

December 9th, 2013

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall at 4:30 p.m. today.

His Worship the Mayor presided.

There were present also: Deputy Mayor Ellsworth; Councillors Hickman, Lane, Puddister, Breen, Galgay, Tilley, Davis and Collins.

Regrets: Councillor Hann

City Manager; Deputy City Manager, Corporate Services & City Clerk, Deputy City Manager, Planning, Development & Engineering, Deputy City Manager, Public Works, Deputy City Manager, Community Services; Director of Engineering; Chief Municipal Planner, City Solicitor and Manager, Corporate Secretariat, were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2013-12-09/544R

It was decided on motion of Councillor Collins; seconded by Councillor Galgay: That the Agenda be adopted as presented.

Adoption of Minutes

SJMC2013-12-09/545R

It was decided on motion of Councillor Lane; seconded by Councillor Puddister: That the minutes of December 2nd, 2013 be adopted as presented.

Budget 2014

His Worship the Mayor called upon Councillor Breen, Chair of the Finance and Administration Standing Committee, to present the City of St. John's 2014 budget, a copy of which forms part of the minutes and is on file with the City Clerk's office.

His Worship the Mayor and all other members of Council indicated their full support of the budget as presented and congratulated Councillor Breen, Chair of the Finance Committee, and staff on a job well done.

SJMC2013-12-09/546R

It was moved by Councillor Breen; seconded by Councillor Galgay: That the City of St. John's Operating Budget for the 2014 fiscal year, be adopted as presented; and that the following Tax and Interest Rate Resolutions for 2014 be adopted:

2014 ACCOMMODATION TAX RESOLUTION

IT IS HEREBY RESOLVED that pursuant to the provisions of the City of St. John's Municipal Taxation Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the Accommodation Tax at 4% of the amount charged for the accommodation, lodging or stay in a room in a building in the City which is:-

- (a) licensed under the Tourist Establishments Act;
- (b) owned by the Memorial University of Newfoundland; or
- (c) located at the Littledale Conference Centre.

The said tax shall be due and payable quarterly by April 15th., July 15th., October 15th. And January 15th.

2014 DOWNTOWN ST. JOHN'S BUSINESS IMPROVEMENT AREA LEVY

IT IS HEREBY RESOLVED that pursuant to the provisions of the City of St. John's Act, and all other powers it enabling, the St. John's Municipal Council fixes the Downtown St. John's Business Improvement Area Levy for the 2014 fiscal year as follows.

Businesses operating in the Downtown St. John's Business Improvement Area will be subject to a tax as determined by the City of St. John's to a Maximum levy of \$4,000 for each location from which the business, trade or profession is carried on.

The said tax shall be due and payable half-yearly in advance on the 1st. day of January and the 1st. day of July, 2014.

RESOLUTION

IT IS HEREBY RESOLVED that pursuant to the provisions of the City of St. John's Municipal Taxation Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the interest rate on arrears of tax and any other arrears of amounts owing to the City for the 2014 and future fiscal years, at 1.25% per month, with the interest charged each month added to the balance owing and subject to interest in the following months.

2014 PROPERTY TAX RATE RESOLUTION - COMMERCIAL PROPERTIES

IT IS HEREBY RESOLVED that pursuant to the provisions of the City of St. John's Municipal Taxation Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the commercial property tax rate for the 2014 fiscal year as follows, namely:-

1. for commercial properties and the commercial portion of mixed commercial/residential properties, the real property tax rate is 2.62 percent per annum of the assessed value of the property in respect of which the tax is imposed.
2. (a) where the real property tax applies to buildings to which water mains are not accessible for servicing such buildings with water services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value; and,

(b) where the real property tax applies to buildings to which sewer mains are not accessible for servicing such buildings with sewer services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value.

The said taxes shall be due and payable quarterly in arrears on March 31st., June 30th., September 30th. and December 31st., 2014.

2014 PROPERTY TAX RATE RESOLUTION - RESIDENTIAL PROPERTIES

IT IS HEREBY RESOLVED that pursuant to the provisions of the City of St. John's Municipal Taxation Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the real property tax rate for the 2014 fiscal year as follows, namely:-

1. for residential properties and the residential portion of mixed commercial/residential properties, the real property tax rate is 0.81 percent per annum of the assessed value of the property in respect of which the tax is imposed.
2. (a) where the real property tax applies to buildings to which water mains are not accessible for servicing such buildings with water services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value; and,

(b) where the real property tax applies to buildings to which sewer mains are not accessible for servicing such buildings with sewer services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value.

The said taxes shall be due and payable half-yearly in advance on the 1st. day of January and the 1st. day of July, 2014.

2014 25% PROPERTY TAX REDUCTION FOR SENIOR CITIZENS RESOLUTION

IT IS HEREBY RESOLVED THAT A REDUCTION OF 25% OF THE PROPERTY TAX FOR 2014 BE PROVIDED TO SENIOR CITIZENS SUBJECT TO THE FOLLOWING CONDITIONS:-

- (a) That the applicant is the assessed owner of the property as of January 1, 2014.
- (b) That the applicant occupies the property as his/her principal year-round residence.
- (c) That the applicant is in receipt of the guaranteed income supplement under the Old Age Security Act.

2014 BUSINESS TAX RATE ON UTILITIES RESOLUTION

IT IS HEREBY RESOLVED that pursuant to the provisions of the Taxation of Utilities and Cable Television Companies Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the Municipal Business Tax rate on utilities at 2.5 percent of the gross revenue of any and all utilities derived within the City limits of the City of St. John's during the year January 1, 2013 to December 31, 2013.

The said tax shall be due and payable at the time and in the manner prescribed by the Lieutenant-Governor in Council in the regulations made pursuant to the said **Taxation of Utilities and Cable Television Companies Act**.

2014 WATER BY METER RESOLUTION

IT IS HEREBY RESOLVED that under the provisions of the City of St. John's Municipal Taxation Act, and all other powers it enabling, the Council hereby fixes the rates for Water by Meter effective January 1st., 2014, as follows:

Monthly Consumption Rates

\$6.04 per 1,000 gallons
or \$1.32 per cubic meter

Monthly Base Charge

5/8" meter	\$ 29.30
3/4" meter	44.02
1" meter	73.28
1½" meter	146.47
2" meter	233.65
3" meter	467.76
4" meter	747.72
6" meter	1,461.52
8" meter	2,337.76
10" meter	3,359.44

2014 WATER TAX RESOLUTION

IT IS HEREBY RESOLVED that under the provisions of the City of St. John's Municipal Taxation Act, and all other powers it enabling, the Water Tax shall be levied as follows:

For residential units and for commercial properties not taxed by water meters, the sum of Six Hundred and Fifteen Dollars (\$615.00) per annum per commercial unit for commercial properties or per residential unit for residential and apartment buildings.

The said tax shall be due and payable half-yearly on the 1st. day of January and the 1st. day of July, 2014.

The motion being put was unanimously carried.

Notices Published

- a. **A Discretionary Use Application** has been submitted to develop property for Agriculture Use in the Goulds Environmentally Valuable Area. The application will involve the placing of organic fill material on approximately 12 hectares of land located in the Open Space Reserve (OS) Zone. The subject land fronts Robert E. Howlett Memorial Drive and is located one kilometer south of Power's Road.

SJMC2013-12-09/547R

**It was moved by Councillor Hickman; seconded by Councillor Davis:
That the application be approved subject to all applicable City requirements.**

The motion being put was unanimously carried.

Public Hearing

Public Hearing Report

Proposed Rezoning from R1 Zone to A2 Zone

16 Francis Street and Castlebridge Drive, Brookfield Plains

Council considered the report of a public meeting held on September 12, 2013 to discuss the proposed development, by Kavanagh Associates to of two buildings, a six (6) storey residential building on the St. John's portion and a six (6) storey residential building with ground-floor commercial uses on the Mount Pearl portion, and with a parking lot and

landscaping between the buildings. Concerns were raised at the meeting about shadowing and privacy for nearby houses. The developer committed to moving the St John's building which would not change shadowing significantly but would improve privacy.

In this regard, Council also considered a memorandum dated December 5, 2013 from the Chief Municipal Planner.

SJMC2013-12-09/548R

It was moved by Councillor Collins; seconded by Councillor Galgay: That staff be directed to proceed with the rezoning process and prepare the appropriate amendments for future consideration by Council.

The motion being put was unanimously carried.

Committee Reports

Public Works & Environment Standing Committee Report dated November 28, 2013

Council considered the following Public Works & Environment Standing Committee Report dated November 28, 2013:

Attendees: Councillor Jonathan Galgay, Chairperson
Councillor Bruce Tilley
Councillor Danny Breen
Councillor Art Puddister
Paul Mackey, Deputy City Manager of Public Works
Dave Blackmore, Deputy City Manager of Planning, Development & Engineering
Brendan O'Connell, Director of Engineering
Don Brennan, Director of Roads & Traffic
Steve Colford, Manager of Waste & Recycling
Brian Head, Manager of Parks & Open Spaces
Phil Hiscock, Manager of Streets
Karen Chafe, Recording Secretary

Report:

1. **Bulk Garbage & Recyclable Metals Program**

The Committee considered a memo dated November 22, 2013 from the Deputy City Manager of Public Works regarding the above noted matter.

The Committee recommends that the Bulk Garbage & Recyclable Metals Program be maintained at the present level.

2. **Public Works Committee Mandate**

The Committee recommends approval of the following Public Works Standing Committee mandate:

Make recommendations to Council on completing longer term master plans, studies and reviews of core infrastructure items such as road networks, water supply, wastewater treatment, parks and open spaces and city buildings.

Formulate policy recommendations to Council for the construction and maintenance of City infrastructure and oversee the implementation of approved policies.

Develop recommendations to Council for changes to programs to ensure the effective and efficient delivery of City and Regional services and oversee their implementation. Such services include but are not limited to all aspects of: water treatment, distribution and metering; wastewater collection and treatment; storm water collection, detention and disposal; maintenance of streets, sidewalks, traffic signals, traffic signage and control devices, street markings; snow clearing of streets and sidewalks; garbage collection, recycling and garbage disposal; maintenance and operation of parks, playgrounds, trails, open spaces, sports fields and the urban forest; maintenance of City facilities, buildings and non-profit housing units; acquisition and maintenance of City vehicles and heavy equipment.

The Committee further recommends that the Public Works Standing Committee meetings be held on the third Thursday of each month at noon in the Depot Conference Room situated at Blackler Avenue.

3. **Presentation on 2013/14 Snow Clearing Plan**

The Director of Roads & Traffic conducted a comprehensive and detailed power point presentation outlining the resources, service objectives and priorities involved with overseeing the 2013/14 Snow Clearing Operations.

The Committee recommends that the Deputy City Manager of Public Works conduct a condensed version of the presentation during the December 16th Regular Council meeting.

4. **62 Watson Street**

The Committee considered a memo dated November 21, 2013 from the Director of Engineering regarding the backyard flooding issue at 62 Watson Street.

The Committee recommends that given the backyard flooding issue at 62 Watson Street is not a City responsibility, that the City not include requests of this nature for Capital Works consideration.

5. **Flooding Issue – Rear of Mallard Cottage – 2 Barrows Road**

The Committee considered a memo dated November 21, 2013 from the Director of Engineering regarding the above noted matter.

The Committee recommends that installation of the box culvert be considered for Capital Works funding, at an estimated amount of \$400,000. The Committee further recommends that the owner of 2 Barrows Road be advised to flood proof his premises.

6. **Proposed Dog Park in Shea Heights**

The Committee considered a request from Councillor Collins (not present) to investigate the possibility of installing a dog park in Shea Heights. Staff advised that a space has been identified and the approximate cost to install such is \$15,000. It was noted, however, that the request was put forth by one resident.

The Committee recommends that Councillor Collins contact the Shea Heights Neighbourhood Community group to confirm if indeed the community does wish to have a dog park in the area.

7. **Petition from Councillor Davis re: Wishingwell Road**

The Committee considered a council directive from the regular meeting of November 25, 2013 requesting the referral to this Committee of a petition tabled by Councillor Davis regarding the replacement of the main water line in the area of Wishingwell Road from Stamps Lane to Terra Nova Road.

The Committee advises that the project is listed as a priority in the capital works budget and the Committee recommends that Councillor Davis relay this information to the affected residents of Wishingwell Road.

Councillor Jonathan Galgay
Chairperson

SJMC2013-12-09/549R

Regarding Item #1, It was moved by Councillor Galgay; seconded by Councillor Tilley: That the Committee's recommendations be approved.

The motion being put was unanimously carried.

Weekly Permits List

Council considered the following Development Permits List for the period November 28 to December 4, 2013:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF November 28, 2013 TO December 4, 2013**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Ron Fougere Associates Ltd.	Construction of a Pre-Fabricated Mega Dome Structure	456 Logy Bay Road	1	Approved	13-11-29
RES	NL Housing	Installation Of A French Drain Connecting Into A Solid Pipe That Connects The Storm Sewer	McKay Street	2	Approved	13-11-29
COM	Franchise Management Inc.	Interior Fit-Up, Exterior Signage and Extension for KFC	2 Stavanger Drive	1	Approved	13-12-02
OT	Pennecon Ltd	Test Pits for Geological Analysis	Black Mountain Pond TCH - Incinerator Road	5	Approved	13-12-04
OT	Anglican Church of New Hope	Expansion to Cemetery	Petty Harbour Road	5	Approved	13-12-04

*	Code Classification:			
	RES	- Residential	INST	-
	COM	- Commercial	IND	-
	AG	- Agriculture		
	OT	- Other		
**	This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.			

**Gerard Doran
Development Officer
Department of Planning**

Building Permits List – December 09, 2013

SJMC2013-12-09/550R

It was decided on motion of Councillor Tilley; seconded by Deputy Mayor Ellsworth: That the recommendation of the Director of Planning and Development with respect to the following building permits, be approved:

**Building Permits List
Council's December 09, 2013 Regular Meeting**

Permits Issued: 2013/11/28 To 2013/12/04

Class: Commercial

61 James Lane-Nl Mobile Shelt	Co	Warehouse
446 Newfoundland Dr	Co	Restaurant
515 Kenmount Rd-Happy's	Ms	Retail Store
446 Newfoundland Dr	Ms	Restaurant
283 Portugal Cove Rd Tim Horto	Sn	Eating Establishment
283 Portugal Cove Rd-Tim Hort	Ms	Eating Establishment
696 Water St	Sn	Eating Establishment
110 Duckworth St	Rn	Eating Establishment
59-61 Pippy Pl	Co	Retail Store
36 Austin St	Rn	Communications Use
3-11 Rowan St	Rn	Office
29 O'leary Ave	Sw	Retail Store
Factory Lane	Rn	Office
283 Portugal Cove Rd Tim Hort	Sw	Eating Establishment
2 Stavanger Dr Kfc	Rn	Eating Establishment

This Week \$ 468,500.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

34 Battery Rd	Nc	Accessory Building
23 Cherrybark Cres, Lot 242	Nc	Single Detached & Sub.Apt
43 Cherrybark Cres, Lot 233	Nc	Single Detached & Sub.Apt
50 Dillon Cres	Nc	Patio Deck
2 Duke St., Lot 208	Nc	Single Detached & Sub.Apt
35 Erley St	Nc	Patio Deck
40 Firdale Dr	Nc	Accessory Building
19 Galashiels Pl, Lot 128	Nc	Single Detached Dwelling
80 Goodridge St	Nc	Patio Deck
90 Kenai Cres	Nc	Accessory Building

39 Kenai Cres, Lot 232	Nc	Single Detached & Sub.Apt
4 March St	Nc	Fence
9 Morris Ave	Nc	Single Detached Dwelling
49 St. Michael's Ave	Nc	Accessory Building
16 Sequoia Dr	Nc	Fence
18 Sequoia Dr	Nc	Fence
39 Holbrook Ave	Co	Single Detached Dwelling
30 Spruce Grove Ave	Ex	Single Detached Dwelling
419 Allandale Rd	Rn	Single Detached Dwelling
14 Beothuck St	Rn	Townhousing
16 Beothuck St	Rn	Townhousing
18 Beothuck St	Rn	Townhousing
20 Beothuck St	Rn	Townhousing
22 Beothuck St	Rn	Townhousing
24 Beothuck St	Rn	Townhousing
26 Beothuck St	Rn	Townhousing
28 Beothuck St	Rn	Townhousing
32 Beothuck St	Rn	Townhousing
36 Beothuck St	Rn	Townhousing
38 Beothuck St	Rn	Townhousing
40 Beothuck St	Rn	Townhousing
48 Beothuck St	Rn	Townhousing
52 Beothuck St	Rn	Townhousing
54 Beothuck St	Rn	Townhousing
56 Beothuck St	Rn	Townhousing
29 Beothuck St	Rn	Townhousing
31 Beothuck St	Rn	Townhousing
33 Beothuck St	Rn	Townhousing
35 Beothuck St	Rn	Townhousing
39 Beothuck St	Rn	Townhousing
45 Beothuck St	Rn	Townhousing
47 Beothuck St	Rn	Townhousing
49 Beothuck St	Rn	Townhousing
51 Beothuck St	Rn	Townhousing
75 Cabot St	Rn	Single Detached Dwelling
89-91 Casey St	Rn	Semi-Detached Dwelling
133 Firdale Dr	Rn	Single Detached Dwelling
162 Hamilton Ave	Rn	Single Detached Dwelling
48 Monkstown Rd	Rn	Semi-Detached Dwelling
35 Parade St	Rn	Single Detached Dwelling
8 Parsonage Dr	Rn	Single Detached Dwelling
48 Pennywell Rd	Rn	Single Detached Dwelling
53 Poplar Ave	Rn	Single Detached Dwelling
17 Rosalind St	Rn	Single Detached Dwelling
73 Springdale St	Rn	Single Detached & Sub.Apt
161 Topsail Rd	Rn	Single Detached Dwelling

This Week \$ 1,737,150.00

Class: Demolition

This Week \$.00

This Week's Total: \$ 2,205,650.00

Repair Permits Issued: 2013/11/28 To 2013/12/04 \$ 59,400.00

Legend

- Co Change Of Occupancy
- Cr Chng Of Occ/Renovtns
- Ex Extension
- Nc New Construction
- Oc Occupant Change
- Rn Renovations
- Sw Site Work
- Ti Tenant Improvements
- Sn Sign
- Ms Mobile Sign
- Cc Chimney Construction
- Cd Chimney Demolition
- Dv Development File
- Ws Woodstove
- Dm Demolition

YEAR TO DATE COMPARISONS			
December 9, 2013			
TYPE	2012	2013	% VARIANCE (+/-)
Commercial	\$213,000,600.00	\$100,000,000.00	-53
Industrial	\$5,000,000.00	\$2,300,000.00	-54
Government/Institutional	\$16,200,900.00	\$79,800,000.00	393
Residential	\$182,100,700.00	\$155,400,500.00	-15
Repairs	\$5,100,500.00	\$4,700,100.00	-8
Housing Units (1 & 2 Family Dwellings)	587	433	
TOTAL	\$421,402,700.00	\$342,200,600.00	-19

Respectfully Submitted,

Jason Sinyard, P. Eng., MBA
Director of Planning & Development

Payrolls and Accounts

SJMC2013-12-09/551R

It was decided on motion of Councillor Tilley; seconded by Deputy Mayor Ellsworth: That the following Payrolls and Accounts for the week December 4, 2013 be approved:

**Weekly Payment Vouchers
For The
Week Ending December 4, 2013**

Payroll

Public Works	\$ 581,441.28
Bi-Weekly Administration	\$ 787,432.18
Bi-Weekly Management	\$ 760,003.34
Bi-Weekly Fire Department	\$ 589,766.91
Accounts Payable	\$ 3,506,728.82
Total:	\$ 6,225,372.53

Tenders

- a. Tender – Two (2) New SUV’s and One (1) New 4 x 4 Pickup Truck
- b. Tender – St. Pat’s Bleacher Replacement
- c. RFP – Engineering Consulting Services, Street Infrastructure Improvements (2013) Package 2 – Hebron Way Extension to Major’s Path
- d. RFP - Engineering Consulting Services, Street Infrastructure Improvements (2013) Package 1 – Blackmarsh Road Street Re-alignment @ Blackmarsh Road Empire Avenue and Redmond’s Road – Design Only

SJMC2013-12-09/552R

**It was moved by Deputy Mayor Ellsworth; seconded by Councillor Collins:
That the recommendations of the Deputy City Manager, Corporate Services &
City Clerk and the Director of Engineering be approved and the tenders
awarded as follows:**

- a. Terra Nova Motors @ \$107,631.00, taxes extra
- b. Centaur Products @ \$208,005.00, taxes extra
- c. Pinnacle Engineering Ltd.
- d. Hatch Mott Macdonald

The motion being put was unanimously carried.

Request for Proposals
163 Blackhead Road

Council considered a memorandum dated November 25, 2013 from the Deputy City Manager, Planning, Development and Engineering regarding the above noted.

SJMC2013-12-09/553R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Collins: That the RFP guidelines for public advertisement from qualified developers/builders for the creation of a new subdivision at 163 Blackhead Road in partnership with the City, be approved as presented.

The motion being put was unanimously carried.

78 Blackler Avenue

Council considered a memorandum dated November 29, 2013 from the City Solicitor regarding the above noted.

SJMC2013-12-09/554R

It was moved by Councillor Tilley; seconded by Councillor Puddister: That land measuring approximately 2000 square feet at the rear of 78 Blackler Avenue be sold at a rate of \$5.00 per square foot vs. the original request for 7000 square feet.

The motion being put was unanimously carried.

Councillor Collins

Councillor Collins advised residents that the Ryan's Place public meeting scheduled for December 9 was cancelled due to problems with the City's mailing list. A meeting will be scheduled for mid January 2014.

Councillor Davis

Councillor Davis commended and thanked staff as well as all volunteers and parties involved in the Bowring Park Festival of Music and Lights.

Councillor Davis advised that the naming of the Bannerman Park Skate Trail will be announced at a ceremony to be held on December 12, 2013. He noted that it is anticipated that the skate trail will open next week.

Councillor Galgay

Councillor Galgay advised that the Deputy City Manager, Public Works is working with Newfoundland Power on lighting for Victoria Park and is hopeful lights can be turned on in the park for the winter season. The Deputy City Manager, Public Works will update Council on this matter next week.

His Worship the Mayor noted that Council should, in conjunction with the property owners, look at lighting up public buildings in the downtown core, to make for a more vibrant downtown. Councillor Galgay agreed to take the matter up with the Public Works Committee.

Councillor Lane

Councillor Lane advised residents of a public meeting to be held December 12, 2013 concerning an application by Regal Realty Limited to rezone property at **200-232 Newfoundland Drive ('Virginia Plaza')** to the Commercial Office Hotel (COH) Zone. This is to allow enlargement of the existing building from two storeys to five storeys and construction of a second five storey building. The two buildings would be occupied by a total of 232 apartment dwelling units. About half the area of the ground floor of the existing building (approximately 820 m²) would be developed for commercial purposes ('Offices').

Adjournment

There being no further business the meeting adjourned at 6:00 p.m.

MAYOR

CITY CLERK