

June 9, 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.

His Worship Mayor O'Keefe presided.

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

The City Manager; City Clerk; Deputy City Manager – Community Services; Deputy City Manager of Corporate Services; Deputy City Manager of Planning, Development & Engineering; Deputy City Manager – Financial Management; Acting 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

SJMC2014-06-09/261R

It was decided on motion of Councillor Davis; seconded by Councillor Puddister: That the Agenda be adopted with the following addition:

- **Special Events Advisory Committee Report dated June 6, 2014**

Adoption of Minutes

SJMC2014-06-09/262R

It was decided on motion of Councillor Tilley; seconded by Councillor Breen: That the minutes of June 2, 2014 be adopted as presented.

Rennies River Flood Mitigation – Phase 1 – Long Pond Weir

Council considered a memo June 4, 2014 from the Director of Engineering regarding the above noted matter.

SJMC2014-06-09/263R

It was decided on motion of Councillor Davis; seconded by Councillor Galgay: That CBCL Limited be hired to undertake the Rennies River

Flood Mitigation – Phase 1 – Long Pond Weir at a cost of \$173,980 (plus HST). This is in accordance with Item 3.4 of the policy for the “Hiring of External Consultants”.

Councillor Lane speaking in support of the motion also requested that the Environmental Advisory Committee be consulted and kept apprised of the overall Rennie's River Flood Mitigation process. Council concurred with this suggestion.

The motion being put was carried unanimously.

Notices Published

- a) A Discretionary Use Application requesting permission to occupy 43 Liverpool Avenue as a home occupation for a wedding decorating business. The proposed business will be located in the basement and occupy a floor area of approximately 33 m², which will be used primarily for storage and administrative purposes. Clients may be seen on-site infrequently, once a month or less. The applicant is the sole employee. (No submissions were received).

SJMC2014-06-09/264R

It was decided on motion of Councillor Galgay; seconded by Councillor Puddister: That the application for a home occupation to facilitate a wedding decorating business at 43 Liverpool Avenue be approved.

Public Meeting

**Public Meeting of April 30, 2014 re: 12 – 20 Mount Cashel Road (Ward 4)
Application for a Townhouse Condominium Development
Proposed New R2 Condominium Zone
Applicant: 62554 Newfoundland and Labrador Inc.**

Council considered documentation related to the above noted matter, a copy of which is included in the agenda.

SJMC2014-06-09/265R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hann: That Council direct staff to proceed with the proposed amendment for the new Residential Medium Density - Condominium (R2 Condo) Zone and the proposed rezoning of 12-20 Mount Cashel Road to that zone. In this regard, the Resolution for St. John's Development Regulations Amendment Number 584, 2014, will have to be forwarded to the Department of Municipal Affairs with a request for provincial registration in accordance with the Urban and Rural Planning Act.

Councillors Davis, Lane and Puddister speaking against the motion reiterated a number of the concerns expressed by the residents during the April 30th public meeting, i.e. snow clearing problems and the lack of snow storage in the area; the exacerbation of traffic congestion which is already a major issue; shadowing impacts on adjacent neighbours who will lose sunlight in their rear gardens by midafternoon due to the imposing height of the proposed structure; and an unreasonable intensification of density. Reference was made to the petitions included in the report which are now referred to the City's Police & Traffic Committee for review in an effort to ameliorate the problems outlined. Concern was also expressed about the developer's unwillingness to reconsider the density issue and to come back with a plan more palatable to both Council and the residents.

Deputy Mayor Ellsworth and Councillor Hann speaking in favour of the motion referenced the Land Use Assessment Report provided by the developer which they argued addresses the issues outlined by the residents. They also advised that increased density is an inevitable reality due to the City's growing population. Increased density also falls in line with the City's Municipal Plan because of its efficient and less costly use of the City's existing infrastructure.

The motion being put, there voted for it the mover, the seconder and Councillors Collins, Tilley, Galgay, Breen, and Hickman; voting against were Councillors Davis, Puddister and Lane.

The motion was carried.

Mayor's Advisory Committee on Affordable Housing Report of May 29, 2014

Council considered the above noted report.

Attendees: Victoria Belbin, Canadian Home Builders Association and
Chairperson
Deputy Mayor Ron Ellsworth
Councillor Dave Lane
Glenn Furlong, Canada Mortgage & Housing
Gord Butler, Provincial Dept. of Advanced Education & Skills
Bruce Pearce, Housing & Homelessness Committee

Kathy Turner, Eastern Health
Dave Blackmore, Deputy City Manager of Planning,
Development & Engineering
Jason Sinyard, Director of Planning
Susan Bonnell, Manager of Communications
Scott Morton-Ninomiya, Affordable Housing Coordinator
Karen Chafe, Recording Secretary

1. **Affordable Housing Business Plan 2014 – 2017**
The Committee reviewed the Affordable Housing Business Plan as attached and recommends Council's approval.
2. **Draft Letter re: Urgent, Collaborative Action on Substandard Properties**
The Committee recommends that the following draft letter be sent to the Honourable Kevin O'Brien, Minister of Advanced Education & Skills and the Honourable Dan Crummell, Minister of Service NL.

Victoria Belbin
Chairperson

SJMC2014-06-09/266R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Breen: That the Affordable Housing Business Plan for 2014-2017 be approved as presented.

Councillors Tilley, Davis, Lane and Hickman as well as Mayor O'Keefe spoke in favour the Affordable Housing Business Plan and commended those involved with its development, particularly City staff and the Mayor's Advisory Committee on Affordable Housing.

The motion being put was unanimously carried.

SJMC2014-06-09/267R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Breen: That the draft letter on urgent, collaborative action on substandard properties be referred to the Honourable Kevin O'Brien, Minister of Advanced Education & Skills and the Honourable Dan Crummell, Minister of Service NL.

Development Committee Report – June 3, 2014

Council considered the above noted report.

**Re: Department of Planning and Development File DEV1400097
Change of Non-conforming Use Application
Proposed Café/Restaurant
73 Hayward Avenue – Ward 2
Residential Downtown (RD) Zone**

The Committee recommends that the application be processed as a Change of Non-conforming use in accordance with Section 7.14 (a) of the St. John's Development Regulations and be advertised in accordance with Section 5.5 of these Regulations, after which Council may wish to schedule a public meeting on the application.

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

SJMC2014-06-09/268R

It was moved by Councillor Hann; seconded by Councillor Galgay: That the application for a Change of Non-Conforming Use at 73 Hayward Avenue to accommodate a proposed café/restaurant be processed in accordance with Section 7.14 (a) of the St. John's Development Regulations as well as be advertised in accordance with Section 5.5 of these Regulations. Further, that a public meeting be scheduled on the application following the notification process.

Councillor Galgay tabled a letter from the Georgestown Neighbourhood Association which will be referred to the Department of Planning, Development & Engineering.

The motion being put was carried.

Regional Wastewater Committee Meeting of May 7, 2014

Council considered the above noted report.

In Attendance:

City of St. John's: Deputy Mayor Ron Ellsworth
Councillor Bernard Davis
Mr. Paul Mackey, Deputy City Manager, Public Works
Ms. Lynnann Winsor, Director – Water and Wastewater
Mr. Terry Knee, Acting Manager - Regional Wastewater
System
Ms. Maureen Harvey , Senior Legislative Assistant

City of Mount Pearl: Councillor Lucy Stoyles
Councillor Dave Aker
Ms. Tina O'Dea, Manager of Engineering Services

Town of Paradise: Ms. Vanessa Barry, Manager of Engineering Services

1. **Heat Recovery Unit**

The Committee reviewed a memorandum dated May 1, 2014 from the Acting Manager – Riverhead Wastewater Treatment Facility which indicated that the HRV unit at the Southside Pumphouse has failed. To be in compliance with Occupational Health and Safety, life safety requires the replacement of the HRV unit. The unit is designed to provide 6 air changes per hour under normal operation and 12 air changes per hour when gas is detected. The estimated cost to replace this unit inclusive of engineering is \$314,160.00 plus HST.

The delivery time for a replacement unit is 16 to 20 weeks. In an effort to expedite the replacement project consultants recommended the City purchase the unit and go to tender for the removal of the old unit and installation of the new unit.

On a motion by Councillor Stoyles; seconded by Councillor Davis Council's approval was recommended to proceed with the above-noted approach to purchase and replace the HRV unit at the Southside Pumphouse at a cost of \$314,160.00 plus HST.

2. **SCADA Update**

The Committee considered a memorandum dated May 1, 2014 from the Acting Manager of the Riverhead Wastewater Treatment Facility regarding the above noted. The SCADA system currently used at Riverhead, iFix version 4.7 has not been functioning properly. Problems with the communication between servers have occurred causing a very high number of alarm calls to staff, resulting in additional overtime costs.

The existing SCADA operating system computers currently run on Windows XP which is no longer supported by Microsoft. Updating the software will eliminate the issues of nuisance alarms and ensure the system has the proper support from Microsoft. Estimated cost \$75,000.00

On a motion by Councillor Davis; seconded by Councillor Aker it was recommended that Council to proceed with the purchase of upgrades to the SCADA system at an estimated cost of \$75,000.

Ron Ellsworth
Deputy Mayor – City of St. John’s
Chairperson

SJMC2014-06-09/269R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Davis: That the report as presented be adopted.

Special Events Advisory Committee – June 6, 2014

Council considered the above noted report.

- 1. Event:** Ride for Dad
Location: Kenmount Road through Downtown
Date: June 14, 2014
Time: 10:00 a.m. to 11:00 a.m.

Special Events Advisory Recommendation:

It is the recommendation of the Committee that Council approve the above noted event, subject to the conditions set out by the Special Events Advisory Committee.

Tanya Haywood
Director, Recreation Division
Department of Community Services

SJMC2014-06-09/270R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Hickman: That the Ride for Dad event scheduled for June 14, 2014 taking place on Kenmount Road from 10:00 a.m. to 11:00 a.m. be approved as recommended.

Development Permits List

Council considered as information the following Development Permits List for the week ending June 4, 2014:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF May 29, 2014 TO June 4, 2014**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Home Office-Home Inspections	60 Perlin Street	5	Approved	14-05-29
RES		Home Office-Elevator Contractor	17A Bell's Turn	4	Approved	14-06-03
RES		Home Office- Drafting Services	231 Pennywell Road	2	Approved	14-06-04
RES		Home Office- Electrical Contractor	83 Criagmillar Avenue	2	Approved	14-06-04
COM	WD Partners	Drive Thru Menu Board	25 Aberdeen Avenue	1	Approved	14-06-04

<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 Officer
Department of Planning**

Building Permits List

SJMC2014-06-09/271R

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 May 29 to June 4, 2014 be approved:

Building Permits List Council's June, 02 2014 Regular Meeting

Permits Issued: 2014/05/22 To 2014/05/28

Class: Commercial

40 Hebron Way	Nc	Retail Store
25 Aberdeen Ave	Sn	Mixed Use
145 Kelsey Dr	Sn	Office
85-95 Kenmount Rd	Sn	Car Sales Lot
355 Main Rd Shamrock City	Sn	Eating Establishment
430 Topsail Rd, Unit #38	Sn	Retail Store
520 Topsail Rd., Burger King	Sn	Eating Establishment
277-281 Water St.,Bowring Bldg	Sn	Office
85 Jensen Camp Rd	Nc	Accessory Building
40 Hebron Way	Nc	Accessory Building
136-140 Water St. Jumping Bean	Co	Eating Establishment
348-350 Water St	Nc	Accessory Building
48 Kenmount Rd - Starbucks	Cr	Eating Establishment
662 Topsail Rd	Rn	Restaurant
520 Topsail Rd Burger King	Rn	Eating Establishment
10 Fort William Pl - Suite 701	Rn	Office
354 Water St	Rn	Mixed Use
12 Bay Bulls Rd Tim Hortons	Rn	Eating Establishment
215 Water St, Suite 511	Rn	Office
575 Kenmount Rd	Ex	Car Sales Lot

This Week \$ 2,034,348.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

6 Aldergrove Pl, Lot 252	Nc	Single Detached Dwelling
51 Baie Verte St	Nc	Accessory Building
42 Spruce Grove Ave	Nc	Accessory Building
116 Blue Puttee Dr	Nc	Accessory Building
118 Bonaventure Ave	Nc	Patio Deck
8 Caravelle Pl Lot 29	Nc	Single Detached & Sub.Apt
10 Caravelle Pl Lot 30	Nc	Single Detached & Sub.Apt
164 Cheeseman Dr	Nc	Fence
36 Cherrybark Cres, Lot 224	Nc	Single Detached Dwelling
57 Cheyne Dr	Nc	Accessory Building
57 Cheyne Dr	Nc	Fence
66 Coventry Way	Nc	Accessory Building
40 Dauntless St	Nc	Accessory Building
10 Drake Cres	Nc	Fence
59 Francis St	Nc	Fence

31 Gear St	Nc	Patio Deck
8 Gibbon Pl	Nc	Fence
20 Golf Course Rd	Nc	Patio Deck
44 Curling Pl	Nc	Fence
72 Iceland Pl	Nc	Accessory Building
6 Kerr St	Nc	Fence
97 Ladysmith Dr	Nc	Patio Deck
8 Legacy Pl, Lot 29	Nc	Single Detached & Sub.Apt
10 Legacy Pl, Lot 30	Nc	Single Detached & Sub.Apt
21 Long Beach St	Nc	Fence
14 Maclaren Pl	Nc	Fence
52 Mcniven Pl	Nc	Patio Deck
530 Main Rd	Nc	Patio Deck
110 Moss Heather Dr	Nc	Patio Deck
8 Mountainview Dr	Nc	Accessory Building
81 New Cove Rd	Nc	Accessory Building
101 New Cove Rd	Nc	Patio Deck
307 Newfoundland Dr	Nc	Accessory Building
8 Oakmount Street	Nc	Single Detached & Sub.Apt
10 Oakmount St	Nc	Single Detached & Sub.Apt
90 Pearltown Rd	Nc	Accessory Building
129 Airport Heights Dr	Nc	Accessory Building
68 Rosalind St	Nc	Fence
25 Stephano St, Lot 220	Nc	Single Detached & Sub.Apt
12 Westview Ave, Lot 6, Unit 1	Nc	Condominium
12 Westview Ave, Lot 6, Unit 2	Nc	Condominium
12 Westview Ave, Lot 6, Unit 3	Nc	Condominium
12 Westview Ave, Lot 6, Unit 4	Nc	Condominium
6 Willenhall Pl, Lot 41	Nc	Single Detached & Sub.Apt
52 Willenhall Pl, Lot 18	Nc	Single Detached & Sub.Apt
54 Willenhall Pl, Lot 17	Nc	Single Detached & Sub.Apt
41 Willenhall Pl Lot 13	Nc	Single Detached Dwelling
13 Cole Pl-Philnl Cleaning	Co	Home Office
19 1/2 Pine Bud Ave	Co	Home Office
123 Ladysmith Dr	Cr	Subsidiary Apartment
9 Sequoia Dr	Cr	Subsidiary Apartment
16 Shoal Bay Rd	Cr	Single Detached Dwelling
11 Lunenburg St	Ex	Single Detached Dwelling
17 Atlantic Ave	Rn	Semi-Detached Dwelling
27 Cambridge Ave	Rn	Single Detached Dwelling
111 Cheeseman Dr	Rn	Single Detached Dwelling
6 Douglas St	Rn	Subsidiary Apartment
69 Freshwater Rd	Rn	Single Detached Dwelling
58 King's Rd	Rn	Townhousing
15 Leslie St	Rn	Single Detached & Sub.Apt
48 Monroe St	Rn	Semi-Detached Dwelling
371 Newfoundland Dr	Rn	Single Detached Dwelling
67 Parsonage Dr	Rn	Single Detached Dwelling
117 Queen's Rd	Rn	Parking Lot
139 Queen's Rd	Rn	Single Detached Dwelling
75 Shaw St, Common, 2,3,4 & 5	Rn	Apartment Building
168 Higgins Line	Sw	Semi-Detached Dwelling
13 Oberon St	Sw	Single Detached Dwelling

This Week \$ 3,197,150.00

Class: Demolition

57 Carter's Hill	Dm	Single Detached Dwelling
5 Linegar Ave	Dm	Single Detached Dwelling

This Week \$ 12,000.00

Total: \$ 5,243,498.00

Repair This Week's Permits Issued: 2014/05/22 To 2014/05/28 \$ 47,950.00

37 Francis Street - accessory building rejected as per Section 8.3.6(4).

Legend

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

YEAR TO DATE COMPARISONS			
June 02, 2014			
TYPE	2013	2014	% VARIANCE (+/-)
Commercial	\$45,699,000.00	\$43,776,000.00	-4
Industrial	\$28,000.00	\$125,300.00	348
Government/Institutional	\$7,524,000.00	\$42,505,000.00	46
Residential	\$57,202,000.00	\$44,351,000.00	-22
Repairs	\$1,365,000.00	\$1,405,000.00	3
Housing Units (1 & 2 Family Dwellings)	162	105	
TOTAL	\$111,818,000.00	\$132,162,300.00	18

Respectfully Submitted,

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

Requisitions, Payrolls and Accounts

SJMC2014-06-09/272R

It was decided on motion of Councillor Collins; seconded by Councillor Tilley: That the following Payrolls and Accounts for the week ending June 4, 2014 be approved.

**Weekly Payment Vouchers
For The
Week Ending June 4, 2014**

Payroll

Public Works	\$ 475,720.85
Bi-Weekly Administration	\$ 829,686.44
Bi-Weekly Management	\$ 763,771.01
Bi-Weekly Fire Department	\$ 638,795.43

Accounts Payable **\$8,735,593.39**

Total: **\$11,443,567.12**

Tenders

- a. Tender – 2014 Street Rehabilitation Program, Contract # 2
- b. Contract for Independent Claims Adjusting Services

SJMC2014-06-09/273R

It was decided on motion of Councillor Collins; seconded by Councillor Tilley: That the above noted contracts be awarded as follows:

- **Modern Paving Limited: \$4,673,287.89 (Bid Bond included/HST included)**
- **Crawford Adjusters Canada @ blended rate of \$110 per hour with a 3 year contract beginning July 1, 2014**

Notices of Motion, Written Questions and Petitions

Councillor Bernard Davis tabled a petition from the residents of Jensen Camp Road to either remove the “no left turn” sign on Jensen Camp Road or issue permits to residents of the area to be exempt from the rule. The matter was referred to the City’s Police & Traffic Committee for consideration.

Letter of Congratulations to Shannie Duff

Council considered as information a letter dated June 3, 2014 from Mayor O'Keefe to former Deputy Mayor Shannie Duff congratulating her on receiving the honorary doctor of laws degree at Memorial University.

Quarterly Travel Report (1st Quarter)

Council considered as information a memorandum dated June 4, 2014 from the Deputy City Manager of Financial Management regarding the above noted.

Travel Authorization for Councillor Dave Lane (EDAC National Conference)

Council considered the memorandum dated June 5, 2014 from the City Clerk requesting Council's approval for Councillor Lane to attend the Economic Developers Association of Canadians (EDAC) National Conference being held in Calgary, Alberta from September 26 to 30, 2014.

SJMC2014-06-09/274R

It was decided on motion of Councillor Hickman; seconded by Councillor Puddister: That Councillor Lane's travel request be approved as outlined in the memo.

Councillor Davis

- Councillor Davis questioned the possibility of circulating another notice to residents of Kenmount Terrace to remind people to cover their garbage. It was noted that the City constantly monitors problem areas and takes action as necessary.
- Councillor Davis questioned the status of review regarding the automated garbage collection. Councillor Breen recollected that the estimated cost to implement the program was in the order of \$5 million and as a result was not approved in last year's capital budget. The matter may be reconsidered at next year's budget review.

Councillor Galgay

- Referenced the problem with the proliferation of garbage at 12 Goodridge St. for which he logged a complaint on May 21st. The Deputy City Manager of Planning, Development & Engineering advised that staff has taken action to contact the owner who has not responded to their request to clean up the property. As a result, the City will now hire a contractor to remove the garbage and will charge the cost against the property.

Councillor Hickman

- Councillor Hickman advised that he recently attended a preliminary meeting with the Department of Municipal Affairs regarding an organics plan for the Province. If such comes to pass, the use of bins may eventually become mandatory. He asked that the issue be referred to the next Public Works Committee for review.
- Advised the general public that there will be an engagement process this Thursday at MUN from 2:00 – 4:00 pm and 7:00 – 10:00 pm to discuss the MUN area traffic study. All citizens are welcome to attend.

Councillor Hann

- The covering of trucks bringing garbage to Robin Hood Bay Landfill remains a problem and Councillor Hann questioned the status of work being done on this. Councillor Galgay advised that a report is in the process of being completed and will be referred to a meeting of the Public Works Standing Committee for review.

Adjournment

There being no further business the meeting adjourned at 6:10 p.m.

MAYOR

CITY CLERK