



The City of Saint John

MINUTES – REGULAR MEETING
COMMON COUNCIL OF THE CITY OF SAINT JOHN
MARCH 11, 2019 AT 6:00 PM
IN THE COUNCIL CHAMBER

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

Absent: Councillor Ward 1 Blake Armstrong
Councillor Ward 4 Ray Strowbridge

Also Present: City Manager J. Collin
Deputy City Manager N. Jacobsen
City Solicitor J. Nugent
Fire Chief K. Clifford
Deputy Commissioner Growth and Community Development P. Ouellette
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 February 25, 2019

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the minutes of the meeting of Common Council, held on February 25, 2019, be approved.

MOTION CARRIED.

3. Approval of Agenda

Moved by Deputy Mayor McAlary, seconded by Councillor Norton:

RESOLVED that the agenda of this meeting be approved.

MOTION CARRIED.

4. Disclosures of Conflict of Interest

5. Consent Agenda

5.1 That the Communities in Bloom Letter re: 25th Edition of Communities in Bloom be referred to the City Manager.

5.2 That Saint John Board of Police Commissioners Letter re: Public Safety Committee/ Transportation and Environment Services be received for information.

5.3 That the Fundy Regional Service Commission – Request to Present “The Coastal Link Trail” be referred to the Clerk to Schedule

5.4 That as recommended by the City Manager in the submitted report *M&C 2019-45: Contract 2019-03: Metcalf Street (Main Street to Lansdowne Avenue) – Water Main, Sanitary and Storm Sewer Installation and Street Reconstruction*, the contract be awarded to the low Tenderer, Galbraith Construction Ltd., at the tendered price of \$1,015,900.80 (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 as recommended by the City Manager in the submitted report *M&C 2019-42: Contract 2019-07: Chipman Hill (Union Street to King Street – Water, Sanitary and Storm Sewer Renewal and Street Reconstruction*, the contract be awarded to the low Tenderer, TerraEx Inc., at the tendered price of \$968,581.75 (including HST) as

calculated based upon estimated quantities, and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.6 That as recommended by the City Manager in the submitted report *M&C 2019-44: Rockwood Golf Course Irrigation Pump Station Purchase*, notwithstanding the City's Purchasing Policy, Common Council purchase (supply and install) from Irriplus Ltd. a replacement irrigation pump station for the Rockwood Park Golf Course as per the quote attached to M&C 2019-44.

5.7 That as recommended by the City Manager in the submitted report *M&C 2019-41: Spring 2019 Debenture Refinance Application*, Common Council approve the following:

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 27th, 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		<u>\$ 5,920,000</u>

1. 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 five million, nine hundred and twenty thousand dollars (\$5,920,000).
2. Commissioner of Finance be authorized to issue and to sell to the New Brunswick Municipal Finance Corporation (the "Corporation") a City of Saint John bond or debentures in the principal amount of five million, nine hundred and twenty thousand dollars, (\$5,920,000) at such terms and conditions as are recommended by the Corporation.
3. And further that the City of Saint John agrees to issue post-dated cheques to the Corporation, or other such arrangements as the Corporation may from time to time accept, in payment of principal and interest charges on the above bond or debenture as and when they are required by the Corporation.
4. And further that the Commissioner of Finance be hereby authorized to receive an offer in connection with the foregoing debentures at a price not less than \$98 per

\$100 of debenture, at interest rates not to exceed an average of 4.50% and a term not to exceed 5 years for the General Fund and Transit Commission and a term not to exceed 10 years for the Water and Sewerage Utility.

5. And further that the Commissioner of Finance report to Common Council the exact values for price per \$100 of debenture, interest rate and term in years, together with the date of the issue.

5.8 That the Discover Saint John – Request to Present re: Tidal Mural be referred to the Clerk to schedule.

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 New Brunswick International Student Program

Debbie Thomas, District Manager NB International Student Program showed a video entitled *First Time* created by Gary Jiang a Chinese International Student documenting his many positive experiences in Saint John. The program offers a diversity of student backgrounds and enhances global competencies. The program encourages the students to continue to live in Saint John and enroll in university and community college after high school. The program brings economic benefits to the province and the city.

Moved by Deputy Mayor McAlary, seconded by Councillor Norton:

RESOLVED that the New Brunswick International Student Program Presentation be received for information.

MOTION CARRIED.

9. Public Hearings 6:30 PM

9.1 Proposed Zoning By-Law Amendment 97-99 Exmouth Street with Planning Advisory Committee report recommending Rezoning

9.1.1 Proposed Zoning ByLaw Amendment (1st and 2nd 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 862 square metres, located at 97-99 Exmouth Street, also identified as PID Number 00015834 from Urban Centre Residential (RC) to General Commercial (CG) to permit the construction of a new medical clinic (family counseling), with no letters of objection or support 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 February 20, 2019 meeting at which the Committee recommended the rezoning of a parcel of land located at 97-99 Exmouth Street as described above, with Section 59 conditions.

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.

Responding to a question, staff K. Melanson advised that the facility will be a city wide commercial operation referring health care calls. The location is unsettled in terms of land uses. Residential use remains possible for the area in the future.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

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 862 square metres, located at 97-99 Exmouth Street, also identified as PID Number 00015834 from Urban Centre Residential (RC) to General Commercial (CG), be read a first time.

MOTION CARRIED with Councillor Reardon voting nay stating the area is intended to be residential and that the more commercial uses are introduced the less likely the area will develop into a residential neighbourhood.

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 862 square metres, located at 97-99 Exmouth Street, also identified as PID Number 00015834 from Urban Centre Residential (RC) to General Commercial (CG), be read a second time.

MOTION CARRIED with Councillor Reardon voting nay.

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 By-Amendment 348 Rockland Road and 21 Canon Street with Planning Advisory Committee report recommending Rezoning

9.2.1 Proposed Zoning ByLaw Amendment (1st and 2nd 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 two parcels of land having a combined area of approximately 2,847 square metres, located at 348 Rockland Road and 21 Canon Street, also identified as PID Numbers 00025791 and 55086128 from Neighbourhood Community Facility (CFN) to General Commercial (CG), to permit the operation of a banquet hall and event venue, with no letters of objection or support received.

Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning staff’s report considered at its February 20, 2019 meeting at which the Committee recommended the rezoning of a parcel of land located 348 Rockland Road and 21 Canon Street as described above, with Section 59 conditions.

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 Natasha Tobias presenting.

Question: Councillor Reardon asked what is the difference between a Neighbourhood Community Facility (CFN) and a Community Center.

The City Manager advised that a clarification on the classification will be provided.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

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 two parcels of land having a combined area of approximately 2,847 square metres, located at 348 Rockland Road and 21 Canon Street, also identified as PID Numbers 00025791 and 55086128 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 MacKenzie:

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 two parcels of land having a combined area of approximately 2,847 square metres, located at 348 Rockland Road and 21 Canon Street, also identified as PID Numbers 00025791 and 55086128 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."

9.3 Proposed Municipal Plan and Zoning By-Law Amendment 179-185 Golden Grove Road with Planning Advisory Committee report recommending Amendments

9.3.1 Proposed Municipal Plan Amendment (1st and 2nd Reading)

9.3.2 Proposed Zoning ByLaw Amendment (1st and 2nd Reading)

The Common Clerk advised that the necessary advertising was completed with respect to the proposed Municipal Plan and Zoning ByLaw Amendments for a parcel of land located at 179-185 Golden Grove Road having an area of approximately 0.55 hectares, also identified as being PID Numbers 55057848, 55057855 and 55201750, from Stable Area to Employment Area on Schedule A of the Municipal Development Plan; and redesignate, on Schedule B of the Plan, the same parcels of land, from Stable Residential to Stable Commercial; and by rezoning the same parcels of land from Two-Unit Residential (R2) to a special zone to permit a vehicle body and paint shop in addition to other commercial uses, with no letters of objections or support being received.

Consideration was given to a report from the Planning Advisory Committee submitting a copy of Planning staff's report considered at its February 20, 2019 meeting at which the Committee recommended approval as set out in the staff recommendation, to re-zone a parcel of land located at 179-185 Golden Grove Road as described above with Section 59 conditions.

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

The Mayor called for members of the public to speak in favour of the amendments with Scott Trites presenting.

Moved by Councillor Merrithew, seconded by Councillor MacKenzie:

RESOLVED that the by-law entitled, “A Law to Amend the Municipal Plan By-Law” amending Schedule A – City Structure, by redesignating a parcel of land with an area of approximately 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 classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential to Stable Commercial classification, be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, “A Law to Amend the Municipal Plan By-Law”.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, “A Law to Amend the Municipal Plan By-Law” amending Schedule A – City Structure, by redesignating a parcel of land with an area of approximately 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 classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential to Stable Commercial classification, be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, “A Law to Amend the Municipal Plan By-Law”.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the by-law entitled, “A Law to Amend the Zoning By-Law of The City of Saint John”, adding Special Zone No.4 to the list of other zones in Section 2.2; adding Section 14.9 Special Zone No. 4 Permitted Uses; adding 14.9(2) Conditions of Use; adding 14.9(3) Zone Standards; and amending Schedule “A”, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road,, also identified as being PID Numbers 55057848, 55057855 and 55201750, from Two-Unit Residential (R2) to Special Zone 4 (SZ4), 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", adding Special Zone No.4 to the list of other zones in Section 2.2; adding Section 14.9 Special Zone No. 4 Permitted Uses; adding 14.9(2) Conditions of Use; adding 14.9(3) Zone Standards; and amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road,, also identified as being PID Numbers 55057848, 55057855 and 55201750, from Two-Unit Residential (R2) to Special Zone 4 (SZ4), 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 – 40 Mountain View Drive

Moved by Councillor MacKenzie, seconded by Deputy Mayor McAlary:

RESOLVED that the proposed Municipal Plan By-Law Amendment regarding 40 Mountain View Drive 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, April 8, 2019 at 6:30pm in the Council Chamber.

MOTION CARRIED.

10.2 By-Law Respecting the Closing of Roads, Streets or Highways in The City of Saint John (3rd Reading)

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that a by-law entitled, "A By-Law Respecting the Closing of Roads, Streets or Highways in The City of Saint John", be read.

MOTION CARRIED.

In accordance with the Local Governance Act sub-section 15(3) the by-law entitled, "A By-Law Respecting the Closing of Roads, Streets or Highways in The City of Saint John", instead of being read in its entirety was read in summary as follows:

"The Local Governance Act ("LGA") which repealed and replaced the Municipalities Act does not stipulate the process to be followed prior to a Council closing a public street. The LGA simply enables a council to adopt a by-law respecting: "(p) subject to the Highway Act, (ii) the temporary and permanent opening and closing of roads, streets, and highways,".

The proposed by-law assures from a legal perspective the legitimacy and effectiveness of any Council decision to close a public street or portion thereof.”

Moved by Deputy Mayor McAlary, seconded by Councillor Mackenzie:

RESOLVED that a by-law entitled, “A By-Law Respecting the Closing of Roads, Streets or Highways in The City of Saint John”, 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, “A By-Law Respecting the Closing of Roads, Streets or Highways in The City of Saint John.”

11. Submissions by Council Members

12. Business Matters - Municipal Officers

12.1 Demolition of Vacant, Dilapidated and Dangerous Building at 78-80 Victoria Street (PID 376459)

Deputy Commissioner Ouellette introduced the work of the Growth and Community Development Services team and summarized the statistics over the past year:

- 83 cases of vacant, dilapidated and dangerous buildings in the program
- 33 demolitions
- 50 repairs

Rachel Van Wart advised Council on the file and presented photos of the building condition.

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 78-80 Victoria Street (PID 376459) 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 that the building is structurally sound and not dilapidated.

Moved by Councillor MacKenzie, seconded by Deputy Mayor McAlary:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2019-48: Demolition of Vacant, Dilapidated and Dangerous Building at 78-80 Victoria Street (PID 376459)*, Common Council approve the following:

RESOLVED that the building located at 78-80 Victoria Street (PID 376459), 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 said 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.

12.2 Response to Yacht Haven Lane Residents Presentation

Referring to the submitted report entitled *Response to Yacht Haven Lane Residents Presentation*, Commissioner Hugenholtz noted that the residents of Yacht Haven Lane presented to Council in December and requested that the private street be made a public street. The Commissioner addressed service implications both direct and indirect.

The City's additional service obligations would include annual \$3500 snow removal, and equivalent amount for sidewalk and road maintenance, long term infrastructure requirements, renewal of underground infrastructure and street and sidewalk infrastructure.

More challenging are the potential indirect implications as there are a number of private streets within the City that currently do not receive service, approximately 75 lane kilometers. The entirety of the service implications if the City takes this on is estimated annually at \$375,000 winter maintenance plus approximately \$700,000+ summer maintenance.

Deputy Commissioner Ouellette stated that at the time Yacht Haven Road was developed, the residents wanted more property space and that is one of the reasons Yacht Haven Lane was developed only one lane in width. The presenters / citizens in December requested that the City take over ownership of the lane. There are a number of stakeholders involved, including the developer and residents. Yacht Haven Lane is owned by trustees, the Moorings of Millidgeville.

Responding to a question, “could the city just plow the lane as a private revenue stream”, the City Manager responded the City could review the matter but normally would not offer a competitive service to the public that is offered by private business.

Responding to a question on solid waste collection, the Commissioner commented several factors are considered. Solid Waste collection is done at the doorstep at Yacht Haven Lane.

Moved by Councillor Reardon, seconded by Councillor Sullivan:

RESOLVED that the submitted report *M&C 2019-35: Response to Yacht Haven Lane Residents Presentation*, be received for information.

MOTION CARRIED.

12.3 Provincial Request for Deer Nuisance Program

Moved by Councillor MacKenzie, seconded by Councillor Sullivan:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2019-37: Provincial Request for Deer Nuisance Program*, Common Council endorse a request to the provincial Minister of Energy and Resource Development that the Nuisance Deer Management Assistance Program be implemented within the territorial boundaries of The City of Saint John, and further that the Common Clerk be directed to provide the Minister with a copy of this resolution.

MOTION CARRIED.

13. **Committee Reports**

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

15. **General Correspondence**

15.1 The Vimy Foundation – Consideration of a First World War Gift

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that *The Vimy Foundation – Consideration of a First World War Gift* be referred to the Community Grants Committee for consideration in 2020.

MOTION CARRIED.

16. **Supplemental Agenda**

17. **Committee of the Whole**

18. Adjournment

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the meeting of Common Council held on March 11, 2019, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 7:57 p.m.