

June 1, 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 Ellsworth, Councillors Hann, Hickman, Lane, Puddister, Breen, Galgay, Tilley, Davis, and Collins.

The Deputy City Manager of Planning, Development and Engineering; the Acting Deputy City Manager of Public Works; Acting Deputy City Manager of Financial Management; City Solicitor; Chief Municipal Planner; City Clerk, and Supervisor of Legislative Services were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2015-06-01/245R

It was decided on motion of Councillor Collins; seconded by Councillor Puddister: That the agenda be adopted with one addition:

- **Travel – Councillor Jonathan Galgay
Federation of Canadian Municipalities (FCM)
2015 Annual Conference and Trade Show**

Adoption of Minutes

SJMC2015-06-01/246 R

It was decided on motion of Councillor Lane; seconded by Councillor Tilley: That the minutes of May 25, 2015 be adopted as presented.

Business Arising

Advisory Committee Review

Council considered a memorandum dated May 28, 2015 from the Acting City Manager regarding the above noted, as well as a report, recommendations and implementation outline for the Advisory Committee restructuring.

SJMC2015-06-01/247R

It was moved by Councillor Lane; seconded by Councillor Davis: That the Advisory Committee Report from the Office of Strategy & Engagement be adopted as presented.

Deputy Mayor Ellsworth spoke in support of the recommendations; however, expressed concern about the use of the terminology “inclusive” vs. “inclusion”, particularly as it relates to the proposed Accessibility Advisory Committee. He assured the general public that the profile of people with disabilities will not be diminished by the needs of newcomers to the community.

Councillor Breen also expressed support for the proposed direction, noting that the advisory committee restructuring was long overdue. He thanked the Office of Strategy & Engagement for their efforts in this regard.

The motion being put was carried.

The 2015-2018 Corporate Strategic Plan

Council considered a memorandum dated May 29, 2015 from the City Manager regarding the 2015-2018 Corporate Strategic Plan.

SJMC2015-06-01/248R

It was moved by Deputy Mayor Ellsworth ; seconded by Councillor Breen : That the 2015-2018 Corporate Strategic Plan be adopted as presented.

Councillors spoke in favour of the Plan and commended staff for their efforts in this regard.

The motion being put was carried unanimously.

Conflict of Interest Legislation

Under business arising, Council considered a memorandum dated May 28, 2015 from the City Clerk regarding the above noted.

SJMC2015-06-01/249R

It was moved by Councillor Hann ; seconded by Deputy Mayor Ellsworth: That the City move forward with phase I of the Terms of Reference for the Conflict of Interest Legislation.

Councillor Puddister wished to clarify that Phase I is the only component of the process being approved so far. The City Clerk affirmed this to be so, noting that Council's approval would also be sought prior to the implementation of phase 2.

The motion being put was carried unanimously.

**Notice of Motion re: St. John's Property Tax Exemption
The St. John's Farmers' Market Coop Ltd. By-Law**

Councillor Hann gave the following Notice of Motion:

Take Notice that I will at the next regular meeting of the St. John's Municipal Council move a motion to enact the St. John's Property Tax Exemption – The St. John's Farmers' Market Co-operative Ltd. By-Law which will have the effect of exempting this Organization from the real property tax.

Notice of Motion – St. John's Financing By-Law No. 1506

Pursuant to Notice of Motion given by Councillor Davis at the May 25, 2015 regular meeting of Council, the following motion was made:

SJMC2015-06-01/250R

It was moved by Councillor Davis; seconded by Deputy Mayor Ellsworth: That the following three issues be incorporated within the Election Financing By-Law No. 1506:

- **Cap Donation Limits:** The amount a candidate collects during a campaign should not exceed the total amount permitted to be spent during that campaign. Any amount collected over this spending cap should be returned to the donor;
- **Declaration of Campaign Donations:** at present, only donors contributing \$250 or more are required to be declared; however, Councillor Davis proposes that all individuals and corporations that donate to a candidate's campaign, no matter the amount, must be declared;
- **Quantification of In-Kind Contributions:** The current by-law does not quantify in-kind contributions and Councillor Davis proposes that items donated to candidates that are tangible and quantifiable such as printing, signage, office space, advertising, etc. should be declared and listed on a

candidate's donation list and be incorporated within the spending cap for the campaign.

During debate, Mayor O'Keefe excused himself from the meeting to conduct a media interview, at which time, Deputy Mayor Ellsworth assumed the Chair.

Members of Council expressed concern about debating the issue at this time, noting that the issues raised by Councillor Davis had already been dealt with and voted upon within the Election Review Committee. Others were receptive to the issue being deferred and referred for further consideration, but that such be under the auspices of the Committee of the Whole wherein all members of Council would be present to debate and vote on the matter.

SJMC2015-06-01/251R

It was then moved by Councillor Breen; seconded by Councillor Lane: That the above noted motion be referred to the Committee of the Whole to be chaired by the Mayor.

The motion to refer being put, was carried with Councillor Hickman dissenting.

Notices Published

- A Discretionary Use Application has been submitted requesting municipal approval to occupy **3 Avalon Street** as a home occupation for a computer graphic class. The classroom will have a total floor area of 28m².

SJMC2015-06-01/252R

It was moved by Councillor Galgay; seconded by Councillor Collins: That the above noted application be rejected.

Councillor Lane spoke against the motion to reject, noting that small business needs to be encouraged in the City. Councillor Galgay referenced the impact to the neighbourhood that increased traffic cause as a result of the proposed business.

The motion being put was carried with Councillors Lane and Hickman dissenting.

Public Hearing

Department of Planning File Number REZ 1400032

Proposed Rezoning to the Residential Medium Density (R2) Zone

1 Howlett Avenue - Ward 4

Council considered a memorandum dated May 26, 2015 from the Chief Municipal Planner regarding the above noted matter.

SJMC2015-06-01/253R

It was decided on motion of Councillor Breen; seconded by Councillor Davis: That the proposed rezoning be approved and that the St. John's Development Regulations Amendment Number 609, 2015 be adopted and referred to the Department of Municipal and Intergovernmental Affairs with the request for Provincial registration of the amendment.

Planning & Development Standing Committee Report of May 19, 2015

Council considered the above noted report.

SJMC2015-06-01/254R

It was moved by Councillor Hann; seconded by Councillor Galgay: That the recommendations of the Planning & Development Standing Committee Report of May 19, 2015 be adopted as presented.

SJMC2015-06-01/255R

It was then moved by Councillor Davis; seconded by Councillor Breen: That item # 2 be deferred on the basis that new information is forthcoming.

The motion to defer being put was carried.

Regarding item # 1, members of Council spoke in support of the recommendation, noting that a public consultation will be held to provide residents with the opportunity to submit feedback and speak with City staff one on one. In response to the misconception that there will be a restriction on the paint colors for property in the neighbourhood, Councillor Galgay clarified that such is not the case. He felt that this was a progressive move and was pleased to support it.

Regarding item # 3, Councillor Davis spoke in favour of the recommendation, anticipating that appropriate development will occur in the long term. Councillor Puddister also

supported the motion but suggested that a traffic impact study would be in order and that staff should continue to monitor the situation.

The motion with respect to item #'s 1, 3, 4 and 5 being put was carried unanimously.

Development Committee Report – May 26, 2015

Council considered the above noted report:

[*Link to Development Committee Report*](#)

SJMC2015-06-01/256R

It was decided on motion of Councillor Hann; seconded by Councillor Davis: That the recommendations of the Development Committee Report dated May 26, 2015 be approved.

Development Permits List

Council considered as information the Development Permits List for the period May 21 – May 27, 2015.

[*Link to Development Permits List*](#)

Building Permits List

Council considered the Building Permits list for the period of May 21 – May 22, 2015.

[*Link to Building Permits List*](#)

SJMC2015-06-01/257R

It was decided on motion of Councillor Puddister ; seconded by Councillor Tilley: That the building permits list for the period May 21 – May 22, 2015 be approved as presented.

Requisitions, Payrolls and Accounts

Council considered the requisitions, payrolls and accounts for the week ending May 27, 2015.

[*Link to Requisitions, Payrolls and Accounts*](#)

SJMC2015-06-01/258R

It was decided on motion of Councillor Puddister; seconded by Councillor Tilley: That the Payrolls and Accounts for the week ending May 27, 2015 be approved.

Tenders

Council considered the following tender:

- Tender 2015053 – Back Line Sidewalk

SJMC2015-06-01/259R

It was decided on motion of Councillor Puddister; seconded by Councillor Tilley: That the tender be awarded to the overall lowest bidder meeting specifications Infinity Construction Ltd. in the amount of \$462,519.74, as per the Public Tendering Act.

Petition:

Councillor Breen tabled a petition from residents of Virginia Waters Village requesting that Council rescind its decision to place sidewalks throughout the development for various reasons as outlined in the petition. The matter was referred to the Department of Planning, Development & Engineering for review and response.

Travel – Councillor Sandy Hickman (2015 Canadian Capital Cities Conference)

Council considered a memo dated May 27, 2015 from the City Clerk regarding the above noted:

SJMC2015-06-01/260R

It was decided on motion of Councillor Lane; seconded by Councillor Breen: That Council approve travel authorization for Councillor Hickman to attend the 2015 Canadian Capital Cities Conference being held in Winnipeg, Manitoba from August 18 to 21, 2015.

Travel Authorization for Councillor Galgay to attend FCM Conference

Council tabled a memo dated June 1, 2015 from the City Clerk regarding the above noted.

SJMC2015-06-01/261R

It was decided on motion of Councillor Lane; seconded by Councillor Breen: That Council approve travel authorization for Councillor Galgay to attend the

2015 Annual FCM Conference and Trade Show taking place in Edmonton, Alberta from June 5 – 8, 2015.

365-367 Water Street

Council considered a memo dated May 26, 2015 from the City Solicitor regarding the above noted.

SJMC2015-06-01/262R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Hickman: That approval be given for the Easement Agreement to be executed by the Mayor and City Clerk.

Travel Report – First Quarter

Council considered as information a memo dated May 22, 2015 from the Acting Deputy City Manager of Financial Management regarding the above noted.

Councillor Collins

- Referenced the tender previously approved for sidewalks along the Back Line in Goulds, noting that though he is supportive of this, there is still a need for more sidewalks to be installed along the Back Line not covered with this tender. He suggested that at least another \$600,000 is required to complete the work. He requested that this be referred to the capital works budget for consideration.

SJMC2015-06-01/263R

It was decided on motion of Councillor Collins; seconded by Deputy Mayor Ellsworth: That the extension of sidewalks along the Back Line beyond the current tender approval be referred to the capital works budget for review.

Councillor Davis

- Councillor Davis reiterated Council's commitment to the Long Pond Weir project but expressed concern about the time it is taking to undergo this work. He asked that staff monitor the situation.

- He also requested that staff dredge underneath the Kings Bridge Road and Greenbelt Tennis Court bridges to remove silt, branches, etc. that clog up the movement of water through those bridges.

Councillor Galgay

- Councillor Galgay referenced problems with congestion along Quidi Vidi Road and Forest Road caused by parked vehicles. He felt that this was a safety hazard, particularly as it obstructs the flow of emergency vehicles. He requested that this matter be referred to the Traffic Division for investigation. He did note that he had spoken briefly with the RNC and the Fire Dept. in this regard.

Councillor Breen

- Referenced Council's previous approval of a condominium development on the site of the Virginia Park Plaza, for which there was held an extensive consultation process. Approval was given on the premise that the development was for condominiums only. Councillor Breen has now become aware that there is a change from condominiums to apartment buildings. This is a concern as the information provided to residents at the time of the original consultation and eventual approval was based on a condominium proposal. Though condos and apartments operate under the same zoning guidelines, the only difference is that one has an ownership structure while one is fully a rental. He questioned the following:
 - Whether or not there is anything under the current regulations that stipulates a developer must adhere to the original approval for condominium development; and
 - What safeguards can Council take when going through future rezoning processes to ensure that any changes a developer wishes to make should come back to Council for approval prior to changes being imposed without public consultation.

- Councillors Hann and Breen have been in touch with the developer and they would like to meet again with the developer, staff and the Mayor to discuss how this situation could have occurred and how it can be ameliorated. The residents require a response also.

Adjournment

There being no further business, the meeting adjourned at 6:30 pm.

MAYOR

CITY CLERK

REPORT/RECOMMENDATIONS TO COUNCIL
Development Committee Report
May 26, 2015

1. **Department of Planning, Development & Engineering File No. INT1500040**
Proposed Rear Yard Variance
Civic No. 16 Rostellan Place
Residential Medium Density (R1) Zone

It is recommended by the Development Committee that Council approve the 10% variance on the rear yard to allow for the building extension at the rear.

2. **Department of Planning, Development & Engineering File No. DEV1500092**
Proposed Reduction in Building Line Setback for Front Porch Extension
6 Pine Bud Avenue – Ward 4
Residential Low Density (R1) Zone

It is the recommendation of the Development Committee to approve a 3.72 metre building line for this property.

3. **Department of Planning, Development & Engineering File No. DEV1500092**
Discretionary Use - Change of Non-Conforming Use
Proposed Training & Counselling Facility
Applicant: Architecture 49 Inc. for Teen Challenge Canada
729 Fowler's Road - Ward 5
Rural (R) Zone

It is recommended that Council reject the application for the proposed change of use at this property.

David Blackmore
Deputy City Manager – Planning, Development & Engineering
Chair – Development Committee

DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF May 21, 2015 TO May 27, 2015

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Bainafad Company Ltd	21 Lot Residential Subdivision	Walsh's Lane	5	Approved	15-05-21
RES		Home Occupations for Acupuncture Clinic	118 Higgins Line	2	Rejected- Not permitted in RA Zone	15-05-25
RES		Building Lot	35 Ryan's Place	5	Approved	15-05-25

* Code Classification:
RES - Residential INST - Institutional
COM - Commercial IND - Industrial
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 Supervisor
Department of Planning

Appendix to June 1, 2015 Regular Minutes of Council

Building Permits List

Council's June 1, 2015 Regular Meeting

Permits Issued: 2015/05/21 To 2015/05/27

Class: Commercial

291 Water St	Mckeil Marine Nl	Co	Office
48 Kenmount Rd	- Kfc	Sn	Restaurant
22-24 Blackmarsh Rd		Ms	Retail Store
12 Hebron Way		Sn	Restaurant
12 Hebron Way		Ms	Restaurant
75 Kiwanis St		Ms	Club
146 Major's Path		Ms	Service Shop
80 Mews Pl		Sn	Office
31 Peet St		Ms	School
260 Portugal Cove Rd		Sn	Retail Store
283 Portugal Cove Rd		Ms	Retail Store
10 St. Clare Ave		Ms	Recreational Use
430 Topsail Rd	Eclipse Store	Sn	Retail Store
286 Torbay Rd.	Nl Active Wear	Sn	Retail Store
55 Stavanger Drive	(Dominion)	Nc	Fence
31 Green Acre Dr		Cr	Day Care Centre
33 Pippy Pl		Rn	Office
122 Watson St		Rn	Townhousing
34 Harvey Rd		Rn	Office
2830 Trans Canada Hwy		Nc	Accessory Building
2830 Trans Canada Hwy		Nc	Commercial Garage
20 Crosbie Pl,	2nd Floor	Rn	Office
34 Harvey Rd		Rn	Office
80 Boulevard,	Roof top	Rn	Apartment Building
45 Hebron Way		Nc	Office
			This Week \$ 6,702,348.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

75 Ennis Ave.	Vanier Element.	Nc	Accessory Building
			This Week \$ 8,000.00

Class: Residential

25 Adventure Ave,	Lot 329	Nc	Single Detached Dwelling
300 Anspach St		Nc	Fence
300 Anspach St		Nc	Accessory Building
37 Bannerman St		Nc	Single Detached Dwelling
14 Barton's Rd		Nc	Fence
14 Barton's Rd		Nc	Accessory Building
14 Bawnmoor St,	Lot 17	Nc	Single Detached & Sub.Apt
55 Bennett Ave		Nc	Accessory Building
30 Spruce Grove Ave		Nc	Accessory Building
13 Biscay Pl		Nc	Accessory Building
122 Blackmarsh Rd		Nc	Patio Deck
95 Codroy Pl		Nc	Fence
37 Creston Pl		Nc	Patio Deck

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29 Cypress St	Nc	Patio Deck
8 Dauntless St	Nc	Fence
171 Doyle's Rd	Nc	Fence
30 Dundas St	Nc	Fence
58 Durdle Dr	Nc	Accessory Building
34 Firdale Dr	Nc	Fence
38 Fleming St	Nc	Fence
12 Gibbon Pl	Nc	Accessory Building
15 Barachois St	Nc	Accessory Building
30 Harbour View Ave	Nc	Accessory Building
69-71 Howlett's Line	Nc	Accessory Building
74 Iceland Pl	Nc	Accessory Building
32 Kenai Cres	Nc	Accessory Building
32 Kenai Cres	Nc	Fence
3 Kenai Cres	Nc	Fence
214 Ladysmith Dr	Nc	Accessory Building
218 Ladysmith Dr	Nc	Accessory Building
83 Ladysmith Dr	Nc	Patio Deck
85 Ladysmith Dr	Nc	Patio Deck
107 Ladysmith Dr	Nc	Accessory Building
5 Laggan Pl	Nc	Fence
3 Lannon St	Nc	Patio Deck
79 Leslie St	Nc	Accessory Building
29 Marsland Pl	Nc	Accessory Building
62 Nautilus St, Lot 157	Nc	Single Detached Dwelling
41 Nautilus St Lot 135	Nc	Single Detached Dwelling
55 Nautilus St., Lot 142	Nc	Single Detached Dwelling
26 Oakridge Dr	Nc	Accessory Building
15 Osbourne St	Nc	Fence
53 Parkhill St	Nc	Accessory Building
210 Petty Harbour Rd	Nc	Single Detached Dwelling
13 Pluto St	Nc	Fence
45 Prince Of Wales St	Nc	Patio Deck
133 Prowse Ave	Nc	Accessory Building
15 Rosalind St	Nc	Fence
15 Rosalind St	Nc	Patio Deck
34 Sequoia Dr	Nc	Fence
615 Southside Rd	Nc	Accessory Building
3 Stanford Pl	Nc	Fence
232 Stavanger Dr, Lot 61	Nc	Single Detached Dwelling
246 Stavanger Dr	Nc	Fence
9 Stephano St	Nc	Patio Deck
13 Stephano St, Lot 26	Nc	Single Detached & Sub.Apt
4 Tansley St, Lot 26	Nc	Single Detached Dwelling
16 Tullamore St, Lot 404	Nc	Single Detached Dwelling
18 Tullamore St, Lot 403	Nc	Single Detached Dwelling
4 Waterview	Nc	Single Detached Dwelling
180b Forest Rd	Ex	Single Detached Dwelling
13 Guy St	Ex	Single Detached Dwelling
6 Pine Bud Ave	Ex	Single Detached Dwelling
10 Brine St	Rn	Infill Housing
248 Buckmaster's Cir	Rn	Townhousing
9 Feild St	Rn	Single Detached & Sub.Apt
20 Glenridge Cres	Rn	Accessory Building
43 King's Rd	Rn	Single Detached & Sub.Apt
15 Leslie St	Rn	Single Detached Dwelling
99 Pearltown Rd	Rn	Single Detached Dwelling
44 Pine Bud Ave	Rn	Single Detached Dwelling
2 St. Andrew's Pl	Rn	Single Detached Dwelling
74 St. Clare Ave	Rn	Semi-Detached Dwelling
9 Stephano St	Rn	Single Detached Dwelling
31 Temperance St	Rn	Townhousing
35 Temperance St	Rn	Townhousing
37 Temperance St	Rn	Townhousing
2 Tessier Pl	Rn	Townhousing
112 Watson St	Rn	Townhousing
114 Watson St	Rn	Townhousing
116 Watson St	Rn	Townhousing

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118 Watson St	Rn	Townhousing
120 Watson St	Rn	Townhousing
4 Doyle St	Sw	Single Detached Dwelling
525-527 Main Rd	Sw	Single Detached Dwelling
62 Monkstown Rd	Sw	Single Detached Dwelling
42 Prospero Pl	Sw	Single Detached Dwelling
30 Rosalind St	Sw	Single Detached & Sub.Apt

This Week \$ 3,926,416.00

Class: Demolition

421a Empire Ave	Dm	Single Detached Dwelling
325 Freshwater Rd	Dm	Single Detached Dwelling
20 Crosbie Pl.,Main Floor	Dm	Office

This Week \$ 235,000.00

This Week's Total \$ 10,871,764.00

Repair Permits Issued: 2015/05/21 To 2015/05/27 \$ 116,650.00

Legend

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

379 Blackmarsh Road - your application to construct an accessory building is rejected as contrary to Section 8.3.6 of the St. John's Development Regulations.

YEAR TO DATE COMPARISONS			
June 1, 2015			
TYPE	2014	2015	% VARIANCE (+/-)
Commercial	\$43,428,000.00	\$76,014,000.00	75
Industrial	\$125,300.00	\$0.00	-100
Government/Institutional	\$42,504,000.00	\$8,006,000.00	-81
Residential	\$43,867,000.00	\$28,296,000.00	-35
Repairs	\$1,376,000.00	\$1,517,000.00	10
Housing Units (1 & 2 Family Dwellings)	105	67	
TOTAL	\$131,300,300.00	\$113,833,000.00	-13

Respectfully Submitted,

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

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MEMORANDUM

**Weekly Payment Vouchers
For The
Week Ending May 27, 2015**

Payroll

Public Works	\$ 472,167.77
Bi-Weekly Casual	\$ 23,974.36
Accounts Payable	\$ 6,247,488.50

Total: \$ 6,743,630.63

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ST. JOHN'S

DEPARTMENT OF FINANCE

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA