

January 12, 2015

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

Mayor Dennis O'Keefe presided.

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

The City Manager; City Clerk; Deputy City Manager of Corporate Services; Deputy City Manager of Financial Management; Deputy City Manager of Public Works; Deputy City Manager of Planning, Development & Engineering; Deputy City Manager of Community Services; City Solicitor; Chief Municipal Planner and Senior Legislative Assistant were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2015-01-12/019R

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

The motion being put was unanimously carried.

Adoption of Minutes

SJMC2015-01-12/020R

It was decided on motion of Councillor Tilley; seconded by Councillor Breen: That the minutes of January 5, 2015 be adopted as presented.

The motion being put was unanimously carried.

Notices Published

Council considered the following applications:

a. 55 Windemere Road – Open Space (O) Zone

A Discretionary Use (Restoration of Non-Conforming Use) Application has been submitted to remove and rebuild the dwelling at **55 Windemere Road**. The dwelling is proposed to be 50 percent larger than the existing dwelling, and will have a maximum total floor area of 65 m².

One submission received

SJMC2015-01-12/021R

It was decided on motion of Councillor Collins; seconded by Councillor Puddister: That the application re: 55 Windemere Road be deferred until such time as the subject land ownership is confirmed.

The motion being put was unanimously carried.

b. 15 Bay Bulls Road – Residential Low Density (R1) Zone

A Change of Non-Conforming Use application has been submitted by Salt Water Images requesting permission to change the use of **15 Bay Bulls Road** to a commercial retail space. The proposed use would occupy 91 m² of the main level of this two storey building.

The business would employ a staff of two (2), including the owner, and will operate Monday to Friday, 9 a.m.–5:30 p.m. and Saturday, 10 a.m. to 5 p.m. The business will sell t-shirts, souvenirs, prints, and embroidery, as well as specializing in photo digitizing, archiving and restoration. There are three (3) off-street parking spaces available

No submissions received

SJMC2015-01-12/022R

It was then decided on motion of Councillor Collins; seconded by Councillor Puddister: That Council approve the above noted application subject to all applicable City requirements.

The motion being put was unanimously carried.

Committee Reports

Development Committee Report – January 6, 2015

Council considered the below noted report.

- 1. Department of Planning, Development File No. 1300055
Change of Non-Conforming Use – Request for Approval Reaffirmation
Conversion of Commercial Use into Residential Unit
562 Water Street – Ward 2**

Commercial Central Mixed (CCM) Zone

The Development Committee recommends that Council reaffirm its approval for the proposed conversion at 562 Water Street subject to the conditions presented in the original Development Agreement.

Dave Blackmore
Deputy City Manager – Planning, Development and Engineering
Chairperson

SJMC2015-01-12/023R

It was decided on motion of Councillor Hann; seconded by Councillor Breen: That the Committee’s recommendation be approved and that the application for the proposed conversion at 562 Water Street, which was approved be reaffirmed.

The motion being put was unanimously carried.

Audit & Accountability Standing Committee Report – December 18, 2014

Present: Deputy Mayor Ron Ellsworth, Chairperson
Councillor Bruce Tilley
Mr. Neil Martin, City Manager
Mr. Robert Bishop, Deputy City Manager, Financial Management
Derek Coffey, Manager, Budget and Treasury
Mr. Sean Janes, Senior City Internal Auditor
Mr. Boyd Chislett, Citizen Representative
Ms. Renee Dyer, Citizen Representative (9:15 am)
Ms. Maureen Harvey, Senior Legislative Assistant

1. 2013 Financial Statements and Audit Results Report 2013 (Copy available at the Office of the City Clerk)

The Committee considered and reviewed the Report to those charged with governance – Communication of the audit results which was presented by were presented by the Ms. Kim Simms of Grant Thornton. The documents included:

- Status of the audit
- Audit results
- Reportable matters
- Technical updates
- Appendix A – Draft auditor’s report
- Appendix B – Draft Management representation letter

- Appendix C – Internal control letter
- Appendix D – Accounting developments
- Appendix E – Auditing developments

As in previous years, the Committee discussed the delay of completion of the audit, noting this is caused by delay in the receipt of information related to pensions. Staff is attempting to expedite receipt of this information with a meeting planned early in the new year with Johnson's (pension administrator) and Morneau Shapell (pension actuaries).

In addition, the Committee reviewed the draft consolidated financial statements for the year ending December 31, 2013, presented by the Deputy City Manager – Financial Management which included:

- i. Statement of Responsibility
- ii. Independent Auditor's Report
- iii. Consolidated Statement of Operations and Accumulated Surplus
- iv. Consolidated Statement of Financial Position
- v. Consolidated Statement of Change in Net Debt
- vi. Consolidated Statement of Cash Flow
- vii. Notes to the Consolidated Financial Statement

Supplementary Schedules

1. Consolidated Schedule of Tangible Capital Assets
2. Consolidated Schedule of Debenture Debt
3. Consolidated Schedule of Long-Term Debt
4. Consolidated Schedule of Mortgages – Urban Living Non-Profit Housing
5. Consolidated Schedule of Revenues
6. Consolidated Schedule of Expenditures by Object
7. Consolidated Schedule of Segmented Information
8. Reconciliation of Consolidated Cash Budget to Consolidated PSAS Budget

Discussion took place during review of the documents with points of clarification made.

Recommendation

On a motion put forth by Boyd Chislett; seconded by the Renee Dyer, the Committee recommends that the attached Draft Consolidated Financial Statements for the year ending December 31, 2013 and accompanying report of audit findings as prepared by Grant Thornton be approved as presented.

Deputy Mayor Ron Ellsworth
Chair

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SJMC2015-01-12/024R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Tilley: That Council adopt the recommendations contained in the Audit and Accountability Standing Committee Report dated December 18, 2014.

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permits List for the period January 1, 2015 to January 7, 2015.

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF January 1, 2015 TO January 7, 2015**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Triple D Holdings Ltd.	Subdivision for 3 Building Lots	Glenlonan Street (Wild Rose Subdivision)	5	Rejected-contrary to approved subdivision plan	15-01-07
COM		Home Office – Home Inspection Service	16 Borden Street	1	Approved	15-01-07

<p>* Code Classification: RES- Residential COM- Commercial AG - Agriculture OT - Other</p>	<p>INST- Institutional IND- Industrial</p>
<p>** 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.</p>	

**Gerard Doran
Development Supervisor
Department of Planning**

Building Permits List

Council considered the Building Permits list for the period January 30, 2014 to January 7, 2015.

**Building Permits List
Council's January 12, 2015 Regular Meeting**

Permits Issued: 2014/12/30 To 2015/01/07

Class: Commercial

205 Logy Bay Rd	Ms	Commercial School
38-42 Ropewalk Lane	Ms	Tavern
Mundy Pond Rd No Name Pizza	Ms	Eating Establishment
141 Torbay Rd	Ms	Eating Establishment
50 Keane Pl	Nc	Accessory Building
611 Torbay Rd	Rn	Office
336 Logy Bay Rd	Rn	Commercial School
89 Aberdeen Ave Unit 2 Cleo	Rn	Retail Store
89 Aberdeen Ave-Unit 1	Rn	Retail Store
48 Kenmount Rd - Bootlegger	Cr	Retail Store
235 Water St, 9th Floor	Rn	Office
235 Water St. 9th Floor	Rn	Office
140 Water St	Rn	Office
55 Duckworth St	Rn	Office
351 Water St, Baker Hughes 7th	Rn	Office

This Week \$ 2,512,000.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

21 Caravelle Pl, Lot 19	Nc	Single Detached Dwelling
15 Green St	Nc	Fence
273 Main Rd, Tom Williams	Nc	Accessory Building
10 Parsonage Dr	Nc	Accessory Building
2 Rusted Pl	Nc	Fence
100 Topsail Rd	Nc	Swimming Pool
44 Valleyview Rd	Nc	Accessory Building
12 Peppertree Pl	Cr	Subsidiary Apartment
357 Anspach St	Rn	Semi-Detached Dwelling
359 Anspach St	Rn	Semi-Detached Dwelling
361 Anspach St	Rn	Semi-Detached Dwelling
363 Anspach St	Rn	Semi-Detached Dwelling
365 Anspach St	Rn	Semi-Detached Dwelling
367 Anspach St	Rn	Semi-Detached Dwelling

369 Anspach St	Rn	Semi-Detached Dwelling
371 Anspach St	Rn	Semi-Detached Dwelling
373 Anspach St	Rn	Semi-Detached Dwelling
375 Anspach St	Rn	Semi-Detached Dwelling
377 Anspach St	Rn	Semi-Detached Dwelling
379 Anspach St	Rn	Semi-Detached Dwelling
381 Anspach St	Rn	Semi-Detached Dwelling
383 Anspach St	Rn	Semi-Detached Dwelling
385 Anspach St	Rn	Semi-Detached Dwelling
387 Anspach St	Rn	Semi-Detached Dwelling
17 Butterworth Pl	Rn	Single Detached Dwelling
10 Capulet St	Rn	Subsidiary Apartment
42 Dunkerry Cres	Rn	Single Detached Dwelling
128 Freshwater Rd	Rn	Single Detached Dwelling
103 Gillies Rd	Rn	Single Detached Dwelling
2 James Pl	Rn	Townhousing
4 James Pl	Rn	Townhousing
6 James Pl	Rn	Townhousing
8 James Pl	Rn	Townhousing
10 James Pl	Rn	Townhousing
12 James Pl	Rn	Townhousing
14 James Pl	Rn	Townhousing
16 James Pl	Rn	Townhousing
18 James Pl	Rn	Townhousing
20 James Pl	Rn	Townhousing
22 James Pl	Rn	Townhousing
24 James Pl	Rn	Townhousing
26 James Pl	Rn	Townhousing
28 James Pl	Rn	Townhousing
30 James Pl	Rn	Townhousing
32 James Pl	Rn	Townhousing
34 James Pl	Rn	Townhousing
36 James Pl	Rn	Townhousing
38 James Pl	Rn	Townhousing
1 James Pl	Rn	Townhousing
3 James Pl	Rn	Townhousing
5 James Pl	Rn	Townhousing
7 James Pl	Rn	Townhousing
9 James Pl	Rn	Townhousing
25 James Pl	Rn	Townhousing
27 James Pl	Rn	Townhousing
29 James Pl	Rn	Townhousing
31 James Pl	Rn	Townhousing
41 King's Rd	Rn	Townhousing
22 Pearson St	Rn	Single Detached Dwelling
17 Grieve St	Sw	Single Detached Dwelling

This Week \$ 664,882.00

Class: Demolition

318 Water St, O'reilly's Pub	Dm	Tavern
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This Week \$ 2,000.00

This Week's Total: \$ 3,178,882.00

Repair Permits Issued: 2014/12/30 To 2015/01/07 \$ 58,000.00

Legend

Co	Change Of Occupancy	Sw	Site Work
Cr	Chng Of Occ/Renovtns	Ms	Mobile Sign
Nc	New Construction	Sn	Sign
Oc	Occupant Change	Ex	Extension
Rn	Renovations	Dm	Demolition

YEAR TO DATE COMPARISONS			
January 12, 2015			
TYPE	2014	2015	% VARIANCE (+/-)
Commercial	\$2,008,000.00	\$2,514,000.00	25
Industrial	\$0.00	\$0.00	#DIV/0!
Government/Institutional	\$0.00	\$0.00	#DIV/0!
Residential	\$16,700.00	\$664,882.00	3881
Repairs	\$42,000.00	\$58,000.00	38
Housing Units (1 & 2 Family Dwellings)	0	1	
TOTAL	\$2,066,700.00	\$3,236,882.00	57

Respectfully Submitted,

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

SJMC2015-01-12/025R

It was decided on motion of Councillor Galgay: seconded by Deputy Mayor Ellsworth: That the recommendations of the Director of Planning and Development with respect to the Building Permits list for the period December 30, 2014 to January 7, 2015 be approved.

The motion being put was unanimously carried.

Requisitions, Payrolls and Accounts

Council considered the requisitions, payrolls and accounts for the week ending January 7, 2015

**Weekly Payment Vouchers
For The
Week Ending January 7, 2015**

Payroll

Public Works	\$ 591,146.61
Bi-Weekly Casual	\$ 3,209.06
Accounts Payable	\$ 9,856,805.73
Total:	\$10,451,161.40

SJMC2015-01-12/026R

It was decided on motion of Councillor Galgay; seconded by Deputy Mayor Ellsworth: That the Payrolls and Accounts for the week ending January 7, 2015 be approved.

The motion being put was unanimously carried.

Tenders

Council considered the following tender:

- Council Approval - Tender 2014118 – Purchase of One (1) New Tool Carrier Loader

One (1) New Tool Carrier	
TENDER #2014118	
Toromont (2015 938K)	\$226,000
SMS (2015 WA320)	\$226,000
Nortrax (2014 624K)	\$228,000

SJMC2015-01-12/027R

It was decided on motion of Councillor Galgay; seconded by Deputy Mayor Ellsworth: That Council award the above-noted tender to Toromont Cat (2015 938K) at a cost of \$226,000, the lowest qualified bidder that meets specification as per the Public Tendering Act.

The motion being put was unanimously carried.

Notice of Motion

Councillor Bernard Davis gave notice of motion that at the next regular meeting of Council he would move a motion to rescind a portion of Council's decision of June 14, 2010 approving the issuance of warning tickets for the first three nights when the snow clearing winter on-street parking ban is in effect.

Discussion took place with a suggestion that this matter be referred to both the Public Works and Community Services Committee prior to being brought back to Council.

SJMC2015-01-12/028R

It was decided on motion of Councillor Hann; seconded by Councillor Davis: That a joint meeting of the Public Works and Community Services Committees be held to give consideration to the above-noted notice of motion.

The motion being put was unanimously carried.

Petition

Councillor Lane presented a petition which requests the restriction of fireworks in all residential areas. It requests that the City amend its laws regulating fireworks and to implement the following: No fireworks in residential areas at any times whatsoever other than other than those approved by the City. To restrict the retail selling of fireworks to any individual by a commercial concern without an approved and valid permit. The main reason for this proposal is to highlight the cruelty and undue stress that people, dogs, cats and other animals experience as a result of the sound of fireworks. The petition recognizes the desire of those to celebrate with fireworks but request that this is done away from residential areas and proposes that these regulated and approved events be held so as to minimize the trauma caused as a result of fireworks.

A copy of the petition is on file at the Office of the City Clerk.

Memorandum dated January 8, 2015 from the Director of Planning and Development re: 36 Blackhead Village Road

Council considered the above noted.

SJMC2015-01-12/029R

It was decided on motion of Councillor Collins; seconded by Deputy Mayor Ellsworth: That approval be given for a demolition order to be issued on the above-captioned property as per Sections 375 and 392 of the City of St. John's Act.

The motion being put was unanimously carried.

Economic Update – January 2015

Councillor Tilley presented the economic update for January 2015, a copy of which is on file with the Office of the City Clerk.

Councillor Galgay

- Requested that action be taken in due course with respect to a recent fire that took place on Goodridge Street.

Councillor Collins

- Requested that the Public Works Committee give consideration to the construction of a new depot to service Ward 5 and in particular Southlands. It was noted that this is already under consideration as a recommendation of the KPMG report.

Mayor O'Keefe

- Requested that Council, at its next regular meeting, be provided with a snow clearing report including costs up to December 31, 2014.

Adjournment

There being no further business the meeting adjourned at 5:30 p.m.

MAYOR

CITY CLERK