

June 16, 2014

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

Deputy Mayor Ron Ellsworth presided.

There were present also: Councillors Hann, Hickman, Lane, Puddister, Breen, Galgay, Tilley, Davis, and Collins.

Regrets: Mayor Dennis O'Keefe

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

Call to Order and Adoption of the Agenda

SJMC2014-06-16/275R

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

The motion being put was unanimously carried.

Adoption of Minutes

SJMC2014-06-16/276R

**It was decided on motion of Councillor Tilley; seconded by Councillor Puddister:
That the minutes of June 9, 2014 be adopted as presented.**

The motion being put was unanimously carried.

Notices Published

a. 416 Blackmarsh Road – Residential Low Density (R1)Zone

A Discretionary Use Application has been submitted requesting permission to occupy Civic No. 416 Blackmarsh Road as Home Occupation for a Nail Salon. The proposed business will occupy a floor area of approximately 3.7 m² and will operate Monday to Friday, 10 am – 10 pm. Sessions will be by appointment only, one client per session for approximately one hour in duration with a maximum of six sessions per day. On-site parking is available. The applicant is the sole employee. (No submissions received)

SJMC2014-06-16/277R

It was decided on motion of Councillor Tilley; seconded by Councillor Lane: that the application to occupy Civic No. 416 Blackmarsh Road as Home Occupation for a Nail Salon be approved.

The motion being put was unanimously carried.

b. 2864 Trans-Canada Highway – Mineral Workings (MW) Zone.

A Discretionary Use Application has been submitted by Newfoundland Soiltec Inc. to operate a Soil Remediation Facility at 2864 Trans-Canada Highway in the area known as the Harbour Arterial Quarry Area (HAQA)

The proposed operation would entail rectifying of spent drilling mud from offshore oil production operations. The site is located in the Mineral Working Zone under the St. John's Development Regulations.

SJMC2014-06-16/278R

It was decided on motion of Councillor Hann; seconded by Councillor Hickman: that the application submitted by Newfoundland Soiltec Inc. to operate a Soil Remediation Facility at 2864 Trans-Canada Highway in the area known as the Harbour Arterial Quarry Area (HAQA) be approved.

The motion being put was unanimously carried.

Development Committee Report – June 10, 2014

Council considered the above noted report.

**Re: Department of Planning, Development & Engineering
File No. DEV1400137
Proposed Demolition and Rebuild of Dwelling
42-46 Healey's Pond Crescent Town of Portugal Cove - St. Phillips
Broad Cove River Watershed (W) Zone**

An application has been referred to the Department of Planning, Development & Engineering from the Town of Portugal Cove - St. Philips regarding the above referenced development. The property is situated within the Broad Cove River Watershed of the City of St. John's where development or extension to existing development is regulated by the City of St. John's Act. The applicant has proposed to demolish the existing 86 m² dwelling and build a new home. Upon inspection of the dwelling by City staff, it was revealed that the house does not meet the 50% dilapidated condition as per Section 104 (4)(c). The existing dwelling is habitable and there are no obvious structural issues or other items of concerns that show that the home is in poor condition.

Recommendation

Council reject the application of demolition and rebuild to erect the new dwelling proposed pursuant to Section 104 of the City of St. John's Act.

David Blackmore
Chair, Development Committee
Department of Planning, Development and Engineering

SJMC2014-06-16/279R

It was decided on motion of Councillor Hann; seconded by Councillor Galgay: that Council reject the application of demolition and rebuild to erect the new dwelling at 42-46 Healey's Pond Crescent Town of Portugal Cove - St. Philips, pursuant to Section 104 of the City of St. John's Act.

The motion being put was unanimously carried.

Finance & Administration Committee Report – June 10, 2014

Council considered the above noted report.

IN ATTENDANCE:

Councillor Danny Breen, Chairperson
Councillor Bruce Tilley
Councillor Tom Hann
Councillor Bernard Davis
Councillor Sandy Hickman
Councillor Jonathan Galgay
Councillor Art Puddister
Mr. Neil Martin, City Manager
Mr. Robert Bishop, Deputy City Manager, Financial Management
Mr. Dave Blackmore, Deputy City Manager, Planning, Development & Engineering
Ms. Tanya Haywood, Director of Recreation
Mr. Sean Janes, City Internal Auditor

Ms. Maureen Harvey, Senior Legislative Assistant

1. Memorandum dated June 4, 2014 from Deputy City Manager, Financial Management re: Updated Travel Expense Policy

The Committee considered the above noted memorandum along with a draft revised Travel Expense Policy.

Updates to the policy include:

- changing position titles and document names to reflect current usage throughout the document,
- permitting the City Manager approve travel costs which would exceed the approved departmental budget,
- allowing claim of fees for the transportation of one checked bag,
- requiring inclusion of calculations and supporting documents showing the basis for the amounts claimed (e.g. the most economical) when an employee is combing business and personal travel,
- including a requirement for employees to contact the City's Risk Manager before renting a vehicle,
- allowing reimbursement of internet charges where deemed appropriate by the Department Head or City Manager,
- rearranging all information related to per diems to place it all in one section, and
- providing direction in calculating and documenting foreign exchange claims.

A motion was put forward by Councillor Hickman to increase the per diem meal allowances to \$75 per day.

- 3 in favour - Councillors Puddister, Hickman and Davis
- 4 against – Councillors Tilley, Hann, Breen and Galgay
- Motion defeated

Recommendation

On a motion by Councillor Davis, the Committee recommends approval of the revised Travel Expense Policy – Policy 03-11-08 as attached.

a. **Litter Collection Program Proposal 2014**

The Committee considered a memorandum dated May 30, 2014 from the Manager of Parks & Open Spaces with respect to the development of a roadside and open space litter collection program for the City.

Areas proposed for collection include, but are not limited to:

- Robin Hood Bay Road
- East White Hills Road
- Pitts Memorial Drive, Columbus Drive
- Portugal Cove Road to City limits
- Logy Bay Road from McDonald Drive to City limits
- Torbay Road from McDonald Drive to City limits
- Stavanger Drive commercial area (Manager of Parks & Open Spaces to define)
- Robert E. Howlett highway
- Farm roads in the Goulds to Paddy's Pond to Northern Pond
- Blackhead Road to Cape Spear
- Maddox Cove Road from Blackhead Road to Maddox Cove
- Southern Shore Highway from Bay Bulls Big Pond to City limits

The cost of the program is estimated at \$53,165.

Recognizing the high volume of traffic on the above noted streets, it was agreed that all OHS guidelines be implemented and strictly enforced. It was also noted that the Department of Community Services has received funding for summer programming and the possibility of recovering some of the costs through this funding will be explored.

Recommendation

On a motion by Councillor Tilley, the Committee recommends approval of the roadside and open space litter collection program at a cost of approximately \$53,165.

NEW BUSINESS:

a. Requests for Financial Support for Meetings and Conventions (Policy 04-09-02)

The Committee considered a request from the Eastern Canadian Division Gaelic Athletic Association Tournament which is being held in St. John's on August 30-31st. Approximately 100 participants will be registered.

Recommendation:

Moved by Councillor Davis that in keeping with Policy 04-09-02 a contribution in the amount of \$500 be approved for the Eastern Canadian Division Gaelic Athletic Association as recommended.

b. Application from Opera on the Avalon for Ongoing Assistance

The Committee considered an application dated June 2, 2014 from Opera on the Avalon for annual financial assistance. While the organization had received \$10,000 under the grants program, it feels it should be able to access funding similar to that received by the Newfoundland Symphony Orchestra and Festival 500.

Recommendation

Moved by Councillor Galgay that funding for Opera on the Avalon be confirmed at \$10,000 for 2014 as recommended by the Grants Committee.

Councillor Hickman dissented.

c. Request from Junior Diabetes Research Foundation for request for “Gold Sneaker Donation Request” JDRF Telus Walk to Cure Diabetes

The Committee considered the above noted request.

Recommendation

The Committee recommends that the request for sponsorship from the Junior Diabetes Research Foundation be denied as it does not fall within the scope of the City’s policy.

d. Request from Royal Newfoundland Constabulary – 2014 Versadex Users – Best Practice & Training Workshop

The Committee considered the above noted request.

Recommendation

The Committee recommends rejection of the request for sponsorship for the 2014 Versadex Users.

e. Letter dated February 25, 2014 from the Canadian Condominium Institute re: request for review of condominium issues and revival of the Condominium Committee

The Committee considered a letter which asked Council to consider the following items:

1. Tipping fees
2. How the assessment process works (in terms of the difference in taxation for a condominium unit as opposed to a single family house)
3. Re-cycling (or the lack of it for condominium buildings)
4. Bulk garbage
5. Revival of the Condominium Committee

Recommendation

The Committee recommends that a letter be sent to the Canadian Condominium Institute denying the request to reconsider the issues outlined in their letter of February 25, 2014.

f. Payment Plan for Seniors

The Committee considered a request from Councillor Puddister to implement a program that will forego interest charges for seniors who pay taxes on a monthly basis.

Discussion took place with agreement that staff prepare a discussion paper for 2015 budget discussions.

Councillor Danny Breen
Chairperson

SJMC2014-06-16/280R

It was moved by Councillor Breen; seconded by Councillor Puddister: That the Finance & Administration Committee Report of June 10, 2014 be adopted as presented.

The motion being put was unanimously carried.

In relation to the proposed litter collection program, Councillors requested that in subsequent years, this program commence earlier in the spring and if necessary, continue on into the fall.

Development Permits List

Council considered as information the following Development Permits List for the week ending June 11, 2014:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF June 5, 2014 TO June 11, 2014**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
OT	Salmon Association of Eastern Newfoundland	Multi- Year Salmon Project	Leary's Brook	4	Approved	14-06-05
IND	NL Hydro	Upgrades to Electrical Substation	270 Mount Scio Road	4	Approved	14-06-05
COM		Construction of Retaining Wall and Infill of Rear Corner of Lot	326 Freshwater Road	4	Approved	14-06-06
RES		Building Lot	383 Old Pennywell Road	5	Approved	14-06-06
COM		Home Office - Electrical Contractor	109 New Cove Road		Approved	14-06-06
RES	True North Homes	Duplex Dwelling	17-19 Boncloddy Street	2	Approved	14-06-09
RES	Catalyst Construction Ltd.	Building Lot for Residential Use	9 Empire Avenue	2	Approved	14-06-09
RES		Demo/ Rebuild for Residential Dwelling	200 New Pennywell Road	4	Approved	14-06-11

* Code Classification:
 RES- Residential
 COM- Commercial
 AG - Agriculture
 OT - Other

INST - Institutional
 IND - Industrial

** 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

SJMC2014-06-16/281R

It was decided on motion of Councillor Collins; seconded by Councillor Tilley: That the recommendations of the Director of Planning and Development with respect to the following Building Permits list for the period June 5, 2014 to June 11, 2014 be approved:

Building Permits List Council's, June 16, 2014 Regular Meeting

Permits Issued: 2014/06/05 To 2014/06/11

Permits List

Class: Commercial

11-13 Freshwater Rd	Co	Restaurant
22 O'leary Ave	Co	Retail Store
25 Aberdeen Ave-Tim Horton's	Sn	Restaurant
430 Topsail Rd	Cr	Service Shop
5 Waterford Bridge Rd, Unit B	Rn	Place Of Amusement
33-37 Cochrane Pond Rd	Nc	Accessory Building
115 Duckworth St	Nc	Patio Deck
25 Aberdeen Ave-Tim Horton's	Sw	Restaurant
283 Duckworth St	Rn	Restaurant
199 Kenmount Rd. Fairfield Inn	Rn	Hotel
223 Duckworth St	Rn	Office
175-177 Duckworth St	Rn	Office
48 Kenmount Rd, Northern Ref.	Cr	Retail Store
357 Duckworth St	Rn	Office
125 Kelsey Dr	Rn	Office

This Week \$ 685,335.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

38 Barrows Rd	Nc	Patio Deck
37 Brad Gushue Cres	Nc	Accessory Building
71 Brookfield Rd	Nc	Fence
40 Castle Bridge Dr	Nc	Fence
12 Cavell Ave	Nc	Patio Deck
111 Cheeseman Dr	Nc	Accessory Building
111 Cheeseman Dr	Nc	Patio Deck
111 Cheeseman Dr	Nc	Fence
46 Cherokee Dr	Nc	Fence
22 Cherrybark Cres, Lot 217	Nc	Single Detached Dwelling
35 Cherrybark Cres, Lot 238	Nc	Single Detached & Sub.Apt
58 Cheyne Dr	Nc	Accessory Building
50 Cypress St	Nc	Fence
3 Edison Pl	Nc	Accessory Building
21 Everard Ave	Nc	Patio Deck
16 Fairwood St	Nc	Accessory Building
187 Frecker Dr	Nc	Accessory Building
11 Glenlonan St	Nc	Accessory Building
238 Green Acre Dr	Nc	Fence
4 Hatcher St	Nc	Accessory Building

5 Jensen Camp Pl	Nc	Fence
86 Kenai Cres	Nc	Fence
36 Long Pond Rd	Nc	Fence
8 Mccrae St	Nc	Fence
15 Mccrae St	Nc	Fence
612 Main Rd	Nc	Accessory Building
735 Main Rd	Nc	Accessory Building
113 Maunder's Lane	Nc	Accessory Building
50 Mercer's Dr	Nc	Accessory Building
4 Mike Adam Pl	Nc	Fence
26 Mount Pleasant Ave	Nc	Patio Deck
Nautilus Street, Lot 145	Nc	Single Detached Dwelling
111 Newtown Rd	Nc	Fence
55 Parsonage Dr	Nc	Patio Deck
25 Pine Bud Pl	Nc	Fence
18 Piper St	Nc	Fence
6 Pole Cres	Nc	Fence
19 Roche St	Nc	Accessory Building
36 Rosalind St	Nc	Accessory Building
5 Rosemarkie St	Nc	Fence
14 Rostellan Pl	Nc	Fence
14 Rostellan Pl	Nc	Patio Deck
27 Sequoia Dr	Nc	Accessory Building
12 Stephano St, Lot 236	Nc	Single Detached Dwelling
584 Topsail Rd	Nc	Accessory Building
34 Toronto St	Nc	Patio Deck
Triton Place, Lots C1 & C2	Nc	Accessory Building
47 Valleyview Rd	Nc	Swimming Pool
47 Valleyview Rd	Nc	Fence
18 Willenhall Pl, Lot 35	Nc	Single Detached Dwelling
20 Willenhall Pl, Lot 34	Nc	Single Detached Dwelling
9 Horwood St	Co	Home Office
60 Perlin St	Co	Single Detached Dwelling
20 Julieann Pl	Cr	Subsidiary Apartment
16 Sequoia Dr	Cr	Subsidiary Apartment
37 Francis St, Upper Deck	Ex	Patio Deck
37 Francis St, Lower Deck	Ex	Patio Deck
16 Bay Bulls Rd	Rn	Single Detached Dwelling
53 Beaumont St	Rn	Single Detached Dwelling
21 Bond St	Rn	Semi-Detached Dwelling
58 Cabot St	Rn	Townhousing
32 Foran St	Rn	Single Detached Dwelling
59 Fort Amherst Rd	Rn	Single Detached Dwelling
143 Gower St	Rn	Semi-Detached Dwelling
199 Gower St	Rn	Semi-Detached Dwelling
186 Hamilton Ave	Rn	Single Detached Dwelling
41 Hyde Park Dr	Rn	Single Detached Dwelling
57 Long's Hill	Rn	Semi-Detached Dwelling
25 Marconi Pl	Rn	Single Detached Dwelling
70 Monkstown Rd	Rn	Single Detached Dwelling
101 New Cove Rd	Rn	Single Detached Dwelling
60 Penney Cres	Rn	Single Detached Dwelling
46 Prescott St	Rn	Townhousing
20 Regatta Terrace	Rn	Townhousing
21 Regatta Terr	Rn	Townhousing
22 Regatta Terr	Rn	Townhousing
23 Regatta Terr	Rn	Townhousing
24 Regatta Terr	Rn	Townhousing
25 Regatta Terr	Rn	Townhousing
26 Regatta Terr	Rn	Townhousing
27 Regatta Terr	Rn	Townhousing
75 Shaw St, Unit 227	Rn	Apartment Building

75 Shaw St, Unit 226	Rn	Apartment Building
75 Shaw St, Unit 225	Rn	Apartment Building
75 Shaw St, Unit 220	Rn	Apartment Building
75 Shaw St, Unit 328	Rn	Apartment Building
75 Shaw St, Unit 327	Rn	Apartment Building
75 Shaw St, Unit 326	Rn	Apartment Building
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75 Shaw St, Unit 319	Rn	Apartment Building
75 Shaw St, Unit 428	Rn	Apartment Building
75 Shaw St, Unit 427	Rn	Apartment Building
75 Shaw St, Unti 426	Rn	Apartment Building
75 Shaw St, Unit 425	Rn	Apartment Building
75 Shaw St, Unit 424	Rn	Apartment Building
75 Shaw St, Unit 422	Rn	Apartment Building
75 Shaw St, Unit 421	Rn	Apartment Building
75 Shaw St, Unit 420	Rn	Apartment Building
75 Shaw St, Unit 419	Rn	Apartment Building
75 Shaw St, Unit 508	Rn	Apartment Building
75 Shaw St, Unit 507	Rn	Apartment Building
75 Shaw St, Unit 506	Rn	Apartment Building
75 Shaw St, Unit 505	Rn	Apartment Building
75 Shaw St, Unit 504	Rn	Apartment Building
75 Shaw St, Unit 503	Rn	Apartment Building
75 Shaw St, Unit 502	Rn	Apartment Building
75 Shaw St, Unit 423	Rn	Apartment Building
75 Shaw St, Unit 228	Rn	Apartment Building
553 Southside Rd	Rn	Single Detached Dwelling
73 Springdale St	Rn	Single Detached & Sub.Apt
1403 Blackhead Rd	Sw	Single Detached Dwelling
318 Newfoundland Dr	Sw	Single Detached Dwelling
63 Pennywell Rd	Sw	Single Detached Dwelling
19 Waterford Hts S	Sw	Single Detached & Sub.Apt
65 Stavanger Dr - Cibc	Ms	Bank

This Week \$ 2,440,748.00

Class: Demolition

93 Airport Rd	Dm	Single Detached Dwelling
142 Blackmarsh Rd	Dm	Single Detached Dwelling
58 Donovan's Rd	Dm	Single Detached Dwelling

This Week \$ 45,000.00
\$ 3,171,083.00

THIS WEEK'S TOTAL:

64 Pine Bud Avenue - Patio Deck rejected as per Section 8.3.8 of the St. John's Development Regulations.

YEAR TO DATE COMPARISONS			
June 16, 2014			
TYPE	2013	2014	% VARIANCE (+/-)
Commercial	\$46,562,000.00	\$44,887,000.00	-4
Industrial	\$128,000.00	\$125,300.00	0
Government/Institutional	\$69,176,000.00	\$42,509,000.00	-4
Residential	\$65,622,000.00	\$49,982,000.00	-24
Repairs	\$1,522,000.00	\$1,649,000.00	8
Housing Units (1 & 2 Family Dwellings)	194	122	
TOTAL	\$183,010,000.00	\$139,152,300.00	-24

Respectfully Submitted,

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

The motion being put was unanimously carried.

Requisitions, Payrolls and Accounts

SJMC2014-06-16/282R

It was decided on motion of Councillor Collins; seconded by Councillor Tilley: That the following Payrolls and Accounts for the week ending June 11, 2014 be approved.

**Weekly Payment Vouchers
For The
Week Ending June 11, 2014**

Payroll

Public Works	\$ 444,727.40
Bi-Weekly Casual	\$ 24,853.84
Accounts Payable	\$3,571,853.95
Total:	\$ 4,041,435.19

The motion being put was unanimously carried.

Memorandum dated June 11, 2014 from the Director of Engineering re: Assessment Rates.

Council considered the above-noted memorandum which requested Council, under the City’s Assessment Policy, to set the new assessment rates each year for civic improvements which are to be completed in that year. Assessment rates are determined by multiplying established base assessment rates by an adjustment factor. This adjustment factor is the ratio of current construction costs to costs estimated using the City’s base unit prices. This procedure allows the adjustment factor to reflect changes in construction costs from year to year. It is recommended, therefore, that the rates for 2014 be approved as listed.

	<u>Assessment Rates for 2013</u>	<u>Assessment Rates for 2014</u>
Watermain	\$ 178.00/m	\$ 186.00/m
Sanitary Sewer	\$ 162.00/m	\$ 170.00/m
Storm Sewer	\$ 105.00/m	\$ 110.00/m
Water Service	\$1,157.00 EA	\$1,213.00 EA
Sanitary Service	\$1,193.00 EA	\$1,252.00 EA
Storm Service	\$1,193.00 EA	\$1,252.00 EA
Commercial Water Service	\$4 381.00 EA	\$4,597.00 EA
Commercial Sanitary Service	\$2,116.00 EA	\$2,220.00 EA

Commercial Storm Service	\$1,938.00 EA	\$2,034.00 EA
Street Improvement	\$ 95.00/m	\$ 100.00/m
New Street	\$ 402.00/m	\$ 422.00/m
Sidewalk	\$ 23.00/m	\$ 24.00/m
Rural Street Upgrading	\$ 81.00/m	\$ 85.00/m

SJMC2014-06-16/283R

It was decided on motion of Councillor Hickman; seconded by Councillor Puddister: That the 2014 civic improvement assessment rates be approved as presented.

The motion being put was unanimously carried.

Councillor Puddister

Councillor Puddister referenced the parking and traffic congestion at the location of Beavertails on Harbour Drive, in the area of Pier 7 and Pier 8. Discussion took place and while the matter has been the topic of discussion between the Department of Community Services and the St. John’s Port Authority, it was agreed the matter be referred to the Police & Traffic Committee and staff to determine if it is necessary to have an additional entrance/exit installed on the Harbour Fence.

Adjournment

There being no further business the meeting adjourned at 5:40 p.m.

MAYOR

CITY CLERK