



The City of Saint John

MINUTES – REGULAR MEETING
COMMON COUNCIL OF THE CITY OF SAINT JOHN
DECEMBER 17, 2018 AT 6:00 PM
IN THE COUNCIL CHAMBER

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

Also Present: Acting City Manager N. Jacobsen
Commissioner Growth and Community Development J. Hamilton
Fire Chief K. Clifford
City Solicitor J. Nugent
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 December 3, 2018

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the minutes of the meeting of Common Council, held on December 3, 2018, 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 the following items:

- 17.1 Recommended 2019 Management / Professional Employee Annual Economic Increase; and,
- 17.2 Mayor's Office Executive Assistant

MOTION CARRIED.

4. Disclosures of Conflict of Interest

Councillor Merrithew declared a conflict with item 17.2 Mayor's Executive Assistant.

5. Consent Agenda

5.1 That the Cities of New Brunswick Newsletter Winter 2018 be received for information.

5.2 That the K. Nixon Letter re Street Lights be received for information.

5.3 That HMCS Brunswicker Request to Present be referred to the Clerk to Schedule.

5.4 That as recommended by the City Manager in the submitted report *2018-358: Acting City Manager*, in the absence of the City Manager, appointment to the position of Acting City Manager is hereby made of Michael Hugenholtz, in addition to the existing list of potential appointees, namely Neil Jacobsen, Brent McGovern, Jacqueline Hamilton and Kevin Fudge, in accordance with their respective availability and the matters anticipated to require attention in the City Manager's absence, with the City Manager to administer the arrangement.

5.5 That as recommended by the City Manager in the submitted report *2018-352: Proposed Public Hearing Date – 3700 King William Road, 1350 Hickey Road and 93 Loch Lomond Road*, Common Council schedule the public hearing for the rezoning and Section 59 Amendment applications of F. Andrew Simpson Contracting Ltd. (3700 King William Road), Residential Contractors on behalf of 616813 N.B. Limited (1350 Hickey Road), and Brenda Defazio (93 Loch Lomond Road) for Monday January 28, 2018 at 6:30 p.m. in the Council Chamber, and refer the applications to the Planning Advisory Committee for a report and recommendation.

5.6 That as recommended by the City Manager in the submitted report *M&C 2018-356: Municipal Approval for Winter Love SJ Special Event License*, the City grant municipal approval for Winter Love SJ to seek a Provincial Special Event License for an event as described in the Submission to Council as attached to M&C 2018-356; that is to say Council approval for Winter Love SJ to obtain Road Closure and Special Events Licensing including liquor licensing for an event to occur in February 2019 (all day event) on a section of Water Street between King Street and Princess Street, Saint John.

5.7 That as recommended by the City Manager in the submitted report *M&C 2018-357: 2019 Community Grants Selection*, Common Council approves the following for disbursement of 2019 Community Grants funding:

- 1) Execution of the Community Grants process as outlined in the Municipal Grants Program Manual as adopted in 2015; and,
- 2) Allow the Community Grants Committee to recommend to Council if none or some funding should be withheld for a second consideration of Special Events applications as per the Manual as described in M&C 2018-357.

5.8 That as recommended by the City Manager in the submitted report *M&C 2018-285: Proposed Local Government Services Easements – 147 Lansdowne Avenue*, Common Council assent to the submitted subdivision plan entitled “Subdivision Plan – Plazacorp Property Holdings Inc. Subdivision”, located at 147 Lansdowne Avenue (PID 00370973), with respect to the vesting of the proposed Local Government Services Easements.

5.9 That as recommended by the City Manager in the submitted report *M&C 2018-351: Printing Service Agreement with Saint John Energy*, Common Council approve the Printing Service Agreement with Saint John Energy for the printing and mailing of the Saint John Water bills and payroll T4s, T4As and the Pension Pay Advices for a four year term from 2019-2022 at the costs provided in the submitted report and agreement; and that the Mayor and Common Clerk be authorized to sign the submitted agreement.

5.10 That as recommended by the City Manager in the submitted report *M&C 2018-361: Proposed Easement in favour of The City of Saint John – Develop Saint John Inc. Subdivision, Galbraith Place*, Common Council adopt the following resolution:

“That the City accept an easement from Develop Saint John Inc. to the land identified on the tentative subdivision plan “Develop Saint John Inc. Subdivision” dated December 11, 2018 and prepared by Don-More Surveys & Engineering Ltd., to the land identified thereon by the words “Easement in favour of The City of Saint John”, for the purpose of (i) providing the City by its officers, servants, agents, contractors and workers, the right to enter the lands subject to the easement with machinery, materials, vehicles and equipment and to construct, alter, maintain, increase the number and/or size of water pipelines and any like local government works including all related works appurtenant thereto and; (2) also for the purpose of providing the City by its officers, servants, agents, contractors and workers a right of way to and over the said lands for the purpose of gaining access and egress to and from the City’s water utility infrastructure located on the adjacent property, in all cases subject to the City’s restoring promptly and as far as is practicable the surface of the lands to the same condition in which it existed prior to the commencement of the work or excavation, together with the right by action or otherwise at any time to enjoin the owner of the lands subject to the easement including the heirs, executors, administrators, successors and assigns of the owner from erecting or locating on the lands subject to the easement any building, structure or other obstacle which could impair the free and full use of the easement or permitting the erection or location on it of any such building, structure or other obstacle.”

5.11 That as recommended by the City Manager in the submitted report *M&C 2018-359: Canadian Institute of Cybersecurity Membership Agreement*, the Mayor and Common Clerk be authorized to execute the Collaborative Research Agreement (submitted) with the Canadian Institute of Cybersecurity (CIC) for a one-year Strategic Membership to carry out work related to enhancing the security of the City of Saint John’s information systems and data.

5.12 That as recommended by the City Manager in the submitted report *M&C 2018-363: Fleet Replacement Procurement – December 2018*, Common Council award the purchase of four (4) Tandem Roll-Off Trucks with attachments at a total cost of \$1,833,903.72 plus HST to Universal Truck & Trailer.

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.

6. Members Comments

Council members commented on various community events.

7. Proclamations

8. Delegations/Presentations

8.1 Yacht Haven Lane

Referring to the submitted presentation, Graham Taylor, resident Yacht Haven Lane addressed the request from the residents of Yacht Haven Lane to have the street status changed from a private street to a public street.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the submitted report entitled *Yacht Haven Lane* be referred to staff to come back to Common Council in February 2019 with a report.

MOTION CARRIED.

8.2 Winter Love SJ

Referring to the submitted report *Winter Love SJ* Casandra Goodwin and Lily Lynch described the proposed Winter Love SJ event.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the submitted presentation entitled *Winter Love SJ*, be received for information.

MOTION CARRIED.

9. Public Hearings 6:30 PM

10. Consideration of By-laws

10.1 Public Presentation – Proposed Municipal Plan Amendment re: 179-185 Golden Grove Road

J. Hamilton provided a Public Presentation for a proposed amendment to the Municipal Development Plan which would redesignate on Schedule A of the Municipal Development Plan, a parcel of land with an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road, also identified as PID Numbers 55057848, 55057855 and 55201750, from Stable Area to Employment Area; and to redesignate on Schedule B of the Plan, the same parcel of land, from Stable Residential to Stable Commercial, to construct a vehicle body and paint shop.

10.2 Business Improvement Levy By-Law Amendment (1st and 2nd Reading)

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend By-Law Number BIA-2, Business Improvement Levy By-Law", by applying a levy of 16 cents for each one hundred dollars of assessed value for 2019, be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "A Law to Amend By-Law Number BIA-2, Business Improvement Levy By-Law."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend By-Law Number BIA-2, Business Improvement Levy By-Law", by applying a levy of 16 cents for each one hundred dollars of assessed value for 2019, be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, "A Law to Amend By-Law Number BIA-2, Business Improvement Levy By-Law."

10.2 A By-Law to Provide for Salaries to the Members of the Common Council (3rd Reading)

Responding to the question "Can a council member opt out of the salary bylaw?" the City Solicitor advised that "No, not as the bylaw is written."

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the by-law entitled, "By-Law Number L.G.-1, A By-Law to Provide for Salaries to the Members of the Common Council of The City of Saint John", be read.

MOTION CARRIED with Councillors Casey, Norton, and Sullivan voting nay.

The by-law entitled, "By-Law Number L.G.-1, A By-Law to Provide for Salaries to the Members of the Common Council of The City of Saint John" was read in its entirety.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the by-law entitled, "By-Law Number L.G.-1, A By-Law to Provide for Salaries to the Members of the Common Council of The City of Saint John", be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED with Councillors Casey, Norton, and Sullivan voting nay.

Read a third time by title, the by-law entitled, "By-Law Number L.G.-1, A By-Law to Provide for Salaries to the Members of the Common Council of The City of Saint John."

10.4 105 Prince Edward Street – Zoning By-Law Amendment with Section 59 Conditions (3rd Reading)

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, “By-Law Number C.P. 111-65, 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 316 square metres, located at 105 Prince Edward Street, also identified as PID Numbers 00012450 and 55122162, from Mixed Commercial (CM) to General Commercial (CG), be read.

MOTION CARRIED.

The by-law entitled, “By-Law Number C.P. 111-65, 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 Merrithew:

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 326 square metres, located at 105 Prince Edward Street, also identified as PID Numbers 00012450 and 55122162 shall be subject to the following conditions:

a. A 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 obtaining a building permit.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the by-law entitled, “By-Law Number C.P. 111-65, 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 316 square metres, located at 105 Prince Edward Street, also identified as PID Numbers 00012450 and 55122162, from Mixed Commercial (CM) 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. 111-65, A Law to Amend the Zoning By-Law of The City of Saint John.”

10.5 4 Second Street – Zoning By-Law Amendment with Section 59 Conditions (3rd Reading)

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-66, 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 1072 square metres, located at 4 Second Street, also identified as PID Number 00026849 from Neighbourhood Community Facility (CFN) to Low Rise Residential (RL), be read.

MOTION CARRIED.

The by-law entitled, "By-Law Number C.P. 111-66, A Law to Amend the Zoning By-Law of The City of Saint John," was read in its entirety.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that, pursuant to Section 59 of the *Community Planning Act*, the use of the parcel of land having an area of approximately 1072 square metres, located at 4 Second Street, also identified as PID Number 00026849, be subject to the following conditions:

- a. That all signage related to the previous operation of a church be removed previous to the issuance of an occupancy certificate.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-66, 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 1072 square metres, located at 4 Second Street, also identified as PID Number 00026849 from Neighbourhood Community Facility (CFN) to Low Rise Residential (RL), 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. 111-66, A Law to Amend the Zoning By-Law of The City of Saint John."

11. Submissions by Council Members

11.1 New Brunswick International Student Program (NBISP) (Councillor Norton)

Moved by Councillor Norton, seconded by Deputy Mayor McAlary:

RESOLVED that the request to have the New Brunswick International Student Program present to Council be referred to the Common Clerk for scheduling.

MOTION CARRIED.

12. Business Matters - Municipal Officers

17.1 Recommended 2019 Management / Professional Employee Annual Economic Increase

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that as recommended by the Committee of the Whole having met on December 10th, 2018 Common Council approve a 1.5% annual economic adjustment to the City's Management / Professional Pay Scale, effective January 1, 2019, and direct staff to reflect this adjustment within the 2019 operating and utility budgets.

MOTION CARRIED with Councillors Sullivan and Casey voting nay.

13. Committee Reports

13.1 Finance Committee: 2019 General Operating Budget

Referring to the submitted report entitled *2019 General Operating Budget*, Commissioner Fudge stated this is a status quo budget with no increase in the tax rate. This is a transitional budget that relies on the province's \$7.1 million in cash to offset the city's structural deficit. If the City did not have the provincial cash contribution a 10.5 cent tax hike would have been required to maintain the same level of services and staffing next year. Going ahead a status quo budget is not an option.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2018-350: 2019 General Operating Budget*, Council approve the following:

1. That the sum of \$160,257,783 be the total Operating Budget of the City of Saint John for 2019;
2. That the sum of \$123,577,054 be the Warrant of the City of Saint John for 2019;
3. That the tax rate for the City of Saint John be \$1.785;
4. That Common Council orders and directs the levying by the Minister of Environment and Local Government of said amount on real property liable to taxation under the Assessment Act within the Municipality of Saint John;
5. That Common Council authorizes the Commissioner of Finance and Administrative Services to disburse, at a time acceptable to him, to the named Commissions, Agencies and Committees, the approved funds as contained in the 2019 budget.
6. That Common Council approves the 2019 Establishment of Permanent Positions at 627;
7. That Common Council approves \$350,000 to the Growth Reserve Fund to support the City's growth initiatives;

8. That Common Council approve \$500,000 to the Capital Reserve Fund to fund infrastructure deficit;
9. That Common Council approve \$300,000 to the Operating Reserve Fund to support a Restructuring Plan.

MOTION CARRIED.

13.2 Finance Committee: Reserves

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2018-353: Reserves*, Common Council approve the transfer of:

- \$400,000 to an Operating Reserve to cover the potential increase in WorkSafeNB premiums;
- \$400,000 to the General Capital Reserve to fund infrastructure deficit;
- \$500,000 to an Operating Reserve to fund the demolition of the Coast Guard Administration Building in 2019;
- \$100,000, which is the amount needed to complete the Market Slip Dredging to an Operating Reserve to be used in 2019;
- \$1 Mil which is the projected surplus in the Utility Operating Fund to the SCDW project reserve fund;
- Any fluctuation in the value of the City's employee benefit programs due to actuarial gains to an Operating Reserve annually in order to fund future losses;
- Approve the "Reserve Schedule A" included in the submitted report.

MOTION CARRIED.

13.2 Finance Committee: Transit Building Fund Reserve

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2018-354: Transit Building Fund Reserve*, Common Council authorize the transfer of \$100,000 into the Transit Building Reserve Fund as a result of the estimated 2018 year end operating surplus.

MOTION CARRIED.

13.3 Finance Committee: Coast Guard Administration Building

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2018-360: Coast Guard Administration Building*, Common Council;

- Recommend to approve the transfer of \$500,000 of the projected 2018 General Operating Fund surplus to the General Operating Reserve Fund to partially fund demolition work in 2019;
- Recommend to allocate \$500,000 approved in the 2018 Capital Budget for Growth to fund demolition work in 2019;
- Direct staff to negotiate a Memo of Understanding with the Saint John Parking Commission for the management and operation of the parking lot at the former Coast Guard Site;
- Direct staff to proceed with application to PAC to obtain a temporary parking lot and comply with conditions set out by PAC;
- Direct City pro-rata portion of proceeds from parking revenue be used to replenish the General Operating Reserve Fund used to pay for demolition;

MOTION CARRIED.

14. Consideration of Issues Separated from Consent Agenda

15. General Correspondence

16. Supplemental Agenda

17. Committee of the Whole

Councillor Merrithew withdrew from the meeting.

17.2 Mayor's Office – Executive Assistant

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that as recommended by the Committee of the Whole having met on December 17th, 2018 Common Council authorize the Mayor and Common Clerk to execute a contract of employment with Mr. Patrick Beamish, the text of which contract follows the terms and conditions of the contract of employment for Ms. Jacqueline Isada, with the term of employment to commence December 18th 2018 and expire on the day immediately preceding the first meeting of the Council elected in the quadrennial election of May 2020.

MOTION CARRIED with Councillors Sullivan and Casey voting nay.

18. Adjournment

Moved by Councillor MacKenzie, seconded by Councillor Armstrong:

RESOLVED that the meeting of Common Council held on December 17, 2018, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 8:02 p.m.