREET EXCAVATION	☑ HERITAGE DEVELOPMENT
☐ EXTERIOR RENOVATION	☐ ACCESSORY BLDG	☐ PLANNING LETTER	☐ DRIVEWAY CULVERT	☐ HERITAGE SIGN
☐ ADDITION	☐ POOL	☐ PAC APPLICATION	☐ DRAINAGE	☐ HERITAGE INFILL
☐ DECK	☐ DEMOLITION	☑ COUNCIL APP	☑ WATER & SEWERAGE	☐ HERITAGE DEMO
☐ CHANGE OF USE	☐ SIGN	☐ SUBDIVISION	☐ OTHER	☐ OTHER
☐ MINIMUM STANDARDS	☐ OTHER	☐ OTHER		

DESCRIPTION OF WORK

A Structural report and apartment design and rendering have been done for the current owner, who wishes to Re-Zone this property to be able to sell it onto an interested party who has the financial backing to see this property made beautiful and able to house approximately 6 two bedroom and 4 one bedroom apartments. Consultation with the City of SJ has ensured all parking, curbing, sprinkler, egress requirements have been included and budget for. Detailed design will only occur after Re-Zoning has been processed.

☐ I consent to the City of Saint John sending to me commercial electronic messages, from time to time, regarding City initiatives and incentives.

General Collection Statement

This information is being collected in order for the City of Saint John to deliver an existing program service, the collection is limited to that which is necessary to deliver the program service. Unless required to do so by law, the City of Saint John will not share your personal information with any third party without your express consent.

The legal authority for collecting this information is to be found in the Municipalities Act and the Right to Information and Protection of Privacy Act. For further information or questions regarding the collection of personal information, please contact the Access & Privacy Officer.

City Hall Building
5th Floor - 15 Market Square
Saint John, NB E2L 1E6
commonclerk@saintjohn.ca
(506) 653-2862

The City of Saint John

I, the undersigned, hereby apply for the permit(s) or approval(s), indicated above for the work described on plans, submissions and forms herewith submitted. This application includes all relevant documentation necessary for the applied for permit(s) or approval(s). I agree to comply with the plans, specifications and further agree to comply with all relevant City By-laws and conditions imposed.

Lang Lee
Applicant Name

[signature]
Applicant Signature

MAY 30, 2019
Date

One Stop Development Shop SAINT JOHN

Council Application

GROWTH & COMMUNITY DEVELOPMENT SERVICES
CITY OF SAINT JOHN

CIVIC ADDRESS	149 Broad St. Saint John.	APPLICATION #		FEE PAID	Y	N

TYPE OF APPLICATION

- ☐ Land for Public Purposes Release — Service Fee: $300
- ☐ Non-Conforming Use — Service Fee: $200
- ☐ Satisfactory Servicing — Service Fee: $200
- ☐ Section 39 Amendment — Service Fee: $2,500
- ☑ Zoning By-law Amendment — Service Fee: $2,500
- ☐ Zoning By-law Amendment with a Municipal Plan Amendment — Service Fee: $3,500

DETAILED DESCRIPTION OF APPLICATION

Where applicable, indicate the changes to existing Section 39 conditions, zoning, or Municipal Plan designation being requested. Attach site plans, building elevations, floor plans, and other documentation to fully describe the application. The submission of a preliminary proposal and a Pre-Application Meeting is encouraged prior to seeking approval. Please contact the One-Stop Development Shop at (506) 658-2911 for further information.

Seeking RC Zoning

ENCUMBRANCES

Describe any easements, restrictive covenants, and other encumbrances affecting the land.

AUTHORIZATION

As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorized agent thereof, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize the applicant to represent this matter and to provide any additional information that will be necessary for this application.

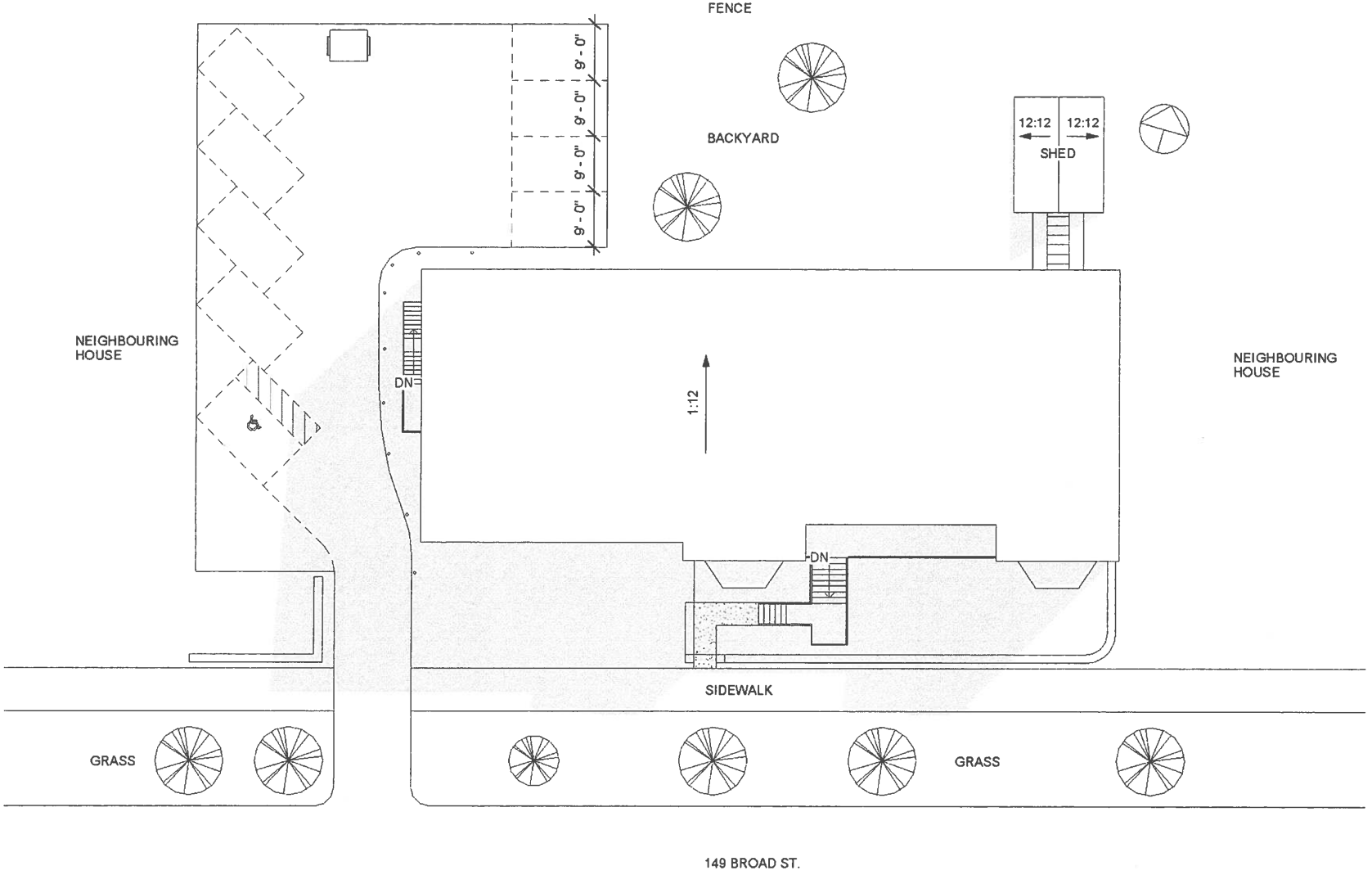
Jeremy Wayte, P. Eng.
Registered Owner or Authorized Agent

May 28, 2019
Date

Lang Lee
Additional Registered Owner

MAY 30, 2019
Date

The information contained in this application and any documentation, including plans, drawings, reports, and studies, provided in support of this application will become part of the public record.



1 Site
1/16" = 1'-0"

TAILORED DEVELOPMENTS

Project Management,
Construction & Engineering

263 Deerwood Drive,
Fredericton. NB E3E 1B8.
Phone. (506)999-2882.

Saint John NB.

Site plan

For permit	31/05/2019
Project Number	.
Drawn by	Se
Checked by	JW

A101

Scale 1/16" = 1'-0"

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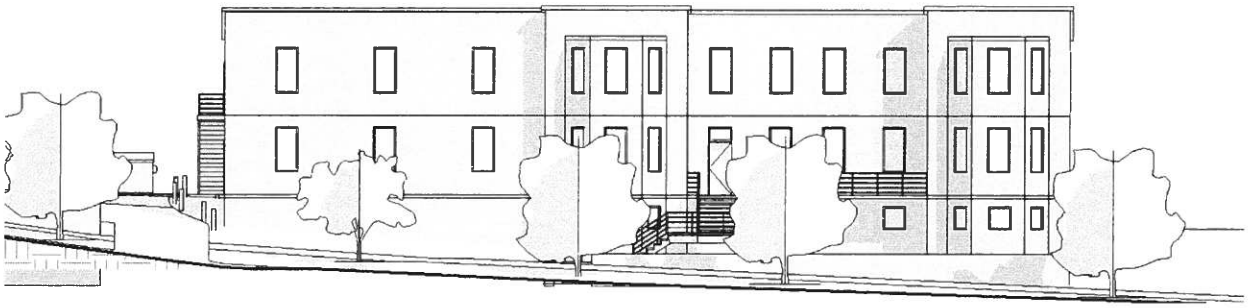
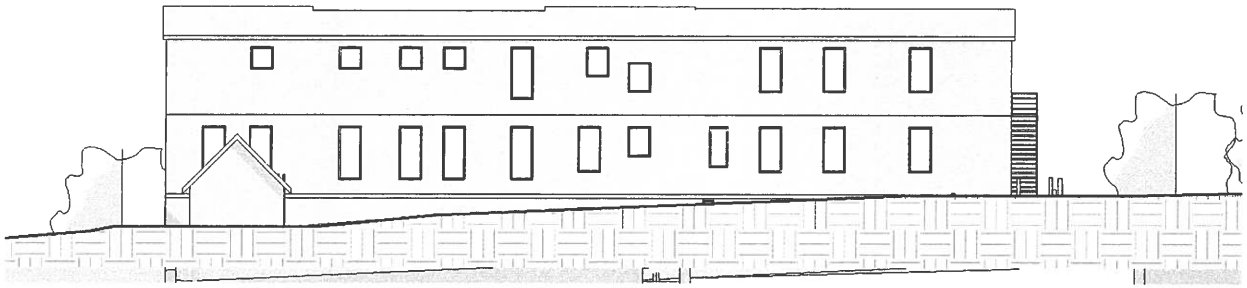
Construction & Engineering

263 Deerwood Drive,
Fredericton. NB E3E 1B8.
Phone. (506)999-2882.



1 Front Elevation

1/16" = 1'-0"



2 Rear Elevation

1/16" = 1'-0"

Saint John NB.

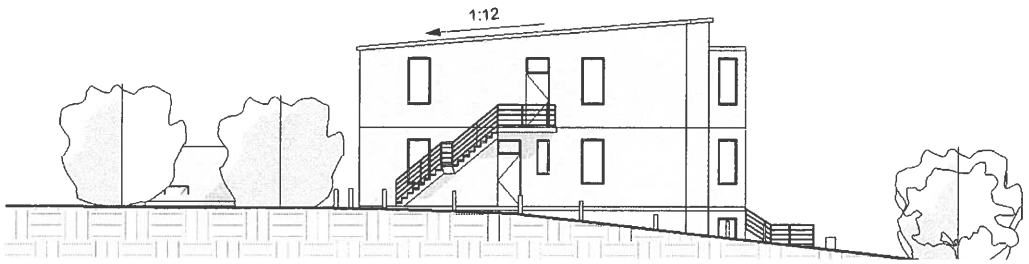
Elevations

For permit	31/05/2019
Project Number	.
Drawn by	Se
Checked by	JW
A102	
Scale	1/16" = 1'-0"

TAILORED DEVELOPMENTS

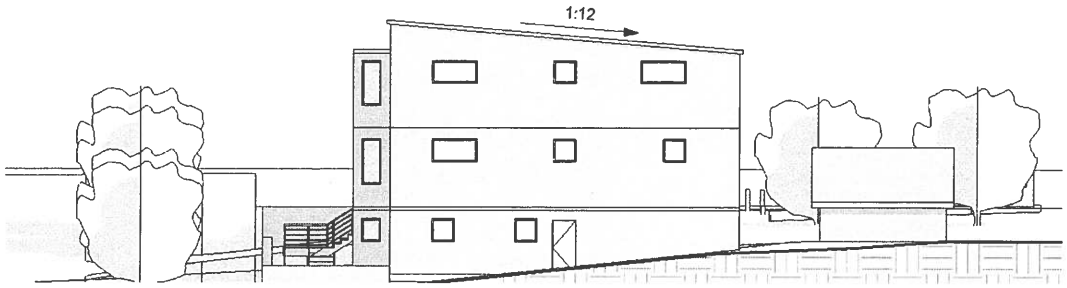
Project Management,
Construction & Engineering

263 Deerwood Drive,
Fredericton. NB E3E 1B8.
Phone. (506)999-2882.



1 Left Elevation

1/16" = 1'-0"



2 Right Elevation

1/16" = 1'-0"

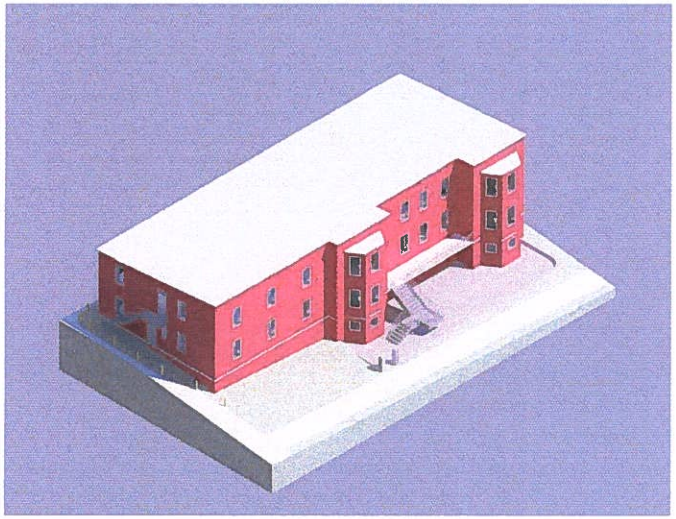
Saint John NB.

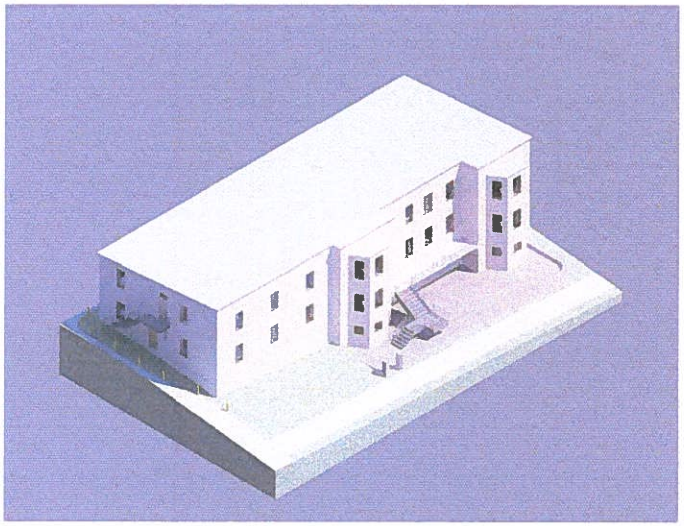
Elevations

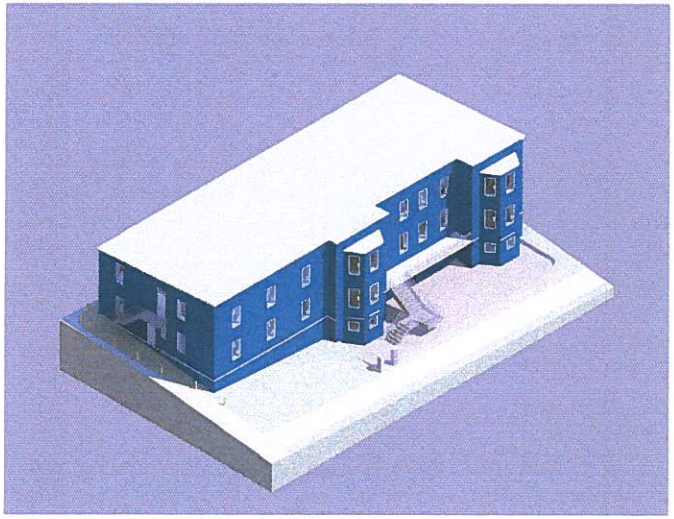
For permit	31/05/2019
Project Number	.
Drawn by	Se
Checked by	JW

A103

Scale 1/16" = 1'-0"







TAILORED DEVELOPMENTS

Project Management,
Construction & Engineering

263 Deerwood Drive,
Fredericton. NB E3E 1B8.
Phone. (506)999-2882.

Saint John NB.

3D color samples

For permit	31/05/2019
Project Number	.
Drawn by	Author
Checked by	Checker

A104

Scale 12" = 1'-0"

From: Reid, Andy (Planning)
To: Planning Admin
Subject: FW: 149 broad st.
Date: June-05-19 1:04:33 PM

Could you please add the following to the 149 Broad Street rezoning application. Thanks!

AKR

-----Original Message-----
From: jeremy wayte [mailto:tailoreddevelopments@gmail.com]
Sent: June-05-19 12:22 PM
To: Reid, Andy (Planning)
Cc: VanWart, Rachel
Subject: Re: 149 broad st.

Thanks Andy.

I was hoping to be able to send some floor
Plans by now. No such luck.

Please note we are anticipating 6 two bedroom and 4 one bedroom apartments.

Hope this helps.
Also. We have removed the off street parking on the curb. But might consider that as a variance. Should variance be included as part of the re-zoning or considered separately. ?

Cheers.

Jeremy.

On Jun 3, 2019, at 10:20 AM, Reid, Andy (Planning) <andy.reid@saintjohn.ca> wrote:

Thanks Jeremy,

We've received the application. In lieu of preliminary floor plans, could you please provide an email on the estimated number/type of units?

Thanks,

Andy

-----Original Message-----
From: jeremy wayte [mailto:tailoreddevelopments@gmail.com]
Sent: May-31-19 3:31 PM
To: VanWart, Rachel; Reid, Andy (Planning); lyedlee@gmail.com; acefayyaz@gmail.com
Subject: 149 broad st.

Rachel.

Please find the following drawings for inclusion to the rezoning submittal. Let me know if there is sufficient detail if you would like anything else added I'm sure we can have that done over this coming week.

Please confirm the payment has been paid. And that the paperwork is all in order I believe this ensures all the

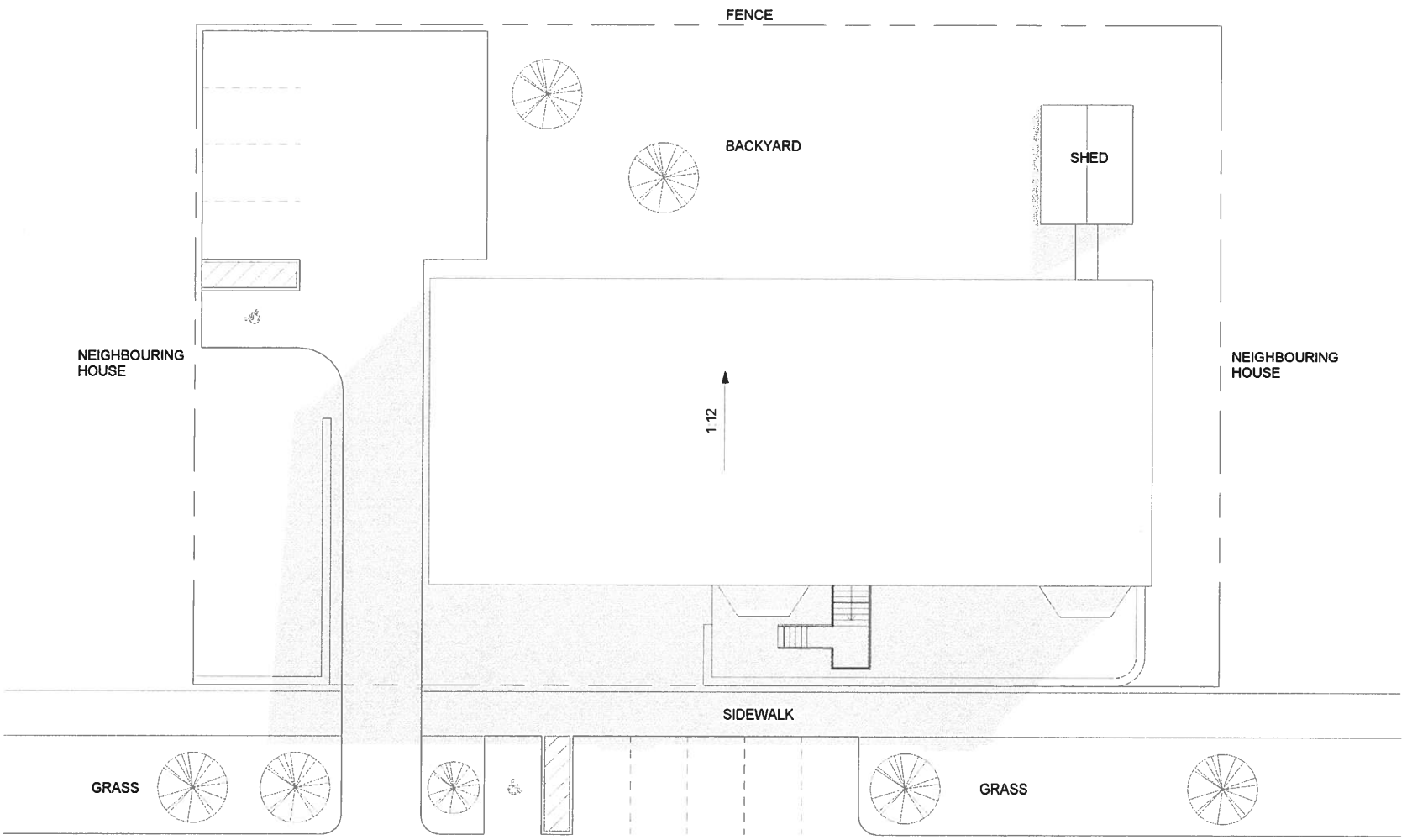
requirements are met.

Thanks.

Jeremy.

This e-mail communication (including any or all attachments) is intended only for the use of the person or entity to whom it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this e-mail, any use, review, retransmission, distribution, dissemination, copying, printing, or other use of, or taking of any action in reliance upon this e-mail, is strictly prohibited. If you have received this e-mail in error, please contact the sender and delete the original and any copy of this e-mail and any printout thereof, immediately. Your co-operation is appreciated.

Le présent courriel (y compris toute pièce jointe) s'adresse uniquement à son destinataire, qu'il soit une personne ou un organisme, et pourrait comporter des renseignements privilégiés ou confidentiels. Si vous n'êtes pas le destinataire du courriel, il est interdit d'utiliser, de revoir, de retransmettre, de distribuer, de disséminer, de copier ou d'imprimer ce courriel, d'agir en vous y fiant ou de vous en servir de toute autre façon. Si vous avez reçu le présent courriel par erreur, prière de communiquer avec l'expéditeur et d'éliminer l'original du courriel, ainsi que toute copie électronique ou imprimée de celui-ci, immédiatement. Nous sommes reconnaissants de votre collaboration.



1 Site
1/16" = 1'-0"

TAILORED DEVELOPMENTS

Project Management,
Construction & Engineering

263 Deerwood Drive,
Fredericton. NB E3E 1B8.
Phone. (506)999-2882.

149 Broad St.

Site plan

For permit	31/05/2019
Project Number	
Drawn by	Se
Checked by	JW

A101

Scale 1/16" = 1'-0"

TAILORED DEVELOPMENTS

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263 Deerwood Drive,
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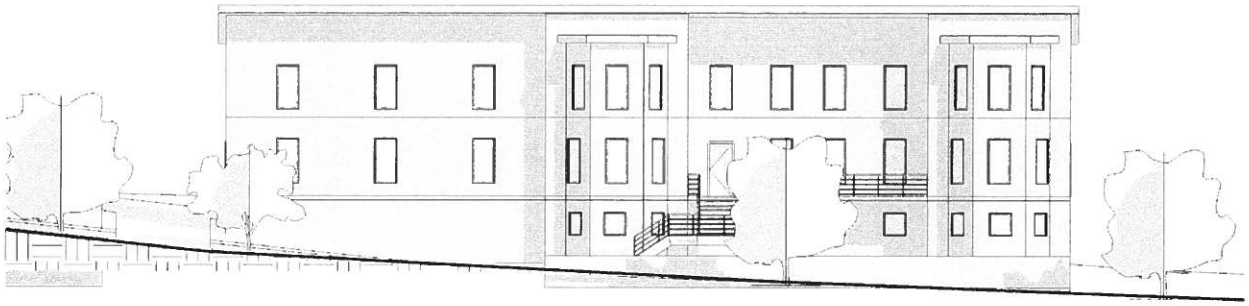
Phone (506)999-2882



1 Front Elevation

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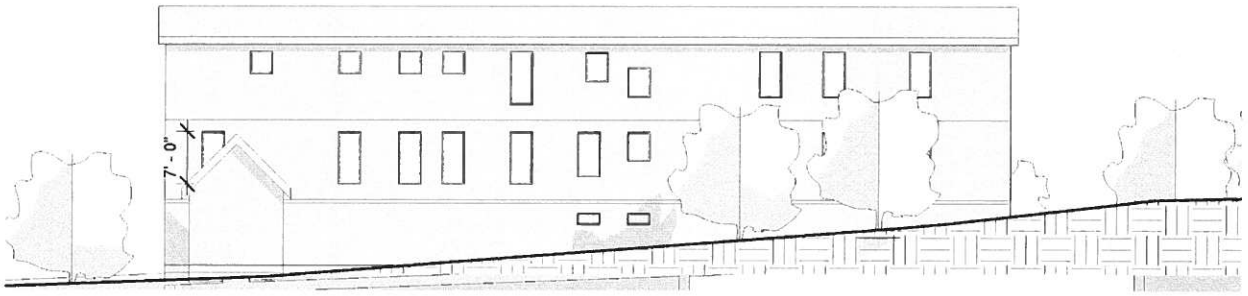


2 Rear Elevation

1/16" = 1'-0"

149 Broad St.

Elevations

For permit	31/05/2019
Project Number	
Drawn by	Se
Checked by	JW

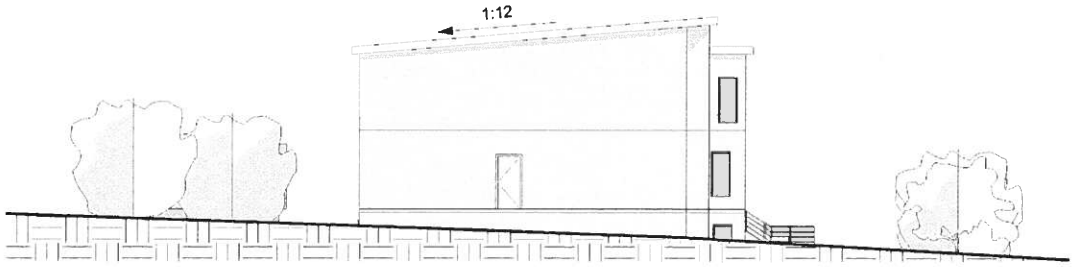
A102

Scale 1/16" = 1'-0"

TAILORED DEVELOPMENTS

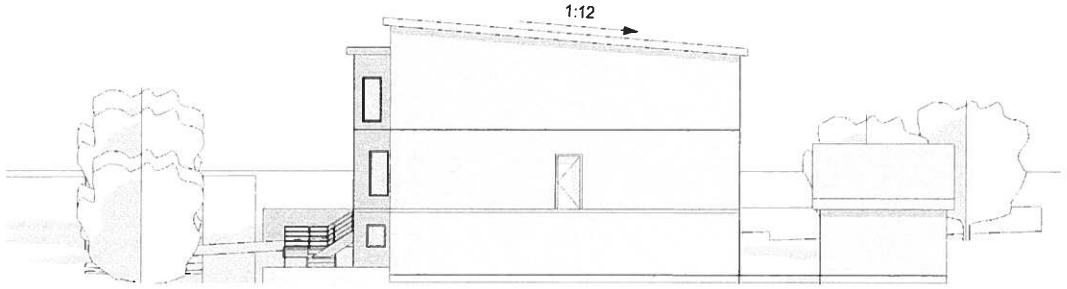
Project Management,
Construction & Engineering

263 Deerwood Drive,
Fredericton. NB E3E 1B8.
Phone (506)999-2882



1 Left Elevation

1/16" = 1'-0"



2 Right Elevation

1/16" = 1'-0"

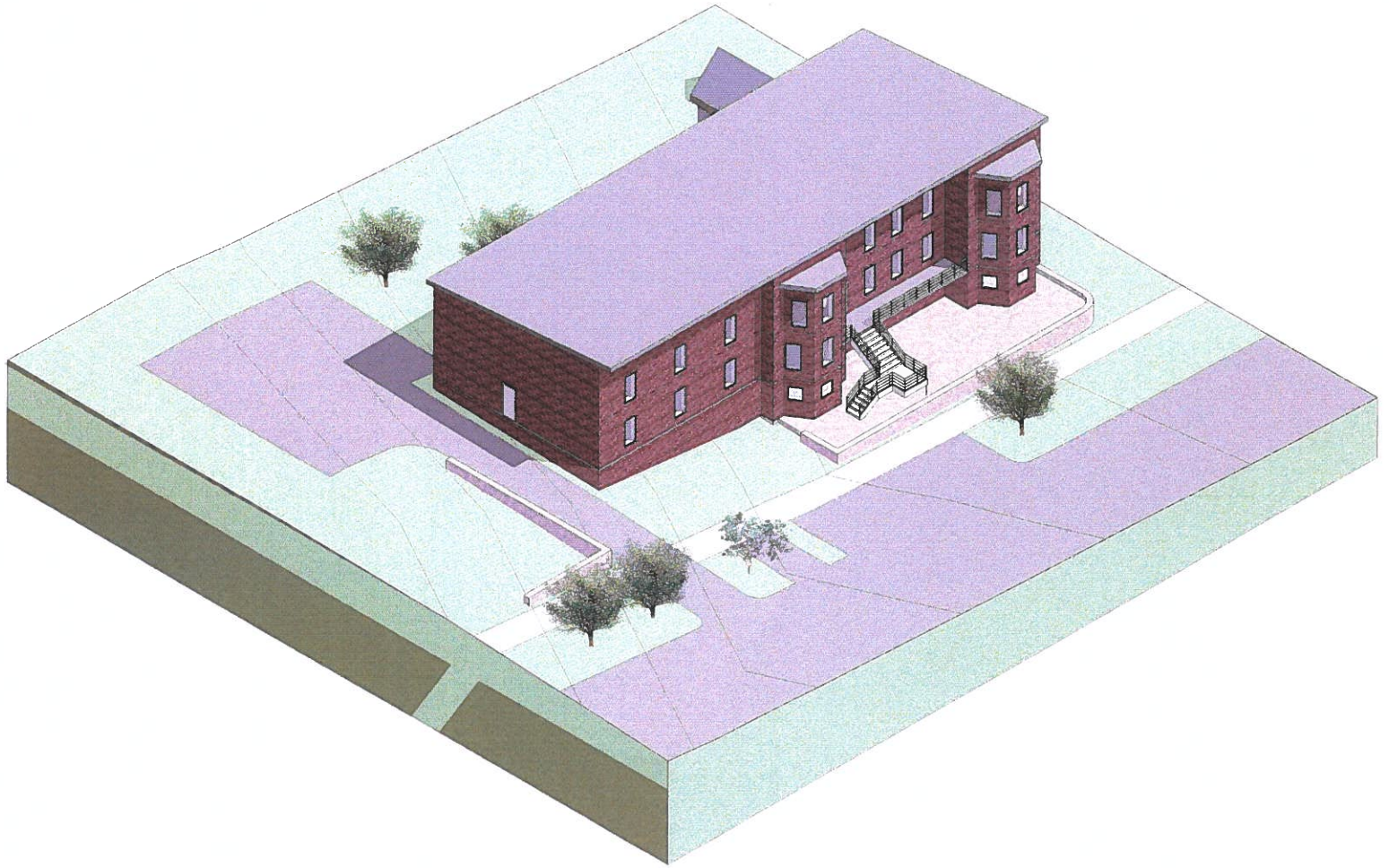
149 Broad St.

Elevations

For permit	31/05/2019
Project Number	
Drawn by	Se
Checked by	JW

A103

Scale 1/16" = 1'-0"



TAILORED DEVELOPMENTS

Project Management,
Construction & Engineering

263 Deerwood Drive,
Fredericton. NB E3E 1B8.
Phone. (506)999-2882

149 Broad St.

3D view

For permit	31/05/2019
Project Number	
Drawn by	Se
Checked by	JW

A104

Scale

PROPOSED ZONING BY-LAW AMENDMENT

RE: 149 BROAD STREET

Public Notice is hereby given that the Common Council of The City of Saint John intends to consider amending The City of Saint John Zoning By-law at its regular meeting to be held in the Ludlow Room, City Hall, on **Monday**, **July 29, 2019** at **6:30 p.m.**, by:

Rezoning a 1483 square metre parcel of land, PID No. 00000604, located at 149 Broad Street from **Neighbourhood Community Facility (CFN)** to **Urban Centre Residential (RC)**.

REASON FOR CHANGE:
To permit conversion to a multiple dwelling unit.

The proposed amendment may be inspected by any interested person at the office of the Common Clerk, or in the office of Growth and Community Development Services, City Hall, 15 Market Square, Saint John, N.B. between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, inclusive, holidays excepted.

PROJET DE MODIFICATION DE L'ARRÊTÉ DE ZONAGE

OBJET: 149, rue BROAD

Par les présentes, un avis public est donné par lequel le conseil communal de The City of Saint John indique son intention d'étudier la modification suivante à l'Arrêté de zonage de The City of Saint John, lors de la réunion ordinaire qui se tiendra dans la salle Ludlow le **lundi 29 juillet 2019** à **18 h 30**:

Rezonage d'une parcelle de terrain de 1 483 mètres carrés, n° PID 00000604, situé au 149, rue Broad, **de Zone d'installations communautaires de quartier (CFN)** à **Zone Résidentielle du Centre-ville (RC)**.

RAISON DE LA MODIFICATION:
Permettre la conversion à une unité d'habitation multiple.

Toute personne intéressée peut examiner le projet de modification au bureau du greffier communal ou au bureau du service de la croissance et du développement communautaire à l'hôtel de ville situé au 15, Market Square, à Saint John, au Nouveau-Brunswick., entre 8 h 30 et 16 h 30 du lundi au vendredi, sauf les jours fériés.

Written objections to the amendment may be sent to the undersigned at City Hall.

If you require French services for a Common Council meeting, please contact the office of the Common Clerk.

Jonathan Taylor, Common Clerk
658-2862

Veuillez faire part de vos objections au projet de modification par écrit à l'attention du soussigné à l'hôtel de ville.

Si vous avez besoin des services en français pour une réunion de Conseil Communal, veuillez contacter le bureau du greffier communal.

Jonathan Taylor, Greffier communal
658-2862

BY-LAW NUMBER C.P. 111-
A LAW TO AMEND
THE ZONING BY-LAW
OF THE CITY OF SAINT JOHN

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

1. Amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 1483 square metres, located at 149 Broad Street, also identified as PID No. 00000604, from Neighbourhood Community Facility (CFN) to Urban Centre Residential (RC).

- all as shown on the plan attached hereto and forming part of this by-law.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the * day of *, A.D. 2019 and signed by:

ARRÊTÉ N^{O} C.P. 111-
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE ZONAGE DE THE CITY OF SAINT JOHN

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

L'arrêté sur le zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

1. La modification de l'annexe «A», Plan de zonage de The City of Saint John, pour une parcelle de terrain d'une superficie d'environ 1483 mètres carrés de NID 00000604, située au 149, rue Broad, de zone d'installations communautaires de quartier (CFN) à Zone Résidentielle du Centre-ville (RC).

- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le 2019, avec les signatures suivantes :

_____
Mayor/Maire

_____
Common Clerk/Greffier communal

First Reading -
Second Reading -
Third Reading -

Première lecture -
Deuxième lecture -
Troisième lecture -

PLANNING ADVISORY COMMITTEE

The City of Saint John

May 23, 2019

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

SUBJECT: Section 59 Amendment
49 Noel Avenue

On April 23, 2019 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its May 22, 2019 meeting.

Mr. Stephen Brittain, the applicant, appeared before the Committee and was in agreement with the Staff recommendation. No other persons appeared before the Committee and no letters were received regarding the application. Upon considering the Staff report and comments made by the applicant, the Committee adopted the Staff Recommendation.

RECOMMENDATION:

1. That Common Council amend the Section 39 conditions imposed on June 13, 2016 rezoning of the property situated at 49 Noel Avenue, also identified as PID 55235717 (formerly 00370593, 00370601, 00370767, and a portion of 00050575) by rescinding the existing conditions and imposing the following:

    a. That any development of the site be in accordance with a detailed site plan to be prepared by the proponent and subject to the approval of the Development Officer, indicating the location of all buildings, structures, parking areas driveways, loading areas, signs, exterior lighting, outdoor storage areas, amenity areas, pedestrian circulation elements and other site features. This site plan is to be attached to the application for the building permit for the proposed development

and all site improvements illustrated on the plan must be completed within one year of completion of the building;

b. That any development of the site shall be in accordance with a detailed landscaping plan, to be prepared by the proponent and subject to the approval of the Development Officer. This landscaping plan is to be attached to the application for the building permit for the proposed development and all landscaping illustrated on the plan must be completed within one year of completion of the building;

c. That the proposed building be constructed in accordance with detailed elevation plans prepared by the developer and approved by the Development Officer. These building elevation plans must be attached to the application for the building permit for the proposed development and all work illustrated on the plans must be completed within one year of completion of the building;

d. An engineering water and sewer analysis must be completed by the applicant's engineering consultant and submitted to the City for review and approval in order to determine the impact this development (capacity requirements, peak flows, fire flows, etc.) will have on the existing water and sewer infrastructure and also to ensure that this proposal does not exceed the current capacity of the existing systems. If any upgrades to existing infrastructure are necessary, this will be the responsibility of the developer;

e. The applicant's engineering consultant must submit a detailed storm water drainage plan and design report indicating how storm water collection and disposal will be handled to the City for review and approval. If any infrastructure improvements are required to service this proposal, it will be the applicant's responsibility and cost to complete. No stormwater is to be directed to adjacent lands;

f. That servicing for electrical and telephone utilities be provided underground from existing facilities;

g. That the proposed building be limited to 47 dwelling units; and

h. That notwithstanding Subparagraph 10.3(3)(i) of the City of Saint John Zoning By-Law, the height of the building is permitted to be a maximum of 16.6 metres.

Respectfully submitted,

Eric Falkjar
Chair

Attachments

The City of Saint John

Date:	May 17, 2019
To:	Planning Advisory Committee
From:	Growth & Community Planning Growth & Community Development Services
For:	**Meeting of Wednesday, May 22, 2019**

SUBJECT

Applicant:	Village View Suites
Owner:	621946 NB Inc.
Location:	49 Noel Avenue
PID:	55235717 (formerly 00370593, 00370601, 00370767, and a portion of 00050575)
Plan Designation:	Stable Residential
Existing Zoning:	Mid-Rise Residential (RM)
Proposed Zoning:	**Mid-Rise Residential (RM)**
Application Type:	Section 59 Amendment
Jurisdiction:	The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to existing Section 39 (now 59) conditions of the subject property. Common Council will consider the Committee recommendation at a public hearing on **Monday, June 3, 2019**. Committee can impose conditions.

SUMMARY

The applicant is proposing to amend existing Section 39 (now Section 59) conditions to allow for an additional dwelling unit. Servicing capacity limited the site to a maximum of 46 dwelling units, when Common Council approved the rezoning on June 13, 2016. The applicant has been working with engineering and it had determined that there is sufficient capacity to accommodate an additional dwelling unit (to allow 47 units).

RECOMMENDATION

1. That Common Council amend the Section 39 conditions imposed on June 13, 2016 rezoning of the property situated at 49 Noel Avenue, also identified as PID 55235717 (formerly 00370593, 00370601, 00370767, and a portion of 00050575) by rescinding the existing conditions and imposing the following:

    a. That any development of the site be in accordance with a detailed site plan to be prepared by the proponent and subject to the approval of the Development Officer, indicating the location of all buildings, structures, parking areas driveways, loading areas, signs, exterior lighting, outdoor storage areas, amenity areas, pedestrian circulation elements and other site features. This site plan is to be attached to the application for the building permit for the proposed development and all site improvements illustrated on the plan must be completed within one year of completion of the building;

    b. That any development of the site shall be in accordance with a detailed landscaping plan, to be prepared by the proponent and subject to the approval of the Development Officer. This landscaping plan is to be attached to the application for the building permit for the proposed development and all landscaping illustrated on the plan must be completed within one year of completion of the building;

    c. That the proposed building be constructed in accordance with detailed elevation plans prepared by the developer and approved by the Development Officer. These building elevation plans must be attached to the application for the building permit for the proposed development and all work illustrated on the plans must be completed within one year of completion of the building;

    d. An engineering water and sewer analysis must be completed by the applicant's engineering consultant and submitted to the City for review and approval in order to determine the impact this development (capacity requirements, peak flows, fire flows, etc.) will have on the existing water and sewer infrastructure and also to ensure that this proposal does not exceed the current capacity of the existing

systems. If any upgrades to existing infrastructure are necessary, this will be the responsibility of the developer;

e. The applicant's engineering consultant must submit a detailed storm water drainage plan and design report indicating how storm water collection and disposal will be handled to the City for review and approval. If any infrastructure improvements are required to service this proposal, it will be the applicant's responsibility and cost to complete. No stormwater is to be directed to adjacent lands;

f. That servicing for electrical and telephone utilities be provided underground from existing facilities;

g. That the proposed building be limited to 47 dwelling units; and

h. That notwithstanding Subparagraph 10.3(3)(i) of the City of Saint John Zoning By-Law, the height of the building is permitted to be a maximum of 16.6 metres.

DECISION HISTORY

On June 13, 2016 Common Council approved the rezoning of the site from to Mid-Rise Residential (RM) and imposed a number of conditions. This rezoning included the release of a parcel that was Lands for Public Purposes and the Stop up and Closure of a portion of Clovelly Drive and a maximum number of dwelling units. The site then subdivided to create the current PID for 49 Noel Avenue, however these conditions continue onto the subject lot (see Attachment 1).

ANALYSIS

Proposal

The applicant proposes to amend the conditions on 49 Noel Avenue to permit the construction of a 47 unit building. Current conditions limit the number of units to a maximum of 46 due to sanitary sewer capacity. The applicant has been working with the City and it has been determined there is sufficient capacity to accept an additional dwelling unit necessitating this application.

Site and Neighbourhood

The subject site is located at the end of Noel Drive with the surrounding area characterized by low- to medium-density residential development. Around the site is a number of multi-residential developments, with low density residential development along Tudor Lane on the west side of the site.

Municipal Plan

The subject site is designated Stable Residential in the Municipal Plan. Stable Residential areas are existing neighbourhoods, which have the potential to accommodate additional development

at a scale and density consistent with the surrounding context. Policies LU-86 through LU-88 support intensification of Stable Residential areas with Policy LU-88 providing criteria to consider with proposed developments. These policies were reviewed at the time of the original rezoning, but are being included with this report since there is a level of intensification occurring.

> Policy LU-88 – Ensure that significant new development and redevelopment in areas designated Stable Residential shall generally be permitted only through a rezoning process where compliance is demonstrated with the following requirements:
> a) The proposed land use is desirable and contributes positively to the neighbourhood;
> b) The proposal is compatible with surrounding land uses;
> c) The development is in a location where all necessary water and wastewater services, parks and recreation services, schools, public transit and other community facilities, and protective services can readily and adequately be provided;
> d) Site design features that address such matters as safe access, buffering and landscaping, site grading and storm water management are incorporated;
> e) A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan; and
> f) The proposal is on a property identified as a Corridor on the City Structure map (Schedule A) or does not detract from the City's intention to direct the majority of new residential development to the Primary Centres, Local Centres, and Intensification Areas.

Staff note that the proposal is compatible with the surrounding land uses in the neighbourhood given that the surrounding area contains a mix of residential densities with multiple unit development located immediately around the site. The proposed request to increase the by one unit does not represent a significant departure from the general development pattern of the area and so Staff support this proposal.

Development in this area is serviced by existing municipal infrastructure and transit can be accessed via University Avenue. The City's Infrastructure Development Service Area noted during the rezoning process that there was limited capacity in the downstream sanitary sewer system. Portions of this capacity have been allocated to other approved developments, and there is capacity available to originally accommodate the 46 dwelling units. New analysis has demonstrated that this cap on dwelling units can be increased to 47 units without downstream issues and is supported by Staff.

Conclusion

Staff support the proposed amendments to existing conditions to increase the maximum number of dwelling units from 46 to 47. The surrounding context and development pattern supports further multi-residential development and the proposed unit count is consistent with the adjacent sites.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternatives considered.

ENGAGEMENT

Public

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on May 8, 2019. The public hearing for the rezoning was advertised in the City's website on May 10, 2019.

SIGNATURES AND CONTACT

Prepared by:

Corey Cooper
Planner

Prepared and reviewed by:

Kenneth Melanson, BA, RPP, MCIP
Manager, Community Planning

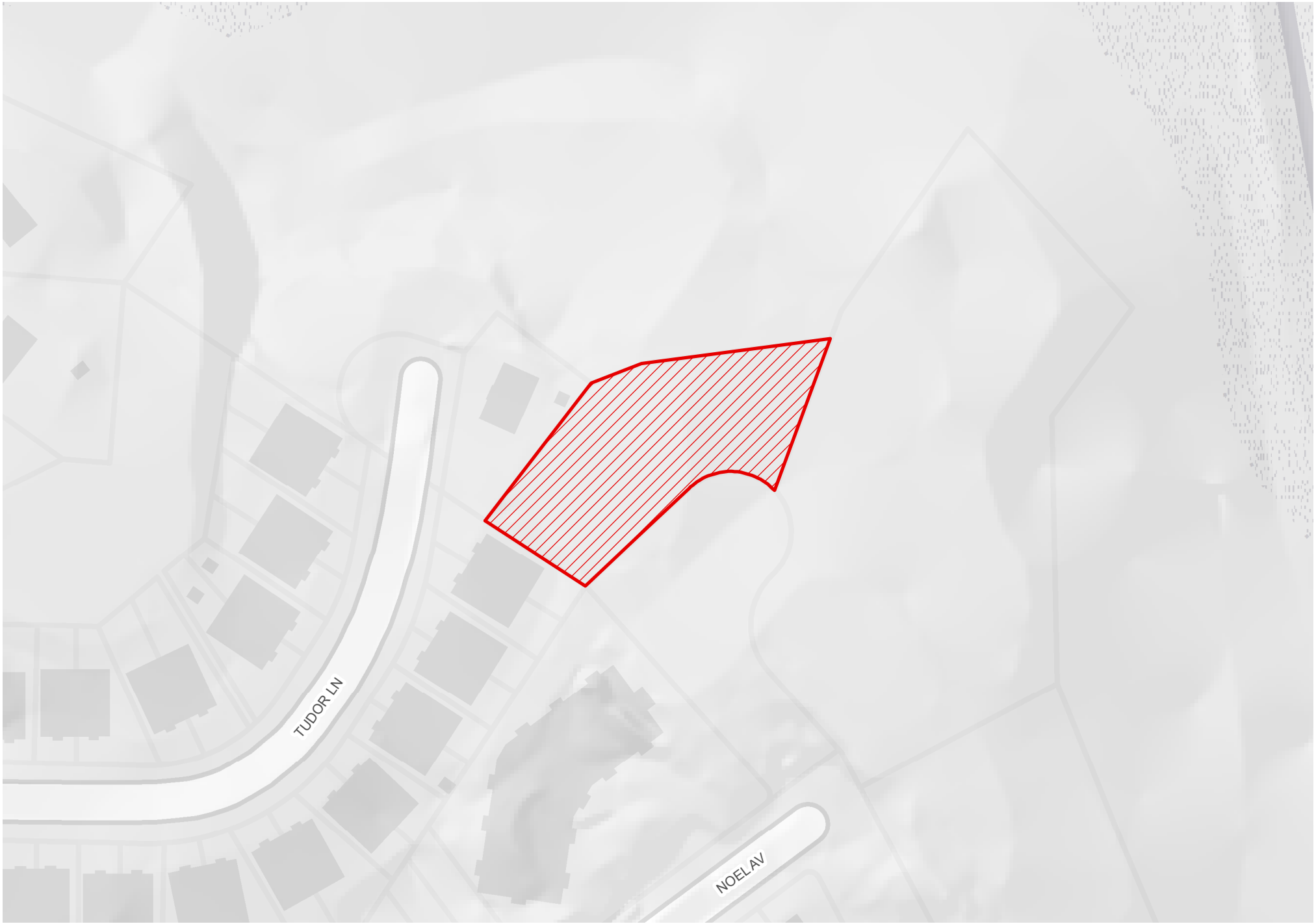
Approved:

Jacqueline Hamilton, MURP, MCIP, RPP
Commissioner

Contact: Kenneth Melanson
Phone: (506) 721-8694
E-mail: **ken.melanson@saintjohn.ca**
Project: 19-0046

APPENDIX

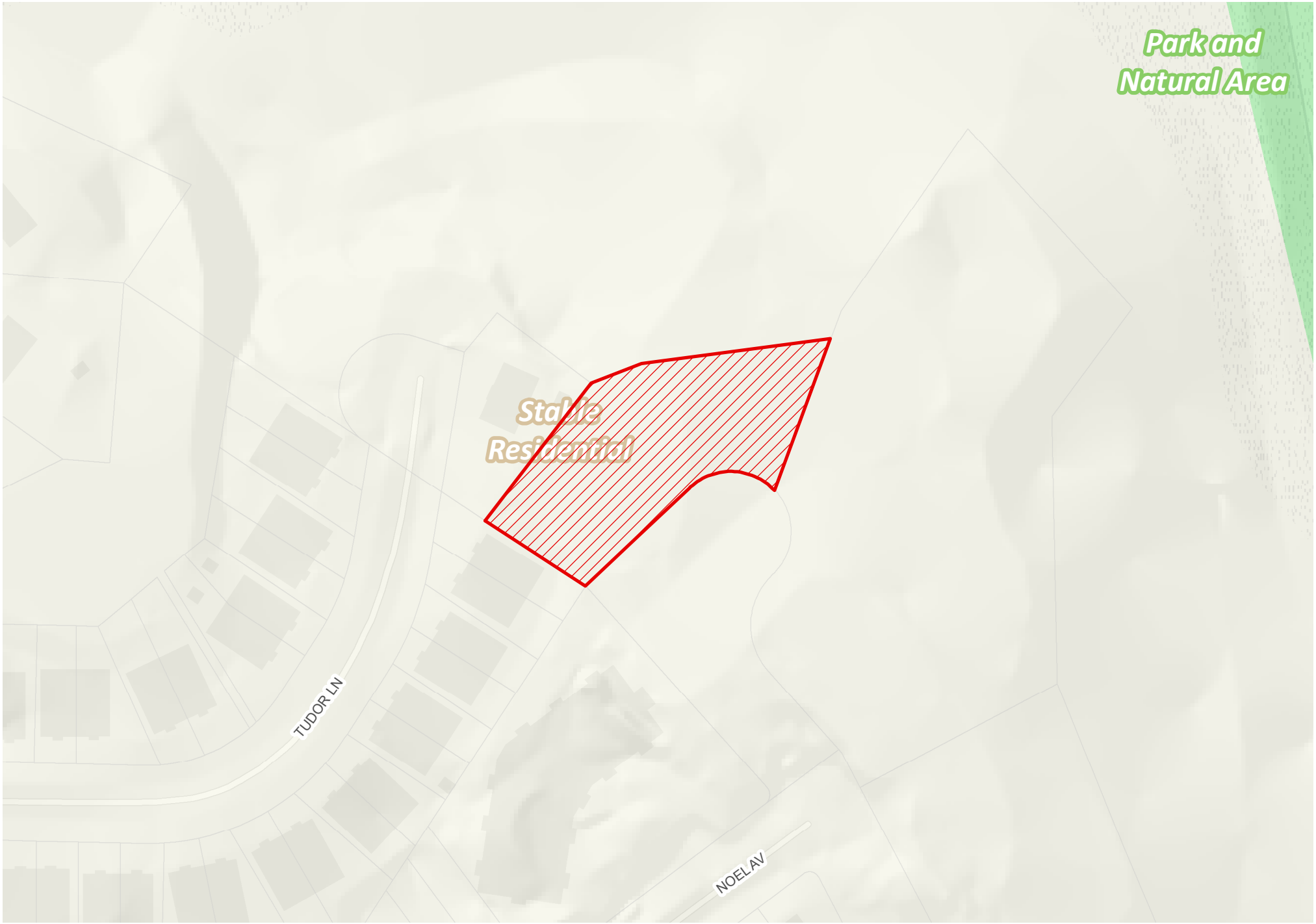
Map 1: **Site Location**
Map 2: **Municipal Plan**
Map 3: **Zoning**
Map 4: **Aerial Photography**
Map 5: **Site Photography**
Attachment 1: **Conditions from 2016 Rezoning**
Submission 1: **Renderings**



Map 1 - Site Location

Village View Suites - 49 Noel Avenue

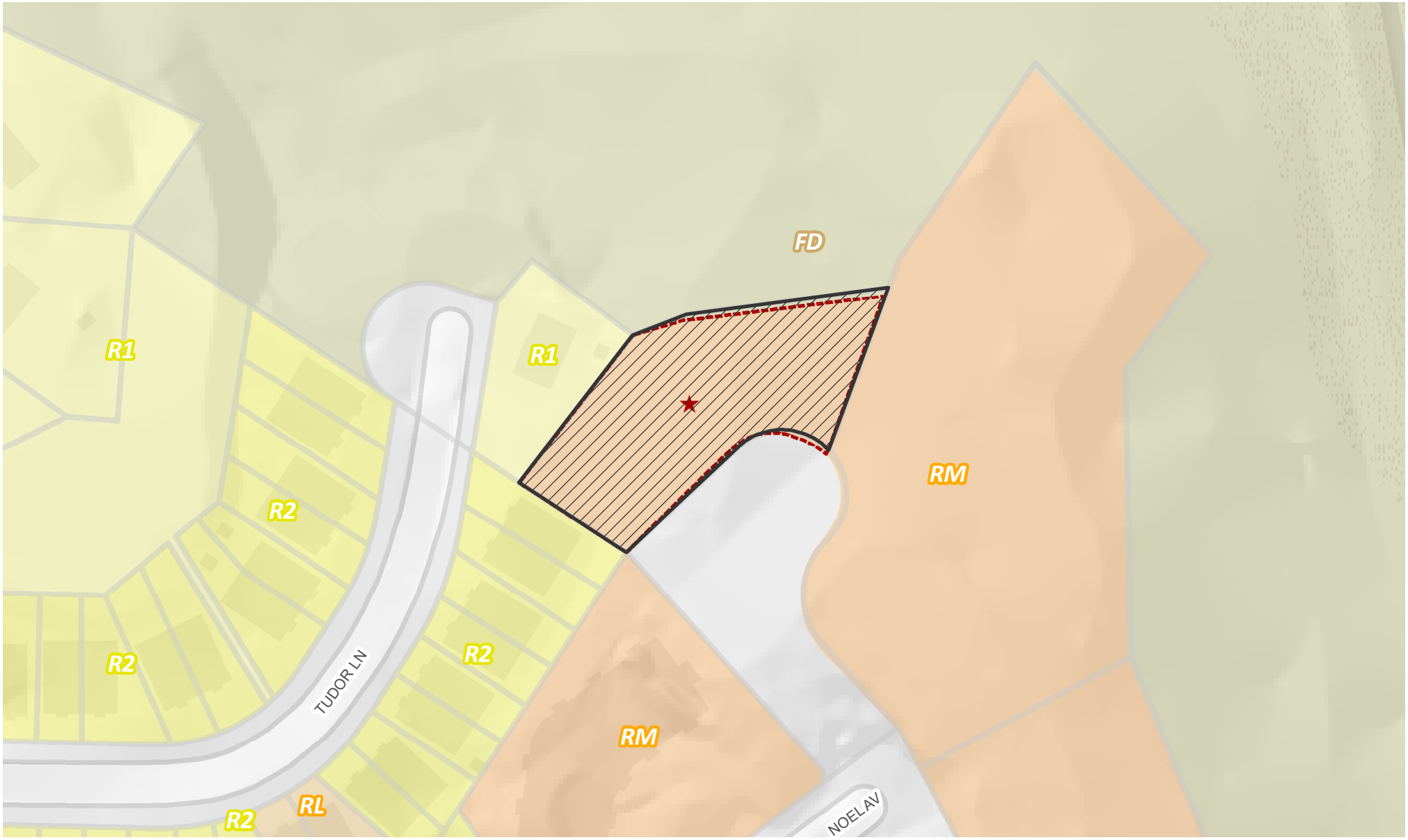
The City of Saint John
Date: April 23, 2019



Map 2 - Future Land Use

Village View Suites - 49 Noel Avenue

The City of Saint John
Date: April 23, 2019



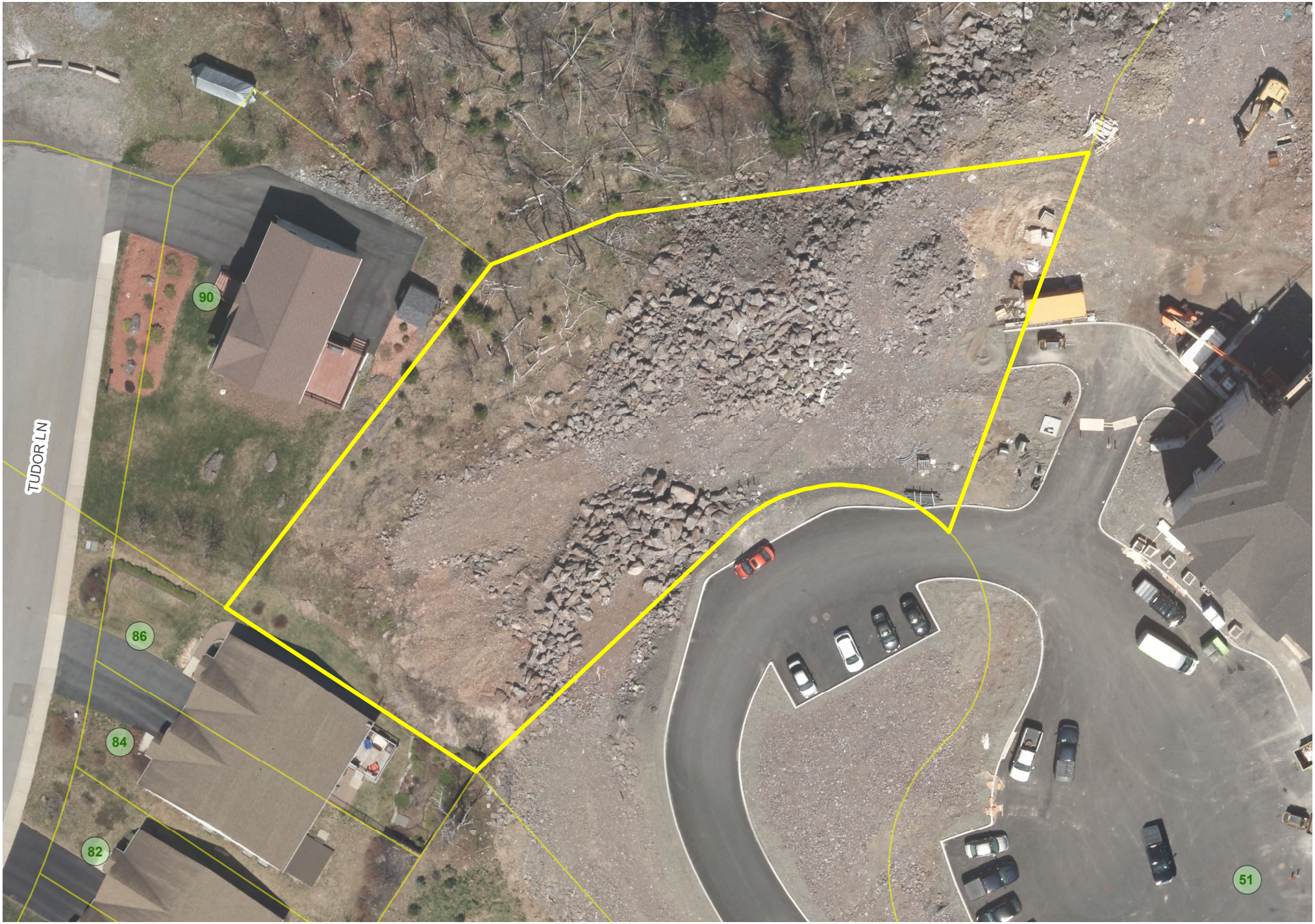
(FD) Future Development
(R1) One-Unit Residential
(R2) Two-Unit Residential
(RL) Low-Rise Residential
(RM) Mid-Rise Residential

★ Section 59 Conditions

Map 3 - Zoning

Village View Suites - 49 Noel Avenue

The City of Saint John
Date: April 23, 2019



Map 4 - Aerial Photography

Village View Suites - 49 Noel Avenue

The City of Saint John
Date: April 23, 2019

Site seen from Noel Avenue

Site from Noel Avenue

Adjacent multi-residential development

Adjacent multi-residential development

Map 5 - Site Photography

Village View Suites - 49 Noel Avenue

The City of Saint John
Date: May 15, 2019

Attachment 1 – 2016 Rezoning Conditions

1. That Common Council rezone a parcel of land having an area of approximately 2650 square metres, located at 45 Noel Avenue, also identified as PID Nos. 00370593, 00370601, 00370767 and a portion of PID No. 00050575 from Two-Unit Residential (R2) and Future Development (FD) to Mid-Rise Residential (RM).

2. That pursuant to Section 39 of the *Community Planning Act*, the development and use of the parcel of land with an area of approximately 2650 square metres, located at 45 Noel Avenue, also identified as PID Nos. 00370593, 00370601, 00370767 and a portion of PID No. 00050575 shall be subject to the following conditions:

    a) That any development of the site be in accordance with a detailed site plan to be prepared by the proponent and subject to the approval of the Development Officer, indicating the location of all buildings, structures, parking areas driveways, loading areas, signs, exterior lighting, outdoor storage areas, amenity areas, pedestrian circulation elements and other site features. This site plan is to be attached to the application for the building permit for the proposed development and all site improvements illustrated on the plan must be completed within one year of completion of the building;

    b) That any development of the site shall be in accordance with a detailed landscaping plan, to be prepared by the proponent and subject to the approval of the Development Officer. This landscaping plan is to be attached to the application for the building permit for the proposed development and all landscaping illustrated on the plan must be completed within one year of completion of the building;

    c) That the proposed building be constructed in accordance with detailed elevation plans prepared by the developer and approved by the Development Officer. These building elevation plans must be attached to the application for the building permit for the proposed development and all work illustrated on the plans must be completed within one year of completion of the building;

    d) An engineering water and sewer analysis must be completed by the applicant's engineering consultant and submitted to the City for review and approval in order to determine the impact this development (capacity requirements, peak flows, fire flows, etc.) will have on the existing water and sewer infrastructure and also to ensure that this proposal does not exceed the current capacity of the existing systems. If any upgrades to existing infrastructure are necessary, this will be the responsibility of the developer;

    e) The applicant's engineering consultant must submit a detailed storm water drainage plan and design report indicating how storm water collection and

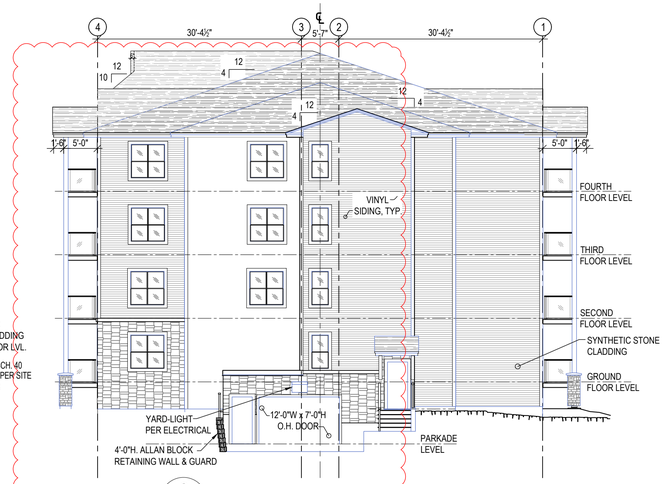
disposal will be handled to the City for review and approval. If any infrastructure improvements are required to service this proposal, it will be the applicant's responsibility and cost to complete. No stormwater is to be directed to adjacent lands;

f) That servicing for electrical and telephone utilities be provided underground from existing facilities;

g) That the proposed building be limited to 46 dwelling units.

h) That notwithstanding Subparagraph 10.3(3)(i) of the City of Saint John Zoning By-Law, the height of the building is permitted to be a maximum of 16.6 metres.

1 A7 FRONT ELEVATION
SCALE: 3/32" = 1'-0"

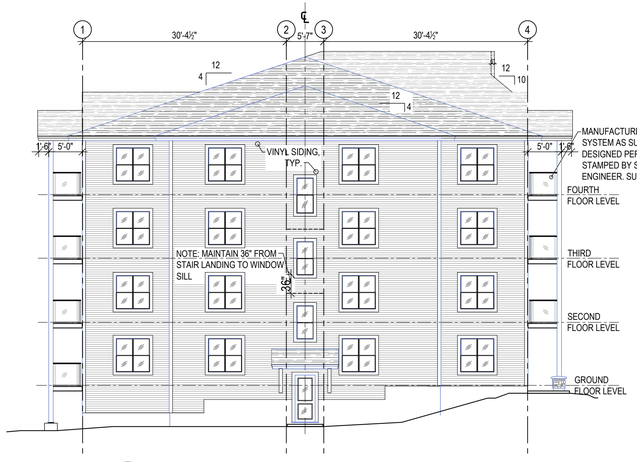


2 A7 SIDE ELEVATION & PARKADE ENTRY
SCALE: 3/32" = 1'-0"

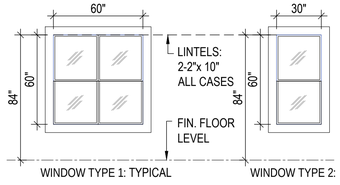
3 A7 READ ELEVATION
SCALE: 3/32" = 1'-0"

ELEVATION NOTES

1. PROVIDE EAVESTROUGH & DOWNSPOUT TO ON-SITE DETAILING. CONNECTED TO UNDERGROUND COLLECTION SYSTEM. REFER TO SPECIFICATION
2. NOT SHOWN: CLOTHES-DRYER TERMINATIONS, HRV VENTS, COMMON-AREA VENTS. LOCATE AS REQUIRED, ALIGNED & IN NEAT CLUSTERS, TO APPROVAL OF ARCHITECT. REFER TO MECHANICAL DWG.S
3. WINDOW SCHEDULE DETAILING: REFER TO DETAIL 5/A4



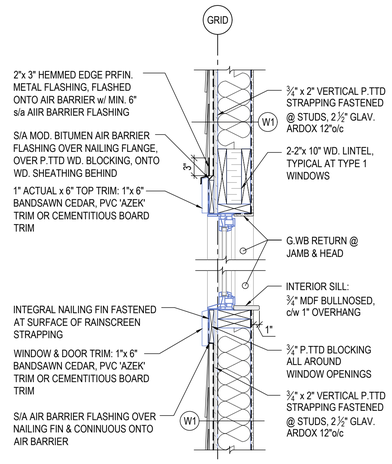
4 A7 SIDE ELEVATION
SCALE: 3/32" = 1'-0"



WINDOW NOTES:

1. WINDOWS SHALL BE SINGLE-HUNG, VERTICAL SLIDING, PVC WINDOWS, LOW-e, ARGON FILLED, THERMAL UNITS, c/w SCREENS & SASH LOCKS.
   - EXTERIOR: NAILING-FIN TO TAKE SITE APPLIED TRIM.
   - INTERIOR: ⅝" RETURN NOTCH FOR G.WB RETURN AT JAMBS & HEAD. PERFORMANCE GRADE (A440-S1) 80 OR BETTER, A3/B5/C5.
2. SUBMIT SHOP DRAWINGS AND CERTIFICATION LABELLING TO ARCHITECT FOR APPROVAL.
3. PRODUCTS: KOHLER, ATLANTIC, SOLAR SEAL OR APPROVED EQUAL.
4. PROVIDE METAL FLASHING OVER AT ALL WINDOW OPENINGS. PROVIDE SELF-ADHERING AIR BARRIER FLASHING, MIN. 6" WIDE, VICOR OR APPROVED EQUAL.

5 A7 WINDOW SCHEDULE
SCALE: ¼" = 1'-0"



6 A7 SECTION DETAIL: WINDOW HEAD & SILL, TYP.
SCALE: 1" = 1'-0"

NO.	DATE	REVISION DESCRIPTION
--	22 FEB. 2019	ISSUED FOR 95% REVIEW

PRELIMINARY NOT FOR CONSTRUCTION

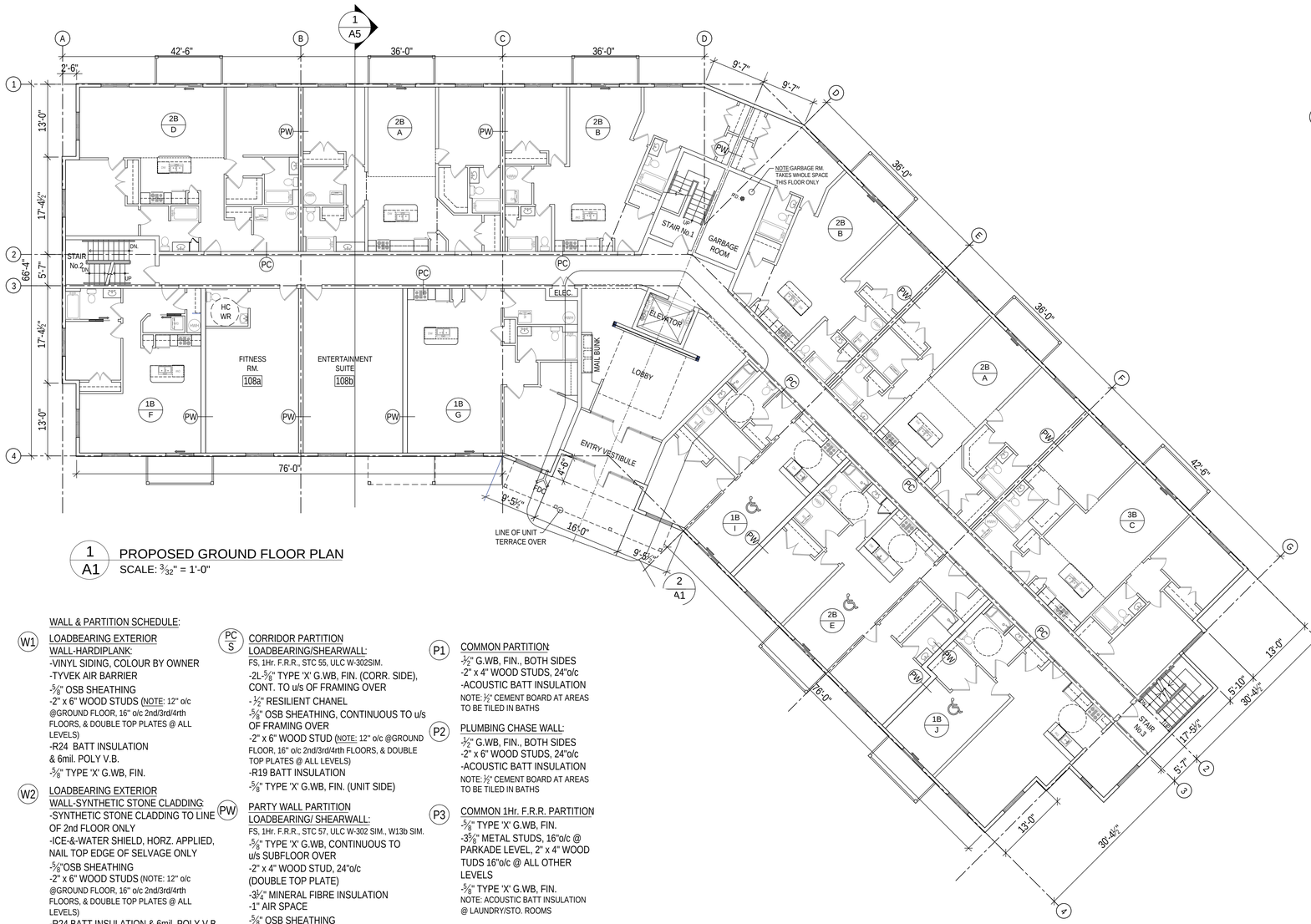
COMEAU MACKENZIE ARCHITECTURE
183 CHARLOTTE STREET, SAINT JOHN, NB E2L 0C7
TEL: (506) 657-1611 mackarch@nbnet.nb.ca

PROJECT NAME:
VILLAGE VIEW PHASE IV:
47 UNIT APARTMENT COMPLEX
NOEL AVE.,
SAINT JOHN, NB

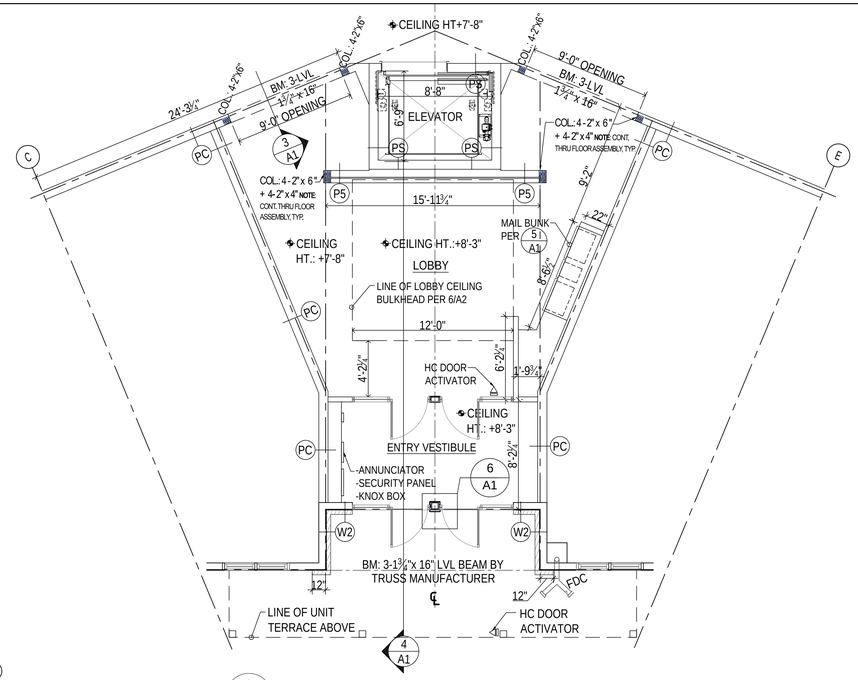
ELEVATIONS

DRAWN BY: AEP	CHECKED BY:
SCALE: AS SHOWN	DATE: JAN. 2019
PROJECT # 218264	DWG # A7

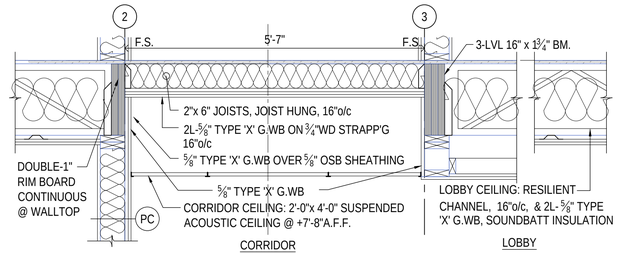
Peter MacKenzie, Comeau MacKenzie Architecture 21/02/2019 1:00pm 218264-Village View-Phase IV.dwg



1 / A1 PROPOSED GROUND FLOOR PLAN
SCALE: 3/32" = 1'-0"



2 / A1 DETAIL PLAN: MAIN ENTRY VESTIBULE & LOBBY
SCALE: 3/16" = 1'-0"



3 / A1 SECTION DETAIL: LOBBY CEILING @ CORRIDOR
SCALE: ¾" = 1'-0"

WALL & PARTITION SCHEDULE:

W1 LOADBEARING EXTERIOR WALL-HARDIPLANK:
-VINYL SIDING, COLOUR BY OWNER
-TYVEK AIR BARRIER
-⅝" OSB SHEATHING
-2" x 6" WOOD STUDS (NOTE: 12" o/c @GROUND FLOOR, 16" o/c 2nd/3rd/4rth FLOORS, & DOUBLE TOP PLATES @ ALL LEVELS)
-R24 BATT INSULATION & 6mil. POLY V.B.
-⅝" TYPE 'X' G.WB, FIN.

W2 LOADBEARING EXTERIOR WALL-SYNTHETIC STONE CLADDING:
-SYNTHETIC STONE CLADDING TO LINE OF 2nd FLOOR ONLY
-ICE-&-WATER SHIELD, HORZ. APPLIED, NAIL TOP EDGE OF SELVAGE ONLY
-⅝"OSB SHEATHING
-2" x 6" WOOD STUDS (NOTE: 12" o/c @GROUND FLOOR, 16" o/c 2nd/3rd/4rth FLOORS, & DOUBLE TOP PLATES @ ALL LEVELS)
-R24 BATT INSULATION & 6mil. POLY V.B.
-⅝" TYPE 'X' G.WB, FIN.

W3 FOUNDATION/PARKADE WALLS
-8" STRUCTURAL CONCRETE WALL
-BITUMOUS DAMPROOFING (BDP)@ ALL BELOW-GRADE SURFACES
-1" RIGID EPS INSULATION
-2" x 4" WOOD STUD, 24"o/c
-R14 BATT INSULATION
-½" G.WB, FIN.

W4 FOUNDATION LEVEL @ GARAGE ENTRY:
-SYNTHETIC STONE CLADDING TO LIMITS SHOWN
-1" x 4" P.TTD STRAPPING 16"o/c
-ICE-&-WATER SHIELD, HORZ. APPLIED
-8" CONC. WALL PER STRUCTURAL

PC/S CORRIDOR PARTITION LOADBEARING/SHEARWALL:
FS, 1Hr. F.R.R., STC 55, ULC W-302SIM.
-2L-⅝" TYPE 'X' G.WB, FIN. (CORR. SIDE), CONT. TO u/s OF FRAMING OVER
-½" RESILIENT CHANEL
-⅝" OSB SHEATHING, CONTINUOUS TO u/s OF FRAMING OVER
-2" x 6" WOOD STUD (NOTE: 12" o/c @GROUND FLOOR, 16" o/c 2nd/3rd/4rth FLOORS, & DOUBLE TOP PLATES @ ALL LEVELS)
-R19 BATT INSULATION
-⅝" TYPE 'X' G.WB, FIN. (UNIT SIDE)

PW PARTY WALL PARTITION LOADBEARING/ SHEARWALL:
FS, 1Hr. F.R.R., STC 57, ULC W-302 SIM., W13b SIM.
-⅝" TYPE 'X' G.WB, CONTINUOUS TO u/s SUBFLOOR OVER
-2" x 4" WOOD STUD, 24"o/c (DOUBLE TOP PLATE)
-3½" MINERAL FIBRE INSULATION
-1" AIR SPACE
-⅝" OSB SHEATHING (CONTINUOUS TO u/s SUBFLOOR OVER)
-2"x 4" WOOD STUD, 24" o/c (DOUBLE TOP PLATE)
-3½" MINERAL FIBRE INSULATION
-⅝" TYPE 'X' G.WB, CONTINUOUS TO u/s OF SUBFLOOR OVER

PS LOADBEARING ELEVATOR SHAFT WALL:
FS, 1Hr. F.R.R., STC 56, ULC W-302 SIM.
-⅝" TYPE 'X' G.WB INSIDE SHAFT, TAPED & FILLED
-⅝" SPRUCE PLY SHEATHING
-2"x 6" WD. STUD, 16"o/c
-ROXUL MINERAL FIBRE BATT, 3½"
-¾" RESILIENT CHANNEL
-⅝" TYPE 'X' G.WB
NOTE: AT SHAFT-WALL PROVIDE ADDITIONAL BLOCKING, STUDS, & OTHER PROVISIONS AS REQUIRED BY ELEVATOR INSTALLATION. RE-ESTABLISH THE INTEGRITY OF G.WB, INSIDE & OUT, AFTER ELEVATOR INSTALL.

P1 COMMON PARTITION:
-½" G.WB, FIN., BOTH SIDES
-2" x 4" WOOD STUDS, 24"o/c
-ACOUSTIC BATT INSULATION
NOTE: ½" CEMENT BOARD AT AREAS TO BE TILED IN BATHS

P2 PLUMBING CHASE WALL:
-½" G.WB, FIN., BOTH SIDES
-2" x 6" WOOD STUDS, 24"o/c
-ACOUSTIC BATT INSULATION
NOTE: ½" CEMENT BOARD AT AREAS TO BE TILED IN BATHS

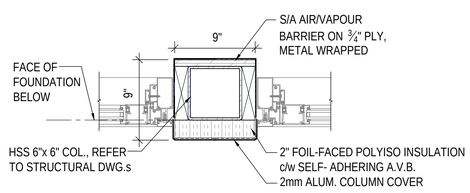
P3 COMMON 1Hr. F.R.R. PARTITION
-⅝" TYPE 'X' G.WB, FIN.
-3⅝" METAL STUDS, 16"o/c @ PARKADE LEVEL, 2" x 4" WOOD TUDS 16"o/c @ ALL OTHER LEVELS
-⅝" TYPE 'X' G.WB, FIN.
NOTE: ACOUSTIC BATT INSULATION @ LAUNDRY/STO. ROOMS

P4 CONCRETE BLOCK WALL:
-PAINTED EXPOSED SIDE
-6" CONCRETE BLOCK

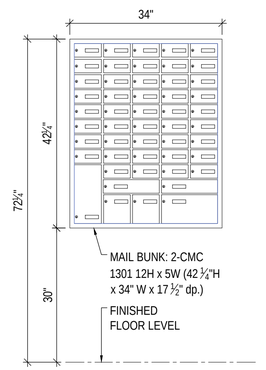
P5 PARKADE LEVEL PARTITIONS, NONCOMBUSTIBLE:
-½" G.WB, FIN.
-3⅝" METAL STUDS, 16"o/c
-½" G.WB, FIN.

P6 FURRINGS WHERE INDICATED
¾" METAL FURRING CHANNEL
½" G.WB

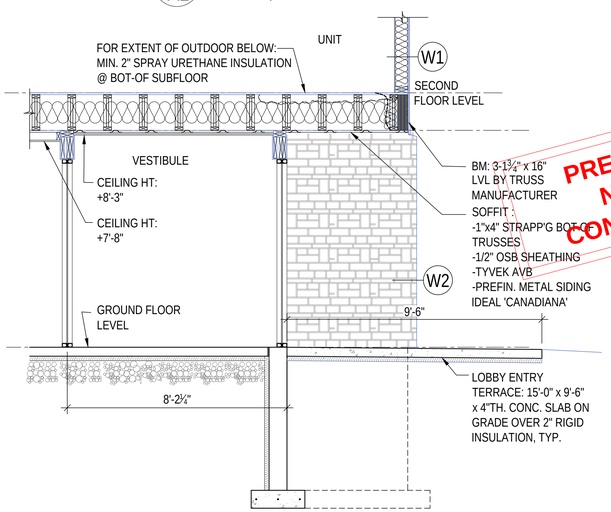
P7 LOADBEARING PARTITIONS WITHIN SUITES AS SHOWN
LOADBEARING, 1 Hr. F.R.R., NO STC
- ⅝" TYPE 'X' G.WB, FIN.
-2"x 6" WD. STUDS, 12"o/c MAIN LVL, 16"o/c 2nd/3rd/4rth LVL (DOUBLE TOP & BOTT. PLATES)
-⅝"TYPE 'X' G.WB, FIN.



6 / A1 PLAN DETAIL: COLUMN @ ENTRY VESTIBULE & LOBBY
SCALE: 1½" = 1'-0"



5 / A1 ELEVATION DETAIL: MAIL BUNK @ ENTRY VESTIBULE & LOBBY
SCALE: ¾" = 1'-0"



4 / A1 SECTION DETAIL: ENTRY VESTIBULE & LOBBY
SCALE: ⅜" = 1'-0"

NO.	DATE	REVISION DESCRIPTION
--	22 FEB. 2019	ISSUED FOR 95% REVIEW

PRELIMINARY NOT FOR CONSTRUCTION

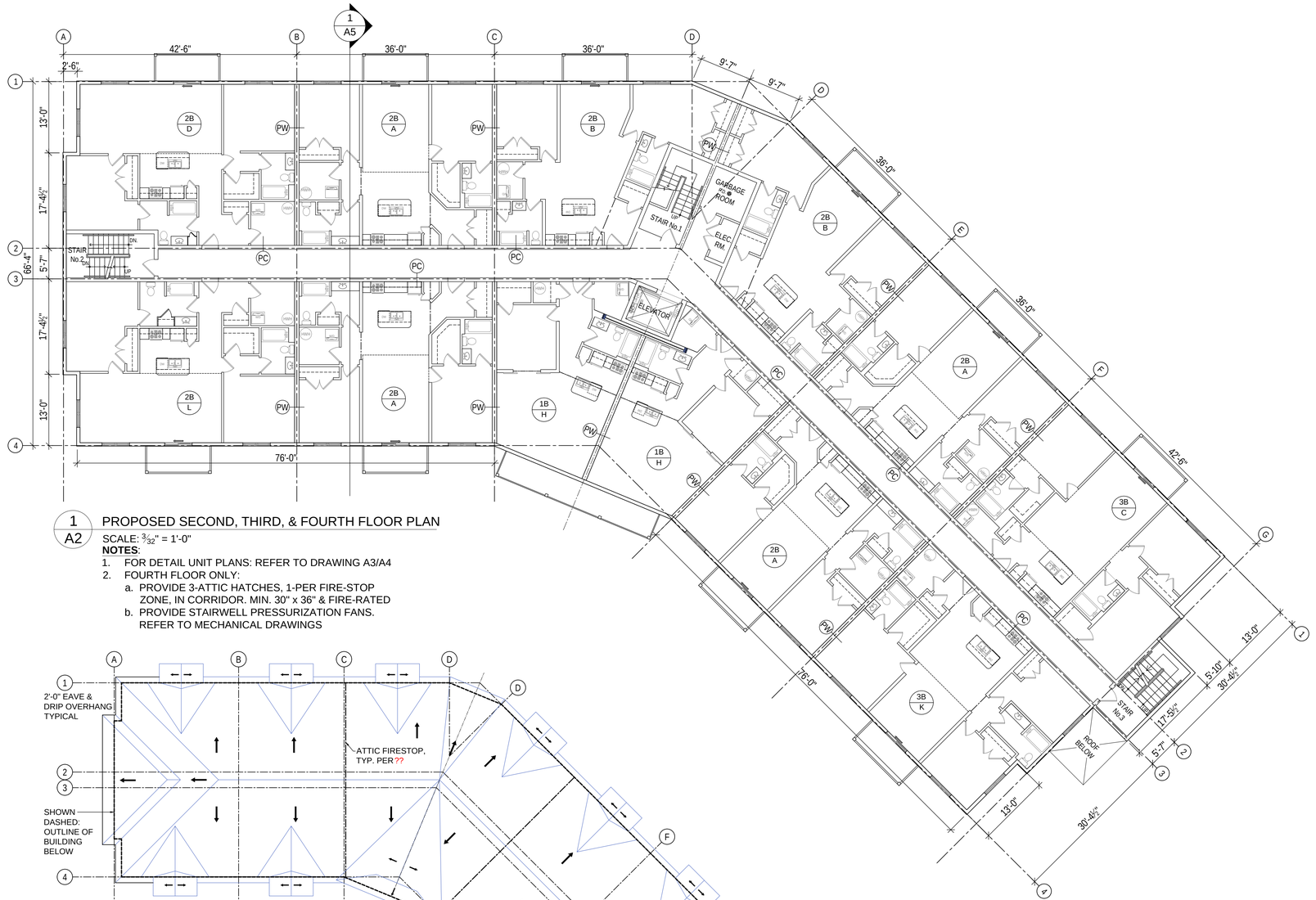
COMEAU MACKENZIE ARCHITECTURE
183 CHARLOTTE STREET, SAINT JOHN, NB E2L 0C7
TEL: (506) 657-1611 mackarch@nbnet.nb.ca

PROJECT NAME:
VILLAGE VIEW PHASE IV:
47 UNIT APARTMENT COMPLEX
NOEL AVE.,
SAINT JOHN, NB

PROPOSED GROUND FLOOR PLAN

DRAWN BY:	AEP	CHECKED BY:	
SCALE:	AS SHOWN	DATE:	JAN. 2019
PROJECT #:	218264	DWG #:	A1

Peter MacKenzie, Comeau MacKenzie Architecture 21/02/2019 1:00pm 218264-Village View-Phase IV.dwg

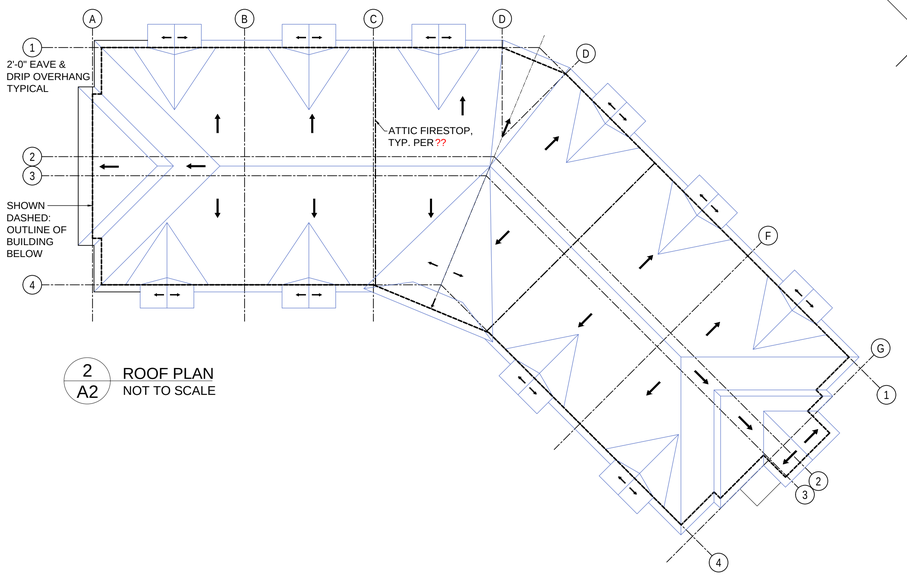


1
A2 PROPOSED SECOND, THIRD, & FOURTH FLOOR PLAN

SCALE: $\frac{3}{32}$" = 1'-0"

NOTES:

1. FOR DETAIL UNIT PLANS: REFER TO DRAWING A3/A4
2. FOURTH FLOOR ONLY:
   a. PROVIDE 3-ATTIC HATCHES, 1-PER FIRE-STOP ZONE, IN CORRIDOR. MIN. 30" x 36" & FIRE-RATED
   b. PROVIDE STAIRWELL PRESSURIZATION FANS. REFER TO MECHANICAL DRAWINGS



2
A2 ROOF PLAN
NOT TO SCALE

NO.	DATE	REVISION DESCRIPTION
--	22 FEB. 2019	ISSUED FOR 95% REVIEW

PRELIMINARY
NOT FOR
CONSTRUCTION

COMEAU MACKENZIE ARCHITECTURE
183 CHARLOTTE STREET, SAINT JOHN, NB E2L 0C7
TEL: (506) 657-1611 mackarch@nbnet.nb.ca

PROJECT NAME:
VILLAGE VIEW PHASE IV:
47 UNIT APARTMENT COMPLEX

NOEL AVE.,
SAINT JOHN, NB

PROPOSED
2nd, 3rd, & 4rth
FLOOR PLANs

DRAWN BY:	AEP	CHECKED BY:	
SCALE:	AS SHOWN	DATE:	JAN. 2019
PROJECT #	218264	DWG #	A2

Peter MacKenzie, Comeau MacKenzie Architecture 21/02/2019 1:00pm 218264-Village View-Phase IV.dwg

49 Noel Avenue

Presentation to Common Council

July 29, 2019

Growth & Community Planning Team
Growth & Community Development Services

SAINT JOHN

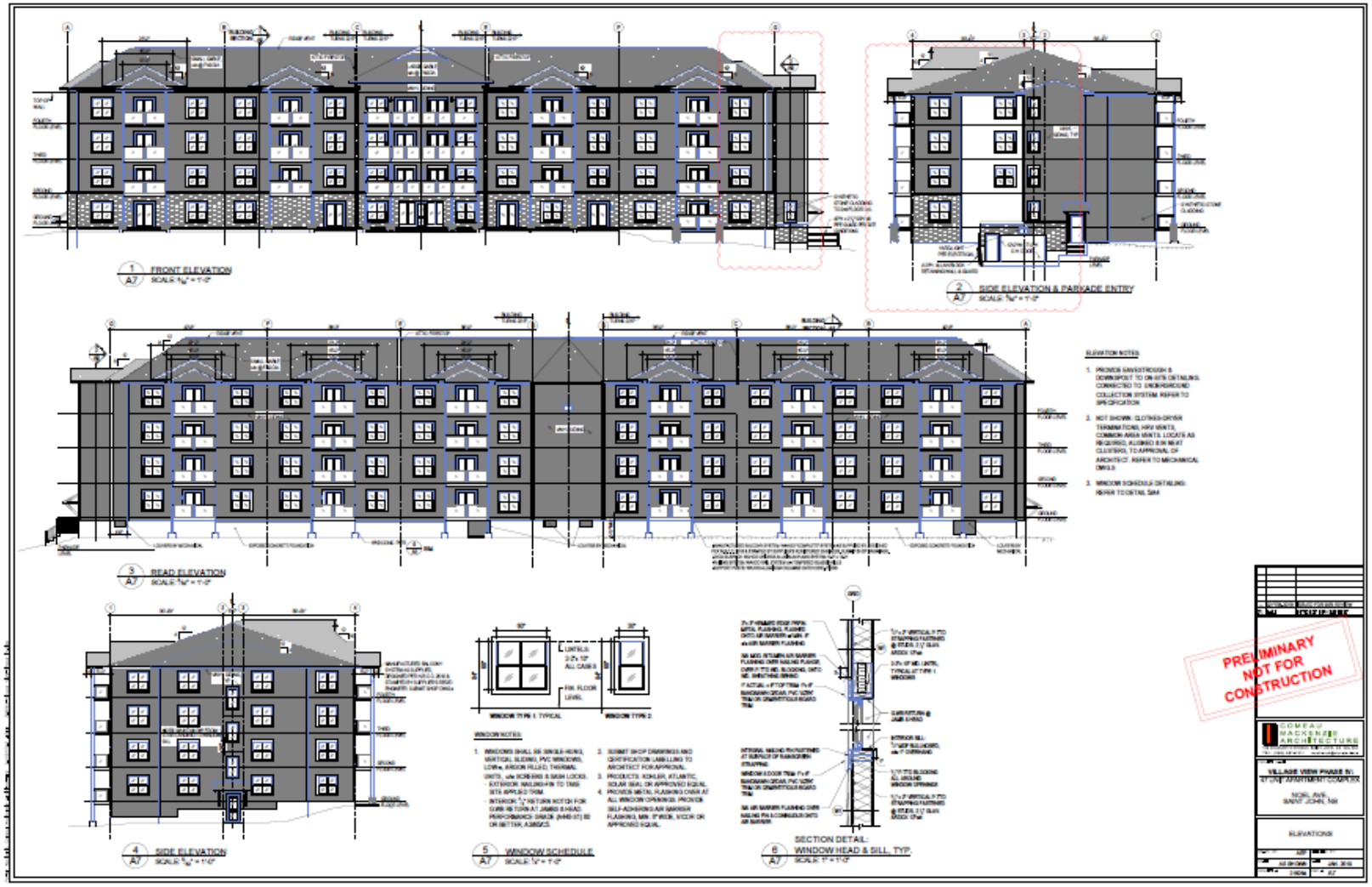
Proposal

- Amend Section 59 conditions imposed on original site which limited the maximum unit count to 46 and increase to 47 units (addition of 1 unit).
- Note: due to an advertising error, incorrect public hearing date advertised. New ad and letters were sent out for re-scheduled public hearing of July 29. PAC report will still reference previous date.

Site Location

SAINT JOHN

Elevations



SAINT JOHN

Site Aerial

SAINT JOHN

Site Photos

SAINT JOHN

Site Photos

SAINT JOHN

Site Photos

SAINT JOHN

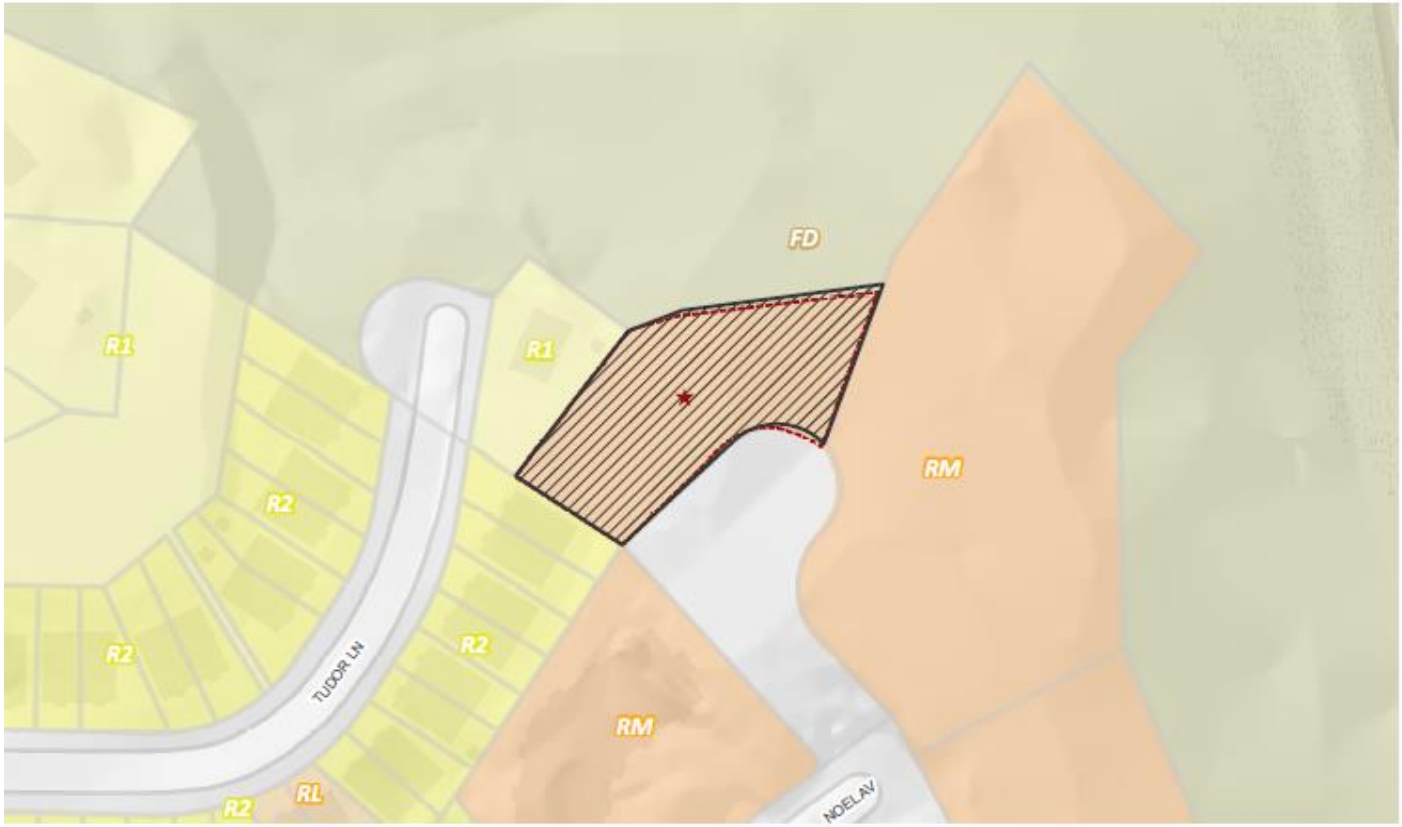
Site Photos

SAINT JOHN

Future Land Use

SAINT JOHN

Zoning



(FD) Future Development
(R1) One-Unit Residential
(R2) Two-Unit Residential
(RL) Low-Rise Residential
(RM) Mid-Rise Residential

★ Section 59 Conditions

SAINT JOHN

Zoning ZoneSJ

- Change of Section 59 condition to add one additional dwelling unit – sewer capacity has been found workable to add unit.
- All remaining conditions from original rezoning to remain in place.

Staff Recommendation

- That Common Council amend the Section 39 (now 59) conditions by rescinding and imposing the new conditions found on pages 2 and 3 of the staff report.

Public Engagement

- Website advertisement – **May 10, 2019.**
  Letters to landowners – **May 8, 2019.**
- No letters from the public received by PAC or Common Council.
- Applicant in agreement with Staff Recommendation.

- New Website advertisement and letters to land owners with corrected Public Hearing Date (due to advertising error) – **July 5, 2019.**

PAC Recommendation

- That Common Council amend the Section 39 (now 59) conditions by rescinding and imposing the new conditions found on pages 2 and 3 of the staff report.

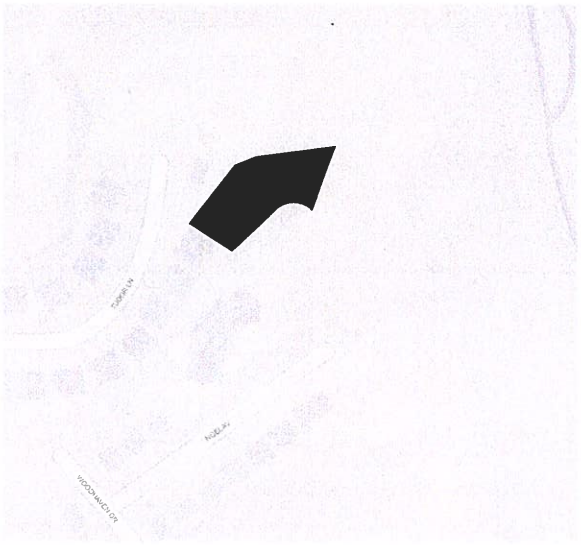
SAINT JOHN

Proposed Section 59 Amendment - 49 Noel Avenue

05-Jul-2019

Public Notice is hereby given that the Common Council of The City of Saint John intends to consider amending The City of Saint John Zoning By-law at its regular meeting to be held in the Ludlow Room on **Monday, July 29, 2019** at **6:30 p.m.**, by:

Amending the Section 39 conditions imposed on the Monday, July 10, 2017 rezoning of the property located at 49 Noel Avenue, also identified as PID No. 55235717 (formerly PIDs 00370593, 00370601, 00370767, and a portion of 00050575).



REASON FOR CHANGE:

To amend existing Section 39 conditions to add additional dwelling units.

The proposed amendment may be inspected by any interested person at the office of the Common Clerk, or in the office of Growth and Community Development Services, City Hall, 15 Market Square, Saint John, N.B. between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, inclusive, holidays excepted.

Written objections to the amendment may be sent to the undersigned at City Hall.

If you require French services for a Common Council meeting, please contact the office of the Common Clerk.

Jonathan Taylor, Common Clerk
658-2862

Media Inquiries

Corporate Communications
City of Saint John
11th floor, City Hall
(506) 649-6008
saintjohn.ca

BY-LAW NUMBER C.P. 111-77
A LAW TO AMEND
THE ZONING BY-LAW
OF THE CITY OF SAINT JOHN

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

1 Amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 1,000 square metres, located at 648 Westmorland Road, also identified as PID No. 55208300 from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN) pursuant to a resolution adopted by Common Council under Section 59 of the Community Planning Act.

- all as shown on the plan attached hereto and forming part of this by-law.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the * day of *, A.D. 2019 and signed by:

ARRÊTÉ N^{O} C.P. 111-77
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE ZONAGE DE THE CITY OF SAINT JOHN

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

L'arrêté de zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

1 La modification de l'annexe A, Carte de zonage de The City of Saint John, permettant de modifier la désignation pour une parcelle de terrain d'une superficie d'environ 1,000 mètres carrés, située à 648 chemin Westmorland et portant le NID 55161897, de zone résidentielle bifamiliale (R2) à zone d'installations communautaires de quartier (CFN) conformément à une résolution adoptée par le conseil municipal en vertu de l'article 59 de la Loi sur l'urbanisme.

- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le * 2019, avec les signatures suivantes :

_____
Mayor/Maire

_____
Common Clerk/Greffier communal

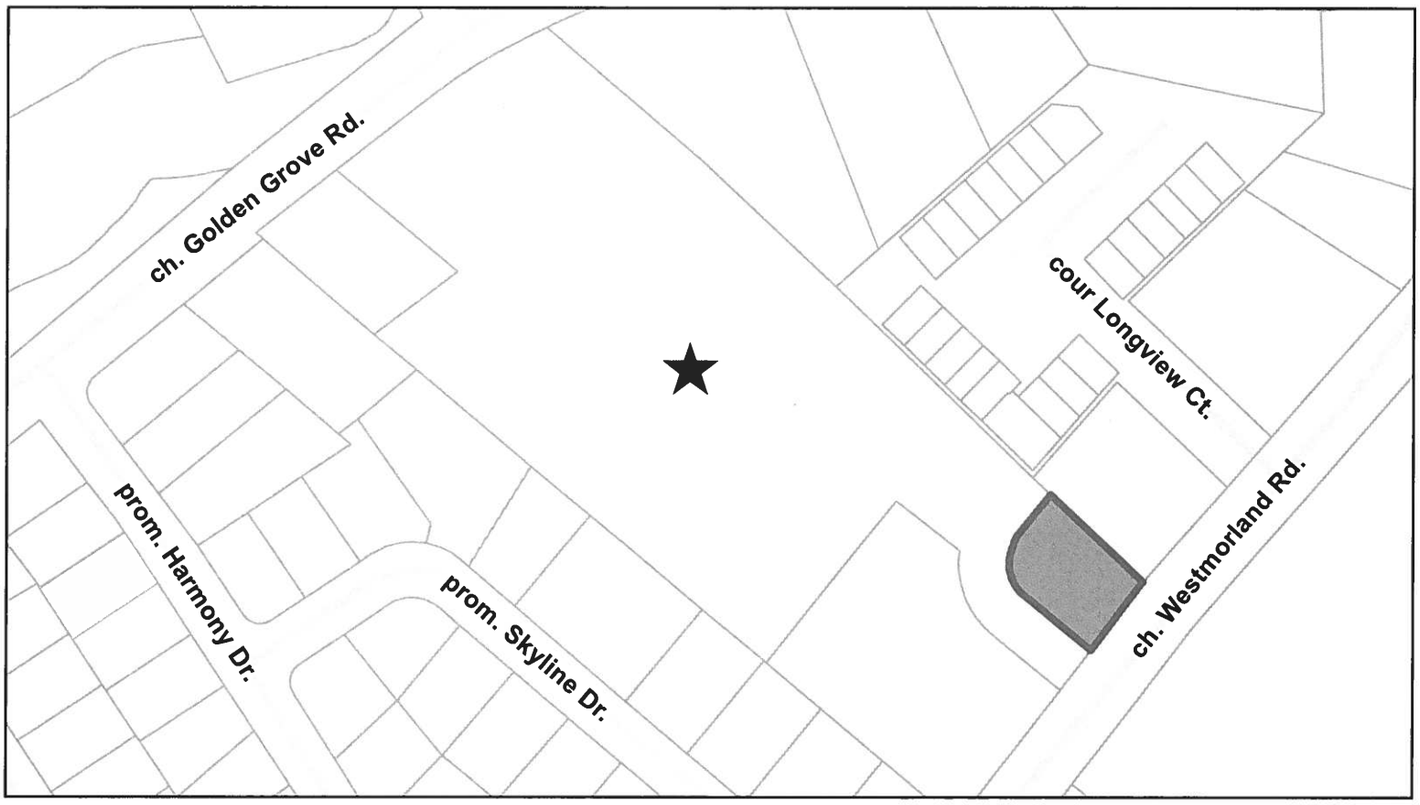
First Reading - July 8, 2019
Second Reading - July 8, 2019
Third Reading -

Première lecture - le 8 juillet 2019
Deuxième lecture - le 8 juillet 2019
Troisième lecture -

GROWTH & COMMUNITY DEVELOPMENT SERVICES
SERVICE DE LA CROISSANCE ET DU DÉVELOPPEMENT COMMUNAUTAIRE

REZONING / REZONAGE

Amending Schedule "A" of the Zoning By-Law of The City of Saint John
Modifiant Annexe «A» de l'Arrêté de zonage de The City of Saint John



FROM / DE		TO / À
Two-Unit Residential Zone résidentielle bifamiliale	**R2**	**CFN** Neighbourhood Community Facility Zone d'installations communautaires de quartier

★ Pursuant to a Resolution under Section 59 of the Community Planning Act
Conformément à une resolution adoptée par le conseil municipal en vertu de l'article 59 de la Loi sur l'urbanisme

Applicant: St. Mary's & St. Bartholomew's Church

Location: 646-648 Westmorland Road

PID(s)/NIP(s): 55161897

Considered by P.A.C./considéré par le C.C.U.: June 18 juin, 2019

Enacted by Council/Approuvé par le Conseil:

Filed in Registry Office/Enregistré le:

By-Law #/Arrêté #

Drawn By/Créée Par: Andrew Pollock **Date Drawn/Carte Créée:** July 9 juillet, 2019

Section 59 Conditions - 646-648 Westmorland Road

That Common Council rescind the Section 39 conditions imposed on the August 19, 2002 rezoning of the property located at 646-648 Westmorland Road also identified as PID Number 00303545.

That Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c.19) the following conditions upon the development and use of the parcel of land having an area of approximately 19,352 square metres, located at 646-648 Westmorland Road also identified as PID Number 00303545:

a. The use of the site is limited to senior citizens' apartment development, parking area, and access for the adjacent place of worship and food bank.

b. The developer must pave all new parking areas, loading areas, manoeuvring areas, and driveways with asphalt and enclose them with cast-in-place concrete curbs to protect landscaped areas and facilitate proper drainage.

c. Adequate site drainage facilities (including catch basins) must be provided by the developer in accordance with a detailed drainage plan, prepared by the developer and subject to the approval of the Chief City Engineer or his designate.

d. All utilities, including power and telephone, must be provided underground.

e. The portion of the rezoned area abutting the lots fronting on Longview Court must consist of a landscaped planting strip with a minimum width of 3 metres (10 feet), and shall include a continuous row of deciduous and/or coniferous trees and a continuous board-on-board fence with a minimum height of 1.5 metres (5 feet).

f. All other disturbed areas of the site not occupied by buildings, driveways, walkways, parking, or loading areas must be landscaped by the developer.

g. The site shall not be developed except in accordance with a detailed site plan and building elevation plans, prepared by the developer and subject to the approval of the Development Officer, indicating the location of all buildings, parking areas, driveways, loading areas, signs, exterior lighting, landscaped areas and other site features, including those listed above. The approved site plan must be attached to the application for building permit for the development.

h. All site improvements shown on the approved site and drainage plans must be completed within one year of building permit approval.

BY-LAW NUMBER C.P. 111-78
A LAW TO AMEND
THE ZONING BY-LAW
OF THE CITY OF SAINT JOHN

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

1 Amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 55,603 square metres, located at 0 Heather Way, also identified as PID No. 55208300 from Two-Unit Residential (R2) to Mid-Rise Residential (RM) pursuant to a resolution adopted by Common Council under Section 59 of the Community Planning Act.

- all as shown on the plan attached hereto and forming part of this by-law.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the * day of *, A.D. 2019 and signed by:

ARRÊTÉ N^{O} C.P. 111-78
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE ZONAGE DE THE CITY OF SAINT JOHN

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

L'arrêté de zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

1 La modification de l'annexe A, Carte de zonage de The City of Saint John, permettant de modifier la désignation pour une parcelle de terrain d'une superficie d'environ 55,603 mètres carrés, située à 0 Voie Heather et portant le NID 55208300, de zone résidentielle bifamiliale (R2) zone résidentielle – Immeubles d'habitation de hauteur moyenne (RM) conformément à une résolution adoptée par le conseil municipal en vertu de l'article 59 de la Loi sur l'urbanisme.

- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le * 2019, avec les signatures suivantes :

_____
Mayor/Maire

_____
Common Clerk/Greffier communal

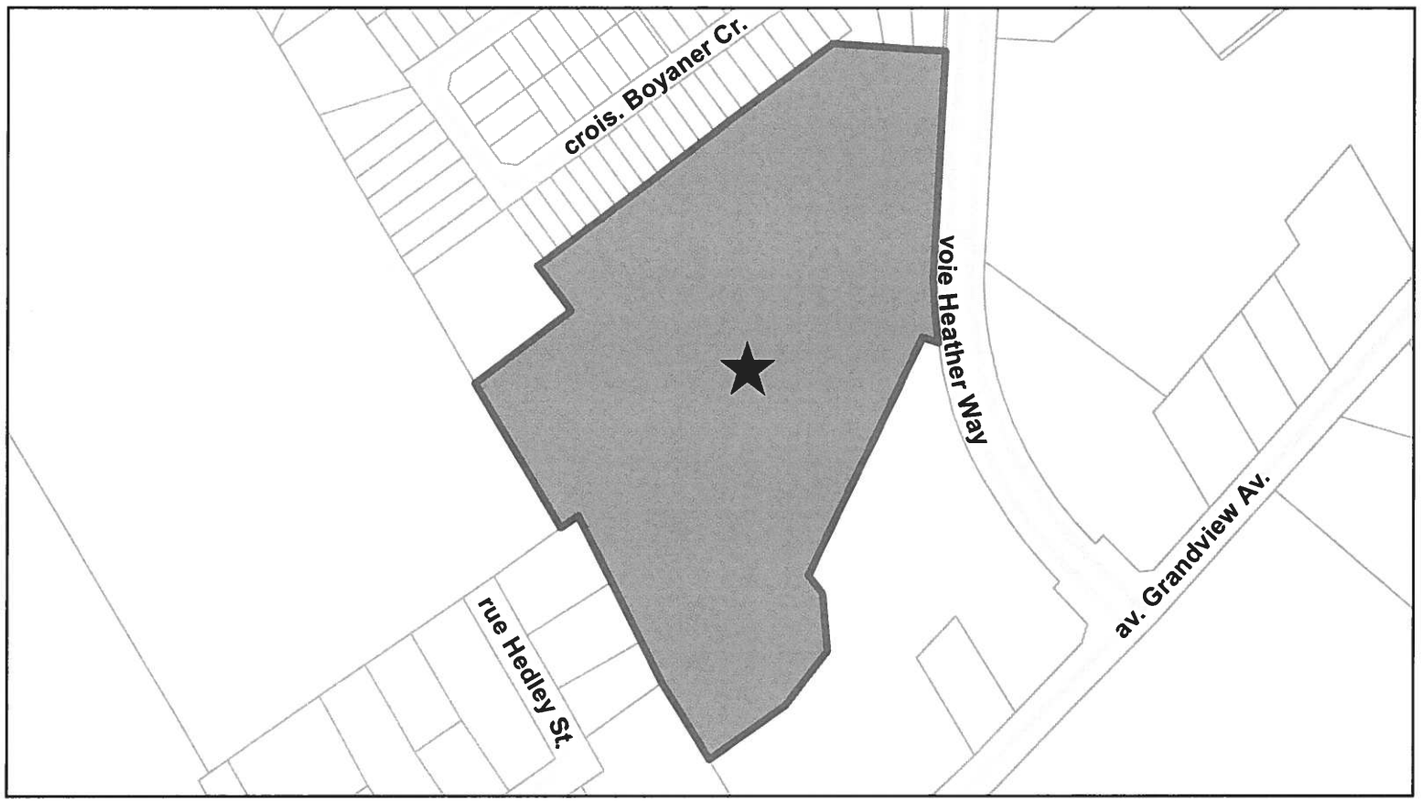
First Reading - July 8, 2019
Second Reading - July 8, 2019
Third Reading -

Première lecture - le 8 juillet 2019
Deuxième lecture - le 8 juillet 2019
Troisième lecture -

GROWTH & COMMUNITY DEVELOPMENT SERVICES
SERVICE DE LA CROISSANCE ET DU DÉVELOPPEMENT COMMUNAUTAIRE

REZONING / REZONAGE

Amending Schedule "A" of the Zoning By-Law of The City of Saint John
Modifiant Annexe «A» de l'Arrêté de zonage de The City of Saint John



FROM / DE		TO / À
Two-Unit Residential Zone résidentielle bifamiliale	**R2** → **RM**	Mid-Rise Residential Zone résidentielle – immeubles d'habitation de hauteur moyenne

★ Pursuant to a Resolution under Section 59 of the Community Planning Act
Conformément à une resolution adoptée par le conseil municipal en vertu de l'article 59 de la Loi sur l'urbanisme

Applicant: Don-More Surveys & Engineering Ltd.

Location: 0 Heather Way

PID(s)/NIP(s): 55208300

Considered by P.A.C./considéré par le C.C.U.: June 18 juin, 2019

Enacted by Council/Approuvé par le Conseil:

Filed in Registry Office/Enregistré le:

By-Law #/Arrêté #

Drawn By/Créée Par: Andrew Pollock **Date Drawn/Carte Créée:** July 9 juillet, 2019

Section 59 Conditions – 0 Heather Way

That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c. 19)*, here imposes the following conditions upon the Property having an area of 55,603 square metres, located at 0 Heather Way, also identified as PID Number 55208300, the following conditions upon the development and use of the land:

a. A treed buffer and berm must be constructed along the property line shared with dwellings on Boyaner Crescent. Hedge height is to be at least 1 metre and must be shown on a landscaping plan, submitted as part of any building permit for buildings which share a property line with dwellings on Boyaner Crescent. The landscaping plan is subject to the approval of the Development Officer prior to the issuance of a Building Permit. All landscaping for this berm must be maintained for the life of the development.

b. To promote interconnectivity to the future adjacent undeveloped lands, the cul-de-sac is to be designed to City Standards in a manner to ensure that the road can be turning into a through road to the adjacent lands. The design of this cul-de-sac and future changes are subject to approval by the Chief City Engineer or his/her designate.

c. The site shall not be developed except in accordance with a detailed site plan and detailed building elevation plans, prepared by the developer and subject to the approval of the Development Officer. These plans will indicate the location, design and exterior finish of all buildings, the location and treatment of parking areas, driveways, landscaped areas and other site features, and the approved site plan and building elevation plans must be attached to any application for a building permit for the development.

d. An Engineered Storm Drainage Submission be submitted for the full building out of the development with the Building Permit for "Phase One" (as indicated on the tentative plan provided) of the development. "Phase One" shall comprise the full inclusive build out of the proposed underground infrastructure and street construction necessary to support "Phase one" of the development.

e. Detailed engineering drawings and design brief (including plan and profile) of all proposed infrastructure (water, sanitary, storm and street) and connections to existing infrastructure must be submitted by the owner/developer's engineering consultant for review and acceptance by the City.

f. A final engineered water and sewer analysis (domestic demands, fire flows, peak flows, etc.) and servicing proposal will need to be submitted to the City by the owner/developer's engineering consultant for review and acceptance by the City in order to determine/confirm the impact this development will have on the existing municipal water and sewer infrastructure. Prior to any proposed development beyond Phase 2 (as indicated on the tentative plan provided), a flow monitoring program would need to be completed by the City in order to re-evaluate the existing downstream sewer capacities. The developer/owner's engineering consultant will need to submit the subsequent Phase(s), including sewer demands for evaluation and acceptance by the City prior to proceeding.

g. A treed buffer at least 5 metres in width must be planted along the property line shared with dwellings on Hedly Street. Trees must be a minimum height of 2 metres at time of planting and the tree buffer must be shown on a landscaping plan, submitted as part of any building permit for buildings, which share a property line with dwellings on Hedly Street. The landscaping plan is subject tto the approval of the Development Officer prior to the issuance of a Building Permit. All tree planting is to be maintained for the life of the development.

Received Date	July 10, 2019
Meeting Date	July 29, 2019
Open or Closed	Open Session

His Worship Don Darling and
Members of Common Council

Your Worship and Councillors:

Subject: Ban on Single Use Plastics

Background:

WHEREAS plastic pollution is a global challenge that requires immediate action.

WHEREAS the City of Saint John has passed a Climate Action Plan and has declared an emergency on climate change.

WHEREAS plastic waste ends up in our landfills and incinerators, litters our parks and beaches, and pollutes our rivers, lakes, and ocean.

WHEREAS many jurisdictions have already taken the initiative to ban single use plastics and the federal government aims to have it done by 2021.

Motion:

RESOLVED that council instruct the City Manager and staff to report to Common Council with a recommendation and assessment on the ban on single use plastics in the City of Saint John.

Respectfully Submitted,

(Received via email)

David Hickey
Councillor, Ward 3
Saint John

Received Date	July 17, 2019
Meeting Date	July 29, 2019
Open or Closed	Open Session

Mayor and Councillors:

Subject: Letters/Documents addressed to Council

Motion:

Discussion to be had on letters and/or documents addressed to Members of Common Council discussed or placed on social media of any kind before the duly elected Members of Common Council of the City of Saint John have had the opportunity to discuss at a duly scheduled meeting of either Closed or Open Common Council.

Respectfully Submitted,

Shirley McAlary
Deputy Mayor
City of Saint John

Received Date	July 22, 2019
Meeting Date	July 29, 2019
Open or Closed	Open Session

Mayor Don Darling and
Members of Common Council

Mayor and Councillors:

Subject: **Trees for Chipman Hill**

Background:

Once construction is completed and before the paving of street and sidewalks on Chipman Hill that we accept a donation to purchase up to twelve trees for each side of the street. Total of 24 trees. This will be a huge improvement in efforts to beautify this street which is an important connection to so many of our facilities; TD Canada Trust, City Hall, Aquatic Centre, Chipman Hill Suites, Delta Marriott Hotel, Saint John Court House, Saint John Police Headquarters and Saint John Arts Centre to name a few.

Trees will be donated by a business owner of our city in return for a tax receipt. Staff of our Parks Department will determine what type of trees are best suitable and advise Donor who will purchase trees at local Garden Shop and the trees will be picked up and planted by our City Parks Staff.

Motion:

Refer this motion to the City Manager for appropriate staff to look into as soon as possible and report back.

Respectfully Submitted,

(Received via email)

Shirley McAlary
Deputy Mayor
City of Saint John

Received Date	July 23, 2019
Meeting Date	July 29, 2019
Open or Closed	Open Session

Deputy Mayor and
Members of Common Council

Deputy Mayor and Councillors:

Subject: Financial Restructuring

Background:

This council has imbedded fiscal responsibility and growth in it's priorities, with an objective of achieving a sustainable future for the city and more importantly it's citizens. Since the beginning of this term, council has taken many steps to achieve this goal, for example the focus on growing the residential tax base, population, jobs and equitable taxation. The pre election white paper on sustainability and making evidence based decions on infrastructure with our asset management plan. The development of our long term financial plans and capital plans, will help guide future councils and encourage continuity of focus.

During the deliberations of budget 2018, it became clear that council must act. Our structural deficit was growing and options were limited. Council voted unaminously to pause our necessary restructuring (cuts), to see if a sustainable alternative could be found. Over the last year our city management has been working with senior provincial management, to deliver a working group report. This report has now been delivered, has not met its goal of financial sustainability and will be further debated at a meeting mid August.

While I'm hopeful that new revenue opportunities will be identified, It is our fudciary responsibility to prepare a restructuring plan based on what we know and not embrace further delays, based on hope and future promises. Simply put, we pause in the early New Year of 2018 and now it's time to act.

I believe that we have a cost problem and must implement a radical restructuring plan in 2019. That said, we must continue to push for a full suite of reforms so that the citizens of this city, are not left with high taxes and diminished services. Regardless, we must prepare for an alternative Plan B and act in advance of any new council.

Motion:

Direct the finance committee to develop a restructing plan, which commences implementation in budget 2020 (January) at the latest and addresses the structural deficit currently outlined in the city's current financials. Furthermore, that this plan should be broad and address the 11 major barriers identified in the December budget 2019 documents. This plan shall be presented to a full meeting of council, as part of the budget 2020 deliberations by the end of September 2020.

Respectfully Submitted,

Don Darling
Mayor
City of Saint John

Received Date	July 24, 2019
Meeting Date	July 29, 2019
Open or Closed	Open Session

Deputy Mayor and
Members of Common Council

Deputy Mayor and Councillors:

Subject: Letter of support from neighboring communities

Background:

Earlier in July, my office received a letter (in consent tonight) from the mayors of Grand Bay – Westfield, Quispamsis, Rothesay and St. Martins. I would like to publically thank them for this letter and their support. This letter is extremely supportive of the current discussion being had, with regards to a First Phase of tax Reform, where by the City of Saint John would receive the provincial portion of Heavy industrial tax. Estimates from the presentation at the July 18th Finance Committee indicate, that this would generate in the range of $9.0 million dollars per year in revenue. A request felt justified within the report and would restore balance with our Heavy Industrial companies.

Within the letter, I will highlight some key statements and I quote:

"As your regional partners, we want to make it clear that we support you in your call for tax reform."

"Among the things we're hopeful will be included are significant changes to the way Provincial property tax revenues are shared between the province and municipalities."

"As it stands, it's out-of-date and unfair. In fact taking our shared perspective one step further, we would assert that Saint John hasn't gotten a 'new' or 'special deal'. We're talking about money that was raised in Saint John and should have stayed with the city in the first place."

Motion:

That common council authorize the mayor to send a letter to all the communities listed above, including additionally the community of Hampton, to seek further written support for an immediate first phase of tax reform, as presented regarding Heavy Industry cost sharing. Furthermore that the following statement of support be proposed for the Mayors and councils to consider.

The towns of Grand Bay-Westfield, Rothesay, Quispamsis, Hampton and the village of St Martins, formally requests that the Province of New Brunswick implements the transfer of heavy industrial property tax revenue to host municipalities as a first phase of municipal taxation reform. We believe in a growing and thriving region of greater Saint John and need a strong Saint John, for this to be achieved.

Respectfully Submitted,

Don Darling
Mayor
City of Saint John

Grand Bay-Westfield Quispamsis Rothesay St. Martins

His Worship, Mayor Don Darling
Saint John City Hall

OPEN LETTER

July 4, 2019

Mayor Darling:

Earlier today we met as a group of neighbours to discuss how we might be able to lend our support to you, and the City as a whole, in the ongoing dialogue and debate surrounding Saint John's 'new deal' with the Province.

As your regional partners, we want to make it clear that we **support you in your call for tax reform**. To that end, in an interview with the Telegraph Journal today we publicly (and jointly) lent you our support.

We are proud of our towns and villages, but we share one city – Saint John. We are all invested in your success!

In the spirit of cooperation, we join you in calling on the Province to work with us on a solution for our region. We are anxious to read and understand the working group recommendations set to be released next week.

Among the things we're hopeful will be included are significant changes to the way Provincial property tax revenues are shared between the Province and municipalities. As it stands, it's out-of-date and unfair. We know you agree.

In fact, taking our shared perspective one step further, we would assert that **Saint John hasn't gotten a 'new' or 'special deal'. We're talking about money that was raised in Saint John and should have stayed with the City in the first place.**

On average within the municipalities in our region, the Provincial share of the non-residential property tax is close to half. Does the province provide half of the local services? We don't think so! We think that the Province is taking far more than its fair share. Add to that the fact that Provincial property tax rates have remained unchanged since 1966, yet municipalities are expected to deliver more and more services. It's a weighty burden.

Municipalities need more tax revenue but our residents don't need to pay more taxes. The Province should transfer more of the Provincial tax it collects directly to municipalities. Or lower the Provincial non-residential rate and allow municipal governments to take up the tax room. This would better reflect the distribution of service delivery costs between provincial and municipal governments.

Mayor, we hope our public support contributes to advancing the Provincial discussion and decision-making in our region's favour. We have added our voices to yours because we all care about this region, and recognize that the rising tide of Saint John's success will lift our boats too.

We want to work together on the big picture. Residents in the region are tired of disputes over minor irritants like ice surfaces. If we solve the big problem, these smaller issues will take care of themselves.

Respectfully yours,

Mayor B. Chatterton

Mayor G Clark

Mayor N Grant

Mayor G Losier

Received Date	July 24, 2019
Meeting Date	July 29, 2019
Open or Closed	Open Session

Subject: Reversing Falls Bridge Barrier

Dear Mayor Darling and Common Council

In 2017 the provincial government had set money aside to erect a suicide barrier on the Reversing Falls Bridge. This has since been put on hold.

Mayor Darling at the time said that we were concerned with the esthetics of fencing and we reportedly sent a letter to the province asking for the department to look at the design.

Since then, the idea was shelved and citizens still choose to end their lives by jumping from the Reversing Falls Bridge.

Canadian Research has been done on suicide barriers, particularly in Toronto. This research shows that not only did the suicide rate fall from 9.0 deaths per year to 0.1 deaths per year following the installation of the barrier. The study also showed that suicide deaths from all bridges in Toronto declined significantly.

I believe one fact that we did not discuss at the time, and that has brought this back to front of mind for me, is the affect that witnessing an incident of suicide has on bystanders. The Reversing Falls Bridge is a busy, very public space.

For those with mental health concerns, their families and all of those who may be affected by suicide by jumping from the Reversing Falls Bridge, I offer the following motion:

Motion: I move that the City of Saint John send a letter to the Minister of Transportation requesting the installation of a suicide barrier on the Reversing Falls Bridge.

Sincerely

Gary Sullivan
Councillor at Large
City of Saint John

Received Date	July 25, 2019
Meeting Date	July 29, 2019
Open or Closed	Open Session

His Worship Don Darling and
Members of Common Council

Your Worship and Councillors:

Subject: Sustainability Report

Background:

I think it's important for us to be as open and transparent as possible regarding the deal being offered to the City of Saint John and what it covers for the whole province verses what is only for Saint John. What we need to get us from now until possible legislative changes can be made in 2022 -2023 in terms of a first phase of tax reform of heavy industrial tax being retained by the municipalities. I would like all this information put on the city of Saint John web page. In addition to this I would like to be fair and add the contact information for all MLAs in the region so people can contact them and discuss their perspective on this. People need to have an easy tool to find out what the offer is and what's good about it as well as what's lacking in it for Saint John to be successful.

Motion:

That in the spirit of open transparent governance direct the City Manager to have staff provide background information on the new deal, the immediate need in terms of a first phase of taxation reform on heavy industry taxes, the GNB response and a template on the City of Saint John's website. These tools should be completed and posted by August 1st, 2019.

Respectfully Submitted,

(Received via email)

John MacKenzie
Councillor
City of Saint John

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-192
Report Date	July 17, 2019
Meeting Date	July 29, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Demolition of vacant, dilapidated and dangerous building at 174 Pitt Street (PID 00006403)

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Catherine Lowe	***J Hamilton /A Poffenroth***	***John Collin***

RECOMMENDATION

RESOLVED, that the building located at 174 Pitt Street, PID# 00006403, is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and

BE IT FURTHER RESOLVED, that the building is to be demolished as it has become a hazard to the safety of the public by reason of unsoundness of structural strength; and

BE IT FURTHER RESOLVED, that one or more by-law enforcement officers appointed and designated under the Saint John Unsightly Premises and Dangerous Buildings and Structures By-law are hereby authorized to arrange for the demolition, in accordance with the applicable City purchasing policies.

EXECUTIVE SUMMARY

The purpose of this report is to advise Council that a Notice to Comply was issued under Part 13 of the *Local Governance Act* for the building at 174 Pitt Street. The hazardous conditions outlined in the Notice have not been remedied by the owner within the required time frame and staff is looking for authorization from Council to arrange the demolition of the building.

PREVIOUS RESOLUTION

N/A

REPORT

Inspections of the property at 174 Pitt Street, PID# 00006403, have revealed that there is one building on the premise; a three-storey, three-unit apartment building. Staff first became aware of the property's vacancy in January 2019 and began standard enforcement procedures; however, the owner has indicated that the building has been vacant for a number of years. The property is located in the City's South Peninsula in an urban centre residential zone on the corner of Pitt Street and Mecklenburg Street. The Building is a hazard to the safety of the public by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

For the reasons described in the attached Inspection Report, a Notice to Comply was issued on June 13, 2019 and was and served to the owner on June 19, 2019, as per section 132(3) of the *Local Governance Act* that outlines acceptable methods of service. The Certificate Regarding Title lists one individual as the owner. The Notice provided the owner with 30 days to remedy the conditions at the property. The owner did not file a formal appeal and did not take remedial action to comply with the requirements of the Notice. A compliance inspection was conducted on July 22, 2019 which revealed that the conditions which gave rise to the Notice have not changed since the Notice was issued.

Attached for Council's reference is the Notice to Comply that was issued and the affidavit attesting to service on the owner via process server. Also included are photographs of the building. The *Local Governance Act* indicates that where a Notice to Comply has been issued arising from a condition where a building has become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength, the municipality may cause the building to be demolished. As required in the Act a report from an engineer is attached, forming part of the issued Notice to Comply, and provides the evidence to the buildings' vacancy, dilapidation, unsoundness of structural strength and resulting hazard to the safety of the public. A copy of the letter advising of the Common Council Hearing date and affidavit is attached; it was posted to the building on July 17, 2019. It was also sent to the owner by registered mail on July 12, 2019.

STRATEGIC ALIGNMENT

Enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law* aligns with Council's Vibrant, Safe City priority.

SERVICE AND FINANCIAL OUTCOMES

As is written in the *Local Governance Act* that a municipality must commence in the proceedings of remedial action, approval of Common Council is required prior to starting demolition activities at the property. Total cost of the demolition work is approximated at $20,000 and will take about 3-5 weeks

before it is complete. Staff will seek competitive bidding in accordance with the City's purchasing policy and the cost of the work will be billed to the property owner. If the bill is left unpaid, it will be submitted to the Province with a request for reimbursement.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The City Solicitor's Office provided ownership verification by obtaining the Certificate Regarding Title for the property. Additionally, the City Solicitor's Office registered the Notice to Comply with Service New Brunswick's Land Registry.

ATTACHMENTS

Notice to Comply
Affidavit of Service - Notice to Comply
Affidavit of Posting - Notice of Common Council Hearing Letter
Photos

FORM 4
NOTICE TO COMPLY – DANGEROUS OR UNSIGHLTY PREMISES
(*Local Governance Act*, S.N.B., 2017, c.18, s 132(2))

Parcel identifier:

PID #00006403

Address: 174 Pitt Street, Saint John, New Brunswick

Owner(s) or Occupier(s):

Name: Savoy, J. Frederick

Address: 27 Valleyview Drive, Quispamsis, New Brunswick, E2E 1N7

Local government giving notice: The City of Saint John

By-law contravened: *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*, By-law Number M-30 and amendments thereto (the "By-law").

Provision(s) contravened: Subsections 6(1), 6(2) and 6(3) of the By-law.

Conditions(s) that exist: The premise is unsightly by permitting junk, rubbish, refuse and a dilapidated building to remain on the premise. The building has become a hazard to the safety of the public by reason of being vacant or unoccupied and has become a hazard to the safety of the public by reason of dilapidation and by reason of unsoundness of structural strength. The conditions of the building and premise are described in Schedule "A", a true copy of the inspection report dated June 6, 2019 prepared by Catherine Lowe, EIT and reviewed and concurred in by Rachel Van Wart, P.Eng., By-law Enforcement Officers.

What must be done to correct the condition: The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the building and premises into compliance with the aforesaid By-law.

In the event that the owner does not remedy the condition of the building and premises in the time prescribed by this Notice to Comply, the building may be demolished as the corrective action to address the hazard to the safety of the public and the premises may be cleaned up.

In the event of demolition, all debris and items on the premises will be disposed of as the corrective action to address the hazard to the safety of the public.

The aforementioned remedial actions relating to the demolition of the building and the disposal of debris and items on the premises do not include the carry-out clean-up, site rehabilitation, restoration of land, premises or personal property or other remedial action in order to

FORMULE 4
AVIS DE CONFORMITÉ – LIEUX DANGEREUX OU INESTHÉTIQUES
(*Loi sur la gouvernance locale*, L.N.-B. 2017, ch. 18, par. 132(2))

Numéro d'identification de la parcelle :

NID : 00006403

Adresse : 174, rue Pitt, Saint John, Nouveau-Brunswick

Propriétaire(s) ou occupant(s) :

Nom : Savoy, J. Frederick

Adresse : 27, rue Valleyview, Quispamsis, Nouveau-Brunswick, E2E 1N7

Gouvernement local signifiant l'avis : The City of Saint John

Arrêté enfreint : *Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux de Saint John*, Arrêté numéro M-30, ainsi que ses modifications ci-afférentes (l' « Arrêté »).

Disposition(s) enfreinte(s) : Les paragraphes 6(1), 6(2) *et* paragraphe 6(3) de l'Arrêté.

Description de la (des) situation(s) : Les lieux sont inesthétiques en permettant la présence de ferraille, de détritus et le bâtiment délabré. Le bâtiment est devenu dangereuse pour la sécurité du public du fait de son inhabitation ou de son inoccupation et est devenu dangereuse pour la sécurité du public du fait de son délabrement et du fait de manque de solidité. Les conditions du bâtiment et des lieux sont décrites à l'annexe « A », une copie conforme du rapport d'inspection en date du 6 juin 2019 et préparé par Catherine Lowe, IS et révisé et en d'accorde avec par Rachel Van Wart, ing., agentes chargé de l'exécution des arrêtés du gouvernement local.

Ce qu'il y a lieu de faire pour y remédier: La propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d'inspection susmentionné et d'amener le bâtiment et les lieux en conformités avec l'Arrêté.

Dans l'éventualité que la propriétaire ne remédient pas le bâtiment et les lieux dans le temps prescrit par le présent avis de conformité, le bâtiment pourront être démolis comme mesure corrective compte tenu qu'il représente un danger pour la sécurité du public et les lieux pourront être nettoyés.

Dans l'éventualité de démolition, tous les débris et autres items sur les lieux seront disposés comme mesure corrective dans le but de remédier le danger pour la sécurité du public.

Les mesures correctives susmentionnées relativement à la démolition du bâtiment et la disposition des débris et autres items sur les lieux ne comprennent pas le nettoyage, la remise en état des lieux, des terrains ou

control or reduce, eliminate the release, alter the manner of release or the release of any contaminant into or upon the environment or any part of the environment.

Date before which the condition must be corrected: [1]

a) The demolition of the building, clean-up of the property and related remedies must be complete, or plans and permit applications for repair related remedies, must be submitted: within 30 days of being served with the Notice to Comply.

b) The repair related remedies must be complete within 120 days of being served with the Notice to Comply.

Date for giving notice of appeal: Within 14 days of being served with the Notice to Comply.

Process to appeal: The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8th Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

Potential penalty for not complying with notice within time set out in notice:[2] Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

Local government's authority to undertake repairs or remedy:[3] Paragraphs 12(1)(a), 12(1)(b) and 12(1)(c) of the By-law state that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired, or cause the building or other structure of that owner or occupier to be repaired or demolished. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

des biens personnels ou toute autre mesure corrective dans le but de contrôler ou de réduire, d'éliminer le déversement, de modifier le mode de déversement ou le déversement d'un polluant dans ou sur l'environnement ou toute partie de l'environnement.

Délai imparti pour y remédier : [1]

a) La démolition du bâtiment et le nettoyage des lieux doivent être complétéés, ou à laquelle les plans et demande de permis pour les mesures des réparations, doivent être soumises, dans les 30 jours qui suivent la signification de l'avis de conformité.

b) Les réparations reliées aux mesures doivent être complétées dans les 120 jours qui suivent la signification de l'avis de conformité.

Date limite pour donner l'avis d'appel: Dans les 14 jours qui suivent la notification de l'avis de conformité.

Processus d'appel : La propriétaire peux dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8e étage, 15 Market Square, Saint John, Nouveau-Brunswick, E2L 4L1.

Peine possible en cas d'omission de se conformer aux exigences de l'avis dans le délai y imparti : [2] Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)b)i).

Pouvoir du gouvernement local d'entreprendre des réparations ou de remédier à la situation : [3] Conformément aux alinéas 12(1)a), 12(1)b) et 12(1)c) de l'Arrêté, si un avis de conformité a été signifié aux termes de l'article 7 de ladite Arrêté et, que le propriétaire ou l'occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu'il est réputé confirmé ou tel qu'il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant ou de faire réparer ou démolir le bâtiment ou autre construction de ce propriétaire ou de cet occupant, et les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

Dated at Saint John the 13th day of June, 2019.

Local government: The City of Saint John

Signature of the officer of the local government:

Catherine Lowe

Contact information of the officer of the local government:

Name: Catherine Lowe, EIT
Mailing address:

Growth and Community Development Services

The City of Saint John
15 Market Square
City Hall Building, 10th Floor
P. O. Box 1971
Saint John, New Brunswick
E2L 4L1

Telephone: (506) 658-2911
E-mail: catherine.lowe@saintjohn.ca
Fax: (506) 632-6199

Corporate seal of the local government

Notes:

1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.

2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.

3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

Fait à Saint John le ___ juin, 2019.

Gouvernement locale : The City of Saint John

Signature du fonctionnaire du gouvernement local:

Coordonnées du fonctionnaire du gouvernement local:

Nom : Catherine Lowe, IS
Adresse postale:

Service de la Croissance et du Développement Communautaire

The City of Saint John
15 Market Square
Édifice de l'hôtel de ville, 10e étage
Case postale 1971
Saint John (Nouveau-Brunswick)
E2L 4L1

Téléphone : (506) 658-2911
Adresse électronique: catherine.lowe@saintjohn.ca
Télécopieur : (506) 632-6199

Sceau du gouvernement local

Notes :

1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.

2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.

3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

I hereby certify that this document is a true copy of the original.

Dated at Saint John,
this 13th day of
June 2019.

Catherine Lowe
Standards Officer

INSPECTION REPORT
Schedule "A"
174 Pitt Street
Saint John, New Brunswick
PID# 00006403

Inspection Date: March 25, 2019
Inspection Conducted by: Catherine Lowe, EIT & Rachel Van Wart, P.Eng.

Introduction

Inspections of the property at 174 Pitt Street, PID# 00006403, have revealed that there is one building on the premise (the "Building"); a three-storey, three-unit apartment building. Staff first became aware of the property's vacancy in January 2019 and began standard enforcement procedures. The property is located on the City's South Peninsula in an urban centre residential zone on the corner of Pitt Street and Mecklenburg Street. The Building is a hazard to the safety of the public by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

Discussion

The Building is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Unsightly Premise Conditions

Subsection **6(1)** of the By-law states:

> No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises
>
> *(a)* any ashes, junk, rubbish or refuse;
> *(b)* an accumulation of wood shavings, paper, sawdust or other residue of production or construction;
> *(c)* a derelict vehicle, equipment, machinery or the body of any part of a vehicle equipment or machinery, or
> *(d)* a dilapidated building.

1. There is an accumulation of junk, rubbish, and refuse at the rear of the property. These items include, but are not limited to; rusted appliances including a fridge and an oven, stone blocks, a tattered blue tarp, as well as other various loose garbage. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.

2. The Building is dilapidated. The siding consists of clapboard and wooden shingles. The paint on the siding is faded and peeling. Many sections of siding are rotted and hanging. The left rear corner trim is rotted and pulling away from the Building. The other corner trims appear deteriorated. Window and door frames are out of plumb. The front of the Building is visibly sagging as the clapboard is not straight. The left wall of the Building is bowed outward. There is a gap in the rear left side section of the foundation wall. These conditions are unsightly.

Vacant and Unoccupied

Subsection **6(2)** of the By-law states:

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of being vacant or unoccupied.

The Building is a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. Buildings in a dilapidated condition that are known to be vacant can attract vandalism, arson and criminal activity. The property's condition affects the quality of life of neighboring properties and negatively impacts property value of real estate in the area due to negative perceptions of unsafe and deteriorating conditions. The owner confirmed that the Building has been vacant for a number of years prior to this department opening an enforcement case. Saint John Energy confirmed that the power has been disconnected in two units since May 2015 while Unit 2 remains energized. The City of Saint John Finance department confirmed that the water has been turned off since January 2012.

2. There is a higher risk of a fire event occurring at the property since it is known to the public that the Building is vacant. There is a neighboring 4-unit apartment building at 132-134 Mecklenburg Street. If a fire event were to occur within the Building, it could easily spread to the neighboring property which would cause significant damage to the buildings and endanger the lives of the occupants.

3. There is a concern for emergency personnel safety in the event of an emergency. If firefighters suspect there may be people inside the Building, it would be reasonable to expect they may be required to enter it. They may also need to enter the Building to fully extinguish the fire. The condition of the interior is not known to firefighters which poses a hazard to their safety and others who may be inside in the event of a fire. The Building is structurally unsound which is hazardous to emergency personnel who may be required to enter the Building. There is significant water damage throughout the Building that has caused soft and sagging ceilings and floors. During the March 25, 2019 inspection water that had pooled on the floors and stairs of the Building had frozen to ice, creating slippery conditions and a tripping hazard. Debris hangs from the damaged sections of ceiling and creates a barrier when maneuvering through the Building. A florescent light fixture hangs from the ceiling by an electrical cord in the interior second storey stairway which creates a barrier to the stairs. There is a large accumulation of house hold items on the first storey, making it difficult to move through the unit. These conditions could cause injury to emergency personnel and could hinder their movement through the Building in the event of an emergency.

Dilapidated Building Conditions

Subsection **6(3)** of the By-law states

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation for the following reasons:

1. The wooden shingle siding and clapboard siding of the Building is rotten and deteriorated. Pieces of the siding are hanging from the Building in many locations. Siding falling from the Building could cause damage to the property in the driveway of 132-134 Mecklenburg Street as it is adjacent to the Building. There is no setback from the sidewalk to the Building, this is a hazard to pedestrians walking by the Building as they could be struck by falling debris. There are also exposed nails where the rear left corner trim of the Building is

rotten and pulling away. Someone could be cut by the rusted nails which could have adverse effects on their health and wellbeing.

2. The Building is dilapidated. The entire Building is significantly water damaged. The moist conditions of the Building have also caused paint and wall paper to peel from the walls and ceilings. There is mold growth visible on many surfaces throughout the Building due to the water damage. There are many sections of ceiling with missing plaster on the first and second storey that reveal rotten wooden members. Insulation and drywall hang from many of the damaged sections of ceiling. Debris from the damaged ceilings rests on the floor in saturated piles. A portion of ceiling in the kitchen of the second storey has caved in. Water has pooled in several locations on the floor of the second storey, which was frozen during the March 25, 2019 inspection. There was also ice covering the interior stairs leading from the first storey to the second, and the stairs leading from the first storey to the third. Now that the temperature has increased, the ice has likely turned to water which will deteriorate the condition of the floors of the second storey, the ceilings of the first storey below the pools of water on the second storey, and the staircases. These conditions are a hazard to anyone inside the Building as the floor and ceiling systems are unsound and could collapse. It should be noted that an inspection of the third floor was not conducted due to unsafe conditions as indicated by the ceiling of the second storey and the general condition of the Building.

3. The water is most likely entering the Building from the roof, as the damage appears most severe towards the center of the Building and water services were disconnected in 2012. Considering the amount of water damage in the Building it is reasonable to assume that the roof structure of the Building is compromised. This is hazard to the safety of anyone in the Building.

4. Mold growth can be seen on ceilings, walls and floors throughout the Building due to the damp conditions inside the Building. Mold is a respiratory hazard to anyone entering the Building, and can be irritating or harmful upon contact with skin.

5. The Building is severely out of plumb. This can be seen from the exterior of the Building as the clapboard on the front of the Building is sagging and the left wall is bowed outward. It is also clear that the left side of the Building has settled further than the right side, as the lower portion of the front door of the Building is now below grade. These conditions have caused ceilings, walls, and floors inside the Building to slope and sag. This is evident on the second storey as furniture and other items resting on the floor are visibly tilted. There are cracks in the walls and around sloped doorframes due to the additional stress applied by the shifting Building. The water that has infiltrated the Building has caused many sections of ceiling and floor members to become saturated and sag. If these conditions persist, the ceilings and floors of the Building will become increasingly unsound. The load applied by a person in the Building could cause the ceiling or floor systems to collapse which would cause serious personal injury.

6. The first storey of the Building has been used as a storage area for house hold items and other various junk. Many of the items are water damaged, have debris such as plaster and insulation from the damaged ceilings resting on them, or have mold growth. There are only narrow pathways between all the items which makes it difficult to manoeuvre through the unit. This unit was accessed from the interior stairway leading from the second storey; it is unclear if there is an accessible exterior exit form this unit due to the accumulation of items. The lack of exiting is a danger to anyone in the Building.

7. There are wires along the ceiling and going through walls on the first storey. It is unclear where these wires terminate or what purpose they serve. However, it is clear that they are not installed according to the applicable Codes and Standards. This is hazardous since water is entering the Building and Saint John

Energy confirmed one unit of the Building remains energized. Should the exposure to water cause these wires or other energized wires to spark a fire could start within the Building. The accumulation of items on the first storey are a fire hazard While the interior conditions of the Building were damp during the March 25, 2019, it is possible that an increase in temperature and a lack of rain could dry the Building enough to allow the fire to spread.

Structurally Unsound Building Conditions

Subsection **6(3)** of the By-law states

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of unsoundness of structural strength for the following reasons:

1. The Building is structurally unsound. Ceilings, walls and floors are out of plumb, sloped and sagging. From the exterior of the Building is can be seen that the front wall of the Building is sagging and the left side has settled further than the right. The left side wall is bowed outward causing a gap between the siding and the Building. There is a gap approximately three inches wide in the foundation at the rear of the Building, caused by the left foundation wall sloping away from the Building.

2. The interior ceiling and floor system of the Building is unsound. Water has infiltrated the Building to the extent that there were pools of ice on the floor of the second storey and ice covering the stairs during the March 25, 2019 inspection. The water damage has caused the ceiling of the kitchen on the second floor to cave in, likely being the cause of the excessive pooling of water on the second storey and stairs. The flooring system of a section of the second storey is visible from the first storey as the plaster has fallen from the ceiling. The wooden floor members are saturated and sagging. The floor of the second storey is in danger of collapse. Due to the deteriorated condition of the ceiling of the second storey and the amount of ice build up on the stairs, the third storey was not inspected for the safety of the inspectors. However, based on the amount of water that has infiltrated the Building it is reasonable to assume that the roof of the Building is deteriorated and is likely unsound.

Required Remedial Actions

The owner must comply with one of the two options stated below:

Option 1: Remedy the conditions of the Building through all repair and remedial actions as follows:

1. The Building must be completely repaired to remedy the above mentioned hazards to public safety while meeting the requirements of the *National Building Code of Canada (2010)* as well as all other applicable by-laws.

2. The Building must be maintained, kept secure, and monitored on a routine basis while the property remains vacant or unoccupied.

3. A detailed plan must be submitted to the Growth and Community Development Services Department of the City of Saint John (the "Department") for review and approval. The plan should also include a schedule for the work that is to be carried out. The repaired Building must meet the *National Building Code of Canada (2010)* as well as other applicable codes.

4. The detailed plan, including schedules and any engineering reports, must be approved by the Department prior to commencing repair work.

5. A building permit must be obtained for any and all applicable work prior to commencing said work from the City of Saint John in order to comply with the *Saint John Building By-law*, By-law Number C.P. 102 and amendments thereto (the "*Saint John Building By-law*").

6. The premise must be cleared of all debris found on the property, including any and all rubbish that may be considered hazardous or unsightly. The debris from the premise must be disposed of at an approved solid waste disposal site, in accordance with all applicable by-laws, acts and regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department. The premise must comply with all applicable By-laws, Acts, Codes and Regulations.

Option 2: Demolition of the Building and cleanup of all debris on the premise by complying with all the remedial actions as follows:

1. The Building must be demolished to remove the hazard to the safety of the public by reason of dilapidation and by reason of being vacant or unoccupied.

2. A demolition permit must be obtained from the City of Saint John in order to comply with the *Saint John Building By-law.*

3. The premise must be cleared of the debris from the demolition and the lot must be made reasonably level with grade so as to not create a tripping or falling hazard. All debris must be disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.

4. All debris that is currently on the premise must be removed and disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.

5. The property must be in compliance with all applicable By-laws, Acts and Regulations.

Prepared by:

Catherine Lowe — June 13, 2019

Catherine Lowe, EIT
Technical Services Officer
Growth and Community Development Services

Date

Reviewed by and concurred in by:

June 13/2019.

Rachel Van Wart, P.Eng.
Technical Services Officer
Growth and Community Development Services

Date

CANADA

PROVINCE OF NEW BRUNSWICK

COUNTY OF SAINT JOHN

CITY OF SAINT JOHN

AFFIDAVIT OF SERVICE

I, PHILIP W HUNTER of the Community of Nerepis in the County of Kings and Province of New Brunswick MAKE OATH AND SAY AS FOLLOWS:

1. On the 19TH day of JUNE, 2019, I served FRED SAVOY with the following documents:

- a Notice to Comply, attached hereto as Exhibit "A";
- and a Notice of Appeal, attached hereto as Exhibit "B";

by leaving a copy with him / her at 27 VALLEYVIEW DRIVE QUISPAMSIS, New Brunswick.

2. I was able to identify the person served by means of the fact that he / she acknowledged to me he / she was FRED SAVOY.

Sworn To before me at the
City of Saint John, N.B.,
on the 4th day of
July, 2019

Julie Rocca

Julie Rocca
Commissioner of Oaths
My Commission Expires
December 31, 2022

PW HUNTER

FORM 4
NOTICE TO COMPLY – DANGEROUS OR UNSIGHLTY PREMISES
(*Local Governance Act*, S.N.B. 2017, c. 18, s. 132(2))

FORMULE 4
AVIS DE CONFORMITÉ – LIEUX DANGEREUX OU INESTHÉTIQUES
(*Loi sur la gouvernance locale*, L.N.-B. 2017, ch. 18, par. 132(2))

Commissioner of Oaths
Province of New Brunswick
Saint John, New Brunswick
the 3 day of July 2019
Sworn before me at the City of
Philip Hunter
This is Exhibit "A"
Referred to in the Affidavit of

Parcel identifier:

PID #00006403

Address: 174 Pitt Street, Saint John, New Brunswick

Numéro d'identification de la parcelle :

NID : 00006403

Adresse : 174, rue Pitt, Saint John, Nouveau-Brunswick

Owner(s) or Occupier(s):

Name: Savoy, J. Frederick

Address: 27 Valleyview Drive, Quispamsis, New Brunswick, E2E 1N7

Propriétaire(s) ou occupant(s) :

Nom : Savoy, J. Frederick

Adresse : 27, rue Valleyview, Quispamsis, Nouveau-Brunswick, E2E 1N7

Local government giving notice: The City of Saint John

By-law contravened: *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*, By-law Number M-30 and amendments thereto (the "By-law").

Provision(s) contravened: Subsections 6(1), 6(2) and 6(3) of the By-law.

Conditions(s) that exist: The premise is unsightly by permitting junk, rubbish, refuse and a dilapidated building to remain on the premise. The building has become a hazard to the safety of the public by reason of being vacant or unoccupied and has become a hazard to the safety of the public by reason of dilapidation and by reason of unsoundness of structural strength. The conditions of the building and premise are described in Schedule "A", a true copy of the inspection report dated June 13, 2019 prepared by Catherine Lowe, EIT and reviewed and concurred in by Rachel Van Wart, P.Eng., By-law Enforcement Officers.

What must be done to correct the condition: The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the building and premises into compliance with the aforesaid By-law.

In the event that the owner does not remedy the condition of the building and premises in the time prescribed by this Notice to Comply, the building may be demolished as the corrective action to address the hazard to the safety of the public and the premises may be cleaned up.

In the event of demolition, all debris and items on the premises will be disposed of as the corrective action to address the hazard to the safety of the public.

The aforementioned remedial actions relating to the demolition of the building and the disposal of debris and items on the premises do not include the carry-out clean-up, site rehabilitation, restoration of land, premises or personal property or other remedial action in order to

Gouvernement local signifiant l'avis : The City of Saint John

Arrêté enfreint : *Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux de Saint John*, Arrêté numéro M-30, ainsi que ses modifications ci-afférentes (l' « Arrêté »).

Disposition(s) enfreinte(s) : Les paragraphes 6(1), 6(2) *et* paragraphe 6(3) de l'Arrêté.

Description de la (des) situation(s) : Les lieux sont inesthétiques en permettant la présence de ferraille, de détritus et le bâtiment délabré. Le bâtiment est devenu dangereuse pour la sécurité du public du fait de son inhabitation ou de son inoccupation et est devenu dangereuse pour la sécurité du public du fait de son délabrement et du fait de manque de solidité. Les conditions du bâtiment et des lieux sont décrites à l'annexe « A », une copie conforme du rapport d'inspection en date du 13 juin 2019 et préparé par Catherine Lowe, IS et révisé et en d'accorde avec par Rachel Van Wart, ing., agentes chargé de l'exécution des arrêtés du gouvernement local.

Ce qu'il y a lieu de faire pour y remédier: La propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d'inspection susmentionné et d'amener le bâtiment et les lieux en conformités avec l'Arrêté.

Dans l'éventualité que la propriétaire ne remédient pas le bâtiment et les lieux dans le temps prescrit par le présent avis de conformité, le bâtiment pourront être démolis comme mesure corrective compte tenu qu'il représente un danger pour la sécurité du public et les lieux pourront être nettoyés.

Dans l'éventualité de démolition, tous les débris et autres items sur les lieux seront disposés comme mesure corrective dans le but de remédier le danger pour la sécurité du public.

Les mesures correctives susmentionnées relativement à la démolition du bâtiment et la disposition des débris et autres items sur les lieux ne comprennent pas le nettoyage, la remise en état des lieux, des terrains ou

control or reduce, eliminate the release, alter the manner of release or the release of any contaminant into or upon the environment or any part of the environment.

Date before which the condition must be corrected: [1]

a) The demolition of the building, clean-up of the property and related remedies must be complete, or plans and permit applications for repair related remedies, must be submitted: within 30 days of being served with the Notice to Comply.

b) The repair related remedies must be complete within 120 days of being served with the Notice to Comply.

Date for giving notice of appeal: Within 14 days of being served with the Notice to Comply.

Process to appeal: The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8th Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

Potential penalty for not complying with notice within time set out in notice:[2] Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

Local government's authority to undertake repairs or remedy:[3] Paragraphs 12(1)(a), 12(1)(b) and 12(1)(c) of the By-law state that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired, or cause the building or other structure of that owner or occupier to be repaired or demolished. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

des biens personnels ou toute autre mesure corrective dans le but de contrôler ou de réduire, d'éliminer le déversement, de modifier le mode de déversement ou le déversement d'un polluant dans ou sur l'environnement ou toute partie de l'environnement.

Délai imparti pour y remédier : [1]

a) La démolition du bâtiment et le nettoyage des lieux doivent être complétéés, ou à laquelle les plans et demande de permis pour les mesures des réparations, doivent être soumises, dans les 30 jours qui suivent la signification de l'avis de conformité.

b) Les réparations reliées aux mesures doivent être complétées dans les 120 jours qui suivent la signification de l'avis de conformité.

Date limite pour donner l'avis d'appel: Dans les 14 jours qui suivent la notification de l'avis de conformité.

Processus d'appel : La propriétaire peux dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8e étage, 15 Market Square, Saint John, Nouveau-Brunswick, E2L 4L1.

Peine possible en cas d'omission de se conformer aux exigences de l'avis dans le délai y imparti : [2] Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)b)i).

Pouvoir du gouvernement local d'entreprendre des réparations ou de remédier à la situation : [3] Conformément aux alinéas 12(1)a), 12(1)b) et 12(1)c) de l'Arrêté, si un avis de conformité a été signifié aux termes de l'article 7 de ladite Arrêté et, que le propriétaire ou l'occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu'il est réputé confirmé ou tel qu'il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant ou de faire réparer ou démolir le bâtiment ou autre construction de ce propriétaire ou de cet occupant, et les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

Dated at Saint John the 13th day of June, 2019.

Local government: The City of Saint John

Signature of the officer of the local government:

Catherine Lowe

Contact information of the officer of the local government:

Name: Catherine Lowe, EIT
Mailing address:

Growth and Community Development Services

The City of Saint John
15 Market Square
City Hall Building, 10th Floor
P. O. Box 1971
Saint John, New Brunswick
E2L 4L1

Telephone: (506) 658-2911
E-mail: catherine.lowe@saintjohn.ca
Fax: (506) 632-6199

Corporate seal of the local government

Notes:
1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.

2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.

3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

Fait à Saint John le ___ juin, 2019.

Gouvernement locale : The City of Saint John

Signature du fonctionnaire du gouvernement local:

Coordonnées du fonctionnaire du gouvernement local:

Nom : Catherine Lowe, IS
Adresse postale:

Service de la Croissance et du Développement Communautaire

The City of Saint John
15 Market Square
Édifice de l'hôtel de ville, 10e étage
Case postale 1971
Saint John (Nouveau-Brunswick)
E2L 4L1

Téléphone : (506) 658-2911
Adresse électronique: catherine.lowe@saintjohn.ca
Télécopieur : (506) 632-6199

Sceau du gouvernement local

Notes :
1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.

2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.

3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

I hereby certify that this document is a true copy of the original.

Dated at Saint John,
this 13th day of
June 2019.

Catherine Lowe
Standards Officer

INSPECTION REPORT
Schedule "A"
174 Pitt Street
Saint John, New Brunswick
PID# 00006403

Inspection Date: March 25, 2019
Inspection Conducted by: Catherine Lowe, EIT & Rachel Van Wart, P.Eng.

Introduction

Inspections of the property at 174 Pitt Street, PID# 00006403, have revealed that there is one building on the premise (the "Building"); a three-storey, three-unit apartment building. Staff first became aware of the property's vacancy in January 2019 and began standard enforcement procedures. The property is located on the City's South Peninsula in an urban centre residential zone on the corner of Pitt Street and Mecklenburg Street. The Building is a hazard to the safety of the public by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

Discussion

The Building is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Unsightly Premise Conditions

Subsection **6(1)** of the By-law states:

> No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises
>
> *(a)* any ashes, junk, rubbish or refuse;
> *(b)* an accumulation of wood shavings, paper, sawdust or other residue of production or construction;
> *(c)* a derelict vehicle, equipment, machinery or the body of any part of a vehicle equipment or machinery, or
> *(d)* a dilapidated building.

1. There is an accumulation of junk, rubbish, and refuse at the rear of the property. These items include, but are not limited to; rusted appliances including a fridge and an oven, stone blocks, a tattered blue tarp, as well as other various loose garbage. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.

2. The Building is dilapidated. The siding consists of clapboard and wooden shingles. The paint on the siding is faded and peeling. Many sections of siding are rotted and hanging. The left rear corner trim is rotted and pulling away from the Building. The other corner trims appear deteriorated. Window and door frames are out of plumb. The front of the Building is visibly sagging as the clapboard is not straight. The left wall of the Building is bowed outward. There is a gap in the rear left side section of the foundation wall. These conditions are unsightly.

Vacant and Unoccupied

Subsection **6(2)** of the By-law states:

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of being vacant or unoccupied.

The Building is a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. Buildings in a dilapidated condition that are known to be vacant can attract vandalism, arson and criminal activity. The property's condition affects the quality of life of neighboring properties and negatively impacts property value of real estate in the area due to negative perceptions of unsafe and deteriorating conditions. The owner confirmed that the Building has been vacant for a number of years prior to this department opening an enforcement case. Saint John Energy confirmed that the power has been disconnected in two units since May 2015 while Unit 2 remains energized. The City of Saint John Finance department confirmed that the water has been turned off since January 2012.

2. There is a higher risk of a fire event occurring at the property since it is known to the public that the Building is vacant. There is a neighboring 4-unit apartment building at 132-134 Mecklenburg Street. If a fire event were to occur within the Building, it could easily spread to the neighboring property which would cause significant damage to the buildings and endanger the lives of the occupants.

3. There is a concern for emergency personnel safety in the event of an emergency. If firefighters suspect there may be people inside the Building, it would be reasonable to expect they may be required to enter it. They may also need to enter the Building to fully extinguish the fire. The condition of the interior is not known to firefighters which poses a hazard to their safety and others who may be inside in the event of a fire. The Building is structurally unsound which is hazardous to emergency personnel who may be required to enter the Building. There is significant water damage throughout the Building that has caused soft and sagging ceilings and floors. During the March 25, 2019 inspection water that had pooled on the floors and stairs of the Building had frozen to ice, creating slippery conditions and a tripping hazard. Debris hangs from the damaged sections of ceiling and creates a barrier when maneuvering through the Building. A florescent light fixture hangs from the ceiling by an electrical cord in the interior second storey stairway which creates a barrier to the stairs. There is a large accumulation of house hold items on the first storey, making it difficult to move through the unit. These conditions could cause injury to emergency personnel and could hinder their movement through the Building in the event of an emergency.

Dilapidated Building Conditions

Subsection **6(3)** of the By-law states

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation for the following reasons:

1. The wooden shingle siding and clapboard siding of the Building is rotten and deteriorated. Pieces of the siding are hanging from the Building in many locations. Siding falling from the Building could cause damage to the property in the driveway of 132-134 Mecklenburg Street as it is adjacent to the Building. There is no setback from the sidewalk to the Building, this is a hazard to pedestrians walking by the Building as they could be struck by falling debris. There are also exposed nails where the rear left corner trim of the Building is

rotten and pulling away. Someone could be cut by the rusted nails which could have adverse effects on their health and wellbeing.

2. The Building is dilapidated. The entire Building is significantly water damaged. The moist conditions of the Building have also caused paint and wall paper to peel from the walls and ceilings. There is mold growth visible on many surfaces throughout the Building due to the water damage. There are many sections of ceiling with missing plaster on the first and second storey that reveal rotten wooden members. Insulation and drywall hang from many of the damaged sections of ceiling. Debris from the damaged ceilings rests on the floor in saturated piles. A portion of ceiling in the kitchen of the second storey has caved in. Water has pooled in several locations on the floor of the second storey, which was frozen during the March 25, 2019 inspection. There was also ice covering the interior stairs leading from the first storey to the second, and the stairs leading from the first storey to the third. Now that the temperature has increased, the ice has likely turned to water which will deteriorate the condition of the floors of the second storey, the ceilings of the first storey below the pools of water on the second storey, and the staircases. These conditions are a hazard to anyone inside the Building as the floor and ceiling systems are unsound and could collapse. It should be noted that an inspection of the third floor was not conducted due to unsafe conditions as indicated by the ceiling of the second storey and the general condition of the Building.

3. The water is most likely entering the Building from the roof, as the damage appears most severe towards the center of the Building and water services were disconnected in 2012. Considering the amount of water damage in the Building it is reasonable to assume that the roof structure of the Building is compromised. This is hazard to the safety of anyone in the Building.

4. Mold growth can be seen on ceilings, walls and floors throughout the Building due to the damp conditions inside the Building. Mold is a respiratory hazard to anyone entering the Building, and can be irritating or harmful upon contact with skin.

5. The Building is severely out of plumb. This can be seen from the exterior of the Building as the clapboard on the front of the Building is sagging and the left wall is bowed outward. It is also clear that the left side of the Building has settled further than the right side, as the lower portion of the front door of the Building is now below grade. These conditions have caused ceilings, walls, and floors inside the Building to slope and sag. This is evident on the second storey as furniture and other items resting on the floor are visibly tilted. There are cracks in the walls and around sloped doorframes due to the additional stress applied by the shifting Building. The water that has infiltrated the Building has caused many sections of ceiling and floor members to become saturated and sag. If these conditions persist, the ceilings and floors of the Building will become increasingly unsound. The load applied by a person in the Building could cause the ceiling or floor systems to collapse which would cause serious personal injury.

6. The first storey of the Building has been used as a storage area for house hold items and other various junk. Many of the items are water damaged, have debris such as plaster and insulation from the damaged ceilings resting on them, or have mold growth. There are only narrow pathways between all the items which makes it difficult to manoeuvre through the unit. This unit was accessed from the interior stairway leading from the second storey; it is unclear if there is an accessible exterior exit form this unit due to the accumulation of items. The lack of exiting is a danger to anyone in the Building.

7. There are wires along the ceiling and going through walls on the first storey. It is unclear where these wires terminate or what purpose they serve. However, it is clear that they are not installed according to the applicable Codes and Standards. This is hazardous since water is entering the Building and Saint John

Energy confirmed one unit of the Building remains energized. Should the exposure to water cause these wires or other energized wires to spark a fire could start within the Building. The accumulation of items on the first storey are a fire hazard While the interior conditions of the Building were damp during the March 25, 2019, it is possible that an increase in temperature and a lack of rain could dry the Building enough to allow the fire to spread.

Structurally Unsound Building Conditions

Subsection **6(3)** of the By-law states

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of unsoundness of structural strength for the following reasons:

1. The Building is structurally unsound. Ceilings, walls and floors are out of plumb, sloped and sagging. From the exterior of the Building is can be seen that the front wall of the Building is sagging and the left side has settled further than the right. The left side wall is bowed outward causing a gap between the siding and the Building. There is a gap approximately three inches wide in the foundation at the rear of the Building, caused by the left foundation wall sloping away from the Building.

2. The interior ceiling and floor system of the Building is unsound. Water has infiltrated the Building to the extent that there were pools of ice on the floor of the second storey and ice covering the stairs during the March 25, 2019 inspection. The water damage has caused the ceiling of the kitchen on the second floor to cave in, likely being the cause of the excessive pooling of water on the second storey and stairs. The flooring system of a section of the second storey is visible from the first storey as the plaster has fallen from the ceiling. The wooden floor members are saturated and sagging. The floor of the second storey is in danger of collapse. Due to the deteriorated condition of the ceiling of the second storey and the amount of ice build up on the stairs, the third storey was not inspected for the safety of the inspectors. However, based on the amount of water that has infiltrated the Building it is reasonable to assume that the roof of the Building is deteriorated and is likely unsound.

Required Remedial Actions

The owner must comply with one of the two options stated below:

Option 1: Remedy the conditions of the Building through all repair and remedial actions as follows:

1. The Building must be completely repaired to remedy the above mentioned hazards to public safety while meeting the requirements of the *National Building Code of Canada (2010)* as well as all other applicable by-laws.

2. The Building must be maintained, kept secure, and monitored on a routine basis while the property remains vacant or unoccupied.

3. A detailed plan must be submitted to the Growth and Community Development Services Department of the City of Saint John (the "Department") for review and approval. The plan should also include a schedule for the work that is to be carried out. The repaired Building must meet the *National Building Code of Canada (2010)* as well as other applicable codes.

4. The detailed plan, including schedules and any engineering reports, must be approved by the Department prior to commencing repair work.

5. A building permit must be obtained for any and all applicable work prior to commencing said work from the City of Saint John in order to comply with the *Saint John Building By-law*, By-law Number C.P. 102 and amendments thereto (the "*Saint John Building By-law*").

6. The premise must be cleared of all debris found on the property, including any and all rubbish that may be considered hazardous or unsightly. The debris from the premise must be disposed of at an approved solid waste disposal site, in accordance with all applicable by-laws, acts and regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department. The premise must comply with all applicable By-laws, Acts, Codes and Regulations.

Option 2: Demolition of the Building and cleanup of all debris on the premise by complying with all the remedial actions as follows:

1. The Building must be demolished to remove the hazard to the safety of the public by reason of dilapidation and by reason of being vacant or unoccupied.

2. A demolition permit must be obtained from the City of Saint John in order to comply with the *Saint John Building By-law.*

3. The premise must be cleared of the debris from the demolition and the lot must be made reasonably level with grade so as to not create a tripping or falling hazard. All debris must be disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.

4. All debris that is currently on the premise must be removed and disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.

5. The property must be in compliance with all applicable By-laws, Acts and Regulations.

Prepared by:

Catherine Lowe — June 13, 2019

Catherine Lowe, EIT
Technical Services Officer
Growth and Community Development Services

Date

Reviewed by and concurred in by:

June 13/2019.

Rachel Van Wart, P.Eng.
Technical Services Officer
Growth and Community Development Services

Date

This is Exhibit "B"
Referred to in the Affidavit of
Philip Hunter
Sworn before me at the City of
Saint John, New Brunswick
the 4th day of July
Julie Kocsis
Commissioner of Oaths

Schedule "A"

FORM 1
NOTICE OF APPEAL

Annexe « A »

FORMULE 1
AVIS D'APPEL

File No.: _____

BETWEEN :

_____,
Appellant(s),

- and -

THE CITY OF SAINT JOHN,

Respondent.

Parcel Identifier : PID #
_____

Parcel Address: _____

_____

Owner(s) or Occupier(s):

Name: _____

Address: _____

_____

Telephone: _____

Name: _____

Address: _____

_____

Telephone: _____

The above named appellant(s) is (are) not satisfied with the terms and conditions set out in:

(a) a Notice that was given under section 7 of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law;* or

(b) an Order that was issued under section 25 of the *Saint John Minimum Property Standards By-Law;*

and therefore appeals to the *Saint John Substandard Properties Appeal Committee.*

The appellant's grounds for this appeal are as follows (*set out the grounds clearly but briefly*):

N° du dossier : _____

ENTRE :

_____,
Appelant(s),

- et -

THE CITY OF SAINT JOHN,

Intimée.

Numéro d'identification de la parcelle : # NID
_____

Adresse de la parcelle : _____

_____

Propriétaire(s) ou occupant(s) :

Nom : _____

Adresse : _____

_____

Téléphone: _____

Nom : _____

Adresse : _____

_____

Téléphone: _____

L'appelant ou les appelants susnommé(s) n'accepte(nt) pas les modalités ou les conditions qui sont énoncés dans :

(a) un AVIS qui a été donné en vertu de l'article 7 de l'*Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux dans The City of Saint John*; ou

(b) une ORDONNANCE qui a été émise en vertu de l'article 25 de l'*Arrêté concernant les normes minimales régissant les résidences de Saint John*

et fait ainsi appel devant le *Comité des appels sur les résidences non conformes aux normes de Saint John.*

Les motifs d'appel de l'appelant(s) dans le présent appel sont les suivants (*énoncer les motifs de façon*

claire et concise) :

_____
_____
_____
_____
_____
_____

_____
_____
_____
_____
_____
_____

Dated at _____ the _____ day of _____, 20___.

Fait à _____ le _____ 20___.

_____
Signature of owner or occupier

_____
Signature du propriétaire ou de l'occupant

The appellant(s) intends to proceed in the English [ ] or French [ ] language (*Please check the appropriate box*).

L'appelant a ou les appelants ont l'intention d'utiliser la langue française [ ] ou anglaise [ ] (*Veuillez cocher la case appropriée*).

Please forward your Notice of Appeal by registered mail to the Common Clerk within ***fourteen (14) days*** *after having been given the Notice or Order at the following address:*

Veuillez faire parvenir votre AVIS D'APPEL *par courrier recommandé au greffier communal dans les* ***quatorze (14) jours*** *qui suivent la notification de l'*AVIS *ou de l'*ORDONNANCE *à l'adresse suivante :*

Common Clerk's Office
15 Market Square, City Hall Building, 8th Floor
P. O. Box 1971
Saint John, New Brunswick
E2L 4L1

Telephone: 506-658-2862
Facsimile: 506-674-4214

Bureau du greffier communal
15 Market Square, Édifice de l'hôtel de ville, 8e étage
Case postale 1971
Saint John (Nouveau-Brunswick)
E2L 4L1

Téléphone : 506-658-2862
Facsimilé : 506-674-4214

Notes:

1. A Notice or Order that is not appealed within ***fourteen (14) days*** after having been given or issued shall be deemed to be confirmed.

2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.

3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the Notice or Order, or extend the time for complying with the Notice or Order.

4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within ***fourteen (14) days*** after making its decision.

Notes :

1. Un AVIS ou une ORDONNANCE dont il n'est pas interjeté appel dans les ***quatorze (14) jours*** qui suivent la notification de l'AVIS ou l'émission de l'ORDONNANCE est réputé confirmé.

2. Lors d'un appel, le *Comité des appels sur les résidences non conformes aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant ou les occupants qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut (peuvent) se faire représenter par un avocat.

3. Lors d'un appel, le *Comité des appels sur les résidences non conformes aux normes de Saint John* peut confirmer, modifier ou annuler l'AVIS ou l'ORDONNANCE ou proroger le délai pour s'y conformer.

4. Le *Comité des appels sur les résidences non conformes aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant ou aux occupants des lieux, du bâtiment ou de la construction qui lui a (ont) interjeté appel dans les ***quatorze (14) jours*** suivant la date à laquelle il a rendu

sa décision.

5. The owner(s) or occupier(s) who is provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* regarding a Notice, may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within ***fourteen (14) days*** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that *(a)* the procedure required to be followed by the by-law was not followed, or *(b)* the decision is unreasonable.

5. Le(s) propriétaire(s) ou l'occupant ou les occupants à qui une copie d'une décision a été fournie par le *Comité des appels sur les résidences non conformes aux normes de Saint John* concernant un AVIS peut (peuvent), dans les ***quatorze (14) jours*** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que *(a)* la démarche à suivre en vertu de l'arrêté n'a pas été suivie, ou *(b)* la décision est déraisonnable.

CANADA
PROVINCE OF NEW BRUNSWICK
COUNTY OF SAINT JOHN

IN THE MATTER OF THE BUILDING THAT IS LOCATED AT

174 Pitt Street, SAINT JOHN, N.B. (PID number 6403)

AFFIDAVIT OF SERVICE

I, Catherine Lowe, of Saint John, N.B., Make Oath And Say As Follows:

1. I am employed by The City of Saint John in its Growth and Community Development Services Department. I have personal knowledge of the matters herein deposed except where otherwise stated.

2. On July 17, 2019, at approximately 3:00pm, I posted a copy of the attached Notice of Common Council Hearing, marked Exhibit "A" to the front door of the building that is located at 174 Pitt Street, Saint John, N.B.

Sworn To before me at the
City of Saint John, N.B.,
on the 23 day of
July, 2019

RACHEL A VAN WART
COMMISSIONER OF OATHS
MY COMMISSION EXPIRES
DECEMBER 31ST, 2022

Catherine Lowe
Catherine Lowe

The City of Saint John

Permitting & Inspection / Service des inspections et de l'application
By-Law Enforcement / Service d'Application des Arrêtés Municipaux

Phone / Tél: (506) 658-2911
Fax / Téléc: (506) 632-6199

This is Exhibit "A"
Referred to in the Affidavit of
Catherine Lowe
Sworn before me at the City of
Saint John, New Brunswick
the 23 day of July, 2019
Rachel Van Wart
Commissioner of Oaths

July 12, 2019

Case Number: 19-0016

REGISTERED MAIL

J Frederick Savoy
27 Valleyview Dr
Quispamsis, NB
E2E 1N7

NOTICE OF COMMON COUNCIL HEARING

Dear Sir/Madam:

Re: 174 Pitt St, PID # 00006403
Dangerous and Vacant Building Program

On June 13, 2019, a Notice to Comply was issued for the above mentioned property which required remedial action to bring the building and premises into compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law.* The Notice to Comply was posted on the said property on June 14, 2019.

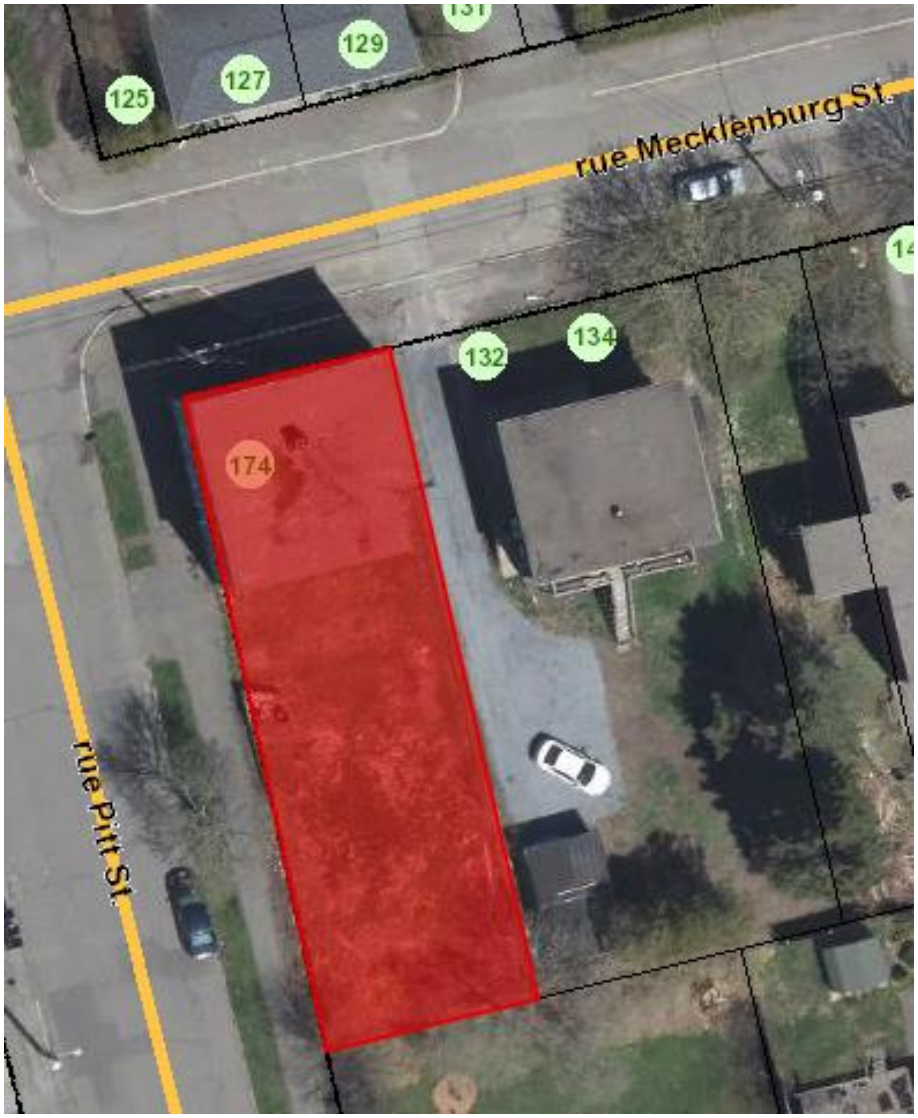
The fourteen (14) days appeal period has now expired. Therefore, a compliance inspection will be carried out on July 22, 2019. If the property is not in compliance with the aforesaid By-law at the time of the inspection, City Staff will be attending the Common Council meeting scheduled on July 29, 2019 at 6:00p.m. to recommend that the building be demolished because it has become a hazard to the safety of the public by reason of dilapidation or by reason of unsoundness of structural strength. Please be advised that at this meeting, you can present evidence that the building is not dilapidated or structurally unsound; however, note that this meeting will be your only opportunity to do so.

If you have any questions, don't hesitate to contact me at (506) 658-2911.

Regards,

Catherine Lowe

Catherine Lowe, EIT
By-Law Enforcement Standards Officer



174 Pitt Street, Saint John, New Brunswick
PID# 00006403

Photo 1

174 Pitt Street, Saint John, New Brunswick
PID# 00006403

Photo 2

174 Pitt Street, Saint John, New Brunswick
PID# 00006403

Photo 3

174 Pitt Street, Saint John, New Brunswick
PID# 00006403

Photo 4

174 Pitt Street, Saint John, New Brunswick
PID# 00006403

Photo 5

03 25 2019

03 25 2019

174 Pitt Street, Saint John, New Brunswick
PID# 00006403

Photo 8

174 Pitt Street, Saint John, New Brunswick
PID# 00006403

Photo 9

174 Pitt Street, Saint John, New Brunswick
PID# 00006403

Photo 10

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-191
Report Date	July 17, 2019
Meeting Date	July 29, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Demolition of vacant, dilapidated and dangerous building at 261-263 Wentworth Street and 214 Britain Street (PID 00001149)

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Catherine Lowe	***J Hamilton /A Poffenroth***	***John Collin***

RECOMMENDATION

RESOLVED, that the building located at 261-263 Wentworth Street and 214 Britain Street, PID# 00001149, is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and

BE IT FURTHER RESOLVED, that the building is to be demolished as it has become a hazard to the safety of the public by reason of unsoundness of structural strength; and

BE IT FURTHER RESOLVED, that one or more by-law enforcement officers appointed and designated under the Saint John Unsightly Premises and Dangerous Buildings and Structures By-law are hereby authorized to arrange for the demolition, in accordance with the applicable City purchasing policies.

EXECUTIVE SUMMARY

The purpose of this report is to advise Council that a Notice to Comply was issued under Part 13 of the *Local Governance Act* for the building at 261-263 Wentworth Street/214 Britain Street. The hazardous conditions outlined in the Notice have not been remedied by the owner within the required time frame and staff is looking for authorization from Council to arrange the demolition of the building.

PREVIOUS RESOLUTION

N/A

REPORT

Inspections of the property at 261-263 Wentworth Street and 214 Britain Street, PID# 00001149, have revealed that there is one building on the premise; a two-storey, single unit dwelling. Staff first became aware of the property's vacancy in September 2015 and began standard enforcement procedures. The property is located in the City's South Peninsula in an urban centre residential zone. The Building is a hazard to the safety of the public by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

For the reasons described in the attached Inspection Report, a Notice to Comply was issued on June 3, 2019 and was served to the owner on June 17, 2019, as per section 132(3) of the *Local Governance Act* that outlines acceptable methods of service. The Certificate of Registered Ownership lists one individual as the owner. The Notice provided the owner with 30 days to remedy the conditions at the property. The owner did not file a formal appeal and did not take remedial action to comply with the requirements of the Notice. A compliance inspection was conducted on July 22, 2019 which revealed that the conditions which gave rise to the Notice have not changed since the Notice was issued.

Attached for Council's reference is the Notice to Comply that was issued and the affidavit attesting to service on the owner via process server. Also included are photographs of the building. The *Local Governance Act* indicates that where a Notice to Comply has been issued arising from a condition where a building has become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength, the municipality may cause the building to be demolished. As required in the Act a report from an engineer is attached, forming part of the issued Notice to Comply, and provides the evidence to the buildings' vacancy, dilapidation, unsoundness of structural strength and resulting hazard to the safety of the public. A copy of the letter advising of the Common Council Hearing date and affidavit is attached; it was posted to the building on July 17, 2019. It was also sent to the owner by registered mail on July 12, 2019.

STRATEGIC ALIGNMENT

Enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law* aligns with Council's Vibrant, Safe City priority.

SERVICE AND FINANCIAL OUTCOMES

As is written in the *Local Governance Act* that a municipality must commence in the proceedings of remedial action, approval of Common Council is required prior to starting demolition activities at the property. Total cost of the demolition work is approximated at $20,000 and will take about 3-5 weeks before it is complete. Staff will seek competitive bidding in accordance with the

City's purchasing policy and the cost of the work will be billed to the property owner. If the bill is left unpaid, it will be submitted to the Province with a request for reimbursement.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The City Solicitor's Office provided ownership verification by obtaining the Certificate of Registered Ownership for the property. Additionally, the City Solicitor's Office registered the Notice to Comply with Service New Brunswick's Land Registry.

ATTACHMENTS

Notice to Comply
Affidavit of Service - Notice to Comply
Affidavit of Posting - Notice of Common Council Hearing Letter
Photos

FORM 4
NOTICE TO COMPLY – DANGEROUS OR UNSIGHLTY PREMISES
(*Local Governance Act*, S.N.B., 2017, c.18, s 132(2))

Parcel identifier:

PID #1149

Address: 261-263 Wentworth Street & 214 Britain Street, Saint John, New Brunswick

Owner(s) or Occupier(s):

Name: Carr, Bruce Wayne

Address: 21 Meahan Crescent, Saint John, New Brunswick, E2N 0B2

Local government giving notice: The City of Saint John

By-law contravened: *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*, By-law Number M-30 and amendments thereto (the "By-law").

Provision(s) contravened: Subsections 6(1), 6(2) and 6(3) of the By-law.

Conditions(s) that exist: The premise is unsightly by permitting junk, rubbish, refuse and a dilapidated building to remain on the premise. The building has become a hazard to the safety of the public by reason of being vacant or unoccupied and has become a hazard to the safety of the public by reason of dilapidation and by reason of unsoundness of structural strength. The conditions of the building and premise are described in Schedule "A", a true copy of the inspection report dated May 29, 2019 prepared by Catherine Lowe, EIT, By-law Enforcement Officer, reviewed and concurred in by Rachel Van Wart, P.Eng., By-law Enforcement Officer

What must be done to correct the condition: The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the building and premises into compliance with the aforesaid By-law.

In the event that the owner does not remedy the condition of the building and premises in the time prescribed by this Notice to Comply, the building may be demolished as the corrective action to address the hazard to the safety of the public and the premises may be cleaned up.

In the event of demolition, all debris and items on the premises will be disposed of as the corrective action to address the hazard to the safety of the public.

The aforementioned remedial actions relating to the

FORMULE 4
AVIS DE CONFORMITÉ – LIEUX DANGEREUX OU INESTHÉTIQUES
(*Loi sur la gouvernance locale*, L.N.-B. 2017, ch. 18, par. 132(2))

Numéro d'identification de la parcelle :

NID : 1149

Adresse : 261-263, rue Wentworth & 214, rue Britain, Saint John, Nouveau-Brunswick

Propriétaire(s) ou occupant(s) :

Nom : Carr, Bruce Wayne

Adresse : 21, Meahan Crescent, Saint John, Nouveau-Brunswick, E2N 0B2

Gouvernement local signifiant l'avis : The City of Saint John

Arrêté enfreint : *Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux de Saint John*, Arrêté numéro M-30, ainsi que ses modifications ci-afférentes (l' « Arrêté »).

Disposition(s) enfreinte(s) : Les paragraphes 6(1), 6(2) *et* paragraphe 6(3) de l'Arrêté.

Description de la (des) situation(s) : Les lieux sont inesthétiques en permettant la présence de ferraille, de détritus et le bâtiment délabré. Le bâtiment est devenu dangereuse pour la sécurité du public du fait de son inhabitation ou de son inoccupation et est devenu dangereuse pour la sécurité du public du fait de son délabrement et du fait de manque de solidité. Les conditions du bâtiment et des lieux sont décrites à l'annexe « A », une copie conforme du rapport d'inspection en date du 29 mai 2019 et préparé par Catherine Lowe, IS, une agente chargée de l'exécution des arrêtés du gouvernement local, révisé et en d'accorde avec par Rachel Van Wart, ing., une agente chargée de l'exécution des arrêtés du gouvernement local.

Ce qu'il y a lieu de faire pour y remédier: La propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d'inspection susmentionné et d'amener le bâtiment et les lieux en conformités avec l'Arrêté.

Dans l'éventualité que la propriétaire ne remédient pas le bâtiment et les lieux dans le temps prescrit par le présent avis de conformité, le bâtiment pourront être démolis comme mesure corrective compte tenu qu'il représente un danger pour la sécurité du public et les lieux pourront être nettoyés.

Dans l'éventualité de démolition, tous les débris et autres items sur les lieux seront disposés comme mesure corrective dans le but de remédier le danger pour la sécurité du public.

Les mesures correctives susmentionnées relativement

demolition of the building and the disposal of debris and items on the premises do not include the carry-out clean-up, site rehabilitation, restoration of land, premises or personal property or other remedial action in order to control or reduce, eliminate the release, alter the manner of release or the release of any contaminant into or upon the environment or any part of the environment.

à la démolition du bâtiment et la disposition des débris et autres items sur les lieux ne comprennent pas le nettoyage, la remise en état des lieux, des terrains ou des biens personnels ou toute autre mesure corrective dans le but de contrôler ou de réduire, d'éliminer le déversement, de modifier le mode de déversement ou le déversement d'un polluant dans ou sur l'environnement ou toute partie de l'environnement.

Date before which the condition must be corrected: [1]

Délai imparti pour y remédier : [1]

a) The demolition of the building, clean-up of the property and related remedies must be complete, or plans and permit applications for repair related remedies, must be submitted: within 30 days of being served with the Notice to Comply.

a) La démolition du bâtiment et le nettoyage des lieux doivent être complétéés, ou à laquelle les plans et demande de permis pour les mesures des réparations, doivent être soumises, dans les 30 jours qui suivent la signification de l'avis de conformité.

b) The repair related remedies must be complete within 120 days of being served with the Notice to Comply.

b) Les réparations reliées aux mesures doivent être complétées dans les 120 jours qui suivent la signification de l'avis de conformité.

Date for giving notice of appeal: Within 14 days of being served with the Notice to Comply.

Date limite pour donner l'avis d'appel: Dans les 14 jours qui suivent la notification de l'avis de conformité.

Process to appeal: The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8th Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

Processus d'appel : La propriétaire peux dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8e étage, 15 Market Square, Saint John, Nouveau-Brunswick, E2L 4L1.

Potential penalty for not complying with notice within time set out in notice:[2] Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Peine possible en cas d'omission de se conformer aux exigences de l'avis dans le délai y imparti : [2] Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)b)i).

Local government's authority to undertake repairs or remedy:[3] Paragraphs 12(1)(a), 12(1)(b) and 12(1)(c) of the By-law state that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired, or cause the building or other structure of that owner or occupier to be repaired or demolished. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

Pouvoir du gouvernement local d'entreprendre des réparations ou de remédier à la situation : [3] Conformément aux alinéas 12(1)a), 12(1)b) et 12(1)c) de l'Arrêté, si un avis de conformité a été signifié aux termes de l'article 7 de ladite Arrêté et, que le propriétaire ou l'occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu'il est réputé confirmé ou tel qu'il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant ou de faire réparer ou démolir le bâtiment ou autre construction de ce propriétaire ou de cet occupant, et les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

Dated at Saint John the 3 day of June, 2019.

Fait à Saint John le ___ juin, 2019.

Local government: The City of Saint John

Gouvernement locale : The City of Saint John

Signature of the officer of the local government:

Catherine Lowe

Signature du fonctionnaire du gouvernement local:

Contact information of the officer of the local government:

Name: Catherine Lowe, EIT
Mailing address:

Growth and Community Development Services

The City of Saint John
15 Market Square
City Hall Building, 10th Floor
P. O. Box 1971
Saint John, New Brunswick
E2L 4L1

Telephone: (506) 658-2911
E-mail: catherine.lowe@saintjohn.ca
Fax: (506) 632-6199

Coordonnées du fonctionnaire du gouvernement local:

Nom : Catherine Lowe, IS
Adresse postale:

Service de la Croissance et du Développement Communautaire

The City of Saint John
15 Market Square
Édifice de l'hôtel de ville, 10e étage
Case postale 1971
Saint John (Nouveau-Brunswick)
E2L 4L1

Téléphone : (506) 658-2911
Adresse électronique: catherine.lowe@saintjohn.ca
Télécopieur : (506) 632-6199

Corporate seal of the local government

Sceau du gouvernement local

Notes:
1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.

2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.

3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

Notes :
1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.

2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.

3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

I hereby certify that this document is a true copy of the original.

Dated at Saint John, this 3rd day of June 2019.

Catherine Lowe
Standards Officer

INSPECTION REPORT
Schedule "A"
261-263 Wentworth Street & 214 Britain Street
Saint John, New Brunswick
PID# 1149

Inspection Date: April 23, 2019
Inspection Conducted by: Catherine Lowe, EIT & Rachel Van Wart, P.Eng.

Introduction

Inspections of the property at 261-263 Wentworth Street and 214 Britain Street, PID# 1149, have revealed that there is one building on the premise (the "Building"); a two-storey, single unit dwelling. Staff first became aware of the property's vacancy in September 2015 and began standard enforcement procedures. The property is located in the lower South Central Peninsula in an urban centre residential zone. The Building is a hazard to the safety of the public by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

Discussion

The Building is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Unsightly Premise Conditions

Subsection **6(1)** of the By-law states:

> No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises
>
> *(a)* any ashes, junk, rubbish or refuse;
> *(b)* an accumulation of wood shavings, paper, sawdust or other residue of production or construction;
> *(c)* a derelict vehicle, equipment, machinery or the body of any part of a vehicle equipment or machinery, or
> *(d)* a dilapidated building.

1. There is an accumulation of junk, rubbish, and refuse on the property. These items include, but are not limited to; discarded wood, bricks and other various loose garbage. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.

2. The Building is dilapidated. The Building is significantly sloped; doors and window frames are not plumb. The front portion of the Building is leaning significantly to the left side. The rear section of the Building is encroaching on the neighboring property at 212 Britain Street. The Building's exterior cladding consists of wooden shingles. Paint is peeling from the shingles and some show signs of rot. Windows and doors on the first storey are boarded with plywood that has been painted blue. The wooden landing and stairs at the front left entrance is leaning and rotted. The concrete walkway spanning the right side of the driveway is cracked. There is a retaining wall on the left side of the driveway, the concrete portion is leaning and the wooden section shows signs of rot. The concrete retaining wall that spans the left section of the front yard of the property is cracked and failing. The wooden retaining wall that spans the right front yard section closest to Britain Street shows signs of rot. At the rear of the Building there are deteriorated Styrofoam and wooden boards affixed to the foundation

between the Building and the neighbouring property located at 212 Britain Street. These conditions are unsightly.

Vacant and Unoccupied

Subsection **6(2)** of the By-law states:

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of being vacant or unoccupied.

The Building is a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. Buildings that are in a dilapidated condition can attract vandalism, arson, or criminal activity as well as pose a hazard to the safety of the public and devalue properties in the surrounding area. The City of Saint John Finance department confirmed that the water has been turned off since November 2016. Saint John Energy confirmed that the power has been disconnected since November 18, 2016.

2. There is a higher risk of a fire event occurring at the property since it is known to the public that the Building is vacant. The rear of the Building neighbors a three-unit apartment building at 212 Britain Street and is attached on the left side to a seven-unit apartment building at 127-129 Broad Street. If a fire event were to occur within the Building, it could easily spread to the neighboring property which would cause significant damage to the buildings and endanger the lives of the occupants.

3. There is a concern for emergency personnel safety in the event of an emergency. If firefighters suspect there may be people inside the Building, it would be reasonable to expect they may be required to enter it. They may also need to enter the Building to extinguish the fire. The condition of the interior is not known to firefighters which poses a hazard to their safety and others who may be inside in the event of a fire. The floors are significantly sloped and bulging in some areas which could cause emergency personnel to trip or lose their balance. There is household furniture inside the Building including chairs, tables, and other items. These items could be hazardous by restricting movement of emergency personnel should they need to gain entry.

Dilapidated Building Conditions

Subsection **6(3)** of the By-law states

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation for the following reasons:

Exterior Conditions:

1. The Building is dilapidated. The entire Building is significantly out of plumb which suggests major foundation issues. The Building's foundation at the left front entrance is bowed. The foundation at the rear of the Building is covered with deteriorated Styrofoam and wooden boards that appear to be sloped away from the Building's base. The ground at the rear of the Building is clearly heaved and has warped the entire frame of the rear of the Building. If these conditions are not remedied they could cause sections of the Building to fail

between the Building and the neighbouring property located at 212 Britain Street. These conditions are unsightly.

Vacant and Unoccupied

Subsection **6(2)** of the By-law states:

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of being vacant or unoccupied.

The Building is a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. Buildings that are in a dilapidated condition can attract vandalism, arson, or criminal activity as well as pose a hazard to the safety of the public and devalue properties in the surrounding area. The City of Saint John Finance department confirmed that the water has been turned off since November 2016. Saint John Energy confirmed that the power has been disconnected since November 18, 2016.

2. There is a higher risk of a fire event occurring at the property since it is known to the public that the Building is vacant. The rear of the Building neighbors a three-unit apartment building at 212 Britain Street and is attached on the left side to a seven-unit apartment building at 127-129 Broad Street. If a fire event were to occur within the Building, it could easily spread to the neighboring property which would cause significant damage to the buildings and endanger the lives of the occupants.

3. There is a concern for emergency personnel safety in the event of an emergency. If firefighters suspect there may be people inside the Building, it would be reasonable to expect they may be required to enter it. They may also need to enter the Building to extinguish the fire. The condition of the interior is not known to firefighters which poses a hazard to their safety and others who may be inside in the event of a fire. The floors are significantly sloped and bulging in some areas which could cause emergency personnel to trip or lose their balance. There is house hold furniture inside the Building including chairs, tables, and other items. These items could be hazardous by restricting movement of emergency personnel should they need to gain entry.

Dilapidated Building Conditions

Subsection **6(3)** of the By-law states

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation for the following reasons:

> Exterior Conditions:

1. The Building is dilapidated. The entire Building is significantly out of plumb which suggests major foundation issues. The Building's foundation at the left front entrance is bowed. The foundation at the rear of the Building is covered with deteriorated Styrofoam and wooden boards that appear to be sloped away from the Building's base. The ground at the rear of the Building is clearly heaved and has warped the entire frame of the rear of the Building. If these conditions are not remedied they could cause sections of the Building to fail

which could have hazardous consequences, especially for the occupied neighboring properties.

2. The single storey section on the right side of the Building is dilapidated. This section of the Building was once used as a storage shed but is now empty. The floor of this section of the Building is severely sloped. This section of the Building was originally not in contact with the neighboring property at 212 Britain Street but has since deteriorated to such an extent that the exterior wall is leaning against the neighboring building. The roof of this section of the Building is sloped and is directing water towards 212 Britain Street. This could cause water damage to not only the exterior wall of the neighboring building but the interior wall as well, negatively impacting the residents of 212 Britain Street.

3. The deck located on the right side of the Building's front ell is unsafe. The deck is not properly supported and lacks guards. Any person on this deck would be in danger of falling from a significant height with potential to cause personal injury.

4. The concrete walkway to the right of the driveway is cracked in many locations and is a tripping hazard. The concrete retaining wall at the front of the property is cracked as well. If it were to fail completely it would land on the side walk and create a hazard for pedestrians.

Interior Conditions:

5. The floors, ceilings and walls are extremely out of plumb and far exceed the acceptable allowance dictated in the National Building Code of Canada. Sections of the floor on the first storey are heaved and uneven. Floors on the second storey are sloped. Walls are bowed and ceilings are sagging throughout the Building. This condition is hazardous to anyone inside the Building as it could be a tripping as well as an indication of structural instability.

6. There is water damage in many locations throughout the Building. Sections of ceiling tiles throughout the Building have water marks which implies water is entering the Building in a number of locations, potentially due to leaks in the roof. A section of water damaged ceiling tiles in a room on the second storey have fallen, revealing deteriorated material such as insulation and wooden members. Other sections of ceiling tiles have fallen from the ceiling of the second storey to reveal the vapor barrier. The insulation that can be seen through the vapor barrier is moldy. On the first storey of the Building there are also many locations with water damage and mold growth. A section of ceiling at the entrance of the Building is covered in black mold. Ceiling tiles are hanging from the ceiling in a room on the first storey, likely due to deterioration from water damage. One room has had the drywall and lath removed from the walls and ceiling where there was a known water leak. This condition has not been remedied and the debris from the wall and ceiling remains on the floor. There is visible water damage and mold on the lath and drywall in this area. These conditions will cause the building materials in the ceilings and walls to continue to deteriorate and become unsafe. Mold is also a respiratory hazard to anyone entering the Building.

Structurally Unsound Building Conditions

Subsection **6(3)** of the By-law states

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of unsoundness of structural strength for the following reasons:

1. The composition of the foundation at the front of the Building is unknown as it is covered in wooden sheathing, however it is visibly bowed away from the Building. At the rear of the Building the foundation is covered by deteriorated Styrofoam and wooden boards. In one section there is a board missing which reveals a space that leads underneath the Building. The portion of exposed foundation is composed of wood and stone, both appear to be failing. The ground at the rear of the Building has heaved and caused the frame of the rear of the Building to warp. This can be seen around the window frames and along the roof line. The rear corner of the Building that is attached to 127-129 Broad Street is rotted. These conditions and the fact that Building is entirely out of plumb suggest severe structural issues.

2. It can be seen from the exterior of the Building that it is warped and leaning. The front ell of the Building is leaning significantly to the left. The roof line of the Building is wavy and out of plumb in a number of sections. The ceilings, walls, and floors of the interior of the Building are sloped, sagging and out of plumb. Household items that rest on the floor are tilted due to the sloped floors of the Building. Windows are no longer flush with the Building which has created gaps around the window frames, allowing water into the Building. Some doorways in the Building are slanted while others are sagging. The ceilings in many rooms of the Building are also sagging. These condition will worsen if they are not addressed which will cause further unsoundness of structural strength.

3. The second storey deck on the right side of the front ell is unsound. There are no footings and no guards or handrails. The deck is not constructed properly according to the National Building Code of Canada and could fail should live load be applied.

Required Remedial Actions

The owner must comply with one of the two options stated below:

Option 1: Remedy the conditions of the Building through all repair and remedial actions as follows:

1. The Building must be completely repaired to remedy the above mentioned hazards to public safety while meeting the requirements of the *National Building Code of Canada (2010)* as well as all other applicable by-laws.

2. The Building must be maintained, kept secure, and monitored on a routine basis while the property remains vacant or unoccupied.

3. A detailed plan must be submitted to the Growth and Community Development Services Department of the City of Saint John (the "Department") for review and approval. The plan should also include a schedule for the work that is to be carried out. The repaired Building must meet the *National Building Code of Canada (2010)* as well as other applicable codes.

4. The detailed plan, including schedules and any engineering reports, must be approved by the Department prior to commencing repair work.

5. A building permit must be obtained for any and all applicable work prior to commencing said work from the City of Saint John in order to comply with the *Saint John Building By-law*, By-law Number C.P. 102 and amendments thereto (the "*Saint John Building By-law*").

6. The premise must be cleared of all debris found on the property, including any and all rubbish that may be considered hazardous or unsightly. The debris from the premise must be disposed of at an approved solid waste disposal site, in accordance with all applicable by-laws, acts and regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department. The premise must comply with all applicable By-laws, Acts, Codes and Regulations.

Option 2: Demolition of the Building and cleanup of all debris on the premise by complying with all the remedial actions as follows:

1. The Building must be demolished to remove the hazard to the safety of the public by reason of dilapidation and by reason of being vacant or unoccupied.

2. A demolition permit must be obtained from the City of Saint John in order to comply with the *Saint John Building By-law.*

3. The premise must be cleared of the debris from the demolition and the lot must be made reasonably level with grade so as to not create a tripping or falling hazard. All debris must be disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.

4. All debris that is currently on the premise must be removed and disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.

5. The property must be in compliance with all applicable By-laws, Acts and Regulations.

Prepared by:

Catherine Lowe — June 3, 2019

Catherine Lowe, EIT
Technical Services Officer
Growth and Community Development Services

Date

Reviewed by and concurred in by:

Rachel VW. — May 29/2019.

Rachel Van Wart, P.Eng.
Technical Services Officer
Growth and Community Development Services

Date

CANADA

PROVINCE OF NEW BRUNSWICK

COUNTY OF SAINT JOHN

CITY OF SAINT JOHN

AFFIDAVIT OF SERVICE

I, PHILIP W. HUNTER of the Community of Nerepis in the County of Kings and Province of New Brunswick MAKE OATH AND SAY AS FOLLOWS:

1. On the 17TH day of JUNE, 2019, I served BRUCE CARR with the following documents:

- a Notice to Comply, attached hereto as Exhibit "A";
- and a Notice of Appeal, attached hereto as Exhibit "B";

by leaving a copy with him / her at 21 MEAHAN CRESCENT SAINT JOHN, New Brunswick.

2. I was able to identify the person served by means of the fact that he / she acknowledged to me he / she was BRUCE CARR.

Sworn To before me at the
City of Saint John, N.B.,
on the 4th day of
July, 2019

Julie Rocca

Julie Rocca
Commissioner of Oaths
My Commission Expires
December 31, 2022

FORM 4
NOTICE TO COMPLY – DANGEROUS OR UNSIGHLTY PREMISES
(*Local Governance Act*, S.N.B., 2017, c.18, s 132(2))

This is Exhibit "A"
Referred to in the Affidavit of
Phillip Hunter
Sworn before me at the City of
Saint John, New Brunswick
the 4 day of July 2019
Julie Macon
Commissioner of Oaths

Parcel identifier:

PID #1149

Address: 261-263 Wentworth Street & 214 Britain Street, Saint John, New Brunswick

Owner(s) or Occupier(s):

Name: Carr, Bruce Wayne

Address: 21 Meahan Crescent, Saint John, New Brunswick, E2N 0B2

Local government giving notice: The City of Saint John

By-law contravened: *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*, By-law Number M-30 and amendments thereto (the "By-law").

Provision(s) contravened: Subsections 6(1), 6(2) and 6(3) of the By-law.

Conditions(s) that exist: The premise is unsightly by permitting junk, rubbish, refuse and a dilapidated building to remain on the premise. The building has become a hazard to the safety of the public by reason of being vacant or unoccupied and has become a hazard to the safety of the public by reason of dilapidation and by reason of unsoundness of structural strength. The conditions of the building and premise are described in Schedule "A", a true copy of the inspection report dated May 29, 2019 prepared by Catherine Lowe, EIT, By-law Enforcement Officer, reviewed and concurred in by Rachel Van Wart, P.Eng., By-law Enforcement Officer

What must be done to correct the condition: The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the building and premises into compliance with the aforesaid By-law.

In the event that the owner does not remedy the condition of the building and premises in the time prescribed by this Notice to Comply, the building may be demolished as the corrective action to address the hazard to the safety of the public and the premises may be cleaned up.

In the event of demolition, all debris and items on the premises will be disposed of as the corrective action to address the hazard to the safety of the public.

The aforementioned, remedial actions relating to the

FORMULE 4
AVIS DE CONFORMITÉ – LIEUX DANGEREUX OU INESTHÉTIQUES
(*Loi sur la gouvernance locale*, L.N.-B. 2017, ch. 18, par. 132(2))

Numéro d'identification de la parcelle :

NID : 1149

Adresse : 261-263, rue Wentworth & 214, rue Britain, Saint John, Nouveau-Brunswick

Propriétaire(s) ou occupant(s) :

Nom : Carr, Bruce Wayne

Adresse : 21, Meahan Crescent, Saint John, Nouveau-Brunswick, E2N 0B2

Gouvernement local signifiant l'avis : The City of Saint John

Arrêté enfreint : *Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux de Saint John*, Arrêté numéro M-30, ainsi que ses modifications ci-afférentes (l' « Arrêté »).

Disposition(s) enfreinte(s) : Les paragraphes 6(1), 6(2) *et* paragraphe 6(3) de l'Arrêté.

Description de la (des) situation(s) : Les lieux sont inesthétiques en permettant la présence de ferraille, de détritus et le bâtiment délabré. Le bâtiment est devenu dangereuse pour la sécurité du public du fait de son inhabitation ou de son inoccupation et est devenu dangereuse pour la sécurité du public du fait de son délabrement et du fait de manque de solidité. Les conditions du bâtiment et des lieux sont décrites à l'annexe « A », une copie conforme du rapport d'inspection en date du 29 mai 2019 et préparé par Catherine Lowe, IS, une agente chargée de l'exécution des arrêtés du gouvernement local, révisé et en d'accorde avec par Rachel Van Wart, ing., une agente chargée de l'exécution des arrêtés du gouvernement local.

Ce qu'il y a lieu de faire pour y remédier: La propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d'inspection susmentionné et d'amener le bâtiment et les lieux en conformités avec l'Arrêté.

Dans l'éventualité que la propriétaire ne remédient pas le bâtiment et les lieux dans le temps prescrit par le présent avis de conformité, le bâtiment pourront être démolis comme mesure corrective compte tenu qu'il représente un danger pour la sécurité du public et les lieux pourront être nettoyés.

Dans l'éventualité de démolition, tous les débris et autres items sur les lieux seront disposés comme mesure corrective dans le but de remédier le danger pour la sécurité du public.

Les mesures correctives susmentionnées relativement

demolition of the building and the disposal of debris and items on the premises do not include the carry-out clean-up, site rehabilitation, restoration of land, premises or personal property or other remedial action in order to control or reduce, eliminate the release, alter the manner of release or the release of any contaminant into or upon the environment or any part of the environment.

Date before which the condition must be corrected: [1]

a) The demolition of the building, clean-up of the property and related remedies must be complete, or plans and permit applications for repair related remedies, must be submitted: within 30 days of being served with the Notice to Comply.

b) The repair related remedies must be complete within 120 days of being served with the Notice to Comply.

Date for giving notice of appeal: Within 14 days of being served with the Notice to Comply.

Process to appeal: The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8th Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

Potential penalty for not complying with notice within time set out in notice:[2] Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

à la démolition du bâtiment et la disposition des débris et autres items sur les lieux ne comprennent pas le nettoyage, la remise en état des lieux, des terrains ou des biens personnels ou toute autre mesure corrective dans le but de contrôler ou de réduire, d'éliminer le déversement, de modifier le mode de déversement ou le déversement d'un polluant dans ou sur l'environnement ou toute partie de l'environnement.

Délai imparti pour y remédier : [1]

a) La démolition du bâtiment et le nettoyage des lieux doivent être complétéés, ou à laquelle les plans et demande de permis pour les mesures des réparations, doivent être soumises, dans les 30 jours qui suivent la signification de l'avis de conformité.

b) Les réparations reliées aux mesures doivent être complétées dans les 120 jours qui suivent la signification de l'avis de conformité.

Date limite pour donner l'avis d'appel: Dans les 14 jours qui suivent la notification de l'avis de conformité.

Processus d'appel : La propriétaire peux dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8e étage, 15 Market Square, Saint John, Nouveau-Brunswick, E2L 4L1.

Peine possible en cas d'omission de se conformer aux exigences de l'avis dans le délai y imparti : [2] Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)b)i).

Local government's authority to undertake repairs or remedy:[3] Paragraphs 12(1)(a), 12(1)(b) and 12(1)(c) of the By-law state that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired, or cause the building or other structure of that owner or occupier to be repaired or demolished. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

Pouvoir du gouvernement local d'entreprendre des réparations ou de remédier à la situation : [3] Conformément aux alinéas 12(1)a), 12(1)b) et 12(1)c) de l'Arrêté, si un avis de conformité a été signifié aux termes de l'article 7 de ladite Arrêté et, que le propriétaire ou l'occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu'il est réputé confirmé ou tel qu'il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant ou de faire réparer ou démolir le bâtiment ou autre construction de ce propriétaire ou de cet occupant, et les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

Dated at Saint John the 3 day of June, 2019.

Local government: The City of Saint John

Signature of the officer of the local government:

Catherine Lowe

Fait à Saint John le ___ juin, 2019.

Gouvernement locale : The City of Saint John

Signature du fonctionnaire du gouvernement local:

Contact information of the officer of the local government:

Name: Catherine Lowe, EIT
Mailing address:

Growth and Community Development Services

The City of Saint John
15 Market Square
City Hall Building, 10th Floor
P. O. Box 1971
Saint John, New Brunswick
E2L 4L1

Telephone: (506) 658-2911
E-mail: catherine.lowe@saintjohn.ca
Fax: (506) 632-6199

Coordonnées du fonctionnaire du gouvernement local:

Nom : Catherine Lowe, IS
Adresse postale:

Service de la Croissance et du Développement Communautaire

The City of Saint John
15 Market Square
Édifice de l'hôtel de ville, 10e étage
Case postale 1971
Saint John (Nouveau-Brunswick)
E2L 4L1

Téléphone : (506) 658-2911
Adresse électronique: catherine.lowe@saintjohn.ca
Télécopieur : (506) 632-6199

Corporate seal of the local government

Sceau du gouvernement local

Notes:
1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.

2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.

3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

Notes :
1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.

2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.

3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

I hereby certify that this document is a true copy of the original.

Dated at Saint John, this 3rd day of June 2019.

Catherine Lowe
Standards Officer

INSPECTION REPORT
Schedule "A"
261-263 Wentworth Street & 214 Britain Street
Saint John, New Brunswick
PID# 1149

Inspection Date: April 23, 2019
Inspection Conducted by: Catherine Lowe, EIT & Rachel Van Wart, P.Eng.

Introduction

Inspections of the property at 261-263 Wentworth Street and 214 Britain Street, PID# 1149, have revealed that there is one building on the premise (the "Building"); a two-storey, single unit dwelling. Staff first became aware of the property's vacancy in September 2015 and began standard enforcement procedures. The property is located in the lower South Central Peninsula in an urban centre residential zone. The Building is a hazard to the safety of the public by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

Discussion

The Building is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Unsightly Premise Conditions

Subsection **6(1)** of the By-law states:

> No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises
>
> *(a)* any ashes, junk, rubbish or refuse;
> *(b)* an accumulation of wood shavings, paper, sawdust or other residue of production or construction;
> *(c)* a derelict vehicle, equipment, machinery or the body of any part of a vehicle equipment or machinery, or
> *(d)* a dilapidated building.

1. There is an accumulation of junk, rubbish, and refuse on the property. These items include, but are not limited to; discarded wood, bricks and other various loose garbage. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.

2. The Building is dilapidated. The Building is significantly sloped; doors and window frames are not plumb. The front portion of the Building is leaning significantly to the left side. The rear section of the Building is encroaching on the neighboring property at 212 Britain Street. The Building's exterior cladding consists of wooden shingles. Paint is peeling from the shingles and some show signs of rot. Windows and doors on the first storey are boarded with plywood that has been painted blue. The wooden landing and stairs at the front left entrance is leaning and rotted. The concrete walkway spanning the right side of the driveway is cracked. There is a retaining wall on the left side of the driveway, the concrete portion is leaning and the wooden section shows signs of rot. The concrete retaining wall that spans the left section of the front yard of the property is cracked and failing. The wooden retaining wall that spans the right front yard section closest to Britain Street shows signs of rot. At the rear of the Building there are deteriorated Styrofoam and wooden boards affixed to the foundation

between the Building and the neighbouring property located at 212 Britain Street. These conditions are unsightly.

Vacant and Unoccupied

Subsection **6(2)** of the By-law states:

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of being vacant or unoccupied.

The Building is a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. Buildings that are in a dilapidated condition can attract vandalism, arson, or criminal activity as well as pose a hazard to the safety of the public and devalue properties in the surrounding area. The City of Saint John Finance department confirmed that the water has been turned off since November 2016. Saint John Energy confirmed that the power has been disconnected since November 18, 2016.

2. There is a higher risk of a fire event occurring at the property since it is known to the public that the Building is vacant. The rear of the Building neighbors a three-unit apartment building at 212 Britain Street and is attached on the left side to a seven-unit apartment building at 127-129 Broad Street. If a fire event were to occur within the Building, it could easily spread to the neighboring property which would cause significant damage to the buildings and endanger the lives of the occupants.

3. There is a concern for emergency personnel safety in the event of an emergency. If firefighters suspect there may be people inside the Building, it would be reasonable to expect they may be required to enter it. They may also need to enter the Building to extinguish the fire. The condition of the interior is not known to firefighters which poses a hazard to their safety and others who may be inside in the event of a fire. The floors are significantly sloped and bulging in some areas which could cause emergency personnel to trip or lose their balance. There is household furniture inside the Building including chairs, tables, and other items. These items could be hazardous by restricting movement of emergency personnel should they need to gain entry.

Dilapidated Building Conditions

Subsection **6(3)** of the By-law states

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation for the following reasons:

Exterior Conditions:

1. The Building is dilapidated. The entire Building is significantly out of plumb which suggests major foundation issues. The Building's foundation at the left front entrance is bowed. The foundation at the rear of the Building is covered with deteriorated Styrofoam and wooden boards that appear to be sloped away from the Building's base. The ground at the rear of the Building is clearly heaved and has warped the entire frame of the rear of the Building. If these conditions are not remedied they could cause sections of the Building to fail

between the Building and the neighbouring property located at 212 Britain Street. These conditions are unsightly.

Vacant and Unoccupied

Subsection **6(2)** of the By-law states:

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of being vacant or unoccupied.

The Building is a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. Buildings that are in a dilapidated condition can attract vandalism, arson, or criminal activity as well as pose a hazard to the safety of the public and devalue properties in the surrounding area. The City of Saint John Finance department confirmed that the water has been turned off since November 2016. Saint John Energy confirmed that the power has been disconnected since November 18, 2016.

2. There is a higher risk of a fire event occurring at the property since it is known to the public that the Building is vacant. The rear of the Building neighbors a three-unit apartment building at 212 Britain Street and is attached on the left side to a seven-unit apartment building at 127-129 Broad Street. If a fire event were to occur within the Building, it could easily spread to the neighboring property which would cause significant damage to the buildings and endanger the lives of the occupants.

3. There is a concern for emergency personnel safety in the event of an emergency. If firefighters suspect there may be people inside the Building, it would be reasonable to expect they may be required to enter it. They may also need to enter the Building to extinguish the fire. The condition of the interior is not known to firefighters which poses a hazard to their safety and others who may be inside in the event of a fire. The floors are significantly sloped and bulging in some areas which could cause emergency personnel to trip or lose their balance. There is house hold furniture inside the Building including chairs, tables, and other items. These items could be hazardous by restricting movement of emergency personnel should they need to gain entry.

Dilapidated Building Conditions

Subsection **6(3)** of the By-law states

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation for the following reasons:

Exterior Conditions:

1. The Building is dilapidated. The entire Building is significantly out of plumb which suggests major foundation issues. The Building's foundation at the left front entrance is bowed. The foundation at the rear of the Building is covered with deteriorated Styrofoam and wooden boards that appear to be sloped away from the Building's base. The ground at the rear of the Building is clearly heaved and has warped the entire frame of the rear of the Building. If these conditions are not remedied they could cause sections of the Building to fail

which could have hazardous consequences, especially for the occupied neighboring properties.

2. The single storey section on the right side of the Building is dilapidated. This section of the Building was once used as a storage shed but is now empty. The floor of this section of the Building is severely sloped. This section of the Building was originally not in contact with the neighboring property at 212 Britain Street but has since deteriorated to such an extent that the exterior wall is leaning against the neighboring building. The roof of this section of the Building is sloped and is directing water towards 212 Britain Street. This could cause water damage to not only the exterior wall of the neighboring building but the interior wall as well, negatively impacting the residents of 212 Britain Street.

3. The deck located on the right side of the Building's front ell is unsafe. The deck is not properly supported and lacks guards. Any person on this deck would be in danger of falling from a significant height with potential to cause personal injury.

4. The concrete walkway to the right of the driveway is cracked in many locations and is a tripping hazard. The concrete retaining wall at the front of the property is cracked as well. If it were to fail completely it would land on the side walk and create a hazard for pedestrians.

Interior Conditions:

5. The floors, ceilings and walls are extremely out of plumb and far exceed the acceptable allowance dictated in the National Building Code of Canada. Sections of the floor on the first storey are heaved and uneven. Floors on the second storey are sloped. Walls are bowed and ceilings are sagging throughout the Building. This condition is hazardous to anyone inside the Building as it could be a tripping as well as an indication of structural instability.

6. There is water damage in many locations throughout the Building. Sections of ceiling tiles throughout the Building have water marks which implies water is entering the Building in a number of locations, potentially due to leaks in the roof. A section of water damaged ceiling tiles in a room on the second storey have fallen, revealing deteriorated material such as insulation and wooden members. Other sections of ceiling tiles have fallen from the ceiling of the second storey to reveal the vapor barrier. The insulation that can be seen through the vapor barrier is moldy. On the first storey of the Building there are also many locations with water damage and mold growth. A section of ceiling at the entrance of the Building is covered in black mold. Ceiling tiles are hanging from the ceiling in a room on the first storey, likely due to deterioration from water damage. One room has had the drywall and lath removed from the walls and ceiling where there was a known water leak. This condition has not been remedied and the debris from the wall and ceiling remains on the floor. There is visible water damage and mold on the lath and drywall in this area. These conditions will cause the building materials in the ceilings and walls to continue to deteriorate and become unsafe. Mold is also a respiratory hazard to anyone entering the Building.

Structurally Unsound Building Conditions

Subsection **6(3)** of the By-law states

> No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of unsoundness of structural strength for the following reasons:

1. The composition of the foundation at the front of the Building is unknown as it is covered in wooden sheathing, however it is visibly bowed away from the Building. At the rear of the Building the foundation is covered by deteriorated Styrofoam and wooden boards. In one section there is a board missing which reveals a space that leads underneath the Building. The portion of exposed foundation is composed of wood and stone, both appear to be failing. The ground at the rear of the Building has heaved and caused the frame of the rear of the Building to warp. This can be seen around the window frames and along the roof line. The rear corner of the Building that is attached to 127-129 Broad Street is rotted. These conditions and the fact that Building is entirely out of plumb suggest severe structural issues.

2. It can be seen from the exterior of the Building that it is warped and leaning. The front ell of the Building is leaning significantly to the left. The roof line of the Building is wavy and out of plumb in a number of sections. The ceilings, walls, and floors of the interior of the Building are sloped, sagging and out of plumb. Household items that rest on the floor are tilted due to the sloped floors of the Building. Windows are no longer flush with the Building which has created gaps around the window frames, allowing water into the Building. Some doorways in the Building are slanted while others are sagging. The ceilings in many rooms of the Building are also sagging. These condition will worsen if they are not addressed which will cause further unsoundness of structural strength.

3. The second storey deck on the right side of the front ell is unsound. There are no footings and no guards or handrails. The deck is not constructed properly according to the National Building Code of Canada and could fail should live load be applied.

Required Remedial Actions

The owner must comply with one of the two options stated below:

Option 1: Remedy the conditions of the Building through all repair and remedial actions as follows:

1. The Building must be completely repaired to remedy the above mentioned hazards to public safety while meeting the requirements of the *National Building Code of Canada (2010)* as well as all other applicable by-laws.

2. The Building must be maintained, kept secure, and monitored on a routine basis while the property remains vacant or unoccupied.

3. A detailed plan must be submitted to the Growth and Community Development Services Department of the City of Saint John (the "Department") for review and approval. The plan should also include a schedule for the work that is to be carried out. The repaired Building must meet the *National Building Code of Canada (2010)* as well as other applicable codes.

4. The detailed plan, including schedules and any engineering reports, must be approved by the Department prior to commencing repair work.

5. A building permit must be obtained for any and all applicable work prior to commencing said work from the City of Saint John in order to comply with the *Saint John Building By-law*, By-law Number C.P. 102 and amendments thereto (the "*Saint John Building By-law*").

6. The premise must be cleared of all debris found on the property, including any and all rubbish that may be considered hazardous or unsightly. The debris from the premise must be disposed of at an approved solid waste disposal site, in accordance with all applicable by-laws, acts and regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department. The premise must comply with all applicable By-laws, Acts, Codes and Regulations.

Option 2: Demolition of the Building and cleanup of all debris on the premise by complying with all the remedial actions as follows:

1. The Building must be demolished to remove the hazard to the safety of the public by reason of dilapidation and by reason of being vacant or unoccupied.

2. A demolition permit must be obtained from the City of Saint John in order to comply with the *Saint John Building By-law.*

3. The premise must be cleared of the debris from the demolition and the lot must be made reasonably level with grade so as to not create a tripping or falling hazard. All debris must be disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.

4. All debris that is currently on the premise must be removed and disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.

5. The property must be in compliance with all applicable By-laws, Acts and Regulations.

Prepared by:

Catherine Lowe — June 3, 2019

Catherine Lowe, EIT
Technical Services Officer
Growth and Community Development Services

Date

Reviewed by and concurred in by:

Rachel Van Wart — May 29/2019.

Rachel Van Wart, P.Eng.
Technical Services Officer
Growth and Community Development Services

Date

This is Exhibit "B"
Referred to in the Affidavit of
Phillip Hunter
Sworn before me at the City of
Saint John, New Brunswick
the 4 day of July 2019
Julie Rocca
Commissioner of Oaths

Schedule "A"

FORM 1
NOTICE OF APPEAL

Annexe « A »

FORMULE 1
AVIS D'APPEL

File No.: _____

BETWEEN :

_____,
Appellant(s),

- and -

THE CITY OF SAINT JOHN,

Respondent.

Parcel Identifier : PID #
_____

Parcel Address: _____

_____

Owner(s) or Occupier(s):

Name: _____

Address: _____

_____

Telephone: _____

Name: _____

Address: _____

_____

Telephone: _____

The above named appellant(s) is (are) not satisfied with the terms and conditions set out in:

(a) a Notice that was given under section 7 of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law;* or

(b) an Order that was issued under section 25 of the *Saint John Minimum Property Standards By-Law;*

and therefore appeals to the *Saint John Substandard Properties Appeal Committee.*

The appellant's grounds for this appeal are as follows (*set out the grounds clearly but briefly*):

N° du dossier : _____

ENTRE :

_____,
Appelant(s),

- et -

THE CITY OF SAINT JOHN,

Intimée.

Numéro d'identification de la parcelle : # NID
_____

Adresse de la parcelle : _____

_____

Propriétaire(s) ou occupant(s) :

Nom : _____

Adresse : _____

_____

Téléphone: _____

Nom : _____

Adresse : _____

_____

Téléphone: _____

L'appelant ou les appelants susnommé(s) n'accepte(nt) pas les modalités ou les conditions qui sont énoncés dans :

(a) un AVIS qui a été donné en vertu de l'article 7 de l'*Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux dans The City of Saint John*; ou

(b) une ORDONNANCE qui a été émise en vertu de l'article 25 de l'*Arrêté concernant les normes minimales régissant les résidences de Saint John*

et fait ainsi appel devant le *Comité des appels sur les résidences non conformes aux normes de Saint John.*

Les motifs d'appel de l'appelant(s) dans le présent appel sont les suivants (*énoncer les motifs de façon*

claire et concise) :

_____
_____
_____
_____
_____
_____

_____
_____
_____
_____
_____
_____

Dated at _____ the _____ day of _____, 20___.

Fait à _____ le _____ 20___.

_____
Signature of owner or occupier

_____
Signature du propriétaire ou de l'occupant

The appellant(s) intends to proceed in the English [ ] or French [ ] language (*Please check the appropriate box*).

L'appelant a ou les appelants ont l'intention d'utiliser la langue française [ ] ou anglaise [ ] (*Veuillez cocher la case appropriée*).

*Please forward your Notice of Appeal by registered mail to the Common Clerk within **fourteen (14) days** after having been given the Notice or Order at the following address:*

*Veuillez faire parvenir votre AVIS D'APPEL par courrier recommandé au greffier communal dans les **quatorze (14) jours** qui suivent la notification de l'AVIS ou de l'ORDONNANCE à l'adresse suivante :*

Common Clerk's Office
15 Market Square, City Hall Building, 8th Floor
P. O. Box 1971
Saint John, New Brunswick
E2L 4L1

Telephone: 506-658-2862
Facsimile: 506-674-4214

Bureau du greffier communal
15 Market Square, Édifice de l'hôtel de ville, 8e étage
Case postale 1971
Saint John (Nouveau-Brunswick)
E2L 4L1

Téléphone : 506-658-2862
Facsimilé : 506-674-4214

Notes:

1. A Notice or Order that is not appealed within ***fourteen (14) days*** after having been given or issued shall be deemed to be confirmed.

2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.

3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the Notice or Order, or extend the time for complying with the Notice or Order.

4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within ***fourteen (14) days*** after making its decision.

Notes :

1. Un AVIS ou une ORDONNANCE dont il n'est pas interjeté appel dans les ***quatorze (14) jours*** qui suivent la notification de l'AVIS ou l'émission de l'ORDONNANCE est réputé confirmé.

2. Lors d'un appel, le *Comité des appels sur les résidences non conformes aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant ou les occupants qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut (peuvent) se faire représenter par un avocat.

3. Lors d'un appel, le *Comité des appels sur les résidences non conformes aux normes de Saint John* peut confirmer, modifier ou annuler l'AVIS ou l'ORDONNANCE ou proroger le délai pour s'y conformer.

4. Le *Comité des appels sur les résidences non conformes aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant ou aux occupants des lieux, du bâtiment ou de la construction qui lui a (ont) interjeté appel dans les ***quatorze (14) jours*** suivant la date à laquelle il a rendu

5. The owner(s) or occupier(s) who is provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* regarding a Notice, may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within ***fourteen (14) days*** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that *(a)* the procedure required to be followed by the by-law was not followed, or *(b)* the decision is unreasonable.

sa décision.

5. Le(s) propriétaire(s) ou l'occupant ou les occupants à qui une copie d'une décision a été fournie par le *Comité des appels sur les résidences non conformes aux normes de Saint John* concernant un AVIS peut (peuvent), dans les ***quatorze (14) jours*** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que *(a)* la démarche à suivre en vertu de l'arrêté n'a pas été suivie, ou *(b)* la décision est déraisonnable.

CANADA
PROVINCE OF NEW BRUNSWICK
COUNTY OF SAINT JOHN

IN THE MATTER OF THE BUILDING THAT IS LOCATED AT

261-263 Wentworth Street & 214 Britain Street, SAINT JOHN, N.B. (PID number 1149)

AFFIDAVIT OF SERVICE

I, Catherine Love, of Saint John, N.B., Make Oath And Say As Follows:

1. I am employed by The City of Saint John in its Growth and Community Development Services Department. I have personal knowledge of the matters herein deposed except where otherwise stated.

2. On July 17, 2019, at approximately 2:55pm, I posted a copy of the attached Notice of Common Council Hearing, marked Exhibit "A" to the front door of the building that is located at 263 Wentworth Street, Saint John, N.B.

Sworn To before me at the
City of Saint John, N.B.,
on the 23 day of
July, 2019

RACHEL A VAN WART
COMMISSIONER OF OATHS
MY COMMISSION EXPIRES
DECEMBER 31ST, 2022

Catherine Love
Catherine Love

The City of Saint John

Permitting & Inspection / Service des inspections et de l'application
By-Law Enforcement / Service d'Application des Arrêtés Municipaux

Phone / Tél: (506) 658-2911
Fax / Téléc: (506) 632-6199

July 12, 2019

This is Exhibit "A"
Referred to in the Affidavit of
Catherine Lowe
Sworn before me at the City of
Saint John, New Brunswick
the 23 day of July 2019
Rachel Van Nest
Commissioner of Oaths

Case Number: 15-00538

REGISTERED MAIL

Bruce Wayne Carr
21 Meahan Cres
Saint John, NB
E2N 0B2

NOTICE OF COMMON COUNCIL HEARING

Dear Sir/Madam:

Re: 261-263 Wentworth St, & 214 Britain Street PID # 00001149
Dangerous and Vacant Building Program

On June 3, 2019, a Notice to Comply was issued for the above mentioned property which required remedial action to bring the building and premises into compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law.* The Notice to Comply was posted on the said property on June 3, 2019.

The fourteen (14) days appeal period has now expired. Therefore, a compliance inspection will be carried out on July 22, 2019. If the property is not in compliance with the aforesaid By-law at the time of the inspection, City Staff will be attending the Common Council meeting scheduled on July 29, 2019 at 6:00p.m. to recommend that the building be demolished because it has become a hazard to the safety of the public by reason of dilapidation or by reason of unsoundness of structural strength. Please be advised that at this meeting, you can present evidence that the building is not dilapidated or structurally unsound; however, note that this meeting will be your only opportunity to do so.

If you have any questions, don't hesitate to contact me at (506) 658-2911.

Regards,

Catherine Lowe

Catherine Lowe, EIT
By-Law Enforcement/Standards Officer

261-263 Wentworth Street and 214 Britain Street,
Saint John, New Brunswick
PID# 00001149

Photo 1

261-263 Wentworth Street and 214 Britain Street,
Saint John, New Brunswick
PID# 00001149

Photo 2

261-263 Wentworth Street and 214 Britain Street,
Saint John, New Brunswick
PID# 00001149

Photo 3

261-263 Wentworth Street and 214 Britain Street,
Saint John, New Brunswick
PID# 00001149

Photo 4

261-263 Wentworth Street and 214 Britain Street,
Saint John, New Brunswick
PID# 00001149

Photo 5

261-263 Wentworth Street and 214 Britain Street,
Saint John, New Brunswick
PID# 00001149

Photo 6

261-263 Wentworth Street and 214 Britain Street,
Saint John, New Brunswick
PID# 00001149

Photo 7

261-263 Wentworth Street and 214 Britain Street,
Saint John, New Brunswick
PID# 00001149

Photo 8

261-263 Wentworth Street and 214 Britain Street,
Saint John, New Brunswick
PID# 00001149

Photo 9

SAINT JOHN

COUNCIL REPORT

M&C No.	2019-195
Report Date	July 24, 2019
Meeting Date	July 29, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Request to Set Public Hearing Date - Updated Heritage Conservation Areas By-Law [Phase One]

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Emma Sampson	***Jacqueline Hamilton / Amy Poffenroth***	***John Collin***

RECOMMENDATION

Your City Manager recommends that Common Council approve the necessary advertising for the Public Hearing to be held on September 9, 2019 to consider the proposed Phase One revisions to the *Saint John Heritage Conservation Areas By-Law* [HC-1].

EXECUTIVE SUMMARY

This report will provide a high-level introduction to the first suite of proposed revisions to the Heritage By-Law that will result in increased clarity, efficiency, and flexibility for heritage property owners, as well as three external requests for by-law amendments. A more detailed report on the revisions and the amendments will be submitted for the proposed September 9 Public Hearing.

A second phase of amendments to the Heritage By-Law will be presented to Council in coordination with the adoption of the Central Peninsula Plan. This second phase addresses infill development and is facilitated by policy updates to the City's Municipal Plan and amendments to the Zoning By-Law. The Central Peninsula Plan is expected to be adopted by the end of the year.

PREVIOUS RESOLUTION

N/A

STRATEGIC ALIGNMENT

The proposed changes to the *Saint John Heritage Conservation Areas By-Law* align with Common Council's 2016-2020 priorities to support a Vibrant, Safe City through the modernization of Heritage Conservation processes, as well as a Valued Service Delivery through customer-focused services and a culture of continuous improvement.

REPORT

Common Council has recognized the need for improvements to the *Saint John Heritage Conservation Areas By-Law* (Heritage By-Law), and has formalized that need by including the modernization of the Heritage By-Law in the 2016-2020 Common Council Priorities. In removing barriers to development through this modernization, the City will move forward its goals of creating density and growing the residential tax base, further solidifying its Heritage Conservation Areas as desirable, attractive places to live, work and play.

With full adoption of the Phase one and two Heritage By-law revisions, Council will have enacted a modernized regulatory framework which ensures strong stewardship of heritage resources, while encouraging investment in this key growth area of the City.

Updating the Heritage By-law began with formal stakeholder engagements organized in the second half of 2017, in conjunction with the development of the Central Peninsula Plan to identify areas of improvement for the By-Law. These engagements were followed by a series of focus groups, workshops with the Heritage Development Board, and a comprehensive review of the Heritage By-Law by Taylor Hazell Architects. Collectively, these engagements highlighted the need for **clarity**, **efficiency** and most importantly, **flexibility** in the Heritage By-Law and its administration, while still protecting the valuable integrity of the City's built heritage.

The positive trend leading to these proposed revisions started with amendments to the Heritage By-Law in 2017 which gave authorization to the Heritage Officer to approve a wide range of heritage permit applications, without going to the Heritage Development Board. The continually increasing scope of Heritage Officer permit approvals has resulted in faster turnaround times that have demonstrated a marked increase in customer satisfaction with service delivery. In 2019, over 55% of Heritage Permit applications have been processed by the Heritage Officer, instead of being reviewed by the Heritage Development Board. This sees permits issued typically within a week, rather than waiting for up to one month for the next Board meeting.

PROPOSED REVISIONS

The Phase One revisions that are proposed to be brought forward for Public Hearing on September 9th, 2019 come in four main parts. The revisions that have resulted from the by-law review form the largest part, with three external amendment requests included in this suite for reasons of both timing and policy review.

1. Heritage By-Law Phase One Revisions
2. External Amendment Requests
    a. Request for Removal from Designation: King Street West Heritage Conservation Area
    b. Request for Designation: 152 Watson Street
    c. Request for Site-Specific Amendment: The Telegraph

The Phase Two amendments will replace the current infill standards with new infill guidelines. This will follow the adoption timeline of the Central Peninsula Plan which is currently proposed to begin September 2019, and does not form part of this report.

1. IMPROVEMENTS TO THE PROGRAM

Revisions to the Heritage By-Law are proposed in three main categories: housekeeping, non-visible façades, and demolition.

Housekeeping

Definitions have been revised to align the Heritage By-Law with other related municipal and provincial legislation, primarily the *Local Governance Act* and the *Heritage Conservation Act*. There has also been the addition and removal of definitions where required based on changes to other sections of the Heritage By-Law itself.

Non-Visible Façades

To aid in achieving the goals of **efficiency** and **flexibility** in the Heritage By-Law, a key facet of the proposed revisions is an increase in the number of exemptions from Heritage permitting. The most important exemptions are in non-visible areas of buildings, being the rears of buildings and portions of sidewalls. In these areas, the following items will no longer require a heritage permit:

- Window and door replacements, with no change in the size of the opening;
- Decks, stairs, and fire escapes;
- Fences;
- Cladding, except masonry.

This group of exemptions was determined based on two reasons: they are some of the most common applications made, and they are easily reversible, posing minimal impact on the integrity of a heritage property. With these items proposed to be outside of the scope of the Heritage By-Law, property owners will be able to begin improvements on their own schedules and with their choice of modern or traditional materials. This ensures the conservation of the City's public-facing heritage while enabling contemporary options in backyard and private spaces should property owners so choose. Major alterations in these areas, such as additions, partial demolitions or change in openings, will continue to follow the current permitting process for the time being. It is worth noting that the Heritage Board and staff have, over the last few years, been increasingly flexible in enabling the use of more modern materials on public facing facades and continue to explore further areas of improvement.

Demolition

Improving the **clarity** of the Heritage By-Law, the process for obtaining a demolition permit has been streamlined and strengthened with set expectations for the two available application paths: 'no public benefit' and listing the property for sale.

The application path for 'no public benefit' (formerly 'incompatibility') has been reworked with clearer standards for making that determination. The application path requiring the listing of a property for sale has been made more contemporary with current real estate practices and is designed to help increase the likelihood of a "second chance" for a building:

- Easier determination of list price, in place of appraisers;
- Requiring a 12-month listing period, and,
- Establishing more visible advertisement for listed properties, both on the building itself and on the City website.

It is also proposed that the Board be given the ability, in accordance with the *Heritage Conservation Act* and in alignment with the Building By-Law, to require if it deems necessary the detailed reconstruction of any designated building demolished illegally. While the Heritage By-Law will still cede to any requirements of the 'Dangerous & Vacant Building Program,' this will act as a deterrent to those who would consider not complying with process and procedure.

2. EXTERNAL AMENDMENT REQUESTS

Three external requests for amendments to the Heritage By-Law have been submitted. These requests have been worked into the proposed amendments primarily due to timing and the link to by-law policy matters.

a. The first requested amendment is to remove the designation for all properties in the King Street West Heritage Conservation Area. The area, originally 11 properties designated in 2007 through resident initiative, saw the removal of designation for two properties by Common Council in recent years: the rectory for St. George's Church in 2014 and St. George's Church itself in 2016. With these removals, and due to negligible participation in both the Heritage Permit process and the Heritage Grant Program since the establishment of the area in 2007, the prospect of removing the heritage designation has been considered a strong possibility. Further, a petition for the dissolution of the Area was submitted by a property owner from the King Street West Heritage Conservation Area in September 2018, and upon consultation with all other property owners, only one expressed a desire to retain a designation. In keeping with the staff recommendation, the Heritage Development Board is recommending to Common Council to approve the removal of the designation for those nine properties within the King Street West Heritage Conservation Area.

b. The second requested amendment is for the designation of 152 Watson Street, a single building two blocks south of King Street West. While Staff has encouraged the applicant to pursue a Provincial designation, it has been a planned change in policy as part of the Heritage By-Law revisions to be clear that the program's intent is to focus on collections of significant properties instead of individual designations. The overwhelming success of the Heritage Conservation program has been exemplified in larger, denser areas such as the Trinity Royal Heritage Conservation Area, with limited spot designation typically best suited to public buildings of community importance. The revisions to the Heritage By-Law have confirmed the intent to focus on designation of areas, not single sites. In keeping with the staff recommendation, the Heritage Development Board is recommending to Common Council to deny designating 152 Watson Street as a Heritage Conservation Area.

c. The third requested amendment is a site-specific amendment for The Telegraph, a proposed six-storey wood-framed development on the current Saint John Parking Commission lot at the corner of Canterbury Street and Grannan Street. Based on the current infill standards in the Heritage By-Law, an amendment is being requested for the height standard alone to allow for an additional few metres beyond the maximum height that is prescribed through the By-Law. This item is being reviewed by the Heritage Development Board at its August 7th meeting, with its recommendation to Common Council to follow for consideration at the September 9th Public Hearing with the rest of the Heritage By-Law revisions. All other standards will be reviewed by the Heritage Development Board through regular permit applications.

CENTRAL PENINSULA PLAN

The Central Peninsula Plan (the Plan) will address the approach to height in the Central Peninsula as well as provide further clarity around development and design processes. Council and the public reviewed a preliminary draft of the Plan in the spring of 2018. Substantial feedback was received suggesting needed improvements around the readability and usability of the documents. Staff has reformatted the Plan to be responsive to the community while maintaining its action-oriented, growth-focused vision. These improvements capture the growing momentum in the Central Peninsula and unlock the potential for catalytic growth. The Plan is currently being prepared for the legislative adoption process which is intended to begin in September in coordination with the Public Hearing for the first phase of Heritage By-Law revisions.

CONCLUSION

The *Saint John Heritage Conservation Areas By-Law* has and will continue to provide for appropriate development and the conservation of historic buildings within the City. Making regular improvements to the Heritage By-Law, particularly when these improvements aid in valued service delivery, will ensure the long-term success of the Heritage Conservation program and, more importantly, the Heritage Conservation Areas themselves. By coordinating this modernization with the larger vision of the Central Peninsula Plan, the City will be setting the stage for transformative change now and for years to come.

SERVICE AND FINANCIAL OUTCOMES

The proposed increase in exemptions from heritage permitting requirements will remove barriers and improve timelines for heritage property owners by reducing the number of permits required.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The Legal Department has provided legal support to the process and has reviewed the proposed changes.

The Heritage Development Board supports the setting of a Public Hearing for the proposed revisions and will be providing its formal recommendation following the August 7th, 2019 Heritage Development Board meeting.

ATTACHMENTS

None

TAKING SHAPE
LA VISION PREND FORME
CENTRAL PENINSULA / PÉNINSULE CENTRALE

Council:
Heritage Conservation Areas By-Law & Central Peninsula Plan

July 29, 2019

THE CENTRAL PENINSULA PLAN PROJECT

Heritage Conservation Areas By-Law Phase 1 Amendments

- Demolition
- Non-Visible Façades
- House Keeping Amendments

Central Peninsula Plan

- Secondary Plan
- Municipal Plan Amendments
- Zoning Bylaw Amendments

Heritage Conservation Areas By-Law Phase 2 Amendments

- Infill Guidelines

Heritage By-Law:

Phase One:

All planned revisions except Infill (Phase 2)

Three externally requested amendments

- Request for Removal – King Street West HCA
- Request for Designation – 152 Watson Street
- Site-Specific Height Amendment – The Telegraph

Heritage By-Law:

Phase One:

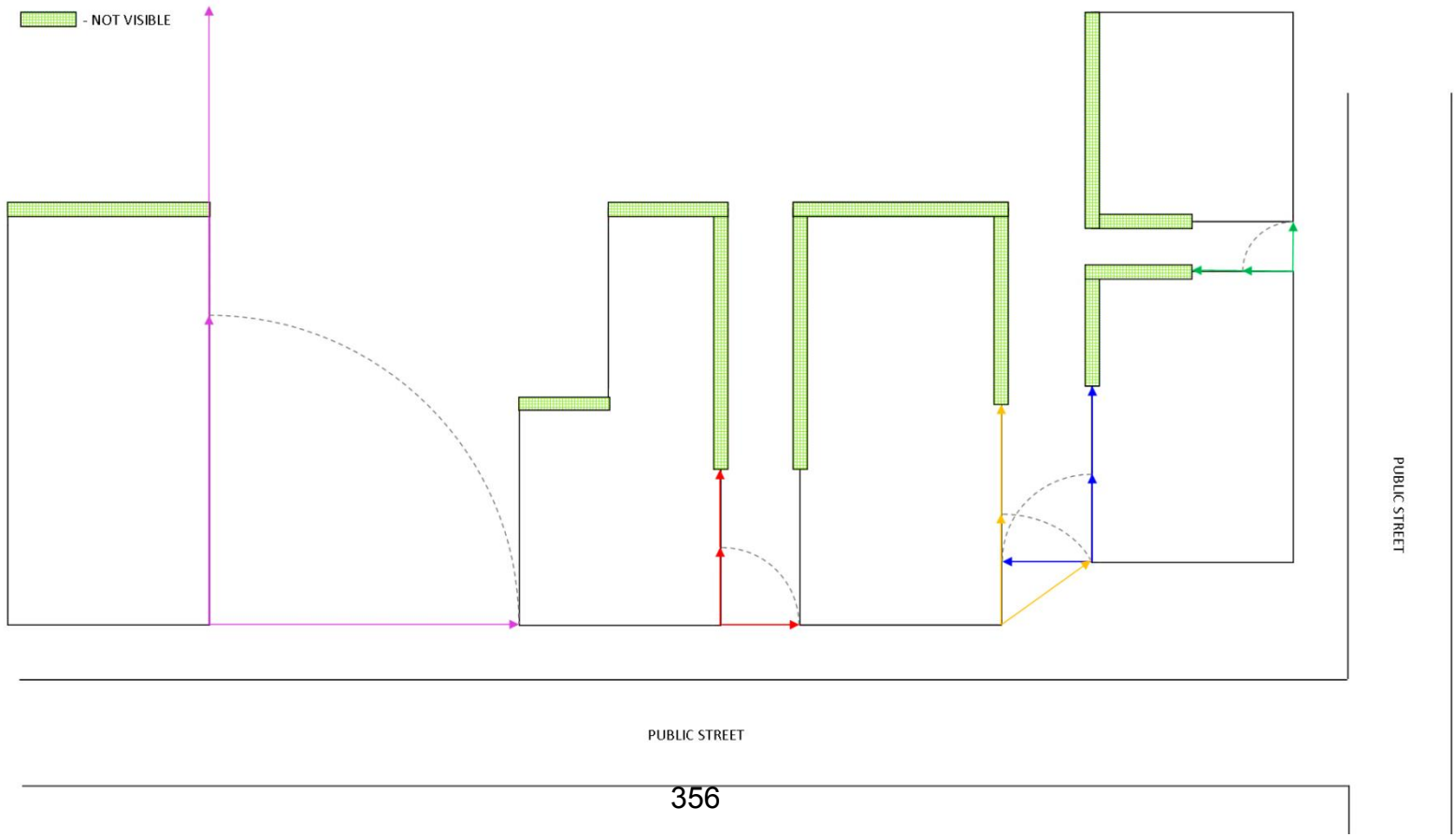
Housekeeping	Exemptions	Demolition
Revision of Definitions	Non-Visible Façades	Clarity of Process
Correction of Schedules	Rears of Buildings, Parts of Side Walls	Two Paths to Permit
	Windows & Doors (no change in size)	No Public Benefit
	Stairs, Decks, Fences, Siding	Listing for Sale
	Signage	Public Advertisement
		Illegal Demolition

Heritage By-Law: Exemptions

No Heritage Permits required for:

Windows & Doors (no change in size)

Stairs, Decks, Fences, Siding



Heritage By-Law: Demolition

HERITAGE PERMIT APPLICATION FOR DEMOLITION NO. YY-XXXX

100 EXAMPLE STREET—PID 12345678

Applicant has applied to the City of Saint John for permission to demolish all buildings and structures at the above noted address.

End of Required **12** Month Listing Period: **Day Month Year**

Listing Agent, Realty Office
Phone Number
Email

FURTHER INFORMATION MAY BE OBTAINED AT:
HERITAGE CONSERVATION, 10th FLOOR, CITY HALL, 506-658-2835

Heritage By-Law:

External Amendment Requests:

Removal of Designation

King Street West Heritage Conservation Area

Request for Designation

152 Watson Street

Site-Specific Height Amendment

The Telegraph: Canterbury Street & Grannan Street

THE CENTRAL PENINSULA PLAN PROJECT

Vision		
Growth Targets		
Neighbourhood Plans	Uptown, South End, Waterloo Village	
Corridor Treatments	Main, Union, Crown Streets; City Road	
Building & Design	Clarity of process for height and infill	
Community Action Framework	Thematic policy framework	Community Action Strategy
Implementation Strategy	5 year work plan, monitoring criteria	Capital Investment Strategy

End Notes:

- Public Open House August
- Phase 1: Heritage Amendments Public Hearing September 9
- Central Peninsula Plan Adoption Process Begins in the Fall

TAKING SHAPE
LA VISION PREND FORME

CENTRAL PENINSULA / PÉNINSULE CENTRALE

The City of Saint John

July 18, 2019

Your Worship Mayor Don Darling
& Members of Common Council:

Re: 2020 and 2021 General Fund Capital Budgets

As Chairman of the Finance Committee, I am writing on behalf of the Committee to advise that at the meeting of July 18, 2019, Finance presented the 2020 and 2021 Proposed Draft General Fund Capital Budgets.

At that meeting, it was "RESOLVED that the Finance Committee recommend that the 2020 and 2021 Proposed Draft General Fund Capital Budget be presented to Common Council with a recommendation to receive and file."

Please find attached a copy of M&C 2019 – 180 which includes the 2020 and 2021 Proposed Draft General Fund Capital Budgets.

Yours sincerely,

David Merrithew
Chairman, Finance Committee
City of Saint John

Encl.: M&C 2019 - 180 c/w supporting documents

SAINT JOHN

COMMON COUNCIL REPORT

M&C No.	2019 - 180
Report Date	July 19, 2019
Meeting Date	July 29, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Council Report 2020 and 2021 Proposed General Fund Capital Budget.docx

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager	Recommended by
Craig Lavigne	***Kevin Fudge/Cathy Graham***	***John Collin***	***Finance Committee Councillor Merrithew Finance Chair***

RECOMMENDATION

It is recommended that members of Common Council;

> *Reflect upon the attached proposed 2020 and 2021 General Fund Capital Budget and make all inquiries and recommendations to staff; and receive and file this report.*

EXECUTIVE SUMMARY

The proposed 2020 and 2021 General Fund Capital Budget was presented to the Finance Committee on May 29th and again on July 18th. At the July 18th meeting, the Finance Committee recommended sending the proposed General Fund Capital Budget to Council for receive and file at the July 29th meeting. Staff will make any required changes based on Council's feedback and present the final proposed General Fund Capital Budget on August 19, 2019 for approval.

This is the first time a multi-year capital budget has been presented to and recommended by the Finance Committee for Council's review. This multi-year budget is laying the foundation for the 10 year Long Term Capital Budget Plan that staff will bring to Finance Committee in Q4 of 2019.

The proposed Capital Budget continues to focus on multiple priorities; such as the City's infrastructure deficit, environmental factors, and safety and growth

opportunities. The proposed Capital Budget places emphasis on affordability and reducing borrowing to $11 million in 2020 and $10.5 million in 2021. The recently approved Debt Management policy will ensure debt continues to decrease as it has in the last several years with a balance of $119.3 million end of 2014 and estimated to be $102.4 million by the end of 2019.

PREVIOUS RESOLUTION

July 18, 2019 Finance Committee Meeting – "It is recommended that Finance Committee approve the 2020 and 2021 Proposed Draft General Fund Capital Budget and submit to Common Council with a recommendation to receive and file."

STRATEGIC ALIGNMENT

The proposed 2020 and 2021 proposed draft General Fund Capital Budgets are aligned with Councils' priorities, Debt Management Policy, Financial Principles, Capital Budget Policy, Asset Management Plan, Central Peninsula Neighborhood Plan, Play SJ, Move SJ, Plan SJ with a focus on growth.

REPORT

The 2020 and 2021 proposed General Fund Capital Budgets align with Council's priorities to support investment in creating a ***Vibrant, Safe City***, offering ***Valued Service Delivery, Growth and Prosperity*** and being ***Fiscally Responsible***. The budgets align with the Capital Budget Policy, Debt Management Policy, Financial Principles and the Asset Management Policy.

The 2020 and 2021 proposed draft General Fund Capital Budgets total $50,621,551 over the 2 years with $29,131,401 to be funded from other funding sources, pay as you go, operating and capital reserves and the remainder, $21,490,150, to be funded by debt issue. The budget has funding from federal gas tax fund, federal disaster mitigation adaptation fund, proposed bi-lateral (federal and provincial) funding and other green funding.

Over half of the overall budget is coming from other sources. Bi-lateral funding expressions of interest were received by the Province with a deadline for submission of June 28, 2019. If the City is not successful in obtaining funding, staff will come back to Finance Committee with a recommendation to reallocate City funds.

2020 and 2021 PROPOSED CAPITAL BUDGET HIGHLIGHTS

The capital budget decision making was guided by the Capital Budget Policy, Capital Budget Policy, Financial Principles, along with the Asset Management Plan. These documents assist in addressing the infrastructure deficit, while factoring in

the needs of replacing existing assets with the need for new assets. The budget is aligned with Council Priorities and various City of Saint John plans, with Plan SJ being the overarching plan. Other factors in the decision making revolved around environmental consideration such as mitigation and reduction of greenhouse gas and focusing on growth areas.

Capital Budget Policy guided staff in prioritizing the capital budgets based on the following criteria:

1. Mandatory
2. Risk
3. Priority of Council
4. Positive Financial Impact
5. Discretionary

The capital budget is investing heavily in asset renewal in order to address the large infrastructure deficit identified in the State of the Infrastructure Report as part of the Asset Management Plan.

State of the Infrastructure (SOTI) Report

The General Fund infrastructure deficit was $121.4 million with an estimated replacement cost of $1.29 billion for those assets. The largest portion of the deficit identified relates to Transportation and Environment. The majority of projects being recommended as part of the capital budget have an ***"F"*** letter grade, as measured in the SOTI report, meaning the asset is at high risk of failure and near or beyond its useful life.

Focus on Tax Base Growth

Fundy Quay – The City was awarded a significant amount of funding from the Federal government through the Disaster Mitigation Adaption Fund (DMAF). This funding will split the almost $8.175 million dollar seawall refurbishment between the City ($4.905 million) and Federal Government ($3.27 million) over two years.

This project is considered one the largest transformational projects the City is pursuing. The goal is to transform the City's waterfront, encourage development and create significant ***tax base growth*** opportunities for the City.

The seawall project also involves raising the height of the wall. This will be key to future development. It will ensure development can happen on the site and deal with climate change events.

Other ***strategic investments*** involve a storm project in Millidgeville for $1.0 million that will allow more storm water capacity which will enable more growth in that area of the City. Another area of focus will be a number of major street

reconstruction and beautification projects along the St. James Street corridor. This area is a key part of the Central Peninsula Neighborhood Plan to encourage growth and these projects will invest $1.925 million in the St. James Street area.

Balancing Infrastructure Replacement with Climate Change

The proposed budget includes over $8.9 million in sewer separation projects. Much of this infrastructure due for replacement is from the 1800's and will involve complete street reconstruction. Sewer separation is a key component in dealing with climate change and the extreme weather events that occur with climate change.

The budget also includes $7.78 million for replacement of infrastructure that is beyond its useful life with assets and will reduce our carbon footprint. The City has applied for funding for the District Energy Project and Deep Municipal Energy retrofit project and is confident that the City will be successful in receiving funding. These assets being replaced involve various energy efficiency projects, new exterior heat pump replacements at Harbour station, and HVAC upgrades at City Market pedway. As well under the District Energy Project, Market Square, which has the largest infrastructure deficit of all the City's buildings, will receive major upgrades that will occur with or without funding.

Infrastructure Deficit

The multi-year budget focuses on some assets that are past their useful life, assets at high risk of failure and assets that are considered extreme risk of failure. This would include new roofs at three of the City's fire stations at a cost of $200K, exterior and foundation work at Carleton Community Centre for $300K, replacing the roof at St. Patrick Street Pedway for $30K and replacing part of the roof at City Market for $700K.

The annual street rehabilitation program that includes curbs and sidewalks will see a two year investment of $10.1 million dollars. This program has been a focus of Council for several years. The SOTI report and excellent grade mark shows that the reinvestment in roads has been a successful asset renewal program.

There are limited resources being put into arenas until a comprehensive arena strategy is completed. However, there is a need to replace chillers at the Charles Gorman and Peter Murray Arena for a total cost of $200K. As well, the LBR requires replacement of its main electrical service for $100K and ice plant compressor for $75K.

The Trade and Convention Centre require several pieces of equipment replaced that are beyond its useful life and could have safety issues and impact business if the assets fail. Over 2020 and 2021, $261K will be allocated to replace flooring,

banquet equipment, refrigeration, kitchen equipment, point of sale system and LED lighting upgrades.

Harbour Station will be replacing a Zamboni for $115K to ensure two reliable Zamboni's are on sight as required by the Quebec Major Junior Hockey League.

The City's Information Technology department will replace $1.67 million of equipment over two years as part of its annual equipment replacement program and this money is all funded from internal reserves. The department will be leading the project to replace its 20 year old enterprise reporting system for $3.0 million over two years. This will be a transformational project for all service areas in the City and will require a significant amount of planning, testing and resource requirements to make it successful. This will be a major first step to enable the City to offer more technology based solutions for citizens.

Parking commission is continuing to move forward with replacing its aging parking machines with more up to date pay by plate machines and will invest $226K over the next two years. Saint John Transit is focused on replacing several bus shelters that are deemed to be safety concerns for a total of $50K.

Fleet will budget $4.13 million over two years to replace vehicles and equipment that are past useful lives and with high operating cost. These funds will come from the vehicle reserve. Council will receive a detailed list of vehicles and equipment to approve as the replacement list is compiled.

New Capital Investments/Service Enhancements

The proposed 2020 and 2021 has a total of $1.014 million for new capital. The last payment towards the Exhibition Field House will be made for $564K in 2020. Also, Harbour Station must upgrade its dasher board and glass system at a cost of $450K to meet requirements of the Quebec Major Junior Hockey League.

CONCLUSION

Planned capital expenditures total $50,621,551 over the 2 years with $29,131,401 to be funded from other funding sources, pay as you go, operating and capital reserves and the remainder $21,490,150 to be funded by debt issue. The annual funding from other government programs, along with Council's fiscal restraint, has helped reduce projected borrowing costs while still investing in needed infrastructure improvements.

This multi-year budget is the first step in the long term capital plan which will guide decision making to ensure strategic reinvestments are being made, at the right time, that infrastructure deficit in being addressed, fiscal responsibility is being maintained, while ensuring the City continues to invest in assets to encourage growth.

SERVICE AND FINANCIAL OUTCOMES

The City's share of the 2020 and 2021 Proposed Draft General Fund Capital budget will be funded by borrowing. The projects chosen for the capital program borrowing have a useful life of approximately 15 years or more.
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INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Input has been received from all Service Areas, the ABCs, Senior Leadership Team and members of the Finance Committee.

ATTACHMENTS

Exhibit 1 – 2020 and 2021 Proposed General Fund Capital Budget

2020 - Proposed Draft General Fund Capital Budget

CATEGORY	DEPARTMENT	DESCRIPTION	BUDGET - OTHER SHARE	BUDGET - CITY SHARE
Parks & Public Spaces	Transportation & Environment Services	Market Place Playground - Safety Surface Replacement		$ 225,000
Storm	Transportation & Environment Services	Millidgeville - Storm separation and elimination of inflow and infiltration to reduce or eliminate sewer overflows - Gas Tax Funding	$ 1,000,000	
Storm	Transportation & Environment Services	Shamrock Park Sewer Renewal - Gas Tax Funding	$ 1,000,000	
Storm	Transportation & Environment Services	Waterloo Street - (W&S) - Haymarket Square to Castle Street - Sewer Separation **(Subject to Bilateral Funding)**	$ 350,400	$ 129,600
Storm	Transportation & Environment Services	St. James Street - (W&S) - Prince William Street to Germain Street - Sewer Separation **(Subject to Bilateral Funding)**	$ 69,350	$ 25,650
Storm	Transportation & Environment Services	Wentworth Street - (W&S) - Elliot Row to King Street East Intersection- Sewer Separation **(Subject to Bilateral Funding)**	$ 69,350	$ 25,650
Storm	Transportation & Environment Services	Princess Street - (W&S) - Wentworth Street to Crown Street - Sewer Separation **(Subject to Bilateral Funding)**	$ 156,950	$ 58,050
Storm	Transportation & Environment Services	Germain Street- (W&S) - St. James Street to Lower Cove Loop - Sewer Separation **(Subject to Bilateral Funding)**	$ 109,500	$ 40,500
Storm	Transportation & Environment Services	Celebration Street- (W&S) - Stanley Street to end - Sewer Separation - Gas Tax Funding	$ 100,000	
Storm	Transportation & Environment Services	Broadview Ave. - (W&S) - Charlotte Street to Carmarthen Street - Sewer Separation **(Subject to Bilateral Funding)**	$ 193,450	$ 71,550

2020 - Proposed Draft General Fund Capital Budget

CATEGORY	DEPARTMENT	DESCRIPTION	BUDGET - OTHER SHARE	BUDGET - CITY SHARE
Transportation	Transportation & Environment Services	Asphalt Roadway Resurfacing, Curb & Sidewalk Renewal Annual Program - Pay as you go	$ 1,980,000	
Transportation	Transportation & Environment Services	Asphalt Roadway Resurfacing, Curb & Sidewalk Renewal Annual Program - Gas Tax Funding	$ 1,500,000	$ 1,645,000
Transportation	Transportation & Environment Services	Engineering Investigations and Design		$ 300,000
Transportation	Transportation & Environment Services	Waterloo Street - (W&S) - Haymarket Square to Castle Street - Street Reconstruction **(Subject to Bilateral Funding)**	$ 591,300	$ 218,700
Transportation	Transportation & Environment Services	St. James Street - (W&S) - Prince William Street to Germain Street - Street Reconstruction (**Subject to Bilateral Funding)**	$ 153,300	$ 56,700
Transportation	Transportation & Environment Services	Wentworth Street - (W&S) - Elliot Row to King Street East Intersection- Street Reconstruction **(Subject to Bilateral Funding)**	$ 131,400	$ 48,600
Transportation	Transportation & Environment Services	Princess Street - (W&S) - Wentworth Street to Crown Street - Street Reconstruction **(Subject to Bilateral Funding)**	$ 346,750	$ 128,250
Transportation	Transportation & Environment Services	Germain Street- (W&S) - St. James Street to Lower Cove Loop - Street Reconstruction **(Subject to Bilateral Funding)**	$ 124,100	$ 45,900
Transportation	Transportation & Environment Services	Celebration Street- (W&S) - Stanley Street to end - Street Reconstruction - Gas Tax Funding	$ 200,000	

2020 - Proposed Draft General Fund Capital Budget

CATEGORY	DEPARTMENT	DESCRIPTION	BUDGET - OTHER SHARE	BUDGET - CITY SHARE
Transportation	Transportation & Environment Services	Broadview Ave. - (W&S) - Charlotte Street to Carmarthen Street -Street Reconstruction **(Subject to Bilateral Funding)**	$ 346,750	$ 128,250
Transportation	Transportation & Environment Services	Courtney Bay Causeway - Replace Guide Rails		$ 300,000
Fundy Quay	Growth and Development	Fundy Quay - Seawall Refurbishment - Funding DMAF	$ 1,090,000	$ 1,635,000
Saint John City Market	Asset and Energy Management	Saint John City Market Roof Upper and Lower		$ 700,000
Municipal Buildings	Asset and Energy Management	Market Slip Sea Wall Protection Coating		$ 150,000
Municipal Buildings	Asset and Energy Management	*Deep Municipal Energy Retrofit (Subject to Federal Funding)	$ 606,667	$ 575,000
Municipal Buildings	Asset and Energy Management	Air Handling Units - Phase 1 - Municipal Operations Building		$ 75,000
Market Square	Asset and Energy Management	*District Energy Phase 1 (Subject to Federal Funding)	$ 976,000	$ 1,464,000
Carleton Community Centre	Transportation & Environment Services	Carleton Community Centre - Exterior Work		$ 175,000
Lord Beaverbrook	Transportation & Environment Services	Ice Plant - Replace Compressor		$ 75,000
Peter Murray Arena	Transportation & Environment Services	Chiller Replacement		$ 100,000
Harbour Station	Regional Facilities	Replace Truck		$ 25,000
Harbour Station	Regional Facilities	Replace Zamboni		$ 115,000
Harbour Station	Regional Facilities	Heat Pump Replacement		$ 60,000

2020 - Proposed Draft General Fund Capital Budget

CATEGORY	DEPARTMENT	DESCRIPTION	BUDGET - OTHER SHARE	BUDGET - CITY SHARE
Canada Games Aquatic Centre	Regional Facilities	Fire Panel Replacement, Pump shut off valves replacement, energy efficiency		$ 50,000
Trade and Convention Centre	Regional Facilities	LED Lighting in Various Areas		$ 25,000
Trade and Convention Centre	Regional Facilities	Replace Various Kitchen Equipment - Convection Ovens, Hot Boxes		$ 76,000
Trade and Convention Centre	Regional Facilities	Update POS systems - current system out of service		$ 30,000
Trade and Convention Centre	Regional Facilities	Security Cameras		$ 5,000
Fleet	Finance and Administration Services	Fleet Replacement Program	$ 2,065,000	
Saint John Parking	Transportation & Environment Services	Replacement of 17 Parking Meters		$ 113,000
Information Technology	Corporate Services	IT Infrastructure Replacement/Upgrades/ERP System	$ 835,000	$ 1,500,000
Saint John Transit	Transportation & Environment Services	Multiple Bus Shelters (Waterloo, Mystery Lake, Mountainview, Duke St. West, Anglin Dr, Boars Head Road)		$ 40,000
2020 Capital Asset Replacement			**$ 13,995,267**	**$ 10,435,400**
		Exhibition Field House Year 3 of 3 year		$ 564,400
2020 New Capital Investment			**$ -**	**$ 564,400**
Total 2020 General Fund Capital Budget			**$ 13,995,267**	**$ 10,999,800**

2021 - Proposed Draft General Fund Capital Budget

CATEGORY	DEPARTMENT	DESCRIPTION	BUDGET - OTHER SHARE	BUDGET - CITY SHARE
Parks & Public Spaces	Transportation & Environment Services	Shamrock Score Clock/Field Work & Memorial Score Clock Replacement		$ 150,000
Storm	Transportation & Environment Services	Garden Street - (W&S) - Coburg Street to City Road - Sewer Separation **(Subject to Bilateral Funding)**	$ 175,200	$ 64,800
Storm	Transportation & Environment Services	Charlotte Street - (W&S) - St. James Street to Lover Cove Loop - Sewer Separation **(Subject to Bilateral Funding)**	$ 277,400	$ 102,600
Storm	Transportation & Environment Services	St. James Street - (W&S) - Germain Street to Sydney Street - Sewer Separation **(Subject to Bilateral Funding)**	$ 109,500	$ 40,500
Storm	Transportation & Environment Services	Mecklenburg Street - (W&S) - Wentworth Street to Crown Street - Sewer Separation **(Subject to Bilateral Funding)**	$ 229,950	$ 85,050
Storm	Transportation & Environment Services	Peters Street - (W&S) - Waterloo Street to Coburg Street - Sewer Separation **(Subject to Bilateral Funding)**	$ 131,400	$ 48,600
Storm	Transportation & Environment Services	Rodney Street - (W&S) - Market Place to Watson Street - Sewer Separation		$ 340,000
Storm	Transportation & Environment Services	Pitt Street - (W&S) - St. James Street to Broad Street - Sewer Separation **(Subject to Bilateral Funding)**	$ 94,900	$ 35,100
Storm	Transportation & Environment Services	Brittain Street - (W&S) - Pitt Street to Wentworth Street- Sewer Separation **(Subject to Bilateral Funding)**	$ 91,250	$ 33,750

2021 - Proposed Draft General Fund Capital Budget

CATEGORY	DEPARTMENT	DESCRIPTION	BUDGET - OTHER SHARE	BUDGET - CITY SHARE
Transportation	Transportation & Environment Services	Asphalt Roadway Resurfacing, Curb & Sidewalk Renewal Annual Program - Pay As You Go	$ 2,395,151	
Transportation	Transportation & Environment Services	Asphalt Roadway Resurfacing, Curb & Sidewalk Renewal Annual Program - Gas Tax Funding	$ 1,500,000	$ 1,100,000
Transportation	Transportation & Environment Services	Engineering Investigations and Design		$ 300,000
Transportation	Transportation & Environment Services	Garden Street - (W&S) - Coburg Street to City Road - Street Reconstruction **(Subject to Bilateral Funding)**	$ 317,550	$ 117,450
Transportation	Transportation & Environment Services	Charlotte Street - (W&S) - St. James Street to Lover Cove Loop - Street Reconstruction **(Subject to Bilateral Funding)**	$ 204,400	$ 75,600
Transportation	Transportation & Environment Services	St. James Street - (W&S) - Germain Street to Sydney Street - Street Reconstruction **(Subject to Bilateral Funding)**	$ 357,700	$ 132,300
Transportation	Transportation & Environment Services	Mecklenburg Street - (W&S) - Wentworth Street to Crown Street - Street Reconstruction **(Subject to Bilateral Funding)**	$ 335,800	$ 124,200
Transportation	Transportation & Environment Services	Peters Street - (W&S) - Waterloo Street to Coburg Street - Street Reconstruction **(Subject to Bilateral Funding)**	$ 292,000	$ 108,000
Transportation	Transportation & Environment Services	Pitt Street - (W&S) - St. James Street to Broad Street - Street Reconstruction **(Subject to Bilateral Funding)**	$ 197,100	$ 72,900

2021 - Proposed Draft General Fund Capital Budget

CATEGORY	DEPARTMENT	DESCRIPTION	BUDGET - OTHER SHARE	BUDGET - CITY SHARE
Transportation	Transportation & Environment Services	Brittain Street - (W&S) - Pitt Street to Wentworth Street- Street Reconstruction **(Subject to Bilateral Funding)**	$ 182,500	$ 67,500
Transportation	Transportation & Environment Services	Rodney Street - (W&S) - Market Place to Watson Street - Sewer Separation		$ 550,000
Transportation	Transportation & Environment Services	Charlotte Street - Trinity Church to Princess Street - Street Reconstruction. Saint John Energy to provide additional services for approximately $220,000 to move overhead high voltage lines to underground		$ 360,000
Fundy Quay	Asset and Energy Management	Fundy Quay - Seawall Refurbishment - Pay as you go	$ 1,635,000	
Fundy Quay	Asset and Energy Management	Fundy Quay - Seawall Refurbishment - Funding DMAF	$ 2,180,000	$ 1,635,000
Municipal Buildings	Asset and Energy Management	*Deep Municipal Energy Retrofit (Subject to Federal Funding)	$ 553,333	$ 575,000
Municipal Buildings	Asset and Energy Management	City Market Pedway HVAC Upgrade		$ 30,000
Municipal Buildings	Asset and Energy Management	Firestations # 5,7,8 - Roof Replacement		$ 200,000
Municipal Buildings	Asset and Energy Management	St. Patrick Street Pedway - Roof Replacement		$ 30,000
Municipal Buildings	Asset and Energy Management	Air Handling Units - Phase 2 - Municipal Operations Building		$ 75,000
Market Square	Asset and Energy Management	*District Energy Phase 1 (Subject to Federal Funding)	$ 976,000	$ 1,464,000

2021 - Proposed Draft General Fund Capital Budget

CATEGORY	DEPARTMENT	DESCRIPTION	BUDGET - OTHER SHARE	BUDGET - CITY SHARE
Carleton Community Centre	Transportation & Environment Services	Foundation - Water proofing		$ 125,000
Charles Gorman Arena	Transportation & Environment Services	Chiller Replacement		$ 100,000
Lord Beaverbrook	Transportation & Environment Services	Main Electrical Service Upgrade		$ 100,000
Harbour Station	Regional Facilities	Heat Pump Replacement		$ 50,000
Trade and Convention Centre	Regional Facilities	Replace Equipment (Banquet Equipment & Tables, Walkin Fridge)		$ 80,000
Trade and Convention Centre	Regional Facilities	Replace Flooring and Staging Equipment		$ 30,000
Trade and Convention Centre	Regional Facilities	Security Upgrades		$ 15,000
Fleet	Finance and Administration Services	Fleet Replacement	$ 2,065,000	
Information Technology	Corporate Services	IT Infrastructure Replacement/Upgrades/ERP System	$ 835,000	$ 1,500,000
Saint John Parking	Transportation & Environment Services	Replacement of 17 Parking Meters		$ 113,000
Saint John Transit	Transportation & Environment Services	Bus Shelter - Market Square		$ 10,000
Total 2021 General Fund Capital Budget			**$ 15,136,134**	**$ 10,040,350**
Harbour Station	Regional Facilities	Dasher Board and Glass System		$ 450,000
2021 New Capital Investment			**$ -**	**$ 450,000**

2021 - Proposed Draft General Fund Capital Budget

CATEGORY	DEPARTMENT	DESCRIPTION	BUDGET - OTHER SHARE	BUDGET - CITY SHARE
Total 2021 General Fund Capital Budget			**$ 15,136,134**	**$ 10,490,350**

2020-2021 Draft Capital Budgets
General Fund/Utility Fund

Common Council

July 29, 2019

SAINT JOHN

2020-2021 Draft Capital Budget – General Fund

2020-2021 Capital Budget Inputs

- Asset Management Plan
  - State of Infrastructure Report
- Plan SJ/Play SJ/Move SJ
- Central Peninsula Neighborhood Plan
- Capital Budget Policy
- Climate Change
- Council Priorities
  - Growth & Prosperity
  - Vibrant and Safe City
  - Valued Service Delivery
  - Fiscally Responsible

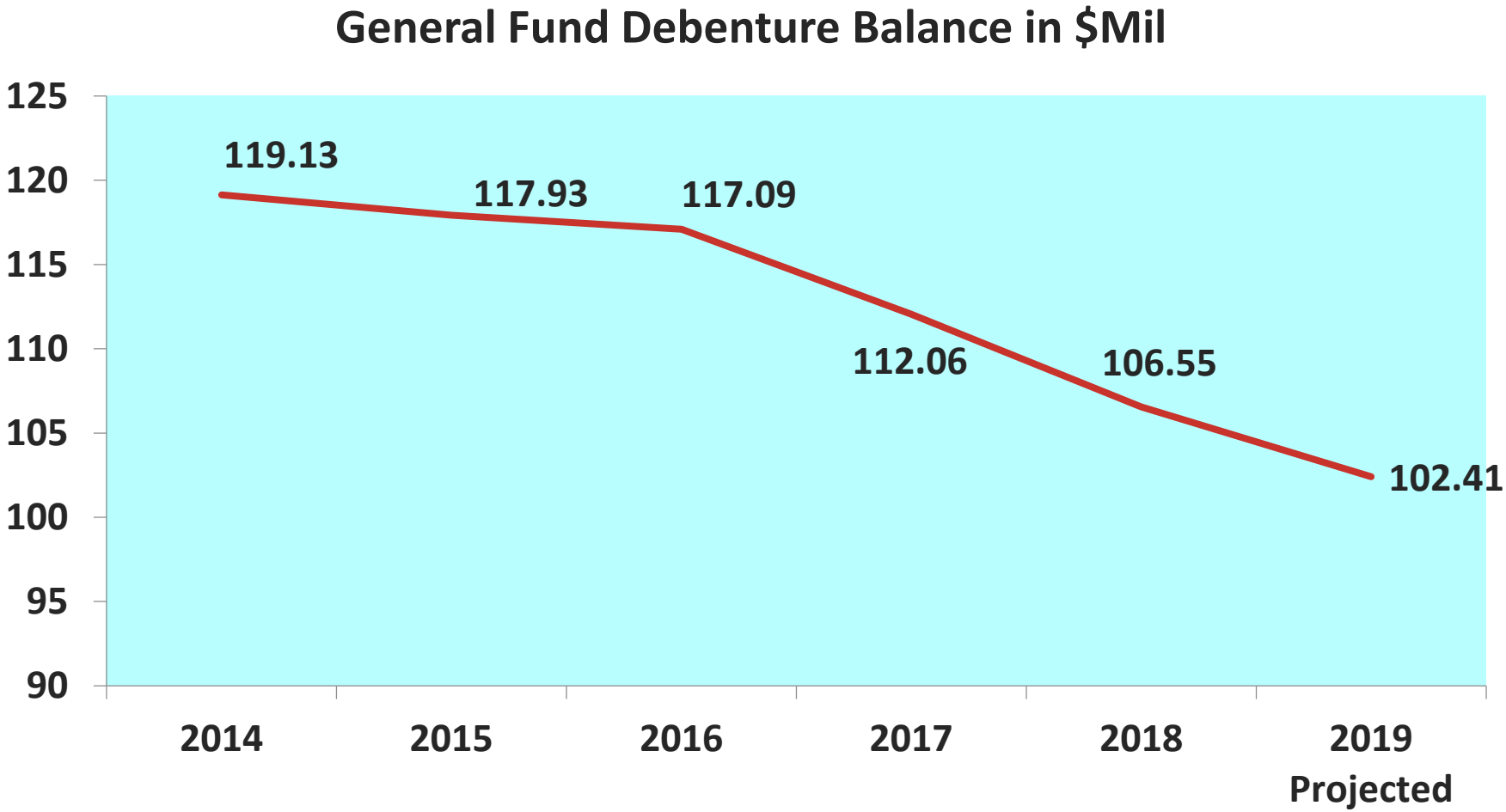
2020-2021 Draft Capital Budget – General Fund

- 10 year Draft Long Term Capital Plan plan is underway and to be completed end of Q3, 2019
- Service areas have completed 2020-2029 submissions
- 2020 & 2021 Capital Budget based on draft Long Term Capital Plan
- Long Term Capital Plan Inputs
  - Asset Management Plan
  - Long Term Financial Plan
  - Debt Management Policy
  - Capital Budget Policy
  - Operating Budget Policy

2020-2021 Draft Capital Budget – General Fund

- 2020–2021 Capital Budget includes following financial principal adopted by the Finance Committee;
  - Target 25% Reduction infrastructure deficit over 10 years
  - Increase pay as you go annually
  - Reduce General Fund Debt by 25% per year of next 10 years
  - Increase contribution to Capital by 10% per year.

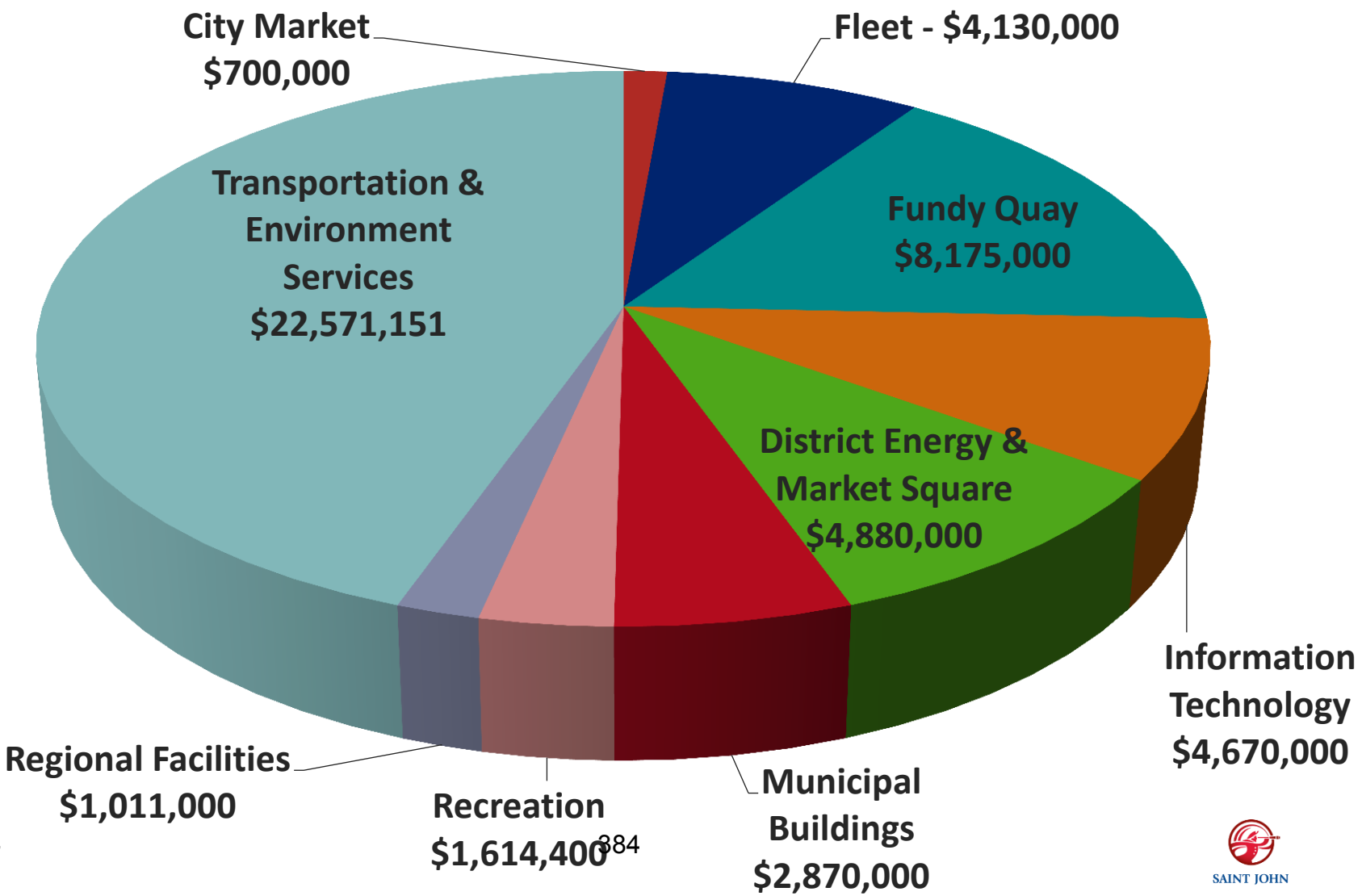
2020-2021 Draft General Capital Budget - Overview



2020-2021 Draft General Capital Budget - Overview

- Proposed 2020-2021 Draft General Fund Capital Budget -$50,621,551
- City Share - $21,490,150 (2 years) – *($10.99M-2020, $10.49M-2021 – focus on reduced borrowing)*
- Other Share - $29,131,401 (2 years)
  - Gas Tax Funding (Includes additional funding recently announced)
  - Disaster Mitigation Funding
  - Reserves – Fleet, Information Technology, Capital
  - Bi-lateral funding (Federal and Provincial)
  - Pay as you go – ($1,980,151 in 2020 & $3,230,151 in 2021)
  - Additional Federal green funding to be confirmed - $3,112,000 over 2 years
    - Deep Municipal Energy Retrofit
    - District Energy Phase 1 – Market Square

2020-2021 Draft General Capital Budget - Overview



2020-2021 Draft General Capital Budget - Highlights

Focus on Tax Base Growth

- **Continued investment in Fundy Quay**
  - **Total investment** to rebuild Seawall - $8.174 Million
  - Funding partnership with Federal Government ($3.27M) and City of Saint John ($4.904M)
  - Goal to transform Saint John's waterfront
  - Allows for City to mitigate climate change by raising seawall
- **Strategic reinvestments**
  - Millidgeville – Storm project - $1.0 M – creating more capacity for development
  - Major street reconstruction and beautification along St. James Street corridor
    - Charlotte Street – St. James to Lower Cove Loop - $660K
    - St. James Street – Prince William to Germain - $305K
    - St. James Street – Germain to Sydney Street - $640K
    - Germain Street – St. James to Lower Cove Loop - $320K

2020-2021 Draft General Capital Budget - Highlights

Balancing Infrastructure Replacement and Climate Change Mitigation

- 2020-2021 has a focus on high risk of failure assets but also addresses climate change.
- $8,915,000 investment in sewer separation, resulting in complete street reconstruction.
- $7,780,000 continued investment in low carbon, energy efficiency measures and reducing our carbon footprint.

2020-2021 Draft General Capital Budget - Highlights

Infrastructure Deficit - Highlights

- Buildings
  - Fire stations – $200K - 3 facilities require new roofs
  - City Market - $700K for roof replacement
  - Carleton Community Centre - $300K for foundation and exterior work
  - Transit Bus shelters - $80K
- Trade & Convention - $261K replacing outdated equipment and technology
- Harbour Station - $700K for Q League requirements, heating upgrades, other assets

2020-2021 Draft General Capital Budget - Highlights

Infrastructure Deficit - Highlights

- Fleet Replacement - $4.13 million
- Arena equipment - $475K (Chillers/Compressors)
- Information Technology - $4.67 million
  - $1.67 million for annual equipment replacement
  - $3.0 million to replace **20 year** old ERP system
    - New ERP system will a transformational project
    - Impacts all service areas in the City
- Parking Meter – $226K earmarked for continued replacement of outdated parking meters.
- Parks and Recreation - $225K for surface replacement at Market Place playground (safety)

2020-2021 Draft General Capital Budget - Highlights

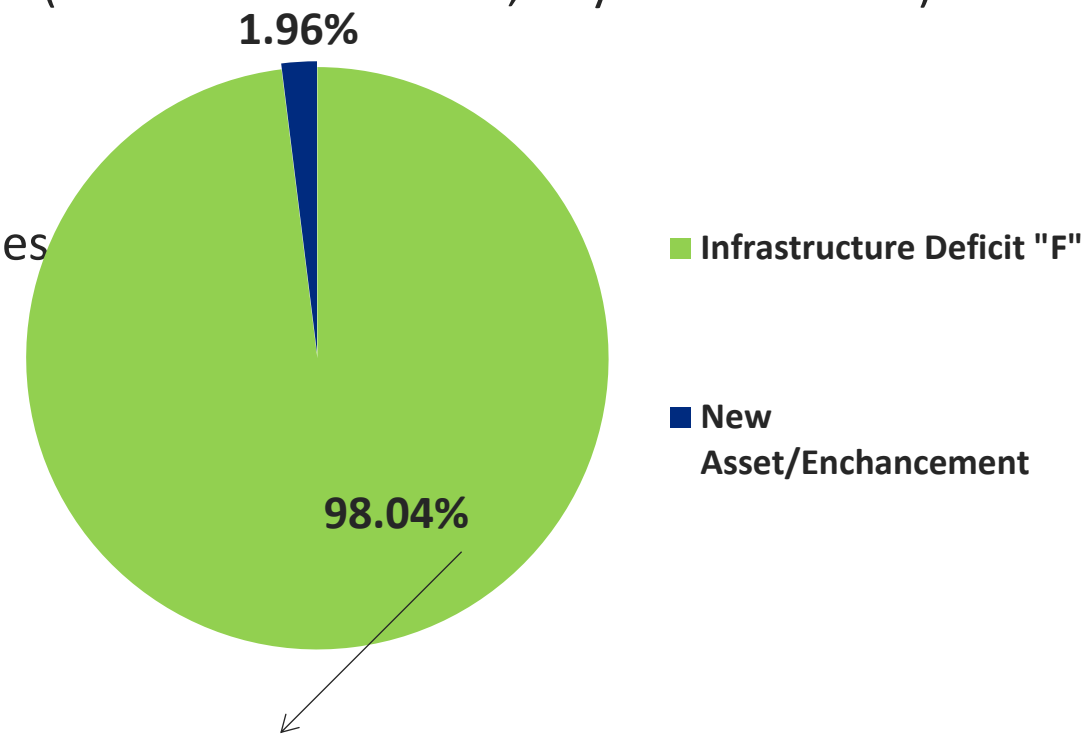
NEW INVESTMENTS

- Exhibition Fieldhouse - $564K final grant of a three year commitment (2020). (Note: this is not an asset of the City of Saint John, however was approved before Capital Policy.)

2020-2021 Draft General Fund Capital Budget

CONCLUSION

- Budget continues to focus and balancing projects between
  - Addressing infrastructure deficit (Assets at Risk Failure, Beyond useful life)
  - Growth Opportunities
  - Climate Change
  - Leveraging funding opportunities
    - Disaster Mitigation Funding
    - Gas Tax Funding
    - Bi-lateral Funding
    - Other Green Funding



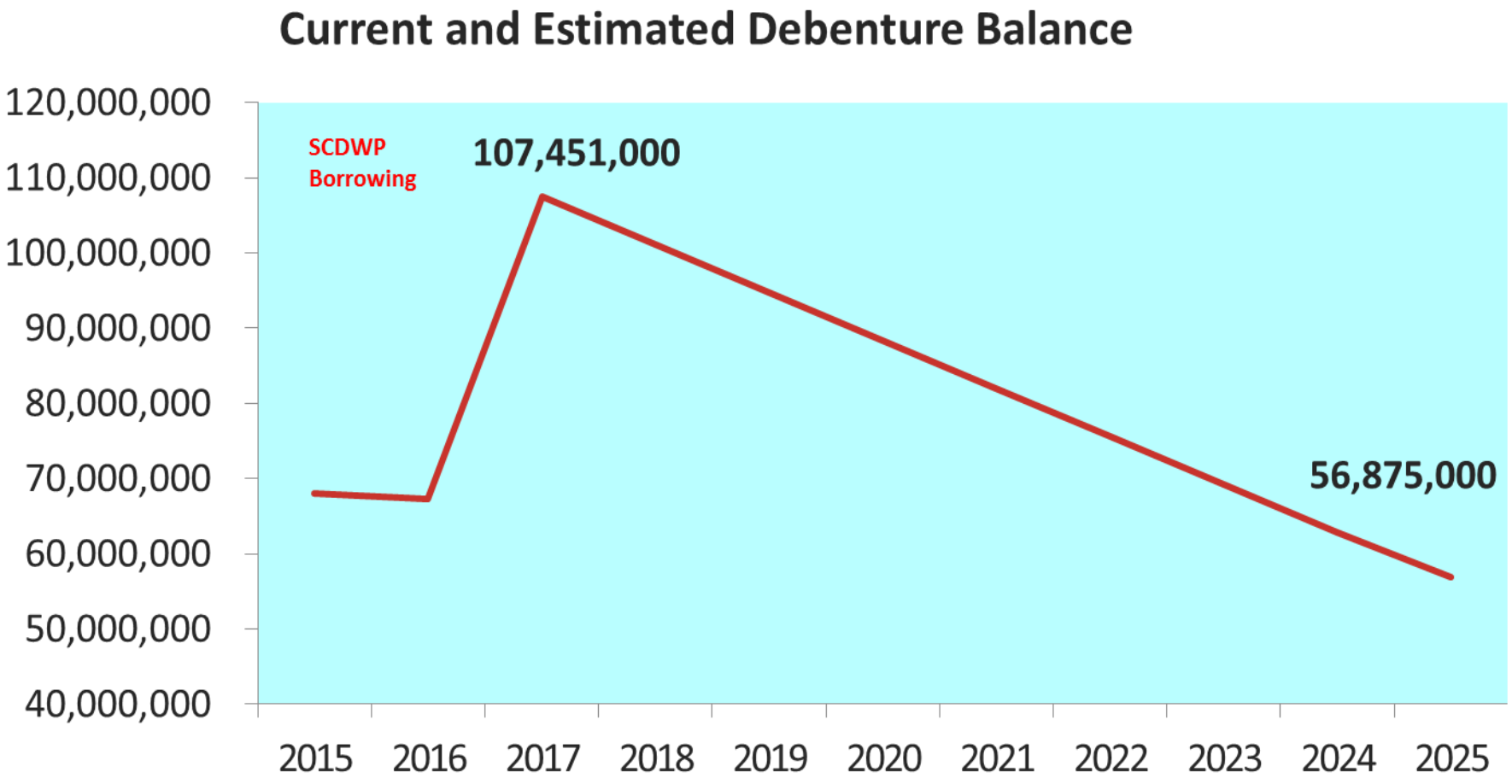
Saint John Water – 2020-2021 Capital Budgets

Saint John Water

Saint John Water Capital Highlights - 2020-2021

- Proposed - 2020-2021 Capital budget $26,215,000
- Funding for Capital budget – Capital from Operating (pay as you go) - $10,283,450 over (2 years)
- Heavy reliance on funding from other sources - $15,931,500 (2 years)
  - Disaster Mitigation Funding
  - Gas Tax Funding
  - Bi-lateral funding opportunities support: infra. renewal, Neighborhood Plan, dev. & sewer separation
- **<u>No new borrowing for 2020-2021 Capital program</u>**

2020-2021 Draft General Capital Budget - Highlights



2020-2021 Draft Utility Budgets - Highlights

Latest State of Infrastructure Results

- Infrastructure Deficit - $313,581,339

Addressing the deficit with 2020-2021 Budget

- Budget includes, in coordination with Transportation, over $7.8M of street reconstruction projects.
  - Sewer separation falls under green infrastructure
  - Much of sewer infrastructure dates to late 1800's
  - **Nearly all projects located in PDA**
  - Improved infrastructure and streetscapes to focus on growth opportunities
- One Mile Sewer Lift Station - $5.0M
  - Current station is at end of life
  - Funding under Gas Tax Fund

2020-2021 Draft Utility Budgets - Highlights

Addressing the deficit with 2020-2021 Budget

- Other Infrastructure Renewal -Water
  - Hayes Avenue - $950K
- Other Infrastructure Renewal -Sewer
  - Douglas Avenue - $325K
  - Lakewood Heights Sanitary System - $720K
  - Retail Drive Area (Oakland St.) - $500K

- Fleet Renewal - $970K (funded from Reserve)

New Infrastructure

- Wastewater Pumping Station - $520K
  - Prospect Street West

SAINT JOHN

2020-2021 Draft Utility Budget - Highlights

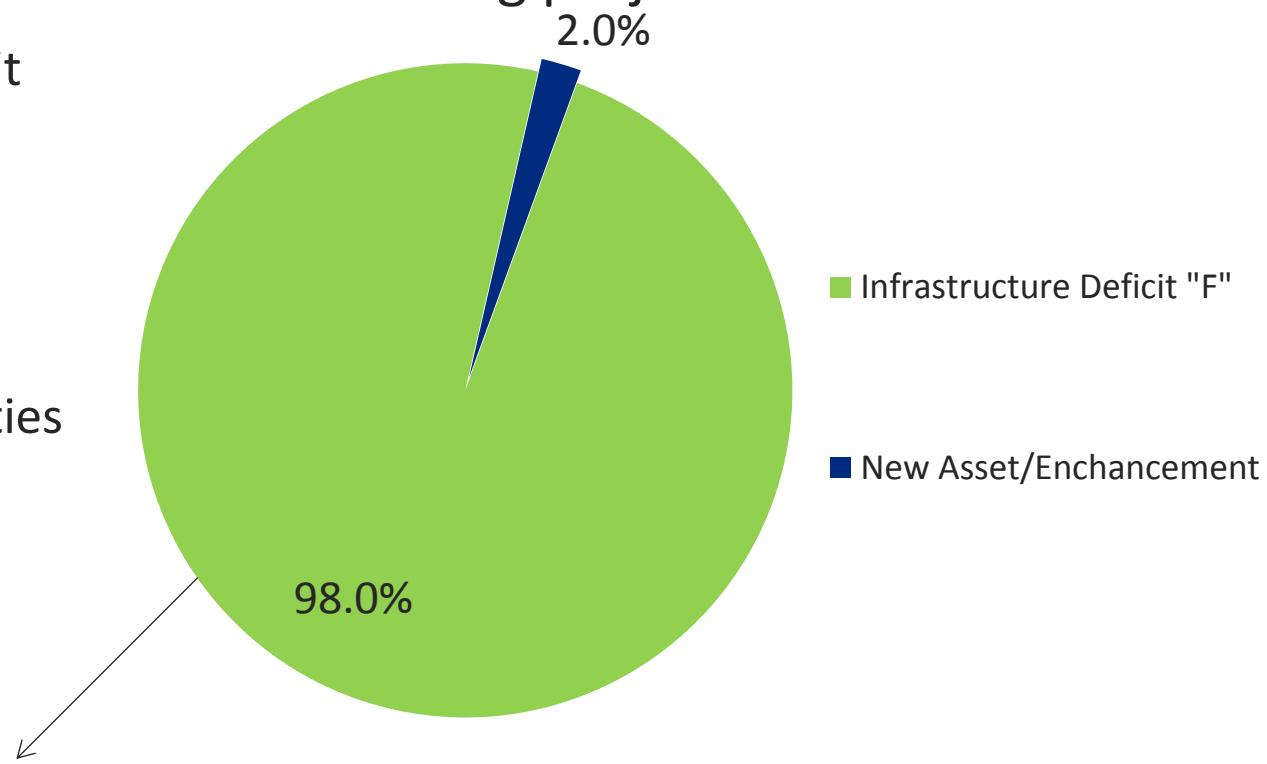
Strategic Investments

- Climate Change Adaptation
  - WWPS Lift Station C - $500K
    Reconstruction and flood proof – DMAF
  - Musquash Water Pump Station - $5.44M
    Upgrade/Reconstruction/Flood Proof - DMAF
  - WWPS Lift Station Beach Crescent - $840K
    Reconstruction and flood proof - DMAF
- Watermain/Sewer Cleaning and Lining $1.45M
  - Extend useful life of watermains/sewer lines
  - Improve water pressure and water quality
  - Improve fire flows

2020-2021 Draft Utility Budget - Conclusion

CONCLUSION

- Budget continues to focus and balancing projects between
  - Infrastructure deficit
  - Climate Change
  - Growth
  - No new debt
  - Funding Opportunities



12.08% of reinvestment directly tied to growth

Recommendation

Recommendation

- **It is recommended that members of Common Council;**
  - **Reflect upon the attached draft of the 2020 and 2021 General Fund Capital Budget and Utility Fund Capital Budget and make any and all inquiries and recommendations to staff; and receive and file this report.**

Conclusion

Questions?

SAINT JOHN

COMMON COUNCIL REPORT

M&C No.	2019-181
Report Date	July 19, 2019
Meeting Date	July 29, 2019
Service Area	Saint John Water

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: 2020 and 2021 Proposed Water and Sewerage Utility Fund Capital Budget

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager	Recommended by
Craig Lavigne	***Brent McGovern***	***John Collin***	***Finance Committee Councillor Merrithew Finance Chair***

RECOMMENDATION

It is recommended that members of Common Council;

- Reflect upon the attached draft of the 2020 and 2021 Proposed Utility Fund Capital Budget and make any and all inquiries and recommendations to staff; and receive and file this report.

EXECUTIVE SUMMARY

The draft 2020 and 2021 Proposed Utility Fund Capital Budget was presented to the Finance Committee on May 29th and July 18th. It was recommended at the July 28th meeting by the Finance Committee to forward the draft 2020 and 2021 Proposed Utility Fund Capital Budget to Council for receive and file at the July 29th meeting. The draft budget will then be brought before Council again on August 19, 2019 for approval.

The Utility is proposing a very limited multi-year capital budget for 2020 - 2021 that focuses on leveraging monies from other levels of government for investments being made by the Utility. Increased debt, limited growth, a large infrastructure deficit and escalating rates are challenges facing the Utility for both the medium and long term. A new rate structure is to be completed in 2019, along

with the Long Term Financial plan which will provide the road map for the Utility to deal with these challenges.

PREVIOUS RESOLUTION

N/A

STRATEGIC ALIGNMENT

The proposed 2020 - 2021 Utility Fund Capital Budget is aligned with Councils' priorities, Asset Management Plan, and Capital Budget policy.

REPORT

The proposed 2020 - 2021 Draft Utility Capital Budget is a total of $26,215,000. Funding from other sources, (Gas tax, government funding, etc.) is $15,931,550 over two years and Saint John Water's share is $10,283,450 over two years and will be funded from pay as you go.

The completion of the Safe Clean Drinking Water project and Harbour Cleanup has caused the Utility's long term debt to peak at just over $107 million at the end of 2017 (2018 - $101 million). The Utility will continue to focus on debt reduction and in order to achieve this the Utility will not borrow any money for its 2020-2021 capital program.

This significant debt coupled with escalated rates, stagnant growth and pending changes to rate structures will be challenging for the Utility as it tackles the infrastructure deficit. The increased deficit as reported to Council as part of the State of the Infrastructure report is approximately $308,276,480 which represents over 75% of the City's infrastructure deficit.

The Utility received funding recently as part of the Federal Government's disaster mitigation adaptation fund (DMAF). The Utility will spend approximately $10.2 million over the next 5-6 years raising and rebuilding critical infrastructure that was prone to flooding. The cost will now be spilt approximately 40% Federal Share and approximately 60% Utility Share.

The completion of the rate study in 2019, along with the Asset Management Plan and Long Term Financial plan will guide the Utility's decision making around asset replacement and how to fund the infrastructure deficit to ensure services are reliably provided to rate payers while balancing the ability to fund more investments in infrastructure renewal.

Infrastructure Renewal – Water and Sanitary

The proposed budget focuses on assets that are well past their useful life, subject to risk of failure and in some cases extreme risk of failure with significant consequences (ex. One Mile Lift Station).

There are several proposed street rebuild projects that are included in the budget and most of these projects involve the general fund. These projects have assets underground and are at a high risk of failure due to their age and material type. Numerous streets within the draft program have terra cotta sanitary sewers, some of which were installed in 1889 & 1895 and cast iron watermain installed in the early 1900s.

The total capital for the Utility on street rebuilds is approximately $7.8 million over two years and some of these street sections include; Wentworth Street, Germain Street, Lower Cove Loop, Waterloo Street, Celebration Street, Princess, Peters Street, Brittain Street, Pitt Street, Rodney Street and St. James Street. Many of the street reconstructions are in the primary development areas and this work supports the roll out of the Neighbourhood Plan.

St. James Street, Germain Street and Charlotte Street are prime examples of leveraging assets that need to be replaced and aligning with the City's priority of growth. St. James Street for example was listed on the Central Peninsula Neighborhood plan as key corridor and this transformational project will be coordinated between; Transportation, Water, Growth and Development and Develop SJ.

Another project that benefits both the Utility and helps to grow Saint John is the asset renewal project Lakewood Heights Sanitary System. This project is geared towards asset renewal and environmental protection, while creating capacity on the system for growth initiatives without having to build new infrastructure – a best use of assets at the lowest possible cost.

The budget also includes phase seventeen and eighteen of watermain cleaning and lining that will continue to extend the life of these assets while minimizing the need for investment by lining as opposed to replacing. There is also structural line of sewer line in both years and this will also extend the life of these assets.

There is a major investment being made at the One Mile Lift Station in 2020. The existing lift station is at the end of its life and it requires investment to ensure there is reliability around the collection of wastewater.

There are two other wastewater lift stations at Greenhead Road and Beach Crescent that not only need to be rebuilt but they will also be raised to ensure they can withstand future flood events and these projects have received funding under the DMAF program.

The other major project under the DMAF program in this multi-year budget is the complete upgrade and reconstruction of the Musquash Water Pump Station. This asset will also be rebuilt to ensure flood proofing.

The budget also includes a fleet replacement program for vehicles and equipment past their useful life or with extraordinary operating costs. In previous years the Utility funded its fleet reserve directly to the General fund fleet reserve and all vehicles and equipment were funded from that reserve. These reserves have now been separated to ensure each entity is properly segregating its reserves.

The budget only includes one new asset which is a wastewater pumping station at Prospect Street West and this is two ensure all residential wastewater is properly being directed for treatment at the Lancaster Lagoon treatment plant.

Conclusion

The 2020-2021 budgets is focused on leveraging as much additional funding the Utility can secure along with its smaller capital from operating program. Projects have been chosen are long past their useful life and have a high risk of failure. There are several projects that are asset renewal that are being done to replace or extend the life of the asset but also have a positive impact on growth.

The 2020 - 2021 Draft Utility Capital budget will continue to focus on ensuring assets can provide reliable services to all customers, meet all environmental regulations and mitigate against future climate change events.

SERVICE AND FINANCIAL OUTCOMES

The 2020 - 2021 Utility Fund Capital budget will be funded from the operations (pay as you go) and from other sources of funding.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Input and coordination was received from Engineering, Senior Leadership Team, Growth and Community Development, Finance, Transportation and Environment and Develop SJ.

ATTACHMENTS

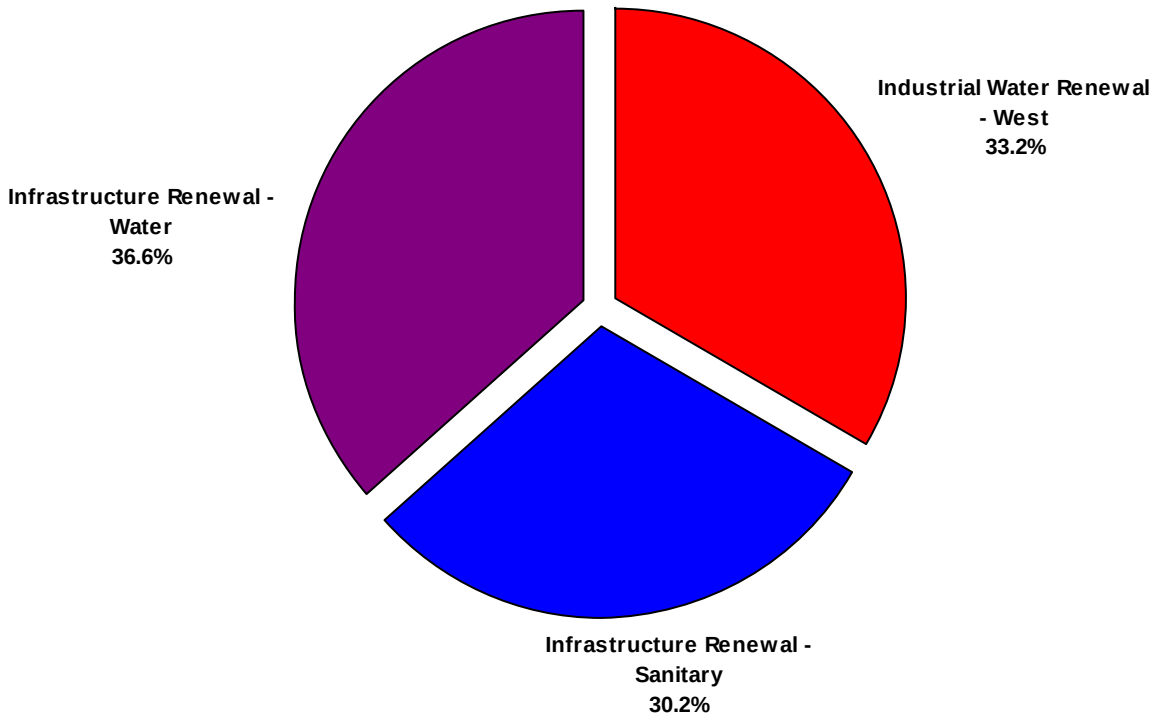
Exhibit 1 – 2020 and 2021 Proposed Utility Fund Capital Budget
Exhibit 2 – Letter from Finance Committee Chairman Mr. David Merrithew

THE CITY OF SAINT JOHN
SAINT JOHN WATER
CAPITAL PROGRAM SUMMARY
W & S UTILITY FUND

Proposed Program Summary For - 2020

Category	No. of Projects	Other Share	Utility Share	Total
Industrial Water Renewal - West	**1**	**$1,020,000**	**$1,700,000**	**$2,720,000**
Infrastructure Renewal - Sanitary	**13**	**$6,938,450**	**$1,546,550**	**$8,485,000**
Infrastructure Renewal - Water	**13**	**$2,551,200**	**$1,873,800**	**$4,425,000**
TOTALS:	**27**	**$10,509,650**	**$5,120,350**	**$15,630,000**

Summary of Capital Costs (Utility Share)



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G&D: PROJECT IS FOR GROWTH AND DEVELOPMENT
*: PROJECTS DEPENDANT ON FUNDING FROM OTHERS

This is a tentative program listing of proposed capital projects.
This list has not been approved by Common Council.
Priority assignments are subject to change at any time.

Industrial Water Renewal - West

Project	Location	Description	Other Share	Utility Share
* Musquash Water Pump Station	Musquash	Upgrade/reconstruction - appropriate pump sizing, electrical upgrades, flood proofing, etc. Including design and construction management services. Phase A. Project to be partially funded under DMAF.	1,020,000	1,700,000
		TOTAL:	**$1,020,000**	**$1,700,000**

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Infrastructure Renewal - Sanitary

	Project	Location	Description	Other Share	Utility Share
G&D *	Germain Street	St. James Street to Lower Cove Loop	Renew 100 m of 375 mm T.C sanitary sewer (with an in service year of 1884), including design and construction management services. Subject to successful funding under Bilateral Funding.	105,850	39,150
G&D *	Lower Cove Loop	Charlotte Street to Germain Street	Install 150 m of 525 mm sanitary sewer, including design and construction management services. Subject to successful funding under Bilateral Funding.	248,200	91,800
*	One Mile Lift Station	Rothesay Avenue at Russell Street	New pumping station, new screening channel structure and associated building to replace the existing pumping station that is at the end of asset life to provide for relible collection of wastewater, including design and construction management services. Project to be funded under the G.T.F.	5,000,000	0
	Structural lining	Various Locations	Structurally line and point repairs to sanitary sewers, including design and construction management services.	0	225,000
*	WWPS Lift Station C	515 Green Head Road	Reconstruct lift station above flood level to provide for reliable collection of wastewater, including design and construction management services Project to be partially funded under DMAF.	200,000	300,000
*	Douglas Avenue	Civic 399 to 425	Install approx. 150m of 200mm and 27m of 150mm sanitary sewer, including land, design, and construction management services. Project to be partially funded under G.T.F.	300,000	25,000
	Wastewater Pumping	Prospect Street West at Walnut Street	Pumping station, land acquisition, and required piping to direct flows to sewer on Main Street West for treatment at the Lancaster Lagoon, including construction management services.	0	520,000
*	Wentworth Street	Elliott Row through King Street East Intersection	Renew 90 m of 300 mm T.C. sanitary sewer (Condition Grade of 4 with a year in service of 1867), including construction management services. Subject to successful funding under Bilateral Funding.	83,950	31,050
*	Waterloo Street	Haymarket Square to Castle Street	Renew approx. 330m of 300mm and 375mm T.C.sanitary sewer (Condition Grade of 5 with a in service year of 1869), including design and construction management services. Subject to successful funding under Bilateral Funding.	299,300	110,700

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Infrastructure Renewal - Sanitary

Project	Location	Description	Other Share	Utility Share
* St. James Street	Prince William Street to Germain Street	Renew 111 m of 250mm and 375 mm T.C. sanitary sewer (Condition Grade of 3.5 with an in service year of 1876), including design and construction management services. Subject to successful funding under Bilateral funding.	94,900	35,100
* Celebration Street	Stanley Street to end	Renew 100 m of 375mm and 450mm T.C. sanitary sewer, including design and construction management services. Project to be funded under the G.T.F.	150,000	
* Broadview Avenue	Charlotte Street to Carmarthen Street	Renew 275 m of 375 mm T.C. sanitary sewer (Condition Grade of 4), including design and construction management services. Subject to successful funding under Bilateral Funding.	237,250	87,750
* Princess Street	Wentworth Street to Crown Street	Renew approx. 250m of 225mm and 300mm T.C. sanitary sewer (Condition Grade of 5 with an in service year of 1893), with new 200mm and 300mm sanitary sewer, including design and construction management services. Subject to successful funding under Bilateral Funding.	219,000	81,000
		TOTAL:	**$6,938,450**	**$1,546,550**

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Infrastructure Renewal - Water

	Project	Location	Description	Other Share	Utility Share
	* Fleet Replacement	Various locations	Fleet Replacement for Saint John Water. Project to be funded under Fleet Reserve.	485,000	0
G&D	* Germain Street	St. James Street to Lower Cove Loop	Renew 100 m of 200 mm C.I. watermain (1955), including design and construction management services. Subject to successful funding under Bilateral Funding.	87,600	32,400
G&D	* Lower Cove Loop	Charlotte Street to Germain Street	Install 150 m of 200 mm watermain, including design and construction management services. Subject to successful funding under Bilateral Funding.	131,400	48,600
	Removal of cross-connections on Potable Water and Raw Water Transmission mains	Ocean Westwest / Route 7 Overpass	Removal of two cross- connections on Potable Water and Raw Water Transmission mains , including construction management services.	0	150,000
	Engineering Investigations and Design	Various locations	Funding for engineering investigations and design for various projects under the Water and Sanitary categories.	0	250,000
	* Wentworth Street	Elliott Row through King Street East Intersection	Renew 90 m of 300 mm C.I. watermain (1931), including construction management services. Subject to successful funding under Bilateral Funding.	124,100	45,900
	* Waterloo Street	Haymarket Square to Castle Street	Renew approx. 330m of 300mm C.I. watermain (1856), including design and construction management services. Subject to successful funding under Bilateral Funding.	434,350	160,650
	* St. James Street	Prince William Street to Germain Street	Renew 110 m of 250 mm C.I. watermain (1876), including design and construction management services. Subject to successful funding under Bilateral funding.	120,450	44,550
	Hayes Avenue Area	Civic #289 Gault Road to Civic #484 Gault Road	Install approx. 530m of 200mm watermain on Gault Road as well as a PRV to connect the Hayes Avenue system, including construction management services.	0	950,000
	* Celebration Street	Stanley Street to end	Renew 100 m of 300mm C.I. watermain, including design and construction management services. Project to be funded under the G.T.F.	150,000	
	* Broadview Avenue	Charlotte Street to Carmarthen Street	Renew 275 m of 150 mm C.I. watermain (1917), including design and construction management services. Subject to successful funding under Bilateral Funding.	219,000	81,000

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Priority assignments are subject to change at any time.

Infrastructure Renewal - Water

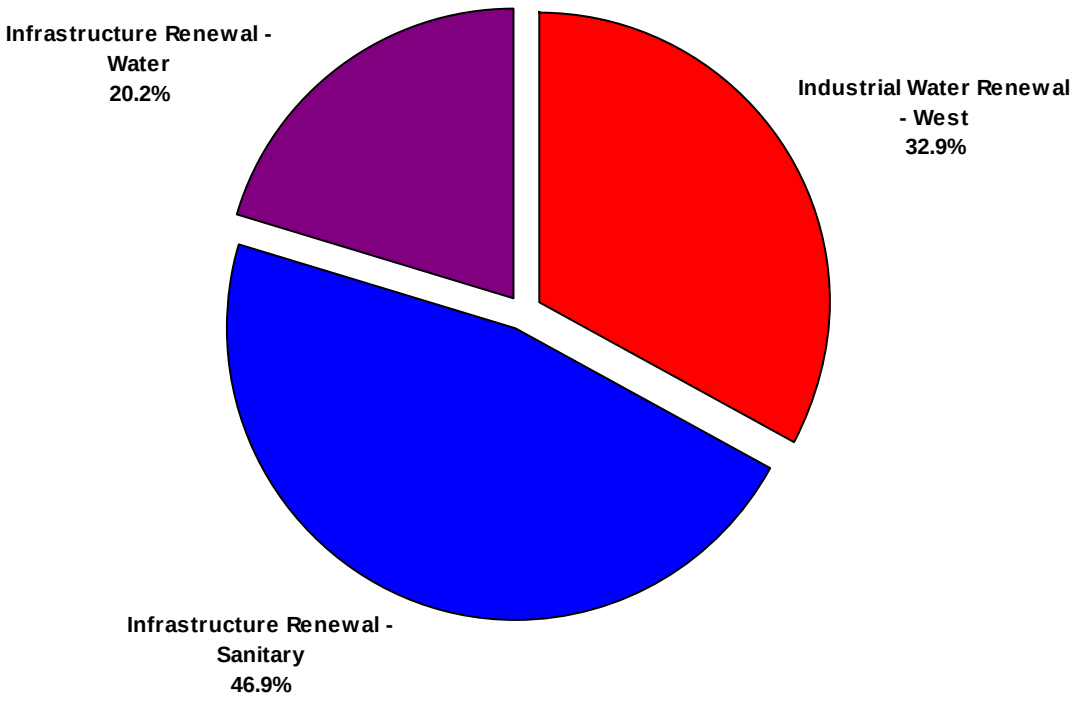
Project	Location	Description	Other Share	Utility Share
* Princess Street	Wentworth Street to Crown Street	Renew approx. 275m of 250mm C.I. (1924) watermain, including design and construction management services. Subject to successful funding under Bilateral Funding.	299,300	110,700
* Watermain Cleaning and Lining Phase 17	Various locations	Cleaning and lining of existing unlined C.I. watermains to improve pressure, water quality, and fire flows. Project to be funded under G.T.F.	500,000	0
		TOTAL:	**$2,551,200**	**$1,873,800**

THE CITY OF SAINT JOHN
SAINT JOHN WATER
CAPITAL PROGRAM SUMMARY
W & S UTILITY FUND

Proposed Program Summary For - 2021

Category	No. of Projects	Other Share	Utility Share	Total
Industrial Water Renewal - West	**1**	**$1,020,000**	**$1,700,000**	**$2,720,000**
Infrastructure Renewal - Sanitary	**13**	**$2,347,450**	**$2,422,550**	**$4,770,000**
Infrastructure Renewal - Water	**11**	**$2,054,450**	**$1,040,550**	**$3,095,000**
TOTALS:	**25**	**$5,421,900**	**$5,163,100**	**$10,585,000**

Summary of Capital Costs (Utility Share)



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Priority assignments are subject to change at any time.

Industrial Water Renewal - West

Project	Location	Description	Other Share	Utility Share
* Musquash Water Pump Station	Musquash	Upgrade/reconstruction - appropriate pump sizing, electrical upgrades, flood proofing, etc. Including design and construction management services. Phase B. Project to be partially funded under DMAF.	1,020,000	1,700,000
		TOTAL:	**$1,020,000**	**$1,700,000**

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Priority assignments are subject to change at any time.

Infrastructure Renewal - Sanitary

	Project	Location	Description	Other Share	Utility Share
G&D *	Charlotte Street	St. James Street to Lower Cove Loop	Renew 155 m of 525 mm Concrete sanitary sewer (With an in service year of 1965), including design and construction management services. Subject to successful funding under Bilateral Funding.	171,550	63,450
*	Garden Street	Coburg Street to City Road	Renew approx. 101m of 300mm, and 86m of 375mm T.C. sanitary sewers (Condition Grade of 3), including design and construction management services. Subject to successful funding under Bilateral Funding.	156,950	58,050
G&D	Lakewood Heights Sanitary System	East of Hickey Road Pumping Station	Line concrete sewers to eliminate Inflow/Infiltration in the Sanitary sewer system, including construction management services.	0	720,000
	Rodney Street	Market Place to Watson Street	Renewal of approx.290m of T.C., Brick, and Concrete saintary sewer (Condition Grade of 3), including design and construction management services.	0	410,000
	Structural lining	Various Locations	Structurally line and point repairs to sanitary sewers, including design and construction management services.	0	225,000
*	WWPS Beach Crescent	11 Beach Crescent	Reconstruct lift station above flood level to provide for reliable collection of wastewater, including design and construction management services, Phase A. Project to be partially funded under DMAF.	340,000	510,000
*	Pitt Street	St. James Street to Broad Street	Renew 155m of 370mm T.C. sanitary sewer (Condition Grade of 4), including design and construction management services. Subject to successful funding under Bilateral Funding.	127,750	47,250
*	Mecklenburg Street	Wentworth Street to Crown Street	Renew approx. 265m of 600mm concrete with new 600mm sanitary sewer (Condition Grade of 2.5), including design and construction management services. Subject to successful funding under Bilateral Funding.	248,200	91,800
*	Combined Sewer Separation Reduction Strategy - South / Central	South / Central	A strategy prioritizing the separation of combined sanitary and storm sewers for the Southend and giving an estimate for budget purposes. One of the deliverables would be maps showing all existing sewers (storm, sanitary and combined) with proposed new sewers for separation. Subject to successful funding under Bilateral Funding	365,000	135,000

MDH: MUNICIPAL DESIGNATED HIGHWAYS
PDH: PROVINCIALLY DESIGNATED HIGHWAYS
RDH: REGIONALLY DESIGNATED HIGHWAYS
w&s: WATER AND SEWER RELATED PROJECTS
G&D: PROJECT IS FOR GROWTH AND DEVELOPMENT
*: PROJECTS DEPENDANT ON FUNDING FROM OTHERS

This is a tentative program listing of proposed capital projects.
This list has not been approved by Common Council.
Priority assignments are subject to change at any time.

Infrastructure Renewal - Sanitary

	Project	Location	Description	Other Share	Utility Share
	* St. James Street	Germain Street to Sydney Street	Renew 195 m of 300mm and 375 mm T.C. sanitary sewer (Condition Grade of 4 with an in service year of 1878), including design and construction management services. Subject to successful funding under Bilateral funding.	164,250	60,750
G&D	* Retail Drive Area	Rockwood Avenue to Gull Street	Renew 275 m of 450mm sanitary sewer, including design and construction management services. Project to be funded under the G.T.F.	500,000	
	* Britain Street	Pitt Street to Wentworth Street	Renew 145 m of 300 mm T.C sanitary sewer (Condition Grade of 4 with a year in service of 1875), including design and construction management services. Subject to successful funding under Bilateral Funding.	116,800	43,200
	* Peters Street	Waterloo Street to Coburg Street	Renew approx. 190m of 300mm, and 375mm T.C. sanitary sewers (Condition Grade of 2.5 with an in service year of 1889), including design and construction management services. Subject to successful funding under Bilateral Funding.	156,950	58,050
			TOTAL:	**$2,347,450**	**$2,422,550**

MDH: MUNICIPAL DESIGNATED HIGHWAYS
PDH: PROVINCIALLY DESIGNATED HIGHWAYS
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*: PROJECTS DEPENDANT ON FUNDING FROM OTHERS

This is a tentative program listing of proposed capital projects.
This list has not been approved by Common Council.
Priority assignments are subject to change at any time.

Infrastructure Renewal - Water

	Project	Location	Description	Other Share	Utility Share
G&D	* Charlotte Street	St. James Street to Lower Cove Loop	Renew 75 m of 200 mm C.I. watermain (1965), including design and construction management services. Subject to successful funding under Bilateral Funding.	69,350	25,650
	* Fleet Replacement	Various locations	Fleet Replacement for Saint John Water. Project to be funded under Fleet Reserve.	485,000	0
	* Garden Street	Coburg Street to City Road	Renew approx. 258m of 200mm C.I. watermain, including design and construction management services. Subject to successful funding under Bilateral Funding.	208,050	76,950
	Rodney Street	Market Place to Watson Street	Renew approx. 295m of 300mm C.I. watermain, including design and construction management services.	0	345,000
	Engineering Investigations and Design	Various locations	Funding for engineering investigations and design for various projects under the Water and Sanitary categories.	0	300,000
	* Pitt Street	St. James Street to Broad Street	Renew 155m of 200 mm C.I. watermain with 200 mm watermain, including design and construction management services. Subject to successful funding under Bilateral Funding.	124,100	45,900
	* Mecklenburg Street	Wentworth Street to Crown Street	Renew approx. 265m of 200mm C.I. watermain, including design and construction management services. Subject to successful funding under Bilateral Funding.	211,700	78,300
	* St. James Street	Germain Street to Sydney Street	Renew 230 m of 200 mm C.I. watermain (1878), including design and construction management services. Subject to successful funding under Bilateral funding.	182,500	67,500
	* Britain Street	Pitt Street to Wentworth Street	Renew 145 m of 200 mm C.I. watermain (1934), including design and construction management services. Subject to successful funding under Bilateral Funding.	116,800	43,200
	* Peters Street	Waterloo Street to Coburg Street	Renew approx. 190m of 200mm watermain , including design and construction management services. Subject to successful funding under Bilateral Funding.	156,950	58,050
	* Watermain Cleaning and Lining Phase 18	Various locations	Cleaning and lining of existing unlined C.I. watermains to improve pressure, water quality, and fire flows. Project to be funded under G.T.F.	500,000	0

MDH: MUNICIPAL DESIGNATED HIGHWAYS
PDH: PROVINCIALLY DESIGNATED HIGHWAYS
RDH: REGIONALLY DESIGNATED HIGHWAYS
w&s: WATER AND SEWER RELATED PROJECTS
G&D: PROJECT IS FOR GROWTH AND DEVELOPMENT
*: PROJECTS DEPENDANT ON FUNDING FROM OTHERS

This is a tentative program listing of proposed capital projects.
This list has not been approved by Common Council.
Priority assignments are subject to change at any time.

Infrastructure Renewal - Water

Project	Location	Description	Other Share	Utility Share
TOTAL:			**$2,054,450**	**$1,040,550**

The City of Saint John

July 18, 2019

Your Worship Mayor Don Darling
& Members of Common Council:

Re: 2020 & 2021 Utility Fund Capital Budgets

As Chairman of the Finance Committee, I am writing on behalf of the Committee to advise that at the meeting of July 18, 2019, Saint John Water presented the 2020 and 2021 Proposed Draft Utility Fund Capital Budgets.

At that meeting, it was "RESOLVED that the Finance Committee recommend that the 2020 and 2021 Proposed Draft Utility Fund Capital Budget be presented to Common Council with a recommendation to receive and file."

Please find attached a copy of M&C 2019 – 181 which includes the 2020 and 2021 Proposed Draft Utility Fund Capital Budget.

Yours sincerely,

David Merrithew
Chairman, Finance Committee
City of Saint John

Encl.: M&C 2019 - 181 c/w supporting documents

NBCC SU

July 11, 2019

RECEIVED
JUL 17 2019

City of Saint John
Mayor & Council
15 Market Square
PO Box 1971 Saint John, New Brunswick
E2L 4L1

Dear Mayor Darling and City Councilors:

The students of the New Brunswick Community College (NBCC) Saint John have asked that I act on their behalf to request support from you for our Orientation 2019 which will begin on September 3rd, 2019.

NBCC Saint John has 1273 new students coming, with 750 of our full time students coming from outside the Saint John region. With each student spending approximately $10,000 per year for their education and living expenses, we estimate that $7,500,000 is brought into the Saint John region annually from students outside the Greater Saint John area. Furthermore, the students who are from Saint John area and stay here to pursue postsecondary education keep another $5 million dollars in our city. This translates to $12.5 million being brought or kept in Saint John each year as a result of NBCC students.

In other regions of our province, cities and towns host a recognition/welcome event for the NBCC students in their area. This has been in the form of a parade, barbeque, or meet and greet. In talking with my colleagues at other campuses, the responses and sense of being in a community that extends beyond the campus have been very positive.

On behalf of the NBCC Saint John Student Union, I would like to request that the City of Saint John host a barbecue and fun fair during our Orientation Week activities. This could be on campus or within walking distance of the campus. The estimated cost is $1000 to cover the cost of hot dogs, hamburgers, pop, and rental of picnic tables and the carnival games.

I thank you in advance for your attention to this request. If you require any further information or have any questions, please feel free to contact me.

With warm regards,

Chayla Heath

Chayla Heath
Orientation Assistant, NBCC Saint John Student Union
Tel: 506-658-5501
Email: cheath@unb.ca

New Nouveau Brunswick
CANADA

July 17, 2019

Members of Saint John Common Council
Office of the Common Clerk
15 Market Square
P.O Box 1971
Saint John NB, E2L 4L1

Members of Saint John Common Council:

Subject: Sustaining Saint John – A Three-Part Plan

It was beneficial for me and my colleagues to hear first-hand the varying perspectives from Common Council with respect to the City's future sustainability at the July 11 meeting. We can all agree that Saint John is facing some difficult challenges, as is our province as a whole. Government is committed to supporting the City in overcoming its challenges but our support cannot solely be a cheque from taxpayers. We must work in partnership at the local, regional and provincial levels.

I wanted to begin by clarifying the financial aspects of the plan for the short-term as there was confusion and misinformation that circulated at the meeting and since.

Six of the 20 actions in Part 1 of the Plan with identified revenue or savings would be completed or underway by calendar year 2021 if the province and city fulfilled those actions. It is expected that these actions would generate savings or revenue for the City of nearly $7 million as of 2020, and increase going forward.

Tax Exemption, Transit Facilities	$ 306,000
Accelerated Population Growth	600,000
Revenue from Saint John Energy	1,000,000
Capital and Operating on Regional Facilities	632,000
Accommodation Levy	1,400,000
Operating Budget Initiatives	3,000,000
	6,938,000
	-778,658 (current annual hotel levy)
	$6,159,342 Net Gain for City

Minister/Ministre
Environment and Local Government/Environnement et Gouvernements locaux
P.O. Box/C.P. 6000 Fredericton New Brunswick/Nouveau-Brunswick E3B 5H1 Canada
www.gnb.ca

An additional eight actions, including the remaining administrative actions proposed by city officials, will also be underway or completed by 2021. The City anticipates that most of these actions will also result in additional revenue or savings. As indicated in the Plan, they cannot be quantified until the work gets underway or is completed.

Key among these actions is an Operational Audit, paid for by the Province. The accountant or firm contracted to undertake this audit would have a specific mandate to identify both immediate and longer-term tangible revenue and savings for the City by March 31, 2020.

I also want to highlight that what was committed to in the funding agreement signed between the City and the former provincial government was to produce a report with recommendations. I am proud of the fact that we took that a step further and released an action plan that has been fully endorsed by Cabinet, is fiscally responsible and includes specific timelines for each action.

Part 2 of the Plan was added based on conversations between the City and provincial officials. The Regional Management Task Force is mandated to produce results related to service sharing and service use by March 31, 2020. As indicated in the Plan, these results must include financial benefits for the City.

I have publicly stated that we will not turn our back on Saint John. This is reinforced by the commitment by Government in Part 3 of the Plan to revisit the City's status in May of 2020. If the City endorses the Plan, many of the initiatives noted above will be well underway or completed and both the province and the City will be better positioned in advance of the City's budget planning for 2021 to determine what, if any, further measures should or could be undertaken at that time.

As you know, the 20 actions under Part 1 of the Plan are the result of the joint Government of New Brunswick and City Sustainability Working Group. The Working Group also consulted with one another on Parts 2 and 3 of the Plan and agreed on the version that would be brought forward prior to it being presented to City Council.

I would like to share a further observation I have made, both at recent council meetings and in ongoing interaction with the City. There appears to be a prevailing sense of gloom. I can appreciate that the City's current circumstances weigh heavily on leadership and staff. As a provincial cabinet minister, I know first-hand what it is to face fiscal and operational challenges and to feel disheartened by how steep the hill to climb can seem.

2...

It is incumbent on leadership at all levels of government, however, to lead in the face of adversity and to do so with confidence and determination. If we project a winning outlook, we are part way to achieving a winning outcome.

I have confidence that the collective regional leadership can produce beneficial results. I believe that if we join forces, we can achieve stability and ultimately sustainability for the City of Saint John.

As I committed to the night of the Common Council meeting, if there are new ideas that the City wishes for the Province to consider, we remain open to doing so.

In the end, I am hopeful that we can cross the finish line with an endorsement from the City and begin the work of implementing the Three-Part Plan.

Sincerely,

Hon. Jeff Carr
Minister

C. Hon. Blaine Higgs, Premier
Hon. Trevor A. Holder, MLA
Hon. Dorothy Shephard, MLA
Hon. Hugh J. A. (Ted) Flemming, Q.C., MLA
Hon. Bill Oliver, MLA
Hon. Andrea Anderson-Mason, Q.C., MLA
Mr. Gerry Lowe, MLA
Mr. Bruce Northrup, MLA
Mr. Glen Savoie, MLA
Mr. Gary Crossman, MLA
Mr. John Collin, City Manager, City of Saint John
Mr. Jonathan Taylor, Common Clerk, City of Saint John
Mr. Ryan Donaghy, Assistant Deputy Minister ELG

3...

COUNCIL REPORT

M&C No.	2019-194
Report Date	July 23, 2019
Meeting Date	July 29, 2019
Service Area	Corporate Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Clarification of Short-Term Revenue Generated by "Sustaining Saint John – A Three Part Plan"

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
Neil Jacobsen ***Kevin Fudge***	***John Collin***	***John Collin***

STAFF RECOMMENDATION

Receive for information.

EXECUTIVE SUMMARY

On July 17, 2019 Members of Saint John Common Council received a letter from the Provincial Minister of Environment & Local Government (Attachment A) that specifically referenced Council's July 11, 2019 meeting and discussions relating to the recently released ***Sustaining Saint John – A Three Part Plan***. This Report provides the staff's interpretation on the Minister's identified short-term financial benefits to the City, as described in the Minister's letter. It does not provide comment on the remainder of the letter since the motion (and any corresponding discussion or debate) regarding the Plan was tabled for 30 days on 11 July 2019.

PREVIOUS RESOLUTION

Common Council – July 11, 2019

City of Saint John Sustainability Report

MAIN MOTION

Moved by Councillor Sullivan, seconded by Councillor Norton:
RESOLVED that Common Council adopt the submitted report entitled Sustaining Saint John: A Three-Part Plan.

Councillor Reardon asked if a tabling motion could be entertained.

The Common Clerk advised that a tabling motion would require a timeline and a reason for the tabling motion.

A 30 day timeline was suggested.

Councillor Reardon stated her reason for considering the tabling motion would be to facilitate further review of the report, which was just released yesterday and to have the provincial members present at the meeting consider the concerns and remarks made by Council and to take the concerns to the Province to determine if more could be offered to assist the City.

TABLING MOTION

Moved by Councillor Reardon, seconded by Deputy Mayor McAlary:
RESOLVED that the matter ***Sustaining Saint John – A Three Part Plan*** be tabled for 30 days to facilitate further negotiation with the Province.

MOTION TIED, with Deputy Mayor McAlary and Councillors Reardon, Hickey, Sullivan, and Norton voting "yea" and Councillors MacKenzie, Merrithew, Armstrong, Strowbridge and Casey voting "nay".

The Mayor cast the deciding vote in favour.

MOTION CARRIED.
Click here to enter text.

SHORT-TERM FONANCIAL BENEFIT GENERATED BY "SUSTAINING SAINT JOHN – A THREE PART PLAN".

The Minister of Environment and Local Government identified specific short-term financial benefit through adoption of the Plan.

The items that follow are on page 1 of the letter. For each, this report summarizes the action, provides the Minister's evaluation of the financial benefit and then the City staff's comment or interpretation.

1. Tax Exemption Transit Facility, $306k – **Valid**

2. Capital and Operating of Regional Facilities, $632k - **Valid.** However, please note that approximately $400k would be capital contributions and approximately $200k would be a reduction to the City's operating costs. Furthermore, the $400k in Capital assumes that the City will continue to invest in Capital in those facilities in accordance with our historical trends.

3. Accommodation Levy, $400-500K – **Valid.** The City's voluntary hotel levy generates approximately $948K, the estimate in the Minister's letter of $778K is incorrect. The Accommodation levy is estimated to generate $1.4 million. The City will benefit will be able to reduce its investment by $400-500K based on the additional levy revenue. It should be noted however that the estimate is fully dependent on occupancy rate. Of additional note is that the legislation has already been put in place by the Provincial government. Our by-law will be in place by end year.

4. Accelerated Population Growth, $600k – **Uncertain.** This estimate assumes the pilot project is successful in attracting 500 people. It further assumes those people choose to stay in Saint John and that those people end up causing the build of $34 million of new tax base. The Province believes that past examples validate that the $34 million is an appropriate estimate if the 500 people are attracted and stay.

5. Revenue from Saint John Energy, $1 million – **Uncertain.** The early dividends of $500k in each of 2019 and 2020 (totaling $1 million) are contingent on the enabling legislation being in put in place by the Provincial Government.

6. Operating Budget Initiatives, $3 million. Staff is uncertain as to why this number is included in the letter given this represents City cuts (with perhaps some limited new local revenue through user fees) and therefore does not provide relief to our overall situation. Certainly should not be considered as a "net gain" to the City.

Figures 1 and 2 below summarize the net gains to the City of Saint John.

Figure 1: Actions with High Probability

Property Tax Exemption for Transit Facility	$306,000
Regional Facilities sharing of operating costs	$200,000
Accomodation Levy	$1,400,000
Less: Volunteer Levy	-$948,000
Annual Operating Budget Impact	**$958,000**
Annual Capital Budget Funding	**$400,000**
Total Annual Value	**$1,358,000**

Below is the same table with those elements that the Province believes are highly probable. It is noteworthy that the Province feels that revenue from Saint John Energy is likely.

Figure 2: Provincial Estimate

Property Tax Exemption for Transit Facility	$306,000
Regional Facilities sharing of operating costs	$200,000
Accomodation Levy	$1,400,000
Less: Volunteer Levy	-$948,000
Population Growth	$600,000
Saint John Energy Dividend	$500,000
Annual Operating Budget Impact	**$2,058,000**
Annual Capital Budget Funding	**$400,000**
Total Annual Value	**$2,458,000**
Saint John Energy One time Success Fee	**$500,000**
Total Value	**$2,958,000**

It is important to note that future dividends from Saint John Energy will be determined based on their growth if enabling legislative changes are approved.

It is premature to assign a value to the remaining Action Items in the ***Sustaining Saint John – A Three Part Plan.*** Detailed implementation plans must first be developed by the Province and City of Saint John; with the inherent ability to monitor the progress, associated timelines and financial outcomes of each Action Item.

RECOMMENDED NEXT STEPS

The motion on the question of support for the Plan remains tabled to at least 11 Aug 2019.

The staff recommendation remains unchanged and can be summarized as:

1. That Common Council endorse the Plan while expressing its reservations.
2. That Common Council insist on detailed implementation plans for each Action Item.
3. That Common Council direct the City Manager to continue with plans to address the entirety of the deficit for 2021 and 2022.

STRATEGIC ALIGNMENT

The work of the Municipal Sustainability Working Group and related outcomes is aligned with Council's Priority '*Economic Health'*, as well as with the City's Service Principles of "*Sustainability*" and "*Partnerships*".

SERVICE AND FINANCIAL OUTCOMES

The City of Saint John has a structural deficit despite having the highest tax rate of any municipality in the province and a significant industrial tax base. Revenues are currently forecasted to grow at approximately 1% per year while expenses are growing at 3%. Recent financial projections estimate that the City is faced with a structural deficit of a $12 million dollar average over the three-year period of 2021-2023.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The work of the Municipal Sustainability Working Group has been led by the City Manager's Office, with on-going support from:

- Finance and Administrative Services
- Growth and Community Development Services
- Strategy, Continuous Improvement, and Performance Reporting

ATTACHMENTS

Attachment A: July 17, 2019 Letter Received from the Provincial Minister of Environment & Local Government

St. Joseph's Hospital Foundation

La Fondation De L'Hôpital St. Joseph

June 25, 2019

Mr. Michael A. Gillis
Foundation Chairman

RECEIVED
JUL 10 2019

Mayor Don Darling
City of Saint John
15 Market Square
P O Box 197
Saint John, NB E2L 4L1

Dear Mayor Darling,

I am writing to request your support of the **1st Annual "Late Night with the Foundation",** October 19th at the Saint John City Market. (Not your usual Rubber Chicken Dinner) Sure to be a feast for the senses, "Late Night" will deliver a whimsical experience within the City Market. This enchanting October evening will include a cocktail party, live entertainment, delicious appetizers, and much more. This uniquely exclusive event offers community-minded partners the opportunity to support the continued development of St. Joseph's Hospital.

This year we are committed to supporting St. Joseph's Eye Clinic, the comprehensive eye centre for Southern New Brunswick. Serving patients from Sussex to St. Stephen and beyond. The ophthalmology team delivers excellence in care and the treatment of conditions that range from simple eye infections, trauma and disorders that cause blindness.

Recently St. Joseph's Hospital welcomed Dr. Zack Ashkenazy a corneal specialist to the ophthalmology team. The addition of Dr. Ashkenazy will provide total corneal care at St. Joseph's Hospital. Our goal for our first Annual "Late Night with the Foundation" is to support equipment and technology needs supporting patients who are in need of corneal transplant. **With your help we will be able to prevent blindness and in many cases, restore sight.**

The cost of the equipment is approx. $100,000. Your generous support today will enable the Foundation to provide the Eye Centre with the support it needs to remain at the forefront of patient care and on the leading edge of innovation. **More importantly it will provide New Brunswick Patients with sight-restoring corneal transplant!**

You have been very generous to St. Joseph's in the past and it is our hope that you will partner with us assist us in transitioning this event into a successful endeavour for St. Joseph's Hospital.

I have attached our Sponsorship Package for your information. Thank you in advance for your kind consideration of our request.

Sincerely,

Laurie A. Flood
Executive Director

130 Bayard Drive, Saint John, New Brunswick E2L 3L6
TEL: (506) 632-5595 FAX: (506) 632-5594 E-MAIL: Laurie.Flood@Horizonnb.ca
www.stjosephshospitalfoundation.com

LATE NIGHT with the Foundation

SPONSORSHIP OPPORTUNITIES

Presenting Sponsor: $10,000 Only 1 available

- Prominent customized Presenting Sponsor recognition in all promotional materials, event materials A/V and potential media publications, social media venues and post-eventnewspaper thank you ad.
- Recognition from reception podium at "Late Night"
- Speaking Opportunity at "Late Night"
- Opportunity to distribute product or company information at event (must be pre-approved)
- Opportunity for staff to volunteer at event
- Cumulative recognition on Foundations Donor Wall
- 10 Complimentary tickets
- 1st option for this sponsorship at next years "Late Night"

Gold: $5,000

- Recognition as Gold Sponsor in "Late Night " Program provided to every guest, AVpresentation,social media venues and post- Event newspaper thank you ad in TelegraphJournal
- On-site signage provided by you if interested i.e. banner bug, banner etc…
- Recognition from reception podium at
- 6 Complementary tickets

Silver: $2,500

- Recognition as Silver Sponsor in "Late Night" Program provided to every guest, AVpresentation, social media venues and post- Event newspaper thank you ad in TelegraphJournal.
- On-site signage provided by you if interested i.e. banner bug, banner etc…
- 4 complimentary tickets.

Bronze: $ 1,000

- Recognition as Bronze Sponsor in "Late Night" Program at every place setting, AV, socialmedia venues and post- Gala newspaper thank you ad in Telegraph Journal.
- 2 complimentary tickets.

OTHER:

INVITATION SPONSOR: $1,000

PROGRAM SPONSOR: $1,000

ENTERTAINMENT SPONSOR: $5,000 – In "Late Night"event program & post eventnewspaper ad + 6 tickets RECEPTION GOODY BAR SPONSOR: $2,500 - In "Late Night"event program & postevent newspaper ad + 4 tickets

Saint John City Market

For More Information please call 632-5595

Stjosephshospitalfoundation.com • Find us on Facebook

St. Joseph's Hospital Foundation

La Fondation De L'Hôpital St. Joseph

LATE NIGHT with the Foundation

The 1st Annual "Late Night with the Foundation" an exciting event in a unique space will take place at the Saint John City Market, October 19th, 2019.

"Late Night" is a unique fundraising event that will invite participants to experience the Saint John City Market in a whole new way. Join St. Joseph's Hospital Foundation as we experience the richness of the Saint John City Market transformed to provide guests with a once in a life time experience. Guests will enjoy a cocktail party, live entertainment, delicious hors d'oeuvres and so much more. This exclusive event offers community minded partners the opportunity to support the continued development of our vibrant uptown while supporting our uptown Hospital.

St. Joseph's Hospital Foundation is committed to supporting St. Joseph's Eye Clinic, the comprehensive Eye Centre for Southern New Brunswick, serving patients from Sussex to St. Stephen and beyond. The ophthalmology team delivers excellence in care and the treatment of conditions that range from simple eye infections, trauma and disorders that cause blindness.

Recently St. Joseph's Hospital welcomed Dr. Zack Ashkenazy a Corneal Specialist to the ophthalmology team. The addition of Dr. Ashkenazy will provide total corneal care at St. Joseph's Hospital including Corneal Transplant.

Our goal for our first Annual "Late Night with the Foundation" is to support equipment and technology needs for patients who are in need of corneal treatment to prevent blindness. Dr. Ashkenazy and his team need a Pentacam - Cornea Analyzer for early diagnosis of corneal disease and for corneal transplant surgery. The cost of the equipment is approximately $100,000. We will be partnering with our community to support this new endeavour.

With your help we can establish a Cornea Service for New Brunswick patients!

Did you Know?

- It has been 22 years since Cornea Service has been available in New Brunswick.
- Currently there is a long waiting list for Surgeons in Halifax. Some patients are unable to withstand the drive and /or cost.
- In seven short months the number of New Brunswick patients requiring corneal transplant has grown to 40 patients.
- The age range for patients requiring corneal transplant is 19- 85.
- The New Brunswick Eye Bank is located at St. Joseph's Hospital; currently tissue is sent out of province.
- The Corneal Program will help New Brunswick patients see what they can currently only imagine.

Please choose a Sponsorship package that suits your philanthropic needs, or call the Foundation today to discuss further opportunities (506) 632-5595.

For those who would like to help St. Joseph's Hospital Foundation but cannot commit to a sponsorship, we encourage you to come on board in any way you can. You can help New Brunswick Corneal Program patients by purchasing tickets, donating an auction item or donating to the Foundation. Your partnership with us will bring us that much closer to our goal and ensure quality healthcare for your family, friends and neighbors.

Thank you!

For More Information please call 632-5595
Stjosephshospitalfoundation.com • Find us on Facebook

St. Joseph's Hospital Foundation
La Fondation De L'Hôpital St. Joseph

2019 SPONSORSHIP

Thank you for your support of "Late Night with the Foundation". We look forward to seeing you on October 19, 2019 at the Saint John City Market.

CONTACT INFORMATION	
Company Name	
Contact Names	
Donor name for sponsorship recognition	
Website	
Address	
City, Province, Postal Code	
Phone	
Email	

SPONSORSHIP LEVEL		
☐ Presenting ($10,000)	☐ Bronze ($1,000)	☐ Invitation Sponsor ($1,000)
☐ Gold ($5,000)	☐ Donor ($100 – $1,000)	☐ Program Sponsor ($1,000)
☐ Silver (2,500)	☐ Silent Auction	
☐ Please contact me as I'm interested in a multi-year sponsorship or a custom package.		

PAYMENT INFORMATION		
	Sponsorship:	
	Additional Donation:	
	Total Payment	
☐ Please send invoice	☐ Cheque (made payable to St. Joseph's Hospital Foundation)	
☐ Credit Card	☐ VISA ☐ MC ☐ Amex	Corporate / Personal (Please circle)
Credit Card #		
Expiry		
Cardholder		
Signature		

For More Information please call 632-5595

Stjosephshospitalfoundation.com • Find us on Facebook

St. Joseph's Hospital Foundation

La Fondation De L'Hôpital St. Joseph

2018 AUCTION DONATION FORM

We are grateful for your contributions and look forward to featuring them at Late Night with the Foundation!

Thank you

CONTACT INFORMATION	
☐ same as reverse	
Company name	
Contact Name	
Donor name for recognition	
Website	
Address	
City, Province, Postal Code	
Phone	
Email	

ITEM DESCRIPTION
Please include a full item/package description with value, noting any limitations and/or restrictions. Please forward a high-res photos of the item so we are able to showcase your donation in the best way!

For More Information please call 632-5595

Stjosephshospitalfoundation.com • Find us on Facebook

St. Joseph's Hospital Foundation

La Fondation De L'Hôpital St. Joseph

Dear Community Member

WE Believe Saint John is a youth – lead grass roots community initiative based in Saint John, New Brunswick that engages students in volunteerism, leadership and social action through year – round activities. WE Believe is an international celebration to motivate students across the Maritimes and the state of Maine to give back both locally and globally to causes they are passionate about.

On May 14, 2020 at Harbor Station WE Believe Saint John will be celebrated by almost 8000 live and by over 80,000 students via live stream. In grade 5 through 12 from schools all across the Maritimes and the state of Maine.

Students will be empowered to “Be the change they desire to see in the world.”

WE Believe is a part of the WE movement that is “an ocean of people coming together to create impact.” WE Day brings world renowned speakers and A- list performers together with tens of thousands of young people to celebrate their contributions and kick start another year of inspiration. Beginning as a single event over 10 years ago, WE Day has evolved into a series of 16 stadium sized events held a crossed Canada, The United States and the United Kingdom. The past year, 200,000 students attended WE Day and left inspired to create change both locally and globally.”

At the WE Believe Saint John event the speakers and performers will focus on various topics including but not limited to; mental and physical health, volunteering, bullying and self-worth, and how each of us can better the world.

Students and adults attending the event will have the opportunity to speak with over 35 various organizations where they can become volunteers in their community. In addition to this, various organizations will offer information to students who wish to broaden their volunteer experiences by going beyond the Maritimes and out into the rest of the world.

On May 14, 2020 WE Believe Saint John event, in partnership with the many businesses and organizations across the Maritimes and Maine, will be the second time WE Believe will be held at Harbor Station in Saint John, New Brunswick.

Students cannot purchase a ticket to WE Believe Saint John. They must earn their way by doing something positive, both locally and

internationally. This is a movement to kick start our students to change the world!

Check out the following link to watch WE Believe 2018 at:

https://www.youtube.com/watch?v=ku9BQgBHL5w

We sincerely hope that the city of Saint John will consider becoming a sponsor of WE Believe 2020. Therefore we are asking for the City of Saint John to support WE Believe 2020 with a donation of $10,000, in addition we will have the mayor speak at WE Believe, and will also show a commercial highlighting Saint John to our 8000 live audience and over 80,000 watching via live stream across North America.

Thank you for brining your passion and energy to the WE movement.

Sincerely,

Daniel Foote

WE Believe

daniel.foote@nbed.nb.ca

1 (506) 434 2254

WE BELIEVE SAINT JOHN

Together WE can change the world

WE Believe SJ works hand in hand with WE.org in their WE Day, WE Schools, WE Villages, WE Company, WE Wellness, and Me to WE trip initiatives. As a result of our first WE Believe event, there are now over 60 schools using WE Schools and committed to supporting both a local and global project. Our 2020 event will highlight many of these projects and will share even more stories to celebrate, inspire, and support youth in New Brunswick and beyond.

Contact

WE Believe - Saint John
108 Penobsquis Loop Road
Penobsquis, NB E4G 2B8

Mr. Daniel Foote
1-506-434-2254

Cheques made payable to WE Believe

www.webelievesj.com<http://www.webelievesj.com

ASD-S Anglophone South School District

Select Printing & Signs

WE BELIEVE SAINT JOHN

MAY 14, 2020

WE Believe Saint John is a high-energy, motivational, non-profit event featuring local and international speakers and performers. This WE Day-inspired event celebrates, inspires, and supports the youth of New Brunswick to be engaged in their local communities and globally.

WE BELIEVE SAINT JOHN

SPONSORSHIP DECK

WE Believe in our Youth!

WE Believe Saint John engages the *entire* community to support our youth. Youth are connected with local and global charities and businesses to help them accomplish their goals, and develop leadership and socialpreneur/entrepreneur skills.

Our speakers also share their personal challenges with mental health and overcoming obstacles to being all that they can be and to let youth know that they are not alone.

Our Youth Walk provides information booths by local charities and support groups to further engage and connect with youth. The Educators' Room allows educational staff an opportunity to engage with speakers and new ideas to incorporate into their classrooms.

WE Believe is excited to grow our partnership with the business community as we work together to engage, inspire, and mentor our youth!

SPONSORSHIP LEVELS	DONATION	TAX RECEIPT	EXPOSURE	PLUS at Event...
FRIEND	$500 +	✓	• Business name on 'Sponsor' page of website • Mention on social media	• 2 Complementary tickets to WE Believe in the Business Room (RSVP) • The opportunity to meet various presenters in the Business Room throughout the day
SUPPORTER	$1,000 +	✓	• Business name on 'Sponsor' page of website • Mention on social media	• 4 Complementary tickets to WE Believe in the Business Room (RSVP) • The opportunity to meet various presenters in the Business Room throughout the day
TEAMMATE	$2,500 +	✓	• Business logo on 'Sponsor' page of website • Mention on social media • Logo on screen at event	• Special mention • 6 Complementary tickets to WE Believe in the Business Room (RSVP) • The opportunity to meet various presenters in the Business Room throughout the day
PARTNER	$5,000 +	✓	• Medium Business logo on 'Sponsor' page of website • Monthly mentions on social media up to June 2020 • Special mention at event • Logo on screen at event	• Medium Business logo listed on Sponsors Page description and Logo • Special mention • 8 Complementary tickets to WE Believe in the Business Room (RSVP) • The opportunity to meet various presenters in the Business Room throughout the day
WORLD CHANGER	$10,000 +	✓	• Special mention and description at event and community events and coffeehouses • Own slide on screen at event • Tickets provided to your organization (RSVP) • Large Business logo on "Sponsor" page of website • Opportunity to be discussed about speaking at WE Believe	• Special Mention, description and logo. • 8 Complementary tickets to WE Believe in the Business Room (RSVP) • Shout out from the stage on the day of the event • The opportunity to meet various presenters in the Business Room throughout the day

Thanks for bringing your passion and energy to the WE Movement!

Rocmaura Nursing Home Foundation
10 Parks Street
Saint John, NB E2K 4P1
Telephone: (506) 643-7090
Fax: (506) 643-7053
foundation@rocmaura.com
Making life better for Residents in their "home away from home"

Wednesday, July 10, 2019

Gala Honourary Chairs
Wayne & Denise Long

FOUNDATION BOARD OF DIRECTORS

Emil Olsen -Chair
Brian Fitzpatrick- Treasurer
Rod Flood
June Creamer Cormier
Lisa Savidant
Pat Miller
Patricia Murphy
Jocelyn Graham
Scott Waddell
Sr. Anita Naves
Sr. Sandra Barrett
Don Leblanc
Marie Murphy
Rocmaura Auxiliary
Sheana Mohra
Executive Director
Rocmaura Inc.
Sally Cummings
Director

Dear Friends;

I am excited to invite you to be part of "Rocmaura's Community of Caring People" by supporting our major annual fundraiser for the betterment of our Residents' lives. You won't want to miss out on our **21st Annual Dinner, Auction and Dance** at the SJTCC on Saturday **September 28, 2019**. This year's Gala is all about Travel. Join us as we Tour the World! Wayne & Denise Long are our Honourary Gala Chairs, along with our lovely Host Cindy Day who will be back! We will have tons of great auction items up for bid, and a dance with 8-piece 80's band **Pretty in Pink!**

This year funds will be raised to enhance our Residents lives by providing some of the extras to make life better in their "home away from home". There is a growing list of items we need. We have the **Final Phase of our Wardrobe Project** underway in Resident's rooms on Terrace Court. There are 48 units to build at a cost of over $170,000. These upgrades provide residents with comfort, pride, and joy. With a $3500 donation you can build a wardrobe unit and have a plaque engraved in honour of your company or someone special.

Much of Rocmaura's furniture dates back well over twenty years. It is worn out and in need of replacement. We are in need of **Resident room chairs**, **love seats** for families to visit, **feeding stools** and **adjustable dining tables** that can fit wheelchairs underneath. Our furniture must be durable, easy to clean, and meet the requirements of Residents who are at various levels of cognition and physical ability. You can help us furnish a sitting area!

All EXTRAS to improve our 150 Residents quality of life are funded through activities by the Foundation, and we have a long **Wish List** from medical equipment to recreation therapy programs that have a direct impact.

YOU can help make those wishes come true by purchasing **a table of tickets**, making a monetary **donation**, being an **event sponsor**, and/or donating gift certificates & **auction items**, new or gently used. (Jewellery, antiques, china, artwork may be appraised.) A table of ten tickets costs $1250 (you get a $600 charitable tax receipt). We also have Dance Only Tickets for $35! The dance starts at 9pm.

We hope that you will be able to be part of our "Community of Caring People". Please contact Sally Cummings at the Foundation office at (**506) 643-7090** or **foundation@rocmaura.com**. Thank you for your interest!

Rocmaura Foundation Inc.

Sally Cummings

Sally Cummings, Foundation Executive Director

Rocmaura Foundation Sept. 28, 2019 Sponsorship Form

NEW ! Everyone who purchases a Table of 10 for $1250 or level of Sponsorship below will have their name printed on a **thank you banner** displayed in our home at Rocmaura. DON'T MISS THIS OPPORTUNITY TO BE RECOGNIZED! √ **YES!** I will participate!

Company Name_____ Contact _____
Address_____
City_____Post Code_____
Tel_____Email_____

Platinum Sponsorship **$10,000**

- Program mention (Largest size logo)
- Company logo displayed on signage during the event
- Table of 10 tickets are included
- Rocmaura Foundation Website, Facebook, newsletter advertising
- Announcement of sponsorship during the event
- Announcement of sponsorship with the Media (Newspapers & PSAs)

Can be 8 tables of tickets, $ donation, or in kind contribution totaling $10,000

Gold Sponsorship **$5000**

- Program mention (Large size logo)
- Company logo displayed on signage during the event
- 4 tickets
- Rocmaura Foundation Website Facebook, newsletter advertising
- Announcement of sponsorship during the Dinner and Auction
- Announcement of sponsorship with the Media (Newspapers & PSAs)

Can include 4 tables of tickets, $ donation, or in kind contribution totaling $5000

Silver Sponsorship - Builds a wardrobe unit for a Resident's room **$3,500**

- Program mention (Medium size logo)
- Company logo displayed on signage during the event
- 2 tickets
- Announcement of sponsorship during the Dinner
- Announcement of sponsorship with the Media (Newspapers & PSAs)

Can be $1250 table of tickets + $2250 donation or in kind gift totaling $3500

Bronze Sponsorship **$1,500**

- Program mention (Small size logo)
- Company logo displayed on signage during the event
- Announcement of sponsorship during the event.
- Announcement of sponsorship with the Media (Newspapers & PSAs)

Can be $1250 table of tickets + $250 donation or in kind totaling $1500

We have Auction Items to donate: _____Value $_____

TICKETS Please send _____tickets for dinner totaling $_____ *($125 each with $60 tax receipt)*
Please send invoice Cheque Visa MC
#_____ Exp Date MM YY _____ Signature_____

Sally Cummings 10 Parks St. Saint John NB E2K 4P1 tel 506 643-7090 fax 643-7053 foundation@rocmaura.com
by August 1

MAJOR ANNUAL FUNDRAISING DINNER | AUCTION | DANCE

ROCMAURA

INVITES YOU TO

TOUR THE WORLD

TICKETS $125 WITH $60 TAX RECEIPT | TABLE OF 10 $1250

SATURDAY SEPTEMBER 28 2019

Pack your bags! Join us for a - *tastes of the world dinner* and so much more…

Honourary Gala Chairs – Hon MP Wayne, Denise & Konnor Long

SAINT JOHN TRADE AND CONVENTION CENTRE

PARIS OCT 24 FRANCE

CINDY DAY HOST
50/50 DRAW
WINE TOMBOLA
BLACK TIE BINGO
WINE FRIDGE DRAW
SILENT & LIVE AUCTION
DANCE WITH PRETTY IN PINK

DOORS OPEN AT 5:30PM

NEW YORK 16 JN 45 NEW YORK

ROME 31 JULY 52 ITALY

PARIS OCT 24 FRANCE

FEATURING

pretty in pink

We are paying tribute to the memory of late Malcolm Barry at this year's Gala.

Rocmaura
a community of caring people

To purchase tickets, donate an auction item, or for more information:
Contact 643-7090 | foundation@rocmaura.com

Rocmaura Foundation ~ Helping to make life better for Residents in their "home away from home"

NBCC SU

July 11, 2019

RECEIVED
JUL 17 2019

City of Saint John
Mayor & Council
15 Market Square
PO Box 1971 Saint John, New Brunswick
E2L 4L1

Dear Mayor Darling and City Councilors:

The students of the New Brunswick Community College (NBCC) Saint John have asked that I act on their behalf to request support from you for our Orientation 2019 which will begin on September 3rd, 2019.

NBCC Saint John has 1273 new students coming, with 750 of our full time students coming from outside the Saint John region. With each student spending approximately $10,000 per year for their education and living expenses, we estimate that $7,500,000 is brought into the Saint John region annually from students outside the Greater Saint John area. Furthermore, the students who are from Saint John area and stay here to pursue postsecondary education keep another $5 million dollars in our city. This translates to $12.5 million being brought or kept in Saint John each year as a result of NBCC students.

In other regions of our province, cities and towns host a recognition/welcome event for the NBCC students in their area. This has been in the form of a parade, barbeque, or meet and greet. In talking with my colleagues at other campuses, the responses and sense of being in a community that extends beyond the campus have been very positive.

On behalf of the NBCC Saint John Student Union, I would like to request that the City of Saint John host a barbecue and fun fair during our Orientation Week activities. This could be on campus or within walking distance of the campus. The estimated cost is $1000 to cover the cost of hot dogs, hamburgers, pop, and rental of picnic tables and the carnival games.

I thank you in advance for your attention to this request. If you require any further information or have any questions, please feel free to contact me.

With warm regards,

Chayla Heath

Chayla Heath
Orientation Assistant, NBCC Saint John Student Union
Tel: 506-658-5501
Email: cheath@unb.ca

July 24, 2019

Common Council
City of Saint John
8th Floor City Hall
15 Market Square
Saint John, NB
E2L 1E8

Re: Grow SJ

The Saint John Citizens Coalition respectfully requests, the questions of accountability contained within this letter, be included in the Council's Agenda Packet for July 29, 2019.

We are requesting Common Council review the Mayor's personal initiative or brand, known as GrowSJ, to ensure that all activities related to the entity are legitimate and acceptable under the Code of Conduct for Elected Representatives.

We have been informed by Mr. Patrick Beamish and others, that the GrowSJ Facebook group and webpage, as well as events such as City Budgets and Beers are "the personal property of Mayor Don Darling and (are) not affiliated with the City of Saint John".

With this in mind, we believe the citizens of Saint John has the right to know the following:

1. We understand GrowSJ is physically located in the Mayor's City Hall office. If so, why is Mr. Darling permitted to use premises that are designated for official business and supported by tax dollars for a private initiative?
2. Is the Mayor using any city-owned/leased cellphone, computer etc. to write and/or record tweets, posts, selfies, videos etc. concerning GrowSJ?
3. Is any city-owned/leased equipment i.e. computers, cellphones, furnishings etc. being used by anyone working on Mr. Darling's personal behalf?
4. Do any city employees currently work on any aspect of GrowSJ? Have any done so in the past?
5. Who administers the GrowSJ Facebook page?
6. Who prepares and sends the GrowSJ newsletter to subscribers?
7. Who designs slides and other graphics used in GrowSJ sponsored presentations?
8. Who assists Mr. Darling in organizing City Budgets and Beers and other events that may fall under the purview of his private brand?
9. What authority does Mr. Darling have to use the City of Saint John's corporate image on his Facebook page, website, invitations to Budgets and Beers and any other promotional material? Who gave him this authority and why?
10. Is the moniker 'GrowSJ' not itself a trademark violation that confuses the public, given that the City of Saint John owns the rights to similar monikers such as PlanSJ, ZoneSJ and MoveSJ?

11. Why is all information on ownership of www.growsj.life redacted? Who registered the website? Who owns the website?
12. Why is there no privacy policy on the website, given that it requests personal information in order to subscribe to a GrowSJ newsletter?
13. What, if any, free space has been donated to the Mayor for Budgets and Beers or any other GrowSJ sponsored event? Has the Mayor accepted any other donations related to the activities of GrowSJ?

We understand that these questions are up to the Mayor himself to answer and could have been sent directly to him. However, given that the Code of Conduct expressly states that Members of Council (including the Mayor) are expected to perform their duties in a manner that will bear close public scrutiny, we would hope that Council will, on behalf of the citizens of Saint John, put this to the test by seeking the answers to these and any other questions it may have about the purpose of GrowSJ and the Mayor's involvement with it.

Yours sincerely;

Randall Goodwin
Saint John Citizens Coalition
sjccnb@outlook.com