



The City of Saint John

MINUTES – REGULAR MEETING
COMMON COUNCIL OF THE CITY OF SAINT JOHN
MAY 21, 2019 AT 6:00 PM
IN THE COUNCIL CHAMBER

Present: Mayor Don Darling
Presiding Officer 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 3 David Hickey
Councillor Ward 4 David Merrithew
Councillor Ward 4 Ray Strowbridge

Absent: Councillor Ward 1 Blake Armstrong

Also Present: City Manager J. Collin
City Solicitor J. Nugent
Fire Chief K. Clifford
Inspector Saint John Police S. Rocca
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

1.1 Duke of Edinburgh Award

Captain Kerry Costain Deputy Commanding Officer of the 527 Simonds RCACS advised of the history of the Award Program founded by Prince Philip, Duke of Edinburgh, in 1956. The program has 3 levels: Bronze, Silver and Gold. It is available to youth aged 14- 25 years old. The award challenges youth in self-improvement activities and is recognized in over 100 nations around the world.

These cadets from 527 Simonds RCACS have completed their bronze level which has four components: community service, physical fitness, skills and an overnight expedition. It takes a minimum of 6 months to complete the bronze program and the cadets have spent numerous hours meeting the requirements to successfully complete their awards.

The 6 cadets receiving the award:

Alexander Fillmore; William Hawkes; Aidan London; Zachary Martin
William Sayson; Christopher Tait

The Mayor and Members of Council congratulated the cadets on their achievement.

1.2 Oath of Office – Councillor Ward 3 David Hickey

The Common Clerk advised that as required under the *Local Governance Act s.58(11)* the Oath of Office was administered to David Hickey on Tuesday May 21st at a Swearing In Ceremony held at 12:00 noon and that the oath has been filed with the Office of the Common Clerk. A record confirming the Swearing In is required to be noted in the minutes of today's council meeting.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that it be noted in the minutes that the *Oath of Office for Councillor Ward 3 David Hickey* was duly administered today, and filed in the Office of the Common Clerk.

MOTION CARRIED.

2. Approval of Minutes

2.1 Minutes of May 6, 2019

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the minutes of the meeting of Common Council, held on May 6, 2019, be approved.

MOTION CARRIED.

2.2 Minutes of May 13, 2019

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the minutes of the meeting of Common Council, held on May 13, 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 the following items:

17.1 SCDWP Brownell et al v. Saint John West Water Action Consent Notice of Certification Order; and

17.2 Saint John Sea Dogs Committee of the Whole May 6th, 2019 resolution tabled.

MOTION CARRIED.

4. Disclosures of Conflict of Interest

The City Solicitor and Councillors Norton and Hickey declared a conflict of interest with the SCDWP West Side Water class action.

5. Consent Agenda

5.1 That the Saint John County Condominium Corporation re: Locomotive Horns at Douglas Avenue Crossing – Request to Present be referred to the Clerk to Schedule.

5.2 That the Update on the University of New Brunswick - Request to Present be referred to the Clerk to Schedule.

5.3 That as recommended by the Police Chief in the submitted letter Street Event Application - World Cannabis Congress / June 18, 2019, Council approve the Exemption for the Consumption of Alcohol in a Public Place.

5.4 That as recommended by the City Manager in the submitted report *M&C 2019-113: Proposed Public Hearing Date – 0 Heather Way and 648 Westmorland Road*, Common Council schedule the public hearings for the rezoning applications of Don-More Surveys & Engineering (Dunnett's Landscaping Ltd.) (0 Heather Way) and Saint Mary's and St. Bartholomew's Church (The Anglican Parish of Cold Brook – Saint John)

(648 Westmorland Road) for Monday July 8, 2019 at 6:30 p.m. in the Ludlow Room, and refer the applications to the Planning Advisory Committee for a report and recommendation.

5.5 That the submitted report *M&C 2019-116: Terms of the Spring 2019 Debenture Issue*, be received for information.

5.6 That as recommended by the City Manager in the submitted report *M&C 2019-119: Cleanup of Unsightly Properties at 1325 Bayside Drive and 42 Parkhill Drive*, Common Council direct one or more of the Officers appointed and designated by Council for the enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, to arrange for the cleanup of the following unsightly properties:

1. 42 Parkhill Drive, PID# 00303198; and
2. 1325 Bayside Drive, PID# 00034041.

5.7 That pursuant to Section 14 of the Police Act of the Province of New Brunswick, the Common Council of the City of Saint John does hereby appoint the following member of the Canadian Corps of Commissionaires as By-Law Enforcement Officer with the responsibility and authority to enforce provisions of the Parking Meter By-Law and the provisions of Section 5, Section 5.1, Section 7, Section 8, Section 15 and Section 16 of the Saint John Traffic By-Law, namely: Peter Barriault, Badge No. 9966.

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

5.8 That as recommended by the City Manager in the submitted report *M&C 2019-127: Rainbow Park Accessible Playground Site Work Tender*, the tender submitted by Signature Landscape Ltd., for the Rainbow Park Accessible Playground Site Work project, in the amount of \$196,774.00 plus HST be accepted. Further to the base tender amount, it is recommended that a 10% contingency allowance be carried for this project in the amount of \$19,677.40 plus HST, for a total project cost of \$216,451.40 plus HST. Additionally, it is recommended that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.9 That as recommended by the City Manager in the submitted report *M&C 2019-121: Summer Arena Bulk Rental License Amendment*, Common Council authorize the Mayor and Common Clerk to execute the license amendment between the City of Saint John and 707990 N.B. Inc. as attached to M&C 2019-121.

5.10 That the J. Belliveau - Request/Invitation to Tender - Fisher Lakes Food/Beverage Services be referred to the City Manager.

5.11 That as recommended by the City Manager in the submitted report *M&C 2019-115: Enbridge Gas New Brunswick Inc. – Municipal Operating Agreement (Alternative Form of Payment)*, the Mayor and Common Clerk be authorized to execute the Amending Agreement to the Municipal Operating Agreement between The City of Saint John and Enbridge Gas New Brunswick Inc. in the submitted form.

5.12 That as recommended by the City Manager in the submitted report *M&C 2019-126: 2019 Lifeguard Service*, Common Council authorize the Mayor and Common Clerk to execute the 2019 Lifeguard Services contract with the Canada Games Aquatic Centre as attached to M&C 2019-126.

5.13 That as recommended by the City Manager in the submitted report *M&C 2019-123: Fleet Replacement Procurement – May 2019*, Common Council award the purchase of one (1) 2020 E-One Typhoon Rescue Pumper at a total cost of \$671,978.89 plus HST to Techno Feu Inc.

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 Emergency Medical Services Week - May 26th to June 1st, 2019

The Mayor declared May 26th to June 1st, 2019 as “Emergency Medical Services Week” in The City of Saint John.

7.2 Disability Awareness Week - May 26th to June 1st, 2019

The Mayor declared May 26th to June 1st, 2019 as “Disability Awareness Week” in The City of Saint John.

8. Delegations/Presentations

9. Public Hearings 6:30 PM

10. Consideration of By-laws

11. Submissions by Council Members

12. Business Matters - Municipal Officers

12.1 Continuous Improvement Initiatives Update – Saint John Night Market Presentation

Deputy Commissioner Fogan promoted the Saint John Night Market commencing Thursday May 30th and continuing throughout the summer.

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the Continuous Improvement Initiatives Update – Saint John Night Market Presentation be received for information.

MOTION CARRIED.

12.2 Letter to the Provincial Government (Department of Environment and Local Government) regarding the Renewal of AIM Recycling's Operating Licence

Responding to a question, the City Manager stated that the Port Authority is aware and support the proposed letter to be sent to ELG.

Moved by Councillor Reardon, seconded by Councillor Merrithew:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-124: Letter to the Provincial Government (Department of Environment and Local Government) regarding the Renewal of AIM Recycling's Operating Licence*, Common Council approve the Letter as per Attachment A (submitted) for release to the Provincial Department of Environment and Local Government, with the following revisions:

- Add a clause that the City of Saint John Members of Common Council endorse the letter; and
- Copy the letter to the Southern Caucus Members.

MOTION CARRIED.

12.3 Licence Agreement for Area 506 Festival on former Coast Guard Property

Moved by Councillor Sullivan, seconded by Councillor Reardon:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-117: Licence Agreement for Area 506 Festival on former Coast Guard Property*, Common Council approve the License Agreement terms as follows:

1. That the City enter into a Licence agreement with 687975 NB Inc. hereby called the "Organizer" for \$1.00 to grant its agents, employees, partners and contractors access to and use the City owned property, identified as PID No. 55235113 for the Area 506 Festival, and further removal of same, subject to the following terms and conditions:
 - a. the Licence shall commence on July 27, 2019 and conclude at 11:59 pm (local time) on August 11, 2019;
 - b. that 687975 NB Inc. shall, at no expense to the Licensor, obtain and maintain in full force and effect during the entire term of this Licence, a Commercial General Liability Insurance policy with policy limits of not less than five million dollars (\$5,000,000.00) inclusive per occurrence for bodily injury and property damage; which policy shall name the City as an additional insured and shall contain a cross-liability clause and host liquor liability coverage;
 - c. proof of insurance stated in (b) above is due on or before close of business July 26, 2019;
 - d. all damages, cost, claims, demands, actions, suits or other proceedings by whomsoever claimed, made, brought or prosecuted in any manner and whether in respect of property owned by others or in the Licensee does hereby indemnify and save harmless the Licensor from respect of damage sustained by others based upon or arising out of or in connection with the use of the Licensed Area;
 - e. the Organizer is responsible for security of the area and their property;
 - f. that the organizing committee has made satisfactory arrangements with the Saint John Parking Commission for the temporary relocation of the necessary parking spaces for the users of the parking lot for the length of time as noted above in (a);
 - g. the provision of washroom facilities will be the responsibility of the Organizer;
 - h. the site is to be thoroughly cleaned to the satisfaction of the City of Saint John representatives when the event has concluded;
 - i. that 687975 NB Inc. or its representatives be authorized to make application for any permit that is required in conjunction with the Area 506 Festival; and
 - j. that the City is recognized as a Marquee Sponsor for the event.
2. That the Mayor and Common Clerk be authorized to execute the Licence Agreement.

MOTION CARRIED.

13. Committee Reports

14. Consideration of Issues Separated from Consent Agenda

15. General Correspondence

15.1 Forest Hills School - Exchange Program Request for Support

Moved by Councillor Norton, seconded by Deputy Mayor McAlary:

RESOLVED that the Forest Hills School - Exchange Program Request for Support be denied as the Community Grants Budget for 2019 has been exhausted.

MOTION CARRIED.

16. Supplemental Agenda

Councillors Norton, Hickey and City Solicitor Nugent withdrew from the meeting.

17. Committee of the Whole

17.1 Safe Clean Drinking Water Project – Brownell et al. v. Saint John – West Water Action

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that as recommended by the Committee of the Whole having met on May 21, 2019 Common Council approve the proposed Consent Notice of Certification Order recognizing that the Consent Notice of Certification requires the ratification of the Court and will be made public once it receives Court approval.

MOTION CARRIED.

17.2 Saint John Sea Dogs Committee of the Whole May 6th, 2019 resolution tabled.

18. Adjournment

Moved by Councillor Reardon, seconded by Councillor MacKenzie:

RESOLVED that the meeting of Common Council held on May 21, 2019, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 7:35 p.m.