

COMMON COUNCIL REPORT

M&C No.	2021-305
Report Date	November 10, 2021
Meeting Date	November 15, 2021
Service Area	General Counsel

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT: License for Electric Vehicle Charging Stations at Market Square Parking Garage

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Curtis Langille</i>	<i>Melanie Tompkins</i>	<i>John Collin</i>

RECOMMENDATION

1. That the City grant a License to The Power Commission of The City of Saint John generally in the form as attached to M&C 2021-305 for the placement and operation of two Electric Vehicle Charging Stations in the Market Square Parking Garage, located on PID 55011878 (the "Property"), such licensed area to be approximately 4 feet x 6 feet in area, as generally shown on the sketch attached hereto titled "Proposed Dual EV Charging Station – Market Square Parking Garage".
2. That the Power Commission of the City of Saint John, at its own cost, prepare any plan required to depict the area and effect the conveyance and pay any and all costs associated with the granting and registering of the License.
3. That the Mayor and City Clerk be authorized to execute the documents necessary to effect the granting of the License.

EXECUTIVE SUMMARY

Saint John Energy ("SJE") is partnering with The City of Saint John ("the City") for the placement of two electric vehicle charging stations ("EVCS") to be located on the City property at the Parking Garage for Market Square, along with designated parking spaces (see attached sketch). This is part of a larger program where SJE is partnering with different organizations that will accommodate 99 similar EVCS to encourage the use of electric vehicles. SJE will be responsible for the installation and ongoing maintenance of the EVCS with all costs, including power, to be their responsibility. To accommodate this project, the City is being asked to grant a license in favor of SJE that will enable the placement of the EVCS in the Market Square Parking Garage. The purpose of this report is to seek Council's approval to

enter into a license agreement with SJE for the ECVS generally in the form attached hereto (the “License”).

PREVIOUS RESOLUTION

At its meeting held October 4, 2021, Council resolved to grant an easement to SJE for the installation of a Dual EVCS at the TD Station Parking Lot.

BACKGROUND

SJE is leading a project that will install 99 level 2 EVCS in public places across the Maritime provinces. SJE is also partnering with Perth-Andover, Edmundston, Summerside, Antigonish, Mahone Bay, and Berwick to undertake the installations. The Project is partially funded by federal NRCan as part of its Zero-Emission Vehicle Infrastructure Program (ZEVIP), which supports the government's targets for facilitating electric vehicle use.

The new level 2 EVCS will be publicly available and provide residents with more options to charge their vehicles. It is intended that, initially, there will be a total of 12 EVCS at 6 sites within the City of Saint John. At its meeting on October 4, 2021, Council approved a similar agreement for the TD Station Parking Lot site to permit the use of the site for 2 EVCS, having similar terms and conditions to what is being proposed for this site.

REPORT

The EVCS align with the City’s Community Energy Plan and staff is supportive of the City hosting 2 of the sites, each site with 2 charger connections and dedicated parking spaces. The location at TD Station was approved by Council at its October 4th, 2021, meeting and this proposed site in Market Square is the other site. The criteria for these sites selected by City staff and SJE were based on:

- Commuter traffic patterns
- Expected use
- Proximity to shopping, dining and entertainment
- Visibility and brand awareness potential
- Installation costs
- Ease of accessibility (driver friendly); and
- Site maintenance considerations.

The Market Square Parking Garage is located on property owned by the City. While the City now owns the property, originally the property was owned by the Market Square Corporation. The Market Square Corporation entered into a lease with the Hardman Group Limited (formerly The Rocca Group Limited) in 1980 for the entirety of Market Square (also known as the “Head Lease”). A condition of the Head Lease was that the Hardman Group would lease the Market Square Parking Garage to the City, which they did in 1983. In 1998, the Market Square

Corporation changed its name to the Saint John Development Corporation and in 2018 the Saint John Development Corporation changed its name to Develop Saint John. Develop Saint John was dissolved on December 31, 2020, and all property owned by Develop Saint John was transferred to the City. To summarize, at present, the City leases Market Square to the Hardman Group who then leases back the Market Square Parking Garage to the City. The General Counsel Office has reviewed the lease with The Hardman Group to confirm that the City is acting within its authority in granting the attached License.

The License provides that SJE is responsible for all costs and maintenance associated with the two EVCS, including power. The term of the License is 10 years with further renewals of 5 years each. The City and SJE have the option to terminate the agreement upon 90 days written notice to the other party but, if the City chooses to terminate prior to the end of the term, the City is required to compensate SJE for any consequential loss of asset value or federal government contribution requiring repayment by SJE under the Zero Emission Vehicle Infrastructure Program funded by the federal Department of Natural Resources. During the renewals, either party may terminate the agreement upon 30 days written notice to the other party.

STRATEGIC ALIGNMENT

This license agreement aligns with Council's Green priority and demonstrates this Council's environmental leadership.

SERVICE AND FINANCIAL OUTCOMES

The placement of these two EVCS will illustrate to the public that the City is taking a leadership role along with SJE to address climate change, especially as it relates to the transportation sector. The City will incur no cost associated with these two EVCS and the consideration for the License is minimal (\$1) because the project aligns with the City's Community Energy Plan.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Saint John Parking Commission, Risk Management and the General Counsel Office have provided input into the preparation of this report. The General Counsel Office provided input in the drafting of the License and is satisfied with its terms and conditions.

ATTACHMENTS

1. Sketch of Licensed area; and
2. License Agreement.