



The City of Saint John

MINUTES – REGULAR MEETING  
COMMON COUNCIL OF THE CITY OF SAINT JOHN  
JULY 29, 2019 AT 6:00 PM  
IN THE COUNCIL CHAMBER

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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 3 Donna Reardon  
Councillor Ward 3 David Hickey  
Councillor Ward 4 David Merrithew  
Councillor Ward 4 Ray Strowbridge

Absent: Councillor Ward 2 Sean Casey

Also Present: City Manager J. Collin  
City Solicitor J. Nugent  
Fire Chief K. Clifford  
Police Sgt. Tanya  
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 July 8, 2019**

Moved by Councillor Merrithew, seconded by Councillor Sullivan:

RESOLVED that the minutes of the meeting of Common Council held on July 8, 2019, be approved.

MOTION CARRIED.

**2.2 Minutes of July 11, 2019**

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the minutes of the meeting of Common Council held on July 11, 2019, be approved.

MOTION CARRIED.

**3. Approval of Agenda**

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:

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

- 17.1 Sculpture Saint John

MOTION CARRIED.

**4. Disclosures of Conflict of Interest**

**5. Consent Agenda**

5.1 That the Saint John Police Force: Street Event Application – Third Shift Exemption for the Consumption of Alcohol in a Public Place be approved.

5.1.1 That the Third Space: Request to Present for Street Closure for Third Shift Art Festival/ Request to Present be denied as recommendation for approval is on agenda.

5.2 That the Saint John Police Force: Street Event Application – E2L Jam Exemption for the Consumption of Alcohol in a Public Place be approved.

5.3 That as recommended by the City Manager in the submitted report *M&C 2019-*

*178: Fall Debenture Issue – Notice of Motion*, the following motion be made by the Mayor:

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

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

**GENERAL FUND**

Protective Services	\$	3,100,000	
Transportation Services	\$	3,500,000	
Economic Development	\$	600,000	
Parks and Recreation	\$	<u>200,000</u>	<b>\$7,400,000</b>

**REFINANCE DEBENTURES**

Debenture No. BB 13- 2009 (General Fund – 5 years)	\$	2,830,000	
Debenture No. BB 14 -2009 (Water & Sewerage – 10 years)	\$	2,500,000	
Debenture No. BB 15 -2009 (Transit – 5 years)	\$	<u>1,670,000</u>	<b>\$7,000,000</b>

**TOTAL** **\$ 14,400,000**

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

5.4 That as recommended by the City Manager in the submitted report *M&C 2019-186: Contract 2019-17: Meadowbank Avenue Sewer Separation*, the contract be awarded to the low Tenderer, Fairville Construction Ltd., at the tendered price of \$135,286.00 (including HST) as calculated based upon estimated quantities; and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.5 That pursuant to Section 14 of the Police Act of the Province of New Brunswick, the Common Council of the City of Saint John does hereby appoint the following member of the Canadian Corps of Commissionaires as By-law Enforcement Officer with the responsibility and authority to enforce provisions of the Parking Meter By-law and the provisions of Section 5, Section 5.1, Section 7, Section 8, Section 15 and Section 16 of the Saint John Traffic By-law, namely: Nicholas Maclean, Badge No. 9967.

And further that this appointment shall continue until such time as the appointee ceases to be a member of the Canadian Corps of Commissionaires or until the appointment is rescinded by Common Council, whichever comes first.

5.6 That as recommended in the submitted PAC report *Subdivision (Money-in-lieu of Land for Public Purposes) 188-190 Winslow Street*, Common Council authorize the acceptance of money-in-lieu of the required Land for Public Purposes for the Proposed subdivision at 188-190 Winslow Street (PID 00362764).

5.7 That as recommended by the City Manager in the submitted report *M&C 2019-188: Contract 2019-05: Sanitary Sewer Structural Lining Phase III – Various Locations*, the contract be awarded to the tenderer, Eastern Trenchless Ltd., at the revised tendered price of \$159,285.12 (including HST) as calculated based upon estimated quantities; and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.8 That the M.E. Carpenter: Transportation Priorities letter be received for information.

5.9 That as recommended by the City Manager in the submitted report *M&C 2018-182: Proposed Public Hearing Date - 319 Lancaster Street*, Common Council schedule the public hearing for the rezoning application of Jamie Reschny (319 Lancaster Street) for Monday September 9, 2019 at 6:30 p.m. in the Ludlow Room, and refer the applications to the Planning Advisory Committee for a report and recommendation.

5.10 That as recommended by the Growth Committee in the submitted report *M&C 2019-183: Growth Reserve Fund Request - Community Standards Program*, Common Council authorizes the transfer of \$30,000 from the Growth Reserve Fund to support the enhanced Community Standards Program for the remainder of 2019.

5.11 That as recommended by the City Manager in the submitted report *M&C 2019-185: Designation of Jordan McKinley as By-Law Enforcement Officer*, Common Council approve the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NOW THEREFORE BE IT RESOLVED**, that Jordan McKinley, who is a by-law enforcement officer, is hereby authorized at all reasonable times, and with the consent of the owner or occupant, enter any land, building or premises within the territorial boundaries of the City of Saint John for the purpose of making any



inspection that is necessary for the administration of the *Saint John Building By-law*, effective immediately, and this authorization shall continue until he ceases to be an employee of the Growth and Community Development Services department of The City of Saint John or until rescinded by Common Council, whichever comes first.

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

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

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

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

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

**AND WHEREAS** section 139 of the *Community Planning Act* provides that proceedings for an offence under this Act shall be commenced in the name of the

Minister or the clerk of the local government or any other person who is designated for that purpose by the council;

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

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

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

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

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

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

10. **WHEREAS**, the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Community Planning Act*, S.N.B 2017, c. 19, and

amendments thereto, (the "*Community Planning Act*"), including the *City of Saint John Flood Risk Areas By-law*, By-law Number C.P. 11, and *The Zoning By-law*, By-law Number C.P. 110, including all amendments thereto, and it may from time to time be necessary to commence proceedings in the Provincial Court of the Province of New Brunswick, when a person has contravened or failed to comply with these By-laws;

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

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

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

5.12 That as recommended by the City Manager in the submitted report *M&C 2019-179: Street Name Change*, Common Council amend the list of Official Street Names and approve the following changes:

1. Remove the name "chemin Mill Road".

5.13 That as recommended by the City Manager in the submitted report *M&C 2019-184: Qualified Security Assessor (QSA) Consulting Services Contract*:

- 1) The City of Saint John enters into an agreement with Grant Thornton for Qualified Security Assessor (QSA) consulting services for a term of two years with possible extension of two additional years (for a total of four years).
- 2) The Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.14 That the Saint John Board of Police Commissioners: 2019 Operating Budget - SJPF April Financial Results be received for information.

5.15 Refer to item 14.1

5.16 Refer to item 14.2

5.17 That as recommended by the City Manager in the submitted report *M&C 2019-189: Tender No. 2019-081204T – Packaged Pump Station – Civil Works*:

- 1) Common Council approve an adjustment to the 2019 Water & Sewerage Utility Fund Capital Program to establish a new project entitled Fallsview Drive – Interim Booster Pump Station with a budget of \$575,000 (\$525,000 net cost after HST rebate) with the overall 2019 Water & Sewerage Utility Fund Capital Program to remain at the original approved envelope amount as the Fallsview Drive – Interim Booster Pump Station project will be offset from a \$525,000 budget surplus from the Metcalf Street project;
- 2) The tender submitted by Keel Construction Ltd., for Tender No. 2019-081204T: Packaged Pump Station – Civil Works, in the amount of \$228,107.66 plus HST be accepted. Additionally, it is recommended that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.18 That as recommended by the City Manager in the submitted report *M&C 2019-190: Lease Agreement with Saint John Arts Centre – Peel Plaza*:

1. Common Council adopt the following terms and conditions contained in this recommendation to be incorporated into a Lease agreement with the Saint John Arts Centre, which had previously expired on June 30, 2013 with all other terms and conditions remaining the same:
  - a) the term of the lease shall be ten (10) years commencing on August 1, 2019 and ending July 31, 2029;
  - b) the annual rent payable to the City of Saint John shall be as follows:
    - i) on August 1, 2019 \$10.00, plus HST (if applicable);
    - ii) as of August 1, 2020 an annual rent of \$111,632.00 to be paid in equal quarterly installments commencing on August 1st of each and every year during the term, pursuant to the payment schedule of the Greater Saint John Regional Facilities Commission with annual increases of one percent with the last year of the Term commencing on August 1, 2028 having an annual rent of \$120,881.00, plus HST (if applicable);
  - c) the City will provide the Lessee with an Option to renew this lease for one additional term of ten years at the then prevailing market rate to be mutually agreed upon by both parties and the exercise of which shall be in writing delivered to the lessor not later than January 31, 2029;
  - d) in the event the lessee desires to encumber this Lease, assign or sublet all or any part of the premises or grant any licence, concession or other right of occupancy, the Lessee shall notify the Landlord in writing, attention Real Estate Services, City

- of Saint John, the name of the proposed assignee, sub lessee or other transferee and the terms and conditions of the proposed assignment, sublease or transfer;
- e) the Lessee shall be responsible to pay all public utilities, electricity (including heating the premises), natural gas, water, sewerage, telephone and internet services (both fixed-line and mobile) with payments to be quarterly as detailed above in (1)(b)(ii); and
  - f) the lessee shall pay real property tax for the premises with payments to be quarterly as detailed above in (1)(b)(ii).
2. That the City Solicitor be directed to prepare the lease reflective of the foregoing and that the Mayor and Common Clerk sign any documentation necessary to execute this agreement.

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

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the recommendation set out in each consent agenda item respectively excluding 5.15 and 5.16 which have been referred to item 14 for discussion be adopted.

MOTION CARRIED UNANIMOUSLY.

## **6. Members Comments**

Council members commented on various community events.

## **7. Proclamations**

### **7.1 Marathon by the Sea 25<sup>th</sup> Anniversary – August 10 and 11, 2019**

The Mayor declared that St. Patrick Street will be called "Thunder Alley" for August 10<sup>th</sup> and 11<sup>th</sup>, 2019 in honour of the 25<sup>th</sup> Anniversary of Marathon by the Sea.

### **7.2 India Independence Day – August 15, 2019**

The Mayor declared August 15<sup>th</sup> as India Independence Day in the City of Saint John.

## **8. Delegations/Presentations**

### **8.1 Develop Saint John – Priority Infrastructure Projects**

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that Common Council endorse as the City of Saint John's top three infrastructure funding requests to Federal and Provincial Governments for growth related project funding, with the exception of emergency response related funding, include:

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

MOTION CARRIED.

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

### **9.1 Proposed Zoning Bylaw Amendment – 81 Bayside Drive with Planning Advisory Committee report recommending Rezoning**

#### **9.1.1 81 Bayside Drive (1<sup>st</sup> and 2<sup>nd</sup> Reading)**

Responding to a question "Can staff correct errors applied during the bylaw zoning process or do they need to go to council?"; Community Planning Manager K. Melanson advised that following applicable legislation, any bylaw zoning amendment / correction to a map or to text requires a public hearing.

The Common Clerk advised that the necessary advertising was completed with regard to amending Schedule A, the Zoning Map of The City of Saint John, be re-zoning a parcel of land having an area of approximately 930 square metres, located at 81 Bayside Drive, also identified as PID Number 00317636 from Neighbourhood Community Facility (CFN) to General Commercial (CG) with no written objections received.

Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning Staff's report considered at its July 16, 2019 meeting at which the committee recommended the re-zoning of a parcel of land located at 81 Bayside Drive as described above.

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

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

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" amending Schedule A, the Zoning Map of The City of Saint John, be re-zoning a parcel of land having an area of approximately 930 square metres, located at 81 Bayside Drive, also identified as PID Number 00317636 from Neighbourhood Community Facility (CFN) to General Commercial (CG), 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 Sullivan:

RESOLVED that the by-law entitled, “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, be re-zoning a parcel of land having an area of approximately 930 square metres, located at 81 Bayside Drive, also identified as PID Number 00317636 from Neighbourhood Community Facility (CFN) to General Commercial (CG), 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 Proposed Zoning ByLaw Amendment – 149 Broad Street with Planning Advisory Committee report recommending Rezoning / Staff Presentation

9.2.1 149 Broad Street (1<sup>st</sup> and 2<sup>nd</sup> Reading)

The Common Clerk advised that the necessary advertising was completed with regard to amending Schedule “A”, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 1483 square metres, located at 149 Broad Street, also identified as PID Number 00000604, from Neighbourhood Community Facility (CFN) to Urban Centre Residential (RC) with no letters of objection being received.

Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning Staff’s report considered at its July 16, 2019 meeting at which the committee recommended the re-zoning of a parcel of land located at 149 Broad Street as described above with Section 59 Conditions.

Commissioner Hamilton provided context that the file was previously brought to Council as a vacant building on the dangerous, vacant building list; time was provided to allow a prospective new purchaser to address the deficiencies. The proposed property development plan will convert the vacant building to a residential development and will contribute positively to the City’s growth in the Central Peninsula.

Responding to a question, “What are the commitments for timing of the project? When will construction start and finish?” Planner A. Reid stated there is no sunset clause on a rezoning, and that a building permit has not yet been taken out.

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

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

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" amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 1483 square meters, located at 149 Broad Street, also identified as PID Number 00000604, from Neighborhood Community Facility (CFN) to Urban Centre Residential (RC), 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 Sullivan:

RESOLVED that the by-law entitled, "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 1483 square metres, located at 149 Broad Street, also identified as PID Number 00000604, from Neighbourhood Community Facility (CFN) to Urban Centre Residential (RC), 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."

9.3 Proposed Section 59 Amendment – 49 Noel Avenue with Planning Advisory Committee report recommending Amendment

The Common Clerk advised that the necessary advertising was completed with regard to the proposed Section 59 amendment, amending the Section 39 conditions imposed on the July 10, 2017 re-zoning of the property located at 49 Noel Avenue, also identified as PID Number 55235717 (formerly PIDs 00370593, 00370601, 00370767, and a portion of 00050575) to amend the existing Section 39 conditions to add additional dwelling units as requested by Village View Suites.

Consideration was given to a report from the Planning Advisory Committee submitting a copy of Planning staff's report considered at its May 22, 2019 meeting at which time the committee recommended the amendment of the existing Section 39 conditions described above.



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 Stephen Brittain, owner presenting.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that Common Council amend the Section 39 conditions imposed on June 13, 2016 rezoning of the property situated at 49 Noel Avenue, also identified as PID 55235717 (formerly 00370593, 00370601, 00370767, and a portion of 00050575) by rescinding the existing conditions and imposing the following:

- a. That any development of the site be in accordance with a detailed site plan to be prepared by the proponent and subject to the approval of the Development Officer, indicating the location of all buildings, structures, parking areas driveways, loading areas, signs, exterior lighting, outdoor storage areas, amenity areas, pedestrian circulation elements and other site features. This site plan is to be attached to the application for the building permit for the proposed development and all site improvements illustrated on the plan must be completed within one year of completion of the building;
- b. That any development of the site shall be in accordance with a detailed landscaping plan, to be prepared by the proponent and subject to the approval of the Development Officer. This landscaping plan is to be attached to the application for the building permit for the proposed development and all landscaping illustrated on the plan must be completed within one year of completion of the building;
- c. That the proposed building be constructed in accordance with detailed elevation plans prepared by the developer and approved by the Development Officer. These building elevation plans must be attached to the application for the building permit for the proposed development and all work illustrated on the plans must be completed within one year of completion of the building;
- d. An engineering water and sewer analysis must be completed by the applicant's engineering consultant and submitted to the City for review and approval in order to determine the impact this development (capacity requirements, peak flows, fire flows, etc.) will have on the existing water and sewer infrastructure and also to ensure that this proposal does not exceed the current capacity of the existing systems. If any upgrades to existing infrastructure are necessary, this will be the responsibility of the developer;
- e. The applicant's engineering consultant must submit a detailed storm water drainage plan and design report indicating how storm water collection and disposal will be

handled to the City for review and approval. If any infrastructure improvements are required to service this proposal, it will be the applicant's responsibility and cost to complete. No stormwater is to be directed to adjacent lands;

f. That servicing for electrical and telephone utilities be provided underground from existing facilities;

g. That the proposed building be limited to 47 dwelling units; and

h. That notwithstanding Subparagraph 10.3(3)(i) of the City of Saint John Zoning By-Law, the height of the building is permitted to be a maximum of 16.6 metres.

MOTION CARRIED.

## **10. Consideration of By-laws**

### **10.1 Zoning By-Law Amendment with Section 59 Conditions 646-648 Westmorland Road (3<sup>rd</sup> Reading)**

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-77 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 1,000 square metres, located at 648 Westmorland Road, also identified as PID No. 55208300 from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN), be read.

MOTION CARRIED.

The by-law entitled, "By-Law Number C.P. 111-77 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 rescind the Section 39 conditions imposed on the August 19, 2002 rezoning of the property located at 646-648 Westmorland Road also identified as PID Number 00303545; and,

That Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c.19) the following conditions upon the development and use of the parcel of land having an area of approximately 19,352 square metres, located at 646-648 Westmorland Road also identified as PID Number 00303545:

a. The use of the site is limited to senior citizens' apartment development, parking area, and access for the adjacent place of worship and food bank.

- b. The developer must pave all new parking areas, loading areas, manoeuvring areas, and driveways with asphalt and enclose them with cast-in-place concrete curbs to protect landscaped areas and facilitate proper drainage.
- c. Adequate site drainage facilities (including catch basins) must be provided by the developer in accordance with a detailed drainage plan, prepared by the developer and subject to the approval of the Chief City Engineer or his designate.
- d. All utilities, including power and telephone, must be provided underground.
- e. The portion of the rezoned area abutting the lots fronting on Longview Court must consist of a landscaped planting strip with a minimum width of 3 metres (10 feet), and shall include a continuous row of deciduous and/or coniferous trees and a continuous board-on-board fence with a minimum height of 1.5 metres (5 feet).
- f. All other disturbed areas of the site not occupied by buildings, driveways, walkways, parking, or loading areas must be landscaped by the developer.
- g. The site shall not be developed except in accordance with a detailed site plan and building elevation plans, prepared by the developer and subject to the approval of the Development Officer, indicating the location of all buildings, parking areas, driveways, loading areas, signs, exterior lighting, landscaped areas and other site features, including those listed above. The approved site plan must be attached to the application for building permit for the development.
- h. All site improvements shown on the approved site and drainage plans must be completed within one year of building permit approval.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-77 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 1,000 square metres, located at 648 Westmorland Road, also identified as PID No. 55208300 from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN), 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. 111-77 A Law to Amend the Zoning By-Law of The City of Saint John."

10.2 Zoning By-Law Amendment with Section 59 Conditions – O Heather Way (3<sup>rd</sup> Reading)

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, “By-Law Number C.P. 111-78 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 55,603 square metres, located at O Heather Way, also identified as PID No. 55208300 from Two-Unit Residential (R2) to Mid-Rise Residential (RM), be read.

MOTION CARRIED.

The by-law entitled, “By-Law Number C.P. 111-78 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 pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c. 19)*, here imposes the following conditions upon the Property having an area of 55,603 square metres, located at O Heather Way, also identified as PID Number 55208300, the following conditions upon the development and use of the land:

a. A treed buffer and berm must be constructed along the property line shared with dwellings on Boyaner Crescent. Hedge height is to be at least 1 metre and must be shown on a landscaping plan, submitted as part of any building permit for buildings which share a property line with dwellings on Boyaner Crescent. The landscaping plan is subject to the approval of the Development Officer prior to the issuance of a Building Permit. All landscaping for this berm must be maintained for the life of the development.

b. To promote interconnectivity to the future adjacent undeveloped lands, the cul-de-sac is to be designed to City Standards in a manner to ensure that the road can be turning into a through road to the adjacent lands. The design of this cul-de-sac and future changes are subject to approval by the Chief City Engineer or his/her designate.

c. The site shall not be developed except in accordance with a detailed site plan and detailed building elevation plans, prepared by the developer and subject to the approval of the Development Officer. These plans will indicate the location, design and exterior finish of all buildings, the location and treatment of parking areas, driveways, landscaped areas and other site features, and the approved site plan and building elevation plans must be attached to any application for a building permit for the development.

d. An Engineered Storm Drainage Submission be submitted for the full building out of the development with the Building Permit for “Phase One” (as indicated on the tentative plan provided) of the development. “Phase One” shall comprise the full inclusive build out of the proposed underground infrastructure and street construction necessary to support “Phase one” of the development.

e. Detailed engineering drawings and design brief (including plan and profile) of all proposed infrastructure (water, sanitary, storm and street) and connections to existing infrastructure must be submitted by the owner/developer’s engineering consultant for review and acceptance by the City.

f. A final engineered water and sewer analysis (domestic demands, fire flows, peak flows, etc.) and servicing proposal will need to be submitted to the City by the owner/developer’s engineering consultant for review and acceptance by the City in order to determine/confirm the impact this development will have on the existing municipal water and sewer infrastructure. Prior to any proposed development beyond Phase 2 (as indicated on the tentative plan provided), a flow monitoring program would need to be completed by the City in order to re-evaluate the existing downstream sewer capacities. The developer/owner’s engineering consultant will need to submit the subsequent Phase(s), including sewer demands for evaluation and acceptance by the City prior to proceeding.

g. A treed buffer at least 5 metres in width must be planted along the property line shared with dwellings on Hedly Street. Trees must be a minimum height of 2 metres at time of planting and the tree buffer must be shown on a landscaping plan, submitted as part of any building permit for buildings, which share a property line with dwellings on Hedly Street. The landscaping plan is subject to the approval of the Development Officer prior to the issuance of a Building Permit. All tree planting is to be maintained for the life of the development.

MOTION CARRIED.

Moved by Deputy Mayor, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, “By-Law Number C.P. 111-78 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 55,603 square metres, located at 0 Heather Way, also identified as PID No. 55208300 from Two-Unit Residential (R2) to Mid-Rise Residential (RM), 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. 111-78 A Law to Amend the Zoning By-Law of The City of Saint John.”

## **11. Submissions by Council Members**

### **11.1 Ban on Single Use Plastics (Councillor Hickey)**

Moved by Councillor Hickey, seconded by Councillor MacKenzie:

RESOLVED that Council instruct the City Manager and staff to report to Common Council with a recommendation and assessment on the ban on single use plastics in the City of Saint John.

Moved by Councillor Norton, seconded by Councillor Merrithew:

RESOLVED that the matter *Ban on Single Use Plastics* be referred to Fundy Region Service Commission for their consideration.

MOTION CARRIED with Councillors Hickey, Reardon, and Armstrong voting nay.

### **11.2 Letters/Documents Addressed to Council (Deputy Mayor McAlary)**

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the item *Letters/Documents Addressed to Mayor and Council* be referred to the City Manager for guidance.

MOTION CARRIED.

### **11.3 Trees for Chipman Hill (Deputy Mayor McAlary)**

Responding to a question, the Commissioner of Water stated Chipman Hill is very congested with underground infrastructure, gas, water, electric which prohibits tree planting.

Moved by Deputy Mayor McAlary, seconded by Councillor Armstrong:

RESOLVED that this motion be received for information.

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:

RESOLVED that the matter *Trees for Chipman Hill* be referred to the City Manager.

MOTION CARRIED.

Deputy Mayor McAlary assumed the Chair to enable Mayor Darling the opportunity to present his submitted motions.

### **11.4 Financial Restructuring (Mayor Darling)**

Referring to the submitted report entitled *Financial Restructuring*, the Mayor outlined the reason for the restructuring plan and the timeline to implement the plan in the 2020 budget.

The City Manager commented on the modifications made by the Mayor in the verbal motion from the submitted motion published in the Agenda report.

Moved by Mayor Darling, seconded by Councillor Hickey:

RESOLVED that the Finance Committee be directed in collaboration with staff to develop a restructuring plan, which commences implementation in budget 2020 (January) at the latest and addresses the structural deficit currently outlined in the City's current financials. Furthermore, that this plan be broad and consider the 11 major barriers identified in the December budget 2019 documents. Progress on this plan shall be presented to a full meeting of council, as part of the budget 2020 deliberations by the end of September 2019.

MOTION CARRIED.

#### 11.5 Letter of Support from Neighbouring Communities (Mayor Darling)

Referring to the submitted motion entitled *Letter of Support from Neighbouring Communities*, the Mayor outlined the reasons for approaching the following communities for their support on tax reform on heavy industrial property tax revenue:

- Towns of Grand Bay-Westfield, Rothesay, Quispamsis, Hampton and
- Village of St Martins.

Moved by Mayor Darling, seconded by Councillor MacKenzie:

RESOLVED that Common Council authorize the Mayor to send a letter to the following communities - the towns of Grand Bay-Westfield, Rothesay, Quispamsis, Hampton, and the Village of St Martins, to seek further written support for an immediate first phase of tax reform, as presented regarding Heavy Industry cost sharing. Furthermore that the following statement of support be proposed for the Mayors and councils to consider.

*The towns of Grand Bay-Westfield, Rothesay, Quispamsis, Hampton and the village of St Martins, formally request that the Province of New Brunswick implement the transfer of heavy industrial property tax revenue to host municipalities as a first phase of municipal taxation reform. We believe in a growing and thriving region of greater Saint John and need a strong Saint John, for this to be achieved.*

MOTION CARRIED.

The Mayor resumed the Chair.

#### 11.6 Reversing Falls Bridge Barrier (Councillor Sullivan)

The City Manager commented there was discussion by Council in 2017 for installation of a suicide barrier. Staff requested collaboration with the Minister of Transportation, but there has been no follow up on the file.

Moved by Councillor Sullivan, seconded by Councillor Strowbridge:

RESOLVED that the City of Saint John send a letter to the Minister of Transportation requesting the installation of a suicide barrier on the Reversing Falls Bridge.

MOTION CARRIED.

#### 11.7 Sustainability Report (Councillor MacKenzie)

Referring to Councillor MacKenzie's request, the City Manager stated staff has the sustainability backgrounder draft currently under review and it is expected to be released in one - two days. The draft contains the contact email information for Regional MLAs and will be posted on the City website.

Moved by Councillor MacKenzie, seconded by Councillor Armstrong:

RESOLVED that in the spirit of open transparent governance direct the City Manager to have staff provide background information on the new deal, the immediate need in terms of a first phase of taxation reform on heavy industry taxes, the GNB response and a template on the City of Saint John's website. These tools should be completed and posted by August 1st, 2019; and that contact names and numbers for provincial representation / regional MLAs be provided.

MOTION CARRIED.

### 12. **Business Matters - Municipal Officers**

#### 12.1 Sustainability Update (Verbal)

The City Manager stated that because the sustainability initiative to address the budget deficit for 2021-2022 is of such importance, it is proposed that a standing agenda item called Sustainability Update will occur as a regular venue for staff to provide updates to Council.

The City Manager commented that in the past two weeks, since the motion on Sustaining *Saint John: A Three Part Plan* was tabled, staff has provided the following:

- City Staff have provided feed back to the Sustainability Working Group, offering observations on what should or could be modified in the document Sustaining Saint John: A Three Part Plan;



- The provincial members of the Sustainability Working Group have acknowledged receipt of the observations; a timeline for the reply to the suggestions has not been confirmed.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the City Manager's verbal *Sustainability Update* be received for information.

MOTION CARRIED.

12.2 Demolition of Vacant, Dilapidated and Dangerous Building at 174 Pitt Street (PID 00006403)

Commissioner Hamilton advised that the file is located in the Central Peninsula. Year to date the City has closed 37 of the target 80 property files successfully, with the majority being repaired or reoccupied which is the optimal outcome.

Technical Services Engineer C. Lowe provided visuals of the building condition and advised Council the owner took out demolition permit today and has 30 days to demolish, however staff recommends going ahead with the demolition planned by staff.

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 174 Pitt Street (PID 00006403) 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 MacKenzie, seconded by Councillor Hickey:

RESOLVED that the building located at 174 Pitt Street, PID# 00006403, is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and

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

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

MOTION CARRIED.

12.3 Demolition of Vacant, Dilapidated and Dangerous Building at 261-263 Wentworth Street and 214 Britain Pitt Street (PID 00001149)

Technical Services Engineer C. Lowe provided visuals of the condition of the building located on the Central Peninsula at 261-263 Wentworth Street and 214 Britain Pitt Street.

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 261-263 Wentworth Street and 214 Britain Pitt Street (PID 00001149) 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 Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the building located at 261-263 Wentworth Street and 214 Britain Street, PID# 00001149, is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and

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

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

MOTION CARRIED.

12.4 Request to Set Public Hearing Date – Updated Heritage Conservation Areas By-Law (Phase One)

Commissioner Hamilton announced first phase of the updated Heritage Conservation Areas Bylaw.

Heritage Planner Emma Sampson stated the Heritage Conservation Areas Bylaw was developed in coordination with the Central Peninsula Plan and described a summary of the bylaw contents.

Moved by Councillor Reardon, seconded by Councillor Hickey:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-195: Request to Set Public Hearing Date – Updated Heritage Conservation Areas By-Law (Phase One)*, Common Council approve the necessary advertising for the Public Hearing to be held on September 9, 2019 to consider the proposed Phase One revisions to the *Saint John Heritage Conservation Areas By-Law* [HC-1].

MOTION CARRIED.

### **13. Committee Reports**

#### **13.1 Finance Committee: 2020 and 2021 General Fund Capital Budget**

The Chair of the Finance Committee stated that a two year capital budget is being proposed. The emphasis is on less borrowing. The total budget over the two years is approx. \$50M; \$29M is funded by other levels of government; \$21M is funded by the City.

The Commissioner of Finance outlined the draft capital budget highlights, including the lowest level of borrowing since he became Commissioner in 2015. The budget supports Council's priorities; 22% of the budget reinvestment supports growth initiatives; 98% addresses infrastructure deficit. The budget also addresses climate change mitigation initiatives, infrastructure investments in recreation and technology to enhance customer services, long term debt reduction and a focus on tax base growth.

Moved by Councillor Merrithew, seconded by Councillor Strowbridge:

RESOLVED that as recommended by the Finance Committee having met on July 18, 2019 Common Council receive and file the 2020 and 2021 General Fund Capital Budgets; and

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-180: Finance Committee: 2020 and 2021 General Fund Capital Budget*, that members of Common Council reflect upon the submitted proposed 2020 and 2021 General Fund Capital Budget and make all inquiries and recommendations to staff; and that the report be received for information.

MOTION CARRIED.

#### **13.2 Finance Committee: 2020 and 2021 Proposed Water and Sewerage Utility Fund Capital Budget**

The Chair of the Finance Committee introduced the proposed 2 year budget for the Water and Sewerage utility.

Commissioner McGovern outlined the proposed Water and Sewerage Utility Fund 2020-2021 Capital Budgets proposed at \$26,205,000. Highlights include:

- No new borrowing;
- Heavy reliance on funding from other sources, such as Gas Tax, Disaster Mitigation Funding \$15,931,500 (2 years);
- Addressing the deficit;
- Strategic investments.

Moved by Councillor Reardon, seconded by Councillor Norton:

RESOLVED that as recommended by the Finance Committee having met on July 18<sup>th</sup>, 2019 Common Council receive for information the 2020 and 2021 Proposed Water and Sewerage Utility Fund Budgets; and

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-181: Finance Committee: 2020 and 2021 Proposed Water and Sewerage Utility Fund Capital Budget*, that members of Common Council reflect upon the submitted draft of the 2020 and 2021 Proposed Utility Fund Capital Budget and make any and all inquiries and recommendations to staff; and that the report be received for information.

MOTION CARRIED.

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

##### **14.1 E. Cusack – Parking for Uptown High School Students**

Moved by Councillor Norton, seconded by Councillor Merrithew:

RESOLVED that the request from E. Cusack – Parking for Uptown High School Students be referred to the Clerk to schedule a presentation.

MOTION CARRIED.

##### **14.2 Saint John Water – 2018 Annual Water Report**

Deputy Commissioner Kendall Mason outlined the requirements for the Annual Report and the highlights. The report will be available on the City's website tomorrow.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the submitted report entitled Saint John Water – 2018 Annual Water Report, be received for information.

MOTION CARRIED.

## 15. General Correspondence

### 15.1 Letter from Hon. Jeff Carr: Sustaining Saint John – a Three-Part Plan

The City Manager referenced the Letter from Hon. Jeff Carr: *Sustaining Saint John – a Three-Part Plan* and the Council resolution on July 11<sup>th</sup>, 2019 to table the item for 30 days.

#### 15.1.1 Staff Response: Clarification of Short-Term Revenue Generated by “Sustaining Saint John – A Three Part Plan”

Referring to the submitted report entitled M&C 2019-194: *Clarification of Short-Term Revenue Generated by “Sustaining Saint John – A Three Part Plan”* the City Manager advised that City staff has reviewed the Honourable Minister’s letter and provided their comment noting a difference in opinion on the net gain to the City. The Minister submits a \$6M contribution to the City. Staff submits a net gain to the City of \$1M - \$3M.

1. Tax Exemption Transit Facility \$306k – Valid
2. Capital and Operating of Regional Facilities \$632k – Valid
3. Accommodation Levy - \$400 – 500k - Valid
4. Accelerated Population Growth \$600k – This is uncertain
5. Revenue from SJ Energy \$1M – This is uncertain
6. Operating Budget Initiatives \$3M – This represents City cuts and therefore does not provide relief to our overall situation. Certainly it should not be considered a “net gain” to the City.

Responding to a question, the City Manager commented on the assumptions / speculations made in the Minister’s letter concerning the accelerated population growth initiative and revenue from Saint John Energy stating:

- The Accelerated Population Growth \$600k assumes the pilot project is successful in attracting 500 people to stay in Saint John, and that these people will cause the building of \$34M of new tax base;
- The Revenue from Saint John Energy \$1M assumes early dividends of \$500k in each of 2019 and 2020 (totaling \$1M) are contingent on the enabling legislation being put into place by the Provincial Government.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the submitted report entitled *M&C 2019-194: Clarification of Short-Term Revenue Generated by “Sustaining Saint John – A Three Part Plan”*, be received for information.

MOTION CARRIED.

15.2 Sponsorship Request: St. Joseph's Hospital Foundation – 1st Annual "Late Night with the Foundation"

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the Sponsorship Request: St. Joseph's Hospital Foundation – 1st Annual "Late Night with the Foundation" be approved and the Office of the Common Clerk be directed to purchase tickets for those Council members wishing to attend the event.

MOTION CARRIED.

15.3 Sponsorship Request: WE Believe Saint John

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the Sponsorship Request: WE Believe Saint John be referred to the Community Grants Committee.

MOTION CARRIED.

15.4 Ticket Purchase Request: Rocmaura Nursing Home Foundation

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the Ticket Purchase Request: Rocmaura Nursing Home Foundation be approved and the Office of the Common Clerk be directed to purchase tickets for those Council members wishing to attend the event.

MOTION CARRIED.

15.5 Sponsorship Request: New Brunswick Community College – Orientation Week Activities

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the Sponsorship Request: New Brunswick Community College – Orientation Week Activities be referred to the Growth Committee.

MOTION CARRIED.

15.6 Saint John Citizen's Coalition – GrowSJ Brand

Moved by Councillor Sullivan, seconded by Councillor Merrithew:

RESOLVED that the Letter Saint John Citizen's Coalition – GrowSJ Brand be referred to the City Manager and to report back to Council.

MOTION CARRIED.

**16. Supplemental Agenda**

**17. Committee of the Whole**

**17.1 Sculpture Saint John 2020**

The City Manager commented on the Community Partnership directive to the City Manager made by the Committee of the Whole, i.e. that the City Manager is requested to approach other organizations for their financial support to enable the City to become a Community Partner in 2020.

Moved by Councillor Norton, seconded by Deputy Mayor McAlary:

RESOLVED that as recommended by the Committee of the Whole having met on July 29<sup>th</sup>, 2019 Common Council directs the City Manager to inform Sculpture Saint John that:

The City of Saint John will become a “Destination Sponsor” for Sculpture Saint John in 2020 subject to available budget, and

That the City will not become a “Community Partner” in 2020;

That the City is committed to working to identify a suitable location for the 2020 event in Saint John, but unfortunately Fundy Quay will not be a feasible Option; and

Further that the projected costs associated with the installation of the 2020 Sculpture (\$5000) be referred to the 2020 operating budget for consideration.

MOTION CARRIED.

**18. Adjournment**

Moved by Councillor MacKenzie, seconded by Councillor Armstrong:

RESOLVED that the meeting of Common Council held on July 29, 2019, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 10:00 p.m.