



The City of Saint John

MINUTES – REGULAR MEETING
COMMON COUNCIL OF THE CITY OF SAINT JOHN
JUNE 17, 2019 AT 6:00 PM
IN THE COUNCIL CHAMBER

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

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

1. Call to Order

2. Approval of Minutes

2.1 Minutes of June 3, 2019

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the minutes of the meeting of Common Council held on June 3, 2019, be approved.

MOTION CARRIED.

3. Approval of Agenda

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the agenda of this meeting be approved with the addition of items:

17.1. Canada Games Aquatic Centre Interim Financing Request

17.2 Intergovernmental Affairs and Strategic Communications Position

17.3 Cherry Brook Zoo

17.4 Sea Street Estates Subdivision Lawsuit, and to move ahead on the agenda item:

12.5 Ice Strategy Plan B Implementation.

MOTION CARRIED.

4. Disclosures of Conflict of Interest

5. Consent Agenda

5.1 Refer to Item 14.1

5.2 Refer to Item 14.2

5.3 Refer to Item 14.3

5.4 That as recommended by the City Manager in the submitted report *M&C 2019-142: Tenders for Sodium Hypochlorite NaOCl – 2019-681003T*, the tender for the establishment of a supply agreement for 12% Sodium Hypochlorite chemical used to treat the City's potable water supply be awarded to the lowest bidder, Lavo Inc.

5.5 That the submitted report *M&C 2019-147: 2019 Lifeguard Service Agreement Extension Options*, be received for information.

5.6 That as recommended by the City Manager in the submitted report *M&C 2019-152: Contract No. 2019-16 Asphalt Resurfacing 2019 - Program Adjustment*, Common Council approve an increase to the Contract award amount to Galbraith Construction Ltd. for Contract 2019-16: Asphalt Resurfacing 2019 from \$5,886,959.54 to \$7,034,967.17.

5.7 That as recommended by the City Manager in the submitted report *M&C 2019-144: Street Name Change*, Common Council amend the list of Official Street Names and approve the following changes:

1. Remove the name "rue Reserve Street"; and
2. Add the name "voie G. Arrowsmith Way".

5.8 That as recommended by the City Manager in the submitted report *M&C 2019-141: Proposed Public Hearing Date – 149 Broad Street, 81 Bayside Drive and rescheduled hearing for 49 Noel Drive*, Common Council schedule the public hearing for the rezoning applications of Jeremy Wayte (Lang Lee) (149 Broad Street), City of Saint John (Everett Erb) (81 Bayside Drive) for Monday July 29, 2019 at 6:30 p.m. in the Ludlow Room, and refer the applications to the Planning Advisory Committee for a report and recommendation; and,

That Common Council reschedule the public hearing for the Section 59 amendment for Village View Suites (Steve Brittain) (49 Noel Drive) for Monday, July 29, 2019 at 6:30 p.m. in the Ludlow Room and in acknowledgement of the error, refund to the applicant the full Section 59 amendment application fee in the amount of \$2,500.

5.9 That as recommended by the City Manager in the submitted report *M&C 2018-209: Agreement with NB Power for Back-up Fire Protection Services at the Point Lepreau Generating Station*, Common Council authorize the Mayor and Common Clerk to execute the submitted agreement with NB Power for the purpose of adding an extra six months to the recently expired agreement to provide back-up fire protection services at the Point LePreau Generating Station.

5.10 That as recommended by the City Manager in the submitted report *M&C 2019-149: Cleanup of Unsightly Properties at Various Locations*, Common Council direct one or more of the Officers appointed and designated by Council for the enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, to arrange for the cleanup of the following unsightly properties:

1. 17 Delhi Street, PID# 00014597;
2. 19 Delhi Street, PID# 00014589;
3. 21 Delhi Street, PID# 00014571;
4. 59 Morrison Road, PID# 00327932;
5. 105 Winslow Street, PID# 00363473;

6. 665 Loch Lomond Road, PID# 55102917; and
7. 669 Loch Lomond Road, PID# 55102925.

5.11 That as recommended by the City Manager in the submitted report *M&C 2019-155: Green Municipal Project Loan and Grant Agreement – Canada Games Aquatic Center Energy Efficiency Retrofit*, Common Council approve the following:

That the New Brunswick Municipal Finance Corporation issue a debenture to the City of Saint John in the amount of \$1,428,000 for a ten year term.

5.12 That as recommended by the City Manager in the submitted report *M&C 2019-153: Summer Arena Bulk Rental License Amendment #3*, Common Council authorize the Mayor and Common Clerk to execute the License Amendment #3 between the City of Saint John and 707990 N.B. Inc. as attached to M&C 2019-153.

5.13 That as recommended by the City Manager in the submitted report *M&C 2019-32: RFP City of Saint John Benefit Administration*, the City remain with the current carriers for employee benefits: Manulife Financial for Extended Health and Dental, Managed Health Care Services Inc. for Prescription Drugs and A.I.G. for Travel Insurance and Accidental Death and Dismemberment Insurance; and that the Mayor and Common Clerk be authorized to execute contracts with Manulife Financial, Managed Health Care Services Inc., Blue Cross and AIG in the form submitted.

5.14 That as recommended by the City Manager in the submitted report *M&C 2019-148: Mobile Device Governance Policy Statement*, Common Council approve the Mobile Device Governance Policy Statement, which is incorporated in the draft of the full Mobile Device Governance Policy.

5.15 Refer to Item 14.4.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the recommendation set out in each consent agenda item respectively be adopted with the exception of Items 5.1, 5.2, 5.3, and 5.15 which have been identified for debate.

MOTION CARRIED UNANIMOUSLY.

6. Members Comments

Council members commented on various community events.

7. Proclamations

8. Delegations/Presentations

8.1 Train Whistles at Douglas Avenue and Bentley Street Crossings

Mr. P. Brown, President-Saint John County Condominium Corporation # 16, advised Council that the use of train whistles at the Douglas Avenue and Bentley Street crossings is very disruptive to the residents' quality of life.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the issue of train whistles at the Douglas Avenue, Bentley Street crossings be referred to the City Manager.

MOTION CARRIED.

Moved by Councillor Sullivan, seconded by Deputy Mayor McAlary:

RESOLVED that the report on Train Whistles at Douglas Avenue and Bentley Street be received for information.

MOTION CARRIED.

9. Public Hearings 6:30 PM

10. Consideration of By-laws

10.1 Council Code of Conduct Bylaw LG-5 (1st and 2nd Reading)

Responding to a question, the Clerk advised that the administration of the bylaw provides some remedial actions for contravention.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number LG- 5, A By-Law respecting the Code of Conduct for Elected Members of The City of Saint John", be read a first time.

MOTION CARRIED.

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

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number LG- 5, A By-Law respecting the Code of Conduct for Elected Members of The City of Saint John", be read a second time.

MOTION CARRIED.

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

10.2 Municipal Plan Amendment, Zoning Bylaw Amendment with Section 59
Conditions – 40, 85-89 and 310 Retail Drive (3rd Reading)

Moved by Councillor Merrithew, seconded by Councillor Strowbridge:

RESOLVED that the by-law entitled, “By-Law Number C.P. 106-18 A Law to Amend the Municipal Plan By-Law” amending Subsection 2.3.2 of the Municipal Plan relating to Employment Areas within the City Structure; and amending Policy LU-61 and adding a new Policy LU-61.1, with respect to residential and mixed-use development within Regional Retail Centres, be read.

MOTION CARRIED.

In accordance with the Local Governance Act sub-section 15(3) the by-law entitled, “By-Law Number C.P. 106-18 A Law to Amend the Municipal Plan By-Law” instead of being read in its entirety was read in summary as follows:

“The Municipal Plan By-Law of The City of Saint John enacted on the 30th day of January, A.D., 2012 is amended by:

- a) amending Subsection 2.3.2 of the Municipal Plan relating to Employment Areas within the City Structure;
- b) amending Policy LU-61 and adding a new Policy LU-61.1, with respect to residential and mixed-use development within Regional Retail Centres.”

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:

RESOLVED that the by-law entitled, “By-Law Number C.P. 106-18 A Law to Amend the Municipal Plan By-Law” amending Subsection 2.3.2 of the Municipal Plan relating to Employment Areas within the City Structure; and amending Policy LU-61 and adding a new Policy LU-61.1, with respect to residential and mixed-use development within Regional Retail Centres, be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, “By-Law Number C.P. 106-18 A Law to Amend the Municipal Plan By-Law.”

(Councillor Sullivan withdrew from the meeting)

Moved by Deputy Mayor McAlary, seconded by Councillor Strowbridge:

RESOLVED that the by-law entitled, “By-Law Number C.P. 111-74 A Law to Amend the Zoning By-Law of The City of Saint John”, be amended by adding “Regional Commercial

Residential Zone (CR-R)” to Section 2.2; adding “Regional Commercial Residential Zone (CR-R)” as Section 11.12; adding 11.12(1) Permitted Uses; adding 11.12(2) Conditional Uses; adding 11.12(3) Conditions of Use; adding 11.12(4) Zone Standards; amending Schedule “A”, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as being PID Number 55230544, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule “A”, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.36 hectares, located at 40 Retail Drive, also identified as being PID Number 55196166, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule “A”, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as being PID Number 55122212, from Mini-Home Park Residential (RP) to Regional Commercial Residential (CR-R), be read.

MOTION CARRIED.

(Councillor Sullivan re-entered the meeting)

In accordance with the Local Governance Act sub-section 15(3) the by-law entitled, “By-Law Number C.P. 111-74 A Law to Amend the Zoning By-Law of The City of Saint John” instead of being read in its entirety was read in summary 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:

- Adding “Regional Commercial Residential Zone (CR-R)” to Section 2.2
- Adding “Regional Commercial Residential Zone (CR-R)” as Section 11.12
- Adding 11.12(1) Permitted Uses
- Adding 11.12(2) Conditional Uses
- Adding 11.12(3) Conditions of Use
- Adding 11.12(4) Zone Standards
- Rezoning a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as PID No. 55230544, from Regional Commercial (CR) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional Commercial (CR) zone.
- Rezoning a parcel of land having an area of approximately 0.36 hectares, located at 40 Retail Drive, also identified as PID No. 55196166, from Regional Commercial (CR) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional Commercial (CR) zone.
- Rezoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as PID No. 55122212, from Mini-Home Park

Residential (RP) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional Commercial (CR) zone.

- Amending Section 11 by adding the Regional Commercial Residential (CR-R) zone to Table 11.1.”

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that Common Council authorize the Mayor and Common Clerk to execute an amending agreement pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c.19), which would amend the agreement dated the 16th day of September 2006 between East Point Inc. as developer, and the City of Saint John, respecting portions of the property identified in the said agreement and which agreement was made pursuant to the provisions of Section 39 of the *Community Planning Act* in effect at that time (RSNB 1973 as amended);

AND FURTHER BE IT RESOLVED that Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act the following conditions upon the use of a portion of the Property identified in said agreement having an area of 13.15 hectares, located at 11, 15 and 41 Fashion Drive, 11,10,36,40 and 44 East Point Way and 40 Retail Drive, 85-89 Retail Drive and 310 Retail Drive, also identified as PIDs 55186001, 55195317, 55230445, 55230544, 55122212 and 55196166:

a) namely that its use be restricted a development of a shopping centre which may incorporate residential development subject to the provisions of the Regional Commercial Residential (CR-R) zone, with the total of floor area of development in this area limited to 58,064 square metres (625,000 square feet) which may include up to 200 dwelling units on PID numbers 55230544, 55196166 and 55122212;

b) Any improvements or signalization to existing driveways along Retail Drive be supported by a traffic impact study completed by the developer and approved by the City with the improvements completed at the developer’s expense.

c) Any additional driveway access to Westmorland Road is prohibited.

d) For the proposed development site involving 200 residential units, the developer’s engineering consultant provided a theoretical peak domestic sewage flow rate for the proposed development. Where necessary the City calculated the theoretical peak domestic sewage flow rates for all properties on the contributing East Point development site. Using the provided and calculated theoretical flow rates it indicates a potential capacity constraint downstream from the proposed development on Retail Drive, within a section of approximately 45 m of existing 200 mm sanitary sewer main, infrastructure that was previously installed by the developer. In order to determine if there is a capacity constraint, the developer may, prior to undertaking any downstream improvements, perform flow monitoring (wet & dry weather monitoring) on the wastewater system, under the direction of the City, to determine actual measurements

in the system and confirm capacity. Upon review of the submitted flow monitoring results, should the City confirm sufficient capacity exists, the identified downstream infrastructure upgrade will not be required by the developer. Should the flow monitoring determine there is a capacity constraint as the City's initial review indicated, the developer shall be required, at the developer's expense to undertake the engineering review to determine the nature of the constraint and provide the analysis to the City for review. Should system improvements be required, the full design and construction of these improvements shall be subject to the approval by the City and shall be the full cost responsibility of the developer. If any of the required work and infrastructure improvements can be phased to accommodate the proposed development, this will be supported by the City.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-74 A Law to Amend the Zoning By-Law of The City of Saint John", be amended by adding "Regional Commercial Residential Zone (CR-R)" to Section 2.2; adding "Regional Commercial Residential Zone (CR-R)" as Section 11.12; adding 11.12(1) Permitted Uses; adding 11.12(2) Conditional Uses; adding 11.12(3) Conditions of Use; adding 11.12(4) Zone Standards; amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as being PID Number 55230544, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.36 hectares, located at 40 Retail Drive, also identified as being PID Number 55196166, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as being PID Number 55122212, from Mini-Home Park Residential (RP) to Regional Commercial Residential (CR-R), be read a third time, enacted, and the corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, "By-Law Number C.P. 111-74 A Law to Amend the Zoning By-Law of The City of Saint John.

10.3 Municipal Plan Amendment, Zoning ByLaw Amendment with Section 59 Conditions and Supplementary Report – 1007-1019 Millidge Avenue (3rd Reading)

Moved by Councillor MacKenzie, seconded by Councillor Merrithew:

RESOLVED that the staff report entitled *M&C 2019-146 1007-1009 Millidge Avenue-*

Supplementary Report be received for information.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 106-19 A Law to Amend the Municipal Plan By-Law", amending Schedule A – City Structure, by redesignating a parcel of land with an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397 and 00048389, from Stable Area and Park and Natural Area to Employment Area classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential and Park and Natural Area to Stable Commercial classification, be read.

MOTION CARRIED.

The by-law entitled, "By-Law Number C.P. 106-19 A Law to Amend the Municipal Plan By-Law", was read in its entirety.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 106-19 A Law to Amend the Municipal Plan By-Law", amending Schedule A – City Structure, by redesignating a parcel of land with an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397 and 00048389, from Stable Area and Park and Natural Area to Employment Area classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential and Park and Natural Area to Stable Commercial classification, be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, "By-Law Number C.P. 106-19 A Law to Amend the Municipal Plan By-Law."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-75 A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048389 & 00048397 from Two-unit Residential (R2) to Corridor Commercial (CC), be read.

MOTION CARRIED.

The by-law entitled, "By-Law Number C.P. 111-75 A Law to Amend the Zoning By-Law of The City of Saint John", was read in its entirety.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c.19)* the following condition upon the development and use of the parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397, and 00048389, and that the subject lands be restricted to the following purposes identified in the Corridor Commercial (CC) Zone of the City's Zoning By-law:

- a. That the use of the lot be limited to the following uses as defined by the Zoning By-law:
 - Recreational Vehicle Sales and Service, Large;
 - Recreational Vehicle Sales and Service, Small;
 - Service and Repair, Household;
 - The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CC zone.

That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c. 19)*, hereby imposes the following conditions upon the Property having an area of 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397, and 00048389, the following conditions upon the development and use of the land:

- a. A treed landscaped buffer be provided along the south east and south west property lines (adjacent to PIDs 00048371 and 55153043), in accordance with a landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. Trees provided in the buffer are to be at least a minimum height of 2.0 metres at the time of planting and be maintained for the life of the development.
- b.
 - (i) The plans submitted with the required building permit application shall illustrate that all electrical panels shall be installed and all dangerous or hazardous chemicals shall be stored at least 2.0 metres above the floor of the proposed building;
 - (ii) Once installed, each electrical panel shall be maintained at a location which is at least 2.0 metres above the floor of the building in which it is located; and

(iii) All hazardous or dangerous chemicals shall be stored at all times at one or more locations which are a minimum of 2.0 metres above the floor of the building in which they are stored.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-75 A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Number 00048389 & 00048397 from Two-unit Residential (R2) to Corridor Commercial (CC), be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, "By-Law Number C.P. 111-75 A Law to Amend the Zoning By-Law of The City of Saint John."

10.4 Zoning ByLaw Amendment with Section 59 Conditions – 1003 Latimore Lake Road (3rd Reading)

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-76 A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 13 hectares, located at 1003 Latimore Lake Road, also identified as being portions of PID Numbers 00033124 and 00333757, from Rural (RU) to Pits & Quarries (PQ), be read.

MOTION CARRIED.

The by-law entitled, "By-Law Number C.P. 111-76 A Law to Amend the Zoning By-Law of The City of Saint John", was read in its entirety.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that, pursuant to the provisions of Section 59 of the Community Planning Act, the use of the parcel of land with an area of 13 hectares, located at 1003 Latimore Lake Road, also identified as a portion of PID Number 00331124 and a portion of PID Number 00333757, be subject to the following conditions:

- a. Site development not be undertaken except in accordance with a detailed site plan, which includes a phasing plan and method of excavation.

- b. All access to the site be limited to the existing driveway access located at 1003 Latimore Lake Road (PID No. 00329409). No access to the site is to be permitted through Pipeline Road East or at any other location.
- c. In addition to a 30 metre treed buffer separating the subject property from municipally-owned land to the north, a berm be constructed to provide further separation from the municipal water transmission main.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-76 A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 13 hectares, located at 1003 Latimore Lake Road, also identified as being portions of PID Numbers 00033124 and 00333757, from Rural (RU) to Pits & Quarries (PQ), be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, "By-Law Number C.P. 111-76 A Law to Amend the Zoning By-Law of The City of Saint John".

11. Submissions by Council Members

12. Business Matters - Municipal Officers

12.1 Continuous Improvement Initiative Updates (verbal)

S. Rackley-Roach, Director Continuous Improvement introduced the newest initiatives.

City Staff Drinking Water Initiative – N. Jacobsen Deputy City Manager - City staff have adopted a new reliance on drinking city water not bottled water, while adhering to Occupational Health and Safety guidelines. There will be water filling stations available.

Passports to Parks 4 parks in 4 days – L. Caissie Communications - Since the program's 2012 inception, the program events featuring music, entertainment, BBQs, active games, and adventures will continue this year:

- Rockwood Park - June 29
- Station One Skate Park - July 1
- Little River Reservoir - July 13
- Dominion Park Beach - July 20

Enhancements to One Stop Shop – Commissioner J. Hamilton – Presented the enhancements to the program including Rapid Labs Solutions, and Seamless Engineering Approvals.

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:

RESOLVED that Common Council Continuous Improvement Initiative Updates (verbal) be received for information.

MOTION CARRIED.

12.2 Demolition of Vacant, Dilapidated and Dangerous Building at 22 McLaughlin Road (PID 333930)

Referring to the submitted report entitled *Demolition of Vacant, Dilapidated and Dangerous Building at 22 McLaughlin Road (PID 333930)* C. Lowe provided a visual presentation of the building conditions.

The Mayor read the cautionary statement as follows:

“The information which has been provided in the Council Kit includes the report of the Building Inspector stating that the building located at 22 McLaughlin Road (PID 333930) is a hazard to the safety of the public by virtue of its being, amongst other things, dilapidated or structurally unsound. Is there present an owner, including anyone holding any encumbrance upon this property, who wishes to present evidence to the contrary, i.e. that the building is structurally sound and not dilapidated?”

No one came forward to present evidence.

Moved by Councillor Hickey, seconded by Councillor Sullivan:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-150: Demolition of Vacant, Dilapidated and Dangerous Building at 22 McLaughlin Road (PID 333930)*, Common Council approve the following:

RESOLVED that the building located at 22 McLaughlin Road, PID# 333930, is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and

BE IT FURTHER RESOLVED that the building is to be demolished as it has become a hazard to the safety of the public by reason of unsoundness of structural strength; and

BE IT FURTHER RESOLVED that one or more by-law enforcement officers appointed and designated under the Saint John Unsightly Premises and Dangerous Buildings and Structures By-law are hereby authorized to arrange for the demolition, in accordance with the applicable City purchasing policies.

MOTION CARRIED.

12.3 Central Peninsula Plan and Associated Capital Projects Update

Referring to the submitted report, entitled *M&C 2019-154: Central Peninsula Plan and Associated Capital Projects Update*, J. Brown provided a review of the plan highlights.

Moved by Councillor Reardon, seconded by Councillor Hickey:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-154: Central Peninsula Plan and Associated Capital Projects Update*, Common Council:

1. Receive and file the submitted report and project update for the Central Peninsula Plan; and,
2. Approve the allocation of the \$500,000 Neighborhood Plan Capital Fund as outlined in the report.

MOTION CARRIED.

12.4 City of Saint John Climate Change Adaptation Plan Presentation

Referring to the submitted report entitled *City of Saint John Climate Change Adaptation Plan Presentation* Executive, Director ACAP Saint John Graeme Stewart-Robertson and Asset Manager S. Yammine commented that adaptation plans for three urban neighbourhoods and the city as a whole are being developed. Other municipal climate analyses undertaken were presented. Education and community engagement events were described. A final plan is intended for submission to Council in March 2020.

Moved by Councillor Norton, seconded by Councillor Hickey:

RESOLVED that the submitted report entitled *M&C 2019-143: City of Saint John Climate Change Adaptation Plan Presentation*, be received for information.

MOTION CARRIED.

12.5 Ice Strategy Plan B Implementation

Referring to the submitted report entitled *Ice Strategy Plan B Implementation* Deputy Commissioner T. O'Reilly provided the options, stating that Option 2 Recreation Card and Non-Resident User Fees Implementation is being recommended.

Responding to questions the Deputy Commissioner stated that:

- the City of Saint John taxpayers subsidize non-resident users \$375,000 in operating costs annually to use the City's rinks;

- the City examined the measures introduced by the City of Fredericton, Town of Sussex, Nanaimo and other municipalities for cost recovery for the use of the rink facilities by non-resident users;
- the timeline for implementation for the 2019-2020 recreation season and enforcement methods;
- arena sustainability measures;
- Play SJ promotes a regional approach to arenas.

Councillor Merrithew raised a point of order to the Chair to keep the speakers comments to 3 minutes in accordance with the Procedural Bylaw.

Moved by Councillor Merrithew, seconded by Councillor Sullivan:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-151: Ice Strategy Plan B Implementation*, Common Council:

- 1) Support any potential future motions brought before the Regional Service Commission that seek consensus on a new Regional Arena Funding Formula that would respect the intent behind the following principles:
 - a) The applicable cumulative operating cost deficit of all regional arenas shall be redistributed among taxpayers of the respective municipalities and LSDs based on proportion of usage in the respective jurisdictions;
 - b) Operating cost deficits determined not to be applicable shall not be included in the funding formula and shall remain the responsibility of the host municipality; and,
 - c) Following commitment to the above-mentioned principles, the established Working Group identifies, using external consulting services if necessary, the applicable operating cost deficits and usage data that would be subsequently recommended to the Commission to be included in the Funding Formula.
- 2) Endorse the “Recreation Card & Non-Resident User Fee” Plan B option and approve a Non-Resident User Fee of \$200.00 + HST for the year 2019-2020 and \$350.00 + HST for the 2020-2021 as presented in M&C 2019 – 151.

MOTION CARRIED with Deputy Mayor McAlary and Councillors MacKenzie and Armstrong voting nay.

13. Committee Reports

14. Consideration of Issues Separated from Consent Agenda

14.1 Hockey New Brunswick - Request to Present to Council

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:

RESOLVED that that request to present to Council from Chris Green, Chair ROC4/HNB be received for information.

MOTION CARRIED.

14.2 C. Osborne Letter King St. West - Removal of Heritage Conservation Area

14.3 C. Osborne Letter - Report recommending Denial of Heritage Designation of 152 Watson Street

Commissioner Hamilton responded to questions stating that the Heritage Bylaw will be reviewed this summer. Interested parties will have an opportunity to present in the review process.

Moved by Councillor Reardon, seconded by Councillor Hickey:

RESOLVED that the items 14.2 and 14.3 be referred to staff and the Heritage Development Board for a policy to consider adding or removing heritage properties to a register.

MOTION CARRIED.

14.4 Glen Falls Flooding

Monica Boudreault commented on the pro-active inspection process of the detention pond. The visual inspection is conducted yearly. Every second year GPS points to assess sediment are taken.

Moved by Councillor Hickey, seconded by Deputy Mayor McAlary:

RESOLVED that the report entitled *M&C 2019-145: Glen Falls Flooding* be received for information.

MOTION CARRIED.

15. General Correspondence

16. Supplemental Agenda

17. Committee of the Whole

17.1 Cherry Brook Zoo Letter of Intent

Moved by Councillor Sullivan, seconded by Councillor Reardon:

RESOLVED that as recommended by the Committee of the Whole, having met on June 17th, 2019, Common Council approve:

That a Letter of Intent be executed with Cherry Brook Zoo (the "Zoo") confirming the parties' agree to enter into good faith negotiations for a long-term lease of the site of the Zoo, identified on a survey plan dated the 7th day of November, 1977 and titled "Plan to Accompany Lease, City of Saint John to Cherry Brook Zoo of Saint John Inc." prepared by Dobbin Surveys Ltd.;

That the Letter of Intent shall provide:

(a) the negotiations aforesaid shall be pursued upon the condition that the Zoo is able to continue its operations, generally as they currently exist, without requiring or requesting any funding from The City of Saint John (the "City");

(b) one pre-condition to a long-term lease shall be the Zoo's providing the City with information which results in the City's determining, in its sole discretion, that the Zoo will be able to operate during the term of such a lease in a financially sustainable manner without any financial support from the City; and

(c) except with respect to pursuing negotiations in good faith, the Letter of Intent neither creates nor gives rise to any obligations or rights and shall not be construed by any third party, as doing so; and,

That the City Solicitor be directed to prepare the aforesaid Letter of Intent and the Mayor and Common Clerk be authorized to execute it.

MOTION CARRIED.

17.2 Intergovernmental Affairs and Strategic Communications Position

Moved by Councillor Reardon, seconded by Councillor Hickey:

RESOLVED that as recommended by the Committee of the Whole, having met on June 17th, 2019, Common Council approve the Contract Position of "Director of Government Relations and Strategic Communications" be staffed for a one year term, renewable at the discretion of the City Manager; and further that Common Council approve a maximum of \$150,000 be allocated from the Restructuring Reserve Fund to support the Government Relations and Strategic Communications function over a 12 month period commencing in July 2019.

MOTION CARRIED.

17.3 Canada Games Aquatic Centre Interim Financing Request

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that as recommended by the Committee of the Whole, having met on June 17th 2019, Common Council authorize the Commissioner of Finance to provide interim financing to the Canada Games Aquatic Centre of \$75,000 for the 2019 estimated operational shortfall during the period of June 2019 until the funding is provided by the

Regional Facilities Commission budget in 2021 at the interest rate received by the City of Saint John in the operating bank account (prime less 1.75%).

MOTION CARRIED with Councillor Casey voting nay.

17.4 Sea Street Estates Subdivision Lawsuit

Moved by Councillor Norton, seconded by Councillor Reardon:

RESOLVED that as recommended by the Committee of the Whole, having met on June 17th, 2019, Common Council advise the plaintiffs that the City of Saint John is not yet in a position to accept the settlement and direct the City Manager to continue to obtain the information and agreements to enable Council to accept the proposed agreement.

MOTION CARRIED.

18. Adjournment

Moved by Councillor Sullivan, seconded by Councillor Reardon:

RESOLVED that the meeting of Common Council held on June 17, 2019, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 9:54 p.m.