

September 2, 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.

Mayor Dennis O'Keefe presided.

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

Regrets: Councillor Hickman.

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

Call to Order and Adoption of the Agenda

SJMC2014-09-02/379R

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

Adoption of Minutes

SJMC2014-09-02/380R

**It was decided on motion of Councillor Tilley; seconded by Councillor Hann:
That the minutes of August 25, 2014 be adopted as presented.**

Notices Published

Council considered the following notices published:

- **411 Stavanger Drive, Commercial Regional (CR) Zone**
A Discretionary Use Application has been submitted to the City by Bell Mobility Inc. seeking approval of site design in relation to a telecommunications rooftop site at **411 Stavanger Drive** on Hampton Inn & Suites Hotel.

In accordance with the City of St. John's Siting Protocol for Wireless Facilities, the City of St. John's hereby notifies residents in the vicinity of 411 Stavanger Drive of the intention of Bell Mobility Inc. to install an antenna system consisting of antennas flush mounted to the building in a gooseneck style, and finished to match the color of the building. (two submissions received)

- **10 Factory Lane, Commercial Office Hotel, (COH) Zone**

A Discretionary Use application has been submitted to the City by Bell Mobility Inc. seeking approval of site design in relation to a telecommunications rooftop site at **10 Factory Lane** on the Fort William Building.

In accordance with the City of St. John's Siting Protocol for Wireless Facilities, the City of St. John's hereby notifies residents in the vicinity of 10 Factory Lane of the intention of Bell Mobility Inc. to install an antenna system consisting of antennas mounted to the building façade, and finished to match the color of the building. (one submission received)

SJMC2014-09-02/381R

**It was moved by Councillor Hann; seconded by Councillor Lane:
That Council approve the above noted applications subject to all
applicable City requirements.**

Speaking in favour of the motion, Councillor Hann advised that the City's citing protocol has been followed and he reminded the public that the regulation of telecommunications is under federal government jurisdiction. The City is therefore, not the approving or licensing authority. Both applications also meet the criteria of Industry and Health Canada. He added that the City of St. John's is one of the worst cities in the country in terms of providing adequate cellular reception and the public demand for wireless devices necessitates the City's facilitating this demand.

Councillor Breen speaking against the motion expressed concern about the lack of information being provided to citizens, noting that their concerns about the health impacts of cell towers are not being adequately addressed or allayed by Health Canada.

The motion being put was carried with Councillor Breen dissenting.

- **Commercial Regional, (CR) Zone**

A Discretionary Use Application has been submitted by MRA Architecture & Design requesting approval to establish and operate a national brand coffee shop with drive-thru, a service station with convenience store and a drive-thru car washing facility located at **5 Hebron Way**. The application satisfies all requirements of Section 7.30 Drive-Thru Facilities of the St. John's Development Regulations and has the required separation distance from a residential zone. The proposed coffee shop with drive-thru will have a total floor area of 174.2 m², the service station with convenience store will have a total floor area of 279.0 m² and the car washing facility will have a total floor area of 159.6 m². On-site parking will be provided.
(no submissions received)

SJMC2014-09-02/382R

It was decided on motion of Councillor Hann; seconded by Deputy Mayor Ellsworth: That Council approve the above noted application subject to all applicable City requirements.

Finance and Administration Standing Committee Report – August 12, 2014

The Committee considered the following report.

IN ATTENDANCE:

Councillor Danny Breen, Chairperson
Councillor Bruce Tilley
Councillor Bernard Davis
Councillor Jonathan Galgay
Councillor Dave Lane
Councillor Wally Collins
Mr. Robert Bishop, Deputy City Manager, Financial Management
Mr. Paul Mackey, Deputy City Manager, Public Works
Mr. Dave Blackmore, Deputy City Manager, Planning, Development & Engineering
Ms. Jill Brewer, Deputy City Manager, Community Services
Mr. Sean Janes, City Internal Auditor
Ms. Maureen Harvey, Senior Legislative Assistant

a. Memorandum dated July 25, 2014 from the Deputy City Manager of Financial Management re: Interim Financial Statements to June 30, 2014

The Deputy City Manager presented the Committee with the interim financial statements to June 30, 2014 along with a projection to year end.

He reported that there is a material overage (positive variation) on the revenue side in Grants in Lieu of Taxes. This is because of significantly higher Federal property values generally and more specifically, the completion of the new DND facility in Pleasantville. "Water sales and tax" are also well over budget, primarily because of higher water consumption by other

municipalities. The large apparent drop in Non-Profit Housing subsidy is just a matter of the timing of the receipt of funds.

On the expenditure side, there are some large variations in the various expenditure groupings but no individually significant variances except for the \$3 million over-expenditure in snowclearing which was to be expected. Most other apparent variances are attributable to timing (invoices not processed and posted to the end of June) or in some cases such as Protective Inspections, budget and actual do not match up because of staff restructuring between budgetunits subsequent to the finalization of the budget for 2014.

Projection to Year End

The projection to year end is built on the June 30th statements and reflects adjustments for processing as well as variances which we expect to follow on through the year. Overall, we anticipate a surplus on operations in excess of \$3.5 million, largely attributable to the boost in Grants in Lieu of Taxes revenue as noted above.

A copy of the financial statements is available at the Office of the City Clerk.

Councillor Danny Breen
Chairperson

SJMC2014-09-02/383R

It was decided on motion of Councillor Breen; seconded by Councillor Davis: That Council approve the above noted report as presented.

Public Works Standing Committee Report – August 21, 2014

Council considered the following report:

In Attendance: Councillor Jonathan Galgay, Chairperson
 Councillor Sandy Hickman
 Councillor Bruce Tilley
 Councillor Bernard Davis
 Paul Mackey, Deputy City Manager of Public Works
 Brendan O’Connell, Director of Engineering
 Don Brennan, Director of Roads & Traffic
 Phil Hiscock, Manager of Roads
 David Crowe, Operations Supervisor
 Jonathan Murphy, Waste Management Engineer
 Maureen Harvey, Senior Legislative Assistant

1. **Memorandum dated August 7, 2014 from Deputy City Manager – Public Works re: Robin Hood Bay Waste Management – Residential Drop-off Rules**

The Committee considered the above-noted memorandum and agreed as follows.

Recommendation:

Moved by Councillor Hickman; seconded by Councillor Davis: That approval be given to the following restriction at the Residential Drop Off site at Robin Hood Bay:

Waste loads must be completely covered and secure to prevent any contents from escaping while the load is being transported.

It was further agreed that the matter of ticketing people for uncovered loads be brought forward to Council once the ongoing review by the Legal Department is completed. This information will be communicated to the general public and signage will be posted at the facility.

2. **Petition for Playground - Wigmore Court, Austin St, Thorburn Road and Cumberland Crescent - referred from Council on June 2, 2014**

The Committee considered the above-noted petition and reviewed a memorandum dated August 19, 2014 from the Acting Manager of Parks & Open Spaces.

Recommendation

The Committee recommends the petition be copied to NLHC with a letter of request for a meeting to discuss the possibility of having a playground reinstated on the property by NLHC.

Request for restricted Access to Virginia Park Playground and Ballfield - referred from Police & Traffic on July 16th)

The Operations Supervisor informed the Committee that the work being carried out to restrict access to Virginia Park Playground and Ballfield is nearing completion.

3. **Memorandum dated June 27, 2014 from the Director of Roads and Traffic re: Street Excavation Permits and Fees.**

The Committee reviewed the above-noted memorandum which was written in response to inquiries regarding the cost of street excavation permits.

Recommendation:

Moved by Councillor Hickman: That the current fee schedule for street excavation, which is in line with those charged by adjacent municipalities, be maintained.

4. Process for notification of residents for street cleaning. (see email from Councillor Galgay)

Chairperson Galgay reported a number of calls from constituents who have been ticketed, allegedly because they weren't aware of the street cleaning schedule in their area. It was noted that the practice of issuing "hard copy" notifications had ceased last year on the recommendation of the Division of Strategy and Engagement. It was noted that Roads and Traffic Division is undertaking a full review of the street cleaning program which will be presented to the Committee at a later date. It was also suggested that staff consult with Parking Enforcement about alleged inappropriate ticketing.

Recommendation

Moved by Councillor Hickman: That the practice of paper notification to residents whose streets are to be cleaned be reinstated.

5. Proposed New Equipment for Asphalt Repair Program

The Committee considered a memorandum dated August 22, 2014 from the Manager of Roads which identified the need for an additional front end loader for the asphalt repair program.

It was noted that many years ago the City instituted a cost recovery program that allowed for the collection of \$200.00 per Street Excavation permit to help offset the costs associated with asphalt repairs to mostly lateral street excavations. This fund was intended to cover the cost of repairing asphalt settlement after the expiration of the warranty period. At the end of 2013 there weren't sufficient funds to really be effective or make significant difference to any potential operations. However, the fund now amounts to \$271,386.72 and will facilitate the purchase of equipment.

Recommendation:

Moved by Councillor Hickman; That using funds from the City's asphalt reinstatement fund, a tender be called for the purchase of an additional front end loader (estimated cost \$250,000) that will be used to augment the City's fleet for street resurfacing and snowclearing programs.

**Councillor Jonathan Galgay
Chairperson**

SJMC2014-09-02/384R

It was moved by Councillor Galgay; seconded by Councillor Davis: That Council approve the above noted report as presented.

With respect to item # 1 of the report, the City Solicitor advised that a draft report on the ticketing review is almost ready for Council's review and will be forwarded to a future special meeting in the near future.

With respect to item # 3 of the report, Deputy Mayor Ellsworth advised that he and Councillor Breen have been working with the residents in the east end who have experienced problems with motorized vehicles having access and causing damage to Virginia Park. He referenced work being carried out by staff to restrict access to Virginia Park and questioned if there is a date for the work to be completed. He also requested that the Parks Division periodically monitor the activity on the field to ensure no further problems occur.

The motion being put was carried.

Special Events Advisory Committee Report - August 25, 2014

Council considered the memorandum dated August 25, 2014 from the Director of Recreation regarding the Special Events Advisory Committee's recommendation to proceed with the following event:

Event: Take Back the Night March
Location: Bannerman Park to City Hall
Date: September 19, 2014
Time: 7:00 p.m. to 8:30 p.m.

SJMC2014-09-02/385R

It was decided on motion of Councillor Davis; seconded by Councillor Breen: That Council approve the above noted event subject to the conditions set out by the Special Events Advisory Committee.

Development Permits List

Council considered as information the following Development Permits List for the period of August 21 - 27, 2014:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF August 21, 2014 TO August 27, 2014**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Local 855 (Teamsters Union)	Office Building	70 Mews Place	4	Approved	14-08-21
RES	Your Computer Connection Inc.	Home Office	6 Moss Heather Drive	4	Approved	14-08-25
RES		Home Office for Electrical Contractor	100 Carter's Hill	2	Approved	14-08-25
OT	City Sand & Gravel	Quarry Permit	Paradise		Approved	14-08-26
RES	Sheppard Case Architect	25 unit Seniors Apartment	24 Road de Luxe	3	Approved	14-08-26

<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

SJMC2014-09-02/386R

It was decided on motion of Councillor Collins; seconded by Councillor Puddister: That the recommendations of the Director of Planning and Development with respect to the following Building Permits list for the period August 21 – 27, 2014 be approved:

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

Permits Issued: 2014/08/21 To 2014/08/27

Class: Commercial

5 Springdale St	Sn	Office
385 Empire Ave	Ms	Office
193 Kenmount Rd	Ms	Retail Store
595 Kenmount Rd	Sn	Commercial Garage
431-435 Main Rd	Ms	Take-Out Food Service
57 Old Pennywell Rd	Ms	Retail Store
22 O'leary Ave	Ms	Restaurant
502 Topsail Rd	Ms	Service Shop
660 Torbay Rd	Ms	Retail Store
141 Torbay Rd	Ms	Restaurant
141 Torbay Rd	Ms	Office
Torbay Road-Torbay Rd Mall	Ms	Restaurant
351 Water St, Flight Centre	Sn	Office
16 Queen St	Rn	Tavern
428 Empire Ave	Rn	Retail Store
10 Factory Lane	Rn	Office
48 Allandale Rd	Rn	Office
69 Mews Pl	Cr	Office
48 Kenmount Rd/Nl Chocolate Co	Cr	Retail Store
343 Water St	Rn	Retail Store
365-367 Water St	Rn	Mixed Use
100 Military Rd	Sw	Recreational Use
70 Mews Pl	Nc	Office

This Week \$ 4,160,850.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

50 Beaver Brook Dr	Nc	Swimming Pool
20 Blackwood Pl	Nc	Patio Deck
108 Bonaventure Ave	Nc	Fence
16 Burdell Pl	Nc	Patio Deck
16 Burdell Pl	Nc	Accessory Building
134 Cheeseman Dr	Nc	Swimming Pool
41 Cherrington St	Nc	Accessory Building
10 Cherrybark Cres	Nc	Swimming Pool
16 Cherrybark Cres , Lot 215	Nc	Single Detached Dwelling
5 Devine Pl	Nc	Patio Deck
35 Devine Pl	Nc	Fence
28-30 Donovan's Rd	Nc	Accessory Building
28-30 Donovan's Rd	Nc	Swimming Pool
101 Doyle's Rd	Nc	Single Detached Dwelling
9 Dundas St	Nc	Fence
56 Dunkerry Cres	Nc	Fence

150 Freshwater Rd	Nc	Accessory Building
345 Groves Rd, Lot 5	Nc	Single Detached Dwelling
11 Guernsey Pl, Lot 28 Unit 1	Nc	Condominium
11 Guernsey Pl, Lot 28 Unit 2	Nc	Condominium
11 Guernsey Pl, Lot 28 Unit 3	Nc	Condominium
11 Guernsey Pl, Lot 28 Unit 4	Nc	Condominium
13 Guernsey Pl, Lot 27, Unit 1	Nc	Condominium
13 Guernsey Pl, Lot 27, Unit 2	Nc	Condominium
13 Guernsey Pl, Lot 27 Unit 3	Nc	Condominium
13 Guernsey Pl, Lot 27 Unit 4	Nc	Condominium
15 Guernsey Pl, Lot 26 Unit 1	Nc	Condominium
15 Guernsey Pl, Lot 26 Unit 2	Nc	Condominium
15 Guernsey Pl, Lot 26 Unit 3	Nc	Condominium
15 Guernsey Pl, Lot 26 Unit 4	Nc	Condominium
17 Guernsey Pl, Unit 1	Nc	Condominium
17 Guernsey Pl Unit 2	Nc	Condominium
17 Guernsey Pl Unit 3	Nc	Condominium
17 Guernsey Pl Unit 4	Nc	Condominium
12 Jamie Korab St	Nc	Accessory Building
87 Ladysmith Drive	Nc	Accessory Building
9 Larner St	Nc	Patio Deck
24 Macbeth Dr	Nc	Fence
876 Main Rd	Nc	Accessory Building
21 Orlando Pl, Lot 271	Nc	Single Detached & Sub.Apt
11 Outerbridge St	Nc	Accessory Building
54 Parsonage Dr., Lot 2.12	Nc	Single Detached Dwelling
234 Airport Heights Dr	Nc	Patio Deck
5 Solway Cres, Lot 323	Nc	Single Detached Dwelling
9 Stephano St	Nc	Fence
7 Tansley St, Lot 54	Nc	Single Detached Dwelling
484 Thorburn Rd	Nc	Accessory Building
511 Thorburn Rd	Nc	Single Detached Dwelling
28 Viscount St	Nc	Accessory Building
6 Waterford Hts S	Nc	Accessory Building
9 Waterview Pl	Nc	Single Detached Dwelling
7 Aldergrove Pl	Co	Office
23 Almond Cres	Ex	Single Detached Dwelling
15 Bideford Pl	Ex	Single Detached Dwelling
16 Burdell Pl	Ex	Single Detached Dwelling
12 Mahogany Pl	Ex	Single Detached Dwelling
9 Midstream Pl	Ex	Single Detached Dwelling
65 Battery Rd	Rn	Semi-Detached Dwelling
7 Bradbury Pl	Rn	Semi-Detached Dwelling
142 Castle Bridge Dr	Rn	Single Detached Dwelling
19 Galashiels Pl - Lot 128	Rn	Single Detached Dwelling
32 Gower St	Rn	Townhousing
28 Kenai Cres	Rn	Single Detached Dwelling
64 Lime St	Rn	Townhousing
68 Lime St	Rn	Townhousing
23 Monkstown Rd	Rn	Single Detached Dwelling
169-171 New Pennywell Rd	Rn	Semi-Detached Dwelling
173-175 New Pennywell Rd	Rn	Semi-Detached Dwelling
35 Oberon St	Rn	Single Detached Dwelling
6 O'reilly St	Rn	Single Detached Dwelling
58 Penetanguishene Rd	Rn	Single Detached Dwelling
27 Prospect St	Rn	Subsidiary Apartment
34 Rutledge Cres	Rn	Single Detached Dwelling
16 Warford Rd	Rn	Single Detached Dwelling
26 Fourth Pond Rd	Sw	Single Detached Dwelling
5 Musgrave St	Sw	Single Detached & Sub.Apt
48 Quebec St	Sw	Single Detached Dwelling
65 Stavanger Dr - Cibc	Ms	Bank

This Week \$ 6,143,847.00

**Weekly Payment Vouchers
For The
Week Ending August 27, 2014**

Payroll

Public Works	\$ 417,258.80
Bi-Weekly Administration	\$ 816,515.19
Bi-Weekly Management	\$ 727,979.22
Bi-Weekly Fire Department	\$ 702,460.33
Accounts Payable	\$4,218,880.77
Total:	\$ 6,883,094.31

Tender: 2014067 – Shop Supplies

Council considered the memorandum dated August 25, 2014 from the Department of Corporate Services regarding the above noted.

SJMC2014-09-02/388R

It was decided on motion of Councillor Davis; seconded by Councillor Puddister: That the tender 2014067 for Shop Supplies be awarded as follows to the lowest bidders as per the Public Tendering Act:

Shop Supplies	
TENDER #2014067 – Aug 11, 2014 - 1:00 PM	
Colonial Garage & Distributors Ltd.	\$24,844.01
Source Atlantic Limited	\$23,599.87
O M B Parts & Industrial Ltd.	\$14,128.35
BDI Canada Inc.	\$1,786.04
Speedy Automotive Ltd.	\$21.56

Tender: 2014072 – Curb Runners

Council considered the memorandum dated August 25, 2014 from the Department of Corporate Services regarding the above noted.

SJMC2014-09-02/389R

It was decided on motion of Councillor Davis; seconded by Councillor Puddister: That the tender 2014072 for Curb Runners be awarded to S&S Supply Crosstown Rentals Ltd. in the amount of \$19,085.00 including HST as the lowest bidder meeting the Public Tendering Act.

SPCA Funding

Deputy Mayor Ellsworth referenced an article in the Telegram from September 2, 2014 entitled "No Room for Strays" which relays inaccurate information reportedly given by the SPCA about the City's handling of strays and the misunderstanding that the City advises people to turn strays loose. The general public was encouraged to call 311 to report strays so that the City's Humane Services Division can respond appropriately during regular office hours. He also encouraged pet owners to register their animals so that they can be returned to their owners when they are found. Councillor Hann noted that the SPCA also reportedly stated in the article that they do not deal with strays inside St. John's. This brings in to question the basis for the City's providing the SPCA with an annual \$25,000 grant, particularly since the City's Humane Services Division now has special constable designation, a service formerly provided to the City by the SPCA.

The matter was referred to the Animal Care & Control Committee for review and report to determine whether or not funding to the SPCA should continue and if so, on what basis or whether it should be reallocated toward enhancement of the services provided by Humane Services. Their report can then be forwarded to Council for eventual review during the next budget process.

Councillor Danny Breen

- Councillor Breen requested that the Mayor on behalf of Council send a letter of congratulations to both the St. John's teams who participated in the final championship game of the Canadian Senior Men's Softball Championship in Charlottetown PEI this weekend. 3Cheers Pub Bud Light team won over Kelly's Pub Molson Bulldogs. The game was an all-Newfoundland Canadian final which was a first for Softball Canada's senior men's nationals.

Mayor Dennis O'Keefe

- Mayor O'Keefe requested a cost breakdown of the infrastructural projects currently taking place in the City including those occurring above and below ground and that this information be brought forth to a future public meeting for information purposes.

Adjournment

There being no further business the meeting adjourned at 5:48 p.m.

MAYOR

CITY CLERK