



The City of Saint John

MINUTES – REGULAR MEETING  
COMMON COUNCIL OF THE CITY OF SAINT JOHN  
JUNE 3, 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 3 David Hickey  
Councillor Ward 4 David Merrithew  
Councillor Ward 4 Ray Strowbridge

Also Present: City Manager J. Collin  
Deputy City Manager N. Jacobsen  
City Solicitor J. Nugent  
Fire Chief K. Clifford  
Police Chief B. Connell  
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 May 21, 2019**

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the minutes of the meeting of Common Council, held on May 21, 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.

MOTION CARRIED.

**4. Disclosures of Conflict of Interest**

**5. Consent Agenda**

5.1 That as recommended by the City Manager, the following resolution be adopted:

WHEREAS the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Local Governance Act*, S.N.B. 2017 c.18, and amendments thereto, (the "*Local Governance Act*") including the *Vehicles for Hire By-law*, Bylaw Number M-12, and amendments thereto, and it may designate an Inspector for the administration and enforcement of said By-law;

AND WHEREAS section 72 of the *Local Governance Act* provides that a council may appoint by-law enforcement officers for the local government and may determine their terms of office;

AND WHEREAS section 150(1) of the *Local Governance Act* provides that proceedings for breach of a by-law shall be commenced in the name of the clerk of the municipality or such other person as is designated for that purpose by the council;

NOW THEREFORE BE IT RESOLVED, that Cheryl Smith, is hereby appointed as Inspector and by-law enforcement officer for the administration and enforcement of the *Vehicles for Hire By-law* which received first and second reading by Common Council on July 9, 2018 and third reading on July 30, 2018, being enacted under the *Local Governance Act*, effective immediately, and this authorization shall continue until she ceases to be an

employee of the Saint John Parking Commission or until rescinded by Common Council, whichever comes first;

AND BE IT FURTHER RESOLVED, that Cheryl Smith is hereby designated and authorized to lay informations in the Provincial Court of the Province of New Brunswick for breach of the *Vehicles for Hire By-law*. effective immediately, and this designation and authorization shall continue until she ceases to be an employee of the Saint John Parking Commission or until it is rescinded by Common Council, whichever comes first.

5.2 That as recommended by the City Manager in the submitted report *M&C 2019-133: Adoption of updated Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee*, Common Council adopt the updated Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee as submitted.

5.3 That as recommended by the City Manager in the submitted report *M&C 2019-125: Communities in Bloom – Request for Participation*, the City of Saint John not participate in the 2019 edition of Communities in Bloom.

5.4 That the submitted report *M&C 2019-136: Provincial Funding Agreement – 2018 Provincial Funding*, be received for information.

5.5 That the submitted report *M&C 2019-137: ABC Written Reports – May 2019*, be received for information.

5.6 That as recommended by the Police Chief in the submitted letter Saint John Police Force – Street Event Application – Moonlight Bazaar, Common Council approve the Exemption for the Consumption of Alcohol in a Public Place.

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 University of New Brunswick**

Larry Hachey, Chair, Board of Governors UNB, presented to Council on the transitioning of UNB from Dr. Eddy Campbell outgoing President to Dr. Paul Mazerolle incoming President and Dr. Petra Hauf as incoming Vice President UNB Saint John Campus.

Dr. Campbell discussed the financial accessibility to post-secondary education and the successful *It Begins Here* campaign that raised \$62 million in student support.

Dr. Petra Hauf discussed the growth agenda for the Saint John campus that also generates economic and population growth in our city. A plan to build a Health & Social Innovation Centre in Saint John is contemplated. The Centre would include UNB, Dalhousie University Medicine, Horizon Health Network, the Saint John Regional Hospital and the New Brunswick Community College.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the University of New Brunswick Presentation be received for information.

MOTION CARRIED.

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

### **9.1 Proposed Municipal Plan Amendment, Zoning By-Law Text Amendment, Rezoning and Section 59 Amendment – 40, 85-89 and 310 Retail Drive with Planning Advisory Committee report recommending Approval (1<sup>st</sup> and 2<sup>nd</sup> Reading)**

The Common Clerk advised that the necessary advertising was completed with regard to the proposed Municipal Plan and Re-zoning amendments of a parcel of land located at 40, 85-89 and 310 Retail Drive. Adoption of an amendment to the Municipal Development Plan would amend Subsection 2.3.2 of the Municipal Plan related to Employment Areas within the City Structure; and amend Policy LU-61 and add a new Policy LU-61.1, with respect to residential and mixed-use development with Regional Retail Centres; Adoption of a re-zoning amendment would rezone a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as being PID Number 55230544, from Regional Commercial (CR) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional Commercial (CR) zone; rezoning a parcel of land having an area of approximately 0.26 hectares, located at 40 Retail Drive, also identified as being PID Number 55196166, from Regional Commercial (CR) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional Commercial (CR) zone; and rezoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as being PID Number 55122212, from Mini-Home Park Residential (RP) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional

Commercial (CR) zone to provide for residential development within the Regional Retail Centre land use designation. This would allow for a mixed use development proposal consisting of commercial and residential uses, 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 May 22, 2019 meeting at which the Committee recommended approval as set out in the staff recommendation as described above with Section 59 conditions.

M. Reade, Senior Planner, presented an overview of the staff recommendation and PAC compatible recommendation to provide multiple unit residential development on the East Point site in addition to commercial uses. Retail centre sites are being redeveloped in North America in light of online shopping market changes to allow for the development mixed use residential and commercial concept. This supports the broader goals and policy direction of the City's *Municipal Plan*. The recommendation includes:

- Municipal Plan amendment
  - Regional Retail Centre policies
- Rezoning and Text Amendment
  - New Zone
  - Rezone 3 parcels
- Amend Section 59 Conditions.

The addition of residential use aligns with mixed-use development. Amending existing Section 59 conditions include:

- Allow residential use
- Limit to 200 residential units
- Increase floor area cap
- Service studies review
- Driveway reconfiguration – traffic study.

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 Steve Carson Develop SJ presenting; and John Wheatley, on behalf of the Applicant Horizon Management Limited presenting.

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 Subsection 2.3.2 of the Municipal Plan relating to Employment Areas within the City Structure; and amending Policy LU-61 and adding a new Policy LU-61.1, with respect to residential and mixed-use development within Regional Retail Centres, 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 Subsection 2.3.2 of the Municipal Plan relating to Employment Areas within the City Structure; and amending Policy LU-61 and adding a new Policy LU-61.1, with respect to residential and mixed-use development within Regional Retail Centres, 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 Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John" be amended by adding "Regional Commercial Residential Zone (CR-R)" to Section 2.2; adding "Regional Commercial Residential Zone (CR-R)" as Section 11.12; adding 11.12(1) Permitted Uses; adding 11.12(2) Conditional Uses; adding 11.12(3) Conditions of Use; adding 11.12(4) Zone Standards; amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as being PID Number 55230544, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.36 hectares, located at 40 Retail Drive, also identified as being PID Number 55196166, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as being PID Number 55122212, from Mini-Home Park Residential (RP) to Regional Commercial Residential (CR-R), 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" be amended by adding "Regional Commercial Residential Zone (CR-R)" to Section 2.2; adding "Regional Commercial Residential Zone (CR-R)" as Section 11.12; adding 11.12(1) Permitted Uses; adding 11.12(2) Conditional Uses; adding 11.12(3) Conditions of Use; adding 11.12(4) Zone Standards; amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as being PID Number 55230544, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.36 hectares, located at 40 Retail Drive, also identified as being PID Number 55196166, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as being PID Number 55122212, from Mini-Home Park Residential (RP) to Regional Commercial Residential (CR-R), 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."

9.2 Proposed Municipal Plan Amendment and Rezoning 1007-1019 Millidge Avenue with Planning Advisory Committee report recommending Approval (1<sup>st</sup> and 2<sup>nd</sup> Reading)

The Common Clerk advised that the necessary advertising was completed with regard to the proposed Municipal Plan and Re-zoning amendments of a parcel of land located at 1007-1019 Millidge Avenue which would redesignate on Schedule A of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397, and 00048389, from Stable Area and Park and Natural Area to Employment Area; redesignate on Schedule B of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397, and 00048389, from Stable Residential and Park and Natural Area to Stable Commercial; and rezone land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397, and 00048389,

from One-Unit Residential (R1) to Corridor Commercial (CC), to make an existing legally non-conforming use (Recreational Vehicle Sales and Service, Large) (boat repair) and to construct an additional building at 1007-1019 Millidge Avenue (PIDs 00048389 & 00048397), 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 May 22, 2019 meeting at which the Committee recommended approval as set out in the staff recommendation as described above with Section 59 conditions.

K. Melanson, Community Planning Manager provided an overview of the file. The existing boat yard is non-conforming but wishes to expand. The applicant is seeking to change the *Municipal Plan* designation and rezone the site in order to facilitate the expansion of an existing non-conforming use (which would become conforming) by constructing a new building.

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 Georgie Ring, applicant, presenting.

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 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397 and 00048389, from Stable Area and Park and Natural Area to Employment Area classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential and Park and Natural Area 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 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397 and 00048389, from Stable Area and Park and Natural Area to Employment Area classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential and Park and Natural Area 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 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 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Number 00048389 & 00048397 from Two-unit Residential (R2) to Corridor Commercial (CC), 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 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Number 00048389 & 00048397 from Two-unit Residential (R2) to Corridor Commercial (CC), 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 Zoning By-Law Amendment 1003 Latimore Lake Road with Planning Advisory Committee report recommending Approval (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 13 hectares, located at 1003 Latimore Lake Road, also identified as being portions of PID Numbers 00033124 and 00333757, from Rural (RU) to Pits & Quarries (PQ) to expand an existing gravel pit, 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 May 22, 2019 meeting at which the Committee recommended the rezoning of a parcel of land as described above, with Section 59 conditions.

Andy Reid, Planner outlined the staff recommendation to permit the application, as it is significantly different from the previous application that was denied. The application is recommended for approval in this case as permitted under Section 2.10(c) of the Zoning bylaw.

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 Rick Turner, Hughes Surveys presenting on behalf of the Applicant.

Moved by Deputy Mayor McAlary, seconded by Councillor Armstrong:

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 13 hectares, located at 1003 Latimore Lake Road, also identified as being portions of PID Numbers 00033124 and 00333757, from Rural (RU) to Pits & Quarries (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 13 hectares, located at 1003 Latimore Lake Road, also identified as being portions of PID Numbers 00033124 and 00333757, from Rural (RU) to Pits & Quarries (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**

**11. Submissions by Council Members**

**12. Business Matters - Municipal Officers**

**12.1 Continuous Improvement Initiative – Greening Our Fleet Policy FAS-010**

K. Loughery, Fleet Operations Manager presented the Fleet Policy strategy as part of the initiative for the City to be carbon neutral by 2023.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-129: Greening Our Fleet Policy FAS-010*, Common Council approve the attached City of Saint John Greening Our Fleet Policy Statement FAS-010.

MOTION CARRIED.

#### 12.2 Saint John Major Junior Hockey Club Agreement

Moved by Deputy Mayor McAlary, seconded by Councillor Armstrong:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-134: Saint John Major Junior Hockey Club Agreement*, Common Council:

1. Accept the terms as drafted in the Agreement submitted; and,
2. Direct the Mayor and Common Clerk to execute the Agreement.

AND FURTHER RESOLVED that item 17.1 be moved forward on the Agenda.

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

#### 17.1 Saint John Sea Dogs

Moved by Deputy Mayor McAlary, seconded by Councillor Armstrong:

RESOLVED that the matter entitled *Saint John Sea Dogs* considered and recommended by the Committee of the Whole having met on May 6<sup>th</sup>, 2019 be received for information.

MOTION CARRIED.

### 13. **Committee Reports**

#### 13.1 Finance Committee: Safe Clean Drinking Water Project (SCDWP) Reserve Fund

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-131: Safe Clean Drinking Water Project (SCDWP) Reserve Fund*, Common Council approve withdrawing the funds from the Safe Clean Drinking Water Project (SCDWP) Reserve Fund.

MOTION CARRIED.

**13.2 Finance Committee: Reallocation of 2019 Capital Funding - Canada Games Aquatic Centre**

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-140: Reallocation of 2019 Capital Funding - Canada Games Aquatic Centre*, Common Council approve reallocating \$28,000 capital funding to the Canada Games Aquatic Centre from the accessibility lift project to two projects, motion detection lighting and flow monitors.

MOTION CARRIED.

**13.3 Finance Committee: 2018 Consolidated Financial Statements**

The Chair of the Finance Committee presented the independent City Auditors Consolidated Financial Statements prepared by Deloitte.

Moved by Councillor Sullivan, seconded by Deputy Mayor McAlary:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-139: 2018 Consolidated Financial Statements*, Common Council approve the City of Saint John Consolidated Financial Statements, the Trust Fund Statements of the City of Saint John, and the Trade and Convention Centre Financial Statements for the fiscal year ended December 31, 2018.

MOTION CARRIED.

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

**15. General Correspondence**

**16. Supplemental Agenda**

**17. Committee of the Whole**

**18. Adjournment**

Moved by Councillor Sullivan, seconded by Councillor Armstrong:

RESOLVED that the meeting of Common Council held on June 3, 2019, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 9:15 p.m.