CITY OF ST. JOHN'S
COUNCILLOR CODE OF CONDUCT
DEWCOR V. RE

Donna M. Ballard KC

5 February 2025

THE COMPLAINT

This complaint alleges breaches of the Councillor Code of Conduct (the "Code"). Specifically:

27 (1) - No Councillor shall vote on or speak to any matter before Council or any committee thereof where they have a Conflict of Interest in which their Private Interest, or that of a Relative, may be affected or if the Councillor is unable to act impartially due to personal relationships.

28 (1) – Where a Councillor knows or ought reasonably to know that they have a Conflict of Interest in a matter before Council, the Councillor shall: (a) declare the Conflict of Interest before any consideration or discussion of the matter; (b) disclose the general nature of the Conflict of Interest; (c) refrain from participating in any discussion relating to the matter; (d) refrain from voting on any question, decision, recommendation, or other action to be taken relating to the matter; (e) leave the room in which the meeting is held for the duration of the consideration of the matter; and (f) where the Councillor declaring a Conflict of Interest is the presiding officer, they shall vacate the chair for the matter.

28 (3) – A Councillor shall not attempt, in any way, before, during or after the meeting, to influence (a) the vote of other Councillors; or (b) any policy advice provided to Council regarding the matter.

28 (4) – A declaration of Conflict of Interest under subsection (1) and the general nature of the Conflict of Interest shall be recorded in the minutes of Council or a committee of Council, where the declaration was made at a committee meeting.

Other relevant sections considered:

4 – The purpose of this Councillor Code is to: (a) encourage and maintain public confidence and trust in governance and administration of the City; (c) provide Council with guidelines for identifying, resolving and/or avoiding Conflicts of Interest, breaches of trust and unethical behaviour; (e) promote transparency in governance.

BACKGROUND

This dispute arises from the purchase of vacant land at 72 Goldstone Street by the City of St. John's from the Roman Catholic Episcopal Corporation of St. John's in June 2024. Councillor Ron Ellsworth was the realtor for the property listing and received a commission for the sale.

The process of purchasing the land required submissions to and approvals from City Council. It is an analysis of these processes and Councillor Ellsworth's participation in them that is the focus of this investigation.

INVESTIGATIVE PROCESS

The City provided me with a copy of a letter dated 8 October 2024 from Danny Williams, KC, owner of Dewcor, to Deputy Mayor Sheilagh O'Leary. Enclosed with the letter was a copy of a submission to Happy City St. John's from Grant Horwood, Chief Operating Officer of Dewcor. The Happy City letter outlines the complaints against Councillor Ellsworth. Deputy Mayor Sheilagh O'Leary forwarded the letter to Acting City Manager Derek Coffey for action as a complaint filed pursuant to sections 30-33 of the Code. For reasons outlined below, Dewcor elected not to proceed by way of formal complaint. The matter was then referred to City Council, who directed an external investigation. For purposes of this report, I consider the Happy City letter as the complaint, Dewcor as the complainant and Councillor Ellsworth as the respondent.

The Happy City letter and attachments are annexed to this report as "schedule A." The complaint was forwarded to Councillor Ellsworth.

The City provided me with redacted copies of Special Council meeting minutes related to the subject property. These minutes as well as those publicly available and reviewed are attached hereto as "schedule B."

The City provided me with Decision Notes related to the subject property. These Decision Notes are attached hereto as "schedule C."

At my request, the City conducted a search for notifications forwarded to Councillor Ellsworth ahead of the 7 November 2024 Special Council meetings. The notification is annexed to this report as "schedule D."

At my request, the City conducted a search for minutes forwarded to Councillor Ellsworth following the 7 November 2023 Special Council meeting. A responsive email with the minutes attachment is annexed to this report as "schedule E."

At my request, the City conducted a search for notifications forwarded by Councillor Ellsworth to the City Clerk ahead of the 7 November 2023, 13 February 2024, 27 February 2024, 23 April 2024 Special Council meetings and the 13 March 2024 Committee of the Whole, and the 19 March 2024 Regular Council meeting. A responsive email is attached as "schedule F."

The City provided me with copies of emails circulated among staff regarding the Capital out of Revenue (COR) budget. A summary of the emails was also provided and is attached as "schedule G."

I conducted an interview with Danny Williams, KC, of Dewcor. His evidence is summarized below.

I conducted an interview with Councillor Ellsworth. He provided screenshots related to his real estate listing for 72 Goldstone Street. These screenshots are annexed hereto as "schedule H."

He also provided a copy of an email sent by him to the Mayor and City officials dated 29 January 2024. This email is annexed hereto as "schedule I." His evidence is summarized below.

I conducted an interview with Acting City Manager Derek Coffey. His evidence is summarized below.

I conducted an interview with Deputy City Manager of Planning, Engineering, and Regulatory Services (PERS) Jason Sinyard. He provided me with a timeline of the Goldstone Street upgrade projects. The timeline is annexed hereto as "schedule J." His evidence is summarized below

I conducted an interview with Kenessa Windsor, an Access and Privacy Analyst for the City. I was provided with information related to Dewcor's ATIPPA request to the City regarding the purchase of land on Goldstone Street. This information is annexed hereto as "schedule K." Her evidence is summarized below.

I conducted an interview with Andrew Woodland, City staff solicitor. His evidence is summarized below.

I conducted an interview with City Clerk Theresa Walsh. She reviewed the audio recordings of Special Council meetings and provided a summary of the recorded discussion regarding conflict of interest in relation to the Goldstone Street upgrades/acquisitions. Her summary is attached hereto as "schedule L." Her evidence is summarized below.

I conducted an interview with Mayor Danny Breen, Deputy Mayor Sheilagh O'Leary, and Councillors Hickman, Burton, and Bruce. Their evidence is summarized below. I reached out to Councillors Ridgeley and Ravencroft but I was unable to connect for an interview. I did not reach out to Councillor Hanlon as she is ill, or Councillors Davis or Noseworthy as they were not members of council for the relevant time.

Where required, interviews were followed-up with telephone calls and/or emails for further information, confirmation and clarification.

I have considered the submissions of the parties and all the evidence including: the 2024 Budget, City Council meeting agendas, minutes, and audio. I have considered the Councillor Code of Conduct; the *Municipal Conduct Act*; and the Rules of Procedure governing meetings.

The standard of proof that I applied is the civil law standard of "balance of probabilities."

POSITION OF THE PARTIES

Complainant's position

Danny Williams, KC is the owner of Dewcor.

The City's 2024 Budget was presented to the public on 12 December 2023 by Councillor Ron Ellsworth. He noted in his presentation a $3.1 million dollar increase to the Capital out of Revenue (COR) budget for 2024. The 2024 Budget includes estimates of the money needed for projects under the COR budget with details and finalization to be approved later.

The City's 2024 Capital out of Revenue (COR) budget was approved by City Council on 19 March 2024. In reviewing the COR budget, Dewcor noticed the approval of $750,000 for property acquisition to support road widening at Goldstone Street. This was concerning because Councillor Ellsworth had a for-sale sign displayed on vacant land on Goldstone Street.

Dewcor wrote the Mayor on 25 April 2024 asking for the civic addresses of the properties to be acquired. They also asked for information on the proposed purpose of the project and the amount of expenditure. A response was not received.

Dewcor wrote again to the Mayor on 10 June 2024 seeking a response to the 25 April 2024 correspondence. On 10 June 2024, the Mayor responded and provided information related to the proposed purpose of the acquisitions. He did not provide the civil addresses.

Dewcor wrote to the Mayor on 17 June 2024 again asking for the civil addresses of the proposed acquisitions. The letter also raised a concern about Council Ellsworth's apparent conflict of interest given his participation in the COR budget and his real estate listings on Goldstone Street.

On 25 June 2024, the Acting City Manager Coffey wrote to Dewcor to address the allegation of conflict of interest raised in the 17 June 2024 letter. He stated that the allegation was incorrect because Councillor Ellsworth abstained from voting on the COR budget on 19 March 2024. He did not provide the civil addresses.

On 9 July 2024 Dewcor again wrote the Mayor asking for the civil addresses of the proposed acquisitions on Goldstone Street.

On 12 July 2024 Acting City Manager Coffey wrote Dewcor suggesting that they file a request under the *Access to Information and Protection of Privacy Act* (ATIPPA) for the civic addresses.

On 29 July 2024 Dewcor filed an ATIPPA request with the City asking for the civil addresses. On 13 August 2024, the City responded by advising that responsive records were found but could not be disclosed. On 19 August 2024 Dewcor filed a complaint with the Office of the Information and Privacy Commissioner. On 27 August 2024, the City provided Dewcor with a copy of a Deed of Conveyance from the RC Church to the City for property located at 72 Goldstone Street at a cost of $640,000. The deed was dated 17 June 2024. The City advised that the deed had not been disclosed earlier because of staff miscommunication. The OIPC continued

with their review and filed a report recommending that the City provide further information. The City has appealed, and the matter is pending before the Court.

Mr. Williams, on behalf of Dewcor states that put simply this does not past the "smell test." Councillor Ron Ellsworth admitted his conflict by virtue of declaring the same prior to voting on the COR budget. But by that time the "horse was out of the barn." The COR budget is included in the 2024 Budget, which was presented and voted on by Councillor Ellsworth.

As lead for finance, Councillor Ellsworth worked with staff to prepare the 2024 Budget. He can influence where the money is going. If he wants to drive a development on Goldstone Street, then he can do so. Moreover, why the secrecy in disclosing civic addresses? Did the City intentionally withhold the deed for 72 Goldstone Street until the OIPC became involved? There is a lack of transparency at City Hall.

Mr. Williams pointed out that this is not the first time that Councillor Ellsworth's business interests have conflicted with his duties as Councillor. He noted that in 2021 questions of conflict of interest arose when Councillor Ellsworth advertised a property suggesting that the value of the property would increase with a change in zoning which would have to be approved by City Council. In Mr. Williams' view, this sends a signal that City Council is not impartial or fair.

Dewcor wrote to Deputy Mayor O'Leary on 8 October 2024 and included the Happy City letter to let her know of the inappropriate actions at City Hall. He did not see the point in filing a formal conflict of interest complaint with the Acting City Manager Derek Coffey given Mr. Coffey's letter of 25 June 2024 which stated that the allegation of conflict of interest against Councillor Ellsworth was "factually incorrect".

Respondent's position

Councillor Ron Ellsworth served on Council from 2005-2009, 2013-2017, 2021 to present. He is the lead for Finance Administration and Housing, which means that he is responsible for the budget progression and for presenting it to Council.

Staff start in August/September to prepare the annual budget. The budget is a living document as some elements continue year over year and are carried forward. Other elements are added by staff based on needed projects, funding availability, or projects already approved by Council.

The draft budget goes before Council several times. Staff will brief him, as lead, on the draft budget before it goes to Council. He will look at it from a political perspective to ensure that critical issues are addressed. The most important part of the budget is the mill rate.

Each time the draft budget is before Council, direction is given to staff and revisions are made to reflect that direction. Council make all final budget decisions. As lead, Councillor Ellsworth does not make budget decisions on his own.

Councillor Ellsworth has been a realtor in St. John's since 2017. He entered into an agency agreement with the RC Church to list 72 Goldstone Street in October 2020 prior to the Church's bankruptcy. He volunteers extensively with the RC Church, hence, the reason he received the listing. He manages many of their listings.

72 Goldstone Street was advertised by signage, social media, and ad campaigns. The listing price was based on a comparative market analysis. He did not look at the City's assessment of the property as he did not believe one existed given that it was RC Church property not subject to municipal taxes. Initially it was listed in October 2020 for $1.3M. The listing expired in January 2022, because of the RC bankruptcy proceedings. It was listed again in August 2022 for $1.1M, reduced in October 2022 to $750,000, and further reduced in January 2023 to $699,500.

In February 2023, the RC Church entered into an agreement of purchase and sale with a 3rd party for the sale of 72 Goldstone Street. The financial approval condition of the agreement of purchase was not met and the agreement expired. Councillor Ellsworth did not know until March that the deal had fallen through.

The City then negotiated a price for the property with the RC Church. Councillor Ellsworth did receive a commission on the sale as realtor.

On 7 November 2023, a Special Council meeting was held. One of the agenda items was a proposal seeking approval of land acquisitions on Goldstone Street, including #72. Councillor Ellsworth declared a conflict at the meeting and recused himself from the discussion and vote. He does not recall if he sent an email to the Mayor and officials regarding the conflict, but he did advise Councillors at the meeting and excused himself.

A Decision Note dated 1 November 2023 outlining the acquisition request was circulated to Councillors prior to the 7 November 2023 Special Meeting of Council. Councillor Ellsworth does not recall seeing the 1 November 2023 Decision Note but suggested that I check with the Clerk to see if it had been sent to him.

He recused himself from that meeting because of his business interest as a realtor with a client owning property on Goldstone Street. His real estate practice is known, and when appropriate he would always advise Council that a client of his had an interest in the matter being discussed. He likely would have revealed it to be the RC Church in this case.

Councillor Ellsworth was not aware of the outcome of the 7 November 2023 meeting. He did receive a copy of the minutes but, because of the identified conflict, those sections relating to Goldstone Street were redacted.

On 29 January 2024 Councillor Ellsworth became aware that the Goldstone Street property acquisitions were to be discussed by Council in relation to the COR list. He emailed the City Solicitor – Cheryl Mullett, the City Manager – Kevin Breen, the Deputy City Manager – Derek

Coffey, the Mayor – Danny Breen, and the City Clerk – Karen Chafe to advise of his conflict and that he would be exiting the meeting before that topic was addressed.

The COR estimate is a part of the annual operating budget but the details of what is to be approved will come later.

Councillor Ellsworth did not recuse himself from voting on the 2024 Budget because he was not aware that money had been set aside in the COR budget for the Goldstone Street acquisitions, including #72.

Councillor Ellsworth stated that Councillors have been advised by the City Solicitor that in certain circumstances it is not a conflict for Councillors to vote on the annual budget even though they are affiliated with certain groups. He stated that this usually comes up in the context of funding for community groups. While Councillors know that community grant money is in the budget, they do not know what community groups will get approved because the application process follows the approval of the budget.

Councillors received conflict of interest training from the City Solicitor's office once the *Municipal Conduct Act* came into effect. Councillor Ellsworth noted that because of his real estate business, he is familiar with the conflict of interest rules and has consulted his own personal legal counsel as well.

Counciller Ellsworth did not have any conversations with City Staff or other City Councillors regarding the Goldstone Street upgrades or acquisition of land.

EVIDENCE OF OTHER WITNESSES

Derek Coffey is Deputy City Manager – Finance and Corporate Services and Acting City Manager.

Mr. Coffey became aware of the proposed Goldstone Street upgrades when PERS notified him of the need for land acquisition funding around March 2023. The design of the project was managed by PERS and proceeded to Council by way of recommendation. Projects are staff driven.

A part of the Goldstone Street acquisition funding came from the Land Acquisition Fund (LAF). That fund has been around for years – deposits come from the sale of land. Nothing in the fund is project specific. It does not have a budget line in the annual budget.

Councillor Ellsworth is lead for finance and housing. There is no finance and/or housing committee. Lead means that the Councillor will be briefed on these matters and speak to them in Council. The lead does not provide direction to staff. If the lead, or any Councillor, wants to promote a specific project/work – it must be done through Council. Council will then direct staff.

PERS prepared a Decision Note dated 1 November 2023 which was discussed at the Special Council meeting on 7 November 2023. PERS recommended acquisition of three properties at Goldstone Street to accommodate the upgrades. The full parcel values were noted as $1,775,900. Council approved the land acquisition to support the projects with directions to explore options to reduce the cost if possible. $750,000 was assigned from the LAF and the rest from COR.

The 2024 Budget included $16,734,317 for capital expenditures (COR included); this amount earmarked $750,000 for the Goldstone Street acquisitions because it had been approved by Council on 7 November 2023.

The 2024 COR budget was finalized over time beginning in September 2023 and approved 19 March 2024 by Council. It started with carry-overs from the previous year and was populated through the submissions of the various departmental staff and recommendations of the Senior Executive Committee. COR increased by $3.1M in 2024 because of the increased cost of building materials.

Staff begin preparing for the annual budget in May. Working throughout the summer the goal is to have a summary prepared by September/October. Before the annual budget goes to Council, senior staff will brief Councillor Ellsworth as finance lead as he speaks to the budget at Council. The briefing is a high-level overview. The focus of the briefing with Councillor Ellsworth is the deficit and the mill rate. Specific projects are never discussed.

Mr. Coffey did not speak with Councillor Ellsworth at any point regarding the Goldstone Street upgrade projects or acquisitions.

The 1 March 2024 Decision Note was prepared by staff. It is created in escribe – so there is a drop box to insert the lead for the issue – hence Councillor Ellsworth's name on the note. He would have been briefed on the note. But he did not approve it.

The purpose of Mr. Coffey's letter of 25 June 2024 to Dewcor was to advise Mr. Williams that Councillor Ellsworth had abstained from voting on the COR budget on 19 March 2024. He did not investigate the allegation of conflict of interest.

Jason Sinyard is the Deputy City Manager responsible for Planning, Engineering, and Regulatory Servies (PERS). PERS is responsible for the management of the Goldstone Street upgrades.

The Goldstone Street upgrades consist of several projects: the Team Gushue Highway (TGH) on/off ramp roundabouts; the Pippy Place and Goldstone Street intersection; and the Goldstone Street/Thorburn Road intersection. The acquisition of several properties including 72 Goldstone Street supports/will support all three projects.

The TGH on/off ramp roundabout project was initiated because of complaints, observations, and driver experience of congestion on the ramps. Money to commission a detailed design was funded through the 2021 COR budget. The contract was awarded to Harbour Transportation Consultants (HTC). In April/May 2022 HTC determined that the design would require the acquisition of properties, including 72 Goldstone Street.

The Pippy Place and Goldstone Street intersection was initiated because of complaints, observations, and driver experience of decreased efficiency during peak periods. As a part of the HTC design of the TGH on/off ramps, they were required to design the corridor from the ramps to Pippy Place. To facilitate upgrades to the corridor, HTC identified the need to acquire properties, including 72 Goldstone Street. The detailed design of the intersection has not yet occurred.

The Goldstone Street/Thorburn Road intersection was first identified as dangerous in the 2012-2019 Collision Report and subsequently in the 2016-2020 and 2018 – 2022 reports. The project is currently in the design stage. However, preliminary designs indicate the requirement of land acquisition, including 72 Goldstone Street.

The acquisition of properties, including 72 Goldstone Street, was before Council on 7 November 2023 wherein PERS was seeking funding for the acquisitions. It was before Council again on 19 March 2024 as part of the COR budget proposal.

COR is submitted to Council after discussions between all senior managers. Mr. Sinyard's job is to ensure that projects that PERS feel are important move forward for consideration. In terms of ranking projects on the COR list, there is little influence from individual Councillors. Councillors will express concerns, but staff will rank where they believe it should be. Council ultimately decide.

Mr. Sinyard has never had a conversation with Councillor Ron Ellsworth regarding the Goldstone Street upgrades and acquisitions. In fact, PERS staff noted Councillor Ellsworth's real estate signs on Goldstone Street property and were cognizant of a possible conflict.

Kenessa Windsor is an Access and Privacy Analyst with the City. On 26 July 2024 she received an access to information request from the Complainant as follows: *Please advise what specific*

properties the City is purchasing on Goldstone Street and/or Thorburn Road for $750,000 as per the approved 2024 capital budget.

As the request related to real estate, which is overseen by the City's legal department, Ms. Windsor reached out to staff solicitor Andrew Woodland for a response. Mr. Woodland stated that he understood the matter to be before Council (Special meetings) and noted that he did not have any responsive records.

Ms. Windsor then contacted Legislative Services and asked for relevant Special Council meeting minutes. They provided her with the minutes of the 7 November 2023 and the 23 April 2024. They also informed Ms. Windsor that the matter was an engineering project. She then checked with Planning, Engineering, and Regulatory Services (PERS) for responsive records. They provided her with the same two Special Council minutes as well as a Decision Note dated 1 November 2023.

On 13 August 2024, Ms. Windsor responded to the Complainant by advising that responsive records were withheld pursuant to sections 28 and 35 of the ATIPPA. No responsive information was provided.

After the response, Ms. Windsor was in a divisional meeting of the Legal department (ATIPPA having recently moved from the Clerk's office to the Legal Department) when it became known that 72 Goldstone Street had been purchased and that the deed was publicly available. On 27 August 2024, Ms. Windsor forwarded the deed to Dewcor noting that it had been available at the time of the initial response but due to a miscommunication from staff it had not been included. Ms. Windsor does not know why the deed had not been provided to her earlier by the Legal department.

In the meantime, the OIPC investigated the complaint and filed a report recommending further disclosures. The City has appealed.

Andrew Woodland is a staff solicitor with the City. He represented the City on the purchase of 72 Goldstone Street. The RC Church was represented by Meghan King from McInnes Cooper.

Mr. Woodland noted that the acquisition of land for an infrastructure project is led by PERS. Consequently, approvals for the project and financing of the project would be managed through Council by PERS. The Legal department is not involved in that process.

Mr. Woodland was advised on 6 December 2023 by PERS that Council had approved the acquisition of the land at their 7 November 2023 meeting. He reached out to Meghan King on 20 January 2024 to express an interest in purchasing the property. The price was negotiated between the Legal department and Vendor's council. The real estate listing was $699,999 and had been up for a while. Knowing of the RC Church's motivation to sell, the Legal department negotiated a purchase price of $640,000.

Mr. Woodland had no discussions with Councillor Ellsworth regarding the sale of the land. All dealings regarding the sale were with Ms. King.

On 29 July 2024 he received an email from Ms. Windsor which transcribed Dewcor's access to information request and posed the following question to him: *We just received the following request – can this be answered informally? Is there a DN* (Decision Note) *or something that went to Council?*

Mr. Woodland stated that his reading of the question related to the existence of a Decision Note. His answer was that he believed there was a note and suggested she check with the transportation group as he believed that the DN would answer the question. He did not think of the 72 Goldstone Street deed (signed on 17 June 2024). There would have been no reason not to disclose the deed at that time.

Theresa Walsh has held the position of City Clerk since July 2024. As Clerk she is responsible for the administration of council meetings and the management of council records. Council meeting documents are contained in e-scribe and accessible by Councillors.

Ms. Walsh is familiar with the Councillor Code of Conduct. Since the introduction of the Code in February 2023, there has been a "tightening of the processes" around declaring and documenting conflicts of interest. She is unsure exactly when the new processes were introduced but she does know that the practice of sending redacted minutes to conflicted Councillors was not in place in November 2023.

She notes that currently a Councillor who declares a conflict must state the general nature of the conflict and the minutes will reflect the details and discussion. Previously, a Councillor would declare a conflict without necessarily explaining the conflict and oftentimes the minutes would not reflect the nature of the conflict.

Mayor Danny Breen has served on Council since 2009. He has been Mayor since 2017.

Mayor Breen is familiar with the Councillor Code of Conduct adopted by Council in February 2023. The City Solicitor provided training to Councillors.

Since the Code, there have been more conflicts declared by Councillors. This is because the Code broadens the definition of a conflict of interest. It is up to each Councillor to declare a conflict at the Council meetings and provide details. Most declared conflicts are accepted, some are discussed. If a conflict is declared in a Special Council meeting the Councillor will leave the room and abstain from the vote. If the conflict is declared in a Regular Council meeting, the Councillor will abstain from the vote. Currently, if a Councillor declares a conflict in a Special Council meeting, the minutes related to the conflict will be redacted. Mayor Breen is not sure how long this has been the practice. Adjusting to the Code has been a bit of a learning curve.

Mayor Breen recalls that the requirement for land acquisition for upgrades to Goldstone Street was discussed in Council as a part of the COR budget discussions. His recollection is that Councillor Ellsworth declared a conflict of interest prior to those discussions and did not vote. The conflict was related to his real estate business.

Most Councillors are lead for subject areas. Councillor Ellsworth is lead for finance and housing. The Councillor, who is lead, speaks at Council on matters that the staff are bringing forward. The lead also speaks to media. In provincial and federal politics, a Minister will have input into matters brought forward to Cabinet. In Municipal government it is the staff that prepare matters for consideration by council. Input is collective.

Councillor Ellsworth is not involved in the details of preparing the budget. If he attends meetings with staff, it is for the purpose of being briefed. The budget is presented to Council by the staff. They explain it and answer questions. Council is like a finance committee.

Mayor Breen has never discussed the Goldstone Street upgrades or acquisitions with Councillor Ellsworth.

Mayor Breen does not know why Dewcor's questions to him regarding the civil addresses for the Goldstone Street properties were not answered. He receives many letters and refers them to staff.

Deputy Mayor Sheilagh O'Leary has served on Council since 2009 (except 2013-2016). She has been Deputy Mayor since 2017.

Deputy Mayor O'Leary is familiar with the Councillor Code of Conduct. The City Solicitor brought it forward to Council on several occasions. The Code is broader than the previous rules around conflict of interest. Council needed clarification on the application of the Code as many Councillors sit on community boards and committees.

Currently, Councillors are individually responsible for bringing forward a conflict of interest. Details of the conflict must be disclosed so that Council can deliberate and decide. Prior to the Code the details of the conflict were not always disclosed. A Councillor would simply say they have a conflict of interest, and no one questioned it. The City Solicitor has since advised that Councillors must provide details.

Conflicts come up regularly at Council meetings. Councillor Ellsworth does declare frequently because of his real estate business, and he also sits on many community boards and committees.

Deputy Mayor O'Leary recalls that the acquisition of land on Goldstone Street for road expansion was raised in Council on several occasions but does not recall the dates. She recalls that Councillor Ellsworth declared a conflict in Council but she does not recall if he was specific about it relating to his real estate business.

As lead of environment and sustainability Deputy Mayor O'Leary brings recommendations to Council from the external panel of experts or the internal sustainability officer. When she brings forward matters, as lead, she will seek information from the sustainability officer if necessary. As lead for finance and housing, Councillor Ellsworth is very involved in his role. He is in constant discussions with staff. He is knowledgeable and understands the minutia. When it comes to the budget, Councillor Ellsworth is influential. He comes in strongly with recommendations.

Councillor Ellsworth has never discussed the Goldstone Street upgrades or acquisitions with Deputy Mayor O'Leary.

Councillor Sandy Hickman has served on Council since 2001.

He is familiar with the Councillors Code of Conduct. The City Solicitor provided training to Council. It is common sense. Since the Code, the rules around when a conflict of interest must be declared has become clearer. There is no change in how conflict is declared since the Code.

Councillor Hickman declares conflict of interest during discussions around a community group where his wife is associated. Everyone knows the conflict, so he just gets up and leaves the room. Conflicts are not that usual. Councillor Ellsworth calls conflict of interest the most. He does not explain the specifics, but the assumption is that it is related to his real estate business. He does not declare conflict specific to any property, just that he has a conflict.

Councillor Hickman is aware that Goldstone Street needs to be widened. The details of projects are left to staff to work out. He does recall that Council approved two roundabouts for the on/off ramps at Team Gushue. He also recalls Council approving money to purchase land on Goldstone Street. Councillor Hickman does not recall the dates or times when Council discussed Goldstone Street. He does not recall Councillor Ellsworth declaring conflict but noted that as Councillor Ellsworth removes himself often, he assumes that he removed himself for these discussions.

Councillor Hickman is lead for engineering and regulatory Services. That means that as lead he is the spokesperson who digs into the issues a bit more with staff. He provides input for staff but does not interfere with them. His feedback rarely leads to changes prior to the matter going for debate in the Council.

Councillor Ellsworth is finance and housing lead. He is very conscientious, that is why he has many key positions. Councillor Hickman states that Council respects Councillor Ellsworth's point of view on the budget because he is knowledgeable.

Budget information is provided to Council from staff. They present PowerPoints outlining costs. It will include such items as revenue, salary costs, new equipment. There is not a lot of information presented on projects unless it is a big project that would involve cost sharing with provincial/federal governments. He does not recall specifics about the Goldstone Street upgrades in the budget although there may have been an estimate for the cost of the land purchase.

Councillor Hickman does not recall ever speaking to Councillor Ellsworth about the Goldstone Street upgrades or acquisitions.

Councillor Maggie Burton served on Council since 2017.

Councillor Burton is familiar with the Councillor Code of Conduct. Training was provided by the City Solicitor. Conflict of interest declarations are more frequent since the Code as the scope is broadened. It used to be that a conflict was focused on personal benefit, now it includes association with community groups and boards, even if it is not a financial matter.

Councillor Elsworth declares conflict often because he sits on many community boards and is affiliated with many community organizations. He acts with an abundance of caution.

Currently when a Councillor has a conflict, they declare in the meeting, give a brief description, and abstain from voting. They will leave the room if it is a private meeting. Minutes of Special Council meetings are distributed to all Councillors. However, if a Councillor has declared a conflict on an item, the minutes will not contain that item. A separate minute on that item will be distributed to all other Councillors.

The dangerous intersection report identified the need for upgrades to Goldstone Street. Land acquisition was needed to support the project. Councillor Burton recalls Councillor Ellsworth declaring a conflict in Council prior to the discussion because of his real estate interest in the property.

Councillor Burton is lead for planning. This means that she leads the discussion for public meetings. In private meetings the staff lead and present. Unlike a provincial minister, the lead is not responsible but represents what is given by staff. The lead rarely interacts with staff prior to the matter going before Council.

Councillor Ellsworth is finance and housing lead. He has a deep understanding of the budget. Leading up to the budget he will have meetings with staff.

Councillor Burton has never discussed the Goldstone Street upgrades/acquisition with Councillor Ellsworth.

Councillor Jill Bruce served on council since 2021.

Councillor Bruce is familiar with the Councillor Code of Conduct. The City Solicitor provided extensive training to Council. There are more conflicts declared since the Code. The process for declaring a conflict includes providing details to Council. Where conflict has been declared, there are two sets of minutes, the full set plus a redacted set. She is unsure if the redacting of minutes occurred prior to the Code.

Councillor Ellsworth declares conflict more than the other Councillors due to his employment and association with community organizations.

Councillor Bruce is aware of the Goldstone Street upgrades required because of safety concerns in the area. A roundabout was recommended by staff. The matter was discussed at a Special Council meeting regarding the costs and funding for the purchase of land required for the project. Councillor Ellsworth declared a conflict, left the room, and abstained from voting. He told council that the conflict was related to land.

Councillor Bruce is the lead for community services. As lead she is the spokesperson for Council in that area. If there is an issue, she will bring it forward to Council. As finance and housing lead, Councillor Ellsworth would bring forward notes to Council. If a Councillor had a question, they would go to Councillor Ellsworth first. Councillor Bruce advised that she does not know what Councillor Ellsworth's role is in the budget process. The budget is presented to council by staff.

Councillor Ellsworth did not discuss the Goldstone Street upgrades/acquisition with Councillor Bruce.

FINDINGS OF FACT

The Goldstone Street upgrades consist of several projects: the construction of on/off ramp roundabouts to the Team Gushue Highway (TGH); upgrades to the Pippy Place/Goldstone Street intersection; and upgrades to the Thorburn Road/Goldstone Street intersection.

The upgrades were initiated by City staff because of safety complaints, observations, driver experience, and collision reports. The requirement to acquire several properties, including 72 Goldstone Street, to support all three projects, was recommended by consultants retained by the City through the public tender process.

City staff drafted a Decision Note to Council requesting approval and funding for the acquisitions. The Decision Note dated 1 November 2023 outlined a total prospective purchase cost of $1,775,900.00 for all properties. The recommendation was to source $750,000 from the Land Acquisition Fund (LAF) and the balance from Capital out of Revenue (COR). The Decision Note was provided to all Councillors, including Councillor Ellsworth, ahead of the 7 November 2023 Special Council meeting.

Councillor Ellsworth was not in the Council chambers at the start of the 7 November 2023 Special Council meeting. The Mayor advised Council that Councillor Ellsworth was declaring a conflict of interest on two issues. The minutes reflect that Councillor Ellsworth declared a conflict and was not present in the chamber during the discussion on the Goldstone Street acquisitions. Council voted in favour of the recommendations outlined in the Decision Note. The minutes reflect that Council approved the acquisitions with direction for staff to explore options to reduce cost. Funding was approved as $750,000 from LAF and the remaining balance from COR. The full minutes of the 7 November 2023 Special Council meeting were forwarded to all Councillors, including Councillor Ellsworth, on 14 November 2023.

The 2024 annual budget included a line item for Capital Expenditures which included the COR budget. The amount of $16,734,317 included a $3.1 million dollar increase to COR to mitigate inflationary cost increases. The rest of COR was compiled by staff based on estimates by the senior executive committee, including items approved by Council. The budget line estimate included the amount of $750,000 for the Goldstone Street acquisitions because Council had already approved funding through COR. While the minutes of Council from the 7 November 2023 meeting reflect approval of $750,000 from LAF and "the balance" from COR, "the balance" was identified as $750,000 by staff.

Council voted in favour of the 2024 annual budget on 12 December 2024. Councillor Ellsworth presented the budget, participated in the discussion, and voted.

The Deputy City Manager of Finance and Administration brought the COR listing (which included the $750,000 for Goldstone Street acquisitions) forward to Special Council on 30 January 2024 for discussion. It was further brought forward to Special Council for discussion on 13 February 2024, 27 February 2024 and the Committee of the Whole on 13 March 2024.

Ahead of the 30 January 2024 Special Meeting, Councillor Ellsworth emailed the Mayor, the Clerk, and other staff advising that he would be declaring a conflict related to his client owning property on Goldstone Street. The minutes reflect that Councillor Ellsworth declared conflict of interest at each of these meetings, left the meeting where required, and abstained from the vote.

City staff drafted a Decision Noted dated 1 March 2024 which included the final COR list for Council approval. The Decision Note indicated Councillor Ellsworth as lead. The minutes reflect that it was brought forward and approved at the Regular Council meeting on 19 March 2024. Councillor Ellsworth declared conflict of interest, another Councillor brought the matter forward and Councillor Ellsworth abstained from the vote.

City staff drafted a Decision Note to Council requesting approval for a further $275,000 for the Goldstone Street acquisitions. The Decision Note dated 18 April 2024 noted that the $750,000 approved from the LAF and the $750,000 approved from COR left a deficit of $275,000 from the estimated purchase price of all three properties as outlined in the 1 November 2023 Decision Note. The Decision Note recommended approval of a further $275,000 from the LAF. Councillor Ellsworth declared conflict of interest and removed himself from the discussions and vote. Council deferred the matter.

The City's legal department handled the purchase of 72 Goldstone Street. The sale price was negotiated between the City's legal counsel and counsel for the vendor. As realtor, Councillor Ellsworth received a commission upon sale of the land.

The Councillor Code of Conduct By-Law was adopted by Council on 20 February 2023 as was required by the *Municipal Conduct Act*. The Code was broader than the previous Conflict of Interest By-Law which limited a conflict to a pecuniary interest. Training for Councillors was provided by the City Solicitor.

Enhanced processes supporting the requirements of the Code, such as revealing and documenting the general nature of the conflict, and the circulating of redacted minutes where necessary were slow in implementation.

When it comes to financial matters, Councillor Ellsworth's authority is equal to all Councillors. However, as lead for finance, Councillor Ellsworth has a deeper understanding of the financial affairs of the City. He is responsible for the budget progression and for presenting it to Council.

ISSUES AND ANALYIS

For purposes of analysis, I have grouped the complaint issues into the following questions:

Issue # 1

Did Councillor Ellsworth breach sections 27 (1) and 28 (1) of the Councillor Code of Conduct by failing to declare a conflict of interest and by speaking to and voting on the 2024 Budget on 12 December 2023?

YES. Section 27(1) of the Code prohibits a Councillor from making or involvement in the making of a decision where their private interests could be affected, directly or indirectly. Section 2 (t)(ii) includes a source of income as a private interest. Involvement in a decision to approve funding for the purchase of land which would result in personal financial benefit is a conflict of interest pursuant to the Code.

Councillor Ellsworth recognized and accepted that as realtor for 72 Goldstone Street, he was in conflict of interest and could not be involved in decisions relating to the acquisition of that property. For this reason, he recused himself from several Council meetings where the matter was discussed.

Councillor Ellsworth did not recuse himself from voting on the 2024 Budget as he stated that he did not know that the capital expenditures line included $750,000 earmarked for the purchase of Goldstone Street properties including #72. In his experience, funds approved for COR in the budget were not project specific. He equated it with the voting of community grant money which would be distributed later after an application and approval process.

However, because COR funding for the acquisition of the properties had already been approved by Council on 7 November 2023 an amount was added to the 2024 Budget COR estimates by staff for that purpose. The projected cost of acquiring all three properties was $1,775,900. $750,000 was approved to be sourced from the LAF, leaving a potential balance of $1,025,900 to come from COR. Staff assigned the amount of $750,000 in the COR estimates.

Councillor Ellsworth's recollection is that he did not know of the result of the 7 November 2023 Special Meeting vote because the version of the minutes he received were redacted. He was mistaken. On 14 November 2023 the former Clerk provided all Councillors with a copy of the minutes which outline Council's approval of the purchase of the Goldstone Street properties with LAF and COR funding.

Section 28 (1) of the Code states that if a Councillor knows or **ought reasonably to know** they have a conflict, they must declare it.

Councillor Ellsworth was aware that on 7 November 2023 Council were being asked to approve COR funding for the acquisition of the Goldstone Street properties. He knew, or ought reasonably to have known, as finance lead, that the COR budget line in the annual budget could

include estimates based on amounts approved by Council. Further, he knew or ought reasonably to have known, especially given his access to the 7 November 2023 Special Council minutes, that funding from COR was approved by Council. Even if he did not know of the result of the 7 November 2023 meeting, he knew or ought reasonably to have known, of that likelihood.

I find that Councillor Ellsworth knew, or ought reasonably to have known, that by voting on the 2024 Budget that he was voting for the approval of funding to acquire property in which he had a private interest. By not declaring a conflict of interest and by speaking to and voting on the 2024 budget, Councillor Ellsworth breached sections 27 (1) and 28(1) of the Code.

Issue # 2

Did Councillor Ellsworth breach section 28(3) of the Councillor Code of Conduct by attempting, in any way, to influence the vote of Councillors or any policy advice related to the acquisition of 72 Goldstone Street.

NO. Section 28(3) prohibits Councillors from attempting, in any way, to influence (a) the vote or (b) policy advice given to Council on the matter.

Influencing the vote

There is no evidence to suggest that Councillor Ellsworth did anything to try and influence other Coucillors to vote positively for funding for the acquisition of 72 Goldstone Street. All Councillors interviewed denied having ever spoken to Councillor Ellsworth regarding the Goldstone Street upgrades or acquisitions.

Councillor Ellsworth is lead for finance. All Councillors are lead for a particular subject matter. Generally, the title lead is a bit of a misnomer in the sense that it holds no authority and generally means spokesperson. Councillors look to their lead role as responsible for being knowledgeable about the subject to enable them to present to Council and the public. The evidence shows that Councillor Ellsworth takes his position seriously and is very knowledgeable about the particulars of the City's finances. While others respect this knowledge, I find no evidence to suggest that he used his position as lead to influence the vote on the Goldstone Street upgrades or acquisitions.

Influencing policy

There is no evidence to suggest that Councillor Ellsworth was involved in the policy decisions that determined the progress of the Goldstone Street upgrades or acquisitions. Planning was driven by staff and designed by external consultants retained through the public tender process.

Issue # 3

Did Councillor Ellsworth breach the declaratory requirements of section 28(1) of the Councillor Code of Conduct for the Special Council meetings of 7 November 2023, 30 January 2024, 13 February 2024, 27 February 2024, 23 April 2024; the Committee of the Whole meeting 13 March 2024; and the Regular Council Meeting of 19 March 2024.

YES for some meetings. Conflicts of interest are a normal part of public life. Councillors have outside careers and community interests. The public expect and accept that reality. What is required is that conflicts are declared, discussed, dealt with, and documented.

Section 28(1) requires Councillors to declare conflict of interest, **disclose the general nature of the conflict**, and refrain from participating.

The audio recordings reveal that Councillor Ellsworth declared a conflict of interest for reasons related to his interest in property on the COR list. He did this during the 30 January 2024 Special council meeting and the 13 March 2024 Committee of the Whole. For these meetings he was compliant with the Code.

At the beginning of the 7 November 2024 Special Council meeting, Councillor Ellsworth was not in the room. The audio recording notes that the Mayor commented that Councillor Ellsworth was conflicted on two issues. The general nature of the conflicts was not disclosed.

The audio recordings for the meetings of 13 February 2024, 27 February 2024, 19 March 2024 and the 23 April 2024 disclose that Councillor Ellsworth declared a conflict of interest. The general nature of the conflict was not disclosed.

The Code requires that the general nature of the conflict of interest be disclosed. At a minimum fellow Councillors would need to know the type of private interest at issue that could potentially compromise the decision-making process. It is not in keeping with the Code for Councillors to expect that conflicts are known and/or carried over from previous meetings with the same agenda item. Councillor Ellsworth was not compliant with the Code by failing to disclose the general nature of his conflict during the meetings of 13 February 2024, 27 February 2024, 19 March 2024 and the 23 April 2024.

Subsequent processes around ensuring that the general nature of the conflict is revealed and recorded demonstrate the City's attempts to practically implement guidelines consistent with the purpose and requirements of the Code.

Issue # 4

Were Councillor Ellsworth's declared conflicts of interest properly recorded in the minutes as required by section 28 (4).

NO. Section 28 (4) states that a declaration of conflict of interest and the general nature of the conflict shall be recorded in the minutes. Nowhere in the minutes relevant to this investigation was the general nature of the conflict recorded. One of the purposes of the Code is to promote transparency in governance. The Code directs that this can be achieved by ensuring the proper documenting of conflicts of interest in the minutes.

Minutes are recorded and distributed by the Clerk and voted on by Council so this breach cannot be attributed to Councillor Ellsworth but to Council generally.

Subsequent processes around ensuring that the general nature of the conflict is revealed and recorded demonstrate the City's attempts to practically implement guidelines consistent with the purpose and requirements of the Code.

CONCLUSION

Councillor Ellsworth did breach sections 27(1) and 28(1) by not declaring a conflict of interest and by speaking to and voting on the 2024 budget.

Councillor Ellsworth did not breach section 28(3) of the Councillor Code of Conduct which prohibits attempting to influence the vote or policy.

Councillor Ellsworth did breach the declaratory requirements of section 28(1) of the Councillor Code of Conduct by not disclosing the general nature of the declared conflicts of interest during the Special Council Meetings of 7 November 2023, 13 February 2024, 27 February 2024, 23 April 2024; and the Regular Council Meeting of 19 March 2024.

Council failed to comply with section 28(4) by not ensuring that the minutes reflected the general nature of the conflicts declared by Councillor Ellsworth.

Donna M. Ballard, KC

Happy City St. John's

Attn: David Brake, Chair

Dear Mr. Brake,

We did an investigation over the past couple of months in relation to the City's capital budget and their planned intersection upgrades along Goldstone Street and Kelsey Drive. This example illustrates the lack of transparency within the City and a conflict of interest of one particular councillor. The background and timeline is detailed below.

1. On April 25, 2024, Danny Williams sent a letter to Mayor Danny Breen requesting the civic addresses being acquired on Goldstone Street relating to the $750,000 capital budget allocation. At this time, Councillor Ellsworth had a For Sale sign permanently displayed on vacant land on Goldstone Street.
2. On June 10, Mr. Williams sent a second letter to the Mayor requesting a response to the April 25 letter.
3. On June 10, 2024 the Mayor responded with details of the "City driven initiative to improve safety of all users" and "The acquisition of the noted properties will provide future space within the Goldstone Street corridor to improve safety and capacity by adding SUPs and/or sidewalks, as well as an additional vehicular traffic lane."
4. On June 17, 2024 Mr. Williams sent another letter to the Mayor again requesting disclosure of the "select lands within the Goldstone Street corridor to be acquired".
5. On June 25, 2024 the acting City Manager, Derek Coffey responded to the allegation of a conflict of interest pertaining to Councillor Ellsworth. Mr. Coffee stated that the allegations were factually incorrect because Councillor Ellsworth abstained from the vote to pass the capital budget. However, Councillor Ellsworth presented and did a media conference on the City's overall budget for 2024 on December 12, 2023.
6. On July 4, 2024 Mr. Williams responded to Mr. Coffey with a further explanation of the conflict of interest. We know that Councillor Ellsworth is lead for the finance committee which would allow him to have insider knowledge of all financial matters of the City. The Code of Conduct for our City Councillors defines a conflict of interest as when a Councillor is in a position whereby in the making or involvement in the making of a decision, may result in a gain or loss to the Councillor's private interest. A paid commission on the land sale would be precisely that.
7. On July 9, 2024 Mr. Williams sent another letter to Mayor Breen again requesting the particulars on the Goldstone Street capital expenditures.
8. On July 12, 2024, the Acting City Manager, Derek Coffey responded advising that if we seek further documentation, they recommend we submit an ATIPP request.
9. ATIPP request was submitted to the City on July 26, 2024, requesting what properties were being acquired as part of the $750,000 capital budget allocation.
10. The City responded on July 29, 2024, to acknowledge the ATTIP request.
11. The City responded to the ATIPP request on August 12, 2024 to inform us that they would not release the information in accordance with Section 28.(1) and (3) and Section 35.(1) and (d) of the Act.

DEWCOR

10718 NFLD INC.

Tel: 709-570-2222

April 25, 2024

City of St. John's
PO Box 5127
St. John's, NL A1C 5V5

Attn: Mayor Danny Breen

Re: 2024 Capital Budget

Mayor and Councillors,

I note with interest the 2024 Capital Budget for the City includes $750,000 for the widening of Goldstone Street. Could you please advise as to what civic addresses are being acquired, the purpose of this projected acquisition by the City in the area and the reason for one of the highest budget expenditures in the budget?

Your attention to this matter would be greatly appreciated.

Sincerely,

Danny Williams

DEWCOR · P.O. Box 1919 · 34 Harvey Road · 5th Floor · St. John's · NL · Canada · A1C 5R4

June 10, 2024

Dewcor
P.O. Box 1919
34 Harvey Road, 5th Floor
St. John's NL A1C 5R4

Via email: courtney.taylor@dewcor.ca

Attn: Danny Williams

Mr. Williams,

In response to your letter of April 25, 2024, regarding the 2024 Capital Budget and widening of Goldstone Street, please see the following information from the Decision Note (DN) brought to Council seeking approval of budgetary funds to acquire select lands within the Goldstone Street corridor:

- The project is a City driven initiative to improve safety of all users
- The purpose of the acquisitions is to support projects currently under design, and future work to connect these projects – all of which are to improve safety and capacity for vehicles and active transportation
- The Goldstone Street corridor is bounded by two on-going design projects – the design of two roundabouts for the Team Gushue Highway ramp interchange, and the redesign of the signalized intersection at Thorburn Road and Goldstone/Seaborn Street. Both projects include the design of shared-use paths (SUPs) and SUP Crossings.
- Additionally, the left turn traffic volumes from both Thorburn Road and Pippy Place onto Goldstone Street are high enough to warrant dual left turning lanes, however there is only one receiving lane available on Goldstone Street.
- The acquisition of the noted properties will provide future space within the Goldstone Street corridor to improve safety and capacity by adding SUPs and/or sidewalks, as well as an additional vehicular traffic lane.

Sincerely,

Danny Breen

Danny Breen, Mayor

Cc - Danny.Williams@dewcor.ca

ST. JOHN'S

June 25th, 2024

Danny Williams
Dewcor
PO Box 1919
34 Harvey Road
St. John's, NL
A1C5R4

Via email: courtney.taylor@dewcor.ca

Re: 2024 Capital Budget – Conflict of Interest

Dear Danny,

Thank you for your most recent correspondence dated June 17, 2024. The questions you raise regarding Goldstone Street will be reviewed by staff. I do however feel the need to address the conflict-of-interest allegation against Councillor Ron Ellsworth as it is factually incorrect.

The City's 2024 capital budget was passed at the regular meeting on March 19th, 2024. The motion was moved by Councillor Korab and seconded by Councillor Bruce. The vote was unanimous with Councillor Ellsworth abstaining. A full recording of the vote can be found here: https://pub-stjohns.escribemeetings.com/Meeting.aspx?Id=f8a4e938-1fe7-45ff-b6ee-195768408619&Agenda=Agenda&lang=English&Item=46&Tab=attachments

I trust this addresses your concerns regarding conflict of interest.

Kind regards,

Derek Coffey

Derek Coffey
Acting City Manager
City of St. John's
709.576.8332
dcoffey@stjohns.ca

DEWCOR

10718 NFLD INC.

Tel: 709-570-2222

on a street where the Councillor has signs offering land for sale, is clearly a conflict of interest - both real and perceived.

Sincerely,

Danny Williams

DEWCOR · P.O. Box 1919 · 34 Harvey Road · 5th Floor · St. John's · NL · Canada · A1C 5R4

DEWCOR

10718 NFLD INC.

Tel: 709-570-2222

Finally, is council concerned about the blatant conflict of interest for Councillor Ellsworth who recommended the capital budget and stands to benefit from his two real estate listings at the Goldstone Street and the Thorburn Road/Goldstone intersection.

I would appreciate your response as soon as possible.

Sincerely,

Danny Williams

DEWCOR · P.O. Box 1919 · 34 Harvey Road · 5th Floor · St. John's · NL · Canada · A1C 5R4

August 12, 2024

Email: courtney.taylor@dewcor.ca

Dear Courtney Taylor,

Re: Request for Access to Information under Part II of the Access to Information and Protection Privacy Act, 2015 ("Act")

On July 29, 2024, this office received your request for access to the following information:

> *Please advise what specific properties the City is purchasing on Goldstone Street and/or Thorburn Road for $750,000 as per the approved 2024 capital budget.*

Please be advised that 5 pages of Special Meeting of Council records have been withheld in response to your request in accordance with the following sections of the Act:

Local public body confidences

28. (1) The head of a local public body may refuse to disclose to an applicant information that would reveal... (c) the substance of deliberations of a meeting of its elected officials or governing body or a committee of its elected officials or governing body, where an Act authorizes the holding of a meeting in the absence of the public.

Disclosure harmful to the financial or economic interests of a public body

35. (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose... (d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party.

You may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in Section 42 of the Act. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Email: commissioner@oipc.nl.ca

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to Section 52 of the Act.

Fwd: Follow up on your request for information - Goldstone Street

Courtney Taylor <courtney.taylor@dewcor.ca>
Tue 8/27/2024 11:34 AM
To:Justin Kendell <Justin.Kendell@dewcor.ca>;Grant Horwood <grant.horwood@dewcor.ca>;Danny E. Williams <danny.williams@dewcor.ca>

1 attachments (280 KB)
72 Goldstone Stree Deed of Conveyance.pdf;

Sent from my iPhone

Begin forwarded message:

From: ATIPP <atipp@stjohns.ca>
Date: August 27, 2024 at 11:27:01 AM NDT
To: Courtney Taylor <courtney.taylor@dewcor.ca>
Subject: Follow up on your request for information - Goldstone Street

External Email
Good day Courtney,

Members of Council have asked me to respond to Mr. William's letter dated August 20, 2024 in relation to the Goldstone Street properties access to information request dated July 29, 2024. Minutes of Special Meetings are protected from disclosure under the City Act and the Access to Information and Protection or Privacy Act. As indicated in my letter of August 12 , 2024 , there is a complaint process if an applicant is unsatisfied with a public body's response. Applicants have the right to apply to the Office of the Information and Privacy Commissioner who will review their complaint in accordance with the Act.

The City has concluded a purchase transaction for 72 Goldstone Street. The transaction closed on July 4, 2024 and the Deed was sent to the Registry of Deeds for Registration but is not yet available on the public registry CADO system. Please find attached a copy of the Deed. This Deed was available at the time of my response but due to a miscommunication from staff it was not included in the responsive records.

Kenessa Windsor
Access and Privacy Analyst
Office of the City Solicitor | City of St. John's
709-576-8429 | kwindsor@stjohns.ca

accordance with its rules and regulations the day and year first before written.

SIGNED SEALED DELIVERED BY
The Roman Catholic Episcopal Corporation
Of St. John's was hereunto
affixed in the presence of:

Colleen Menchions

WITNESS
Barrister - NL

DESCRIPTION OF SURVEY FOR
CITY OF ST. JOHN'S

LAND TO BE ACQUIRED FROM

ROMAN CATHOLIC EPISCOPAL CORPORATION
CIVIC 72 GOLDSTONE STREET, ST. JOHN'S, NL

ALL THAT PIECE OR PARCEL OF LAND situate and being at 72 Goldstone Street, in the City of St. John's, in the electoral district of Mount Scio, in the Province of Newfoundland & Labrador and being abutted as follows, that is to say:

BEGINNING at a point on the northerly limit of Goldstone Street (18.288 metres wide), having coordinates North 5 269 249.214 metres, East 321 549.794 metres in the NAD83(original), Modified Three Degree Transverse Mercator Projection for the Province of Newfoundland and Labrador, Zone one and being referenced to Crown Land Monument No. 026774 North 5 269 678.555 metres East 320 991.717 metres and Monument No. 026114 North 5 270 065.477 metres East 322 698.143 metres.

THENCE running along land of His Majesty the King in right of Newfoundland and Labrador, Department of Transportation and Infrastructure (Roll 404 Frame 175), North eighteen degrees twenty-two minutes zero zero seconds West (N 18°22'00" W), sixty-seven decimal nine five zero (67.950) metres.

THENCE turning and running along 81 Critch's Path land of, Gordon Francis Martin and Wendy Lauren Gail Martin (roll 1571 frame 553), North eighty-one degrees eighteen minutes zero zero seconds East (N 81°18'00" E), thirty-one decimal three three zero (31.330) metres, thence North zero degrees fifty-nine minutes zero zero seconds West (N 00°59'00" W), ten decimal seven three zero (10.730) metres.

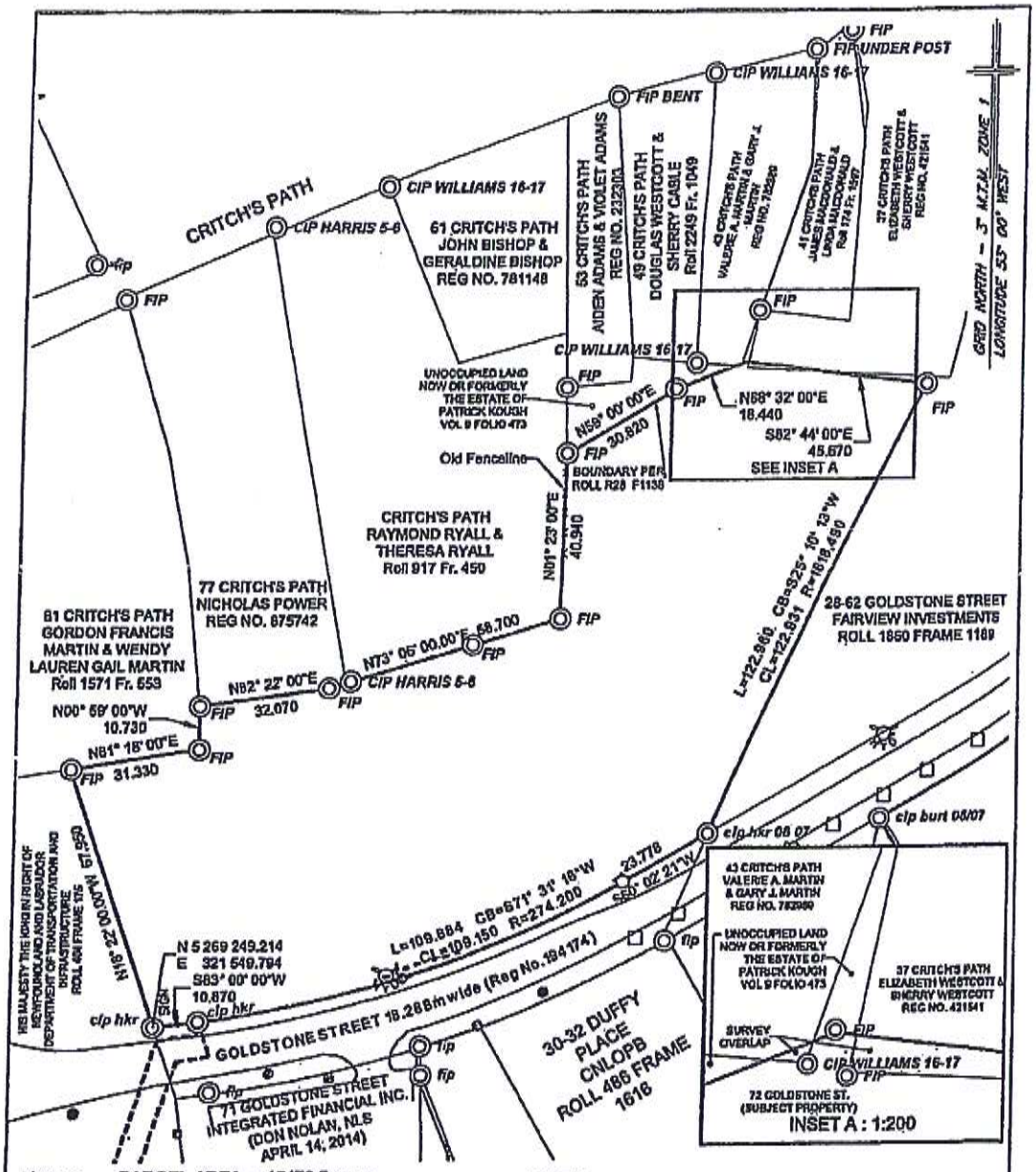
THENCE turning and running along 77 Critch's Path land of, Nicholas Power (registration number 875742) North eighty-two degrees twenty-two minutes zero zero seconds East (N 82°22'00" E), thirty-two decimal zero seven zero (32.070) metres.

THENCE turning and running along 77 Critch's Path land of, Nicholas Power (registration number 875742) and along land of Raymond Ryall and Theresa Ryall (roll 917 frame 450) North seventy-three degrees zero six minutes zero zero seconds East (N 73°06'00" E), fifty-eight decimal seven zero zero (58.700) metres, thence North one degrees twenty-three minutes zero zero seconds East (N 01°23'00" E), forty decimal nine four zero(40.940) metres.

THENCE turning and running along unoccupied land, now or formerly of the Estate of Patrick Kough (volume 9 folio 473), and partially over land claimed by, 43 Critch's Path, land claimed by Valerie A. Martin and Gary J. Martin (registration number 782989), and partially along the aforesaid estate of Patrick Kough, North fifty-nine degrees zero zero minutes zero zero seconds East (N 59°00'00" E), thirty decimal eight two zero (30.820) metres, thence North sixty-eight degrees thirty-two minutes zero zero seconds East (N 68°32'00" E), eighteen decimal four four zero (18.440) metres.

THENCE turning and running along unoccupied land, now or formerly of, the Estate of Patrick Kough (volume 9 folio 473), and partially over land claimed by 37 Critch's Path, land claimed by Elizabeth Westcott & Sherry Westcott (registration number 421541) and along the aforesaid estate of Patrick Keough, South eighty-two degrees forty-four minutes zero zero seconds East (S 82°44'00" E), forty-five decimal six seven zero (45.670) metres.

THENCE turning and running along 28-62 Goldstone Street, land of, Fairview Investments (roll 1860 frame 1189), following the arc of a counter clockwise curve one hundred twenty-two decimal nine six zero (122.960) metres, on a chord bearing and distance of South twenty-five degrees ten minutes thirteen seconds West (S 25°10'13" W), one hundred twenty-two decimal nine three one (122.931) metres, having a radius of one thousand six hundred eighteen decimal four nine zero (1618.490) metres.



Notes : PARCEL AREA = 15478.5 sq. m

1. DO NOT SCALE FROM DRAWING
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN METRES.
3. ALL COORDINATES ARE NL MTM ZONE 1, NAD83(original)
4. BOUNDARY BASED ON R. REDMAN SURVEY 1884, AND C. HAWCO SURVEY 2007

Scale factor used is 0.999887

Reference Monuments :

026774	026114
N 5 269 678.555	N 5 270 065.477
E 320 991.717	E 322 698.143

Legend :

- Found Iron Pin
- Placed Iron Pin
- Chain Link Fence
- Wooden Fence
- I.F.P. – Iron Fence Post
- W.F.P. – Wooden fence post
- Utility Wires
- Utility Pole
- Fire Hydrant
- Fence Post
- Traffic Control Box
- Water Valve
- Manhole
- Junction Box
- Utility Line Easement
- Guy Wire
- Hydrant

Joshua D. Mailman
NEWFOUNDLAND LAND SURVEYOR
Signature
PROVINCE OF NEWFOUNDLAND

Survey By:
G.P./D.C./B.H.
CHD. BY: J.D.M.
DATE: July 3, 2024
SCALE: 1:1250
Job. No:2023-058-001-REV0

REVISIONS:

ST. JOHN'S

DEPARTMENT OF PLANNING, ENGINEERING AND REGULATORY SERVICES

LEGAL SURVEY

FOR CITY OF ST. JOHN'S
TO BE ACQUIRED FROM
ROMAN CATHOLIC EPISCOPAL CORPORATION
72 GOLDSTONE STREET, ST. JOHN'S NL

ST. JOHN'S

SPECIAL MEETING

Section 28(1)(c), *ATIPPA, 2015*

Date: **November 7, 2023, 12:00 pm**

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

December 12, 2023, 3:00 p.m.

Present:
Mayor Danny Breen
Deputy Mayor Sheilagh O'Leary
Councillor Maggie Burton
Councillor Ron Ellsworth
Councillor Sandy Hickman
Councillor Debbie Hanlon
Councillor Jill Bruce
Councillor Ophelia Ravencroft
Councillor Jamie Korab
Councillor Ian Froude
Councillor Carl Ridgeley

Staff:
Kevin Breen, City Manager
Derek Coffey, Deputy City Manager of Finance & Administration
Tanya Haywood, Deputy City Manager of Community Services
Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services
Cheryl Mullett, City Solicitor
Ken O'Brien, Chief Municipal Planner
Karen Chafe, City Clerk
Christine Carter, Legislative Assistant
Jackie O'Brien, Communications & Public Relations Officer

Land Acknowledgement
The following statement was read into the record:
"We respectfully acknowledge the Province of Newfoundland & Labrador, of which the City of St. John's is the capital City, as the ancestral homelands of the Beothuk. Today, these lands are home to a diverse population of indigenous and other peoples. We would also like to acknowledge with respect the diverse

histories and cultures of the Mi'kmaq, Innu, Inuit, and Southern Inuit of this Province."

1. CALL TO ORDER

Mayor Breen called the meeting to order at 3:05 pm.

2. PROCLAMATIONS/PRESENTATIONS

2.1 Salvation Army Week

3. APPROVAL OF THE AGENDA

3.1 Adoption of Agenda

SJMC-R-2023-12-12/553
Moved By Councillor Hanlon
Seconded By Councillor Ravencroft

That the Agenda be adopted as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

4. ADOPTION OF THE MINUTES

4.1 Minutes of November 28, 2023

SJMC-R-2023-12-12/554
Moved By Councillor Bruce
Seconded By Councillor Korab

That the minutes of November 28, 2023, be accepted as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

5. BUDGET 2024 PRESENTATION

Councillor Ellsworth presented the City of St. John's Budget for 2024.

The 2024 Budget is available on the City's Website for more information.

SJMC-R-2023-12-12/555
Moved By Councillor Ellsworth
Seconded By Councillor Hickman

That Council adopt the 2024 Budget in the balanced position of $343,947,041, as presented, along with the following resolutions:

- 2024 Accommodation Tax Resolution
- 2024 Downtown St. John's Business Improvement Area Levy
- 2024 Interest Rate Resolution
- 2024 Property Tax Rate Resolution - Commercial Properties
- 2024 Property Tax Rate Resolution - Residential Properties
- 2024 25% Property Tax Reduction for Senior Citizens Resolution
- 2024 Business Tax Rate on Utilities Resolution
- 2024 Water by Meter Resolution
- 2024 Water Tax Resolution

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

6. BUSINESS ARISING FROM THE MINUTES

7. DEVELOPMENT APPLICATIONS

7.1 Establish Building Line Setback – 84 Petty Harbour Road – DEV2300091

SJMC-R-2023-12-12/556
Moved By Councillor Ridgeley
Seconded By Councillor Hanlon

That Council approve the Building Line Setback at 20 metres for 84 Petty Harbour Road to recognize the estate disposed of real property as proposed.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

7.2 Request for Parking Relief – 210 Kenmount Road – INT2300069

SJMC-R-2023-12-12/557
Moved By Councillor Ridgeley
Seconded By Councillor Froude

That Council approve parking relief for six (6) parking spaces to accommodate the Retail Use at 210 Kenmount Road.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

7.3 Variance Request for Front Yard Landscaping – 35 Shriners Road – INT2300038

SJMC-R-2023-12-12/558
Moved By Councillor Ridgeley
Seconded By Councillor Ellsworth

That Council approve the 4.15% Variance on Front Yard Landscaping at 35 Shriners Road, resulting in 47.9% continuous Soft Landscaping on the Front Yard.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

7.4 Notices Published - 353 Main Road - DEV2300158

SJMC-R-2023-12-12/559
Moved By Councillor Ridgeley
Seconded By Councillor Hickman

That Council approve the Discretionary Use application at 353 Main Road to allow a Place of Worship.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

7.5 Notices Published – 77 Blackmarsh Road - DEV2300143

SJMC-R-2023-12-12/560
Moved By Councillor Ridgeley
Seconded By Councillor Burton

That Council support the application for a telecommunications tower at 77 Blackmarsh Road.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

Abstain (1): Councillor Froude

MOTION CARRIED (10 to 0)

7.6 Notices Published – Northern Pond Road - DEV2300106 & CRW2300009

SJMC-R-2023-12-12/561
Moved By Councillor Ridgeley
Seconded By Councillor Hanlon

That Council approve the Discretionary Use application for a Hydroponic Use on Northern Pond Road to allow a greenhouse and access road.

That Council also approve the Crown Land Lease for 13hectares of land for the proposed Hydroponic Use. Should the Crown Land lease be issued, a development application will be required.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

7.7 Request for Parking Relief – 38 Gear Street – SUB2000036

SJMC-R-2023-12-12/562
Moved By Councillor Ridgeley
Seconded By Councillor Ravencroft

That Council approve the parking relief for six (6) parking spaces at 38 Gear Street to accommodate a Subsidiary Dwelling Unit for each of the six proposed Townhouses.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

Abstain (1): Councillor Hanlon

MOTION CARRIED (10 to 0)

8. RATIFICATION OF EPOLLS

9. COMMITTEE REPORTS

9.1 Committee of the Whole Report

1. 292 Water Street – Roof Sign

SJMC-R-2023-12-12/563
Moved By Councillor Burton
Seconded By Councillor Bruce

That Council approve the roof sign for 292 Water Street (Lottie's Place on George Street), as proposed.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

2. 51 Hazelwood Crescent – MPA2300006

SJMC-R-2023-12-12/564
Moved By Councillor Froude
Seconded By Councillor Ellsworth

That Council consider redesignating 51 Hazelwood Crescent from the Institutional District to the Residential District, and consider rezoning 51 Hazelwood Crescent from the Institutional (INST) Zone to the Residential 2 (R2) Zone.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

3. City of St. John's 2024-2026 Accessibility Plan

SJMC-R-2023-12-12/565
Moved By Councillor Ravencroft
Seconded By Councillor Bruce

That Council approve the 2024-2026 City of St. John's Accessibility Plan.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

10. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)

10.1 Development Permits List November 23 to December 6, 2023

11. BUILDING PERMITS LIST (FOR INFORMATION ONLY)

11.1 Building Permits List

12. REQUISITIONS, PAYROLLS AND ACCOUNTS

12.1 Weekly Payment Voucher November 29, 2023

SJMC-R-2023-12-12/566
Moved By Councillor Ellsworth
Seconded By Councillor Ravencroft

That the weekly payment vouchers, for the week ending November 29, 2023, in the amount of $2,585,577.07, be approved as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

12.2 Weekly Payment Voucher December 6, 2023

SJMC-R-2023-12-12/567
Moved By Councillor Ellsworth
Seconded By Councillor Korab

That the weekly payment vouchers, for the week ending December 6, 2023, in the amount of $8,356,130.21, be approved as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

13. TENDERS/RFPS

13.1 102205002 - 14770 - National War Memorial Centennial Project, St. John's, NL

SJMC-R-2023-12-12/568
Moved By Councillor Hickman
Seconded By Councillor Ravencroft

That Council approve for award this open call to sole bidder meeting specifications, Can-Am Platforms & Construction Ltd., for $906,425.00 (HST not incl.) as per the Public Procurement Act.

Note: City of St. John's delegated its Purchasing Authority for this open call to the Government of Newfoundland & Labrador.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

13.2 2023158 – Supply and Delivery of Light Duty Vehicles

SJMC-R-2023-12-12/569
Moved By Councillor Korab
Seconded By Councillor Bruce

THAT Council approve Open Call 2023158 – Supply and Delivery of Light Duty Vehicles to bidders as follows:
Section 1 (one Heavy Duty Cargo Van) to Cabot Ford Ltd. For $89,399.65 plus HST
Section 2 (three Light Duty Cargo Vans) to Cabot Ford. For $251,914.96 plus HST
Section 3 (four Light Duty Pickup Trucks) to Hickman for $272,148.65 plus HST
Section 4 (three Heavy Duty Pickup Trucks) to Cabot Ford for $297,518.34 plus HST

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

13.3 Lease of 2 New Waste Collection Trucks

SJMC-R-2023-12-12/570
Moved By Councillor Korab
Seconded By Deputy Mayor O'Leary

THAT Council approve for award open call 2022193 to Big Truck Rental, for $424,800 plus HST, the lowest bidder meeting all specifications, as per the Public Procurement Act.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

13.4 Storm Sewer Upgrades – University Avenue, Whiteway Street and Westerland Road

SJMC-R-2023-12-12/571
Moved By Councillor Korab
Seconded By Councillor Froude

THAT Council award to Pinnacle Engineering ULC in the amount of $463,277.50 HST Included.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

13.5 2023175 – Re-Imagine Churchill Square Detailed Design

SJMC-R-2023-12-12/572
Moved By Councillor Hickman
Seconded By Councillor Froude

THAT Council approve for award this open call to the top ranked proponent, Pinnacle Engineering ULC for $ 557,925.95 (HST included) as per the Public Procurement Act

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

14. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

15. NEW BUSINESS

15.1 SERC – New Year's Eve Events 2023

SJMC-R-2023-12-12/573
Moved By Councillor Bruce
Seconded By Councillor Hanlon

That Council approve the road closures associated with the City of St. John's New Year's Eve Fireworks, and road closure and noise by-law extension associated with the George Street Association New Year's Eve Event.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

15.2 Canadian Capital Cities Organization - Annual Winter Meeting

SJMC-R-2023-12-12/574
Moved By Councillor Ellsworth
Seconded By Councillor Froude

That Council approve the travel costs for Councillor Hickman to attend the semi-annual meeting of the Canadian Capital Cities Organization in Ottawa from January 31, 2024 – February 2, 2024.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (11 to 0)

15.3 146 Hamilton Avenue – Designated Heritage Property – Tree Removal

Members of Council held a brief discussion on the request, but agreed to defer a decision until more information could be presented.

SJMC-R-2023-12-12/575
Moved By Deputy Mayor O'Leary
Seconded By Councillor Ravencroft

That the matter be deferred.

For (8): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

Against (2): Councillor Burton, and Councillor Ellsworth

MOTION CARRIED (8 to 2)

15.4 214 Waterford Bridge Road – Public Consultation – MPA2200006

SJMC-R-2023-12-12/576
Moved By Councillor Froude
Seconded By Councillor Burton

That Council, upon receiving a satisfactory Land Use Report, send out a public notice (instead of a public meeting) in accordance with Section 4.8 of the St. John's Development Regulations for public review and input.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

15.5 Expropriation of City owned/claimed land on Cook's Hill

SJMC-R-2023-12-12/577
Moved By Councillor Ellsworth
Seconded By Councillor Ravencroft

That Council approve the Expropriation of City owned/claimed land on Cook' s Hill, as shown in red on the attached diagram and to earmark the property for non-profit houisng, subject to any requirements from the City's Transportation Division.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

15.6 Lease - City Land at the front of 807 Water Street

SJMC-R-2023-12-12/578
Moved By Councillor Ravencroft
Seconded By Councillor Ellsworth

It is recommended that Council approve the lease of City land at the front of 807 Water Street, as shown in red on the attached diagram, to allow for the construction of an accessible ramp.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

16. OTHER BUSINESS

17. ACTION ITEMS RAISED BY COUNCIL

18. ADJOURNMENT

There being no further business, the meeting adjourned at 4:50 pm.

MAYOR

CITY CLERK

ST. JOHN'S

SPECIAL MEETING

Section 28(1)(c), *ATIPPA, 2015*

Date: **January 30, 2024, 12:00 pm**

[redacted]

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

Section 28(1)(c), *ATIPPA, 2015*

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

ST. JOHN'S

SPECIAL MEETING

Section 28(1)(c), *ATIPPA, 2015*

Date: **February 13, 2024, 12:00 pm**

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

ST. JOHN'S

SPECIAL MEETING

Section 28(1)(c), *ATIPPA, 2015*

Date: **February 27, 2024, 12:00 pm**

[redacted]

Section 28(1)(c), *ATIPPA, 2015* 2

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

[redacted]

ST. JOHN'S

Minutes of Committee of the Whole - City Council

Council Chambers, 4th Floor, City Hall

March 13, 2024, 3:00 p.m.

Present:	Mayor Danny Breen Deputy Mayor Sheilagh O'Leary Councillor Maggie Burton Councillor Ron Ellsworth Councillor Sandy Hickman Councillor Jill Bruce Councillor Ophelia Ravencroft Councillor Jamie Korab Councillor Carl Ridgeley
Regrets:	Councillor Debbie Hanlon
Staff:	Kevin Breen, City Manager Tanya Haywood, Deputy City Manager of Community Services Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services Ken O'Brien, Chief Municipal Planner Karen Chafe, City Clerk Jackie O'Brien, Communications & Public Relations Officer Stacey Baird, Legislative Assistant Kris Connors, Manager of Budget and Treasury Amer Afridi, Manager of Transportation Engineering

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1. **Call to Order**
2. **Announcements**
3. **Approval of the Agenda**

Recommendation
Moved By Councillor Bruce
Seconded By Councillor Hickman

That the agenda be adopted as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

4. Adoption of the Minutes

4.1 Adoption of Minutes - February 27, 2024

Recommendation
Moved By Deputy Mayor O'Leary
Seconded By Councillor Ellsworth

That the minutes of February 27, 2024, be adopted as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

5. Presentations/Delegations

6. Finance & Administration - Councillor Ron Ellsworth

6.1 2024 Capital out of Revenue and Parks & Open Spaces Reserve Project Approval

Councillor Ellsworth declared a conflict of interest and abstained from voting.

Councillor Ravencroft asked for clarification if the money allocated for downtown garbage bins was for the addition of new bins or replacements for the existing bins. The Manager of Budget and Treasury advised that he

will follow up on the question and will provide the answer to Council at that time.

Staff were also asked about the estimated number of intersections that would be upgraded under the Accessible Pedestrian Signal Program. The Manager of Transportation advised that it depends on the complexity of the location but generally, two locations could be completed with this funding amount.

Recommendation
Moved By Councillor Korab
Seconded By Deputy Mayor O'Leary

That Council approve the recommended 2024 Capital out of Revenue listing and the Parks & Open Spaces reserve projects.

For (8): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

Abstain (1): Councillor Ellsworth

MOTION CARRIED (8 to 0)

6.2 Travel Report – Quarter ended December 31, 2023

Councillor Ellsworth presented the travel report to Council.

7. Public Works - Councillor Jamie Korab

8. Community Services and Special Events - Councillor Jill Bruce

9. Housing - Councillor Ron Ellsworth

10. Economic Development, Tourism & Immigration - Mayor Danny Breen

11. Arts & Culture - Councillor Sandy Hickman

12. Governance & Strategic Priorities - Mayor Danny Breen

12.1 Strategic Plan 2023 Report and Draft 2024 Initiatives

City Manager reviewed the strategic plan with Council.

Recommendation
Moved By Councillor Ellsworth
Seconded By Councillor Ravencroft

That Council approve the 2024 action plan and table the report at an upcoming regular meeting of Council.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

13. Planning - Councillor Maggie Burton

13.1 255 Bay Bulls Road – REZ2400001

Recommendation
Moved By Councillor Burton
Seconded By Councillor Ridgeley

That Council consider rezoning the property at 255 Bay Bulls Road from the Commercial Neighbourhood (CN) Zone to the Commercial Mixed (CM) Zone and that the application be advertised in accordance with the Envision St. John's Development Regulations.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

13.2 Text and Map Amendment - Wetlands

Recommendation
Moved By Councillor Burton
Seconded By Councillor Ridgeley

That Council consider a text and map amendment to the Envision St. John's Development Regulations to update section 4.10 and Appendix C, Map 4 in response to Council's November 28, 2023 resolution regarding

the Wetland Study Phase 2A, and advertise the proposed amendment in accordance with the Envision St. John's Development Regulations.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

13.3 188 New Pennywell Road – Updated Lot – REZ2200005

Recommendation
Moved By Councillor Burton
Seconded By Councillor Hickman

That Council consider rezoning land at 188 New Pennywell Road from the Residential 1 (R1) and Rural (RUR) Zones to the Residential 2 Cluster (R2C) Zone, and upon receiving a satisfactory land use report, that Council refer the application for public review and comment.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

14. Development - Councillor Carl Ridgeley

15. Transportation and Regulatory Services - Councillor Sandy Hickman

15.1 Traffic Calming Project Update 2023-24

Councillor Hickman reviewed the traffic calming project update with Council.

16. Sustainability - Deputy Mayor Sheilagh O'Leary

17. Other Business

18. Adjournment

There being no further business the meeting adjourned at [TIME] 3:37 p.m.

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Mayor

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

March 19, 2024, 3:00 p.m.

Present:	Mayor Danny Breen Deputy Mayor Sheilagh O'Leary Councillor Maggie Burton Councillor Ron Ellsworth Councillor Sandy Hickman Councillor Jill Bruce Councillor Ophelia Ravencroft Councillor Jamie Korab Councillor Tom Davis Councillor Carl Ridgeley
Regrets:	Councillor Debbie Hanlon
Staff:	Kevin Breen, City Manager Tanya Haywood, Deputy City Manager of Community Services Lynnann Winsor, Deputy City Manager of Public Works Cheryl Mullett, City Solicitor Ken O'Brien, Chief Municipal Planner Karen Chafe, City Clerk Jackie O'Brien, Manager of Communications Erin Skinner Jennifer Squires, Legislative Assistant Kris Connors, Manager of Budget, and Treasury
Others:	Mark Callanan, Poet Laureate Juliet Lanphear, Heritage NL Justin Campbell, First Voice Jordan Lawrence, First Voice Chelsie Coles, First Voice Chad Bernard, First Voice

Land Acknowledgement
The following statement was read into the record:
"We respectfully acknowledge the Province of Newfoundland & Labrador, of which the City of St. John's is the capital City, as the ancestral homelands of the Beothuk. Today, these lands are home to a diverse population of indigenous and other peoples. We would also like to acknowledge with respect the diverse histories and cultures of the Mi'kmaq, Innu, Inuit, and Southern Inuit of this Province."

1. SWEARING IN CEREMONY - WARD 4 COUNCILLOR-ELECT TOM DAVIS

Administered by Chief Judge Robin Fowler, Supreme Court of Newfoundland, and Labrador

Mayor Breen welcomed Councillor Elect Davis to the Chambers. Chief Judge Robin Fowler administered the Oath of Office and Councillor Davis thereafter proceeded to take his seat as a member of Council.

2. CALL TO ORDER

3. PROCLAMATIONS/PRESENTATIONS

3.1 World Poetry Day Proclamation

3.2 Presentation - Heritage Places Poster Contest

3.3 St. John's and First Voice Joint Coordinating Committee - Justin Campbell and Stacey Howse will be present

St. John's and First Voice Joint Coordinating Committee on Indigenous Rights Terms of Reference

Representatives of First Voice were present to inform Council on the Joint Coordinating Committee on Indigenous Rights. The Committee will work to implement the TRC Calls to Action, the MMIWG Calls for Justice, and the principles of UNDRIP that fall under the City's jurisdiction. The Committee will also support the realization the promise of Council's Declaration in Support of the Rights of Indigenous Peoples. Justin Campbell of First Light urged Council to approve the formation of the Joint Coordinating Committee and recognize it as a formal Committee of the City of St. John's in partnership with First Light and the other partners of First Voice.

Members of Council thanked the delegation for their work and voiced their support for the Committee. A motion to approve the Joint Coordinating

Committee on Indigenous Rights Terms of Reference was then brought forward.

1. **St. John's and First Voice Joint Coordinating Committee on Indigenous Rights Terms of Reference**

The City Manager provided additional information on the Terms of Reference which outline a number of initiatives that the Joint Coordinating Committee hopes to accomplish. The 17 Calls for Change which either fall under the City's jurisdiction or where the City can play a supporting role to other levels of government are included. He noted that there are several items which can be implemented quickly, such as ensuring place names are reflective of the City's indigenous community. Other items will require additional research, understanding and in-depth discussion before moving forward.

Councillor Ellsworth advised that he was originally concerned that the declaration to work to decolonize the City by making indigenization and anti-racism priorities with respect to its governance, municipal services, and infrastructure would cause a double standard for infrastructure, infrastructure requirements and development requirements. Clarification was provided that the declaration intends to ensure that the City is committed to working with the indigenous community in collaboration on projects. He voiced his support of the Terms of Reference and asked that a time frame be set to ensure that goals are met in a timely manner. He then asked that the Committee return to Council with a tangible plan when available.

Councillor Davis felt that the statement that the culture of the Beothuk has been lost forever and can never be recovered was problematic as in Beothuk DNA has been found in Atlantic Canada.

SJMC-R-2024-03-19/109
Moved By Councillor Burton
Seconded By Deputy Mayor O'Leary

That Council approve the Committee's Terms of Reference as attached.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

4. APPROVAL OF THE AGENDA

4.1 Adoption of Agenda

SJMC-S-2024-03-19/110
Moved By Councillor Ravencroft
Seconded By Councillor Burton

That the Agenda be adopted as presented.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

5. ADOPTION OF THE MINUTES

5.1 Adoption of Minutes - March 5, 2024

SJMC-R-2024-03-19/111
Moved By Councillor Bruce
Seconded By Deputy Mayor O'Leary

That the minutes of March 5, 2024, be adopted as presented.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

6. BUSINESS ARISING FROM THE MINUTES

7. DEVELOPMENT APPLICATIONS

7.1 Proposed Single Detached Dwelling in the Watershed (Town of Portugal Cove – St. Phillip's) – 115 Dogberry Hill Road Extension – INT2400011

Councillor Ellsworth noted his frustration with neighbouring partners in the Regional Water Authority. The regulations for the protection of watersheds are well known and are in place to ensure residents have clean drinking water. If municipalities are serious about water protection, then applications for projects that are not permitted should be handled internally by the municipality instead of coming to the City for rejection. Deputy Mayor O'Leary asked if such rejections could be handled by Staff to increase efficiency. The Mayor responded that ultimately if applications are referred to the City than Council must make the final decision. Council has been vigilant in ensuring the protection of the water supply and will continue to make decisions based in the best interest of public safety.

SJMC-R-2024-03-19/112
Moved By Councillor Ridgeley
Seconded By Councillor Ravencroft

That Council reject the proposed development for a Single Detached Dwelling at 115 Dogberry Hill Road Extension as the Lot is located within the Broad Cove Watershed and a new Dwelling is not permitted on the Lot as per Section 104(4) of the City of St. John's Act.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

7.2 Parking Lot Setback - 33 St. Michael's Avenue - DEV2200055

SJMC-R-2024-03-19/113
Moved By Councillor Ridgeley
Seconded By Councillor Ravencroft

That Council approve a reduced Parking Lots setback of 4.01 metres for a buffer between the Street and edge of the parking lot for 33 St. Michael's Avenue.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

7.3 Notices Published – 201-203 Blackmarsh Road

SJMC-R-2024-03-19/114
Moved By Councillor Ridgeley
Seconded By Deputy Mayor O'Leary

That Council approve the Discretionary Use application at 201-203 Blackmarsh Road for a Restaurant (take-out).

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

7.4 Notices Published – 149 Queen's Road – DEV2400013

Councillor Ravencroft provided some clarification on the application noting that the area was a mix of commercial and residential properties. She stated that the building had been vacant for a number of years, and she was fully in support of the application which would increase housing density in the area.

SJMC-R-2024-03-19/115
Moved By Councillor Ridgeley
Seconded By Councillor Ravencroft

That Council approve the Discretionary Use application at 149 Queens Road to allow a Dwelling Unit on the 1st Storey for a Micro Unit.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

7.5 Notices Published - 5 Eastmeadows Avenue – DEV2400016

SJMC-R-2024-03-19/116
Moved By Councillor Ridgeley
Seconded By Councillor Bruce

That Council approve the Discretionary Use application for a Home Occupation at 5 Eastmeadows Avenue for in-person and online music lessons.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

7.6 Notices Published – 9 Walsh's Lane – DEV2400002

SJMC-R-2024-03-19/117
Moved By Councillor Ridgeley
Seconded By Councillor Ellsworth

That Council approve the Discretionary Use application at 9 Walsh's Lane for a Family Child Care Service.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

7.7 Notices Published – 48 Barrows Road - DEV2400009

Deputy Mayor O'Leary requested additional information on the accessibility of Power's Road, as the area contained a grandfathered access area for pedestrian use. The Chief Municipal Planner advised that there was an informal trail leading from the fields of Cuckhold's Cove Road to Barrows Road on which the application would have no impact. Deputy Mayor O'Leary further questioned if there was a plan for pedestrian access in Quidi Vidi. Staff responded that plans had been created for Quidi Vidi and Quidi Vidi Village, but the issue of access was problematic due to the ownership of the land and development in the area. Additional work on access could be undertaken at Council's direction. Councillor Ravencroft stated the importance of pedestrian right of ways. As the current application would not impede access, she would support the motion to approve the accessory building at 48 Barrows Road.

SJMC-R-2024-03-19/118
Moved By Councillor Ridgeley
Seconded By Councillor Ravencroft

That Council approve the Discretionary Use application at 48 Barrows Road for an Accessory Building, which is subject to review by Provincial Archeology prior to building permits being issued.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

8. RATIFICATION OF EPOLLS

8.1 RFSQRF2023197 Request - Snow Removal - Large Site - 16 Water Street.

SJMC-R-2024-03-19/119
Moved By Councillor Korab
Seconded By Councillor Ravencroft

That Council ratify the award to the lowest bidder meeting specifications, Farrell's Excavating Limited, for $119,400.00 (HST Excluded) as per the Public Procurement Act. Request for quotations were also sent to Weir's Construction, JAT Excavating Inc and Bishops Cranes Ltd. but they did not respond.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

8.2 RFSQRF2023197 - Snow Removal Services - St. Clare Avenue and Golf Avenue

Councillor Davis asked if Farrell's Excavating were providing their own snow blowers for the snow removal. The Deputy City Manager of Public Works advised that Farrell's Excavating would have been responsible for the entire snow removal operation. This includes trucks, blowers, and the use of their own staff to clear the route. Councillor Davis noted the inconsistency in snow clearing procedures when it comes to exterior contractors. He added that contractors should be informed that investment in snow clearing equipment may be of benefit should they wish to be considered for upcoming contracts. This would reduce the risk of having one contractor monopolize the award of City contracts.

SJMC-R-2024-03-19/120
Moved By Councillor Korab
Seconded By Councillor Hickman

That Council ratify the award to the lowest bidder meeting specifications, Farrell's Excavating, for $107,844.99 (HST excluded) as per the Public Procurement Act. Requests for quotations were also sent to JAT Excavating, and Bishop's Crane Ltd., however they did not respond.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

9. COMMITTEE REPORTS

9.1 Committee of the Whole Report - March 13, 2024

1. **2024 Capital out of Revenue and Parks & Open Spaces Reserve Project Approval**

Councillor Ellsworth noted he was in conflict on the issue and Councillor Korab brought the item forward for consideration. Councillor Ravencroft informed Council that the $130,000 for Downtown Garbage Bins was to replace the existing bins. The replacement of bins is an investment in infrastructure and will help to beautify the downtown area.

SJMC-R-2024-03-19/121
Moved By Councillor Korab
Seconded By Councillor Bruce

That Council approve the recommended 2024 Capital out of Revenue listing and the Parks & Open Spaces reserve projects.

For (8): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

Against (1): Councillor Davis

Abstain (1): Councillor Ellsworth

MOTION CARRIED (8 to 1)

2. **Strategic Plan 2023 Report and Draft 2024 Initiatives**

SJMC-R-2024-03-19/122
Moved By Councillor Ellsworth
Seconded By Deputy Mayor O'Leary

That Council approve the 2024 action plan.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

3. **255 Bay Bulls Road – REZ2400001**

SJMC-R-2024-03-19/123
Moved By Councillor Burton
Seconded By Councillor Ridgeley

That Council consider rezoning the property at 255 Bay Bulls Road from the Commercial Neighbourhood (CN) Zone to the Commercial Mixed (CM) Zone and that the application be advertised in accordance with the Envision St. John's Development Regulations.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

4. **Text and Map Amendment - Wetlands**

SJMC-R-2024-03-19/124
Moved By Councillor Burton
Seconded By Deputy Mayor O'Leary

That Council consider a text and map amendment to the Envision St. John's Development Regulations to update section 4.10 and Appendix C, Map 4 in response to Council's November 28, 2023, resolution regarding the Wetland Study Phase 2A, and advertise the proposed amendment in accordance with the Envision St. John's Development Regulations.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

5. **188 New Pennywell Road – Updated Lot – REZ2200005**

Councillor Ellsworth wished to advise the developer that their decision to expand the project and require rezoning will cause

significant delay. When a use is permitted in a zone the development approval process can move along quickly. The current application has doubled in size which has resulted in a requirement to rezone, creating a longer, more drawn-out process.

SJMC-R-2024-03-19/125
Moved By Councillor Burton
Seconded By Councillor Hickman

That Council consider rezoning land at 188 New Pennywell Road from the Residential 1 (R1) and Rural (RUR) Zones to the Residential 2 Cluster (R2C) Zone, and upon receiving a satisfactory land use report, that Council refer the application for public review and comment.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

10. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)

10.1 Development Permits List February 29 - March 13, 2024

Council considered the Development Permits List for information.

11. BUILDING PERMITS LIST (FOR INFORMATION ONLY)

11.1 Building Permits List

Council considered the Building Permits List for information.

12. REQUISITIONS, PAYROLLS AND ACCOUNTS

12.1 Weekly Payment Vouchers for the Week Ending March 6, 2024

SJMC-R-2024-03-19/126
Moved By Deputy Mayor O'Leary
Seconded By Councillor Ellsworth

That the weekly payment vouchers for the week ending March 6th, 2024, in the amount of $4,643,024.95, be approved as presented.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

12.2 Weekly Payment Vouchers for the Week Ending March 13, 2024

SJMC-R-2024-03-19/127
Moved By Councillor Ellsworth
Seconded By Councillor Bruce

That the weekly payment vouchers for the week ending March 13th, 2024, in the amount of $7,261,329.04, be approved as presented.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

13. TENDERS/RFPS

13.1 2024030 Supply and Delivery of Coveralls and Overalls

SJMC-R-2024-03-19/128
Moved By Councillor Ellsworth
Seconded By Councillor Davis

That Council approve for award this open call to the top ranked proponent, as determined by the City's Evaluation Committee, Rock Safety Industrial Ltd. for $38,473.75 per year (HST not included), as per the Public Procurement Act.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

14. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

15. NEW BUSINESS

15.1 2024 Capital Grant Allocations

Councillor Korab and Councillor Davis declared a conflict of interest and refrained from speaking and voting on the issue.

SJMC-R-2024-03-19/129
Moved By Councillor Bruce
Seconded By Councillor Ridgeley

That Council approve the 2024 Capital Grants as attached.

For (8): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, and Councillor Ridgeley

Abstain (2): Councillor Korab, and Councillor Davis

MOTION CARRIED (8 to 0)

15.2 2024 Community Grant Allocations

Due to multiple conflicts of interest by several Councillors, the recommendation to approve each category of grant was dealt with separately. The City Solicitor reminded Council of the current definition of conflict of interest in the new Code of Conduct and noted that should a Member of Council feel as though they could not be unbiased or impartial in a decision due to a personal relationship then they should abstain from voting.

SJMC-R-2024-03-19/130
Moved By Councillor Bruce
Seconded By Councillor Ridgeley

Council approve grant allocations to Community Groups and Organizations in the amount of $734,075 as per attached.

For (5): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Bruce, and Councillor Ridgeley

Abstain (5): Councillor Ellsworth, Councillor Hickman, Councillor Ravencroft, Councillor Korab, and Councillor Davis

MOTION CARRIED (5 to 0)

SJMC-R-2024-03-19/131
Moved By Councillor Ravencroft
Seconded By Deputy Mayor O'Leary

Council approve grant allocations to Special Events and Festivals in the amount of $101,325 as per the attached.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

Abstain (1): Councillor Burton

MOTION CARRIED (9 to 0)

SJMC-R-2024-03-19/132
Moved By Councillor Bruce
Seconded By Councillor Korab

Council approve grant allocations to Sport Groups and Organizations in the amount of $162,000 as per the attached.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

SJMC-R-2024-03-19/133
Moved By Councillor Bruce
Seconded By Councillor Ridgeley

Council approve grant allocations to Arts Organizations in the amount $190,000 of as per the attached.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

Abstain (1): Councillor Burton

MOTION CARRIED (9 to 0)

SJMC-R-2024-03-19/134
Moved By Councillor Bruce
Seconded By Deputy Mayor O'Leary

Council approve grant allocations to Individual Artists in the amount of $77,000 as per the attached.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Korab, Councillor Davis, and Councillor Ridgeley

Abstain (1): Councillor Ravencroft

MOTION CARRIED (9 to 0)

15.3 Royal St. John's Regatta Committee Hall of Fame Banquet

SJMC-R-2024-03-19/135
Moved By Councillor Hickman
Seconded By Councillor Ellsworth

That Council sponsor the Royal St. John's Regatta Committee Hall of Fame banquet luncheon at an estimated cost of $7000.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

15.4 Sale of City Land adjacent to 49 Forbes Street

SJMC-R-2024-03-19/136
Moved By Councillor Korab
Seconded By Councillor Davis

That Council approve the sale of the remaining portion of the laneway between 51-49 Forbes Street, as shown on the attached plot plan, at the original agreed upon price.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

15.5 46 Hazelwood Crescent – Adoption – REZ2300019

Council were reluctant to approve the rezoning of 46 Hazelwood Crescent as there was no plan provided by the proponent concerning the property. While Councillors spoke to the importance of increasing density, there was concern that once the zoning has changed public engagement would have a reduced impact on future plans for development. The applicant was advised to return to Council once they were ready to move forward with a plan for development.

SJMC-R-2024-03-19/137
Moved By Councillor Burton
Seconded By Councillor Ridgeley

That Council adopt Envision St. John's Development Regulations Amendment Number 35, 2024, to rezone property at 46 Hazelwood Crescent from the Residential 1 (R1) Zone to the Apartment 1 (A1) Zone to bring the existing Apartment Building into conformity.

Against (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION LOST (0 to 10)

15.6 Expropriation of land for Secondary Treatment Plant

Deputy Mayor O'Leary cautioned Staff to be mindful when engaging with area to avoid unnecessary damage and remediation of the land.

SJMC-R-2024-03-19/138
Moved By Councillor Ridgeley
Seconded By Councillor Ellsworth

That Council approve the expropriation of land on Southside Road, as shown on the attached survey, to facilitate the construction of the Secondary Treatment Plant.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

15.7 Sale of City land on Groves Road

Councillor Davis made a motion to defer the decision to sell a strip of land on Groves Road due to a lack of active green space and recreation infrastructure in the area. He requested that Staff investigate to determine if a park may have been considered for the land in question. Members of Council advised that the City was moving away from tot lots towards larger recreation facilities and that the space did not seem appropriate. It was asked if Staff could provide additional information on play areas and green space for the subdivision. Councillor Korab informed Council that there was a tot lot nearby on Seaborne Street and the motion to defer was retracted by Councillor Davis. Councillor Davis further noted that larger, centralized recreation centers cater to a car-centric mentality which the City should be moving away from. Deputy Mayor O'Leary voiced her appreciation of the importance of green spaces and noted that this information could be provided by Staff for upcoming applications.

SJMC-R-2024-03-19/139
Moved By Councillor Ridgeley
Seconded By Councillor Ellsworth

That Council approve the sale of a strip of land on Groves Road, as shown on the attached diagram in orange, to facilitate approximately 20 new homes, subject to Development Approval

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Davis, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

16. OTHER BUSINESS

17. ACTION ITEMS RAISED BY COUNCIL

17.1 Development in Galway

Councillor Ellsworth addressed the current situation in Galway and advised that development is phased. Traffic counts indicate that for development to proceed infrastructure upgrades are required. The cost of infrastructure is incurred by the developer and delays are occurring due to the developer's reluctance to install a roundabout. The roundabout would ensure that traffic and first responders can move safely and freely through Galway.

17.2 Public Engagement Process

Deputy Mayor O'Leary referenced the amount of correspondence received concerning the proposed application to rezone and redevelop 57 Margaret's Place. She asked the Chief Municipal Planner to provide some clarification on the process for rezoning. The Chief Municipal Planner explained that under the new Envision St. John's regulations, the applicant must speak with neighbours and the public in advance of submission of their Land Use Report. This initial engagement is intended to address and identify concerns and will shape the overall proposal. Once the Land Use Report is complete then the application will be brought to a Public Meeting for additional feedback. This may be followed by a Commissioner's Hearing. Deputy Mayor O'Leary spoke to the importance of engagement as it provides valuable information concerning the context of an area and gives insight into the breadth of possibility for future proposals.

18. ADJOURNMENT

There being no further business, the meeting adjourned at 5:07 p.m.

_____

MAYOR

_____

CITY CLERK

ST. JOHN'S

SPECIAL MEETING

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

Section 28(1)(c), *ATIPPA, 2015*

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

DECISION/DIRECTION NOTE

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

ST. JOHN'S

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

[redacted]

Section 28(1)(c), ATIPPA, 2015

DECISION/DIRECTION NOTE

Title:	2024 Capital out of Revenue and Parks & Open Spaces Reserve Project Approval
Date Prepared:	March 1, 2023
Report To:	Regular Meeting of Council
Councillor and Role:	Councillor Ron Ellsworth, Finance & Administration
Ward:	N/A

Decision/Direction Required:

Council to approve 2024 Capital out of Revenue listing and Parks & Open Spaces Reserve projects.

Discussion – Background and Current Status:

The City's Capital out of Revenue (COR) program is developed annually and funded from several sources, the largest being a direct allocation from the City's annual operating budget. The COR program is separate from the City's larger cost-shared capital arrangements with the Federal and Provincial Governments, for which the City borrows its share of the cost.

Total capital funding available for the 2024 is $25,814,053. Of this amount $14,385,954 is previously committed for various purposes, while $11,428,099 is uncommitted and available for use for the 2024 COR program.

TABLE 1: 2024 CAPITAL FUNDING

Committed Funds	
Reserved for Fleet Acquisition	$ 8,658,960
Water Tax Funded Projects (Reserved for Water System Projects)	3,230,000
Canada Community-Building Fund (Formerly the Gas Tax Program) - Committed for Mews Replacement	2,496,994
Total - Committed Funds	**14,385,954**
Uncommitted Funds (Available for 2024 COR Program)	
Direct Allocation from 2024 Operating Budget	10,176,170
Provincial Gas Tax	831,153
Carried Forward - Net Funds From Previously Completed Projects	420,776
Total - Uncommitted Funds (Available for 2024 COR Program)	**11,428,099**
Grand Total - 2024 Capital Funding	**$ 25,814,053**

ST. JOHN'S

Committed Funds:

The purpose of the committed funds is explained in further detail below.

1. **Reserved for Fleet Acquisition:** These funds are committed to the replacement of the City's fleet of vehicles and equipment. In 2023, the City conducted an asset management review of several vehicle categories, including sanders, waste collection vehicles, sidewalk snow clearing equipment, industrial snow blowers and loaders. To ensure efficient delivery of services with minimal equipment downtime and annual maintenance costs, it is critical that the City replace its fleet in a timely manner.

2. **Water Tax Funded Projects:** These funds are committed to projects that are funded through the water tax and focus exclusively on work related to the water system.

3. **Canada Community-Building Fund (Formerly the Gas Tax Program):** This Federal funding has been fully dedicated by Council directive to the replacement of the Mews Recreation Centre.

Uncommitted Funds (Available for 2024 COR Program):

An explanation of the sources of uncommitted funds is provided below. These funds are available to be allocated to various projects under the 2024 COR Program.

1. **Direct Allocation form 2024 Operating Budget:** A $10.2 million allocation to the COR program, contributed directly from the City's 2024 operating budget and funded primarily by residential and commercial realty taxes. To mitigate the impact of inflation on capital costs, an additional $2.2 million in funding was approved for the 2024 COR program as part of the 2024 budget process.

2. **Provincial Gas Tax:** The Provincial Gas Tax amount of $831,153 was first awarded in the 2015 Provincial budget. This amount is unrestricted and as such can be included as funding for the 2024 COR program.

3. **Carried Forward – Net Funds from Previously Completed Projects:** Funding that was previously awarded to projects that are now completed. The $420,776 is the net balance of project surpluses and deficits taken in aggregate and reallocated back in to the 2024 COR program.

2024 Capital out of Revenue Projects

The table below lists the approved projects for the 2024 COR program. These projects were selected following numerous consultations between staff and Council and are prioritized taking into consideration numerous City strategic directions. Of the total $11,428,099 available, $74,390 remains unallocated for future use.

TABLE 2: 2024 Recommended Capital Projects

Grind and Patch Asphalt Rehabilitation	$ 1,800,000
Canada Games Capital Commitment	750,000
Goldstone Steet Widening - Property Acquisition	750,000
Sidewalk/Curb/Gutter Repair	650,000
Chafe's Lane Park Washroom	615,000
City Building Repair and Maintenance	600,000
Capital Grants Community Groups	500,000
Property Acquisition - 32 George Street	500,000
Road Safety Improvements	500,000
Cornwall Avenue to Craigmillar Avenue Infrastructure Replacement Design	500,000
Sewer Main Condition Assessment	500,000
Additional Canada Games Capital Commitment	475,000
Annual Traffic Calming Program	400,000
Large Diameter Culvert Replacement	400,000
SJTA Parking Lot Reconstruction - Newtown Road	381,000
IT Project Capital Budget	250,000
Depot Fuel System Repairs	220,000
Bleacher Replacement Program	200,000
Wetlands Study Phase 2B	200,000
Goulds Town Hall Roof (Shingle) Replacement	157,500
SJFRD - Radio System	150,309
Data Collection for Asset Management	150,000
Downtown Garbage Bins	130,000
Playground Replacement Program	100,000
Downtown Safety Coalition	100,000
City Hall Front Entrance Security Upgrade Design	100,000
Kilbride Community Centre Roof (Shingle) Replacement	84,000
Shea Heights Community Centre Roof (Shingle) Replacement	52,500
Accessible Pedestrian Signal Program	50,000
Qudi Vidi Boathouse - Accessibility Improvements	40,000
Residential Tree Planting Initiative	25,000
First Light Collaboration - Parks Improvement	23,400
Sub Total - 2024 Recommended Capital Projects	**11,353,709**
2024 Unallocated Balance (Uncommitted)	74,390
Grand Total - 2024 Capital out of Revenue	**$ 11,428,099**

2024 Parks & Open Spaces Reserve Projects

The Parks & Open Spaces Reserve is funded through development fees and used for projects that expand or enhance the City's outdoor spaces for recreational, environmental, or aesthetic purposes. Below are projects recommended to be funded from the Parks & Open Spaces Reserve in 2024.

TABLE 3: 2024 Recommended Parks & Open Spaces Reserve Projects

Opening Balance - Parks & Open Spaces Reserve	**$**	**1,540,196**
Projects:		
Bowring Park Playground Accessible Surface Replacement		450,000
Galway Park Phase 1 Overage		137,272
Open Space Master Plan Overage		13,694
Total Projects		**600,966**
Closing Balance - Parks & Open Spaces Reserve	**$**	**939,230**

Key Considerations/Implications:

1. Budget/Financial Implications: Funding for the 2024 Capital out of Revenue program was approved as part of 2024 budget process. The Parks & Open Spaces reserve is funded from development fees.

2. Partners or Other Stakeholders:

3. Alignment with Strategic Directions:

   A Sustainable City: Be financially responsible and accountable.

   A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

   A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.

   A Sustainable City: Work collaboratively to create a climate-adapted and low-carbon city.

   A City that Moves: Improve safety for all users on a well-maintained street network.

   An Effective City: Achieve service excellence though collaboration, innovation and moderinzation grounded in client needs.

4. Alignment with Adopted Plans:
5. Accessibility and Inclusion:
6. Legal or Policy Implications:
7. Privacy Implications:
8. Engagement and Communications Considerations:
9. Human Resource Implications:
10. Procurement Implications:
11. Information Technology Implications:
12. Other Implications:

Recommendation:
That Council approve the recommended 2024 Capital out of Revenue listing and the Parks & Open Spaces reserve projects.

Prepared by: Kris Connors, Manager, Budget & Treasury
Approved by: Derek Coffey, Deputy City Manager, Finance & Corporate Services

Report Approval Details

Document Title:	2024 Capital out of Revenue and Parks and Open Spaces Project Approval.docx
Attachments:	
Final Approval Date:	Feb 16, 2024

This report and all of its attachments were approved and signed as outlined below:

Derek Coffey - Feb 16, 2024 - 11:35 AM

Report Approval Details

Document Title:	2024 Capital out of Revenue and Parks and Open Spaces Project Approval.docx
Attachments:	
Final Approval Date:	Mar 1, 2024

This report and all of its attachments were approved and signed as outlined below:

Derek Coffey - Mar 1, 2024 - 2:58 PM

DECISION/DIRECTION NOTE

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

ST. JOHN'S

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

[redacted]

From: DoNotReply@escribemeetings.com on behalf of eSCRIBE Notification <DoNotReply@escribemeetings.com>
Sent: Friday, November 3, 2023 1:09 PM
To: Ron Ellsworth
Subject: (EXT) eSCRIBE Meeting Site Available

The eSCRIBE meeting site: https://stjohns.escribemeetings.com/SJMCSpecial_Nov07_2023 has been approved for participant access.

Click the link to view the meeting site: https://stjohns.escribemeetings.com/SJMCSpecial_Nov07_2023

Notification Initiated by: Christine Carter

From:	Karen Chafe
Sent:	Tuesday, November 14, 2023 12:22 PM
To:	CouncilGroup;Executives
Cc:	Christine R. Carter;Stacey Baird
Subject:	Revision to Post-Meeting Minutes - SJMCSpecial_Nov07_2023 - English.docx
Attachments:	Post-Meeting Minutes - SJMCSpecial_Nov07_2023 - English.docx

Good Afternoon Members of Council:

Please see the tracked changes to the attached November 7th special meeting, to be adopted at today's Special Meeting. Items 5.1 (Wetland Study Phase 2A) and 10.1 (Right-of-Way Acquisitions along Goldstone Street), are revised to reflect the absence from the meeting of Councillor Ellsworth who had declared a conflict of interest for both items.

The minutes will be updated to reflect these changes.

Regards,

Karen Chafe
City Clerk

ST. JOHN'S

SPECIAL MEETING

Section 28(1)(c), *ATIPPA, 2015*

Date: **November 7, 2023, 12:00 pm**

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

Section 28(1)(c), *ATIPPA, 2015* 3

Section 28(1)(c), *ATIPPA, 2015*

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

From: Ron Ellsworth
Sent: Sunday, April 28, 2024 9:11 AM
To: Karen Chafe

I assume we have enough for quorum tomorrow. With both Danny and Jill gone to PEI not sure if Sandy is back.

I won't be in the meeting to vote on the private Meeting minutes.

Also, anything else comes up around Goldstone, I will have to excuse myself.

That's my concern on Numbers.

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Date	From	File Name	Embeded Attachment	Description
2023/09/22	Melanie Shea	2023-09-22-Melanie Shea_RE_ 2024 Draft Capital.pdf	Y	Initial draft of 2024 COR listing - Sent to DCM F&CS for review. **(Goldstone street mentioned in relation to the "Annual Intersection Safety Program" which references "Goldstone Roundabout design". Project description rolled forward from previous year).**
2023/09/22	Melanie Shea	2023-09-22-Melanie Shea_RE_ 2024 Draft Capital(1).pdf	Y	Initial Draft of 2024 COR listing - Revised to include edits from DCM F&CS
2023/10/17	Melanie Shea	2023-10-17-Melanie Shea_Draft Capital out of Revenue 2024-2025.pdf	Y	1st Draft of 2024 COR sent to SEC and other internal staff for comment and input.
2023/10/26	Kris Connors	2023-10-26-Kris Connors_RE_ Land Acquisition Budget.pdf	Y	Response to inquiry from DCM - PERS regarding balance in land acquisition budget and road upgrades to Goldstone Street.
2023/10/30	Melanie Shea	2023-10-30-Melanie Shea_Draft COR Listing for Meeting next week.pdf	Y	Revised 2024 listing to be discussed at the first meeting with SEC and other internal staff **(New project - "Goldstone St. Widening - Property Acquisition" added "below the line" "for consideration")**
2023/11/06	Melanie Shea	2023-11-06-Melanie Shea_Updated Draft 2024 COR.pdf	Y	2nd revision of 2024 listing to be discussed at the first meeting with SEC and other internal staff
2023/11/08	**First meeting with internal staff to discuss 2024 COR**			
2023/11/28	Melanie Shea	2023-11-28-Melanie Shea_Draft Capital List.pdf	Y	Draft of 2024 COR sent to SEC and other internal staff in preparation for next internal staff meeting. **(Goldstone St. Widening - Property Acquisition moved "above the line" to "recommended projects" section from 2023/11/08 meeting)**
2023/12/20	Kris Connors	2023-12-20-Kris Connors_2024 Capital Out of Revenue.pdf	Y	Draft of 2024 COR sent to SEC and other internal staff in preparation for next internal staff meeting on January 3rd, 2024.
2024/01/03	**Meeting with internal staff to discuss 2024 COR**			
2024/01/03	Kris Connors	2024-01-03-Kris Connors_RE_ 2024 Capital Out of Revenue(3).pdf	Y	Draft of 2024 COR sent to SEC and other internal staff incorporating the changes from the meeting on January 3rd, 2024.
2024/01/04	Derek Coffey	2024-01-04-Derek Coffey_RE_ 2024 Capital Out of Revenue.pdf	Y	Draft of 2024 COR sent to SEC and other internal staff incorporating the additional changes.
2024/01/23	Kris Connors	2024-01-23-Kris Connors_RE_ 2024 Capital Out of Revenue.pdf	Y	Response to request from PERS staff for latest version of the 2024 COR listing.
2024/01/29	Amer Afridi	2024-01-29-Amer Afridi_FW_ Goldstone Street.pdf	Y	Request from PERS staff to a project number for legal costs associated with the acquisition of land on Goldstone. Attached decision note to council re acquisition.
2024/01/29	Kris Connors	2024-01-29-Kris Connors_RE_ Goldstone Street.pdf	Y	Request to PERS staff for confimation of Council approval to proceed with acquisition.
2024/01/30	Amer Afridi	2024-01-30-Amer Afridi_FW_ Agenda Notification for SJMCSpecial_Nov07_2023.pdf	Y	Copy of Council resolution with approval to proceed forwarded by PERS staff to support set up of project number.
2024/01/30	Kris Connors	2024-01-30-Kris Connors_Draft 2024 Capital out of Revenue.pdf	Y	Request to City Clerk to add the staff prepared 2024 COR List to the agenda for the Feb 2nd, 2024, Special meeting of Council.
2024/02/06	Amer Afridi	2024-02-06-Amer Afridi_RE_ Goldstone Street.pdf	Y	Email to PERS staff confiming set up of project number.
2024/02/14	Kris Connors	2024-02-14-Kris Connors_RE_ 2024 Capital Out of Revenue(2).pdf	Y	Response to request from PERS staff for latest version of the 2024 COR listing.
2024/02/21	Karen Chafe	2024-02-21-Karen Chafe_FW_ 2024 Capital out of Revenue Final List.pdf	N	Request to City Clerk to edit 2024 COR Decision Note submitted for Feb 27, 2024 Committee of the Whole meeting.
2024/02/23	Derek Coffey	2024-02-23-Derek Coffey_Emailing_ Capital 2024.pdf	Y	Request to City Clerk to add the current 2024 COR List to the agenda for the Feb 27th, 2024, Special meeting of Council.
2024/03/12	Kris Connors	2024-03-12-Kris Connors_RE_ Capital Budget Media release.pdf	Y	Discussion with Communications staff regarding 2024 COR media release.
2024/03/26	Kris Connors	2024-03-26-Kris Connors_FW_ Goldstone Round about.pdf	N	Email discussing additional sources of funding for Goldstone Street land acquisition.
2024/07/09	Jackie O'Brien	2024-07-09-Jackie O'Brien_media inquiry - telegram - capital budget .pdf	N	Request from Communicatins staff for input regarding a media inquiry regarding the 2024 COR listing
2024/07/23	Alanna Wicks	2024-07-23-Alanna Wicks_RE_ ATI Request - Goldstone Steet (1).pdf	Y	Email chain regarding Goldstone Street ATI iquiry

①

7:58

MY MATRIX | SEARCH | STATS | LINKS | FINANCE | INPUT | MORE

72 goldstone

Criteria

Previous Next • 1 of 2 Checked 0 All • None • Page Agent Single Line display Display Agent Full 0 at

Listing Property History Photos

MLS#: 1248034

Prop. Type: LND/ CDOM: List Office: RE/MAX Infinity Realty Inc.

DOM	Price	Change Type	Effective	Chg Info	Chg Timestamp	Mod By
697	$640,000	Sold	07/05/24	($640,000)	07/05/24 02:11 PM	PARSOIG
697	$699,900	Pending	07/05/24	UC->STFRM	07/05/24 02:10 PM	PARSOIG
192	$699,900	Under Contract	02/16/23	A->UC	02/16/23 03:47 PM	PARSOIG
164	$699,900	Price Decrease	01/19/23	$750,000->$699,900	01/19/23 08:59 AM	PARSOIG
71	$750,000	Price Decrease	10/18/22	$1,100,000->$750,00	10/18/22 09:25 AM	[illegible]
	$1,100,000	New Listing	08/08/22	->A	08/08/22 03:21 PM	FILSWRD

MLS#: 1220853

Prop. Type: LND/ CDOM: List Office: RE/MAX Infinity REALTY INC.

DOM	Price	Change Type	Effective	Chg Info	Chg Timestamp	Mod By
457	$1,300,000	Expired	12/31/21	A->X	01/01/22 12:11 AM	MetroState
	$1,300,000	New Listing	10/01/20	->A	10/01/20 07:40 PM	FILSWRD

Refine Save Carts

nlar.mlxmatrix.com

Listing

Vacant Land/Lots
1220853 Expired

72 Goldstone Street
St John's, NL, A1B5C3

L $1,300,000

Price:	$1,300,000	MLS@#:	1220853
Status:	Expired	File #:	
Sale/Lease:	Sale		
Address:	72 Goldstone Street		
City:	St John's, NL, A1B5C3		
Lot Size:	1.563 Hectares		
Side of Road:		Elem Schl:	
Square FT/M:		Sec. Schl:	
District:	St. John's		
Sub-Dist:	SJ02 - North		
Zoning:	CI		
List Date:	10/01/2020	Possession:	neg

Property Overview: **3.816 acres of commercial land with street frontage. Located in a high traffic area with easy access to main highways, shopping, restaurants and on a bus route.**
Directions:
Show Instr:

Type:	Vacant Land/Lots		
Style:			
Title to Land:	Freehold	Water:	Municipal
Property Size:	3.0 - 9.99 Acres	Sewer:	Municipal
Land Features:		Services:	
Access:		Rental Equip:	

Remarks: **The placing of signs on the property by other Real Estate Salesperson is: Prohibited Advertising of any form by other Real Estate Salesperson is: Prohibited**

Sign:		UFFI:		Water Front:	
Lockbox:		PCDS:		Water:	
Road:	Public	Matrim:			

Assessment:		Taxes:	0	Water Tax:	0

Seller Name:	Roman Catholic Episcopal Corporation of St John's	Home Tel:	
Seller Name:		Home Tel:	

List Office:	RE/MAX Infinity REALTY INC. (RMXINFINXT)	List Agent:	Ron Ellsworth
Phone:	(709) 834-2066	Phone/Cell:	(709) 687-3432/(709) 687-3432
Email:	admin@infinitynl.ca	Email:	ronellsworthnl@gmail.com
List Office 2:	RE/MAX Infinity REALTY INC. (RMXINFINXT)	List Agent 2:	JIM BURTON
Phone:	(709) 834-2066	Phone/Cell:	(709) 682-8663/(709) 682-8663
Email:	admin@infinitynl.ca	Email:	vjamesburton@gmail.com
SP:	2.5% + HST		

On Internet:	Yes	Display Address:	Yes	Unbranded VT:	

The information contained on this listing form is from sources believed to be reliable. However, it may be incorrect. This information should not be relied upon by a buyer without personal verification. The brokers and agents and members of the Newfoundland and Labrador Association of REALTORS® assume no responsibility for its accuracy.

Original Listing

(3)

Listing

Vacant Land/Lots
1248034 Sold

72 Goldstone Street
St John's, NL, A1B5C3

L $699,900
$640,000

Price:	**$640,000**	MLS@#:	**1248034**
Status:	Sold	File #:	
Sale/Lease:	**Sale**		
Address:	**72 Goldstone Street**		
City:	**St John's, NL, A1B5C3**		
Lot Size:	**1.563 Hectares**		
Side of Road:		Elem Schl:	
Square FT/M:		Sec. Schl:	
District:	**St. John's**		
Sub-Dist:	**SJ02 - North**		
Zoning:	**CI**		
List Date:	**08/08/2022**	Possession:	**neg**
Closed Date:	**07/05/2024**		

Property Overview: **3.816 acres of commercial land with street frontage. Located in a high traffic area with easy access to main highways, shopping, restaurants and on a bus route.**
Directions:
Show Instr:

Type:	**Vacant Land/Lots**		
Style:			
Title to Land:	**Freehold**	Water:	**Municipal**
Property Size:	**3.0 - 9.99 Acres**	Sewer:	**Municipal**
Land Features:		Services:	
Access:		Rental Equip:	

Remarks: **The placing of sign on the property by other Real Estate Salesperson is: Prohibited Advertising of any form by other Real Estate Salesperson is: Allowed In the event this Listing Contract expires without the property having sold, the Seller DOES NOT agree to allow other member of NLAR to contact the Seller after that time to discuss listing or otherwise marketing the Property . Measurements to be confirmed by purchaser and purchasers agents**

Sign:		UFFI:		Water Front:	
Lockbox:		PCDS:		Water:	
Road:	**Public**	Matrim:			

Assessment:		Taxes:	**0**	Water Tax:	**0**

Seller Name:	**Roman Catholic Episcopal Corporation of St John's**	Home Tel:	
Seller Name:		Home Tel:	

List Office:	RE/MAX Infinity Realty Inc. (RMXINFINIT)	List Agent:	Ron Ellsworth
Phone:	**(709) 834-2066**	Phone/Cell:	**(709) 687-3432/(709) 687-3432**
Email:	admin@infinitynl.ca	Email:	ronellsworthnl@gmail.com
List Office 2:	RE/MAX Infinity REALTY INC. (RMXINFINIT)	List Agent 2:	JIM BURTON, FRI
Phone:	**(709) 834-2066**	Phone/Cell:	**(709) 834-2066/(709) 682-8663**
Email:	admin@infinitynl.ca	Email:	vjamesburton@gmail.com
Selling Office:	RE/MAX Infinity Realty Inc.	Selling Agent:	Ron Ellsworth
Phone:	**(709) 834-2066**	Phone/Cell:	**(709) 687-3432/(709) 687-3432**
Email:	admin@infinitynl.ca	Email:	ronellsworthnl@gmail.com

On Internet:	**Yes**	Display Address:	**Yes**	Unbranded VT:	

Sale Price:	**07/05/2024**	Sold Date:	**07/05/2024**	SP:	**2.0% plus hst**

completed Sale - CNY

Outlook

Section 40(1), *ATIPPA, 2015*

Fwd: Conflict of interest items

From Ron Ellsworth [redacted]
Date Tue 2024-12-03 10:35 AM
To donnamballarc [redacted]

Thanks, Ron
ReMax Hall of Fame, Remax Chairman's Club award winner.
709-687-3432
Please **REMEMBER**, I am never too busy for your **referrals**!

http://remaxinfinity.ca/agents/rellsworth/
Twitter: @RonEllsworth
Facebook: @Ron - your Real Estate Agent with Remax Infinity
https://www.linkedin.com/in/ronellsworth/

---------- Forwarded message ---------
From: **Ron Ellsworth** <rellsworth@stjohns.ca>
Date: Fri, Nov 29, 2024 at 7:01 PM
Subject: Fwd: Conflict of interest items
To: Ron Ellsworth [redacted]

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From: Ron Ellsworth
Sent: Monday, January 29, 2024 7:45:16 AM
To: Cheryl L. Mullett <cmullett@stjohns.ca>
Cc: Kevin Breen <kbreen@stjohns.ca>; Derek Coffey <dcoffey@stjohns.ca>; Danny Breen <dbreen@stjohns.ca>; Karen Chafe <kchafe@stjohns.ca>
Subject: Conflict of interest items

Due to representing the Roman Catholic Church, I will be declaring two conflicts on Tuesday. One in the private meeting under the funding, GoldStone Street is identified, and that is owned by my client.

Can I ask if we deal with this item last on the agenda so I can just exit the meeting at that time?

In the committee of the whole, zoning changes specifically identify being done for the Roman Catholic Church sales, which I represent.

Thanks
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Historical Project Timelines

Section 35(1)(d), *ATIPPA, 2015*

Year	Month	TGH Ramp Intersections @ Goldstone St	Month	Goldstone St @ Thorburn St Intersection	Month	Pippy PL @ Goldstone St Intersection
Pre 2021		Prior to 2021, anecdotally through complaints, observation and driver experiences, it was known that upgrades to the TGH ramp intersections at Goldstone were warranted. Major congestion at ramp intersections with Goldstone and ramp traffic backing up to TGH through lanes evident.				Traffic counts in 2017 and 2019 revealed that the traffic volumns were increasing in the AM & PM Peak hours. Intersection level of service was decreasing and intersection improvements becoming warranted.
2021	Feb	Project to design roundabouts at TGH ramp intersections brought forward on 2021 Capital Out Of Revenue (COOR) listing to Council. Resolution # SJMC-R-2021-03-08/95	21-Mar	2012-2019 Collision Report issued. Intersection ranked #2 warranting upgrades. Report went to Committee of the Whole - Resolution # SJMC-R-2021-03-22/115		
	02-Jun	RFP for Consulting Services issued.			02-Jun	As a part of the RFP for the TGH Ramps @ Goldstone project, the proponent was required to also design the corridor from the TGH Ramps to Pippy Place. The right-of-way corridor was to accomoadte traffic, pedestrians and a Shared Use Pathway.
	09-Aug	Council awarded consulting services to Harbourside Transportation Consultants (HTC). Resolution # SJMC-R-2021-08-09/377				
			Dec	2016-2020 Collision Report staff update completed. Intersection still ranked #2 warranting upgrades. Staff update to the Collission Report did not go to Committee of the Whole		
2022	Apr / May	During HTC design process it became evident that some land would be required from [redacted] properties. [redacted] #72 Goldstone Street. [redacted]			Apr / May	During HTC design process related to the TGH Ramp Roundabouts design work, it became evident that some land along the street corridor would be required from [redacted] #72 Goldstone Street [redacted]
2023			Jan	Intersection Safety Program listed on the 2023 COOR by staff. Funding recommendation was made to fund project under the 2020/2023 MYCW Program cost sharded program with Province.		
			02-Feb	Reprofiled 2020/2023 MYCW to include Intersection Safety Program design.	July / Aug	Transportation staff meetings with staff generated sketches for roundabout at Pippy / Goldstone were discussed. Sketches showed roundabout impact to land at [redacted] 72 Goldstone St.
			04-Oct	RFP for Consulting Services issued.		
	23-Oct	HTC sketch prepared identifying land acquisition required at TGH Ramps and Goldstone SUP to Pippy Pla adjacenet [redacted] & 72 Goldstone Street	31-Oct	Council awarded for consulting services to Harbourside Transportation Consultants (HTC). Resolution # SJMC-R-2023-10-31/498	23-Oct	HTC sketch prepared identifying land acquisition required at TGH Ramps and Goldstone SUP to Pippy Pl adjacenet [redacted] 72 Goldstone Street
	01-Nov	Decision Note to Special Council Meeting recommending allocation of $750K for land acquisition under the Land Acquisition Fund. Resolution # SJMC-S-2023-11-07/156. *This was the 1st incidence that land acquisition at #72 Goldstone St was brought to Council.*			01-Nov	Decision Note to Special Council Meeting recommending allocation of $750K for land acquisition under the Land Acquisition Fund. Resolution # SJMC-S-2023-11-07/156 *This was the 1st incidence that land acquisition at #72 Goldstone St was brought to Council.*
2024	19-Mar	Decision Note to Special Council Meeting recommending allocation of $750K for land acquisition under the 2024 COOR. Resolution # SJMC-R-2024-03-19/121 *This was the 2nd incidence that land acquisition at #72 Goldstone St was brought to Council.*	09-Jan	2018-2022 Collision Report issued. Intersection ranked #1 warranting upgrades. Report went to Committee of the Whole. Resolution # SJMC-R-2024-01-09/013	19-Mar	Decision Note to Special Council Meeting recommending allocation of $750K for land acquisition under the 2024 COOR. Resolution # SJMC-R-2024-03-19/121 *This was the 2nd incidence that land acquisition at #72 Goldstone St was brought to Council.*

September 12, 2024

Robynn Arnold
Access and Privacy Analyst
Office of the Information and Privacy Commissioner
Email: robynnarnold@oipc.nl.ca

Dear Robynn Arnold,

Subject: **Complaint under the *Access to Information and Protection of Privacy Act, 2015 (the Act); Your File: 0025-060-24-040; Our File PB 1207 2024***

I write in response to your letter dated September 5, 2024, in relation to the above noted access complaint. The following information is enclosed:

1. the Applicant's access to information request
2. the City of St. John's' decision letter in response to the request
3. a complete copy of the records sent to the Applicant (follow up to final response)
4. a complete copy of the records responsive to the request
5. correspondence to or from the Applicant
6. and any other information pertinent to this complaint (below and staff correspondence enclosed).

Background

The following request was received from the Applicant on July 26th and it was acknowledged the same day.

> *Please advise what specific properties the City is purchasing on Goldstone Street and/or Thorburn Road for $750,000 as per the approved 2024 capital budget.*

As the request related to property acquisition, legal division staff were contacted to locate responsive records and to see if records of purchase were available to be disclosed without a formal ATI request. Legal staff indicated that the matter pertained to the Engineering Division and was discussed at the Special Meeting of Council, but they were unaware if the matter had progressed beyond that.

Legislative Services Division staff were then asked to search the Special Meeting minutes for 2024. They located the minutes of April 23rd but could not locate any other responsive records from this year. Engineering Division staff were also asked to provide any responsive records and they provided another minute capture from the Special Meeting of Council dated November 7, 2023 and the accompanying decision note. As all three parties seemed to confirm that the matter had been discussed at the Special Meeting of Council, but had not been finalized, and because the addresses in question were listed in the responsive records, the search concluded at that point.

Upon review, the responsive records were found to be the substance of deliberations of a privileged Special Meeting of Council. They also referenced outstanding matters that would be harmful to disclose if the properties were not yet acquired. The Applicant was provided with the response to their request on August 12th, advising that 5 pages of Special Meeting of Council records had been withheld in accordance with sections 28 and 35 of the Act.

On August 20th, the City received a letter addressed to the Mayor and Councillors from the Applicant regarding the response to their access request. Upon further discussion with additional legal staff, it became apparent that the City very recently concluded a purchase transaction for 72 Goldstone Street on July 4th. The Applicant was then provided with this updated information along with the associated Deed.

Application of Section 28(1)(c)
The substance of deliberations of the Special Meeting of Council were withheld as the City of St. John's Act, section 38, below, authorizes the holding of meetings of Council in the absence of the public:

Public meetings
38. Meetings of the council shall be held in public unless a meeting is called as a special or privileged meeting or declared by a vote of the council at a meeting to be a special or privileged meeting, in which case all members of the public present shall leave.

In their submission, the Applicant asks for a review of the response to their access request in which records of the Special Meeting of Council were withheld. The information requested was provided to this office as part of the record of Special Meetings, as made evident by the reporting fields and meeting titles. The Special Meetings are held regularly as privileged and absent of any members of the public. While the City is committed to being open and transparent, we maintain that certain matters must be able to be considered by Council in the absence of the public. Section 28(1)(c) is designed to ensure that elected officials and governing bodies can meet privately when necessary to engage in open, frank discussion and these deliberations should be able to be protected from disclosure.

Application of Section 35(1)(d)
Section 35(1)(d) was also applied to the responsive records to indicate to the Applicant that the matter has not been finalized. When the final response was sent, it was understood that 72 Goldstone Street, along with the others, had not yet been acquired by the City and to disclose the same before an agreement of purchase could be reached with the owners would be premature and harmful to that process. However, once it became known that the 72 Goldstone Street transaction was complete, that information was promptly provided to the Applicant.

Conclusion
This office is confident in its assessment of this file and our commitment to being open and transparent. During the processing of this file, there was an unfortunate miscommunication amongst staff; however, once that was brought to our attention the Applicant was informed of the error and provided with the records relating to the completed purchase.

If you have any further questions, please contact the undersigned at 709-576-8429 or kwindsor@stjohns.ca.

Kind regards,
Kenessa Windsor
Access and Privacy Analyst
Office of the City Solicitor

	ATIPP - Access to Information Request	Office of the City Clerk
access 311 stjohns.ca ONE STOP CITY SERVICE	**Access to Information Request**	

Contact Information (to be completed by the requestor) — SECTION 1

Name Courtney Taylor Date 2024-07-26

Organization (optional)

Mailing Address 34 Harvey Road, St. John's, NL A1C 5R4

Telephone 709-570-8133 Email courtney.taylor@dewcor.ca

Request — SECTION 2

What records are you seeking?

○ My personal information ◉ General Information

I wish to obtain the following information:

Please advise what specific properties the City is purchasing on Goldstone Street and/or Thorburn Road for $750,000 as per the approved 2024 capital budget.

If possible, I wish to receive the requested records in the following format: electronic

Privacy Notice — SECTION 3

Collection of personal information through this form is authorized under the Access to Information and Protection of Privacy Act, 2015 and is needed to respond to your request. Questions about the collection and use of the information may be directed to the ATIPP Coordinator at 576-8429 or atipp@stjohns.ca

Send completed form to:

ATIPP Coordinator
Office of the City Clerk
P.O. Box 908, 10 New Gower Street
St. John's, NL A1C 5M2

For further information:
Phone: 709-576-8429
Email: atipp@stjohns.ca

SUBMIT

ST. JOHN'S
NEWFOUNDLAND AND LABRADOR, CANADA

August 13, 2024

Email: courtney.taylor@dewcor.ca

Dear Courtney Taylor,

Re: Request for Access to Information under Part II of the Access to Information and Protection Privacy Act, 2015 ("Act")

On July 29, 2024, this office received your request for access to the following information:

> *Please advise what specific properties the City is purchasing on Goldstone Street and/or Thorburn Road for $750,000 as per the approved 2024 capital budget.*

Please be advised that 5 pages of Special Meeting of Council records have been withheld in response to your request in accordance with the following sections of the Act:

Local public body confidences

28. (1) The head of a local public body may refuse to disclose to an applicant information that would reveal... (c) the substance of deliberations of a meeting of its elected officials or governing body or a committee of its elected officials or governing body, where an Act authorizes the holding of a meeting in the absence of the public.

Disclosure harmful to the financial or economic interests of a public body

35. (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose... (d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party.

You may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in Section 42 of the Act. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Email: commissioner@oipc.nl.ca

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to Section 52 of the Act.

If you have any questions, please contact me by telephone: 709-576-8429 or email: kwindsor@stjohns.ca.

Regards,

Kenessa Windsor

Access and Privacy Analyst
Office of the City Clerk

Section 28(1)(c), *ATIPPA, 2015*

Agenda Notification for SJMCSpecial_Apr23_2024

[redacted]

Agenda Notification for SJMCSpecial_Nov07_2023

[redacted]

DECISION/DIRECTION NOTE

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

ST. JOHN'S

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

[redacted]

From: Courtney Taylor <courtney.taylor@dewcor.ca>
Sent: Monday, July 29, 2024 8:44 AM
To: ATIPP
Subject: Form Returned: Access-to-Information-Request Goldstone property.pdf
Attachments: Access-to-Information-Request Goldstone property.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Form Returned: Access-to-Information-Request Goldstone property.pdf

The attached file is the filled-out form. Please open it to review the data.

access 311 stjohns.ca — ONE STOP CITY SERVICE

ATIPP - Access to Information Request | **Office of the City Clerk**

Access to Information Request

Contact Information (to be completed by the requestor) — SECTION 1

Name Courtney Taylor Date 2024-07-26

Organization (optional)

Mailing Address 34 Harvey Road, St. John's, NL A1C 5R4

Telephone 709-570-8133 Email courtney.taylor@dewcor.ca

Request — SECTION 2

What records are you seeking?

◯ My personal information ◯ General Information

I wish to obtain the following information:

Please advise what specific properties the City is purchasing on Goldstone Street and/or Thorburn Road for $750,000 as per the approved 2024 capital budget.

If possible, I wish to receive the requested records in the following format: electronic

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Send completed form to:

ATIPP Coordinator
Office of the City Clerk
P.O. Box 908, 10 New Gower Street
St. John's, NL A1C 5M2

For further information:
Phone: 709-576-8429
Email: atipp@stjohns.ca

SUBMIT

ST. JOHN'S
NEWFOUNDLAND AND LABRADOR, CANADA

From: ATIPP <atipp@stjohns.ca>
Sent: Monday, July 29, 2024 11:38 AM
To: Courtney Taylor
Subject: RE: Form Returned: Access-to-Information-Request Goldstone property.pdf
Attachments: Letter to applicant_acknowledgment of request.pdf

Good day Courtney,

Please see attached letter acknowledging your request for information. Should you have any questions, do let me know.

Thank you,

Alanna Wicks, M.A.
Access and Privacy Analyst
Office of the City Clerk | City of St. John's
709-576-8556 | awicks@stjohns.ca

-----Original Message-----
From: Courtney Taylor <courtney.taylor@dewcor.ca>
Sent: Monday, July 29, 2024 8:44 AM
To: ATIPP <atipp@stjohns.ca>
Subject: Form Returned: Access-to-Information-Request Goldstone property.pdf

Form Returned: Access-to-Information-Request Goldstone property.pdf

The attached file is the filled-out form. Please open it to review the data.

July 29, 2024

Email: courtney.taylor@dewcor.ca

Dear Courtney Taylor,

Re: Request for access to information - Access to Information and Protection of Privacy Act

This is to confirm that on July 29, 2024, this office received your request(s) for access to the following records/information:

> *Please advise what specific properties the City is purchasing on Goldstone Street and/or Thorburn Road for $750,000 as per the approved 2024 capital budget.*

The ***Access to Information and Protection of Privacy Act*** **("the *Act*")** requires that we respond to your request without delay in writing within 20 business days after receiving it, unless:

- the time for responding is extended with approval from the Office of the information and Privacy Commissioner under section 23 of the *Act*; or
- the time for responding is suspended for 20 business days under subsection 26 of the *Act*, pending your response to a cost estimate.

In accordance with section 26 of the Act and the Schedule of Costs set by the Minister of the Office of Public Engagement, you may be required to pay a cost for processing your request – 50% to be paid prior to commencing work on the request and the remaining 50% upon completion of the services.

For further details about how an access to information request is processed, please refer to the Access to Information Policy and Procedures Manual at http://www.atipp.gov.nl.ca/info/index.html.

If you have any questions, please contact me by telephone at 709-576-8429 or by email at kwindsor@stjohns.ca.

Yours truly,

Kenessa Windsor

Access and Privacy Analyst
Office of the City Clerk

From: ATIPP <atipp@stjohns.ca>
Sent: Monday, August 12, 2024 2:31 PM
To: courtney.taylor@dewcor.ca
Subject: Response to your request for information
Attachments: Response to request_Goldstone St Purchase.pdf

Good day,

Please see the attached letter in response to your request for information. Do let me know if you have any questions.

Thank you,

Kenessa Windsor
Access and Privacy Analyst
Office of the City Solicitor | City of St. John's
709-576-8429 | kwindsor@stjohns.ca

August 12, 2024

Email: courtney.taylor@dewcor.ca

Dear Courtney Taylor,

Re: Request for Access to Information under Part II of the Access to Information and Protection Privacy Act, 2015 ("Act")

On July 29, 2024, this office received your request for access to the following information:

> *Please advise what specific properties the City is purchasing on Goldstone Street and/or Thorburn Road for $750,000 as per the approved 2024 capital budget.*

Please be advised that 5 pages of Special Meeting of Council records have been withheld in response to your request in accordance with the following sections of the Act:

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28. (1) The head of a local public body may refuse to disclose to an applicant information that would reveal... (c) the substance of deliberations of a meeting of its elected officials or governing body or a committee of its elected officials or governing body, where an Act authorizes the holding of a meeting in the absence of the public.

Disclosure harmful to the financial or economic interests of a public body

35. (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose... (d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party.

You may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in Section 42 of the Act. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Email: commissioner@oipc.nl.ca

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to Section 52 of the Act.

If you have any questions, please contact me by telephone: 709-576-8429 or email: kwindsor@stjohns.ca.

Regards,

Kenessa Windsor

Access and Privacy Analyst
Office of the City Clerk

DEWCOR

10718 NFLD INC.

Tel: 709-570-2222

August 20, 2024

City of St. John's
PO Box 5127
St. John's, NL A1C 5V5

Re: 2024 Capital Budget

Mayor and Councillors,

On August 12, 2024, we received a response from the City indicating that 5 pages of Special Meeting of Council records have been withheld concerning our request on the specific properties on Goldstone Street to be acquired by the City as per the City's 2024 Capital Budget. Would this be 5 pages from a single Special Meeting of Council, or would it be 5 total pages from more than one Special Meeting of Council? Why were the redacted versions of the meeting(s) not provided? If this was simply an oversight, could you please provide same.

As you are aware, we have expressed our concern about the conflict of interest involving Councillor Ellsworth's business interests on Goldstone Street. The acquisition of the property needed to widen this street is budgeted at $750,000, and one of the reasons by Council for withholding information is that it would reveal the substance of deliberations of a meeting of its elected officials. This essentially subverts the ability of the general public to obtain information relevant to disclosure of conflict of interest.

We once again request that the location of the street widening be disclosed to refute any conflict of interest concerns. Otherwise, we will draw the adverse inference from the failure to provide this simple request.

Sincerely,

Danny Williams

DEWCOR · P.O. Box 1919 · 34 Harvey Road · 5th Floor · St. John's · NL · Canada · A1C 5R4

From: ATIPP <atipp@stjohns.ca>
Sent: Tuesday, August 27, 2024 11:27 AM
To: courtney.taylor@dewcor.ca
Subject: Follow up on your request for information - Goldstone Street
Attachments: 72 Goldstone Stree Deed of Conveyance.pdf

Good day Courtney,

Members of Council have asked me to respond to Mr. William's letter dated August 20, 2024 in relation to the Goldstone Street properties access to information request dated July 29, 2024. Minutes of Special Meetings are protected from disclosure under the City Act and the Access to Information and Protection or Privacy Act. As indicated in my letter of August 12 , 2024 , there is a complaint process if an applicant is unsatisfied with a public body's response. Applicants have the right to apply to the Office of the Information and Privacy Commissioner who will review their complaint in accordance with the Act.

The City has concluded a purchase transaction for 72 Goldstone Street. The transaction closed on July 4, 2024 and the Deed was sent to the Registry of Deeds for Registration but is not yet available on the public registry CADO system. Please find attached a copy of the Deed. This Deed was available at the time of my response but due to a miscommunication from staff it was not included in the responsive records.

Kenessa Windsor
Access and Privacy Analyst
Office of the City Solicitor | City of St. John's
709-576-8429 | kwindsor@stjohns.ca

THIS INDENTURE made at City of St. John's, in the Province of Newfoundland and Labrador, Canada, this 17th day of June, 2024.

BETWEEN:

THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF ST. JOHN'S, a statutory corporate sole under the laws of the Province of Newfoundland and Labrador

(hereinafter called the "Vendor")

OF THE ONE PART

AND:

CITY OF ST. JOHN'S, a body corporate, duly incorporated under the City of St. John's Act, RSNL 1990, Chapter C-17, as amended

(hereinafter called the "Purchaser")

OF THE OTHER PART

WHEREAS the Vendor is the owner of the land and premises hereinafter more particularly described;

AND WHEREAS the Vendor has agreed to sell and the Purchaser has agreed to purchase the same for the consideration hereinafter appearing;

NOW THIS INDENTURE WITNESSETH that for and in consideration of the sum of Six Hundred Forty Thousand Dollars ($640,000.00) plus HST, paid by the Purchaser to the Vendor on or before the execution of these presents (the receipt whereof on the part of the Vendor is hereby acknowledged) the Vendor as beneficial owner hereby sells, assigns, and conveys unto the Purchaser **ALL THAT** piece or parcel of land described in the Schedule "A" annexed hereto, which said Schedule shall form part and parcel of these presents **TOGETHER WITH** all buildings and erections thereon **TO HOLD** the same unto the Purchaser its successors, and assigns forever.

IN WITNESS WHEREOF the Vendor has caused these presents to be executed in

accordance with its rules and regulations the day and year first before written.

SIGNED SEALED DELIVERED BY
The Roman Catholic Episcopal Corporation
Of St. John's was hereunto
affixed in the presence of:

Colleen Menchions

WITNESS
Barrister - NL

CANADA

PROVINCE OF NEWFOUNDLAND AND LABRADOR

CITY OF ST. JOHN'S

TO WIT:

AFFIDAVIT

I, Peter Hundt, of the City of St. John's, in the Province of Newfoundland and Labrador, make oath and say as follows;

1. **THAT** I am the Archbishop of the Roman Catholic Episcopal Corporation of St. John's (the "Corporation") and as such have full knowledge of the facts herein deposed.

2. **THAT** the Corporation is a corporation sole created by legislation of the Province of Newfoundland and Labrador and has no share capital, officers or directors.

3. **THAT** the property described in the within instrument has never been occupied as a matrimonial home as defined in the *Family Law Act* RSNL1990, c F-2, as amended (the "Act")

4. **THAT** I know of no person having a claim to or interest in the property described in the within instrument pursuant to the Act.

SWORN to before me at the City of St. John's, in the Province of Newfoundland and Labrador, the 17th day of June before me:

Barrister - NL

Peter Hundt

affidavit- rcecsj
#44259534.1

DESCRIPTION OF SURVEY FOR
CITY OF ST. JOHN'S

LAND TO BE ACQUIRED FROM

ROMAN CATHOLIC EPISCOPAL CORPORATION
CIVIC 72 GOLDSTONE STREET, ST. JOHN'S, NL

ALL THAT PIECE OR PARCEL OF LAND situate and being at 72 Goldstone Street, in the City of St. John's, in the electoral district of Mount Scio, in the Province of Newfoundland & Labrador and being abutted as follows, that is to say:

BEGINNING at a point on the northerly limit of Goldstone Street (18.288 metres wide), having coordinates North 5 269 249.214 metres, East 321 549.794 metres in the NAD83(original), Modified Three Degree Transverse Mercator Projection for the Province of Newfoundland and Labrador, Zone one and being referenced to Crown Land Monument No. 026774 North 5 269 678.555 metres East 320 991.717 metres and Monument No. 026114 North 5 270 065.477 metres East 322 698.143 metres.

THENCE running along land of His Majesty the King in right of Newfoundland and Labrador, Department of Transportation and Infrastructure (Roll 404 Frame 175), North eighteen degrees twenty-two minutes zero zero seconds West (N 18°22'00" W) , sixty-seven decimal nine five zero (67.950) metres.

THENCE turning and running along 81 Critch's Path land of, Gordon Francis Martin and Wendy Lauren Gail Martin (roll 1571 frame 553), North eighty-one degrees eighteen minutes zero zero seconds East (N 81°18'00" E) , thirty-one decimal three three zero (31.330) metres, thence North zero degrees fifty-nine minutes zero zero seconds West (N 00°59'00" W) , ten decimal seven three zero (10.730) metres.

THENCE turning and running along 77 Critch's Path land of, Nicholas Power (registration number 875742) North eighty-two degrees twenty-two minutes zero zero seconds East (N 82°22'00" E) , thirty-two decimal zero seven zero (32.070) metres.

THENCE turning and running along 77 Critch's Path land of, Nicholas Power (registration number 875742) and along land of Raymond Ryall and Theresa Ryall (roll 917 frame 450) North seventy-three degrees zero six minutes zero zero seconds East (N 73°06'00" E) , fifty-eight decimal seven zero zero (58.700) metres, thence North one degrees twenty-three minutes zero zero seconds East (N 01°23'00" E) , forty decimal nine four zero(40.940) metres.

THENCE turning and running along unoccupied land, now or formerly of the Estate of Patrick Kough (volume 9 folio 473), and partially over land claimed by, 43 Critch's Path, land claimed by Valerie A. Martin and Gary J. Martin (registration number 782989), and partially along the aforesaid estate of Patrick Kough, North fifty-nine degrees zero zero minutes zero zero seconds East (N 59°00'00" E) , thirty decimal eight two zero (30.820) metres, thence North sixty-eight degrees thirty-two minutes zero zero seconds East (N 68°32'00" E) , eighteen decimal four four zero (18.440) metres.

THENCE turning and running along unoccupied land, now or formerly of, the Estate of Patrick Kough (volume 9 folio 473), and partially over land claimed by 37 Critch's Path, land claimed by Elizabeth Westcott & Sherry Westcott (registration number 421541) and along the aforesaid estate of Patrick Keough, South eighty-two degrees forty-four minutes zero zero seconds East (S 82°44'00" E) , forty-five decimal six seven zero (45.670) metres.

THENCE turning and running along 28-62 Goldstone Street, land of, Fairview Investments (roll 1860 frame 1189), following the arc of a counter clockwise curve one hundred twenty-two decimal nine six zero (122.960) metres, on a chord bearing and distance of South twenty-five degrees ten minutes thirteen seconds West (S 25°10'13" W) , one hundred twenty-two decimal nine three one (122.931) metres, having a radius of one thousand six hundred eighteen decimal four nine zero (1618.490) metres.

THENCE turning and running along the northern limit of the aforesaid Goldstone Street, South sixty degrees zero two minutes twenty-one seconds West (S 60°02'21" W), twenty-three decimal seven seven eight (23.778) metres, thence following the arc of a clockwise curve one hundred nine decimal eight eight four (109.884) metres, on a chord bearing and distance of South seventy-one degrees thirty-one minutes sixteen seconds West (S 71°31'16" W), one hundred nine decimal one five zero (109.150) metres, having a radius of two hundred seventy-four decimal two zero zero (274.200) metres, thence South eighty-three degrees zero zero minutes zero zero seconds West (S 83°00'00" W), ten decimal eight seven zero (10.870) metres, more or less, to the point of commencement and containing an area of 15478.4 square metres, more or less, as shown and more fully delineated on the adjoining plan having job number 2023-058-001, dated July 3, 2024.

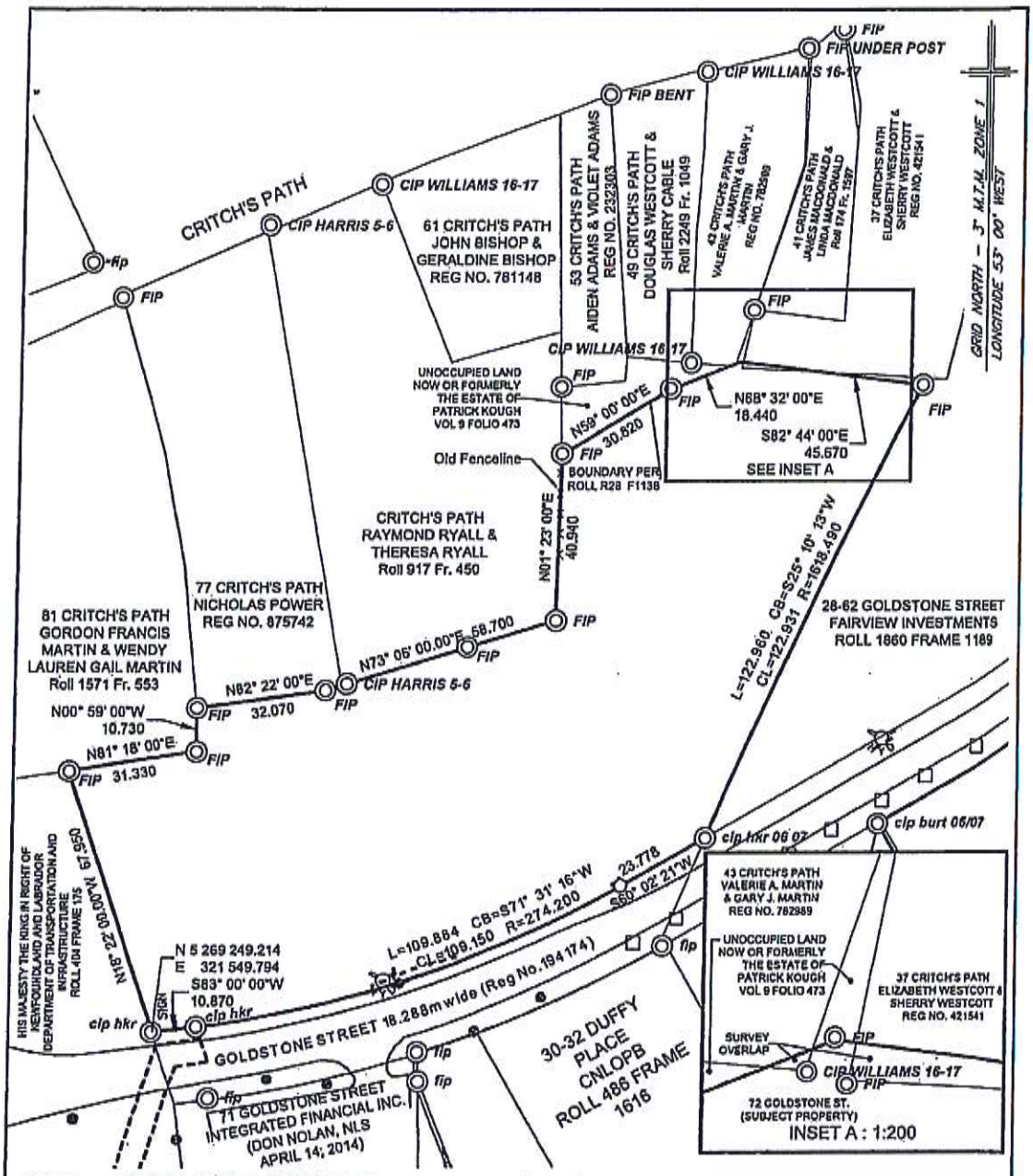
SUBJECT TO a prescriptive easement for Newfoundland Power guy wires along Goldstone Street.

All bearings are grid bearings referred to Grid North. All distances are horizontal ground distances.

Joshua D. Mailman
NEWFOUNDLAND
LAND SURVEYOR
Signature
PROVINCE OF NEWFOUNDLAND

SURVEY DIVISION
Planning, Engineering and Regulatory Services

July 3, 2024



Notes : PARCEL AREA = 15478.5 sq. m

1. DO NOT SCALE FROM DRAWING
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN METRES,
3. ALL COORDINATES ARE NL MTM ZONE 1, NAD83(original)
4. BOUNDARY BASED ON R. REDMAN SURVEY 1884, AND C. HAWCO SURVEY 2007

Scale factor used is 0.999887

Reference Monuments :

026774	026114
N 5 269 678.555	N 5 270 065.477
E 320 991.717	E 322 698.143

Legend :

- Found Iron Pin
- Placed Iron Pin
- Chain Link Fence
- Wooden Fence
- I.F.P. – Iron Fence Post
- W.F.P. – Wooden fence post
- Utility Wires
- Utility Pole
- Fire Hydrant
- Fence Post
- Traffic Control Box
- Water Valve
- Manhole
- Junction Box
- Utility Line Easement
- Guy Wire
- Hydrant

Joshua D. Mailman
NEWFOUNDLAND
LAND SURVEYOR
Signature
PROVINCE OF NEWFOUNDLAND

Survey By:
G.P./D.C./B.H.
CHD. BY: J.D.M.
DATE: July 3, 2024
SCALE: 1:1250
Job. No:2023-058-001-REV0

REVISIONS:

ST. JOHN'S
DEPARTMENT OF PLANNING, ENGINEERING AND REGULATORY SERVICES

LEGAL SURVEY

FOR CITY OF ST. JOHN'S
TO BE ACQUIRED FROM
ROMAN CATHOLIC EPISCOPAL CORPORATION
72 GOLDSTONE STREET, ST. JOHN'S NL

From: Jennifer Squires
Sent: Monday, July 29, 2024 11:23 AM
To: Kenessa Windsor; Christine R. Carter
Cc: Alanna Wicks
Subject: RE: ATI Request - Goldstone Street / Thorburn Road

Section 28(1)(c), *ATIPPA, 2015*

Hi Kenessa,

I just sent you a notification on Goldstone from the Special on April 23 – judging by the minutes [redacted]

Thank you,
Jennifer

From: Kenessa Windsor <kwindsor@stjohns.ca>
Sent: Monday, July 29, 2024 10:45 AM
To: Jennifer Squires <jsquires@stjohns.ca>; Christine R. Carter <crcarter@stjohns.ca>
Cc: Alanna Wicks <awicks@stjohns.ca>
Subject: FW: ATI Request - Goldstone Street / Thorburn Road

Good morning Jen and Christine,

When you have a moment, can you please search this year's Council directives for records relating to the below?

Thank you!

Kenessa Windsor
Access and Privacy Analyst
Office of the City Clerk | City of St. John's
709-576-8429 | kwindsor@stjohns.ca

From: Andrew Woodland <awoodland@stjohns.ca>
Sent: Monday, July 29, 2024 9:14 AM
To: Kenessa Windsor <kwindsor@stjohns.ca>
Cc: Alanna Wicks <awicks@stjohns.ca>
Subject: RE: ATI Request - Goldstone Street / Thorburn Road

Hi Kenessa,

Yes, I believe the information note went to Council through Amer's group. I can see if anything came through us as well. I can't recall.

It may have just been at special council.

Best regards,
Andrew G. M. Woodland
Legal Counsel
Legal Department
3rd floor, City Hall
P. O. Box 908
St. John's, NL A1C 5M2
Phone: (709) 576-8440
Fax: (709) 576-8561
Email: awoodland@stjohns.ca

From: Kenessa Windsor <kwindsor@stjohns.ca>

Sent: Monday, July 29, 2024 8:57 AM
To: Andrew Woodland <awoodland@stjohns.ca>
Cc: Alanna Wicks <awicks@stjohns.ca>
Subject: ATI Request - Goldstone Street / Thorburn Road

Good morning Andrew,

We just received the following request (below) - can this be answered informally? Is there a DN or something that went to Council?

Please advise what specific properties the City is purchasing on Goldstone Street and/or Thorburn Road for $750,000 as per the approved 2024 capital budget.

Thank you!

Kenessa Windsor
Access and Privacy Analyst
Office of the City Clerk | City of St. John's
709-576-8429 | kwindsor@stjohns.ca

From: DoNotReply@escribemeetings.com on behalf of eSCRIBE Notification <DoNotReply@escribemeetings.com>
Sent: Monday, July 29, 2024 11:07 AM
To: Kenessa Windsor
Subject: Agenda Notification for SJMCSpecial_Apr23_2024

CAUTION: This is an EXTERNAL email. Do not click on any link, open any attachments, or action a QR code unless you recognize the sender and have confirmed that the content is valid. If you are suspicious of the message use the **Report a Phish** button to report it.

This is an automated message from eSCRIBE.

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

From:	Scott Winsor
To:	Alanna Wicks
Subject:	FW: Agenda Notification for SJMCSpecial_Nov07_2023
Date:	Monday, July 29, 2024 4:14:21 PM
Attachments:	Memo to staff - ATI Request.pdf

As requested.

Thanks,

Scott Winsor, P.Eng.
Director of Engineering
Planning, Engineering & Regulatory Services
City of St. John's

(Tel.) 709-576-8258
(Fax) 709-576-8625
(Email) swinsor@stjohns.ca

From: Dianne Martin <dmartin@stjohns.ca>
Sent: Thursday, April 18, 2024 11:44 AM
To: Scott Winsor <swinsor@stjohns.ca>
Subject: FW: Agenda Notification for SJMCSpecial_Nov07_2023

From: DoNotReply@escribemeetings.com <DoNotReply@escribemeetings.com>
Sent: Thursday, April 18, 2024 11:29 AM
To: Dianne Martin <dmartin@stjohns.ca>
Subject: Agenda Notification for SJMCSpecial_Nov07_2023

This is an automated message from eSCRIBE.

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

DECISION/DIRECTION NOTE

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

ST. JOHN'S

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Section 28(1)(c), *ATIPPA, 2015*

[redacted]

Theresa Walsh
Audio Report

November 7, 2023

- The meeting began; Councillor Ellsworth was not in the room. Mayor Breen commented on Councillor Ellsworth being in conflict on two issues (@ 0:01:37). The nature of the conflict is not identified on the recording. Upon conclusion of the two agenda items, Councillor Ellsworth was brought back into the room (@ 0:27:10).

January 30, 2024

- Councillor Ellsworth declared a conflict of interest (@ 0:35:36) "as item on Capital list deals with property [he is] tied to." He stated it was in relation to Goldstone Street and also stated he'd be declaring a conflict of interest in the COTW "around zoning changers for properties for same rationale." Councillor Ellsworth left the room shortly thereafter, @ 0:35:56, prior to the agenda item being discussed.

February 13, 2024

- Councillor Ellsworth asks that an agenda item be moved to the bottom of the agenda and then leaves the room @ 0:42:27, prior to agenda item being discussed. There is no declaration or explanation on the recording.

February 27, 2024

- Councillor Ellsworth leaves the room prior to agenda item discussion (@ 1:26:44). No declaration or explanation on the recording.

April 23, 2024

- Councillor Ellsworth requests that the Goldstone item be moved to the end of the agenda (@ 0:01:25). Councillor Ellsworth leaves the room (@ 2:28:15) prior to discussion of the agenda item. No declaration or explanation on the recording.