



**City of Saint John  
Common Council Meeting  
AGENDA**

Monday, March 22, 2021

6:00 pm

Meeting Conducted by Electronic Participation

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

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- 18. Adjournment



**City of Saint John  
Common Council Meeting  
Monday, March 22, 2021**

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**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., Meeting Conducted through Electronic Participation**

- 1.1 Approval of Minutes 68(1)
- 1.2 Employment Matter 68(1)(j)
- 1.3 Litigation Matter 68(1)(g)
- 1.4 Legal Matter 68(1)(f)
- 1.5 Financial Matter 68(1)(c,d)
- 1.6 Financial Matter 68(1)(c,f)
- 1.7 Legal Matter 68(1)(f)
- 1.8 Employment Matter 68(1)(j)





**Ville de Saint John**  
**Séance du conseil communal**  
**Lundi 22 mars 2021**  
**18 h**  
**Réunion tenue par participation électronique**

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**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 - Réunion conduite par participation électronique**

- 1.1 Approbation du procès-verbal 68(1)
- 1.2 Question d'emploi 68(1)(j)
- 1.3 Question de litige 68(1)(g)
- 1.4 Question juridique 68(1)(f)
- 1.5 Question financière 68(1)(c,d)
- 1.6 Question financière 68(1)(c,f)
- 1.7 Question de litige 68(1)(g)
- 1.8 Question d'emploi 68(1)(j)

**Séance ordinaire**

- 1. Ouverture de la séance**
- 2. Approbation du procès-verbal**
  - 2.1 Procès-verbal du 8 mars 2021
- 3. Adoption de l'ordre du jour**
- 4. Divulgations de conflits d'intérêts**
- 5. Questions soumises à l'approbation du conseil**

- 5.1 Printemps 2021 - Demande de refinancement de la débenture (recommandation dans le rapport)
- 5.2 Vente d'un lot appartenant à la ville et constituant le PID n° 28126 de la rue Millidge (recommandation dans le rapport)
- 5.3 Programme de redressement économique et communautaire : Programme pilote de subvention du stationnement sur rue - Mise à jour provisoire (recommandation dans le rapport)
- 5.4 Date proposée pour l'audience publique - 300, rue Sydney et 1210, chemin Loch Lomond (recommandation dans le rapport)
- 5.5 Contrat de licence pour une scène et des toilettes à Pat Rocca Way (Market Square Boardwalk) (Recommandation dans le rapport)
- 5.6 Services d'inspection technique pur 2021 (recommandation dans le rapport)
- 5.7 Promoteur retenu pour l'examen des services d'incendie (recommandation dans le rapport)
- 5.8 Fundy Quay - Financement d'infrastructure - Lettres d'offre (Recommandation dans le rapport)

## **6. Commentaires présentés par les membres**

## **7. Proclamation**

## **8. Délégations et présentations**

- 8.1 Capacité Nouveau-Brunswick et un Nouveau-Brunswick accessible

## **9. Audiences publiques**

## **10. Étude des arrêtés municipaux**

- 10.1 Modification du règlement de zonage avec les conditions de l'article 59 - 3396, chemin Loch Lomond (3<sup>e</sup> lecture) et approbation de l'argent à défaut de terrain à des fins publiques
- 10.2 Rapport supplémentaire - Demande de changement de zonage du 215, rue Somerset (3<sup>e</sup> lecture)
- 10.3 Modification du règlement de zonage - objet : Frais (3<sup>e</sup> lecture)
- 10.4 Règlement relatif aux zones de conservation du patrimoine de Saint John - objet : Frais (3<sup>e</sup> lecture)

- 10.5 Règlement relatif aux zones de conservation du patrimoine de Saint John - 22, rue Sydney (3<sup>e</sup> lecture)
- 10.6 Règlement sur la réduction des sacs de plastique à usage unique dans la ville de Saint John (3<sup>e</sup> lecture)
- 10.7 Modification du règlement sur la restriction du poids sur la rue Wentworth (3<sup>e</sup> lecture)

## **11. Interventions des membres du conseil**

## **12. Affaires municipales évoquées par les fonctionnaires municipaux**

- 12.1 Points relatifs à la gouvernance du Conseils
  - 12.1.1 Comité de sécurité publique
  - 12.1.2 Sélection du maire adjoint
  - 12.1.3 O'Canada aux réunions du Conseil

## **13. Rapports déposés par les comités**

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

## **15. Correspondance générale**

- 15.1 SJ Community Arts Board - Programme de financement 2021 (Recommandation : Demander au commissaire aux finances d'émettre des chèques ; Recevoir pour information)
- 15.2 F. Fernandez : Demande de suppression de la désignation de zone de conservation du patrimoine - 191, rue Princess (Recommandation : En référer au directeur municipal)
- 15.3 Ville de Grand Bay-Westfield : Exercice du plan directeur des parcs et loisirs (Recommandation : Expression de soutien du Conseil à Grand Bay-Westfield)
- 15.4 ME Carpenter : Service essentiel (Recommandation : Recevoir pour information)

## **16. Ordre du jour supplémentaire**

## **17. Comité plénier**

- 17.1 Bail du marché de la ville avec 690045 N.B. Ltd dba Kim's Korean Food

## **18. Levée de la séance**



The City of Saint John

MINUTES – REGULAR MEETING  
COMMON COUNCIL OF THE CITY OF SAINT JOHN  
MARCH 08, 2021 AT 6:00 PM  
MEETING CONDUCTED BY ELECTRONIC PARTICIPATION

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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 John MacKenzie  
Councillor Ward 2 Vacancy  
Councillor Ward 3 Donna Reardon  
Councillor Ward 3 David Hickey  
Councillor Ward 4 David Merrithew

Absent: Councillor Ward 4 Ray Strowbridge

Also Present:

City Manager J. Collin  
General Counsel M. Tompkins  
Fire Chief & Chief Emergency Management Services K. Clifford  
Chief of Staff & Chief Financial Officer K. Fudge  
Commissioner, Human Resources S. Hossack  
Commissioner, Public Works, and Transportation Services M. Hugenholtz  
Commissioner, Utilities & Infrastructure Services B. McGovern  
Commissioner, Growth & Community Services J. Hamilton  
Director Legislative Services / City Clerk J. Taylor  
Deputy City Clerk P. Anglin  
Administrative Officer R. Evans

**1. Call to Order**

To conform to the New Brunswick Government COVID-19 State of Emergency and Mandatory Order effective March 8<sup>th</sup>, 2021 all Zones being updated to Code Yellow level, Council Members and staff participated by video conference. The City Clerk conducted roll call, noting Councillor Strowbridge absent.

To ensure public access and transparency the meeting is being video recorded and posted to the City's website after the meeting has concluded.

**2. Approval of Minutes**

2.1 Minutes of February 22, 2021

Moved by Councillor Sullivan, seconded by Councillor Norton:

RESOLVED that the February 22, 2021 meeting minutes be approved.

MOTION CARRIED.

**3. Approval of Agenda**

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED That the agenda for March 8<sup>th</sup>, 2021 be approved with the addition of the following:

17.1 Termination of Contract 2020-04: Sanitary Sewer Structural Lining Phase IV – Various Locations between The City of Saint John and Clean Water Works Inc. and

7.1 Proclamation International Women's Day.

MOTION CARRIED.

**4. Disclosures of Conflict of Interest**

**5. Consent Agenda**

5.1 That as recommended by the City Manager in the submitted report M&C 2021-064: *Engineering Services: Site Works – Fundy Quay*, Council approve the proposal submitted by Dillon Consulting Inc., for Engineering Services for the Fundy Quay Site Works, in the amount of \$438,780 plus HST (including a contingency allowance in the amount of \$100,000), be accepted. And that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.2 That as recommended by the City Manager in the submitted report entitled: *Appointment of Dylan Domres & Phillip McCarthy as By-Law Enforcement Officers*,

RESOLVED, that Common Council approve the following:

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 Parking By-law Number LG-8 and amendments thereto;

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

NOW THEREFOR BE IT RESOLVED that Dylan Domres, is hereby appointed as by-law enforcement officer for the administration and enforcement of the Saint John Parking By-Law which received first and second reading by Common Council on January 11, 2021 and third reading January 25, 2021, being enacted under the Local Governance Act, effective immediately, and this authorization shall continue until he ceases to be an employee of the Saint John Parking Commission or until rescinded by Common Council, whichever comes first;

NOW THEREFOR BE IT RESOLVED that Philip McCarthy. is hereby appointed as by-law enforcement officer for the administration and enforcement of the Saint John Parking By-law which received first and second reading by Common Council on January 11, 2021 and third reading January 25, 2021, being enacted under the Local Governance Act, effective immediately, and this authorization shall continue until he ceases to be an employee of the Saint John Parking Commission or until rescinded by Common Council, whichever comes first.

5.3 That as recommended by the City Manager in the submitted report M&C 2021-058: *Property Assessment Data Use and Confidentiality Agreement*, Common Council approves the City enter into a Data Use and Confidentiality Agreement with Service New Brunswick for the right to use property assessment information as described therein in the form attached to M&C No. 2021-058; and that the Mayor and City Clerk be authorized to execute the necessary contract documents.

5.4 That as recommended by the City Manager in the submitted report M&C 2021-061: *Procurement of a Trailer Mounted Combination Valve Exerciser and Vacuum Excavation Unit*, Common Council award the purchase of a Trailer Mounted Combination

Valve Exerciser and Vacuum Excavation Unit at a total cost of \$117,205.00 plus HST to Saunders Equipment Ltd.

5.5 That as recommended by the City Manager in the submitted report M&C 2021-066: *Fleet Replacement Procurement – March 2021*, Common Council award the purchase of two (2) Tandem Refuse Packers and two (2) Tandem Co-Mingle Refuse Packers at a total cost of \$1,321,070.00 plus HST to Saunders Equipment Ltd.

5.6 That as recommended by the City Manager in the submitted report M&C 2021-059: *Fundy Quay Sea Wall Refurbishment and Storm Sewer Outfall Project-Tender Award*, Common Council award the tender submitted by Alternative Concrete Technologies Ltd., for Fundy Quay Sea Wall Refurbishment and Storm Sewer Outfall Project in the amount of \$7,920,895.50 plus HST be accepted. Further to the base tender amount, it is recommended that a contingency allowance be carried out for this project in the amount of \$500,000 plus HST, for a total cost of \$8,420,895.50 plus HST. Additionally, it is recommended that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.7 That as recommended by the City Manager in the submitted report M&C 2021-067: *Traffic Paint Purchase*, notwithstanding the City's Procurement Policy, Common Council authorize City staff to purchase Franklin Paint Company traffic paint for the 2021 construction season as a sole source procurement from Stinson Equipment Limited at a cost of \$94,430.95 plus HST.

5.8 That as recommended by the City Manager in the submitted report M&C 2021-056: *Neighbourhood Service Agreements*, Common Council approve the following:

1. Resolve that the parties renew the agreement in consideration for the annual grant of \$21,000 between the City of Saint John and P.U.L.S.E. (People United in the Lower South End), Inc., for a period of two (2) years, from January 1, 2021 until December 31, 2022, as outlined in Appendix 'A' of this report and that the Mayor and Common Clerk be authorized to sign all necessary documentation.
2. Resolve that the parties renew the agreement in consideration for the annual grant of \$23,500 between the City of Saint John and Crescent Valley Resource Centre Inc. for a period of two (2) years, from January 1, 2021 until December 31, 2022, as outlined in Appendix 'B' of this report and that the Mayor and Common Clerk be authorized to sign all necessary documentation.

3. Resolve that the parties renew the agreement in consideration for the annual grant of \$23,500 between the City of Saint John and ONE Change Inc. for a period of two (2) years, from January 1, 2021 until December 31, 2022, as outlined in Appendix 'C' of this report and that the Mayor and Common Clerk be authorized to sign all necessary documentation.
  4. Resolve that the parties renew the agreement in consideration for the annual grant of \$22,000 between the City of Saint John and the Saint John Learning Exchange Ltd. (Waterloo Village Neighbourhood Association) for a period of two (2) years, from January 1, 2021 until December 31, 2022, as outlined in Appendix 'D' of this report and that the Mayor and Common Clerk be authorized to sign all necessary documentation.
  5. Resolve that the parties renew the agreement in consideration for the annual grant of \$20,000 between the City of Saint John and the TRC (The Resource Centre) for Youth in Greater Saint John, Inc., for a period of two (2) years, from January 1, 2021 until December 31, 2022, as outlined in Appendix 'E' of this report and that the Mayor and Common Clerk be authorized to sign all necessary documentation.
  6. Resolve that the parties renew the agreement in consideration for the annual grant of \$22,000 between the City of Saint John and Saint John Human Development Council Inc. (Around the Block Community Newspaper) for a period of one (1) year, from January 1, 2021 until December 31, 2021, as outlined in Appendix 'F' of this report and that the Mayor and Common Clerk be authorized to sign all necessary documentation.
  7. Resolve that the parties renew the agreement in consideration for the annual grant of \$20,000 between the City of Saint John and Carleton Community Centre, Inc., for a period of one (1) year, from January 1, 2021 until December 31, 2021, as outlined in Appendix 'G' of this report and that the Mayor and Common Clerk be authorized to sign all necessary documentation.
- 5.9 That as recommended by the City Manager in the submitted report M&C 2021-069: *2021 Water and Sewerage Utility Fund and General Fund (Storm & Transportation Categories) Capital Project Tendering Schedule*, Common Council receive the report for information.

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:



RESOLVED that the recommendation set out in each consent agenda item respectively, be adopted.

MOTION CARRIED UNANIMOUSLY.

**6. Members Comments**

The Council Members spoke on various events occurring in the City, including affordable housing, and International Women’s Day.

**7. Proclamations**

7.1 International Women’s Day March 8<sup>th</sup>

The Mayor proclaimed March 8<sup>th</sup>, 2021 International Women’s Day.

**8. Delegations/Presentations**

**9. Public Hearings 6:30 PM**

9.1 Proposed Zoning ByLaw Amendment – 3396 Loch Lomond Road with Planning Advisory Committee report recommending Rezoning (1<sup>st</sup> and 2<sup>nd</sup> Reading)

Commissioner Hamilton advised that the necessary advertising was completed with regard to the rezoning a parcel of land having an area of approximately 8,227 square metres, located at 3396 Loch Lomond Road, also identified as a portion of PID Number 00330126, from Rural Residential (RR) to Rural General Commercial (CRG) with no written objections or letters of support received.

Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning staff’s report considered at its February 17, 2021 meeting at which the Committee recommended the rezoning at 3396 Loch Lomond Road as described above, with Section 59 conditions.

The Mayor called for members of the public to speak against the proposed amendment with no one presenting.

The Mayor called for members of the public to speak in favour of the proposed amendment with the following presenting: Mr. Rick Turner on behalf of Hughes Surveys Inc., and Mr. Bob Landry property owner.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, “A Law to Amend the Zoning By-Law of The City of Saint John” rezoning a parcel of land having an area of approximately 8,227 square

metres, located at 3396 Loch Lomond Road, also identified as a portion of PID Number 00330126, from Rural Residential (RR) to Rural General Commercial (CRG), be read a first time.

MOTION CARRIED.

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

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John" rezoning a parcel of land having an area of approximately 8,227 square metres, located at 3396 Loch Lomond Road, also identified as a portion of PID Number 00330126, from Rural Residential (RR) to Rural General Commercial (CRG), be read a second time.

MOTION CARRIED.

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

9.2 Zoning By-Law and Heritage Conservation Areas By-Law Amendments – Fee Adjustments (1<sup>st</sup> and 2<sup>nd</sup> Readings)

Commissioner Hamilton advised that the necessary advertising was completed with regard to amending the Zoning By-Law with respect to revised fees, an updated fee schedule and two new fees to build consistency with other development by-laws; and an amendment to the Heritage Conservation Areas By-law with respect to new fees.

Director A. Poffenroth gave a staff presentation addressing the reason for the fee adjustment fees as part of the City's Sustainability Plan.

The Mayor called for members of the public to speak against the proposed Zoning By-Law and Heritage Conservation Areas By-Law Amendments – Fee Adjustments amendment with no one presenting.

The Mayor called for members of the public to speak in favour of the proposed Zoning By-Law and Heritage Conservation Areas By-Law Amendments – Fee Adjustments amendment with no one presenting.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John", amending paragraph 12.4(8)m; amending subparagraph 12.4(9)(a)(iv);

deleting and replacing subsection 2.11(c); deleting and replacing Schedule “B”, be read a first time.

MOTION CARRIED.

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

Moved by Councillor Reardon, seconded by Deputy Mayor McAlary:

RESOLVED that the by-law entitled, “A Law to Amend the Zoning By-Law of The City of Saint John”, amending paragraph 12.4(8)m; amending subparagraph 12.4(9)(a)(iv); deleting and replacing subsection 2.11(c); deleting and replacing Schedule “B”, be read a second time.

MOTION CARRIED.

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

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the by-law entitled, “By-Law Number HC-1, A Law to Amend the Saint John Heritage Conservation Areas By-Law”, deleting and replacing subsection 6(2)(c); adding subsection 6(11); and deleting and replacing Schedule K, be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, “By-Law Number HC-1, A Law to Amend the Saint John Heritage Conservation Areas By-Law.”

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the by-law entitled, “By-Law Number HC-1, A Law to Amend the Saint John Heritage Conservation Areas By-Law”, deleting and replacing subsection 6(2)(c); adding subsection 6(11); and deleting and replacing Schedule K, be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, “By-Law Number HC-1, A Law to Amend the Saint John Heritage Conservation Areas By-Law.”

9.3 Heritage Conservation Areas ByLaw Amendment – Site-specific By-Law Amendment – 22 Sydney Street (1<sup>st</sup> and 2<sup>nd</sup> Reading)

Commissioner Hamilton advised that the necessary advertising was completed with regard to a site-specific amendment to the Heritage Conservation Area ByLaw at 22 Sydney Street.

The reason for the change is to allow for a Tier Three major addition in a Heritage Conservation Area to transform the Sydney Street Court House to a Theatre performance space.

Heritage Planner E. Sampson advised Council of the positive heritage impacts of the proposed Tier Three infill development application process, the Heritage Impact Assessment, Peer Review and Staff reports and written submissions from the public for the repurposing of the Court House to a Theatre space.

The Mayor called for members of the public to speak against the proposed Heritage Conservation Areas By-Law amendment with no one presenting.

The Mayor called for members of the public to speak in favour of the proposed Heritage Conservation Areas By-Law amendment with the following presenting: John Leroux Architect and Art Historian, Stephen Tobias Executive Director The Saint John Theatre Company Inc., George Daniel President Board SJ Theatre Company Inc., Melissa Wakefield Architect Exp Architects Inc., Jamie L. Watson Chair Heritage Development Board.

Moved by Councillor Sullivan, seconded by Councillor Armstrong:  
RESOLVED that the by-law entitled, "By-Law Number HC-1, A Law to Amend the Saint John Heritage Conservation Areas By-Law" adding Schedule P – Tier Three Developments; and adding subsection 8.3, be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "By-Law Number HC-1, A Law to Amend the Saint John Heritage Conservation Areas By-Law."

Moved by Councillor MacKenzie, seconded by Councillor Reardon:  
RESOLVED that the by-law entitled, "By-Law Number HC-1, A Law to Amend the Saint John Heritage Conservation Areas By-Law" adding Schedule P – Tier Three Developments; and adding subsection 8.3, be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, "By-Law Number HC-1, A Law to Amend the Saint John Heritage Conservation Areas By-Law."

## **10. Consideration of Bylaws**

10.1 Weight Restriction By-Law Amendment on Wentworth Street (1<sup>st</sup> and 2<sup>nd</sup> Reading)

Consideration was given to the submitted report *M&C 2021-065: Weight Restriction ByLaw Amendment on Wentworth Street*. Commissioner Hugenholtz advised of the reason for the amendment to allow a truck-mounted crane on Wentworth Street to allow construction development to continue on schedule.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the by-law entitled, "By-Law Number MV-17, A Law to Amend a By-Law respecting Weight Restrictions within the City of Saint John enacted under the authority of Section 262(1) of the Motor Vehicle Act" amending Schedule A by adding "Connection Routes" – Wentworth Street between Broad Street and Leinster Street only between March 23, 2021 and March 28, 2021 inclusive, be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "By-Law Number MV-17, A Law to Amend a By-Law respecting Weight Restrictions within the City of Saint John enacted under the authority of Section 262(1) of the Motor Vehicle Act."

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:

RESOLVED that the by-law entitled, "By-Law Number MV-17, A Law to Amend a By-Law respecting Weight Restrictions within the City of Saint John enacted under the authority of Section 262(1) of the Motor Vehicle Act" amending Schedule A by adding "Connection Routes" – Wentworth Street between Broad Street and Leinster Street only between March 23, 2021 and March 28, 2021 inclusive, be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, "By-Law Number MV-17, A Law to Amend a By-Law respecting Weight Restrictions within the City of Saint John enacted under the authority of Section 262(1) of the Motor Vehicle Act."

10.2 Plastic Bag By-Law (1<sup>st</sup> and 2<sup>nd</sup> Reading)

Consideration was given to the submitted report M&C 2021-072: Plastic Bag By-Law.

Moved by Councillor Hickey, seconded by Councillor Norton:

RESOLVED that the by-law entitled, "By-Law Number L.G.-12, a By-Law respecting the Reduction of Single-Use Plastic Bags in The City of Saint John", be read a first time.

MOTION CARRIED with Councillor Armstrong voting nay.

Read a first time by title, the by-law entitled, “By-Law Number L.G.-12, a By-Law respecting the Reduction of Single-Use Plastic Bags in The City of Saint John.”

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:  
RESOLVED that the by-law entitled, “By-Law Number L.G.-12, a By-Law respecting the Reduction of Single-Use Plastic Bags in The City of Saint John”, be read a second time.

MOTION CARRIED with Councillor Armstrong voting nay.

Read a second time by title, the by-law entitled, “By-Law Number L.G.-12, a By-Law respecting the Reduction of Single-Use Plastic Bags in The City of Saint John.”

**11. Submissions by Council Members**

**12. Business Matters - Municipal Officers**

**12.1 City Manager Update (Verbal)**

City Manager updated Council on new developments:

The City has deployed 2 portable radar speed awareness signs to assist with traffic calming measures. These signs are meant to help address community concerns about speeding. The signs will also collect speed data to help measure performance of the new tool. They are not speed traps; no fines are associated.

Regional Economic Development Agency launched January 1<sup>st</sup>, 2021 has released its new name, Envision Saint John the Regional Growth Agency.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:  
RESOLVED that the City Manager verbal update be received for information.

MOTION CARRIED.

**12.2 Community Grants 2021**

Director P. Ouellette advised of the criteria applied by the Community Grants Evaluation Committee and the funding provided in the approved 2021 General Fund Operating Budget.

Manager Community Services A. McLennan provided the details of the applications and the successful applicants.

Moved by Councillor MacKenzie, seconded by Councillor Armstrong:

RESOLVED that as recommended in the submitted report M&C 2021-057: *Community Grants 2021*, Common Council approve the successful applicants for the 2021 Community Grants Program, as follows:

Human Development Council	\$15,000.00
PRUDE	\$15,000.00
Sistema	\$15,000.00
Bee Me Kidz	\$10,000.00
Outflow Ministries	\$10,000.00
Saint John Newcomers Centre	\$10,000.00
Shining Horizons	\$10,000.00
Sophia Recovery Centre	\$10,000.00
Seniors Resource Centre	\$9,625.00
Loch Lomond Villa	\$7,500.00
Denis Morris Community Centre	\$6,000.00
KBM Community Centre	\$6,000.00
Lorneville Community Centre	\$6,000.00
Martinon Community Centre	\$6,000.00
Milford Memorial Community Centre	\$6,000.00
Brilliant Labs	\$5,000.00
Greater SJ Community Garden	\$5,000.00
Saint John Tool Library	\$5,000.00
Fundy Seniors	\$4,875.00
Balysto Steelband	\$4,000.00
Third Shift	\$4,000.00
Junior Achievement	\$3,000.00
Carleton Community Garden	\$2,500.00
We Believe	\$2,500.00
Chroma	\$2,000.00

Indo-Canadian Society	\$2,000.00
NB Festival of Music	\$2,000.00
<b>TOTAL</b>	<b>\$184,000.00</b>

MOTION CARRIED.

**13. Committee Reports**

**14. Consideration of Issues Separated from Consent Agenda**

**15. General Correspondence**

**15.1 Pension Board Letter to Council – Appointment (Recommendation: Refer to Nominating Committee)**

Moved by Councillor Merrithew, seconded by Councillor Reardon:

RESOLVED that the letter from Fred Slip Chair, Board of Pension Trustees be referred to the Nominating Committee.

MOTION CARRIED.

**15.2 Green Shirt Day April 7, 2021 – Raising Awareness and Saving Lives (Recommendation: Refer to City Manager)**

Moved by Councillor Reardon, seconded by Councillor MacKenzie:

RESOLVED that the letter from Nichole Elizabeth, Provincial Director Canadian Transplant Association – New Brunswick, be referred to the City Manager.

MOTION CARRIED.

**16. Supplemental Agenda**

**17. Committee of the Whole**

**17.1 Termination of Contract 2020-04: Sanitary Sewer Structural Lining Phase IV – Various Locations between The City of Saint John and Clean Water Works Inc.**

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

Resolved that as recommended by the Committee of the Whole having met on March 8<sup>th</sup>, 2021 Common Council approve the termination of Contract 2020-04: Sanitary Sewer Structural Lining Phase IV – Various Locations between The City of Saint John and Clean



Water Works Inc. and that the Mayor and City Clerk be authorized to execute the necessary documents.

MOTION CARRIED.

**18. Adjournment**

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the meeting of Common Council held on March 8, 2021 be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 8:14 p.m.



application to the New Brunswick Municipal Finance Corporation. In order to proceed with the debenture financing this recommendation requires Council's adoption.

**PREVIOUS RESOLUTION**

M&C – 2021-026 – 2021 Spring Debenture Issue – Notice of Motion

**REPORT**

The New Brunswick Municipal Finance Corporation is planning a bond issue in the near future and applications are to be submitted by end of March, 2021. While the issue will not be sold until the Corporation feels that rates are reasonable, they have provided ranges within which the issue could be sold. These are as follows:

Interest Rate:	Not to exceed an average of 4.50%
Price, Net:	Not to be less than \$98.00 per \$100.00 of debenture
Term:	Serial form to mature in equal annual amounts over a term not to exceed 10 years for the General Fund and 10 years for the Water & Sewerage Utility for refinanced debentures.

The amount to be borrowed is a result of the City's requirement to refinance debentures issued in 2011. Market conditions in 2011 resulted in a fixed period of ten years on the debentures even though the City typically borrows for 15 years for General Capital and 20 years for Water and Sewerage.

There is interest rate risk for the City when debentures require refinancing. The City has received debentures since 2012 that are for the full term and will not require refinancing, therefor eliminating interest rate risk. The City has also benefited from historically low interest rates when refinancing debentures. Market conditions are still favorable and the City will see a reduction in interest costs for these refinanced debentures.

**SERVICE AND FINANCIAL OUTCOMES**

N/A

**INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS**

N/A

**ATTACHMENTS**

N/A

## COMMON COUNCIL REPORT

M&C No.	2021-075
Report Date	March 16, 2021
Meeting Date	March 22, 2021
Service Area	Legislative Services

His Worship Mayor Don Darling and Members of Common Council

**SUBJECT: Sale of City Owned Lot being PID No. 28126 off Millidge Street**

### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	City Manager
<i>Curtis Langille</i>	<i>Melanie Tompkins</i>	<i>John Collin</i>

### **RECOMMENDATION**

That The City of Saint John sell the property bearing PID No. 28126, situated off Millidge Street to Mr. Ronald Green (the Purchaser) at a purchase price of \$1,000.00 plus applicable taxes and fees with all costs associated with the transaction to be born by the Purchaser, and further that the Mayor and City Clerk be authorized to execute the documents necessary to effect the conveyance of the subject property.

### **EXECUTIVE SUMMARY**

Mr. Ronald Green has approached the City to purchase the 17 square metre, City owned parcel, identified as PID No. 28126, situated off Millidge Street (see attached). The proponent desires to acquire the City owned parcel to consolidate it with one of his two adjoining properties, situated on either side of the City lot. This additional land would allow the owner to carry out intended renovations to his adjoining property. Real Estate Services has negotiated with the proponent to sell the lot for \$1,000.00, plus associated taxes and fees required to effect the conveyance.

### **PREVIOUS RESOLUTION**

N/A

### **REPORT**

Mr. Ronald Green owns both properties located on either side of the City owned parcel, identified as PID #28126 off Millidge Street. The proponent wishes to acquire the small 17 square metre parcel to allow planned renovations to his building. It appears this parcel was a remnant of a previous subdivision of land and the City has no reason to retain the parcel.

This parcel of land has no real market value other than to the owner of the adjoining property. Service NB has the parcel assessed at \$200.00. The proponent is prepared to purchase the parcel of land for \$1,000.00 plus associated costs to effect the land transfer. Considering the small size and the assessed value of this parcel, staff considers this to be a fair offer.

No survey or subdivision plan is required for the transaction, and there is no cost to the City in completing this transaction.

***STRATEGIC ALIGNMENT***

Revenue generation, cost avoidance and tax base growth are critical contributors to the City's vision to become sustainable and to achieve growth and prosperity.

***SERVICE AND FINANCIAL OUTCOMES***

The sale of the City lot will result in a \$1,000.00 benefit and the relief of a negligible property tax levy. Intended renovations to the proponents dwelling will result in a slight increase in tax base.

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Comments were received from Growth and Community Services (Planning) and Utilities and Infrastructure Services. Their comments were included in this report where applicable.

***ATTACHMENTS***

1. Location Map; and
2. Letter from Owner to acquire parcel of land.





**SAINT JOHN**

**City of Saint John Property - PID #28126: Off Millidge Street**



Printed: 10/15/20 13:28:26 PM

A:tn. Curtis Langille

To Whom it May Concern,

I am writing concerning PID 28126 located on Millidge Street in the city of Saint John, county of Saint John, province of New Brunswick.

I would like to purchase this property as it adjoins properties I currently own, located at 14 and 20-22 Millidge Street; (PIDs 55126031, 00031229, 00031534, 00028159).

There are plans which I have submitted to the city of Saint John for development on these properties, but this small portion of land (PID 28126) would impede some of that development. I have inquired about the current and past use of this property and have found that it was a remnant parcel from many years ago, possibly

before Millidge Street was created and there is no city infrastructure located on it.

My offer for this property is \$1000.00 (one thousand) plus taxes and fees.

I thank you for your time and consideration with this venture and look forward to working together.

Ronald Green,

A large, bold, black handwritten signature that reads "Ronald Green". The signature is written in a cursive style with thick, dark strokes. It is positioned to the right of the printed name "Ronald Green,".

February 26, 2021



## COMMON COUNCIL REPORT

M&C No.	MC 2021-079
Report Date	March 16, 2021
Meeting Date	March 22, 2021
Service Area	Growth and Community Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Economic and Community Recovery Program: On-Street Parking Subsidy Pilot Program – Interim Update***

***OPEN OR CLOSED SESSION***

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

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>David Dobbelsteyn</i></b>	<b><i>Jacqueline Hamilton</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

Be It resolved that the on-street parking pilot program, as implemented by Council on January 25<sup>th</sup>, 2021 be extended for the month of April 2021, or until the program funding provided to Uptown Saint John Inc runs out, whichever comes first.

***EXECUTIVE SUMMARY***

Council directed the City Manager to implement a temporary on-street parking program on the advice of Growth Committee for the months of February and March 2021. Staff received an interim report from Uptown Saint John that is attached to this report. The report suggests that businesses and residents are finding the pilot program beneficial. Since approximately \$9,000 in program funding is forecast to be unspent at the end of March, staff recommend the program be extended into April until those funds run out. Uptown Saint John will return with a final report at the completion of the program.

***PREVIOUS RESOLUTION***

On January 25<sup>th</sup>, 2021, Council approved the following resolution:

Whereas Common Council has implemented a Municipal Economic and Community Recovery program in order to enable and accelerate local economic and community activity in response to the current public health pandemic,

Now Therefore Be It Resolved that Common Council direct the City Manager finalize a partnership with Uptown Saint John to implement and promote a temporary on-street parking subsidy program.

Further Be It Resolved that the City direct up to \$35,000 to be granted to Uptown Saint John Inc. for the implementation of the On-Street Parking Subsidy Program from the growth reserve funds already allocated to the Municipal Economic and Community Recovery Program;

Further Be It Resolved that the City Manager be authorized to negotiate the terms and conditions of the Program and Grant with Uptown Saint John;

Further Be It Resolved that the City Manager be authorized to implement the on-street parking subsidy program until March 31, 2021 or until the program funding is depleted, whichever comes first;

### ***STRATEGIC ALIGNMENT***

#### **Growth and Prosperity**

This initiative aligns with the Council approved ***Municipal Economic and Community Recovery [ENCORE] Program.***

### ***SERVICE AND FINANCIAL OUTCOMES***

The City has provided \$35,000 to Uptown Saint John to run this program through the ENCORE program. Approximately \$30,000 will return to the City as parking revenue over the life of the program, while offering an hour of free parking to hundreds of visitors to our Central Peninsula daily.

Based on the current rate of use, Uptown Saint John estimates that at the end of March there will be just over \$9,000 in program funds remaining. Extending the program into April will provided induced financial relief to local businesses and residents.

There is no additional cost to the city to extend the program into April until the original funds run out.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

This report has been drafted in consultation with Growth and Community Services, the City Manager's Office, the Saint John Parking Commission, and Uptown Saint John Inc

### ***ATTACHMENTS***

USJI Report to City of Saint John



# On-Street Parking Subsidy Program Interim Report



## Program Overview

On January 25, 2021, His Worship Don Darling and Members of Common Council allocated \$35,000 to the On-Street Parking Subsidy Pilot Program from the Municipal Economic and Community Recovery Fund. For the implementation and promotion of this program, the City partnered with the local business improvement association Uptown Saint John Inc. This funding was to be used to offer free parking to the public in the Uptown area using the HotSpot Parking app, to a maximum of one free hour per day per user.

To date, the parking subsidy program has seen great success, with between \$400 and \$650 per day being returned to the City through HotSpot Parking. The program has been promoted through various local radio stations, Facebook and Instagram advertisements, posters around the Uptown area, and a large sign placed in King's Square. Feedback from community members and Uptown business owners has been positive, and HotSpot has seen significantly increased sign-ups for monthly memberships.

There is potential to continue the parking subsidy program into April should funding not be completely allocated by the end of March. If HotSpot sign-ups and daily free parking users remain steady throughout the rest of March, there may be \$9400 remaining from the \$35,000 granted by the City.

# Preliminary Parking Data

as of March 12, 2021. Data retrieved by HotSpot Parking Transit Taxis Inc.

## FEBRUARY

- \$9528.50 returned in parking revenue
- \$3261.65 spent on marketing
- 6310 free parking sessions
- 223 new HotSpot sign-ups for free parking
- 473 new HotSpot users

## MARCH

- \$4897.32 returned in parking revenue between March 1 and 11
- \$12,515.42 projected monthly spend
- 124 new HotSpot sign-ups for free parking
- 257 new HotSpot users

## APRIL

- \$9457.10 remaining in program budget
- Potential to extend program for one to two weeks

**27 days**  
of free parking  
at a cost of  
**\$497.44/day**

**25 new HotSpot users in Saint John per day.**

**On average, 12 people per day using the free parking were first-time users**

**329**  
free parking  
sessions per day  
on average

**Avg. 3**  
free sessions  
per user

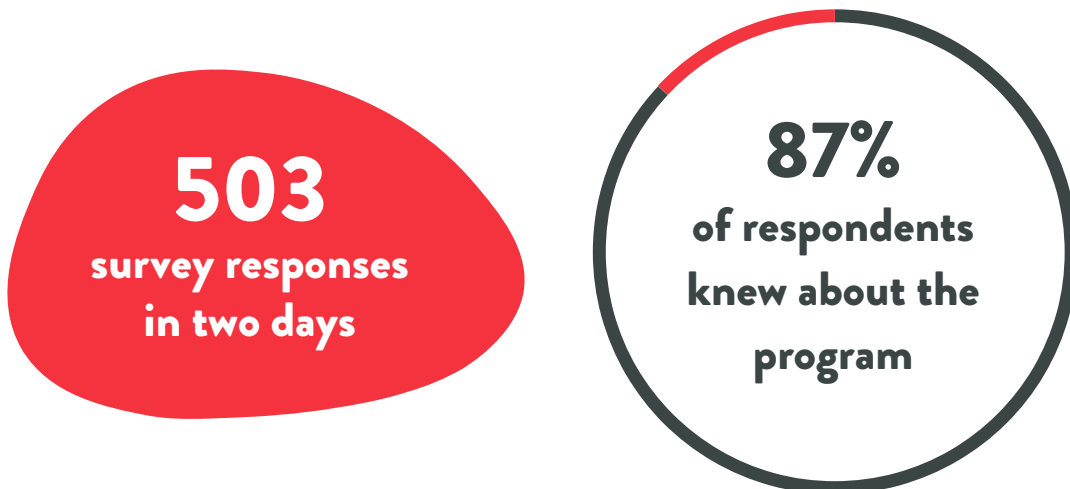
## Business Survey

On March 8, a survey was sent to the 584 Uptown Saint John BIA members for whom we have up-to-date contact information. The email was opened by 174 recipients, resulting in a total of 46 survey views and 23 survey responses.

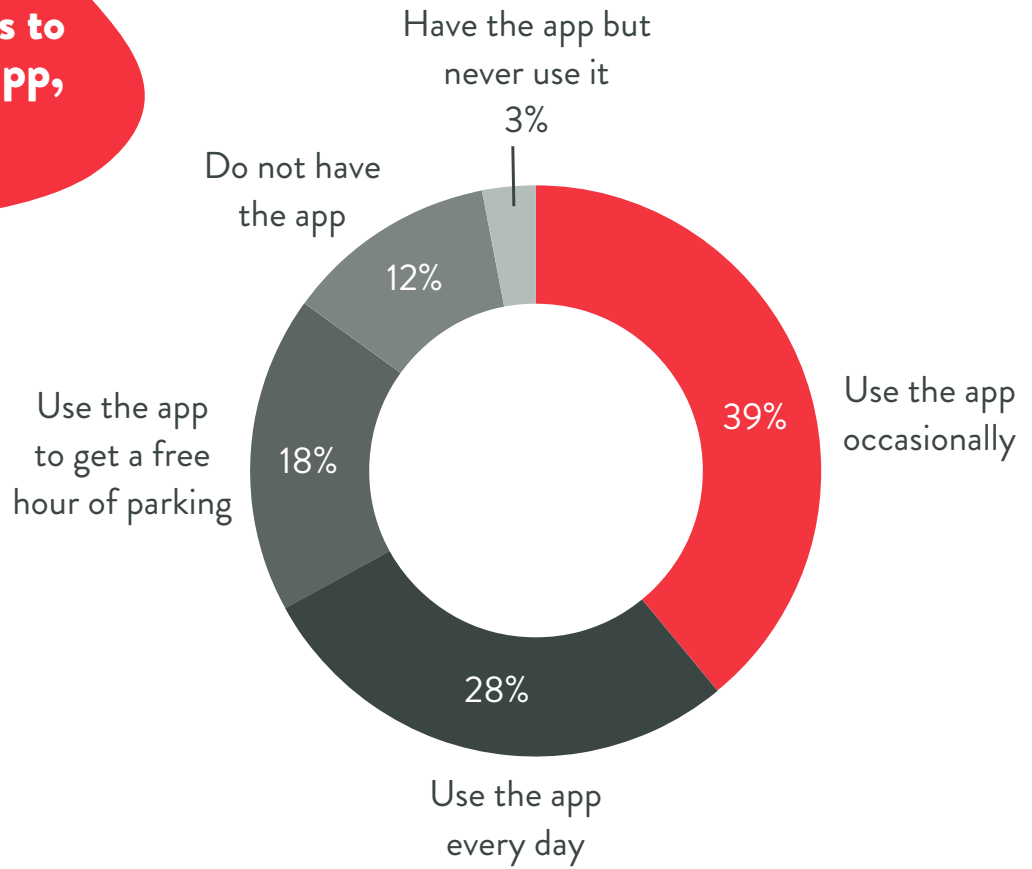
93% of survey respondents were aware of the free parking program and partnership with the City of Saint John. 35% of total respondents reported that their customers had asked about the program, while 22% reported that the free parking initiative had brought them new customers. On average, business owners rated the program four out of five stars. Members provided feedback which included a desire for HotSpot to waive the monthly subscription fee, and praise from customers for the program.

## Preliminary User Survey Results

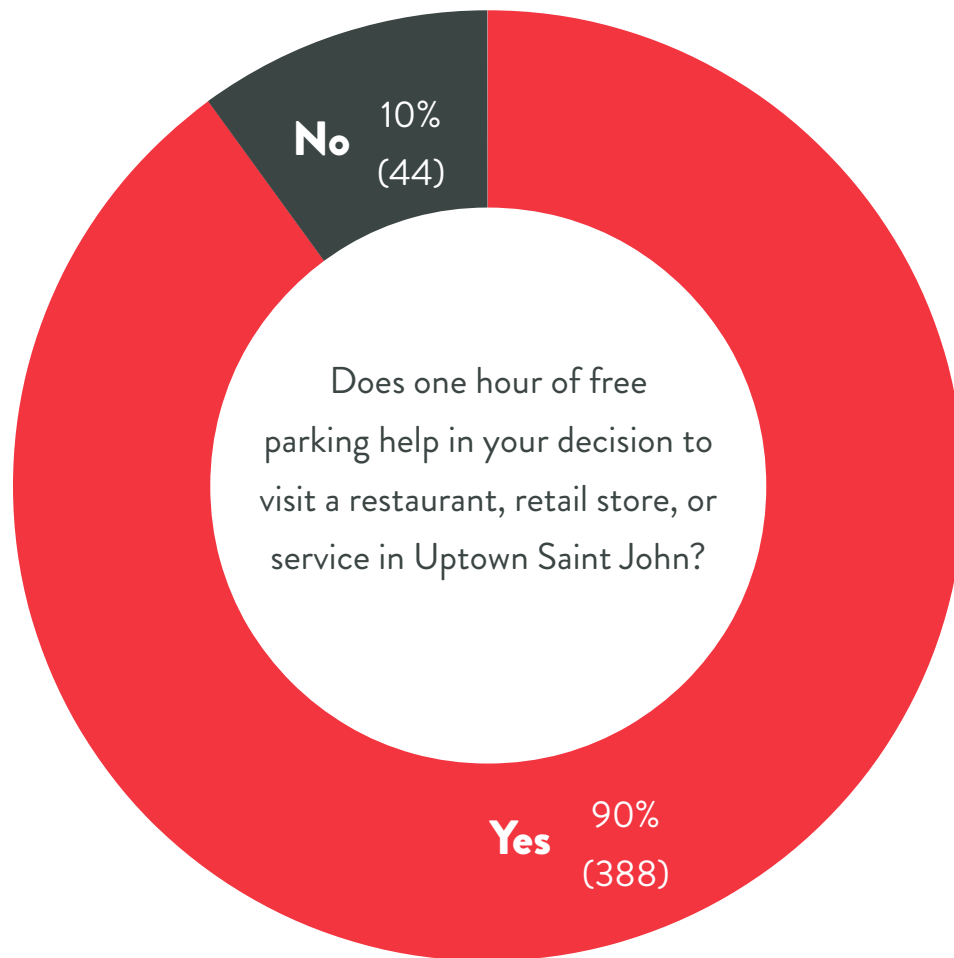
as of March 12, 2021.



**When it comes to the HotSpot app, you....**



**Where did you hear about the program?**



## Next Steps

- Continue marketing and providing free parking until end of March
- Determine whether the program will continue into early April
- Continue to survey on-street parking users

*Report prepared for City of Saint John staff. Information accurate at March 12, 2021.*

*Please contact [allie@uptownsj.com](mailto:allie@uptownsj.com) with questions or concerns.*



## COMMON COUNCIL REPORT

M&C No.	MC 2021-081
Report Date	March 16, 2021
Meeting Date	March 22, 2021
Service Area	Growth and Community Services

His Worship Mayor Don Darling and Members of Common Council

**SUBJECT: Proposed Public Hearing Date – 300 Sydney Street and 1210 Loch Lomond Road**

### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	City Manager
<i>Jennifer Kirchner</i>	<i>Jacqueline Hamilton</i>	<i>John Collin</i>

### **RECOMMENDATION**

RESOLVED That Common Council schedule the public hearings for the rezoning application submitted by Parsi Development NB Ltd. for the property located at 300 Sydney Street, PID 00000034, and for the Section 59 Amendment submitted by 693383 NB Inc for the property located at 1210 Loch Lomond Road, PID 55008593, for Monday, April 19, 2021 at 6:30 p.m. at the Council Chamber, City Hall 2<sup>nd</sup> floor, 15 Market Square, Saint John, NB.

### **EXECUTIVE SUMMARY**

The purpose of this report is to advise Common Council of the rezoning and Section 59 Amendment applications received and to recommend an appropriate public hearing date. The next available public hearing date is Monday, April 19, 2021.

### **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 application is available in the Common Clerk’s office and will form part of the documentation at the public hearings.

The following applications has been received:

<b>Name of Applicant</b>	<b>Location</b>	<b>Existing Zone</b>	<b>Proposed Zone</b>	<b>Reason</b>
Parsi Development NB Limited	300 Sydney Street (PID 00000034)	Major Community Facility (CFM)	High-Rise Residential (RH)	To construct a multiple unit building

<b>Name of Applicant</b>	<b>Location</b>	<b>Existing Zone</b>	<b>Proposed Amendment</b>	<b>Reason</b>
693383 NB Inc.	1210 Loch Lomond Road (PID 55008593)	General Commercial (CG)	Section 59 Amendment to allow for a larger variety of uses	To construct a building to be used for property management

**STRATEGIC ALIGNMENT**

While the holding of public hearings for proposed rezoning and Section 59 amendments is a legislative requirement of the *Community Planning Act*, it is also a key component of a clear and consistent land development processes envisioned in the One Stop Development Shop Program. These processes provide transparency and predictability for the development community and City residents.

On a broader note, the development approval process works towards fulfilling key Council priorities including:

- 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***

Click here to enter text.

***ATTACHMENTS***

None

## COMMON COUNCIL REPORT

M&C No.	2021-024
Report Date	March 15, 2021
Meeting Date	March 22, 2021
Service Area	Legislative Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Licence Agreement for Stage and Washroom at Pat Rocca Way (Market Square Boardwalk)***

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Curtis Langille</i></b>	<b><i>Melanie Tompkins</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

That The City of Saint John enter into a Licence Agreement with The Hardman Group Limited and North Market Wharf Cultural Association Inc. in the form as attached to M & C #2021-024 for the placement of a stage and washroom building/structure on a portion of PID No. 18614, situated adjacent to Pat Rocca Way, also known as Market Square Boardwalk, and further that the Mayor and City Clerk be authorized to execute the said License Agreement.

### ***EXECUTIVE SUMMARY***

In 2017, the North Market Wharf Cultural Association (NMWCA) approached the City as owner of the subject property to be a co-applicant for an ACOA funding application that would result in renovations to the existing stage, located on the “Boardwalk” at Market Square. Further funding became available for the NMWCA that provided for the construction of a washroom/greenroom building, including wheelchair accessibility. The above noted structures have since been completed. The purpose of this report is for the City to enter into a Licence Agreement with the NMWCA and Hardman Group to clarify that all ongoing operation and maintenance for these structures, including liability and insurance, are the responsibility of these two organizations.

### ***PREVIOUS RESOLUTION***

Common Council, at its meeting of August 8, 2017, resolved to approve the execution of the Canada 150 Infrastructure Program Agreement to provide for renovations to the existing stage, conditional upon the recipient contribution funds being received by the City from North Market Wharf Cultural Association (NMWCA) and confirmation by ACOA that such arrangement is acceptable and further that the Mayor and Common Clerk be authorized to execute the Agreement.

### ***REPORT***

The NMWCA, a non-profit organization in association with the Hardman Group, the lessee and manager of Market Square, approached the City as owner of the subject

property to be a co-applicant for an ACOA funding application for what would result in renovations to the stage. Further funding became available to the NMWCA to enable the construction of a new washroom/greenroom structure with wheelchair accessibility, adjacent to the stage. These structures are located on the outer edge of Pat Rocca Way and are now completed.

The City's Legal Department prepared a Licence Agreement some time ago that detailed the responsibilities of all parties involved while also ensuring the City is protected from any liability. The terms and conditions contained in this Licence Agreement require all ongoing operations and maintenance to be the responsibility of the NMWCA and Hardman Group. This agreement will expire on June 30<sup>th</sup>, 2021. It took the parties an extensive period of time to prepare and agree on the terms and conditions of this agreement, and to obtain the signature of NMWCA and Hardman Group on the agreement. Staff only recently received an executed version of the agreement for inclusion in a Council report.

Moving forward, it is expected that this licence and the agreement for the patios on the Boardwalk (which expired at the end of 2020) will be merged into one single licence agreement. Staff will bring a report to Council on this matter at a later date, when the negotiations of this arrangement are complete.

#### ***STRATEGIC ALIGNMENT***

This aligns with Council's priority for a vibrant City that invests in arts, culture and recreation experiences that create a sense of community pride.

#### ***SERVICE AND FINANCIAL OUTCOMES***

This Licence Agreement provides for a nominal fee of \$1,000.00 in each year of the 2-years of the term of the agreement. These license fees will be collected as soon as the license is approved by Council and fully executed. It is expected on a go-forward basis that the new agreement will incorporate a market rent for the space to be licensed for the washroom and stage facility.

#### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Several City departments were engaged in the preparation of this report and the underlying Licence Agreement, including: Growth and Community Services, Utilities and Infrastructure Services, the Parks division of Public Works and Transportation Services and the General Counsel's Office. Their comments were included in this report where applicable.

#### ***ATTACHMENT***

*Licence Agreement*

THIS LICENCE made this \_\_\_\_\_ day of \_\_\_\_\_, <sup>2021</sup>2019

BY AND BETWEEN: **THE CITY OF SAINT JOHN**, of the County of Saint John and the Province of New Brunswick, a body corporate (hereinafter called the “City”)

OF THE FIRST PART

-and-

**THE HARDMAN GROUP LIMITED**, of the City of Halifax, Province of Nova Scotia, a body corporate (hereinafter called “HGL”)

OF THE SECOND PART

-and-

**NORTH MARKET WHARF CULTURAL ASSOCIATION INC.**, of the City of Saint John, a body corporate (hereinafter called “NMWCA”)

OF THE THIRD PART

WHEREAS HGL is the assignee and present lessee under a certain lease dated as of the 14<sup>th</sup> day of October 1980 entered into by The Market Square Corporation, as lessor, The Rocca Group Limited, as lessee, and the City, as amended (hereinafter referred to as the “**Head Lease**”);

AND WHEREAS NMWCA is a not-for-profit corporation which has been established by several tenants of HGL for the purpose of promoting and presenting events in the general area between St. Patrick Street and the Hilton Hotel, now called “Pat Rocca Way”, which is commonly referred to as the “Market Square Boardwalk”;

AND WHEREAS the City is the owner of the lands shown outlined in red in **Schedule “A”** annexed hereto and forming a part hereof (hereinafter called the “**Licensed Premises**”);

AND WHEREAS HGL and NMWCA have, together, asked for a licence from the City to use the Licensed Premises for the purpose of erecting a stage to accommodate and facilitate musical and other live entertainment on the Market Square Boardwalk together with an accessory structure that includes storage space, a green room for performers, two barrier free washrooms and other incidental features that support and compliment the aforementioned stage (together, the “**Market Square Stage Complex**”), as is more fully in the design drawings depicted in **Schedule “B”** hereof;

AND WHEREAS the City agrees to grant such a licence upon the terms and conditions herein contained:

THE CITY HEREBY GRANTS, subject to the terms, conditions and provisions herein contained, to HGL and NMWCA, its servants, agents, employees and invitees exclusive permission and license to enter upon, use and exit from the Licensed Premises for the purpose of operating the Market Square Stage Complex, as well as undertaking any activities reasonably and necessarily incidental thereto; provided that:

1. The term of the licence shall be from January 1<sup>st</sup>, 2019 until June 30th, 2021 (the "Term").
2. The annual Licence fee of One Thousand Dollars (\$1,000.00) plus HST (if applicable) shall be paid to the City on June 1<sup>st</sup>, 2019 and June 1<sup>st</sup>, 2020.
3. Subject to the provisions of Paragraph 15 hereof, HGL and NMWCA shall at all times during the Term and at its own expense maintain the Licensed Premises in such order, condition and state of repair as would a prudent owner, such maintenance to be to the satisfaction of the City. HGL and NMWCA shall permit the City, its servants, agents and employees at all reasonable times for the Term to enter upon the Licensed Premises for the purpose of inspecting the state of repair or making such repairs as the City may, from time to time, consider necessary and to be the responsibility of HGL and NMWCA, such repairs by the City are to the account of HGL and NMWCA and shall be paid forthwith.
4. HGL and NMWCA shall use the Licensed Premises for the purpose of operating the Market Square Stage Complex together with any activity reasonably and necessarily incidental thereto and for no other purpose.
5. HGL and NMWCA shall maintain the Licensed Premises at all times secure from unauthorized use and occupation.
6. HGL and NMWCA shall conduct its business in and use the Licensed Premises in a reputable manner, any business practice which in the opinion of the City may harm the reputation of the City or reflect unfavourably on the City, or which may confuse, mislead or deceive the public shall immediately be discontinued by HGL and NMWCA at the request of the City.
7. HGL and NMWCA shall accept the premises on an "as-is" basis and shall be responsible for all maintenance and repair of the Licensed Premises.
8. HGL and NMWCA shall not, without the prior written consent of the Manager of Real Estate Services, place any erections, additions or improvements upon the Licensed Premises, or alter the Market Square Stage Complex on the Licensed Premises or any part thereof in any manner or fashion.
9. (a) HGL and NMWCA shall, at no expense to the City, obtain and maintain in full force and effect during the Term, 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;

(b) HGL and NMWCA shall, on or before June 1<sup>st</sup> in each and every year of the Term, submit to the City a Certificate of Insurance or other satisfactory evidence of having obtained and maintained the insurance coverage required at paragraph 9(a) hereof.

10. Notwithstanding the provisions of paragraph 9 hereof, HGL and NMWCA do hereby indemnify and save harmless the City from all damages, claims, demands, actions, suits or other proceedings from whomsoever made, brought or prosecuted in any manner as a result of injury, death or property damage occurring in, or arising in connection with the exercise of the licence herein granted, save and except those attributable to the negligence of the City, its servants, employees and agents.
11. (a) HGL and NMWCA shall ensure that no claims for mechanics' liens pursuant to the *Mechanics' Lien Act* (New Brunswick) are filed in the Saint John County Registry Office/New Brunswick Land Titles Office (Saint John) which will affect in any way the Licensed Premises.  
  
(b) Notwithstanding the provisions of paragraph 11(a) HGL and NMWCA do hereby indemnify and save harmless the City from all damages, claims, demands, actions, suits or other proceedings made brought or prosecuted in any manner pursuant to the *Mechanics' Lien Act* (New Brunswick) that are attributable to the use and occupation of the Licensed Premises by HGL and NMWCA.
12. HGL and NMWCA shall promptly comply with and conform to the requirements of every federal and provincial statute, rule, regulation and ordinance and every municipal by-law, rule, regulation, order and ordinance at any time or from time to time in force affecting the use and occupation of the Licensed Premises or any part thereof by HGL and NMWCA.
13. HGL and NMWCA shall not, without the written consent of the City, which consent shall not be unreasonably withheld, assign or transfer or otherwise by any act or deed cause or permit the benefit of the licence herein granted or any part thereof to be assigned or transferred unto any person or persons whosoever other than a person who is a lessee under the Head Lease aforesaid and who covenants with the City to perform all obligations of HGL and NMWCA as herein stated, and further the City expressly prohibits sub-licensing and HGL and NMWCA agrees not to sub-license or to make any assignment which may be construed as a sub-license. Notwithstanding the foregoing provisions of this paragraph, HGL and NMWCA may by sub-license or otherwise by any act or deed cause or permit the benefit of the Licence or any part thereof to be enjoyed by any person who is a tenant of HGL from time to time in the Existing Buildings, as that term is defined and used in the Head Lease.
14. In the event that the rights of an assignee or transferee of HGL and NMWCA under this licence are at any time seized or taken in execution or attachment by a creditor of an assignee or transferee of HGL and NMWCA, or such assignee or transferee of HGL and NMWCA makes an assignment for the benefit of creditors, becomes bankrupt or insolvent or takes the benefit of any statute that may be enforced for bankrupt or insolvent debtors, then this licence and Term shall become forfeited and void.



15. This Licence may be terminated at any time by either party giving thirty (30) days' written notice one to the other. Notice to the City shall be to the Common Clerk by email at [commonclerk@saintjohn.ca](mailto:commonclerk@saintjohn.ca). and to HGL and NMWCA by email at [info@hardmangroup.ca](mailto:info@hardmangroup.ca) and [peter@sjah.ca](mailto:peter@sjah.ca), respectively
16. The City retains the right to enter upon the Licensed Premises at any time and from time to time to perform at the City's expense, any work normally appropriate in respect of "public" property and to enter upon, dig up, inspect, maintain, replace, renew and repair any and all utilities thereon, therein and thereunder including, but not limited to, sewer and water pipes. Provided that the City shall use its best efforts to carry out such work expeditiously and, where possible, during those periods of the year when the Licensed Premises are not in active use (i.e., the months of June to October inclusive) and shall restore the Licensed Premises to their immediately preceding condition upon completion of any such work.
17. HGL and NMWCA shall ensure that the access between St. Patrick Street and the Hilton Hotel, now called "Pat Rocca Way", be kept clear of all obstacles and encroachments, and further, HGL and NMWCA shall develop an emergency plan with and to the satisfaction of the Chief of the City's Fire Department, for the clearing of "Pat Rocca Way" during such times as the Fire Chief may from time to time require.
18. Upon the termination of this licence, HGL and NMWCA shall forthwith remove any and all chattels situate on the Licensed Premises and leave the Licensed Premises in a good and tidy state subject to normal wear and tear.
19. Notwithstanding the provisions of paragraphs 15 and 18 hereof, the City reserves the right to terminate this License should, in the sole opinion of the City, a more viable longer term redevelopment opportunity present itself respecting the lands shown outlined in red in **Schedule "A"**. In such a circumstance, it shall be the obligation of HGL and NMWCA at their sole expense to remove the Market Square Stage Complex and restore the Licensed Premises to the condition they were in prior to the erection of the Market Square Stage Complex.
20. HGL and NMWCA shall ensure that the City may use the Market Square Stage Complex free of charge for civic purposes, as identified and determined by the City Manager, provided that such use on the part of the City does not conflict or otherwise interfere with events already scheduled.
21. Notwithstanding the general maintenance obligations of HGL and NMWCA, as identified more fully in the preceding paragraphs, HGL and NMWCA shall ensure that:
  - a. They are responsible for the maintenance and/or renewal of the water service connection from the watermain to the structure.
  - b. All operation and maintenance of the private sewage system that services the two barrier-free washrooms found in the Market Square Stage Complex, including any associated costs or expenses, shall be the sole responsibility of HGL and NMWCA;
  - c. The private sewage system shall be routinely inspected, adjusted and pumped, as necessary, to ensure good and orderly operation and to prevent odors, which shall be carried out at the sole responsibility, cost and expense of HGL and NMWCA. Maintenance of the variety described herein shall be completed before 8:00am;





COUNTY OF SAINT JOHN

PROVINCE OF NEW BRUNSWICK

I, of the City of Halifax, County of Halifax and Province of New Brunswick,  
MAKE OATH AND SAY:

1. THAT I am the President of The Hardman Group Limited, the licensee named in the foregoing instrument and have custody of the corporate seal of the said company and am duly authorized to make this affidavit.

2. THAT the seal affixed to the foregoing agreement and purporting to be the corporate seal of The Hardman Group Limited is the corporate seal of the said The Hardman Group Limited, the contractor named in the foregoing instrument and it was affixed by the officer authorized to so affix the seal.

3. THAT the signature "W.N. Handman" subscribed to the said instrument is my signature and as I am duly authorized to execute the said instrument.

4. THAT the said document was executed as aforesaid at the City of Halifax, in the Province of ~~New Brunswick~~ on the 9<sup>th</sup> day of December, 2020.

NOVA SCOTIA

SWORN TO BEFORE ME at the )  
City of Halifax. )  
in the County of Halifax )  
and Province of New Brunswick )  
this 9<sup>th</sup> day of December, 2020 )

W.N. Handman

Michael Kennedy

Commissioner of Oaths )  
Being a Solicitor )

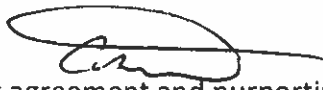
**MICHAEL KENNEDY**  
A Barrister of the Supreme  
Court of Nova Scotia

COUNTY OF SAINT JOHN

PROVINCE OF NEW BRUNSWICK

I, of the Town of Rothsay, County of Kings and Province of New Brunswick,  
MAKE OATH AND SAY:

5. THAT I am the President of North Market Wharf Cultural Association, the licensee named in the foregoing instrument and have custody of the corporate seal of the said company and am duly authorized to make this affidavit.

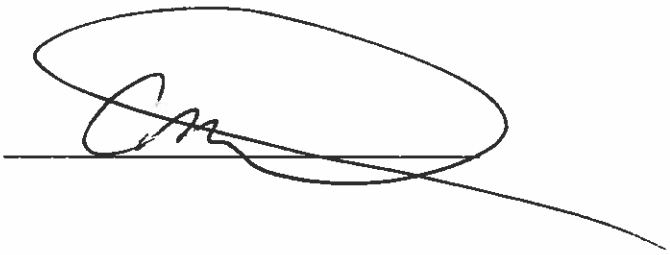


6. THAT ~~the seal affixed to the foregoing agreement and purporting to be the corporate seal of North Market Wharf Cultural Association is the corporate seal of the said North Market Wharf Cultural Association, the contractor named in the foregoing instrument and it was affixed by the officer authorized to so affix the seal.~~

7. THAT the signature "Cory McGee" subscribed to the said instrument is my signature and as I am duly authorized to execute the said instrument.

8. THAT the said document was executed as aforesaid at the City of Saint John, in the Province of New Brunswick on the 22 day of December, 2020.

SWORN TO BEFORE ME at the )  
City of Saint John, )  
in the County of Saint John )  
and Province of New Brunswick )  
this 22 day of December, 2020 )



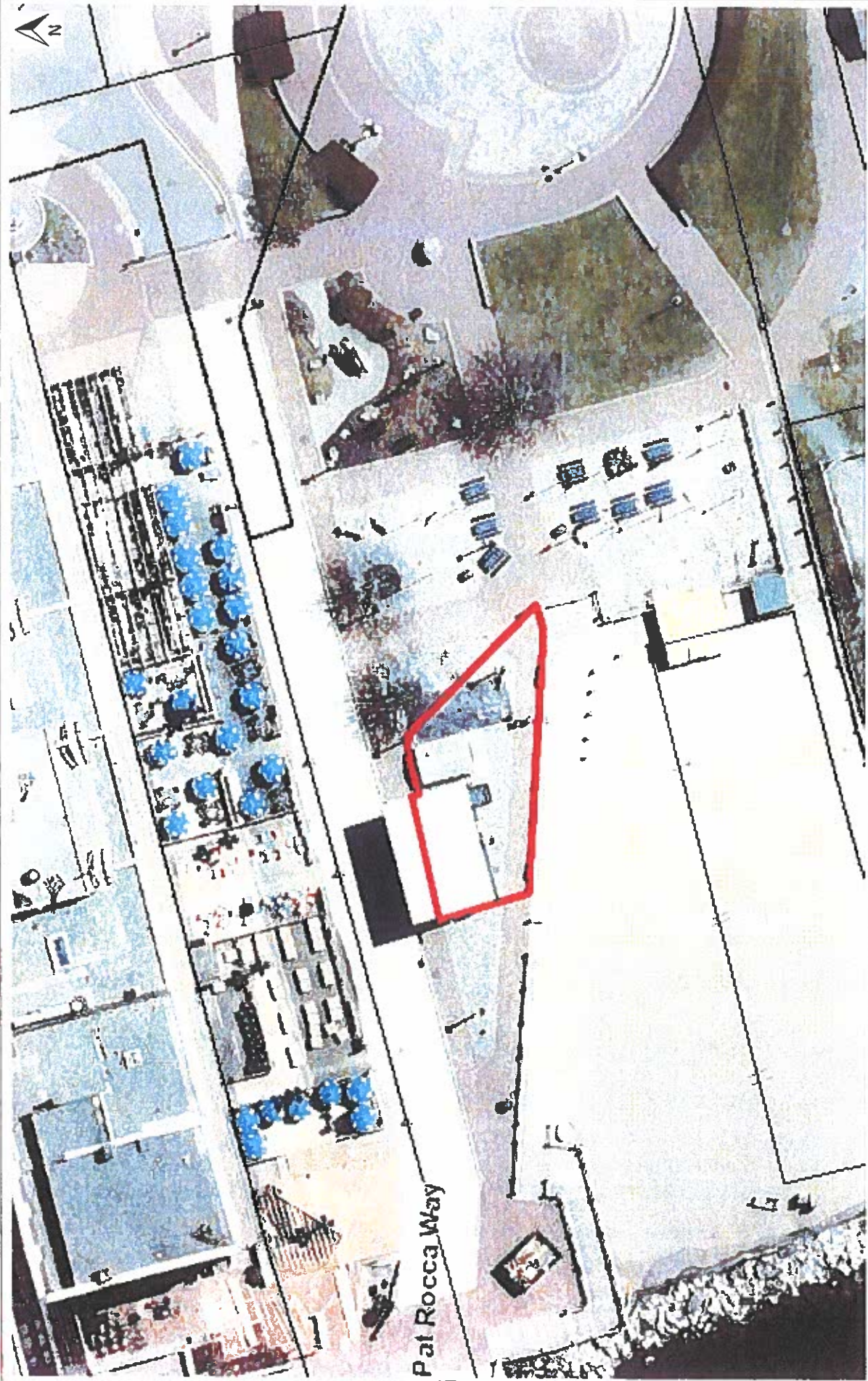
Commissioner of Oaths )  
Being a Solicitor )





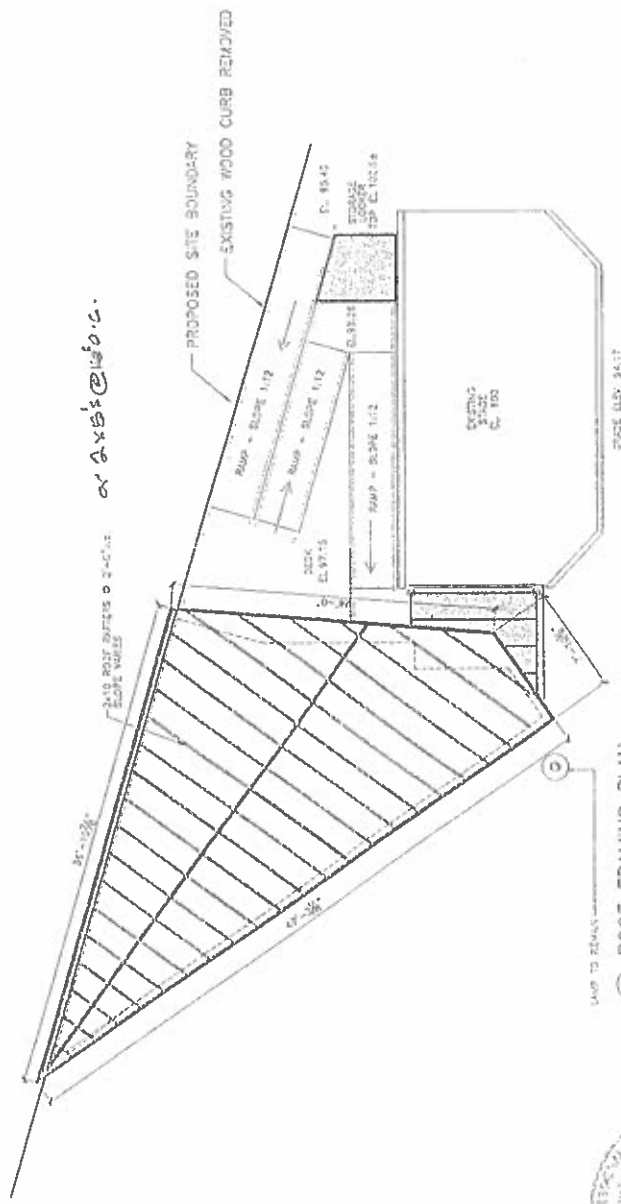


Licence for Stage and Washroom Building: Market Square



Pat Rocca Way



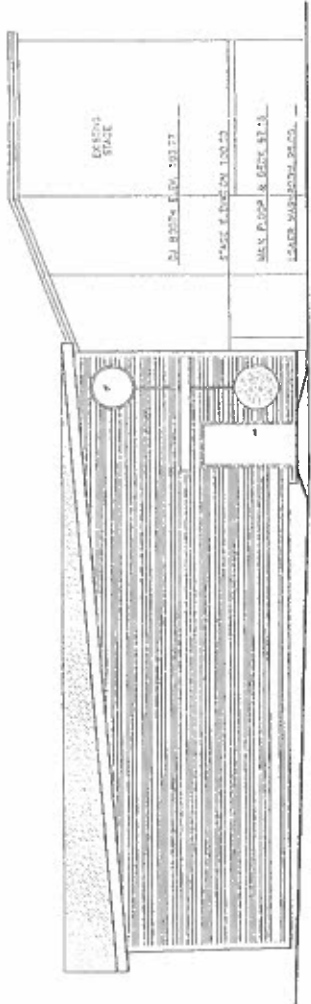


1 ROOF FRAMING PLAN  
 AS

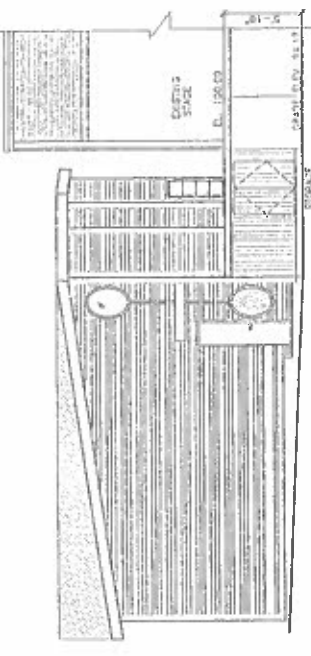


Scale	Date
1" = 10'-0"	08/27/18
SUBMITTED FOR CONSTRUCTION 08/27/18	
RICHARD & CO. ARCHITECTURE INC.	
Project Title: MARKET SQUARE PHASE II - SUPPORT SPACE SAINT JOHN, NEW BRUNSWICK	
Drawing Title: ROOF FRAMING PLAN	
Designed By	Project No.
Checked By	Sheet No.
Drawn By	Scale
Rev. No.	Sheet No.
	A3





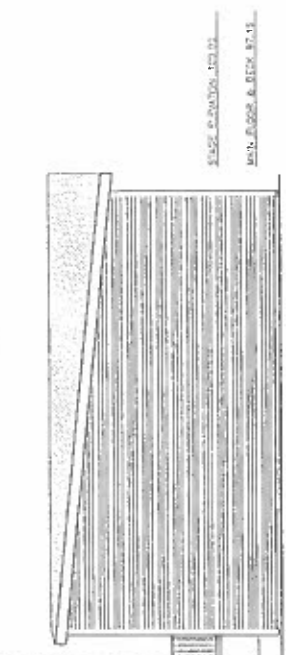
1 NORTH-EAST ELEVATION  
SCALE 1/4" = 1'-0"



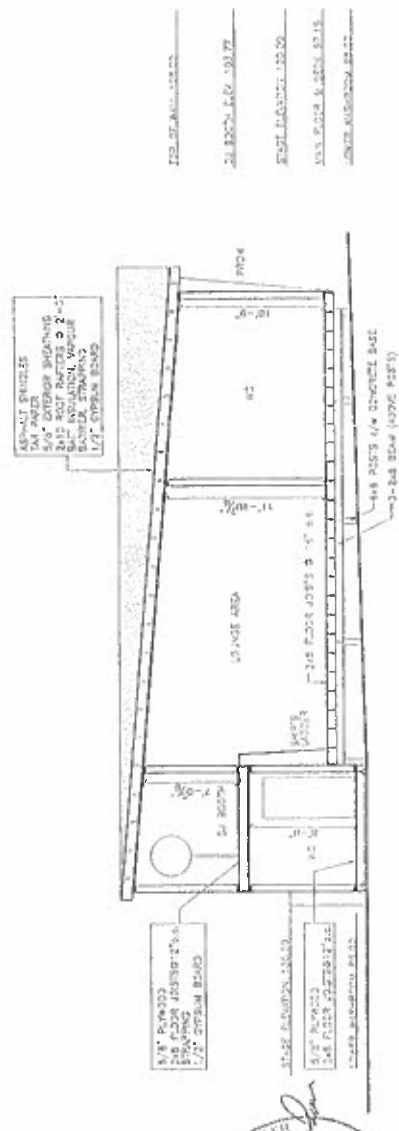
2 NORTH ELEVATION  
SCALE 1/4" = 1'-0"



3 SOUTH ELEVATION  
SCALE 1/4" = 1'-0"



A NORTH-EAST SECTION  
SCALE 1/4" = 1'-0"



B SOUTH SECTION  
SCALE 1/4" = 1'-0"

No.	Revised	Date
4	REVISED FOR CONSTRUCTION	06/27/16
3	ISSUED FOR CONSTRUCTION	04/27/16
2	REVISED DRAWING	03/27/16
1	CONCEPT DRAWING	03/18/16



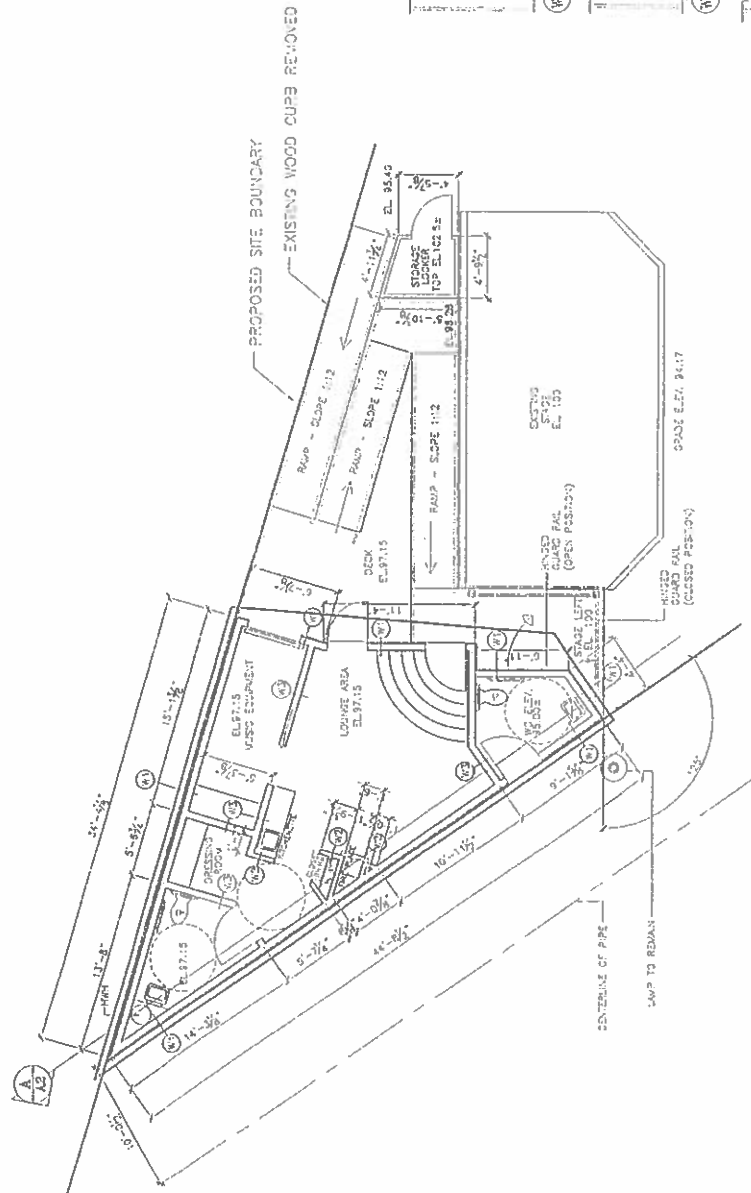
RICHARD & CO.  
ARCHITECTURE INC.

PROJECT: MARKET SQUARE  
PHASE II - SUPPORT SPACE  
SANT ANA, CA 92704

DESIGNED BY: RICHARD & CO. ARCHITECTS, INC.

Project No.	Phase No.	Sheet No.	Sheet Title
21218	2	A2	EXTERIOR ELEVATIONS AND SECTIONS





1 GROUND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



- 2x4 WOOD STUDS @ 16" O.C. WITH 5/8" GYPSUM BOARD @ 1/2" TYP. CRACKFILL SAND, PRIME, AND FINISH WITH M.V. & FINISH COATS.
- NITEL ALL WASH-WOOD WALLS ARE TO BE 2" W INSULATION.
- 2x4 WOOD STUDS @ 16" O.C. WITH GYPSUM BOARD @ 1/2" TYP. CRACKFILL SAND, PRIME, AND FINISH WITH M.V. & FINISH COATS.
- EXTERIOR PREFINISHED 8x12 STEEL BEAMS (TYP.) WITH 1/2" EXTERIOR GRADE PLANKS.
- 2x4 WOOD STUDS @ 24" O.C. WITH GYPSUM BOARD @ 1/2" TYP. CRACKFILL SAND, PRIME, AND FINISH WITH M.V. & FINISH COATS.

2 WALL TYPES:  
SCALE: 1" = 1'-0"

No.	Revision	DATE
4	RE-ISSUED FOR CONSTRUCTION	05/27/10
3	ISSUED FOR CONSTRUCTION	04/27/10
2	REVISED DRAWING	03/27/10
1	CONCEPT DRAWING	02/16/10

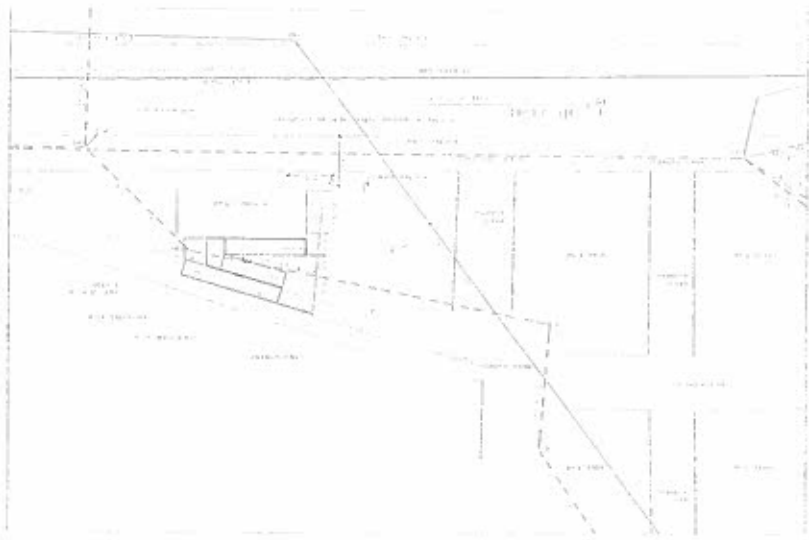
**RICHARD & CO. ARCHITECTURE INC.**

Project Title:  
MARKET SQUARE  
PHASE II - SUPPORT SPACE  
SANT JOHN, NEW BRUNSWICK

Drawn By:  
FLORES PLAN AND WALL TYPES

Sheet No.	Wall	Revision No.	Quantity No.
28888			
June 27/10			
AS NOTED			

<p>1d</p> <p>DATE: 11/11/11</p> <p>PROJECT: [illegible]</p> <p>SCALE: 1/8" = 1'-0"</p> <p>BY: [illegible]</p>
<p>NO. 1</p> <p>NO. 2</p> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>NO. 6</p> <p>NO. 7</p> <p>NO. 8</p> <p>NO. 9</p> <p>NO. 10</p> <p>NO. 11</p> <p>NO. 12</p> <p>NO. 13</p> <p>NO. 14</p> <p>NO. 15</p> <p>NO. 16</p> <p>NO. 17</p> <p>NO. 18</p> <p>NO. 19</p> <p>NO. 20</p> <p>NO. 21</p> <p>NO. 22</p> <p>NO. 23</p> <p>NO. 24</p> <p>NO. 25</p> <p>NO. 26</p> <p>NO. 27</p> <p>NO. 28</p> <p>NO. 29</p> <p>NO. 30</p> <p>NO. 31</p> <p>NO. 32</p> <p>NO. 33</p> <p>NO. 34</p> <p>NO. 35</p> <p>NO. 36</p> <p>NO. 37</p> <p>NO. 38</p> <p>NO. 39</p> <p>NO. 40</p> <p>NO. 41</p> <p>NO. 42</p> <p>NO. 43</p> <p>NO. 44</p> <p>NO. 45</p> <p>NO. 46</p> <p>NO. 47</p> <p>NO. 48</p> <p>NO. 49</p> <p>NO. 50</p> <p>NO. 51</p> <p>NO. 52</p> <p>NO. 53</p> <p>NO. 54</p> <p>NO. 55</p> <p>NO. 56</p> <p>NO. 57</p> <p>NO. 58</p> <p>NO. 59</p> <p>NO. 60</p> <p>NO. 61</p> <p>NO. 62</p> <p>NO. 63</p> <p>NO. 64</p> <p>NO. 65</p> <p>NO. 66</p> <p>NO. 67</p> <p>NO. 68</p> <p>NO. 69</p> <p>NO. 70</p> <p>NO. 71</p> <p>NO. 72</p> <p>NO. 73</p> <p>NO. 74</p> <p>NO. 75</p> <p>NO. 76</p> <p>NO. 77</p> <p>NO. 78</p> <p>NO. 79</p> <p>NO. 80</p> <p>NO. 81</p> <p>NO. 82</p> <p>NO. 83</p> <p>NO. 84</p> <p>NO. 85</p> <p>NO. 86</p> <p>NO. 87</p> <p>NO. 88</p> <p>NO. 89</p> <p>NO. 90</p> <p>NO. 91</p> <p>NO. 92</p> <p>NO. 93</p> <p>NO. 94</p> <p>NO. 95</p> <p>NO. 96</p> <p>NO. 97</p> <p>NO. 98</p> <p>NO. 99</p> <p>NO. 100</p>
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## COMMON COUNCIL REPORT

M&C No.	2021-078
Report Date	March 16, 2021
Meeting Date	March 22, 2021
Service Area	Utilities and Infrastructure Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: 2021 Engineering Inspection Services***

***OPEN OR CLOSED SESSION***

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

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Susan Steven</i></b>	<b><i>J. Brent McGovern/ Michael Baker</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

It is recommended that Common Council authorize staff to establish supply agreements with the seven (7) consulting firms identified in the report, at the hourly rates provided in this report totaling \$785,000 plus HST for the provision of engineering inspection services for the 2021 Capital Construction projects.

***EXECUTIVE SUMMARY***

The purpose of this report is to have Common Council authorize staff to establish supply agreements with the seven (7) consulting firms totaling \$785,000 plus HST for the provision of engineering inspection services.

***PREVIOUS RESOLUTION***

M&C 2021-051 - February 22, 2021; Utility and General Fund – Revised 2021 Capital Programs approved

M&C 2019-203 - August 19, 2019; 2020 and 2021 General Fund Capital Budget approved

M&C 2019-204 - August 19, 2019; 2020 and 2021 Utility Fund Capital Budget approved

***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.

## **REPORT**

Common Council has approved the 2021 Water & Sewerage Utility Fund Capital Program at \$12,086,000 including HST and the 2021 General Fund (Storm & Transportation) Capital Program at \$8,903,350 including HST. These programs include a total of twenty-one (21) construction projects.

A portion of the projects in the 2021 Capital Programs are being designed “in-house” by City staff and will require engineering inspection services during construction. There will be a requirement to provide engineering inspection for approximately fourteen (14) “in-house” City staff designed projects during the 2021 construction season.

To ensure that adequate engineering inspection resources are available to the City for the approved Capital Program projects, staff have issued a Request for Proposal (RFP) for engineering inspection services. The RFP was issued to nine (9) local consulting firms that have the appropriate resources on staff capable of providing engineering inspection services on municipal type projects.

Seven (7) firms have submitted proposals in response to the RFP, providing resumes for inspection resources including hourly rates. The seven (7) firms that replied were:

- Brunswick Engineering & Consulting Inc.
- CBCL Limited
- Dillon Consulting Limited
- Englobe Corp.
- GEMTEC Consulting Engineers and Scientists Limited
- Stantec Consulting Ltd.
- WSP Canada Inc.

No single firm has the resources in place to provide all the required engineering inspection services. The hourly rates submitted by the consultants with their proposals were similar, so staff averaged the rates and established one hourly rate for each of the three levels of inspectors: Junior, Intermediate and Senior as follows:

<b>Classification</b>	<b>Hourly Rate</b>
Junior Inspector	\$79
Intermediate Inspector	\$89
Senior Inspector	\$102

The hourly rates include all miscellaneous expenses (car, cellular telephone, digital camera, etc.) and do not include HST. All seven (7) engineering firms have confirmed they are in agreement with the above rates.

The City will determine the appropriate level of inspector required for a given project and then request the engineering inspection services from the seven (7) consulting firms on a rotational basis.

***SERVICE AND FINANCIAL OUTCOMES***

The total overall cost for engineering inspection services for 2021 construction projects is difficult to predict as there are several variables; most significant of which is how many contractors and the number of construction crews that will be working at a given time period. Staff has estimated the overall value of the engineering inspection services for 2021 construction projects to be approximately \$785,000 plus 15% HST. This falls within the range of expected costs for construction management services.

Funds to cover the cost of the engineering inspection service are included in the approved Capital Program project budgets.

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

The Request for Proposal document and this report have been reviewed with the City's Supply Chain Management Department and they support the recommendation being put forth.

***ATTACHMENTS***

N/A

## COUNCIL REPORT

M&C No.	2021 - 084
Report Date	March 17, 2021
Meeting Date	March 22 <sup>nd</sup> 2021
Service Area	Public Safety- Fire Department

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Fire Service Review Successful Proponent***

***OPEN OR CLOSED SESSION***

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

***AUTHORIZATION***

Primary Author(s)	Commissioner/Dept. Head	City Manager
<b><i>Josh Hennessy</i></b>	<b><i>Kevin Fudge / Ian Fogan / Kevin Clifford</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

It is recommended that the proposal submitted by Pomax Consulting Inc. for the Fire Service Review and Fifteen-Year Strategic Plan, in the amount of \$95,800.00 plus HST, be accepted. Additionally, it is recommended that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

***EXECUTIVE SUMMARY***

In June of 2020 Common Council authorized a fire service review per the recommendation of the 2020 Ernst & Young sustainability assessment. The authorized fire service review is to consider the City of Saint John financial position, the risk profile of the community, and applicable NFPA standards. The review will map out a fire service strategy and applicable fire service level for the City of Saint John for the next 15 years that is sustainable and viable.

With this guidance in place a request for proposal (RFP) was issued and Pomax Consulting Inc. was the successful proponent.

***PREVIOUS RESOLUTION***

M&C No. 2020-154- Sustainability and Fire Service Workforce Adjustment



### ***STRATEGIC ALIGNMENT***

This report aligns with Council's Priority for Vibrant Safe City as the fire service review will ensure the future delivery of efficient/sustainable public safety services address the evolving needs of the community.

Furthermore, this report demonstrates fiscal responsibility as the fire service review must take into consideration all adopted financial policies of the City of Saint John.

### ***SERVICE AND FINANCIAL OUTCOMES***

The fire service review shall identify an appropriate fire service level for the community that cumulatively takes into consideration the affordability of the service, the risk to the community and applicable standards. As identified in the recent Ernst & Young City of Saint John Operational Review "an independent and objective risk analysis to support current fire service levels has not been completed in many years, including the response capabilities of some of the industrial players." The successful proponent of the RFP is tasked to review the Ernst & Young observations and complete the review per the deliverables of the RFP as presented in Appendix A- RFP Particulars.

The review will include a community hazard risk assessment and a 15-year actionable strategic plan that is based on the hazard risk profile of the City, the financial position of the City and the appropriate best practice standards for service delivery. This process will involve an oversight committee comprised of City staff with finance, human resources, strategic services and fire service subject matter expertise that will work with the proponent to ensure the best outcome possible for the citizens of Saint John.

The fire service review will ensure that fire department resources are optimized to match the current and future financial position of the City of Saint John and ensure the best value for taxpayers in line with the City of Saint John sustainability initiatives.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS – SUPPLY CHAIN MANAGEMENT***

Supply Chain Management facilitated the Request for Proposal (RFP) process to solicit proposals for the Fire Service Review and Fifteen-Year Strategic Plan.

As such the RFP was issued on October 6, 2020 and closed on Thursday, October 29, 2020 with two (2) proponents responding as follows:

Emergency Management & Training Inc.  
Pomax Consulting Inc.

A review committee, consisting of staff from the Saint John Fire Department, Finance, the City Manager's Office, and Supply Chain Management reviewed the submissions for completeness and compliance with the RFP requirements and selection criteria consisting of the following:

1. Ability to Meet Deliverables and Objectives
2. Proponent's Experience
3. Cost

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.

Pomax Consulting Inc.'s proposal was ranked the highest based on an overall rating of the evaluation criteria as well as offering a competitive cost acceptable to staff.

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

#### ***ATTACHMENTS***

Appendix A- RFP Particulars

## **APPENDIX A - RFP PARTICULARS**

### **A. The Deliverables**

The proponent shall conduct a fire service review with the objective of creating a fifteen-year fire service strategy for the City of Saint John. The fire service review and fifteen-year fire service strategy will incorporate three main criteria as it works to identify the appropriate service level(s) for the taxpayers of Saint John. The three main criteria are: community risk assessment; benchmarking of NFPA and other applicable standards; and adherence to the City's Financial Policies.

### **Background Information**

Due to the City's sustainability needs and through recommendations in the Ernst & Young 2020 report, Common Council resolved to close Fire Station 8 along with Engine Company 8, effective December 31, 2020. Council also resolved to examine the City's fire service from a response, deployment and risk mitigation perspective, before instituting any additional equipment and personnel reductions as recommended in the EY 2020 report.

### **SCOPE OF WORK**

#### **Council Resolution**

The purpose of this Request for Proposal is to identify and engage a consultant with the experience and ability to undertake a fire service review which considers the City of Saint John financial position, the risk profile of the community, and applicable National Fire Protection Association (NFPA) and related standards. The review must also map out a fire service strategy and applicable fire service level(s) for the City of Saint John for the next 15 years.

### **STATEMENT OF NEEDS**

#### **Objectives**

I. Complete a review of the current state of the service delivery of the Saint John Fire Department, to include but not limited to:

- Organizational design and governance,
- History, formation, and general description of the fire department,
- Service area and general demographics of the population,
- A description of the current service delivery infrastructure; and
- Review any current or draft performance goals, objectives, and measures

II. Complete a community risk assessment focusing on mandatory risk profiles to include but not limited to:

- Geographic Profile,
- Building Stock Profile,
- Critical Infrastructure Profile,
- Demographic Profile,
- Hazard Profile,
- Public Safety Response Profile,
- Community Services Profile,
- Economic Profile; and
- Past Loss and Event History Profile

As part of the community risk assessment the proponent must address the risk level matrix (probability and consequences) pertaining to the City of Saint John, including strategies around prevention, mitigation, response, and recovery/resiliency.

The proponent is to consider stakeholder consultations in the assessment of the community risk profile. The proponent is also welcomed to provide any other assessment tool(s) or best practices to facilitate the assessment.

### **III. Identification of Services Provided**

Identification of all services provided by SJFD, including whether the service provided is identified as a core or optional service or if there are services better suited or economically advantageous to be done outside the fire department. The analysis should outline why this service is being offered by SJFD and the risks, if any, of discontinuing the optional services.

### **IV. Determine the cost for provision of existing services**

Determine the cost of providing each of the services described above. The costs shall include, but not be limited to, staff costs (pay, benefits, etc.), specialized apparatus and or equipment costs that may be required for each of the services. Results shall be presented in a tabular form with explanatory notes. A historical record of fire service cost shall be provided as part of the findings

**V. Given the constraint of current departmental budget,** complete a review of the Saint John Fire Department deployment which will include, at minimum; optimal apparatus type and placement, optimal station locations and future response options (automatic aid, mutual aid, alternative personnel models, organizational design, volunteers, etc.). This objective is to include but not limited to:

- A review of current service delivery compared to industry benchmarks

- Using the applicable NFPA standards, community risk profile and geographical restrictions of the City of Saint John, the successful proponent shall examine the current apparatus and response profile and make recommendations as to the optimal apparatus types, distribution, station locations and response utilization that will provide an acceptable level of service to the community while sustaining fire service cost in accordance with the financial policies of the City of Saint John.
- General locations of future necessary fire stations and create a 30-year fire station plan
- Analysis of neighbouring departments and resources for mutual and automatic aid or regionalization of services and how those arrangements could integrate into the overall strategy
- Selection and deployment of apparatus by type
- Deployment of special units or resources including department's role as medical first responders
- Distribution - Initial attack (first due) resources for risk-specific intervention
- Concentration - effective response force assembly, or the initial resources necessary to stop the escalation of the emergency for each risk type

## **VI. Long-Term Planning**

Develop a 15-year plan to shape the SJFD to the recommended options as outlined above including the identification of the fire service level that the citizens can expect. As part (options to be explored) of long-term plan and consistent with the above objective, the proponent is required to provide an examination of the following (and not limited to) options:

Internal:

- 1 - Strategy for adjusting to expenditure increases beyond financial policies
- 2 - Identification of cost efficiencies through emerging technologies
- 3 - Other as proposed by consultant

External:

- 1 – Mutual Aid Agreements
- 2 - Automatic Aid Agreements
- 3 - Regional Fire Service
- 4 - Other as proposed by consultant

## **VII. Contingency Planning**

The plan should identify a strategy of flexibility to accommodate expected areas of growth as identified in PlanSJ or other related growth plans or documents (specific projections to be given by staff during consultation). The 15-year plan

should also include a strategy to keep departmental costs aligned to the financial policies for the City of Saint John

**VIII. Complete a performance management plan** which will position the Saint John Fire Department for success in the implementation and monitoring of the 15 Year Strategic Plan, to include:

- Illustrate the degree of benefit to be gained through its implementation
- Extent to which it achieves established performance targets
- Potential negative consequences
- Assignment of oversight responsibilities
- Schedule of assessments
- Review requirements

## COMMON COUNCIL REPORT

M&C No.	2021-088
Report Date	March 18, 2021
Meeting Date	March 22, 2021
Service Area	Utilities and Infrastructure Services

His Worship Mayor Don Darling and Members of Common Council

**SUBJECT: Fundy Quay – Infrastructure Funding – Letters of Offer**

### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	City Manager
<i>Jeffrey Cyr</i>	<i>J. Brent McGovern</i>	<i>John Collin</i>

### **RECOMMENDATION**

1. It is recommended that the City accept the offer by the Regional Development Corporation for funding from the Community Development Fund for the project entitled “13293 - Fundy Quay: Infill” as presented to Council at its March 22, 2021 meeting and that the Mayor and Common Clerk be authorized to execute the said offer.
2. It is recommended that the City accept the offer by the Regional Development Corporation for the project entitled “12660 - City of Saint John – Infrastructure” as presented to Council at its March 22, 2021 meeting and that the Mayor and Common Clerk be authorized to execute the said offer.

### **EXECUTIVE SUMMARY**

The overall infrastructure funding package for the Fundy Quay project is comprised of a series of funding agreements with both the Provincial and Federal Governments, with a total value of just over \$18.4 Million. The purpose of this report is to bring forward two infrastructure funding offers for the Fundy Quay project which in addition to previously approved funding agreements represent a substantial portion of the funding for the overall project. An additional two funding agreements have been received for the public space projects and the intention is to bring them before Common Council at or before its next regularly scheduled meeting on April 6<sup>th</sup>. Once approved, the four documents will legally secure more than 95% of the Fundy Quay infrastructure funding package.

### **PREVIOUS RESOLUTION**

At its February 22<sup>nd</sup> meeting, Common Council resolved that as recommended by the City Manager in the submitted report entitled M&C 2021-052: Utility and

General Fund – Revised Capital Programs, Common Council approve the revised 2021 Water and Sewerage Utility Fund Capital Budget in the amount of \$12,086,000 (gross) with contributions from other sources of \$5,840,000 yielding a net capital budget in the amount of \$6,246,000 to be funded by pay as you go (net) as set in Appendix A.; and further, Approve the revised 2021 General Fund Capital Budget in the amount of \$44,960,683 (gross) with contributions from other sources of \$29, 093,083, yielding a net Capital budget in the amount of \$15,867,600 to be funded by debt issue (net) as set in Appendix B.

### **REPORT**

The Fundy Quay property represents one of the highest profile development opportunities on the Atlantic Canadian Coast and the single greatest opportunity to realize the transformation of Saint John’s urban waterfront. A re-imagined Fundy Quay will serve to enhance the Saint John urban experience through a mix of uses such as retail and commercial space and services, specialty shops and boutiques, residential condominiums and apartments, hospitality, entertainment, cultural uses, green spaces, cafes, and transportation systems that will truly make the site a vibrant catalyst for future waterfront activity.

As one of Saint John’s three catalytic projects, Envision Saint John is providing project leadership and management support for the Fundy Quay project, a transformational waterfront development project for the City of Saint John.

### **Background**

In spring of 2019, Develop Saint John (now Envision Saint John) embarked upon a new strategy to pursue the development of the Fundy Quay property. The revised strategy was to secure a developer to undertake a phased approach to the build out of the site, while municipal infrastructure projects would address key barriers and strategic infrastructure needs for the area. The municipal investment would be recovered through the enhanced value of the property, Federal and Provincial infrastructure funding, and property tax growth from the development.

Early in the process, DevelopSJ (now Envision Saint John) put out a call for expressions of interest for the development of the property and submitted a funding application through the Investing in Canada Infrastructure Program (ICIP). Since then, an agreement was signed with Fundy Quay Developments Inc. (a subsidiary of the Elias Management Group) for the development of the property and in June of 2020, Provincial cabinet approved the infrastructure applications and initiated the submission for Final Federal approvals.

***With the formal announcement of the Provincial and Federal infrastructure funding on February 19, 2021, the Fundy Quay project was formally launched at Common Council at its February 22, 2021 meeting.***



Tri-lateral Infrastructure Funding Agreements

The overall infrastructure funding package for the Fundy Quay project is comprised of a series of funding agreements with both the Provincial and Federal Governments with a total value of \$18.4 Million. Currently, the City has executed a funding agreement with the Federal government under the Disaster Mitigation and Adaptation Fund (DMAF), valued at \$3.27 Million. This report brings forward two of the remaining four formal funding arrangements for Council approval and execution, representing an additional \$3,865,000 in Federal and Provincial infrastructure funding. An additional two agreements have been received from the Province for the public space projects representing \$10,448,750 however wording changes are currently being made and the documents are intended to be brought before council at or before its next regular scheduled meeting on April 6<sup>th</sup>. The remaining \$825,000 is to be provided by the Province in the form offsetting funding to other municipal projects through its Community Development Fund. The table below outlines the funding contributions and associated funding agreements.

<b>Fundy Quay Tri-Lateral Funding Breakdown</b>					
	<b>Agreement(s)</b>	<b>Total Cost</b>	<b>Total Federal</b>	<b>Provincial</b>	<b>Municipal</b>
<b>Soil Remediation</b>	N/A	\$4,121,000	\$0	\$0	\$4,121,000
<b>Infill</b>	GNB Community Development Fund	\$2,500,000	\$0	\$625,000	\$1,875,000
<b>Harbour Passage Phase 1, Loyalist Plaza, and Pedway</b>	Infrastructure Canada Integrated Bilateral Agreement Contribution Agreement	\$9,995,000	\$7,996,000	\$0	\$1,999,000
<b>Harbour Passage Extension, Phase 2</b>	Infrastructure Canada Integrated Bilateral Agreement Contribution Agreement	\$2,675,000	\$1,070,000	\$1,382,750	\$222,250
<b>Seawall Repair</b>	DMAF Agreement (Executed) Dividend Agreement with the Elias Management Group (Executed) Dividend Agreement with the Province of New Brunswick (Executed)	\$8,175,000	\$3,270,000	\$3,240,000	\$1,665,000
<b>Offsetting Community Development Fund Contribution to SJ Capital Budget</b>	Applications being prepared for submission & approval	\$0	\$0	\$825,000	(\$825,000)

<b>Total</b>		<b>\$27,466,000</b>	<b>\$12,336,000</b>	<b>\$6,072,750</b>	<b>\$9,057,250</b>
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**Seawall Repair:** The seawall contribution agreement is a contribution to the seawall project from the Province of New Brunswick of \$3.24 Million, in addition to the Federal contribution already secured. This funding lowers the overall cost of the Fundy Quay project for the City of Saint John and helps to offset the municipal costs associated with the soil remediation and management, which is not directly funded by any Federal or Provincial funding programs. This component is conditional upon the City of Saint John entering into agreements with the Developer and the Province of New Brunswick with regards to repayment through dividends in the private sector development. These agreements have already been approved by Common Council and executed by all parties.

**Fundy Quay: Infill:** The site infill agreement is a \$625,000 contribution from the Province of New Brunswick to support the infill of the Fundy Quay property, representing 25% of the cost of this project component. This component is conditional upon the approval of the other funding agreements relating to Fundy Quay.

**Harbour Passage (Phase 1), Loyalist Plaza and Pedway Connection:** This funding agreement is through the Investing in Canada Infrastructure Program’s Covid-19 Resiliency Stream. The value of this agreement contribution is \$7,996,000 and covers 80% of the cost of this project component. The City has received a signed copy of this agreement however minor amendments have been requested to provisions of the agreement. The Province has agreed to make these amendments and they are underway. The agreement requires that construction begin by September 30<sup>th</sup>, 2021 and be completed by December 31<sup>st</sup>, 2021. It was noted in the previous Council report that the entirety of this project cannot be completed within this timeframe and an extension will be required. Staff at both the City and Envision Saint John continue to work with the Provincial and Federal governments on an extension of this timeline. Additionally, a risk management and phasing strategy is being prepared by the City’s architectural and engineering consultants to manage the risk associated with this aggressive timeline.

**Fundy Quay - Harbour Passage Phase 2:** This funding agreement is through the Investing in Canada Infrastructure Program’s Community, Culture and Recreation stream. The value of this agreement contribution is \$2,452,750 and covers 91.7% of the cost of this project component. The City has received a signed copy of this agreement however minor amendments have been requested to provisions of the agreement. The Province has agreed to make these amendments and the change process is underway. Initiation of project work must begin within 60 days of executing the agreement and the final payments may be no later than March 31, 2024. Neither of these requirements are perceived as project risks.

With the approval and execution of the attached two offers and the intention that the additional two funding agreements be brought to Council on or before April 6<sup>th</sup>, the City will have legally secured 95% of the Fundy Quay infrastructure funding package. Staff continue to work towards securing the final \$825,000 in offsetting project contributions from the Province’s Community Development Fund however this is being done on a

project basis as part of the City's recently revised and approved 2021 General Fund Capital Program.

### **STRATEGIC ALIGNMENT**

The development of the Fundy Quay is aligned with Council's priorities of Fiscal Responsibility, Growth and Prosperity, and Vibrant Safe City and it is one of Saint John's three catalytic projects. It is also a strategic Growth Concept identified in the City's Central Peninsula Neighbourhood Plan.

### **SERVICE AND FINANCIAL OUTCOMES**

The Fundy Quay public space improvements are part of a broader project to transform Saint John's urban waterfront, with an agreement for private sector development on the Fundy Quay site, creating a strong business case for the project. The Ground Lease with Fundy Quay Developments Inc. is based on a maximum value of \$6.45M and will generate initial lease payments of \$250,000 annually until purchased. The development of the site is anticipated to generate \$2M - \$3M in annual property tax revenue at full build out and securing the development has been instrumental in the approval of additional federal and provincial infrastructure investments.

### **INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS**

The attached offers have been reviewed by the City's General Counsel office.

### **ATTACHMENTS**

1. *Site Infill Contribution Agreement with the Province of New Brunswick*
2. *Provincial Seawall Contribution Agreement with the Province of New Brunswick*

March 3, 2021

His Worship Don Darling  
Mayor of Saint John  
P.O. Box 1971  
15 Market Square  
Saint John, New Brunswick E2L 4L1

**SUBJECT: Project No.: 13293**  
**Project Name: Fundy Quay – Infill**

Mr. Mayor:

We are pleased to inform you that the above-noted project has obtained support from the Regional Development Corporation (RDC). A financial contribution up to \$625,000 for City of Saint John (the Applicant) has been approved for this project. Eligible costs and funding for this project are described in Appendix A.

#### **Financing Conditions**

The Applicant must provide confirmation to RDC within 60 days of this offer that all other financing has been obtained prior to release of any funds for the project.

#### **Reimbursement Procedures**

Any claim for reimbursement of the contribution must be supported by copies of invoices and proof of payment of those invoices. Each claim shall be submitted by March 31, 2023 on forms herein provided. Electronic copies may be obtained at: [www.gnb.ca/rdc](http://www.gnb.ca/rdc). All payments will be done by electronic funds transfer. Please complete the attached Direct Deposit Service form.

#### **Terms and Conditions**

1. No public announcement of funding or milestone events such as official openings and ribbon-cuttings shall be made by the Applicant without the prior written approval of RDC.
2. The Applicant shall not change the project scope, purpose or eligible costs without prior written approval of RDC.
3. RDC may refuse further disbursements if there is a materially adverse change in the financial position of the Applicant or status of the project.

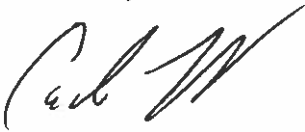
4. Project work must begin within **60 days** of RDC receiving confirmation of financing.
5. Funding is contingent upon both Federal and Municipal approval of all inter-related Fundy Quay projects (Seawall #12660, Soil Infill #13293, Harbour Passage (Phase 1), Loyalist Plaza and Pedway #13347 and Harbour Passage (Phase 2) #13823). Applicant must provide proof of approvals prior to disbursement of funds.
6. The Applicant shall not sell or dispose of any assets purchased under this agreement for a period of 36 months following the completion of this project without prior written approval from an authorized representative of RDC.
7. The Applicant shall keep, for 36 months following project completion, all accounting books, records and statements pertaining to project costs and make these available for auditing and provide any statistical data required by RDC.
8. The Applicant must submit a final activity report on project outcomes to RDC within **30 days** of project completion.
9. The Applicant shall allow any authorized representative of RDC reasonable access to the project site(s) and information.
10. The Applicant shall indemnify and save harmless the provincial government from and against all claims, demands, losses, damages, costs of any kind based upon any injury to or death of a person or damage to or loss of property arising from any willful or negligent act, omission or delay on the part of the applicant or its servants or agents in carrying out the contract.
11. Any costs incurred prior to November 29, 2020 are not considered eligible expenses under this offer.
12. The Applicant must adhere to all labour and environmental laws and regulations.
13. No Members of the Legislative Assembly, their staff, or their immediate family members shall be a party to this project or derive any benefit arising therefrom.
14. Information and documents provided to RDC may be subject to release under *Right to Information and Protection of Privacy Act*.

If you are in agreement with the terms and conditions of this offer, please sign and return it and your Direct Deposit Service form to RDC at [rdc-sdr@gnb.ca](mailto:rdc-sdr@gnb.ca). **Please note that failure to do so within 45 days renders this offer null and void.**

All inquiries with respect to the project are to be forwarded to Sarah Robichaud at [Sarah.robichaud@gnb.ca](mailto:Sarah.robichaud@gnb.ca) or (506) 453-5644.

We look forward to the successful completion of this project.

Sincerely,



Cade Libby  
President

Enc.

cc: Hon. Arlene Dunn  
Jennifer Brennan, RDC

**This offer accepted on behalf of  
City of Saint John for  
Project: 13293 – Fundy Quay: Infill**

Mayor: \_\_\_\_\_

Common Clerk: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix A

Project 13293

City of Saint John – Infrastructure (Fundy Quay Infill)

### Total Approved Contribution

2021-2022	Community Development Fund	\$625,000
		<b>Project Total: \$625,000</b>

Regional Development Corporation will reimburse 25% of eligible costs up to the total approved contribution.

### Eligible Cost(s)

Project costs	\$2,500,000
<b>Total</b>	<b>\$2,500,000</b>

The portion of Harmonized Sales Tax (HST) refunded by Canada Revenue Agency is considered ineligible.

January 22, 2021

His Worship Don Darling  
Mayor of Saint John  
P.O. Box 1971  
15 Market Square  
Saint John, New Brunswick E2L 4L1

**SUBJECT: Project No.: 12660**  
**Project Name: City of Saint John - Infrastructure**

Mr. Mayor:

We are pleased to inform you that the above-noted project has obtained support from the Regional Development Corporation (RDC). A financial contribution up to \$3,240,000 for City of Saint John (the Applicant) has been approved for this project. Eligible costs and funding for this project are described in Appendix A.

#### **Financing Conditions**

The Applicant must provide confirmation to RDC within 60 days of this offer that all other financing has been obtained prior to release of any funds for the project.

#### **Reimbursement Procedures**

Any claim for reimbursement of the contribution must be supported by copies of invoices and proof of payment of those invoices. Each claim shall be submitted by **March 31 (annually)** on forms herein provided. Electronic copies may be obtained at: [www.gnb.ca/rdc](http://www.gnb.ca/rdc). All payments will be done by electronic funds transfer. Please complete the attached Direct Deposit Service form.

#### **Terms and Conditions**

1. This offer is conditional on the City, Fundy Quay Development Inc. and RDC entering into an agreement for repayment of the contribution to RDC by Fundy Quay Development Inc.
2. No public announcement of funding or milestone events such as official openings and ribbon-cuttings shall be made by the Applicant without the prior written approval of RDC.
3. The Applicant shall not change the project scope, purpose or eligible costs without prior written approval of RDC.





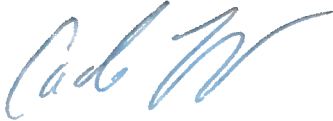
4. RDC may refuse further disbursements if there is a materially adverse change in the financial position of the Applicant or status of the project.
5. Project work must begin within 60 days of RDC receiving confirmation of financing.
6. The Applicant shall not sell or dispose of any assets purchased under this agreement for a period of 36 months following the completion of this project without prior written approval from an authorized representative of RDC.
7. The Applicant shall keep, for 36 months following project completion, all accounting books, records and statements pertaining to project costs and make these available for auditing and provide any statistical data required by RDC.
8. The Applicant must submit a progress and final activity reports on project outcomes to RDC within 30 days of providing the reports to Infrastructure Canada (INFC) on the Disaster Mitigation and Adaptation fund Seawall refurbishment project as outlined within the City/INFC agreement.
9. The Applicant shall allow any authorized representative of RDC reasonable access to the project site(s) and information.
10. The Applicant shall indemnify and save harmless the provincial government from and against all claims, demands, losses, damages, costs of any kind based upon any injury to or death of a person or damage to or loss of property arising from any willful or negligent act, omission or delay on the part of the applicant or its servants or agents in carrying out the contract.
11. Any costs incurred prior to March 1, 2020 are not considered eligible expenses under this offer.
12. The Applicant must adhere to all labour and environmental laws and regulations.
13. No Members of the Legislative Assembly, their staff, or their immediate family members shall be a party to this project or derive any benefit arising therefrom.
14. Information and documents provided to RDC may be subject to release under *Right to Information and Protection of Privacy Act*.

If you are in agreement with the terms and conditions of this offer, please sign and return it and your Direct Deposit Service form to RDC at [rdc-sdr@gnb.ca](mailto:rdc-sdr@gnb.ca). Please note that failure to do so within 45 days renders this offer null and void.

All inquiries with respect to the project are to be forwarded to Sarah Robichaud at sarah.robichaud@gnb.ca or (506) 453- 5644.

We look forward to the successful completion of this project.

Sincerely,



Cade Libby,  
President

Enc.

**City of Saint John for  
Project: 12660 – City of Saint John - Infrastructure**

Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Municipal Representative: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix A

Project 12660

City of Saint John - Infrastructure

### Total Approved Contribution

2020-2021	FTB Climate Change Initiative (IBA)	\$1,680,000
2021-2022	FTB Climate Change Initiative (IBA)	\$1,560,000
		<b>Project Total: \$3,240,000</b>

Regional Development Corporation will reimburse 40% of eligible costs up to the total approved contribution.

### Eligible Cost(s)

Engineering, design and the refurbishment of the seawall	\$8,100,000
Total	\$8,100,000

The portion of Harmonized Sales Tax (HST) refunded by Canada Revenue Agency is considered ineligible.

All direct and necessary expenditures incurred by the City of Saint John that are associated with acquiring, planning, designing, constructing or rehabilitation of the seawall. Specifically, this includes:

- The engineering and design
- Replacement of the existing steel sheet pile wall
- Repair and refurbishment of the existing concrete cope-walls and concrete cribs; and
- Raising the seawall by approximately 1.5 meters.



# Ability NB & an Accessible NB

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Presenter: Haley Flaro

# Celebrating 65 years in NB – our mission

**Our mission is to empower the independence and full community participation of persons throughout New Brunswick who have a mobility disability. We can achieve this by:**

- Being the primary voice for New Brunswickers of all ages living with a mobility disability;
- Being a leader in service delivery and an influential voice in Federal, Provincial and local public policy development for persons with a mobility disability;
  - Knowledge, expertise and lived experience;
- Being key partners in the rehabilitation, disability and research fields.

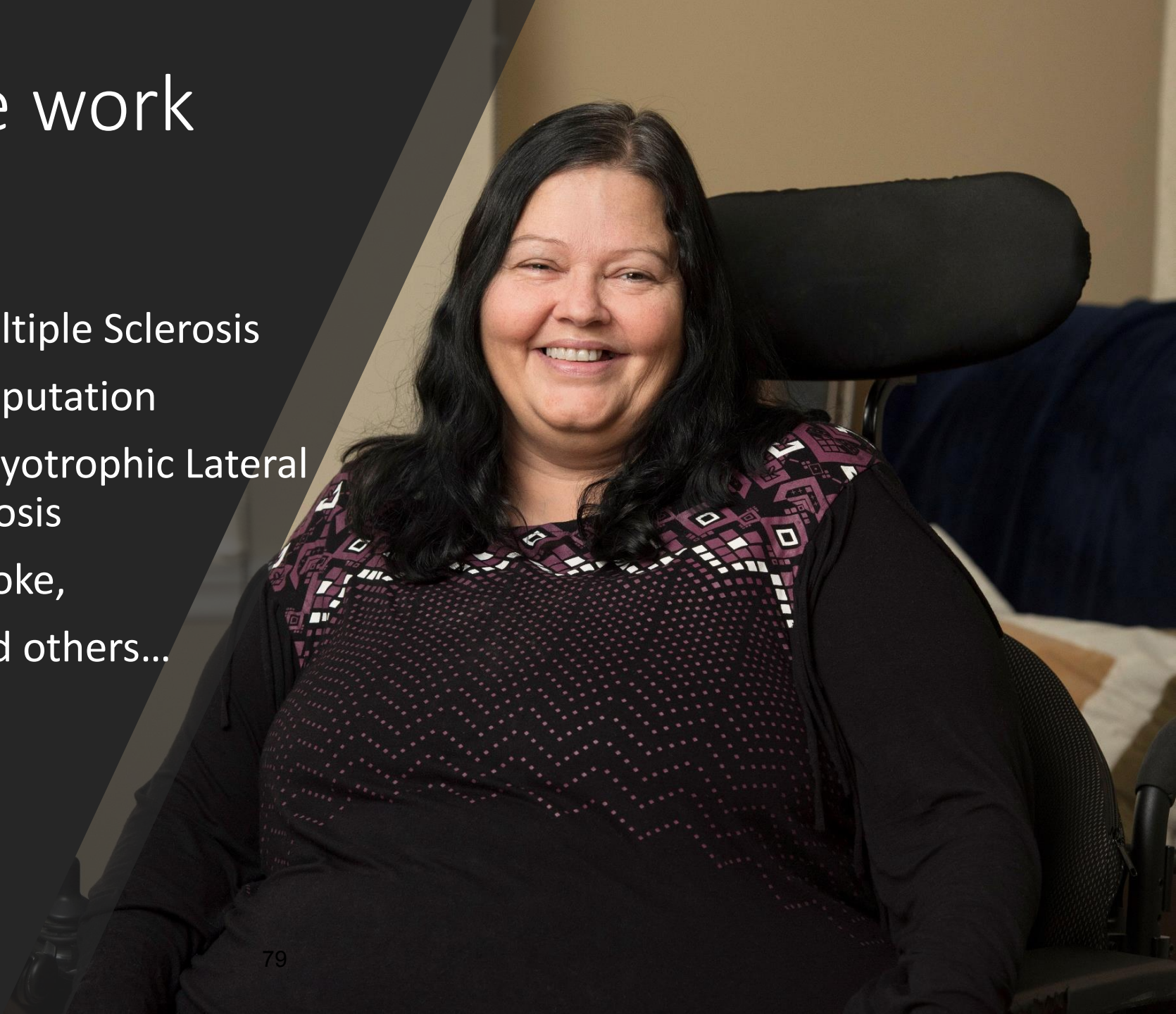


# Populations we work with

We work with children to seniors and everyone in-between. The current population we work with are ages 2 to 108!

- Spinal Cord Injury
- Muscular Dystrophy
- Cerebral Palsy
- Spina Bifida

- Multiple Sclerosis
- Amputation
- Amyotrophic Lateral Sclerosis
- Stroke,
- And others...



# Disability in NB

NB has the second highest rate of disability in Canada – 26.7% of the NB population (Statistics Canada, 2017). Why?

Mobility is the MOST prevalent disability type in NB at 45.2% of all persons with disability, next only to pain and flexibility disability types.

Over 73,000 New Brunswickers over the age of 15 have a mobility disability.

40% of New Brunswickers over 65 live with a disability; the most common is mobility.

# Roadblocks

Advances in areas such a **human rights, inclusion, community accessibility, technology, medical care and rehabilitation** DO NOT necessarily mean persons with a mobility disability are experiencing a good quality of life.

Many people with a mobility disability face barriers due to **poverty, lack of access to physical activities, poor employment, and difficulty accessing post-secondary education. Lack of accessible transportation and inaccessible communities** compound the problems, adversely impacting health and community participation.



# Opportunity in Saint John...

- Uptown growth
- Revitalization of the waterfront
- Rebuilding success in cruise ship industry
- Discover Saint John #SaintAwesome



# Untapped labour market pool

**55%** of persons with a disability were employed in NB in 2017 compared to **77%** of people without a disability (Statistics Canada).

Only **38%** of persons with a mobility disability in New Brunswick are employed (Statistics Canada, 2017).

There are **120,000** forecasted job openings between 2017-2027 (DPETL).



# AN UNTAPPED LABOUR MARKET POOL

Economic Impact Assessment of Disability and Employment

**Did You Know...**  
Persons with a disability represent a significant part of the (currently untapped) labour supply pool.

**Key Findings**  
Enhanced labour force participation by persons with a disability in New Brunswick could result in up to:

- 29,705** Full-time equivalent positions
- \$1.38 billion** in total annual labour income
- \$1.97 billion** in total annual GDP
- \$220 million** in annual provincial tax revenue

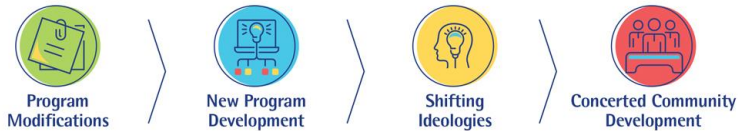
Across Canada, social assistance disability funds are growing faster than those of any other program, suggesting a 'welfarization of disability'.

There is growing interest to transition disability support programs from a framework of income-support to one of employment-support.

Data from New Brunswick suggests that, with proper accommodations, supports, and time, persons with a disability could demonstrate labour market dynamics similar to those demonstrated by persons without disabilities.

This would equate to bringing **21,318 persons with a disability** into the active labour force.

The incremental development of an employment-support framework in New Brunswick would result in **immediate economic benefits** every step of the way following a four-stage process through:



# Untapped labour market pool



# An accessible NB – Accessibility is good for business

The Royal Bank has reported that the combined disposable annual income for persons with a disability in Canada is approximately **\$25 billion**.

In North America alone, persons with a disability spend more than **\$13 billion** each year on travel.

Persons with a disability are often accompanied by friends and/or family when they shop, travel, and eat out.

# Universal design is cost-effective

Building more accessible municipal infrastructure, public facilities and transportation systems may not add to building costs if universal design is incorporated in the initial stages of planning and development.

Retrofitting existing infrastructure and buildings is more expensive.

Incorporating accessible design into planning and infrastructure development processes will save resources over the long-term.





# Promising practices

Kings Square



# W. FRANKLIN HATHEWAY PAVILION

Promising  
practices

Lily Lake





# Promising practices

Harbour passage





# Promising practices

---

Tucker Park viewing platform





Learning Braille  
a  
e  
l  
g  
h  
i  
o  
p  
q  
r  
s  
t  
v  
w  
x  
y  
z  
together!

# Promising practices

Rainbow park





# Promising practices

---

Key areas to promote to tourists



# Promising practices

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Adapted sport and recreation equipment loan service





# Promising practices

StopGap measures



# Barriers that get in the way of independence & community involvement in Saint John

Curb cuts & ramps that are too steep, not properly maintained or contain abrupt changes in slope

Lack of curb cuts

Unlevel areas at top and bottom of ramps

Lack of accessible parking spaces – size of spaces, markings, location, number & enforcement

Lack of textural changes & colour contrasts for staircases, entrances, ramps and curb cuts

Lack of snow clearance near

hospitals and clinics, at intersections, transit stops and public facilities

Insufficient drop off-pick up areas

Lack of audible traffic signals at key intersections

Gravel versus crusher dust

Inadequate lighting

Heavy doors that are difficult to open, automatic door openers that do not work

Sandwich boards or patios on

narrow walkways, shrubbery hanging over sidewalks

Playgrounds that do not offer accessible features

Lack of standards for recreation facilities (current standards don't work)

Door knobs that are difficult to turn, versus lever handles

# The future - Visitability

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Visitability refers to newly constructed, single-family homes with AT LEAST the following minimum features:

- A zero-step entrance at the front, back or side entrance of the house (Located on an accessible route from the street)
- Wider doorways on all main floor doors
- A bathroom on the main floor (minimum requirements include a sink, toilet, a wider doorway, 60 inch turning space).



# Towards an accessible Saint John...next steps?

- Start with accessible parking, review parking, prioritize accessible spaces?
  - Bylaw that all playgrounds must have accessible features?
    - Bylaw to incentivize visitable housing?
      - Promote accessible destinations?



# Resources

NB Barrier-free design building code regulation, <http://laws.gnb.ca/en/ShowTdm/cr/2021-3//>  
Canadian Standards Association – Accessible design for the built environment

[www.paranb.ca/publications/](http://www.paranb.ca/publications/)

Inclusive activities checklist


Facility accessibility checklist

Playground accessibility checklist

Accessible geocache checklist


Coming soon – Accessible campground checklist

# Join our team

 Facebook

 Instagram

 Twitter

 YouTube

 Visit us at [www.abilitynb.ca](http://www.abilitynb.ca)

# Questions?

**Haley Flaro**

1.866.462.9555

[Haley.flaro@abilitynb.ca](mailto:Haley.flaro@abilitynb.ca)

**BY-LAW NUMBER C.P. 111-108  
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:

Rezoning a parcel of land having an area of  
approximately 8,227 square metres, located at  
3396 Loch Lomond Road, also identified as a  
portion of PID No. 00330126, from Rural  
Residential (RR) to Rural General Commercial  
(CRG) 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 X day of X, A.D. 2021 and signed by:

**ARRÊTÉ NO C.P. 111-108 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 :

Rezonage d'une parcelle de terrain d'une  
superficie d'environ 8,227 mètres carrés,  
située au 3396, rue Loch Lomond, également  
identifié comme une partie de NID 00330126,  
de zone résidentielle rurale (RR) à zone  
commerciale générale rurale (CRG)  
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 X 2021, avec les signatures  
suivantes :

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Mayor/Maire

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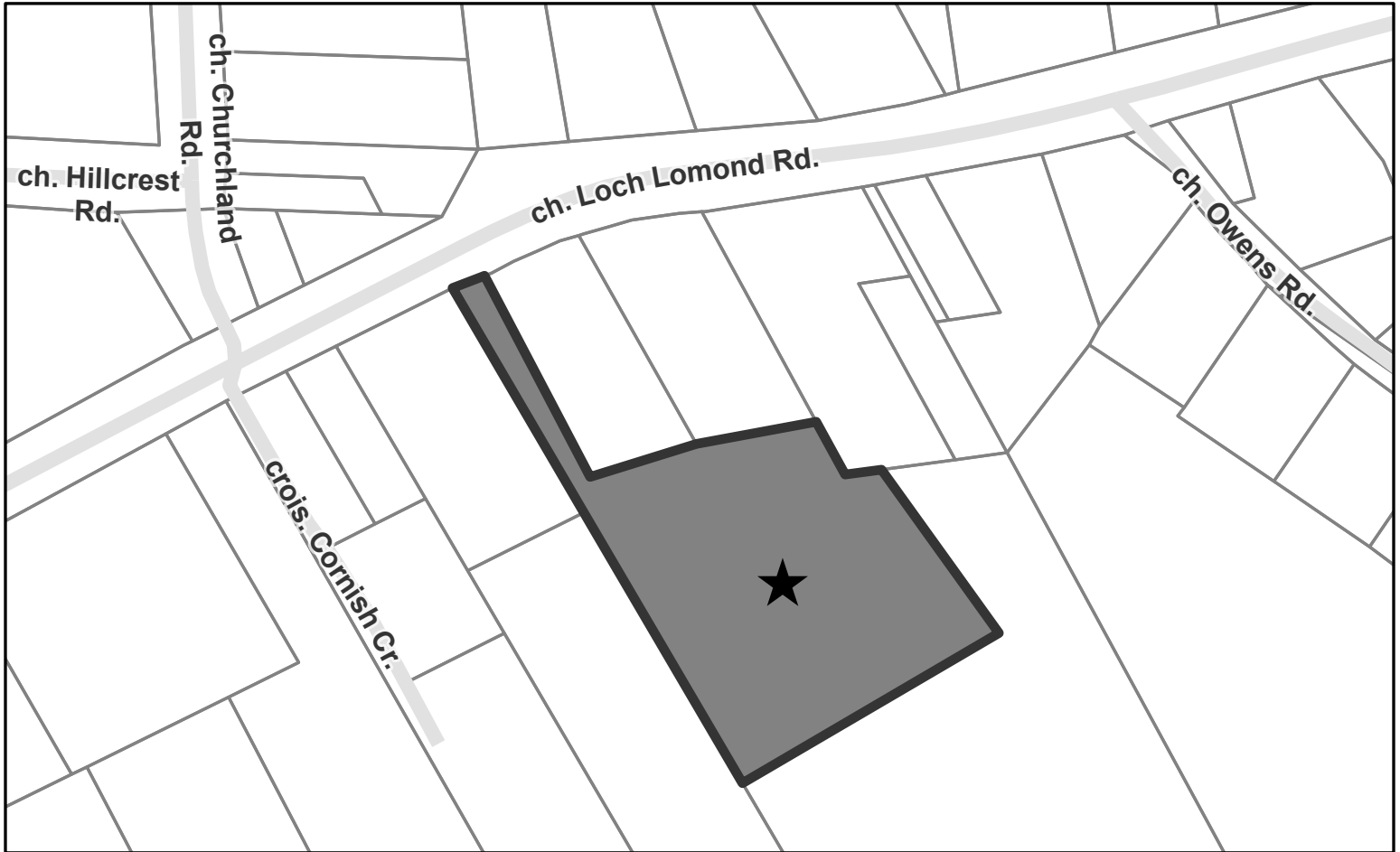
City Clerk/Greffier communal

First Reading - March 8, 2021  
Second Reading - March 8, 2021  
Third Reading -

Première lecture - le 8 mars 2021  
Deuxième lecture - le 8 mars 2021  
Troisième lecture -

**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**

Rural Residential  
Zone résidentielle  
rurale

**RR**



**CRG**

**TO / À**

Rural General  
Commercial  
Zone commerciale  
générale rurale



Pursuant to a Resolution under Section 59 of the Community Planning Act  
Conformément à une résolution adoptée par le conseil municipal en vertu  
de l'article 59 de la Loi sur l'urbanisme

**Applicant:** Hughes Surveys & Consultants Inc.

**Location:** 3396 Loch Lomond Road

**PID(s)/NIP(s):** Portion of/de 00330126

**Considered by P.A.C./Considéré par le C.C.U.:** February 17 février, 2021

**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:** March 15 mars, 2021

Section 59 Conditions – 3396 Loch Lomond Road

That Common Council, pursuant to the provisions of Section 59 of the Community Planning Act, impose the following conditions on a portion of a parcel of land having an area of approximately 8,227 square metre, located at 3396 Loch Lomond Road, also identified as a portion of PID Number 00330126:

- a. The parcel of land will be restricted to the following uses as identified in the Rural General Commercial (CRG) Zone of the City of Saint John Zoning By-law:
  - An Artist or Craftsperson Studio;
  - Bed and breakfast;
  - Business Office, subject to paragraph 11.11(3)(a) of the Zoning By-law;
  - Contractor Service, Household;
  - Dwelling unit;
  - Garden Suite, subject to section 9.8 of the Zoning By-law;
  - Home occupation, subject to section 9.9 of the Zoning By-law;
  - Secondary suite, subject to section 9.13 of the Zoning By-law;
  - Service and Repair, Household;
  - Supportive housing, subject to section 9.14 of the Zoning By-law; and,
- b. Only one of the above land uses mentioned in 2(a) can be established on the site, in addition to a Dwelling Unit, at any one time.
- c. The development and use of the parcel of land be in accordance with a detailed site plan, prepared by the proponent and subject to the approval of the Development Officer, illustrating the location of buildings and structures, garbage enclosures, driveway accesses, vehicle parking, loading areas, landscaping, amenity spaces, signs, exterior lighting, and other such site features; and the above site plan be attached to the permit application for the development of the parcel of land.
- d. The Development Officer shall not endorse any permit application for an additional residential dwelling unless the existing shipping container in the area have been removed.

# PLANNING ADVISORY COMMITTEE



The City of Saint John

February 18, 2021

His Worship Mayor Don Darling and  
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Rezoning and Subdivision Application  
3396 Loch Lomond Road**

On January 25, 2021, Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its February 17, 2021 meeting.

In response to staff's presentation, the Committee questioned whether Lot 20-2 (garage lot) would comprise the full area down to Cooks Lake. Staff confirmed that it would. The Subdivision will divide the property into a small lot for the one-unit dwelling and a larger lot consisting of the garage and remaining property. In response to a question regarding the condition to remove a shipping container on site prior to issuance of a building permit, staff confirmed this enforcement approach was consistent with other applications. The container is currently buffered and the condition will allow time to remove the items without creating an additional issue of outdoor storage.

The applicant, Rick Turner of Hughes Suveys Inc., was present. Mr. Turner noted that the property owner, Bob Landry, agreed with the staff recommendation. He stated that the proposed zone was an excellent fit and highlighted that the neighbourhood was on board with the change. Mr. Turner further indicated that the container will be removed once a house is built on the garage lot. In response to a question on the timeline for construction on the house, Mr. Landry stated it would be within the next couple of years.

The Committee voted unanimously to approve the staff recommendation.

**RECOMMENDATION:**

1. That Common Council rezone a portion of a parcel of land having an area of approximately 8,227 square metres, located at 3396 Loch Lomond Road, also identified as a portion of PID Number 00330126, from Rural Residential (RR) to Rural General Commercial (CRG).
2. That Common Council, pursuant to the provisions of Section 59 of the Community Planning Act, impose the following conditions on a portion of a parcel of land having an area of approximately 8,227 square metre, located at 3396 Loch Lomond Road, also identified as a portion of PID Number 00330126:
  - a. The parcel of land will be restricted to the following uses as identified in the Rural General Commercial (CRG) Zone of the City of Saint John Zoning By-law:
    - An Artist or Craftsperson Studio;
    - Bed and breakfast;
    - Business Office, subject to paragraph 11.11(3)(a) of the Zoning By-law;
    - Contractor Service, Household;
    - Dwelling unit;
    - Garden Suite, subject to section 9.8 of the Zoning By-law;
    - Home occupation, subject to section 9.9 of the Zoning By-law;
    - Secondary suite, subject to section 9.13 of the Zoning By-law;
    - Service and Repair, Household;
    - Supportive housing, subject to section 9.14 of the Zoning By-law;and,
  - b. Only one of the above land uses mentioned in 2(a) can be established on the site, in addition to a Dwelling Unit, at any one time.
  - c. The development and use of the parcel of land be in accordance with a detailed site plan, prepared by the proponent and subject to the approval of the Development Officer, illustrating the location of buildings and structures, garbage enclosures, driveway accesses, vehicle parking, loading areas, landscaping, amenity spaces, signs, exterior lighting, and other such site features; and the above site plan be attached to the permit application for the development of the parcel of land.
  - d. The Development Officer shall not endorse any permit application for an additional residential dwelling unless the existing shipping container in the area have been removed.



3. That upon third reading, Common Council accept a money in-lieu of Land for Public Purposes dedication for the proposed "Robert M. Landry Tentative Subdivision Plan" at 3396 Loch Lomond Road.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "AWC", with a long horizontal line extending to the right.

Alex Weaver Crawford  
Chair

Attachments

- 1 – Staff Report
- 2 – Staff Presentation
- 3 – Letters

## COUNCIL REPORT

M&C No.	2021-074
Report Date	March 17, 2021
Meeting Date	March 22, 2021
Service Area	Growth and Community Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Supplementary Report – 215 Somerset Street Rezoning Application***

***OPEN OR CLOSED SESSION***

This matter is to be discussed in Open Session of Common Council.

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b>Mark O’Hearn</b>	<b>Jacqueline Hamilton</b> <b>Phil Ouellette</b>	<b>John Collin</b>

***RECOMMENDATION***

That Common Council adopt the following amended staff recommendation:

1. That Common Council rezone a parcel of land having an area of approximately 923 square metres, located at 215 Somerset Street, also identified as PID Number 00025130, from Two-Unit Residential (R2) to General Commercial (CG).
  
2. That Common Council, pursuant to the provisions of Section 59 of the *Community Planning Act*, impose the following conditions on the parcel of land having an area of approximately 923 square metres, located at 215 Somerset Street, also identified as PID Number 00025130:
  - (a) Any non-residential use of the property be restricted to the ground floor of the existing building having an approximate floor area of 100 square metres and to the following uses:
    - (i) Artist or Craftsperson Studio;
    - (ii) Business Office;
    - (iii) Catering Business;
    - (iv) Clothing Maker;
    - (v) Medical Clinic;

- (vi) Instructional Service;
  - (vii) Personal Service;
  - (viii) Pet Grooming;
  - (ix) Retail General, as a secondary use with any above use;
- (b) Signage be limited to a maximum of one sign, being either a ground sign, or a wall sign, or a projecting sign, with a maximum sign face area of 1.88 square metres, and in the case of a ground sign, that shrubbery be planted and maintained with such sign;
- (c) The development and use of the parcel of land be in accordance with detailed site and floor plans, prepared by the proponent and subject to the approval of the Development Officer, illustrating the location of buildings and structures, garbage enclosures, driveway accesses, vehicle parking, loading areas, landscaping, amenity spaces, signs, exterior lighting, and other such site features; and
- (d) The above site and floor plans be attached to the permit application for the development of the parcel of land, and that all required site improvements be completed no later than September 30, 2021.

#### ***EXECUTIVE SUMMARY***

The purpose of this report is to seek approval for an amendment to the recommended Section 59 conditions for a rezoning application at 215 Somerset Street. The original recommendation restricts signage to either one ground sign or one wall sign. The applicant is now seeking permission to use a projecting sign instead. Staff has no objection to the proposed projecting sign and recommends the necessary amendment.

#### ***PREVIOUS RESOLUTION***

At the November 9, 2020 public hearing, Common Council gave first and second reading to the proposed rezoning at 215 Somerset Street.

#### ***REPORT***

On November 9, 2020, Common Council gave first and second reading to a proposed rezoning at 215 Somerset Street. Section 59 conditions were recommended to help ensure neighbourhood compatibility. One of the

conditions limits signage to either one ground sign or to one wall sign, but not both, with a maximum sign face area of 1.88 square metres.

The applicant originally intended to install a ground sign, but upon further investigation believes that the visibility and maintenance of a ground sign will be problematic due to the steep grade of the front yard from Somerset Street.

The applicant considered the placement of one wall sign on the front of the building. However, due to the lower elevation and setback of the building, the presence of a knoll, and the speed of motorists, the applicant believes two wall signs will be needed to identify the business for motorists travelling in both directions along the street (Attachment 1).

To limit the amount of signage, the applicant is requesting to instead install one projecting sign on the front façade of the building (Attachment 2). The proposed projecting sign has a sign face area of 1.14 square metres.

The one projecting sign will better address neighbourhood compatibility than two wall signs. Staff recommends that the Section 59 signage condition be amended to allow for the proposed projecting sign as requested by the applicant.

***STRATEGIC ALIGNMENT***

Not applicable.

***SERVICE AND FINANCIAL OUTCOMES***

Not applicable.

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Not applicable.

***ATTACHMENTS***

Attachment 1: Wall Signs Proposal

Attachment 2: Projecting Sign Proposal



Attachment 1: Wall Signs Proposal





Attachment 2: Projecting Sign Proposal

**BY-LAW NUMBER C.P. 111-106  
A LAW TO AMEND  
THE ZONING BY-LAW  
OF THE CITY OF SAINT JOHN**

**ARRÊTÉ N<sup>o</sup> C.P. 111-106  
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE  
ZONAGE DE THE CITY OF SAINT  
JOHN**

Be it enacted by The City of Saint John in Common Council convened, as follows:

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

L'arrêté sur le zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

Rezoning a parcel of land having an area of approximately 923 square metres, located at 215 Somerset Street, also identified as PID No. 00025130, from Two-Unit Residential (R2) to General Commercial (CG) pursuant to a resolution adopted by Common Council under Section 59 of the Community Planning Act.

Rezonage d'une parcelle de terrain d'une superficie d'environ 923 mètres carrés, située au 215, rue Somerset, également identifié comme NID 00025130, de zone résidentielle bifamiliale (R2) à zone commerciale générale (CG) conformément à une résolution adoptée par le conseil municipal en vertu de l'article 59 de la Loi sur l'urbanisme.

- all as shown on the plan attached hereto and forming part of this by-law.

- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.

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 X day of X, A.D. 2021 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le X 2021, avec les signatures suivantes :

\_\_\_\_\_  
Mayor/Maire

\_\_\_\_\_  
City Clerk/Greffier communal

First Reading – November 9, 2020  
Second Reading – November 9, 2020  
Third Reading - X

Première lecture – le 9 novembre 2020  
Deuxième lecture - le 9 novembre 2020  
Troisième lecture - X

**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**

Two-Unit Residential  
Zone résidentielle  
bifamiliale

**R2**



**CG**

**TO / À**

General Commercial  
Zone commerciale  
générale



Pursuant to a Resolution under Section 59 of the Community Planning Act  
Conformément à une résolution adoptée par le conseil municipal en vertu  
de l'article 59 de la Loi sur l'urbanisme

**Applicant:** Maria Jimenez  
**Location:** 215 Somerset Street  
**PID(s)/NIP(s):** 00025130

**Considered by P.A.C./Considéré par le C.C.U.:** October 20 octobre, 2020

**Enacted by Council/Approuvé par le Conseil:**

**Filed in Registry Office/Enregistré le:**

**By-Law #/Arrêté #:**

**Drawn by/Crée par:** Andrew Pollock **Date drawn/Carte créée:** March 5 mars, 2021



Section 59 Conditions – 215 Somerset Street

That Common Council, pursuant to the provisions of Section 59 of the *Community Planning Act*, impose the following conditions on the parcel of land having an area of approximately 923 square metres, located at 215 Somerset Street, also identified as PID Number 00025130:

- (a) Any non-residential use of the property be restricted to the ground floor of the existing building having an approximate floor area of 100 square metres and to the following uses:
  - (i) Artist or Craftsperson Studio;
  - (ii) Business Office;
  - (iii) Catering Business;
  - (iv) Clothing Maker;
  - (v) Medical Clinic;
  - (vi) Instructional Service;
  - (vii) Personal Service;
  - (viii) Pet Grooming;
  - (ix) Retail General, as a secondary use with any above use;
  
- (b) Signage be limited to a maximum of one sign, being either a ground sign, or a wall sign, or a projecting sign, with a maximum sign face area of 1.88 square metres, and in the case of a ground sign, that shrubbery be planted and maintained with such sign;
  
- (c) The development and use of the parcel of land be in accordance with detailed site and floor plans, prepared by the proponent and subject to the approval of the Development Officer, illustrating the location of buildings and structures, garbage enclosures, driveway accesses, vehicle parking, loading areas, landscaping, amenity spaces, signs, exterior lighting, and other such site features; and
  
- (d) The above site and floor plans be attached to the permit application for the development of the parcel of land, and that all required site improvements be completed no later than September 30, 2021.

**BY-LAW NUMBER C.P. 111-107  
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, and further amended from time to time, is amended follows:

1. Paragraph 12.4(8)(m) is amended by deleting “Each application for a permit shall be accompanied by a fee of one thousand and one hundred dollars” and replacing it with “Each application for a permit shall be accompanied by the fee identified in Schedule “B” hereto.”

2. Subparagraph 12.4(9)(a)(iv) is amended by deleting “The fee set out in paragraph 12.4(8)(m) has been paid” and replacing it with “The fee identified in Schedule “B” hereto has been paid.”

3. Subsection 2.11(c) is deleted and replaced with the following language:

2.11(c) (A) The Development Officer shall accept for consideration an application for a development permit when:

- (i) A completed application, in a form prescribed by the Development Officer, has been received;
- (ii) The information submitted appears correct and adequate to determine compliance with the standards of this By-law

**ARRÊTÉ NO C.P. 111-107  
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, et modifié à nouveau de temps à autre, est modifié comme suit:

1. L'alinéa 12.4(8)m) est modifié par la suppression des mots « est accompagnée d'un droit de 1 100 \$ » et leur remplacement par les mots « est accompagnée d'un droit prévu à l'annexe « B » ci-jointe. »

2. Le sous-alinéa 12.4(9)a)(iv) est modifié par la suppression des mots « le droit fixé à l'alinéa 12.4(8)m) a été payé » et leur remplacement par les mots « le droit prévu à l'annexe « B » ci-jointe a été payé. »

3. Le paragraphe 2.11(c) est supprimé et remplacé par le texte suivant :

2.11(c) A) L'agent d'aménagement accepte pour examen une demande pour un permis d'aménagement lorsque :

- i) Une demande remplie, sous la forme prescrite par l'agent d'aménagement, a été reçue;
- ii) L'information présentée semble correcte et appropriée pour déterminer la conformité avec les normes établies dans le présent

and the Municipal Development Plan; and

arrêté et dans le plan d'aménagement municipal;

(iii) The full application fee as required in Schedule "B" has been received by the Development Officer, but where the proposed development requires a building permit, no fee shall be required for the development permit.

iii) L'agent d'aménagement a reçu la totalité des droits de demande exigés dans l'annexe « B », mais lorsque l'aménagement proposé requiert un permis de construction, aucun droit n'est exigé pour le permis d'aménagement.

(B) When a development has commenced prior to the issuance of a development permit, the fee identified in Schedule "B" shall be two (2) times the fee listed therein.

B) Lorsqu'un aménagement a commencé avant la délivrance d'un permis d'aménagement, le droit à payer sera deux (2) fois le droit prévu à l'annexe « B ».

(C) When an applicant cancels a development permit prior to the Development Officer rendering a decision to approve or deny the application, the applicant shall receive a refund of sixty (60) percent of the fee identified in Schedule "B". No refund will be provided for an application cancelled after the Development Officer has rendered a decision on the application.

C) Lorsqu'un demandeur annule un permis d'aménagement avant que l'agent d'aménagement ait rendu une décision d'approuver ou de rejeter la demande, le demandeur reçoit un remboursement équivalent à soixante (60) pour cent du droit prévu à l'annexe « B ». Aucun remboursement ne sera effectué pour une demande annulée après que l'agent d'aménagement a rendu une décision sur la demande.

4. Schedule "B" is deleted and replaced with the following language:

4. L'annexe « B » est supprimée et remplacée par le texte suivant:

**Schedule B: Fees**

Except as otherwise provided in this By-law, the following fees are required concerning any matter considered by Council, the Committee or the Development Officer:

<b>Type of application or service</b>	<b>Required application fee</b>
(a) Conditional Use	\$350.00
(b) Encroachment in Good Faith	\$165.00
(c) Non-conforming Use (Council)	\$250.00
(d) Non-conforming Use (Committee)	\$350.00
(e) Satisfactory Servicing (Council)	\$350.00
(f) Section 59 Amendments	\$2,650.00
(g) Similar or Compatible uses	\$350.00
(h) Temporary Approval	\$350.00
(i) Variances Tier 1 and Tier 2	\$200.00 for up to five (5) variances, \$50.00 for each variance after six (6).
<b>Committee Variances</b>	\$400.00 for up to five (5) variances, \$100.00 for each variance after six (6)
(j) Zoning By-law Amendment	\$2,650.00
(k) Zoning By-law Amendment requiring a Municipal Plan Amendment	\$3,700.00
(l) Zoning Confirmation or Compliance Letter	\$120.00 per hour
(m) Development Permits	\$200.00
(n) Pit and Quarry Development Permit	\$1,500.00

**Annexe B : Droits**

Sauf disposition contraire du présent arrêté, les droits qui suivent doivent être versés à l'égard de l'examen par le conseil, le comité ou l'agent d'aménagement des demandes ou services suivants :

Type de demande ou de service	Droit de demande prescrit
(a) Usage conditionnel	350.00 \$
(b) Empiètement de bonne foi	165.00 \$
(c) Usage non conforme (conseil)	250.00 \$
(d) Usage non conforme (comité)	350.00 \$
(e) Viabilisation satisfaisante (conseil)	350.00 \$
(f) Modifications aux conditions imposées en vertu de l'article 59	2 650.00 \$
(g) Usages similaires ou compatibles	350.00 \$
(h) Approbation temporaire	350.00 \$
(i) Dérogations De niveau 1 et de niveau 2	200.00 \$ jusqu'à cinq (5) dérogations, 50.00 \$ pour chaque dérogation après cinq (5).
Dérogations (comité)	400.00 \$ jusqu'à 5 dérogations, 100.00 \$ pour chaque dérogation après cinq (5).
(j) Modification à l'Arrêté de zonage	2 650.00 \$
(k) Modification à l'Arrêté de zonage exigeant une modification du plan municipal	3 700.00 \$
(l) Lettre de confirmation ou de conformité de zonage	120.00 \$ l'heure
(m) Permis d'aménagement	200.00 \$
(n) Permis d'aménagement pour les carrières et gravières	1 500.00 \$

**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. 2021 and signed by:

**EN FOI DE QUOI**, The City of Saint John a fait apposer son sceau communal sur le présent arrêté \_\_\_\_\_ 2021, avec les signatures suivantes

---

Mayor/Maire

---

City Clerk/Greffier communal

First Reading - March 8, 2021  
Second Reading - March 8, 2021  
Third Reading

Première lecture - le 8 mars 2021  
Deuxième lecture - le 8 mars 2021  
Troisième lecture

**BY-LAW NUMBER HC-1  
A LAW TO AMEND  
THE SAINT JOHN HERITAGE CONSERVATION AREAS BY-LAW**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Saint John Heritage Conservation Areas By-Law, enacted on the 23rd day of September, A.D. 2019, is amended as follows:

1. Deleting subsection 6 (2) (c) and replacing with the following:

“(c) the applicable fee set out in Schedule “K”, as determined by the Heritage Officer, has been paid in full.”

2. Adding the following subsection, immediately following subsection 6 (10):

“6 (11) The applicable fee under Schedule “K” shall be increased by an amount of double the amount required in subsection 6 (2) (c) when any development is undertaken before a Heritage Permit authorizing such development has been issued, except where the development is subject to a fee of \$0 under Schedule “K”, as determined by the Heritage Officer, in which case the fee shall be \$200.”

3. Deleting Schedule K: Fees and replacing with the following:

Schedule K: Fees

The fees referred to in this By-Law are as follows:

Developments pursuant to Section 7 that have commenced without a Heritage Permit having been issued	\$200
Developments designated by the Heritage Officer as a Tier 3 infill development pursuant to Section 8	
Estimated Project Value:	
Less than \$1,000,000	\$1,000
\$1,000,000 - \$4,000,000	\$2,000
Greater than \$4,000,000	\$3,000
Developments which include demolition, removal or relocation pursuant to Section 9	\$2,000
All other developments	\$0
Changes to issued Heritage Permits which require Board review	\$200
Research cost for a request to remove a property or properties from designation in this By-Law	\$1,000 per PID

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of said City to be affixed to this by-law the \_\_\_ day of \_\_\_\_\_, A.D. 2021 and signed by:

**ARRÊTÉ N° HC-1**  
**ARRÊTÉ MODIFIANT**  
**L'ARRÊTÉ SUR LES SECTEURS DE CONSERVATION DU PATRIMOINE DE SAINT JOHN**

Le conseil communal de The City of Saint John, étant réuni, édicte ce qui suit :

L'Arrêté sur les secteurs de conservation du patrimoine de Saint John, édicté le 23 septembre 2019, est ainsi modifié:

1. L'article 6 est modifié par suppression de l'alinéa 6(2)c) et son remplacement par ce qui suit :

« c) les droits applicables énoncés à l'annexe K, selon la décision de l'agent du patrimoine, ont été versés intégralement. »

2. L'article 6 est modifié par adjonction du paragraphe suivant après le paragraphe 6(10) :

« 6(11) Lorsqu'un aménagement est entrepris avant la délivrance du permis du patrimoine l'autorisant, les droits applicables prévus à l'annexe K sont augmentés d'un montant correspondant au double du montant prescrit par l'alinéa 6(2)c), sauf lorsque l'aménagement est assujéti à des droits de 0 \$ conformément à l'annexe K, selon la décision de l'agent du patrimoine, auquel cas le droit sera de 200 \$. »

3. L'annexe K – Droits est abrogée et remplacée par ce qui suit :

Annexe k – Droits

Les droits de demande mentionnés dans le présent arrêté sont les suivants :

Aménagements visés à l'article 7 qui ont été entrepris sans qu'un permis de patrimoine n'ait été délivré	200 \$
Aménagements que l'agent du patrimoine désigne aménagements (édification sur terrain intercalaire) – classement de niveau 3 au titre de l'article 8	
Valeur estimative du projet :	
Inférieure à 1 000 000 \$	1 000 \$
Entre 1 000 000 \$ et 4 000 000 \$	2 000 \$
Supérieure à 4 000 000 \$	3 000 \$
Aménagements comportant des travaux de démolition, d'enlèvement ou de déplacement visés à l'article 9	2 000 \$
Autres aménagements	0 \$
Modifications à un permis de patrimoine délivré qui doivent être approuvés par le Comité	200 \$
Frais de recherche afférents à une demande de suppression d'un ou de plusieurs biens d'une désignation au titre du présent arrêté	1 000 \$ par NID



EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le \_\_\_\_\_, 2021, avec les signatures suivantes :

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Mayor/Maire

---

City Clerk/Greffier communal

First Reading - March 8, 2021

Second Reading - March 8, 2021

Third Reading -

Première lecture - le 8 mars 2021

Deuxième lecture - le 8 mars 2021

Troisième lecture -

**BY-LAW NUMBER HC-1  
A LAW TO AMEND  
THE SAINT JOHN HERITAGE CONSERVATION AREAS BY-LAW**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Saint John Heritage Conservation Areas By-Law, enacted on the twenty-third day of September, A.D. 2019, is amended by:

1. Adding immediately after Schedule O, the following schedule:

“Schedule P - Tier Three Developments”

2. Adding the following Subsection, immediately following Subsection 8.2 (2):

“8.3 Notwithstanding the conservation of the existing structure, pursuant to Subsection 8 (5)(c)(iii) any building or structure, or portion thereof, erected upon the parcel of land identified by Parcel Identification (PID) Number 55224539 shall be constructed in all material respects in accordance with the plans forming Package “A” to Schedule P of this By-Law.”

**ARRÊTÉ N HC-1  
ARRÊTÉ MODIFIANT  
L'ARRÊTÉ SUR LES SECTEURS DE CONSERVATION DU PATRIMOINE DE SAINT JOHN**

Le conseil communal de The City of Saint John, étant réuni, édicte ce qui suit :

*L'Arrêté sur les secteurs de conservation du patrimoine de Saint John*, édicté le 23 septembre 2019, est ainsi modifié :

1. L'annexe qui suit est ajoutée immédiatement après l'annexe O :

« Annexe P – Aménagements de niveau 3 »

2. Le paragraphe qui suit est ajouté immédiatement après le paragraphe 8.2(2) :

« 8.3 Malgré la conservation de la construction existante, au titre du sous-alinéa 8(5)c(iii), la construction d'un bâtiment ou d'une construction, ou d'une partie d'un bâtiment ou d'une construction, sur la parcelle désignée par le NID 55224539 se fera à tous les égards importants en conformité avec les plans qui constituent l'ensemble « A » de l'annexe P du présent arrêté. »

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Mayor/Maire

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City Clerk/Greffier communal

First Reading - March 8, 2021  
Second Reading - March 8, 2021  
Third Reading -

Première lecture - le 8 mars 2021  
Deuxième lecture - le 8 mars 2021  
Troisième lecture -



# **THE CITY OF SAINT JOHN NEW BRUNSWICK**

**A By-law respecting the  
Reduction of Single-Use  
Plastic Bags in The City of  
Saint John**

**Arrêté concernant la  
réduction des sacs en  
plastique à usage unique  
dans The City of Saint John**

**By-law Number LG - 12**

**Arrêté numéro LG - 12**

An uncertified copy of this by-law  
is available online

Une copie non certifiée de l'arrêté  
est disponible en ligne

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## RECITALS

**AND WHEREAS**, The City of Saint John deems it advisable to pass this by-law because it will establish standards to regulate and control the use of plastic bags in The City of Saint John;

**AND WHEREAS**, paragraph 10(1)(b) of the *Local Governance Act*, S.N.B. 2017, c. 18, authorizes a local government to make by-laws respecting people, activities and things in, on or near a public place or place that is open to the public;

**AND WHEREAS**, paragraph 10(1)(c) of the *Local Governance Act*, S.N.B. 2017, c. 18, authorizes a local government to make by-laws respecting nuisances, including noise, pollution and waste in or on public or private property;

**AND WHEREAS**, section 147 of the *Local Governance Act*, states that a local government may, by by-law, provide that a person who violates or fails to comply with any provision of a by-law commits an offence;

**AND WHEREAS**, subsection 156(1) of the *Local Governance Act*, states that a local government may require administrative penalties to be paid in respect of a contravention of a provision of a by-law of the local government;

**AND WHEREAS**, notice of this by-law, and of the Common Council meeting at which this By-law was discussed, was provided in accordance with the provisions of the *Local Governance Act*.

**NOW THEREFORE**, the Common Council of The City of Saint John, enacts as follows:

## PRÉAMBULE

**ATTENDU QUE**, The City of Saint John juge opportun de prendre le présent arrêté destiné à réglementer et contrôler l'utilisation des sacs en plastique dans The City Saint John; et

**ATTENDU QUE**, l'alinéa 10(1)b) de la *Loi sur la gouvernance locale*, L.N.-B. 2017, ch. 18, autorise un gouvernement local à prendre des arrêtés concernant les activités qui prennent place dans des lieux publics ou des lieux ouverts au public, ou près de tels lieux, de même que les personnes et les objets qui s'y trouvent; et

**ATTENDU QUE**, l'alinéa 10(1)c) de la *Loi sur la gouvernance locale*, L.N.-B. 2017, ch. 18, autorise un gouvernement local à prendre des arrêtés concernant les nuisances, dont le bruit, la pollution et les déchets dans ou sur des biens publics ou privés ; et

**ATTENDU QUE**, l'article 147 de la *Loi sur la gouvernance locale*, prévoit que, par voie d'arrêté, un gouvernement local peut prévoir que commet une infraction quiconque contrevient ou omet de se conformer à quelque disposition que ce soit d'un arrêté; et

**ATTENDU QUE**, le paragraphe 156(1) de la *Loi sur la gouvernance locale*, prévoit qu'un gouvernement local peut exiger le paiement de pénalités administratives relativement à toute contravention à une disposition d'un arrêté du gouvernement local; et

**ATTENDU QUE**, avis du présent arrêté et de la réunion du conseil communal à laquelle il a été débattu a été donné conformément à la *Loi sur la gouvernance locale*.

**À CES CAUSES**, le conseil communal de The City of Saint John édicte :

## Title

1 This By-law may be cited as the *Plastic Bag Reduction By-law* (hereinafter the “By-law”).

## Definitions

2 The following definitions apply in this By-law:

“**business**” means any corporation, individual, partnership or co-operative association engaged in a retail operation and, for the purposes of section 4, includes a person employed by, or acting on behalf of, a business; (*entreprise*)

“**by-law enforcement officer**” means a by-law enforcement officer appointed pursuant to section 72 of the *Local Governance Act*, and designated by resolution by Common Council; (*agent chargé de l’exécution des arrêtés*)

“**checkout bag**” means:

(a) any bag intended to be used by a customer for the purpose of transporting items purchased or received by the customer from the business providing the bag, or

(b) a bag used to package take-out food or food to be delivered,

and includes a paper bag or plastic bag, but does not include a reusable bag; (*sac à emplettes*)

“**City**” means The City of Saint John; (*municipalité*)

“**Common Council**” means the elected municipal council of the City; (*conseil communal*)

## Titre

1 Titre usuel: *Arrêté sur la réduction des sacs en plastique* (ci-après « l’arrêté »).

## Définitions

2 Les définitions qui suivent s’appliquent au présent arrêté :

« **entreprise** » toute société, personne ou association coopérative ou tout partenariat s’adonnant à des opérations de vente au détail; sont notamment visées, pour l’application de l’article 4, les personnes employées par une entreprise ou agissant pour son compte; (*business*)

« **agent chargé de l’exécution des arrêtés** » désigne un agent chargé de l’exécution des arrêtés nommé conformément à l’article 72 de la *Loi sur la gouvernance locale*, et désigné par résolution par le conseil communal; (*by-law enforcement officer*)

« **sac à emplettes** » s’entend notamment d’un sac en papier ou d’un sac en plastique, à l’exclusion d’un sac réutilisable, qui est destiné à l’une ou l’autre des fins suivantes:

a) l’utilisation par un client pour transporter les objets qu’il a achetés ou reçus de l’entreprise qui lui fournit le sac;

b) l’emballage de mets à emporter ou à livrer; (*checkout bag*)

« **municipalité** » désigne The City of Saint John; (*City*)

« **conseil communal** » désigne les membres élus du conseil municipal de la municipalité; (*Common*)



*Council)*

“**paper bag**” means a bag made out of paper that is recyclable; (*sac en papier*)

« **sac en papier** » Sac fait de papier qui est recyclable; (*paper bag*)

“**person**” includes a business as defined in this By-law; (*personne*)

« **personne** » comprend une entreprise telle que définie dans le présent arrêté; (*person*)

“**plastic bag**” means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a reusable bag; (*sac en plastique*)

« **sac en plastique** » Tout sac fait de plastique, y compris de plastique biodégradable ou compostable, mais ne s’entend pas des sacs réutilisables; (*plastic bag*)

“**police officer**” means a police officer in the Saint John Police Force; (*agent de police*)

« **agent de police** » désigne une agent de police du Service de police de Saint John; (*police officer*)

“**reusable bag**” means a bag with handles that is:

« **sac réutilisable** » S’entend d’un sac muni de poignées qui est, à la fois:

(a) designed and manufactured to be capable of at least 100 uses, and

a) conçu et fabriqué pour pouvoir être utilisé au moins 100 fois;

(b) primarily made of cloth or other durable material suitable for reuse; (*sac réutilisable*)

b) principalement fait de tissu ou d’un autre matériau durable que convient à la réutilisation; (*reusable bag*)

“**small paper bag**” means any bag made out of paper that is less than 15 centimetres by 20 centimetres when flat. (*petit sac en papier*)

« **petit sac en papier** » Tout sac fait de papier qui mesure moins de 15 centimètres sur 20 centimètres lorsqu’il est à plat. (*small paper bag*)

**Interpretation**

**Interprétation**

**3** Rules for interpretation of the language used in this By-law are contained in the lettered paragraphs as follows:

**3** Les règles d’interprétation suivantes s’appliquent au présent arrêté :

(a) The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.

a) Les titres, intertitres et numéros des dispositions ne servent qu’à faciliter la consultation de l’arrêté et ne doivent pas servir à son interprétation.

(b) This By-law is to be read with all changes of gender or number required by the context.

b) Le genre ou le nombre grammaticaux doivent être adaptés au contexte.

(c) Each reference to legislation in this By-law is printed in *Italic font*. The reference is intended to include all applicable amendments to the legislation, including successor legislation. Where this By-law references other by-laws of the City, the term is intended to include all applicable amendments to those by-laws, including successor by-laws.

(d) The requirements of this By-law are in addition to any requirements contained in any other applicable by-laws of the City or applicable provincial or federal statutes or regulations.

(e) If any section, subsection, part or parts or provision of this By-law, is for any reason declared by a court or tribunal of competent jurisdiction to be invalid, the ruling shall not affect the validity of the By-law as a whole, nor any other part of it.

(f) The Schedules attached to this By-law are included in and shall be considered part of this By-law.

c) Les renvois législatifs paraissent en italique. Le renvoi à une loi vise également les modifications qui s'y appliquent, y compris toute législation de remplacement. Les renvois à d'autres arrêtés de la municipalité visent également les modifications qui s'y appliquent, y compris tout arrêté de remplacement.

d) Les obligations qu'il crée s'ajoutent à celles découlant d'autres arrêtés applicables de la municipalité ou des lois ou règlements fédéraux ou provinciaux applicables.

e) Si une disposition quelconque est déclarée invalide par un tribunal compétent pour quelque motif que ce soit, la décision n'entache en rien la validité de l'arrêté dans son ensemble ni de toute autre disposition.

f) Les annexes jointes au présent arrêté sont incluses et doivent être considérées comme faisant partie du présent arrêté.

### **Checkout bag prohibition**

**4(1)** Except as provided in this By-law, no business shall provide a checkout bag to a customer that is a plastic bag.

**4(2)** No business shall deny or discourage the use by a customer of the customer's own reusable bag for the purpose of transporting items purchased or received by the customer.

### **Exemptions**

**5(1)** Section 4 does not apply to bags used to:

### **Interdiction relative aux sacs à emplettes**

**4(1)** Sauf disposition contraire du présent arrêté, il est interdit à une entreprise de fournir un sac à emplettes à un client qui est un sac en plastique.

**4(2)** Il est interdit à une entreprise de refuser ou de décourager l'utilisation, par un client, de son propre sac réutilisable afin de transporter des objets qu'il a achetés ou reçus.

### **Exceptions**

**5(1)** L'article 4 ne s'applique aux sacs destinés aux usages suivants:

- |                                                                                                                        |                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) package loose bulk items such as fruit, vegetables, nuts, grains or candy;                                         | a) emballer des aliments en vrac comme des fruits, des légumes, des noix, des grains ou des bonbons,                                                                   |
| (b) package loose small hardware items such as nails and bolts;                                                        | b) emballer des petits articles de quincaillerie en vrac comme des clous et des boulons,                                                                               |
| (c) contain or wrap frozen foods, meat, poultry or fish, whether pre-packaged or not;                                  | c) contenir ou envelopper des aliments congelés, de la viande, de la volaille ou du poisson, qu'ils soient préemballés ou non,                                         |
| (d) wrap flowers or potted plants;                                                                                     | d) envelopper des fleurs ou des plantes en pots,                                                                                                                       |
| (e) protect prepared foods or bakery goods that are not pre-packaged.                                                  | e) protéger des plats préparés ou des produits de boulangerie-pâtisserie qui ne sont pas préemballés,                                                                  |
| (f) contain prescription drugs received from a pharmacy;                                                               | f) contenir des médicaments sur ordonnance reçus d'une pharmacie,                                                                                                      |
| (g) transport live fish;                                                                                               | g) transporter des poissons vivants,                                                                                                                                   |
| (h) protect linens, bedding or other similar large items that cannot easily fit in a reusable bag;                     | h) protéger des linges de maison, de la literie ou d'autres articles semblables de taille importante qui ne peuvent être facilement contenus dans un sac réutilisable, |
| (i) protect newspapers or other printed material intended to be left at the customer's residence or place of business; | i) protéger des journaux ou d'autres documents imprimés destinés à être laissés à la résidence ou au lieu d'affaires du client,                                        |
| (j) protect clothes after professional laundering or dry cleaning;                                                     | j) protéger des vêtements après qu'ils ont été professionnellement blanchis ou nettoyés à sec,                                                                         |
| (k) protect tires that cannot easily fit in a reusable bag.                                                            | k) protéger des pneus qui ne peuvent pas être facilement contenus dans un sac réutilisable.                                                                            |

**5(2)** Section 4 does not limit or restrict the sale of bags, including plastic bags, intended for use at the customer's home or business, that are sold in packages of multiple bags.

### **Inspections**

**6** A by-law enforcement officer appointed under this By-law may carry out any inspection that is necessary for the administration or enforcement of this By-law.

### **Enforcement**

**7** A police officer or by-law enforcement officer may, for the purposes of the administration and enforcement of this By-law, exercise such powers and perform such duties as may be set out in this By-law or the *Local Governance Act*.

### **Offences**

**8(1)** A person who violates any of the provisions of this By-law is guilty of an offence and liable upon summary conviction to a fine of not less than three hundred dollars (\$300.00) and not more than two thousand one hundred dollars (\$2,100.00).

**8(2)** If the offence committed under this By-law continues for more than one (1) day:

(a) the minimum fine that may be imposed is the minimum fine established in this By-law multiplied by the number of days during which the offence continues; and

(b) the maximum fine that may be imposed is the maximum fine established in this By-law multiplied by the number of days during which the offence continues.

**5(2)** L'article 4 n'a pas pour effet de limiter ou de restreindre la vente de sacs, y compris les sacs en plastique, qui sont destinés à être utilisés à la résidence ou au lieu d'affaires du client et qui sont vendus en paquets contenant plusieurs sacs.

### **Inspections**

**6** Un agent chargé de l'exécution des arrêtés nommé en vertu du présent arrêté peut effectuer toute inspection nécessaire à l'application ou à l'exécution forcée du présent arrêté.

### **Application**

**7** Un agent de police ou un agent chargé de l'exécution des arrêtés peut, pour les fins de l'administration et de l'application du présent arrêté, exercer les pouvoirs et remplir les fonctions prévues dans le présent arrêté ou la *Loi sur la gouvernance locale*.

### **Infractions**

**8(1)** Toute personne qui contrevient à une disposition du présent arrêté est coupable d'une infraction et est passible sur condamnation sommaire d'une amende d'au moins trois cents dollars (300 \$) et d'au plus deux mille cent dollars (2 100 \$).

**8(2)** Si une infraction au présent arrêté se poursuit pendant plus d'un jour:

a) l'amende minimale qui peut être infligée est l'amende minimale prévue par le présent arrêté multipliée par le nombre de jours pendant lesquels l'infraction se poursuit;

b) l'amende maximale qui peut être infligée est l'amende maximale prévue par le présent arrêté multipliée par le nombre de jours pendant lesquels l'infraction se

poursuit.

**Administrative Penalties**

**Pénalités administratives**

**9(1)** The City may require an administrative penalty to be paid with respect to a violation of a provision of this By-law as set out in subsection 9(2).

**9(1)** La municipalité peut exiger qu'une pénalité administrative soit payée relativement à une infraction à une disposition de cet arrêté, comme prévu au paragraphe 9(2).

**9(2)** A person who violates any provision of this By-law may pay to the City within 30 calendar days from the date of such violation an administrative penalty of one hundred and fifty dollars (\$150.00), and upon such payment, the person who committed the violation is not liable to be prosecuted therefor.

**9(2)** Toute personne qui contrevient à une disposition du présent arrêté peut payer à la municipalité dans un délai de 30 jours civils à compter de la date de ladite infraction, une pénalité administrative de cent cinquante dollars (150 \$), et une fois l'amende payée, la personne n'est plus susceptible de poursuites judiciaires.

**Commencement**

**Entrée en vigueur**

**10** This By-law comes into force upon the 1<sup>st</sup> day of July, 2021.

**10** Le présent arrêté entre en vigueur le 1<sup>er</sup> juillet 2021.

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. 2021 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau municipal sur le présent arrêté le \_\_\_\_\_ 2021, avec les signatures suivantes :

\_\_\_\_\_  
Mayor/Maire

\_\_\_\_\_  
City Clerk/Greffier communal

First Reading - March 8, 2021  
Second Reading - March 8, 2021  
Third Reading -

Première lecture - le 8 mars 2021  
Deuxième lecture - le 8 mars 2021  
Troisième lecture -

## COMMON COUNCIL REPORT

M&C No.	MC 2021 - 086
Report Date	March 17, 2021
Meeting Date	March 22, 2021
Service Area	Public Works and Transportation Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Weight Restriction By-Law Amendment on Wentworth Street***

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Tim O'Reilly</i></b>	<b><i>Michael Hugenholtz</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATIONS***

Your City Manager recommends Common Council:

1. authorize 3rd Reading to an amendment to the Saint John Weight Restriction By-Law as attached to M&C 2021-086, and
2. authorize the Mayor and City Clerk sign the agreement attached to M&C 2021-086.

### ***EXECUTIVE SUMMARY***

The Saint John Weight Restriction By-Law allows the City to mitigate the impact that heavy vehicles impose on City streets. One mechanism in this by-law that achieves this goal is a reduction in the axle loading of trucks on streets during the spring when roads are particularly susceptible to damage. Occasionally trucking companies request deviation from the by-law in relation to these spring weight restrictions.

A deviation from this by-law is required to transport a truck-mounted crane to the Wentworth development at the corner of Wentworth Street and Leinster Street to allow the construction of that building to continue on schedule.

### ***PREVIOUS RESOLUTION***

At its March 8, 2021 meeting Common Council authorized 1<sup>st</sup> and 2<sup>nd</sup> Readings to the amendment to the City of Saint John Weight Restriction By-Law attached to this report.

### ***REPORT***

The Saint John Weight Restriction By-Law mitigates the impact of heavy vehicles on City streets and infrastructure below the street. One such mechanism in this by-law is that the maximum per-axle mass of various truck configurations



permitted in the Provincial Motor Vehicle Act is reduced to 80% of typical limits during a Spring Weight Restrictions period on most City streets.

The structural integrity of the soil below the asphalt that supports it is weakened during the spring as water gets trapped in it by ice as the ice continues to melt from the surface down. The asphalt and underground infrastructure are therefore more susceptible to damage by heavy vehicles with the soil structure's weakened state. Reduced permitted axle weights mitigate this situation. The City uses the Spring Weight Restrictions period that is determined by the Province of New Brunswick each year, the dates of which can fluctuate year to year based on when the weather begins to get warmer causing the thawing ice in the soil below the asphalt.

The by-law exempts some City streets from this reduced axle mass limit during the Spring Weight Restriction period. Streets exempt include some arterial and collector streets and/or those that provide access to major industrial sites.

Spring Weight Restrictions for 2021 are currently in effect. They started March 1 and are expected to continue until May 16, subject to weather conditions.

A phase of construction of the Wentworth at the corner of Wentworth and Leinster Streets requires a particular vehicle-mounted crane owned by Irving Equipment Ltd. to be transported to and from the site to lift and install heavy concrete panels on the building. This work by this crane is required during the Spring Weight Restrictions period to prevent delaying the overall construction schedule for the building. The axle loadings of the crane are above the 80% limits. The route this crane must travel to get from its origin to the Wentworth and back again must travel on various Provincial Highways as well as City streets that are exempt from the 80% limits. However, the 80% limits must be respected on the final leg of the crane's journey, on Wentworth Street from Broad Street to Leinster Street, to be compliant with the City's current by-law. Wentworth Street would need to be temporarily exempt from the by-law to permit the crane to travel on it during Spring Weight Restriction period. The attached by-law amendment would facilitate this.

Given that the intention of the Saint John Weight Restriction By-Law is to mitigate damage to City streets and underground infrastructure, staff would facilitate additional measures to manage such risk in this case if Common Council is supportive of the recommended by-law change:

1. The exemption would be in place for a specific period of time,
2. A Saint John Police escort would accompany the transport operation,
3. A pre and post infrastructure condition assessment would be required by a third party Professional Engineer to identify if any damage is attributable to Irving Equipment Ltd.'s transport operation, and

4. An agreement would be in place to ensure Irving Equipment Ltd.'s obligations are confirmed and so that they would be responsible for damage attributable to the transport operation.

The agreement referenced in item #4 in the preceding paragraph is attached to this report for Common Council's consideration.

Staff note however there remains a risk that damage to roadway and particularly underground infrastructure attributable to the operation may not be identifiable between the pre and post condition assessments.

### ***STRATEGIC ALIGNMENT***

This report is ultimately about balancing two Common Council priorities with the tools currently available at our disposal. It seeks to align with Common Council's commitment to its Growth priority by supporting taxbase growth development. It also demonstrates efforts to fulfill Common Council's Fiscal Responsibility priority by mitigating risk of and responsibility for excessive damage to street and below ground infrastructure by transport of this heavy vehicle and crane during the Spring Weight Restrictions period.

### ***SERVICE AND FINANCIAL OUTCOMES***

In the absence of a Permitting process to more effectively balance the needs of the trucking industry with the impact that heavy vehicles cause to City streets, including during Spring Weight Restrictions, a more resource-intensive and lengthy process, such as described in this report must continue in cases such as this. As part of the current process, City staff from both the Public Works & Transportation Department and the Office of General Counsel are engaged in these case-by-case analysis, forming of an agreement, and administering the by-law amendment process over two Council meetings. From the trucking company's perspective, legal efforts to review and sign these agreements and extended timelines to serve their customer's needs as a result of requiring these matters to be considered over two Council meetings are negative impacts. Ultimately, often the customer of the trucking company receiving the goods or service experience impacts as a result of delays. A permitting process would reduce resource requirements and timelines while ensuring measures remain in place to ultimately remaining aligned, or even improve alignment, with Council's Growth and Fiscal Responsibility priorities. Exploring implementation of such a permitting process will be undertaken with a target of implementation for the 2022 Spring Weight Restriction period.

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

The General Counsel's Office has assisted with the preparation of the attached Weight Restriction By-Law Amendment and attached agreement.

***ATTACHMENTS***

Amendment to City of Saint John Weight Restrictions By-Law.  
Agreement with Irving Equipment Ltd.

**BY-LAW NUMBER MV-17  
A LAW TO AMEND A BY-LAW  
RESPECTING WEIGHT RESTRICTIONS  
WITHIN THE CITY OF SAINT JOHN  
ENACTED UNDER THE AUTHORITY  
OF SECTION 262(1) OF THE MOTOR  
VEHICLE ACT**

Be it enacted by the Common Council of  
The City of Saint John as follows:

A By-Law of The City of Saint John  
entitled “a By-Law Respecting Weight Restrictions  
Within The City of Saint John Enacted Under The  
Authority of Section 262(1) of The Motor Vehicle  
Act” enacted on the 5<sup>th</sup> day of April, A.D. 2004, is  
hereby amended as follows:

**1** Schedule A is amended by adding the  
following words under the following headings:

**Connection Routes**

Wentworth Street between Broad Street and  
Leinster Street only between March 23,  
2021 and March 28, 2021 inclusive

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  
\_\_\_\_\_, A.D. 2021 and signed by:

\_\_\_\_\_  
Mayor/Maire

\_\_\_\_\_  
City Clerk / Greffier de la municipalité

First Reading - March 8, 2021  
Second Reading - March 8, 2021  
Third Reading -

**ARRÊTÉ N° MV-17  
ARRÊTÉ CONCERNANT LES  
LIMITATIONS DE POIDS DANS  
THE CITY OF SAINT JOHN  
ÉDICTÉ EN VERTU DU  
PARAGRAPHE 262(1) DE LA LOI SUR  
LES VÉHICULES À MOTEUR**

Lors d’une réunion du conseil communal,  
The City of Saint John a décrété ce qui suit :

Par les présentes, l’arrêté de The City of  
Saint John intitulé « Arrêté concernant les  
limitations de poids dans the city of Saint John  
édicte en vertu du paragraphe 262(1) de la *loi sur  
les véhicules à moteur* », édicte le 5 avril 2004, est  
modifié comme suit :

**1** L’annexe A est modifiée par l’adjonction des  
mots suivants sous les titres suivants :

**Routes de raccordement**

rue Wentworth entre rue Broad et rue  
Leinster entre le 23 mars 2021 et le 28  
mars 2021 inclusivement

EN FOI DE QUOI The City of Saint John a fait  
apposer son sceau communal sur le présent arrêté  
le \_\_\_\_\_ 2021, avec les signatures  
suivantes :

Première lecture - le 8 mars 2021  
Deuxième lecture - le 8 mars 2021  
Troisième lecture -

THIS AGREEMENT made in duplicate as of the \_\_\_\_\_ day of March, 2021.

**BY AND BETWEEN:**

**IRVING EQUIPMENT LIMITED**, a corporation duly incorporated under the laws of the Province of New Brunswick, hereinafter called the "**Contractor**"

OF THE FIRST PART

– and –

**THE CITY OF SAINT JOHN**, 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 SECOND PART

WHEREAS the Contractor has been engaged in the construction of the "Wentworth" development at the corner of Wentworth Street and Leinster Street in the City of Saint John and Province of New Brunswick (the "Property"); and

WHEREAS travel to and subsequent removal of heavy industrial equipment from the Property, namely a crane, requires the operation of vehicles within the City with axle weights in excess of 80% of the axle weights permitted under the *Motor Vehicle Act*, RSNB 1973, c M-17, and the *Saint John Weight Restrictions By-law*, By-law Number MV-17, and amendments thereto (the "Heavy Vehicles"); and

WHEREAS the Contractor has requested permission from the City to operate Heavy Vehicles on Wentworth Street between Broad Street and Leinster Street (the "Street") between March 23, 2021 and March 28, 2021, inclusive, (the "Move"); and

WHEREAS the City is prepared to accede to the Contractor's request referred to in the immediately preceding recital by enacting an amendment to the *Saint John Weight Restrictions By-law*;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto for and in consideration of these presents and the covenants herein contained agree each with the other as follows:

1. That the Contractor shall only operate Heavy Vehicles on the Street between March 23, 2021 and March 28, 2021, inclusive.
2. That the Contractor shall notify (i) the City's Traffic Engineer at least three (3) business days in advance of the Move, (ii) Saint John Transit at least three (3) business days in advance of the Move, and (iii) the City's Public Safety Communications Centre immediately prior to and immediately following the Move.
3. That the Contractor shall, at its sole expense, engage a Professional Engineering Consultant, for the purpose of (i) conducting an assessment of the asphalt surfaces on the Street, and reviewing plans provided by the City with respect to the location and depth of the water, sanitary and storm sewer systems owned or operated by the City; (ii) identify any risk of the Heavy Vehicles coming into contact with any parked vehicles and/or other above-ground infrastructure during the Move; (iii) preparing a Risk Assessment Report for the Move; (iv) preparing a pre-Move and

post-Move Condition Survey Report of the asphalt surfaces and any above-ground public infrastructure at risk of being contacted relative to the planned and actual route of travel for the Move; and (v) identify any areas of on-street parking that need to be restricted during the Move.

4. That the Contractor shall (i) provide copies of the Risk Assessment Report to the Chief City Engineer or designate not later than March 22, 2021; and (ii) provide a copy of the pre-Move and post-Move Condition Survey Reports to the Chief City Engineer or designate not later than three (3) business days following completion of the Move.

5. That the Contractor shall be solely responsible for the cost of the Risk Assessment Report and the pre-Move and post-Move Condition Survey Reports.

6. That the Contractor hereby indemnifies, defends and saves harmless the City, its employees, officers, agents, successors and assigns, from and against any and all losses, costs, claims, demands, expenses, proceedings and actions of every nature and kind for injury or direct damages, to persons or property to the extent caused by the Move.

7. That the Contractor shall reimburse the City for all reasonable costs for work, repairs, alterations, reconstruction or replacement required to remedy any damage caused by the Move, within forty-five (45) days of the date of the Contractor's receipt of an invoice together with reasonable back-up information.

8. That the Contractor will make necessary arrangements with the Saint John Police Force for traffic control and escort services for the Move, and pay all costs associated with such services.

9. That the Contractor shall receive approval from the Province of New Brunswick for operation of the Heavy Vehicles on provincial highways not later than March 22, 2021.

10. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns respectively.

IN WITNESS WHEREOF the parties hereto have caused these presents to be duly executed by the properly authorized officers and their respective corporate seals affixed hereto as of the day and year first above written.

SIGNED, SEALED & DELIVERED	)	
in the presence of:	)	<b>IRVING EQUIPMENT LIMITED</b>
	)	
	)	Per: _____
	)	
	)	Per: _____
	)	
	)	and
	)	<b>THE CITY OF SAINT JOHN</b>
	)	
	)	_____
	)	Mayor
	)	



) \_\_\_\_\_  
) City Clerk  
)  
) Common Council Resolution:  
)  
) \_\_\_\_\_, 2021

COUNTY OF SAINT JOHN

PROVINCE OF NEW BRUNSWICK

I, \_\_\_\_\_ of the \_\_\_\_\_ and Province of New Brunswick, MAKE OATH AND SAY:

1. THAT I am the \_\_\_\_\_ of Irving Equipment Limited, the contractor named in the foregoing instrument and have custody of the corporate seal of the said company and am duly authorized to make this affidavit.

2. THAT the seal affixed to the foregoing agreement and purporting to be the corporate seal of Irving Equipment Limited, is the corporate seal of the said Irving Equipment Limited, the contractor named in the foregoing instrument and it was affixed by the officer authorized to so affix the seal.

3. THAT the signature “ \_\_\_\_\_ ” subscribed to the said instrument is my signature and as \_\_\_\_\_ I am duly authorized to execute the said instrument.

4. THAT the said document was executed as aforesaid at the \_\_\_\_\_ in the Province of New Brunswick on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

SWORN TO before me at the	)	
_____ in the Province	)	
of New Brunswick, this _____	)	
day of _____, 2021.	)	
	)	_____
	)	
	)	
_____	)	
Commissioner of Oaths	)	
Being a Solicitor	)	

Received Date	March 18, 2021
Meeting Date	March 22, 2021
Open or Closed	Open Session

Deputy Mayor Shirley McAlary and Members of Common Council:

**Subject: Municipal Election Candidate Sessions**

**Background:**

The municipal elections are coming up this May which presents a unique opportunity for citizens of our city to serve in public office. The opportunity to serve is a tremendous commitment that all members of our community should be given the chance to fully understand.

Furthermore, the current Saint John City Council has passed several initiatives that have set a plan for growth for the foreseeable future. Prospective candidates should have easy access to key documents that would help inform their views. This would allow candidates to campaign with a better understanding of our City.

Enhancing democracy is a worthy goal, offering education sessions to prospective candidates, citizens, and other stakeholders is an important component of our democracy. Several challenges currently exist, including low voter turnout, challenges related to navigating the immense amount of information shared through Council meetings, and gaps in who to call for support.

The decision to run for office is not one that should be taken lightly but it should be incumbent on a city to best present the facts so that we can encourage those willing to serve, to do so.

Those members of the Council not reoffering, could be available to answer questions related to the demands of the role on the council, if requested during the session.

**Motion:**

That the City Clerk holds a virtual information session or sessions that are open to any interested candidates for Common Council. These meetings must take place prior to 9 April 2021. That Elections NB be invited to attend and that the focus of the meetings be on explaining the processes and procedures that highlight expectations; time commitments; workload; governance and associated demands of being on Council. That the session or sessions clearly identify where all relevant information on policies and backgrounds is located for public access. That the City's website continues to maintain an "Elections Page" where the most significant information is presented for easy access. That the sessions be recorded and posted to the City's website.

Respectfully Submitted,

(Received via email)

Don Darling  
Mayor, City of Saint John



Received Date	March 18, 2021
Meeting Date	March 22, 2021
Open or Closed	Open Session

Deputy Mayor Shirley McAlary and Members of Common Council:

**Subject: Livability and Road Construction**

**Background:**

The past four years have been a monumental struggle, but we have come out the other side. We have resolved our structural deficit and established a long-term financial plan for the City. We have also aggressively advocated for real municipal reform at the provincial level – a process that is starting to show results that will change our city for the better.

The City of Saint John has focused on the growth of our tax base, population, jobs, tourism, and investment attraction, and the many positive community results that will come from enhanced outcomes. Envision Saint John, the Regional Growth Agency, has been formed as a call to action for a more prosperous and inclusive future for the Greater Saint John region.

Simply put, we need to grow and position the City of Saint John as a great place to work, live and play. Many experts around the world talk about the most livable cities and why citizens choose to live there.

When examining the world’s most livable cities, there is a cross-section of criteria used to rate or rank. Equally, these are well-researched measures that determine a cities ability to grow and thrive. They include Housing, Neighborhood, Transportation, Environment, Health, Engagement, and Opportunity.

Recently we had a significant announcement for the renewal of infrastructure of \$38.7 million dollars over the next six construction seasons. We wish to thank the Provincial and Federal governments for their support. These opportunities to renew our streetscapes and make our city more livable do not come around often.

The Case for Mobility Improvements in Saint John is embedded in our guiding documents. I would like to point to the following plans or sections.

Policy TM-43 from Plan SJ: "Develop a traffic calming policy for residential streets where excessive vehicle speed and/or inappropriate through traffic volumes are impacting the quality of life. Traffic calming measures such as street design techniques and enforcement would be considered as part of an overall traffic calming plan for a neighborhood."

From Peninsula Plan: "Engagement results: Throughout the planning process, engagement summary reports were prepared and presented to Council and key stakeholders. The “What We Heard” reports summarized feedback received at three separate stages [...] 4. A desire to improve active transportation and pedestrian infrastructure; 5. The need for more trees and greening;"



"Guiding Principles: [...] 9. Create high quality, pedestrian-friendly, and distinctive public realm."

"Neighbourhood Direction: [...] The Uptown Core will feature the City's most interesting and vibrant public realm, with public art, amenities for pedestrians and cyclists, vibrant commercial streets, and pedestrianized streets and lanes."

"Waterloo Village: [...] This type of built form, along with the width of the street and the lack of street trees and landscaping, encourages traffic to move at high speeds resulting in a poor pedestrian environment. [...]"

"“...from the Peninsula Plan, the 5-year work plan shows pedestrian improvements starting in 2021 and continuing beyond 2025 so if...have not been planning for this, shame on them!”"

From Move SJ Pedestrian Strategy: "[...] For Saint John, a Complete Streets policy can assist the City in implementing its PlanSJ Transportation and Mobility goals to: “Develop and maintain a balanced transportation system that meets the needs of all community members with a variety of options ...” [...] A Complete Streets policy is intended to shift Saint John from the previous focus on providing streets to move cars, to a focus on streets where people can interact and move about whether they are on foot, on a bicycle, on a new or alternative form of transportation, in a bus or in a car. [...] It requires a change in policies and practices to ensure that the entire public road right-of-way is routinely planned, designed, constructed, operated and maintained to enable safe access for all users that are appropriate for local context and needs."

The City staff currently explores opportunities to enhance active transportation, livability, speed calming, landscaping and other important community considerations anytime a street is re-constructed. However, a policy and approach that sees a more rigorous and formal undertaking would be beneficial.

**Motion:**

That before any tenders are approved for street reconstruction, Council be presented details on how current and planned city policies have been followed. That the concept of complete streets be embedded in our construction plans, and that opportunities to enhance livability be presented.

Furthermore, that appropriate consideration be given to pedestrians, active transportation, those with mobility challenges, and vehicles in the reconstruction of all streets included in our capital plans.

Respectfully Submitted,

(Received via email)

Don Darling  
Mayor  
City of Saint John



SAINT JOHN

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P.O. Box 1971 Saint John, NB Canada E2L 4L1 | [www.saintjohn.ca](http://www.saintjohn.ca) | C.P. 1971 Saint John, N.-B. Canada E2L 4L1

## COMMON COUNCIL REPORT

M&C No.	<a href="#">Click here to enter text.</a>
Report Date	March 17, 2021
Meeting Date	March 22, 2021
Service Area	Legislative Services

His Worship Mayor Don Darling and Members of Common Council

### **SUBJECT: COUNCIL GOVERNANCE ITEMS**

#### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	City Manager
<i>Chief Kevin Clifford</i> <i>Patricia Anglin</i>	<i>Chief Kevin Clifford</i> <i>Jonathan Taylor</i>	<i>John Collin</i>

#### **EXECUTIVE SUMMARY**

This is a covering title page for three separate reports that address the following Council Governance items:

1. M&C 2021-062 Public Safety Committee
2. M&C 2021-083 Election of Deputy Mayor
3. M&C 2021-080 O Canada at Council Meetings

#### **RECOMMENDATION 1**

It is recommended that Common Council receive for information the submitted report entitled M&C Report 2021-062 Public Safety Committee, approve the creation of the Public Safety Committee and approve the Terms of Reference submitted as Attachment 1 to the Report.

#### **RECOMMENDATION 2**

It is recommended that Council receive for information the submitted report entitled M&C 2021-083 and direct Legal Counsel to amend the Procedural Bylaw s. 11.2 Deputy Mayor Appointment process to reflect the following:

During the first meeting of council following the quadrennial election, councillors who are interested in the deputy mayor position will self-identify declaring their interest and stating their reasons at the meeting in Open Session.





At the second meeting of council following the quadrennial election, the Council will nominate a councillor for deputy mayor. The council members will elect the deputy mayor by a show of hands.

***RECOMMENDATION 3***

It is recommended that Common Council receive the submitted report entitled M&C 2021-080 Singing O Canada at Council Meetings for information and direct the City Clerk's Office to proceed with the development and implementation of a volunteer O Canada program to showcase local talent at Council meetings, with priority given to recognizing youth.

## COMMON COUNCIL REPORT

M&C No.	2021-062
Report Date	March 17, 2021
Meeting Date	February 22, 2021
Service Area	Public Safety Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Expanding the Committee Structure – Public Safety Committee***

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Chief Kevin Clifford</i></b>	<b><i>Chief Kevin Clifford</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

It is recommended that Common Council approve the creation of the Public Safety Committee and approve the attached (Exhibit A) Terms of Reference.

### ***EXECUTIVE SUMMARY***

The National Security Policy of Canada states “that there can be no greater role, no more important obligation for a government than the protection and safety of its citizens”.

The proposed Public Safety Committee (the “Committee”) will provide a strategic framework (the “Framework”) for municipal decision-making regarding public safety. The Framework introduces “The City of Saint John Safety and Continuity Management Program”, - a process designed to transform City Services from the current safety awareness state to an aspirational state that consolidates all city services under one common safety and continuity management program. The strategy frames the municipality’s collective capacity to achieve a vision of a community where everyone is safe to live, visit, work, and play. Importantly, the Committee will ensure that City Staff, Common Council, and the Community have complete safety situational awareness as it relates to the “Services” provided by the City of Saint John.

The proposed mandate of the Committee – “to provide a comprehensive and sustainable public safety approach that ensures a significant and continuous commitment to safety by the City of Saint John for those who visit, work, play, and live in our community”.

### **PREVIOUS RESOLUTION**

RESOLUTION January 14, 2019: RESOLVED that Council refer item 11.1 Expanding the Saint John Common Council Committee Structure to the City Manager, to report back recommendations on developing a plan to expand the City of Saint John Common Council Committee Structure to include a third Committee, that being a Public Safety Committee / Environment and Transportation services.

### **REPORT**

#### **Background**

Public Safety is one of the foremost principles of Municipal, Provincial and Federal Governance. In his March 2008 research document for The Canadian Centre of Intelligence and Security Studies (CCISS) at Carlton University Jacques J.M. Shore states that “the most primary and fundamental responsibility of government is the protection of its citizenry”.

The City of Saint John role with respect to public safety is not limited to the domains of Fire, Police, PSCC, and Emergency Management. Safety is a principal tenet across all the City’s Departments, embedded in various plans, policies, procedures, initiatives and day to day operations. Indeed, safety is the resonating theme for many of the non-emergency services. The safe, clean, drinking water project, as well as the active transportation goal to separate pedestrians from motor vehicles are examples of safety permeating across all aspects of municipal services.

#### **The Program: The City of Saint John Safety and Continuity Management Program**

It is proposed that the City of Saint John adopt the continuous improvement model of Plan/Do/Check/Act as identified in CSA Standard Z1600 - *Emergency and Continuity Management Program*. “The City of Saint John Safety and Continuity Management Program” will provided a complete systematic process by which all municipal “services” are subject to a safety analysis lens through a risk-based program of prevention and mitigation, preparedness, response, and recovery. The program will enable principles of “safety by design”.

#### **The Service Safety Analysis Process**

Each of the services as identified in table 1 will be examined through the Plan/Do/Check/Act continual improvement model as proposed, and further measure for performance utilizing the “Conformity Assessment Tool” (Exhibit B). A staff committee for each of the services will report to the “Committee” per the schedule as identified. The staff committee report will provide the “Committee” information as it relates to the “safety” status of the identified service including performance and recommendations. The “Committee” will consider staff

recommendations and be free to introduce initiatives of their own upon receiving the staff report.

**TABLE 1: Public Safety Committee Framework  
EXAMPLE ONLY - Service Review Schedule**

Public Safety Committee Framework: <b>EXAMPLE ONLY</b> Service Review Schedule			
June	September	December	March
MERP*	SJ Fire Technical Rescue	Public Gatherings	Community Policing**
Move SJ	SJEMO committee(s) review	Flood Contingency Plan	Rail Safety
Pandemic Response Plan	Road Safety	Evacuation Plan**	Plan SJ
Safe Clean Drinking Water	Winter Management Plan	Line Painting	Active transportation

**\*MERP - Municipal Emergency Response Plan**

**\*\* Subject to the Authority of the Board of Commissioners for the Saint John Police Force**

The above table is simply an illustration of the approach that would be taken with respect to creating a continuous cycle from which each “service” item will be assess.

The services as identified in the above table are for illustration purposes only. City Staff will work to provide more clarity on the suite of services that will be subject to the public safety committee oversight. In the process of identifying the suite of services subject to a safety oversight, staff will be mindful that public safety has a broad application and could possibly include items such as streetlights, recreation facilities, transit, extreme weather, and terrorism.

The proposed “Service Review Schedule” will be presented at the first meeting of the Public Safety Committee.

## The Service Review Continuum

In preparation for Committee report, staff responsible for the applicable service would be required to prepare a report that provides a summary on the service review utilizing the Plan/Do/Check/ Act criteria. CSA 1600 provides a conformity assessment tool that utilizes the Plan/Do/ Check/Act as assessment / evaluation criteria for service reviews (Exhibit B).

An explanation of each phase of the Plan/Do/Check/ Act evaluation criteria is as follows.

**Plan** – Is program management, leadership, and planning in place?

- Program management and planning requires leadership and commitment.
- Identify the program committee, coordinator, program administration, laws, and authorities.
- Identify all programs, initiatives, policies, plans, procedures, across and within municipal departments as a first step.

**Do** - Have the appropriate procedures with respect to safety solutions been developed and exercised where applicable?



- Implement safety strategies and plans for each of the identified service areas.
- Identify the applicable crisis management, communication, resource management and warning systems, if required.
- Identify operational procedures, facilities, and training needs associated with the desired safety outcomes of the service.
- Identify safety objectives within each service including critical key performance indicators from which performance is measured

**Check** - Has the operational phase been monitored? Did expected performance matched actual performance?

- Evaluate service performance against key performance indicators.
- Evaluate actual performance; where actual performance hard to measure, exercise and test competence to assess performance.
- Conduct review of service performance highlighting service success and areas for improvement.

**Act** - Have after-action-reviews been conducted such that lessons learned are identified?

- Ensure recommendations are developed for Committee consideration.
- Empower Committee to have complete situational awareness of service.
- Enabled Committee to make recommendations to Common Council supporting the notion of build back better.

The “Act” phase incorporates the management review component of the continual improvement process as identified in CSA 1600. The primary role of the Committee resides within the act phase. The Committee members would be presented with specific “Service” safety profiles that include a comprehensive review of the Plan/-Do/-Check components of the continuous improvement model. Upon receiving the applicable “service safety profile report” from staff, the Committee can action along the following paths.

- Receive and file if appropriate.
- Consider any Council resolution as recommended by the staff presentation.
- Provide specific direction (in the form of a Council resolution) as a result of the Committee’s assessment of the “service safety profile report” as provided by staff.
- Recommend further continuous improvement in Plan/Do/Check phases.

**Exhibit B** provides an illustration of the evaluation as completed using the Service – Conforming Assessment Tool on the Municipal Emergency Response Plan (MERP) Service.

### **STRATEGIC ALIGNMENT**

Vibrant, Safe City: Ensure that the delivery of efficient public safety services address the evolving needs of a growing community.

### **SERVICE AND FINANCIAL OUTCOMES**

Continuous Improvement and Business Continuity Lens – From an Overarching Organizational Safety Perspective

### **INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS**

Staff from the Clerk’s Office have provided input into the development and preparation of the Public Safety governance approach described in this Report.

The City’s General Counsel Office has reviewed the particulars of the Public Safety governance approach, as referenced in the Report.

Staff from Public Works and Transportation helped create the draft Service Review Schedule .

### **ATTACHMENTS**

*Exhibit A. Terms of Reference Public Safety Committee*

*Exhibit B. City of Saint John Public Safety Committee “Service - Conformity Assessment Tool”*



## **Exhibit A**

### **COMMITTEE TERMS OF REFERENCE**

Committee Name:	Public Safety Committee	
Date of Formation:	March 22 <sup>nd</sup> 2021	
Enabling Legislation/By-Law:	Local Governance Act Section 10	
Staff Support:	City Clerk's Office	
Total # of Members:	Public: 0	Common Council: 5
Meeting Frequency:	Quarterly	
Link to Common Council's Priorities	Ensure that the delivery of efficient public safety services address the evolving needs of a growing community.	

#### **1. MANDATE**

Common Council has established a Public Safety Committee and has given the Committee the administrative powers and duties set out herein. The mandate of the Public Safety Committee is “to provide a comprehensive and sustainable public safety approach that ensures significant and continuous commitment to safety by the City of Saint John for the benefit of those who visit, work, play, and live in our community”. The mandate charts a path to a more holistic, coordinated approach to community safety by design.

#### **2. MEMBERSHIP**

The Public Safety Committee (the Committee) is a Committee of Common Council.

- a. The Committee shall consist of a total of 5 voting members of Common Council, one of which is the Mayor.
- b. The Committee Chair and Vice Chair shall be selected by the Committee.
- c. The Committee meetings will be attended by at least one representative from each of the following groups:

- City Manager
- Fire Chief / Emergency Management Services
- Public Works and Transportation
- Utilities and Infrastructure
- Growth and Community Services
- Government Relations and External Affairs
- Saint John Board of Police Commission and Police Force delegates
- Human Resources
- Information Technology and Communications (ITC)
- General Counsel Office (GCO)
- Saint John Transit
- Saint John Energy

The staff representatives are not members of the Committee; rather their role is to provide subject matter expertise to the Committee.

d. Common Council shall make Council appointments to the Committee. The City Manager and Board of Police Commissioners (as police force authority) will determine staff representation to participate in the Committee.

e. Where a member of the Committee fails to attend three consecutive meetings of the Committee without approval of the Committee, the member may be struck from the Committee membership and replaced by a Council appointment.

f. If any member ceases to be a member of the Committee before the expiration of their term, Common Council may appoint another person to be a member for the un-expired portion of the term.gf. In all other respects, the rules of procedure for the Committee shall be governed by the City's Council Procedures Bylaw insofar as it may be applicable.

h. The Committee Chair will act as a liaison between the Committee and Common Council.

### 3. MEETINGS

a. The Committee shall meet quarterly and may have additional special meetings as required at the call of the Committee Chair.

b. Committee meetings will be open to the public in accordance with the requirements of Section 68 of the Local Governance Act. The public may be excluded only in the circumstances identified therein.

c. The Council Procedure Bylaw will provide direction for the governance of the Committee as required.

d. Quorum for any meetings will be at least fifty-one (51) percent of the number of members of the Committee.

e. Meetings shall be set for 1 to 2 hours in duration but may extend beyond 2 hours at the discretion of the Committee.

f. All decisions of the Committee shall be in the form of resolutions duly passed by a majority of its members present. The Committee shall strive to reach consensus on issues and shall forward recommendations in the form of Public Safety Committee resolutions to the Common Council.

f. The City Manager and assigned staff will identify a delegate to attended on their behalf in instances where they are absent.

g. In addition to the assigned Committee representatives from staff, the City Manager may have other employees attend provided the Committee consents.

### 4. ADMINISTRATIVE POWER AND DUTIES

It will be the work of the Committee to:

- Review the initiatives underway at the municipal level with an eye toward strengthening the governance and social infrastructure necessary to enhance community safety and well-being.
- Develop priority areas for a Public Safety Policy Framework that will address:

- Building Resident Resilience
- Ensuring Safe Spaces
- Strengthening Communities
- Preventing and Reducing Crime.
- The Committee will monitor the plan through identifying baselines for annual actions to be performed.
- Implement actions and programs that give effect to the Framework and engage such third parties, as may be required, to support the work of the Committee.
- Develop education and communication strategies to ensure that residents and visitors to the City have an active understanding of the safety programs and resources.
- Monitor the Framework by identifying baselines for annual actions to be performed, including by means of benchmarking, as appropriate and will, as required from time to time, propose modifications to the Framework and/or these Terms of Reference for approval by Common Council.
- Take all such further steps as may be appropriate to give effect to the mandate of the Committee.

## 5. REPORTING

- a. The Committee will be provided with secretarial support by the City Clerk's Office.
- b. The City Clerk will ensure that as soon as practicable after each meeting, minutes of that meeting, including the names and titles of all persons present and a record of all decisions reached, are prepared, and distributed to all Members.
- c. The Committee Chair shall report to Common Council at least annually on the activities of the Committee and a copy of the minutes of each meeting of the Committee will be made available to members of Common Council.

**Exhibit B**

<b>CONFORMITY ASSESSMENT TOOL: <span style="color: red;">EXAMPLE ONLY</span></b>				
<b>SERVICE - Municipal Emergency Response Plan (MERP)</b>				
<b>PLAN</b>				
<b>Target</b>	<b>Conforming</b>	<b>Partial Conforming</b>	<b>Nonconforming</b>	<b>Comments</b>
Leadership Team identified	X			
Plan document up to date			X	New MERP to be presented to Council in June
Objectives from previous assessment completed		X		Not all after action reviews have been completed
<b>DO</b>				
Crisis Communication Plan in Place		X		Crisis communications on work plan for 2021
Emergency Response Procedures developed for high consequent events		X		Procedures for identified site near completed
Conduct critical exercise as identifies	X			Large scale exercise planned for fall of 2021
<b>CHECK</b>				
Evaluate performance against key performance indicators	X			Level 2 and Level 1 activation of pandemic assessed in after action review
Evaluate staff participation against expected 80 percent	X			Participation is in the 90 percentiles
<b>ACT</b>				
Conduct after action review on all incidents that meet predetermined criteria		X		After action reviews conducted on 6 of 10 incidents meeting criteria
Completed objectives as identified in previous assessment	X			Completed all 10 Council resolutions from last assessment
Identify improvements areas / objectives to be pursued over next business cycle (1 year)	X			Recommendations for improvements presented to Committee

## COMMON COUNCIL REPORT

M&C No.	2021-083
Report Date	March 17, 2021
Meeting Date	March 22, 2021
Service Area	Legislative Services

His Worship Mayor Don Darling and Members of Common Council

**SUBJECT: Selection of Deputy Mayor**

### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	City Manager
<i>Jonathan Taylor / Patricia Anglin</i>	<i>Jonathan Taylor</i>	<i>John Collin</i>

### **RECOMMENDATION**

It is recommended that Council approve Option 3 for the selection of the deputy mayor and direct staff to prepare a Procedural Bylaw amendment (s. 11.2 Deputy Mayor Appointment process) for council's approval reflecting the following:

#### **Option 3 – Council Nominates and Elects the Deputy Mayor**

During the first meeting of council following the quadrennial election, councillors who are interested in the deputy mayor position will self-identify declaring their interest and stating their reasons at the meeting in Open Session.

At the second meeting of council following the quadrennial election, council members will elect the deputy mayor by a show of hands and adopt a resolution to appoint the deputy mayor for the 4-year term of council.

### **EXECUTIVE SUMMARY**

The tradition in Saint John is to elect as the deputy mayor the councillor who receives the highest number of votes in the quadrennial municipal election.

After a 2007 plebiscite the city changed from an at-large election system to a hybrid at-large and ward system which resulted in only two of the ten councillors being eligible for the deputy mayor position.

Staff recommend council update its practice and adopt a procedure which provides all ten councillors (8 ward, 2 at-large) with the opportunity to be elected deputy mayor.

### **PREVIOUS RESOLUTION**

November 9, 2020: RESOLVED that the selection process of Deputy Mayor be referred to the City Manager and City Clerk to bring forward a by-law in written form for approval by Council before the end of February 2021, to be in place before the 2021 election season commences.

### **REPORT**

In New Brunswick, it is only the positions of mayor and councillors that appear on the ballot of the quadrennial municipal election. The *Local Governance Act* requires the council to elect one of its councillors as deputy mayor. The method of choosing the deputy mayor is left at the discretion of the municipality.

Prior to 2007 the City of Saint John had an 'at-large' election system whereby the mayor and all ten councillor positions were elected by all voters in the city. At its first meeting following the election, Common Council appointed the deputy mayor by choosing the councillor who received the highest number of votes in the quadrennial election.

After a plebiscite held October 9<sup>th</sup>, 2007 the city adopted a hybrid at-large/ ward election system which resulted in the creation of four distinct wards (districts) within the city. The mayor and two councillors at-large are elected by voters of the entire municipality and eight Ward councillors are elected by voters in their ward only (2 councillors per ward).

The long-standing tradition for the selection of a deputy mayor was maintained after the change to the at-large/ward system. As a result, the two at-large councillor positions are the only councillors who receive sufficient vote numbers to be elected as deputy mayor.

Council's November 9, 2020 resolution directed staff to report back regarding the selection process for deputy mayor and to prepare a Procedural by-law amendment to codify the process. During the discussion on this topic, council members provided the following feedback:

- Consensus – replace the traditional approach with a codification in the Procedural bylaw.
- 2 Members – elect the candidates with the highest number of votes / maintain the status quo.
- 3 Members – research best practices to apply.
- 1 Member – maintain the 4-year term, annual rotation is not advised.

## Local Governance Act Provisions

- The LGA s. 48(3) provides that the Procedural By-law shall state the way a deputy mayor is elected: *The Council of a local government shall elect a deputy mayor in accordance with a procedural by-law made under paragraph 10(2)(a).*
- The LGA s. 66(1) provides the method of voting – each member shall announce his or her vote openly and individually...and no vote shall be taken by ballot or by any other method of secret voting...

## Procedural Bylaw Provisions

s. 11.2 At the first meeting, Council shall elect a member to Act as Deputy Mayor for the term of office of the Council.

## Research on Deputy Mayor Selection Practices

Research illustrates that municipalities across the country use a wide variety of approaches for the deputy mayor selection process. The process is governed by protocol, bylaw, and provincial legislation.

In some cities the mayor appoints the deputy mayor, in others the mayor nominates a councillor and council appoints. In St. John's candidates run for the position of deputy mayor in the municipal election and are elected by citizens. Attachment 1 to this report outlines the deputy mayor selection process used in eight other cities.

## How do other New Brunswick cities elect a Deputy Mayor?

### City of Moncton Procedural Bylaw

Like Saint John, the City of Moncton is comprised of four Wards with two city councillors representing each Ward. In addition, there are two councillor-at-Large positions that represent the city as a whole. Elections take place every four years with residents of each ward voting for a mayor, two ward councillors and two councillors-at-Large.

The Procedural Bylaw s. 90 provides that Council shall elect a Deputy Mayor at its first meeting and annually thereafter at a regular meeting following the anniversary date of the preceding municipal election.

#### PROCESS:

- Mayor calls for nominations at the first meeting.
- Deputy Mayor is elected by a show of hands or by stating their choice in open session.
- The term is annual.



- The process is repeated annually.

Note: The City of Moncton is currently reviewing their selection process in 2021.

#### City of Fredericton Procedural Bylaw

The City of Fredericton is governed by a City Council consisting of a mayor nominated and elected at large, and 12 city councillors, nominated and elected by ward. The mayor and city councillors serve for a four-year term.

The Procedural Bylaw provides the following: s. 5.01 Not later than the second regular meeting of City Council following a regular quadrennial election the Mayor shall nominate a candidate for Deputy Mayor and Council shall elect a Deputy Mayor by show of hands held in open session. Effective May 2014, the successful candidate shall hold office for a period of two years at which time the process shall be repeated.

#### PROCESS:

- Mayor nominates a candidate not later than the second meeting.
- Deputy Mayor is elected by a show of hands in open session.
- The term is for two years.
- The process is repeated every 2-years.

### **Deputy Mayor selection process options for Council's consideration:**

#### Option 1 – Codify the existing process:

Codify into the Procedural by-law Common Council's current practice of electing as deputy mayor the councillor-at-large who gains the highest number of votes in the municipal election.

#### Option 2 – Mayor Nominates from the Councillors who express an interest to be Deputy Mayor:

During the first meeting of council following the quadrennial election, councillors interested in serving as deputy mayor will declare their interest.

At the second meeting of council, the mayor will nominate a councillor for deputy mayor. The council members will elect the Deputy Mayor by a show of hands.

#### OPTION 3 – Council Nominates and Elects the Deputy Mayor

During the first meeting of council following the quadrennial election, councillors interested in serving as deputy mayor will declare their interest.

During the second meeting of council following the quadrennial election, Council Members shall nominate and elect a Deputy Mayor by a show of hands.

### Recommendation

For all three options staff recommend the deputy mayor be appointed for a 4-year term. Council has discretion to appoint for a shorter term if desired.

The deputy mayor election process should be clear and transparent. The best way to ensure this is to codify the election process in Council's Procedural Bylaw.

Staff recommend that Council adopt Option 3. At the first meeting of Council, councillors wishing to serve as deputy mayor would express their interest and provide a brief statement to the council. At the next Council meeting, council members would nominate and elect a deputy mayor by a show of hands. A procedural bylaw amendment for council's approval would be prepared for the next meeting of council.

### **STRATEGIC ALIGNMENT**

Good governance

### **SERVICE AND FINANCIAL OUTCOMES**

Nil

### **INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS**

Legal Counsel, City of Fredericton, City of Moncton

### **ATTACHMENTS**

*Attachment 1 – Deputy Mayor Selection Process Research*

Attachment 1 M&C Report 2021-083 - Selection of Deputy Mayor

<p align="center"><b>DEPUTY MAYOR SELECTION PROCESS 2020 RESEARCH</b></p>							
CITY	PROV	POPULATION 2016 CENSUS	COUNCIL COMPOSITION (WITH MAYOR)	ROLE	ELECTION	TERM	LEGISLATION
Brantford	ON	97,496	11 TOTAL  5 WARDS / 10 COUNCILLORS	Acting Mayor	NO	Monthly rotation based on schedule created by Clerk. Only acts in Mayor's absence.	Bylaw
Fredericton	NB	58,220	13 TOTAL  12 WARDS	Deputy Mayor	YES	2-year term. Nominated by Mayor. Elected by Council show of hands.	Bylaw
Guelph	ON	131,794	13 TOTAL  6 WARDS	Acting Mayor	NO	Monthly rotation based on alphabetical order by last name.	Protocol
Halifax	NS	493,131	17 TOTAL 16 DISTRICTS	Deputy Mayor	YES	Annually by secret ballot	Bylaw
Levis	QC	143,414	16 TOTAL 15 BOROUGHES	Deputy Mayor	NO	4-year term. Appointed by Mayor.	Provincial
Moncton	NB	71,890	11 TOTAL HYBRID 2 AT-LARGE 4 WARDS	Deputy Mayor	YES	Mayor calls for nominations at the first meeting of the new Council. Deputy Mayor is elected by a show of hands or by stating their choice in open session. The term is annual. The process is repeated annually.	Bylaw

Red Deer	AB	100,418	9 TOTAL 8 AT-LARGE	Deputy Mayor	NO	Monthly rotation schedule which is approved each year.	Bylaw
St. John's	NF	108,860	11 TOTAL  DEPUTY MAYOR ELECED BY PUBLIC	Deputy Mayor	YES	4-year term. Elected by municipal election – separate position on ballot.	Provincial

## COMMON COUNCIL REPORT

M&C No.	M&C 2021-080
Report Date	March 16, 2021
Meeting Date	March 22, 2021
Service Area	Legislative Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Singing O Canada at Council Meetings***

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<i>Patricia Anglin</i>	<i>Jonathan Taylor</i>	<i>John Collin</i>

### ***RECOMMENDATION***

It is recommended that Common Council receive the submitted report entitled M&C 2021-080 Singing O Canada at Council Meetings for information and direct the City Clerk's Office to proceed with the development and implementation of a volunteer O Canada program to showcase local talent at Council meetings.

### ***REPORT***

In 2015 the City of Saint John followed the historic decision handed down by the Supreme Court of Canada and discontinued its practice of offering an opening prayer at Common Council meetings.

Following the 2015 ruling, many municipalities across the country decided to replace the opening prayer with either a 'moment of reflection' or the singing of the National Anthem.

Establishing a National Anthem program for Saint John Common Council meetings would provide a positive community engagement opportunity to showcase local talent of youth in the community.

When the first familiar chords of "O Canada" play at schools, hockey games and other events, Canadians stand with pride in honour of their country. Proclaimed to be Canada's national anthem on July 1, 1980, "O Canada" was first sung in French 100 years earlier.

## Similar Community Engagement Singing the National Anthem Practices.

The City of Oshawa as part of their community engagement invites Oshawa schools and community organizations to show off their talent and sing O Canada at the beginning of Council meetings. Groups are eligible to sing at one Council meeting per year and are required to supply their own music, however due to size and time limitations, instrumental groups and bands cannot be accommodated.

The City of Guelph showcases local musical talent by inviting artists to perform the national anthem at City Council meetings. The performances are also a part of Rogers TV live broadcast of City Council meetings.

In 2019 the City of Cornwall council decided it would invite local singers to perform the national anthem at some of its meetings. "It feels like a nice idea ... to showcase local singers at city hall. It wouldn't be at every meeting; it would have to be coordinated," said the mayor.

These "are all efforts to bring people into the council chambers and to broadcast to the public what we have here."

The city put out a call for those interested in performing the national anthem to contact the clerk's office at city hall.

The city has also approached high schools in the community to see if they are interested.

"We're eager to see where that goes, and maybe to expand it out from there. It's always good to start with the young people," said the mayor.

Staff recommend that an O Canada program for Common Council meetings be developed with a focus on engaging local youth in the community. The City Clerk's office would develop the program and create a registration process. Staff would communicate with local organizations and schools to promote this new initiative and to identify local singers who wish to participate.

It is recommended that Common Council approve the development and implementation of an O Canada program to showcase local talent at Council meetings.

### **STRATEGIC ALIGNMENT**

Public Engagement

***SERVICE AND FINANCIAL OUTCOMES***

Volunteer program with no remuneration.

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Several Municipalities were consulted.

***ATTACHMENTS***

None





*Chair/President*  
**Joanna Killen**

*Vice-Chair/Vice-president*  
**Lisa Hrabluk**

*2<sup>nd</sup> Vice-Chair*  
**Suping Shi**

**Darren McLeod**  
**Tim Blackmore**  
**Councilor Donna Reardon**  
**Abigail Smith**  
**Councilor David Hickey**  
**Lea St. John**  
**Dahlia Das**  
**Mostafa Aboeineil**  
**Kara Au**  
**Laura Oland**

*Arts and Culture  
Coordinator*  
**Kate Wilcott**

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\*Logo based on City Hall  
sculpture "Progression" by  
Claude Roussel, CM, ONB, RCA

## MEMORANDUM

March 15<sup>th</sup>, 2021

Mayor Don Darling and Members of Council  
City of Saint John

Your Worship and Councilors,

### **Re: 2021 Saint John Community Arts Funding Program**

A regular meeting of the Saint John Community Arts Board's Small Grant Jury was held on Friday March 12, 2021 to decide the 2021 Community Arts Funding grant recipients.

The Saint John Community Arts Board Jury approved the grant amounts to be awarded to each organization or group as per the attached list, totaling \$35,650.00. Such funding will be covered under the 2021 Saint John Community Arts Funding Program, from the \$70,000 budget allocated by Common Council for the Board's programs.

This year, the board received 20 project and festival submissions from 18 different organizations, with a total financial request of \$71,016.00. The 15 approved projects represent our diverse arts and cultural community and will add to the growth, prosperity, and vibrancy of the City.

The Community Arts Board recommends that Saint John Common Council receive and file this letter and direct the Commissioner of Finance to issue cheques to be distributed to the grant recipients at a forthcoming presentation.

Respectfully Submitted,

Joanna Killen  
Chair  
Saint John Community Arts Board

Attached: List of grant recipients for 2021

**1. ARCF de Saint-Jean: \$2500.00****« Coup de Cœur »**

Une initiative spéciale célébrant la chanson de langue française. Le projet donne accès aux saint jeannois à des artistes professionnels de la chanson dans le cadre de la Série Rido, seule série de spectacles en français offert aux francophones et francophiles du Saint John métropolitain. Trois activités qui regrouperont six artistes dans le cadre d'une programmation 2021 qui s'annonce des plus prometteuses: Salesbarbres, Beauséjour et Laurie Leblanc, et les Haybabies et Simon Daniel. De façon plus précise, des rencontres avec les élevés du Centre Scolaire Samuel-de-Champlain seront organisées.

**2. Commission de la Bibliothèque Le Cormoran: \$2000.00****« Salon du livre de Saint-Jean »**

L'activité littéraire appuyée par cette subvention donne l'opportunité aux citoyens de rencontrer des auteurs francophones et d'acheter des livres en français. Certaines rencontres d'auteurs auront lieu en personne si c'est possible et les autres auront lieu de manière virtuelle et il y aura probablement des rencontres hybrides qui combinent les deux méthodes. La vente de livre aura lieu en personne si c'est possible, sinon nous ferons la promotion de la Librairie Le Bouquin pendant le Salon. La majorité des auteurs que nous recevons sont du Nouveau-Brunswick, incluant quelques-uns de Saint-Jean.

**3. Connection Dance Works: \$2000.00****“PERSPECTIVE”**

For over ten years, CDW has produced the PERSPECTIVE series. To celebrate this milestone, the company is proposing to document the history of the series since its first official performance in 2010 and then to present a special celebration of this history during the 2021 fall show. The series is unique to NB as it gives dance artists valuable and immediate audience perspectives and recognition for their work, promoting their further development. It focuses on an open format that offers opportunities for artists to show works currently in development.

**4. Connection Dance Works: \$2750.00****“Saint John Contemporary Dance Festival”**

CDW is presenting the 11th annual Saint John Contemporary Dance Festival from July 19-24<sup>th</sup>, 2021. This festival is a celebration of contemporary dance that features professional choreographers and dancers from New Brunswick, as well as local emerging dancers and musicians. The festival has been helping to strengthen the landscape of contemporary dance in Atlantic Canada.

**5. Early Music Studio of Saint John Inc.: \$2500.00****“Saint John Early Music Festival Community Outreach”**

The Early Music Studio will perform 22 public concerts, 8 school concerts, 4 senior concerts, and 32 workshops over the 2021/2022 season, featuring professional musicians. The music itself is from the period of Saint John's foundation in the late 18<sup>th</sup> century, and the organization offer performances not otherwise available in the City.

**6. Fundy Fringe Festival/Saint John Theatre Company: \$3000.00*****“Fundy Fringe Festival”***

Fringe is a multi-day, multi-disciplinary arts festival that runs during the third week of August in Saint John. This will be Fundy Fringe's 9th anniversary. The variety of cultural activities within the week of Fringe is without limits. Artists from all walks of life create performances that seek to redefine performing and creative arts. The main showcase of the festival includes but is not limited to: Stand up comedy, storytelling, dance, magic, circus, film, live music, historical re-enactments, and dramas.

**7. Girls Rock Camp/Quality Block Party: \$2000.00*****“Saint John Rock Camp for Girls and Gender Creative Kids”***

A weeklong day camp for girls, genderqueer, and trans kids from age 11-18. The program aims to provide the next generation of music community leaders with the skills to play a new instrument (or new techniques on an old one), the support to participate in their music community, and the confidence to perform live with their new band. Campers will learn from local facilitators to play their instrument, learn sound tech basics, make their own merch, and more.

**8. The Greater Saint John Chinese Cultural Association Inc.: \$3000.00*****“Chinese Youth Music Group”***

The Greater Saint John Chinese Association will build and cultivate Chinese youth musicians who are currently living in Saint John or from this area, and have been trained to use various instruments such as violin, saxophone, clarinet, piano, trumpet, drum, guitar, etc. This music has profoundly influenced young generations and produces rich heritage of music and culture embracing all members of our multicultural community. Performances will be accessible to all members of the community.

**9. InterAction School of Performing Arts: \$2,400.00*****How to be Kind Podcast Pt 2***

How to be Kind Podcast is a continuation of the InterAction Youth Podcast, which began in the summer of 2020. Initially intended as a podcast focused on youth driven stories from the GSJ area, the Youth podcast has since transformed into a forum for local youth to discuss the pandemic and how it is impacting student mental health. The podcast explores different ways youth are coping with their new reality, while gaining insight on how students can be kinder to themselves, their friends, their family, and community. Students learn to brainstorm, plan, record, edit, and launch podcasts, while also having an opportunity to collaborate with each other both in person and virtually. Each episode contains conversations, songs, stories, poems, and interviews. Phase Two will launch this spring and will be free to all youth.

**10. Loyalist City Shakespeare/Saint John Theatre Company: \$1000.00*****“Shakespeare Variety Show”***

Loyalist City Shakespeare will present A Shakespeare Variety Show. The company will put out a call for performances of 10-minute scenes featuring 1-3 community theatre actors each. The show will be presented in a tent in the SJTC parking lot. Actors will be chosen based on quality, diversity, and feasibility and everyone is welcome to apply to perform.

**11. North Market Wharf Cultural Association: \$2500.00*****“Made in New Brunswick Summer Series”***

North Market Wharf Cultural Association will present a daily summer-long series using the talent of local New Brunswick entertainers to locals and Atlantic Bubble guests. Funding will go directly to help fund local musicians and entertainers.

**12. Saint John Cycling Club Inc.: \$2500.00*****“Beautification of Enduro Trails at Rockwood Park: Public Art”***

Metalsmith Guylaine Cyr will design sculptural and functional metal artwork to be permanently installed at different key locations within the Rockwood trail network. The approved designs commemorate the old ski hill as well as pay homage to outdoor sports. 3 solid park benches artfully fabricated by wrought iron techniques and customised to this site, using retired skis and snowboards, one or two small to medium sculptures and one main trail head sign indicating the trail name, made from retired bicycle parts.

**13. Saint John Jewish Historical Society Inc.: \$2000.00*****“Every Stone Tells a Story”***

The goal of this project is to create a guided and/or self guided walking tour of the Shaarei Zedek Cemetery with a variety of themes: War veterans, Holocaust Survivors, Merchants, Community leaders, immigrants, artists, women, and family stories. The tour will present the stories of not just those who rose to prominence, but also of the immigrants, the peddlers, the merchants, the doctors, the wives, and the children who made up the Jewish Community.

**14. Saint John String Quartet: \$3000.00*****“Quartet in the Classroom”***

The Quartet in the Classroom program helps demystify classical music and musicians and invites young people to think openly about creative endeavors and their future aspirations. For many children, this is their first time interacting with live or virtual classical music and musicians. The Quartet in the Classroom is promoted through the School District 6 Fine Arts Department and a COVID-19 Plan has been approved by the School District Superintendent’s office. At-home students along with their households are welcome to attend ZOOM presentations.

**15. Symphony New Brunswick: \$2500.00*****“Meet YOUR Symphony Orchestra”***

Using its established core groups of winds, strings, and percussion, SNB will introduce instruments and musicians to audiences as the concept of an orchestra will be explored through stories and demonstrations. Performances will be held outdoors to allow distancing, drop-in attendance, and accessibility.



**FREDERICK FERNANDEZ  
PROFESSIONAL CORPORATION**

**Barrister and Solicitor**

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Saint John, New Brunswick

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Fax: (506) 214-1286  
Email: fred@fernandezlaw.ca

March 16, 2021

Saint John City Hall  
15 Market Square  
Saint John, NB  
E2L 4L1

**Attention: Jonathan Taylor, City Clerk**

Dear Mr. Taylor:

**Re: Jon Alexander Fraser and Carrie Eirene Stevenson  
191 Princess Street, Saint John, New Brunswick (the "Premises")  
Request to Remove Heritage Conservation Area Designation from the Premises  
located at 191 Princess Street, Saint John, New Brunswick**

I am writing as solicitor for Jon Alexander Fraser and Carrie Eirene Stevenson who are the registered owners of the Premises. **Please accept this letter as our request to remove the heritage conservation area and any other heritage designation from the Premises.**

Kindly advise the next procedure that we are required to take in order to proceed with our request.

Yours truly,

Frederick Fernandez

cc: Heritage Development Board

*Town of Grand Bay-Westfield*  
*Mayor's Office*

**Mayor Grace Losier**  
**609 River Valley Drive • P.O. Box 3001 • Grand Bay-Westfield, N.B. • E5K 4V3**  
**Tel: (506) 738-6433 • Fax: (506) 738-6424 • mayor@towngbw.ca**

March 16, 2021

Mayor Don Darling  
City of Saint John  
P.O. Box 1971  
Saint John, NB  
E2L 4L1

Dear Mayor Darling:

To better understand the current and future needs and demands for parks and recreation services the Town of Grand Bay-Westfield is undertaking a strategic planning process with the aim of developing a progressive roadmap to guide the delivery of parks and recreation experiences and opportunities.

As some West Saint John neighbourhoods are a part of our regional community, and with the understanding that planning future facilities and serviced in the Town may have an impact on your residents, we would like to request that we be able to include the West Saint John neighbourhoods of Martinon, Ketepic, Morna, in our public engagement process for the project.

This would involve including your residents in our efforts to gather input from the general public, as well as speaking with organized parks and recreation groups in your community. It would also mean that we include the parks and recreation facilities and spaces found within your West Saint John boundaries in our review and assessment of the current state of parks and recreation in the region.

We hope that you will allow us to engage your residents and include the parks and recreation amenities in your neighbourhoods as consideration in our overall planning process. We would be happy to answer any questions you may have. Please let us know by March 23, 2021 if it would be possible for us to contact your residents.

Sincerely,



Mayor Grace Losier



To: Mayor and Council of the City of Saint John

Re: Essential Service

Your Worship and Council,

- Public transit is an essential service.
- Multi-million dollar, publicly funded, essential services demand professional oversight.
- Saint John Transit (SJT) employs no one with any certified urban transportation credentials.

Please address why no public transit professional is associated with the private entity of SJT.

Respectfully,

A handwritten signature in black ink, appearing to read "Mary Ellen Carpenter".

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



M&C No.	M&C 2021-076
Report Date	March 16, 2021
Meeting Date	March 22, 2021
Service Area	Growth and Community Development Services

***SUBJECT: City Market Lease with 690045 N.B. Ltd. dba as Kim’s Korean Food***

***EXECUTIVE SUMMARY OF COMMITTEE OF THE WHOLE REPORT FOR OPEN SESSION OF COUNCIL***

City staff and the owners/operators of 690045 N.B. Ltd. dba Kim’s Korean Food (the “Lessee”) have reached an agreement such that the Lessee will continue to lease its current space in the City Market. The term will be for five (5) years, commencing April 1, 2021, with an option to renew for an additional five (5) years. Rents will be at a defined market value.

The lease document is standard and consistent with the leases granted to other tenants in the City Market, with a few exceptions to account for the different business nature, scope, and investment of this tenant. The Lessee will occupy the space (Stall “C-1” and ancillary spaces) on the South side of the City Market, in the centre of the Market Hall between Jeremiah’s and Slocum & Ferris.

The Lessee will continue to offer most of the services/menu items that have been offered in the past and will look to add more Korean meals and take-home products.

***RECOMMENDATION***

That the City enter into a lease with 690045 N.B. Ltd., doing business as Kim’s Korean Food, under the terms and conditions and in the form of lease document tabled for Committee of the Whole at its meeting on March 22, 2021; and further, that the City consent to the change of control of the current Lessee; and that the Mayor and the City Clerk be authorized to execute the Lease Agreement, the Consent of Transfer and any other documentation necessary to give effect to the Leasehold transaction.