



The City of Saint John

MINUTES – REGULAR MEETING  
COMMON COUNCIL OF THE CITY OF SAINT JOHN  
JANUARY 28, 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 4 David Merrithew  
Councillor Ward 4 Ray Strowbridge

Also Present: City Manager J. Collin  
Fire Chief K. Clifford  
Police Chief B. Connell  
City Solicitor J. Nugent  
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 January 14, 2019**

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the minutes of the meeting of Common Council, held on January 14, 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 approve with the addition of item 17.1 Barbour's General Store.

MOTION CARRIED.

**4. Disclosures of Conflict of Interest**

**5. Consent Agenda**

5.1 That the M.E. Carpenter Letter re SJ Transit be referred to the Transit Commission.

5.2 That the Hardman Group Limited Letter re New Year's Eve Celebrations be received for information.

5.3 That as recommended by the City Manager in the submitted report *2019-367: Proposed Public Hearing Date – 97-99 Exmouth Street, 348 Rockland Road and 21 Canon Street*, Common Council schedule the public hearing for the rezoning applications of Krystal Kindred on behalf of Supreme Human Services (97-99 Exmouth Street) and Natasha Tobias (348 Rockland Road and 21 Canon Street) for Monday March 11, 2019 at 6:30 p.m. in the Council Chamber, and refer the applications to the Planning Advisory Committee for a report and recommendation.

5.4 That as recommended by the City Manager in the submitted report *2019-11: Spring Debenture – Notice of Motion*, the Mayor make the following motion:

"I hereby 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 February 27<sup>th</sup>, 2019:

**REFINANCE DEBENTURES**

Debenture No. BA 9- 2009 (General Fund – 5 years)	\$ 4,670,000
Debenture No. BA 10 -2009 (Water & Sewerage – 10 years)	\$ 750,000
Debenture No. BA 11-2009 (Transit – 5 years)	<u>\$ 500,000</u>

**TOTAL** **\$ 5,920,000**

**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 \$ 5,920,000.”

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**

**7.1 Bell Let's Talk Day – Wednesday January 30, 2019**

The Mayor declared Wednesday, January 30<sup>th</sup>, 2019 as “Bell Let’s Talk Day” in the City of Saint John.

**7.2 White Cane Week - February 3rd to 9th, 2019**

The Mayor declared February 3rd to 9th, 2019 as White Cane Week in the City of Saint John.

**8. Delegations/Presentations**

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

**9.1 93 Loch Lomond Road Proposed Section 59 Amendment – 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 59 conditions imposed on the June 18, 1973, rezoning of the property located at 93 Loch Lomond Road, also identified as PID Numbers 55088777, 00319558, and 55088769; and amended May 11, 1987, June 22, 1987 and March 30, 1992 to permit the use of the property as a personal service establishment, 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 January 15, 2019 meeting at which the Committee recommended the amendment of the existing Section 59 conditions.

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

The Mayor called for members of the public to speak in favour of the proposed amendment with Brenda DeFazio the Applicant presenting.

Moved by Councillor Merrithew, seconded by Deputy Mayor McAlary:

RESOLVED that:

1. Common Council rescind the Section 39 conditions imposed on the June 18, 1973 rezoning of the property located at 93 Loch Lomond Road, also identified as PID Numbers 55088777, 00319558, and 55088769; and amended May 11, 1987, June 22, 1987 and March 30, 1992.

2. That pursuant to Section 59 of the Community Planning Act, the development and use of the parcel of land with an area of approximately 693 square metres, located at 93 Loch Lomond Road, also identified as PID Numbers 55088777, 00319558, and 55088769 shall be subject to the following conditions:

a) That the use of the lot be limited to the following uses as defined by the Zoning By-Law:

- Artist or Craftsperson Studio;
- Bakery;
- Business Office, subject to paragraph 11.7(3) (b);
- Commercial Group;
- Community Policing Office;
- Day Care Centre;
- Dwelling Unit, subject to paragraph 11.7(3) (c);
- Financial Service;

- Funeral Service;
- Garden Suite, subject to section 9.8;
- Grocery Store;
- Home Occupation;
- Library;
- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Place of Worship;
- Restaurant;
- Retail, General;
- Secondary Suite, subject to section 9.13;
- Service and Repair, Household;
- Supportive Housing, subject to section 9.14;
- Veterinary Clinic

MOTION CARRIED.

9.2 1350 Hickey Road Proposed Section 59 Amendment – Staff Presentation and Supplementary Report

The Common Clerk advised that the necessary advertising was completed with regard to the proposed Section 59 Amendment amending the Section 39 conditions on the March 22, 2004 rezoning of the property located at 1350 Hickey Road, also identified as PID Number 00313072 to amend existing Section 39 conditions as part of the redevelopment of the site.

Referring to the PowerPoint presentation entitled *1350 Hickey Road* and submitted M&C report entitled *1350 Hickey Road – Supplementary Report*, A. Reid City Planner, recommended an amendment to the Planning Advisory Committee's recommendation that would remove the following PAC requirement:

- f) The developer must extend concrete curb to City specification, along the north side of Bruce Lane to the second driveway.

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 Bob Landry Residential Contractors Ltd. and the owner Sean Fillmore 616813 N.B. Ltd. presenting.

Responding to a question on the requirement for curbing for demarcation of driveways, and parking areas on the site, staff responded:

- Curbing is a City policy since 2004, the Zoning Bylaw standard requires curbing for more than 5 parking spaces.

Responding to a question “If the surrounding properties don’t have curbing why is it needed in 2 years, why not 5 years”, staff answered:

- It is Council’s prerogative to amend the section 59 conditions.

Commissioner J. Hamilton stated the property has not been in compliance with the standards in the bylaw for some time, and recommends upholding the staff recommendation.

The City Manager commented:

- If Council does not agree with the bylaw the bylaw should be reviewed.
- Processing of subsequent requests is unclear if exceptions to bylaws are made.
- The bylaw provides clarity for new businesses.

Responding to a question, on whether staff could negotiate a timeframe for the curbing, the City Solicitor opined that would be unenforceable; the conditions can only be established by Council not the administration.

#### **MAIN MOTION**

Moved by Councillor Sullivan, seconded by Councillor Norton:

RESOLVED that Council adopt the recommendation of the Planning Advisory Committee but remove the requirement for curbing on Bruce Lane, as recommended by staff in their Supplemental Report.

#### **AMENDED MOTION**

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the Main Motion be amended to allow 5 years to complete the site curbing.

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

#### **MAIN MOTION AS AMENDED**

Moved by Councillor Sullivan, seconded by Councillor Norton:

RESOLVED that Common Council amend the Section 39 conditions imposed on the March 1, 2004 rezoning of the property situated at 1350 Hickey Road, also identified as PID 00313072 by rescinding the existing conditions and imposing the following:

- a) The developer must pave all parking areas, vehicle manoeuvring areas and full widths of the driveways with asphalt and enclose them with cast-in-place concrete curbs to protect the landscaped areas and to facilitate proper drainage;

- b) Adequate site drainage systems must be provided by the developer, in accordance with an engineered storm drainage submission, and subject to the approval of the Chief City Engineer or designate, and the approved drainage submission must be attached to any application for building permit for the development;
- c) The developer must landscape all disturbed areas of the site not occupied by buildings, driveways, walkways, parking or loading areas, including the City street right-of-way to the edge of the City sidewalk;
- d) The landscaping along the front lot lines of the developed portion of the site must have a minimum width of 3 metres (10 feet), inside the front property line, except where interrupted by a permitted driveway;
- e) Vehicular access to the site shall consist of a maximum of one driveway on Hickey Road used as an entry only, a maximum of one driveway on Bruce Lane used as an exit only, and a maximum of one driveway from Bruce Lane for loading and unloading for deliveries all with appropriate signage. No access is permitted on Loch Lomond Road. The exact location of any permitted driveway is subject to the approval of the Chief City Engineer or designate;
- f) 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, indicating the location, design and exterior finish of all buildings, the location and treatment of parking areas, driveways, loading areas, signs, exterior lighting, landscaped areas and other site features, and the approved site plan and building elevation plans must be attached to any application for building permit for the development; and
- g) All Storm Drainage Systems require As-Built Drawings confirming the installation of the required stormwater drainage system must be submitted and accepted by the City prior to the issuance of an Occupancy Permit;

**AND FURTHER THAT** the developer has five (5) years to complete the site curbing.

MOTION CARRIED with Councillor Casey voting nay.

**9.3 3700 King William Road Proposed Zoning Bylaw Amendment – Planning Advisory Committee report recommending Rezoning with Section 59 Conditions**

**9.3.1 Zoning Bylaw Amendment (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 31.1 hectares, located at 3700 King William Road,

also identified as PID Number 55218754 from Medium Industrial (IM) to Pit and Quarry (PQ) with no written objections received.

Consideration was also given to a report from the Planning Advisory Committee submitted a copy of Planning staff's report considered at its January 15, 2019 meeting at which time the Committee recommended the rezoning of a parcel of land located at 3700 King William Road as described above.

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

The Mayor called for members of the public to speak in favour of the rezoning with Andrew Black, for the Applicant Brunswick Engineering / Project Manager for Simpson Construction presenting.

Responding to a question on the designation of the site described as both Parks & Natural Area and Industrial Area, K. Melanson, Community Planning Manager confirmed the *Municipal Development Plan* does designate the site area to the north Industrial including Heavy Industrial and to the south (85% of the site) Parks & Natural Area. It is zoned Rural Resource. The *Municipal Development Plan* is silent as to Pits and Quarries in the Heavy Industrial area, so the approach from a planning perspective is to look at "like use". Heavy industrial zones can be characterized as heavy manufacturing, major refineries, noxious and visual impactful uses. From a planning perspective a pit and quarry would fit in the Heavy Industrial designated zone. It is a compatible, reasonable use.

Responding to a question on the tree planting, there is no species defined. The area that has been clear cut may have natural regrowth occur.

Moved by Deputy Mayor McAlary, seconded by Councillor Strowbridge:

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 31.1 hectares, located at 3700 King William Road, also identified as PID Number 55218754 from Medium Industrial (IM) to Pit and Quarry (PQ), 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 31.1 hectares, located at 3700 King William Road, also identified as PID Number 55218754 from Medium Industrial (IM) to Pit and Quarry (PQ), 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”.

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

### **10.1 Proposed Municipal Plan Amendment – 179-185 Golden Grove Road**

The Common Clerk advised that the required advertising has been completed. The Public Notice indicates the City intends to consider an amendment to the Municipal Development Plan which would:

1. 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 Nos. 55057848, 55057855 and 55201750, from Stable Area to Employment Area; and
2. Redesignate on Schedule B of the Plan, the same parcel of land from Stable Residential to Stable Commercial.

Moved by Deputy Mayor McAlary, seconded by Councillor Strowbridge:

RESOLVED that the proposed Municipal Plan By-Law Amendment regarding 179-185 Golden Grove Road be referred to the Planning Advisory Committee for a report and recommendation and the necessary advertising be authorized with a Public Hearing to be held on Monday, March 11, 2019 at 6:30 pm in the Council Chamber, City Hall.

MOTION CARRIED.

### **10.2 Public Presentation – Proposed Municipal Plan Amendment 40 Mountain View Drive**

J. Hamilton provided a Public Presentation for a proposed amendment to the Municipal Development Plan which would redesignate on Schedule B of the Municipal Development Plan, a parcel of land with an area of approximately 3.25 hectares, located at 40 Mountain View Drive, also identified as PID Numbers 00313429 and 00426452, from Low Density Residential to Low to Medium Density Residential, to undertake a medium density residential development with a mix of housing types.

10.3 Procedural ByLaw Amendment Respecting Electronic Participation in Meetings and Submissions/Representations made Subsequent to a Public Hearing (1<sup>st</sup> and 2<sup>nd</sup> Reading)

The City Manager spoke on the recommendation in the bylaw that would allow for remote access to Special and Emergency meetings of Council using teleconference technology. It would not allow for remote access to regularly scheduled open meetings and regularly scheduled closed meetings of Council.

It is recommended to broaden the scope of the bylaw to include remote participation by teleconference for Committee of the Whole closed to the public meetings. Currently, the technology is not sufficiently robust for open session – this is being explored for the future.

Procedurally, the Common Clerk advised Council to proceed to give first and second reading to the bylaw as presented and direct staff to amend the bylaw to include remote participation for Committee of the Whole closed to the public meetings, prior to third reading.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, “By-Law Number M-5 A Law to Amend a By-Law respecting the Procedure of the Common Council of the City of Saint John”, to permit remote participation for Council members via teleconference for special and emergency meetings; and to provide a formal process for managing submissions or representations received by the City subsequent to a legislated public hearing held by Council, be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, “By-Law Number M-5 A Law to Amend a By-Law respecting the Procedure of the Common Council of the City of Saint John.”

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, “By-Law Number M-5 A Law to Amend a By-Law respecting the Procedure of the Common Council of the City of Saint John”, to permit remote participation for Council members via teleconference for special and emergency meetings and to provide a formal process for managing submissions or representations received by the City subsequent to a legislated public hearing held by Council, be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, “By-Law Number M-5 A Law to Amend a By-Law respecting the Procedure of the Common Council of the City of Saint John.”

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2019-14: Procedural ByLaw Amendment Respecting Electronic Participation in Meetings and Submissions/Representations made Subsequent to a Public Hearing*, Common Council direct staff to add to the bylaw prior to 3<sup>rd</sup> reading, a provision which allows Council members to participate using teleconference for Committee of the Whole closed to the public meetings.

MOTION CARRIED.

**11. Submissions by Council Members**

**12. Business Matters - Municipal Officers**

**12.1 Click2Gov Data Breach and Cybersecurity Priorities**

CIO, Stephanie Rackley-Roach, updated Council on the security breach into the Click2Gov online system for paying parking tickets. Referring to the submitted report entitled, *M&C 2019-13 Click2Gov Data Breach and Cybersecurity Priorities*, the following measures were outlined:

- Overview of the data breach and investigation
- Click2Gov Maintenance and Due Diligence
- Notification to impacted individuals
- Notification to the Office of the Integrity Commissioner
- Corrective Measures and New Payment System
- City of Saint John Cybersecurity Strategic Actions

Responding to questions, Ms. Rackley-Roach stated seventeen (17) calls were received by the City's Finance Department and Parking Commission. Eighteen (18) cases are on file with the Police. Most calls were for information on what remedial steps to take.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that as recommended by the City Manager in the submitted report *2019-13: Click2Gov Data Breach and Cybersecurity Priorities*, Common Council endorse the cybersecurity strategy presented in this report.

MOTION CARRIED.

**13. Committee Reports**

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

**15. General Correspondence**

**15.1 Ticket Purchase Request - Loch Lomond Villa Foundation**

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the ticket purchase request for the Loch Lomond Villa 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.

**15.2 Ticket Purchase Request - World Kidney Day Breakfast**

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the ticket purchase request for the World Kidney Day Breakfast 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.

**16. Supplemental Agenda**

**17. Committee of the Whole**

**17.1 Barbour's General Store**

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that as recommended by the Committee of the Whole having met on January 28<sup>th</sup>, 2019, Common Council adopt the following recommendation:

1. That the City enter into a Licence agreement with Earthelp Limited, having the same terms and conditions contained in the Licence agreement approved by Common Council at its meeting of May 7, 2018 with the exceptions that:
  - i) Term will commence on May 1, 2019 and end on October 31, 2019, and
  - ii) Licence fee to be as follows: May \$1,000.00 plus H.S.T. (if applicable), June through October to be \$1,890.00 plus H.S.T. (if applicable) per month; and further
2. That the Mayor and Common Clerk be authorized to execute the Licence Agreement referred to in #2 above.

MOTION CARRIED.

**18. Adjournment**

Moved by Councillor MacKenzie, seconded by Councillor Armstrong:

RESOLVED that the meeting of Common Council held on January 28, 2019, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 8:18 p.m.

DRAFT