



The City of Saint John

MINUTES – REGULAR MEETING  
COMMON COUNCIL OF THE CITY OF SAINT JOHN  
AUGUST 19, 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 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  
Solicitor O. Lineros  
Fire Chief K. Clifford  
Police Chief B. Connell  
Deputy Commissioner Growth and Community Development P. Ouellette  
Commissioner of Finance and Treasurer K. Fudge  
Commissioner of Transportation and Environment M. Hugenholtz  
Deputy Commissioner of Saint John Water K. Mason  
Common Clerk J. Taylor  
Administrative Assistant K. Tibbits

**1. Call to Order**

**2. Approval of Minutes**

**2.1 Minutes of July 29, 2019**

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the minutes of the meeting of Common Council held on July 29, 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 Item 17.1 West Branch Library.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that Item 12.7 Sustaining Saint John: A Three-Part Plan (Tabled from July 11, 2019) be moved forward on the agenda.

MOTION CARRIED.

**4. Disclosures of Conflict of Interest**

Mayor Darling declared a conflict of interest with Item 15.1 D. James Letter re: Council Code of Conduct.

**5. Consent Agenda**

5.1 That the Hon. Jeff Carr Letter re Federal Gas Tax Fund (GTF) – 2019 Allocation be received for information.

5.2 That as recommended by the City Manager in the submitted report *M&C 2019-205: Financial and Compliance Audit Report for the Funding Agreement with the Province*, Common Council approve the Independent Practitioner's Reasonable Assurance Report on Compliance and supplementary reports provided to the City of Saint John by the auditors in relation to Provincial Funding Agreement dated March 15, 2018.

5.3 That as recommended by the City Manager in the submitted report *M&C 2019-177: Tender No. 2019-084101T: Dredging Lancaster Lagoon*, Tender No. 2019-084101T for the establishment of a two year supply agreement for the dredging of the Lancaster Lagoon be awarded to the low tenderer, Entec Waste Management Inc.

5.4 That as recommended by the City Manager in the submitted report *M&C 2019-197: Contract 2019-20 Crack Sealing 2019*, the contract be awarded to the low Tenderer, Road Savers Maritime Limited, at the tendered price of \$122,475.00 (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 the submitted report *M&C 2019-198: Public Information Session: Cedarpoint Anchorage Neighbourhood – Plan for Traffic Calming and Asphalt Resurfacing*, be received for information.

5.6 That as recommended by the City Manager in the submitted report *M&C 2019-199: Supply Agreement for Road Salt*, Common Council award the supply contract for road salt to Nutrien for a two year period; and further that the Mayor and Common Clerk be authorized to sign the required documents.

5.7 That as recommended by the City Manager in the submitted report *M&C 2019-201: Contract 2019-18: MRG Sanitary Sewer System – X Station Culvert Renewal*, the contract be awarded to the low Tenderer, Galbraith Construction Ltd., at the tendered price of \$307,510.00 (including HST) as calculated based upon estimated quantities; and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.8 That as recommended by the City Manager in the submitted report *M&C 2019-202: Road Salt Delivery*, Common Council award the tender for road salt delivery to Kingsco Transport Ltd. for a two year period; and further that the Mayor and Common Clerk be authorized to sign the required documents.

5.9 That as recommended by the City Manager in the submitted report *M&C 2019-196: Initiate Closure of Portion of Mitchell Street*, Common Council adopt the following:

1. That the Public Hearing to consider the passing of a By-law to Close a 1,689.2 square metre portion of a public street known as Mitchell Street, as shown on a Plan of Survey (as submitted), be set for Monday, September 9, 2019 at 6:30 p.m. in the Council Chamber;
2. That Common Council authorize the publishing of a notice of its intention to consider passing of such By-law identified above; and
3. In the event that Common Council gives First and Second Reading to Amending a By-law as stated above, that Council withhold Third Reading pending a further report from City staff regarding the details of the possible sale of the area described in the aforesaid notice.

5.10 That as recommended by the City Manager in the submitted report *M&C 2019-212: Request for Proposal No. 2019-463002P – Packaged Pump Station*, the proposal submitted by Fairville Construction Ltd. for the purchase of the new Packaged Pump Station at a cost of \$466,000.00 plus HST be accepted; and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.11 That the submitted report *M&C 2019-207: Follow Up to Saint John Citizen's Letter re: GrowSJ*, be received for information.

5.12 That as recommended by the City Manager in the submitted report *M&C 2019-208: Green Energy Municipal Plan and Zoning By-Law Amendments – Referral to Planning Advisory Committee*:

1. Common Council refer the proposed Municipal Plan By-Law Amendments set out in Schedule "A" to M&C No. 2019-208 dated 14<sup>th</sup> day of August 2019 to the Planning Advisory Committee for consideration at its meeting scheduled for September 17, 2019; and
2. Common Council direct staff to give the required notice of Council's intention to consider the aforesaid Municipal Plan By-Law Amendments at a public hearing to be held at the Council Meeting scheduled for the 7<sup>th</sup> day of October, 2019.

5.13 That as recommended by the City Manager in the submitted report *M&C 2019-203: 2020 and 2021 General Fund Capital Budget*, Common Council approve the 2020 and 2021 General Fund Capital Budget in the amount of \$50,621,551 (gross) with contributions from other sources of \$29,131,401, yielding a net Capital budget in the amount of \$21,490,150, to be funded by debt issue (net) as set in Exhibit 1.

5.14 That as recommended by the City Manager in the submitted report *M&C 2019-204: 2020 and 2021 Water and Sewerage Utility Fund Capital Budget*, Common Council approve the 2020 and 2021 Water and Sewerage Fund Capital Budget in the amount of \$26,215,000 (gross) with contributions from other sources of \$15,931,550, yielding a net Capital budget in the amount of \$10,283,450, to be funded by pay as you go (net) as set in Exhibit 1.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

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

MOTION CARRIED UNANIMOUSLY.

12.7 Sustaining Saint John: A Three-Part Plan (Tabled from July 11, 2019)

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that Item 12.7 Sustaining Saint John: A Three-Part Plan, be lifted from the table.

MOTION CARRIED.

Moved by Councillor Sullivan, seconded by Councillor Strowbridge:

RESOLVED that:

- 1) Common Council endorse the report while continuing to voice its reservations over:
  - Failure to solve the financial gap for the years of 2021 and 2022
  - Lengthy timelines and uncertainty for the significant reforms
  - Lack of detailed implementation plans for the significant reforms
- 2) Common Council formally re-consider in March 2020, in Open Session, their endorsement of this Plan based on the progress made. This date would be concurrent with the Provincial commitment to re-assess in Part Three of the Plan, and also be concurrent with the City's commitment to have all implementation plans for financial restructuring approved.
- 3) City Staff, working through Finance Committee, continue with their efforts/plans to address the entirety of the deficit for 2021 and 2022; respecting the motion passed by Common Council on this issue.
- 4) Common Council request to the Province that detailed implementation plans be produced for each of the 20 Action Items.
- 5) That the working committee established to produce this Plan remain extant and assist in the coordination and implementation of the entire Plan.
- 6) City staff provide a report to Council every two months as a minimum (and more often if deemed necessary) on the progress on the 20 Action Items, and on Parts Two and Three of the Plan, through the creation of a Sustaining Saint John Report Card. Furthermore, that this report card be provided to Saint John Common Council, Members of the Legislative Assembly from the Greater Saint John Region, the Premier's Office, and all four political parties currently represented in the Provincial Legislature in order to ensure broad situational awareness.
- 7) Common Council create an ad-hoc three-member Committee of Council to be named at a later date, to continue the communication with appropriate Provincial elected officials regarding potential future amendments to the Plan.

Mr. Collin noted that an amended version of the Plan was received just prior to the meeting, along with a supporting letter from the Premier. The key proposed changes to the Plan are as follows:

- More definitive wording and commitment to changing binding arbitration for police and fire fighters.
- More definitive wording and commitment to enabling Saint John Energy's growth agenda.
- The final report for the Regional Management Task Force was not advanced, but there is now a requirement for an interim report and also recognition of a requirement for outside expertise and advice to the task force.
- The Province has stated that they intend to advance the reassessment of outcomes (Part Three of the Plan), from the May period to the March period of 2020.

The plan still does not address the financial gap of 2021 and 2022. There is tremendous potential in the longer term initiatives. There is some, although limited, short-term financial relief. With an endorsed report there is a commitment from the Province to make certain changes to legislation and processes. It includes financial relief of approximately \$1M and potentially more depending on the success of initiatives.

Councillor MacKenzie expressed concern with the recommendation, adding that by endorsing the report, he is endorsing \$12M in cuts to the City of Saint John, which is likely to occur regardless. Councillor MacKenzie indicated that there was not adequate time given to review the amended Plan due to the late timing of receipt of the material.

Deputy Mayor McAlary expressed concern that the amended Plan is not concrete nor does it address the financial challenges of 2021 and 2022. The Deputy noted that she cannot support the creation of an Ad-hoc committee, noting that the MLAs should work with all of Council, not just a select few.

Councillor Armstrong stated that there is nothing concrete in the Plan. A signed agreement is not necessary in order to continue conversation with the Province.

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

(Councillors Sullivan and Norton withdrew from the meeting)

## **6. Members Comments**

Council members commented on various community events.

## **7. Proclamations**

7.1 Exhibition Days 2019

The Mayor declared August 27<sup>th</sup> to 31<sup>st</sup> 2019 as Exhibition Days in the City of Saint John.

**8. Delegations/Presentations**

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

**10. Consideration of By-laws**

(Councillor Casey withdrew from the meeting)

10.1 Zoning ByLaw Amendment – 81 Bayside Drive (3<sup>rd</sup> Reading)

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the by-law entitled, “By-Law Number C.P. 111-80 A Law to Amend the Zoning ByLaw of The City of Saint John”, amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 930 square metres, located at 81 Bayside Drive, also identified as PID No. 00317636 from Neighbourhood Community Facility (CFN) to General Commercial (CG), be read.

MOTION CARRIED.

The by-law entitled, “By-Law Number C.P. 111-80 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 Reardon:

RESOLVED that the by-law entitled, “By-Law Number C.P. 111-80 A Law to Amend the Zoning ByLaw of The City of Saint John”, amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 930 square metres, located at 81 Bayside Drive, also identified as PID No. 00317636 from Neighbourhood Community Facility (CFN) to General Commercial (CG), 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. 111-80 A Law to Amend the Zoning By-Law of The City of Saint John.”

10.2 Zoning ByLaw Amendment with Section 59 Conditions – 149 Broad Street (3<sup>rd</sup> Reading)

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the by-law entitled, “By-Law Number C.P. 111-79, 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 No. 00000604, from Neighbourhood Community Facility (CFN) to Urban Centre Residential (RC), be read.

MOTION CARRIED.

The by-law entitled, “By-Law Number C.P. 111-79 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 Reardon:

RESOLVED that, pursuant to Section 59 of the Community Planning Act, the development and use of the parcel of land with an area of approximately 1,483 square metres, located at 149 Broad Street also identified as PID Number 00000604, be subject to the following condition:

That any development of the site be in accordance with a detailed site plan to be prepare by the proponent and subject to the approval of the Development Officer, indicating: the location of all buildings and structures, vehicular parking areas & driveways, bicycle parking, loading areas, signage, exterior lighting, outdoor storage areas, landscape and amenity areas, and other site features. The site plan is to be attached to the application for the building permit for the proposed development.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the by-law entitled, “By-Law Number C.P. 111-79, 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 No. 00000604, from Neighbourhood Community Facility (CFN) to Urban Centre Residential (RC), 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. 111-79 A Law to Amend the Zoning By-Law of The City of Saint John.”

(Councillor Casey re-entered the meeting)

10.3 Public Presentation – Municipal Plan Amendment re 348 Acamac Backland Road



Deputy Commissioner P. Ouellette gave a public presentation for a proposed amendment to the Municipal Development Plan which would redesignate on Schedule A of the Municipal Development Plan, parcels of land with an area of approximately 6.0 hectares located at 348 Acamac Backland Road, also identified as portions of PID No. 00289595 from Park and Natural Area to Rural Resource Area; and redesignate, on Schedule B of the Plan, the same parcels of land, from Park and Natural Area to Rural Resource to permit the development of a pit and quarry for aggregate and clay extraction on a portion of the property.

**11. Submissions by Council Members**

**12. Business Matters - Municipal Officers**

**12.1 Continuous Improvement Initiatives Update (Verbal)**

Ms. Rackley-Roach stated that as part of on-going efforts to continuously improve service to customers and support growth in Saint John, new technology has recently been made available to the public. The applications allow for easier access to information and promotes some of the City's cultural assets by combining mapping and mobile device technology.

Y. Leger, GIS Manager reviewed a presentation entitled "Performance, Open Data and Apps".

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the presentation entitled "Performance, Open Data and Apps", be received for information.

MOTION CARRIED.

**12.2 Sustainability Update (Verbal)**

Mr. Collin stated that Council will be provided with broad aspects of the Sustainability Plan to address the entirety of the deficit for 2021 and 2022 prior to the end of September.

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

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

MOTION CARRIED.

(Councillor Strowbridge withdrew from the meeting)

12.3 Demolition of Vacant, Dilapidated and Dangerous Building at 361-363 Lancaster Street (PID 00367904)

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 361-363 Lancaster Street (PID 00367904) 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 Deputy Mayor McAlary:

RESOLVED that as recommended by the City Manager in the submitted report M&C 2019-211: Demolition of Vacant, Dilapidated and Dangerous Building at 361-363 Lancaster Street (PID 00367904), Common Council approve the following:

RESOLVED that the building located at 361-363 Lancaster Street, PID# 00367904, 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.

(Councillor Strowbridge re-entered the meeting)

12.4 Saint John Economic Development Alignment Exercise

Deputy Commissioner P. Ouellette reviewed the submitted presentation “Saint John Economic Development Alignment Exercise.” An Advisory Council was developed in March 2019 to support the review of economic development with the objective of providing a recommendation to Council in the third quarter of 2019.

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the presentation entitled, “Saint John Economic Development Alignment Exercise”, be received for information.

MOTION CARRIED.

**12.5 Arena Booking Annual Comparison**

Commissioner Hugenholtz noted that significant changes were made earlier in the year with respect to the operation of City arenas including the implementation of recreational cards and non-resident user fees. Concerns were expressed from the hockey community that rentals would drop considerably as a result, leading to lower participation from the community and potentially lower revenue to the City. To date, based on the ice time applications received, similar levels of rentals have been received.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the submitted report entitled *M&C 2019-210: Arena Booking Annual Comparison*, be received for information.

MOTION CARRIED.

**12.6 Accelerating Implementation of Renewable Energy projects in Saint John**

Commissioner Fudge noted that Council earlier approved the “Climate Change Action Plan” which identified a number of measures and strategies to achieve the community green house gas emissions target by 2025. One of these measures is the development and implementation of renewable energy sources in the community. The City has partnered with Quest and is one of five municipalities involved in a two-year project with a purpose of identifying renewable energy opportunities. The project is being funded by the Federation of Canadian Municipalities.

Mr. Eddie Oldfield, Quest, reviewed the submitted presentation entitled, “Mapping Possibilities for Renewable Energy Development in the City of Saint John.”

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the submitted report entitled *M&C 2019-209: Accelerating Implementation of Renewable Energy Projects in Saint John*, be received for information.

MOTION CARRIED.

**13. Committee Reports**

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

**15. General Correspondence**

(Mayor Darling withdrew from the meeting; Deputy Mayor McAlary assumed the Chair)

**15.1 D. James Letter re Council Code of Conduct – Mayor Darling**

Moved by Councillor Reardon, seconded by Councillor Armstrong:

RESOLVED that the D. James Letter regarding Council Code of Conduct (Mayor Darling) be received for information.

MOTION CARRIED.

**15.2 D. James Letter re Council Code of Conduct – Councillor Merrithew**

Moved by Councillor Reardon, seconded by Councillor Hickey:

RESOLVED that the D. James Letter regarding Council Code of Conduct (Councillor Merrithew) be received for information.

MOTION CARRIED.

**16. Supplemental Agenda**

**17. Committee of the Whole**

**17.1 West Side Library**

Moved by Councillor Armstrong, seconded by Councillor Merrithew:

RESOLVED that as recommended by the Committee of the Whole, having met on August 19, 2019, Common Council recommend to The Commissioners of the Free Public Library of the City of Saint John to execute the Lease Extension and Amending Relocation Agreement with SBLP Lancaster Mall Inc. as submitted with a change in term to 10 years.

MOTION CARRIED.

**18. Adjournment**

Moved by Councillor Reardon, seconded by Councillor Armstrong:

RESOLVED that the meeting of Common Council held on August 19, 2019, be adjourned.

MOTION CARRIED.

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