

January 13, 2014

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

His Worship the Mayor presided.

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

City Manager, Deputy City Manager, Corporate Services & City Clerk, Deputy City Manager, Planning, Development & Engineering, Deputy City Manager, Public Works, Deputy City Manager, Community Services, Deputy City Manager, Financial Management, Director of Engineering, Chief Municipal Planner, City Solicitor and Manager, Corporate Secretariat, were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2014-01-13/14R

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

Adoption of Minutes

SJMC2014-01-13/15R

It was decided on motion of Councillor Collins; seconded by Councillor Puddister: That the minutes of January 6th, 2013 be adopted as presented.

Public Hearing

Public Hearing Report dated December 12, 2013

Re: Application from Regal Realty Limited to Redevelop the Virginia Park Plaza

Property situated at 200-232 Newfoundland Drive

Memorandum dated January 9, 2014 from the Chief Municipal Planner

Councillor Lane presented the report of a public meeting held on December 12, 2013 to discuss an application from Regal Realty Limited to redevelop the Virginia Park Plaza property situated at 200-232 Newfoundland Drive into two condominium apartment buildings one of which will

house commercial space on the ground floor. It is proposed that the subject land be rezoned from the Commercial Neighborhood (CN) Zone to the Commercial Office Hotel (COH) Zone.

SJMC2014-01-13/16R

It was moved by Councillor Lane; seconded by Councillor Breen: That staff be directed to proceed with the rezoning process and that the following Resolution for St. John’s Development Regulations Amendment Number 583, 2013 be adopted, which will then be referred to the Department of Municipal Affairs in Accordance with the Urban and Rural Planning Act with a request for Provincial registration.

**RESOLUTION
ST. JOHN’S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 583, 2013**

WHEREAS the City of St. John’s wishes to accommodate a mixed residential and commercial development on property situated at Civic Number 200-232 Newfoundland Drive [Parcel ID Number 32011].

BE IT THEREFORE RESOLVED that the City of St. John’s hereby adopts the following map amendment to the St. John’s Development Regulations in accordance with the provisions of the Urban and Rural Planning Act.

Rezone land at Civic Number 200-232 Newfoundland Drive from the Commercial Neighbourhood (CN) Zone to the Commercial Office Hotel (COH) Zone as shown on Map Z-1A attached.

BE IT FURTHER RESOLVED that the City of St. John’s requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John’s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this

13th day of **JANUARY, 2014.**

Mayor

MCIP

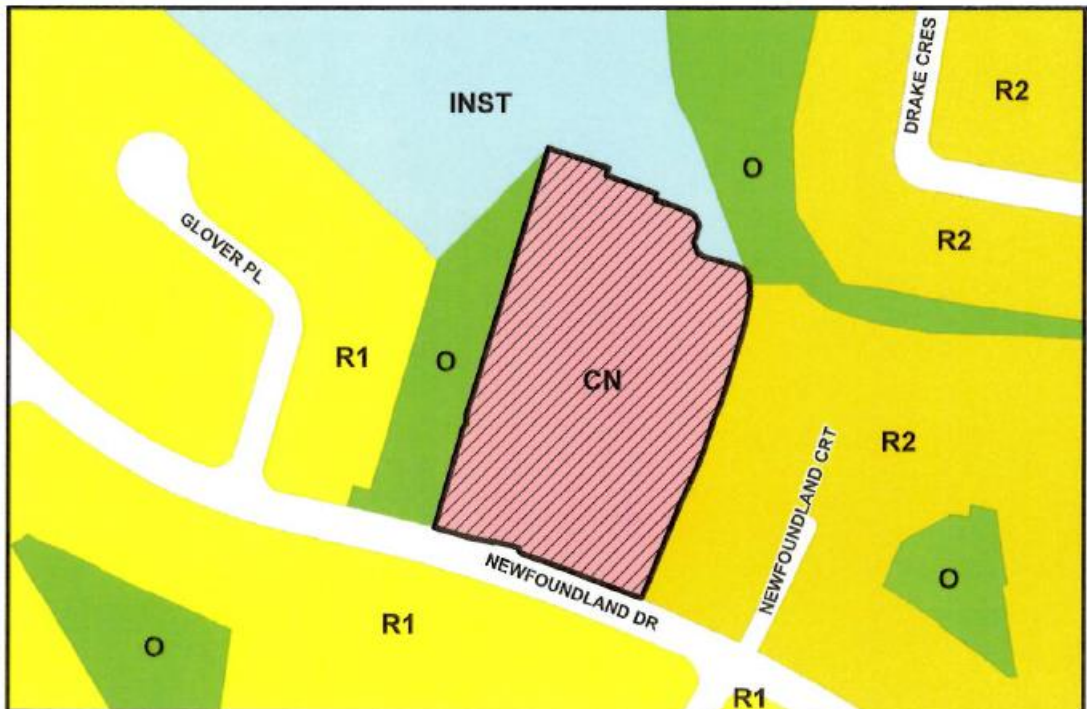
I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

City Clerk

13 JANUARY 2014

Council Adoption

Provincial Registration



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 583, 2013
[Map Z-1A]**

2013 09 05 SCALE: 1:2000
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING,
DEVELOPMENT & ENGINEERING

I hereby certify that this amendment
has been prepared in accordance with the
Urban and Rural Planning Act.



AREA PROPOSED TO BE REZONED FROM
COMMERCIAL NEIGHBOURHOOD (CN) LAND USE ZONE TO
COMMERCIAL OFFICE HOTEL (COH) LAND USE ZONE

200-232 Newfoundland Drive

Paul Boundridge
M.C.I.P. signature and seal

 A circular professional seal for Paul Boundridge, a Member of the Council of Institute of Professional Planners of Canada (M.C.I.P.). The seal contains his name and the text 'PLANNERS INSTITUTE OF CANADA'. Below the seal is his handwritten signature.

Mayor

City Clerk

Council Adoption

Provincial Registration

Members of Council indicated their support of the development and spoke of the merits of the proposal which they indicated will meet a demand for residential property, and encourages density within the City. Other benefits include the plan to building affordable units, the minimal traffic impact, the combination of commercial with residential, and the creation of parking spaces.

During discussion Councillor Hickman asked that the issue on the status of the trail on the periphery of the proposed development between Drake Crescent and Newfoundland Court be referred to the Community Services and Housing Committee for follow-up.

Following discussion, the motion being put was unanimously carried.

Committee Reports

Development Committee Report – January 7, 2014

Council considered the following Development Committee Report dated January 7, 2014:

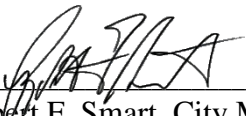
- 1. Planning & Development File No. 1300204
Approval-in-Principle
Proposed Crown Land Grant for Proposed Industrial Park on a Private Road
Department of Environment & Conservation File 1035407
Crown Land Grant Referral for Nine (9) Hectares
Incinerator Road (Ward 5) – Industrial General (IG) Zone**

The Committee recommends the following:

Council grant an Approval-in-Principle for the development, subject to the following conditions:

- a) Compliance with the requirements of the Planning and Development Division;
- b) The required Building Permits must be obtained from the City, prior to the commencement of any development;
- c) This Development must meet the minimum parking requirements for the IG Zone for this type of occupancy;
- d) A public road will not be permitted into this Industrial Park as it is located in an unserviced area. The proposed development must be contained on a private road and all services are to be provided by the property owner.

- e) Shared access agreements between all of the property owners/lessees.



Robert F. Smart, City Manager
Chair – Development Committee

SJMC2014-01-13/17R

It was moved by Councillor Hann; seconded by Councillor Breen: That the Committee’s recommendation be approved.

The motion being put was unanimously carried.

Audit and Accountability Committee Report dated November 12, 2013

Council considered Audit and Accountability Committee Report dated November 12, 2013:

- Present:** Deputy Mayor Ron Ellsworth, Chairperson
Councillor Danny Breen (12:10 pm)
Councillor Bruce Tilley
Councillor Tom Hann
Mr. Harold Squires, Citizen Representative
Mr. Neil Martin, Deputy City Manager, Corporate Services – City Clerk
Mr. Robert Bishop, Deputy City Manager, Financial Management
Derek Coffey, Manager, Budget and Treasury
Mr. Sean Janes, City Internal Auditor
Mr. Nathan Barrett, Manager – Accounting Services
Ms. Maureen Harvey, Recording Secretary

1. **Confirmation of revised committee mandate and committee membership**

The Committee considered a document prepared by City Clerk which outlined the proposed mandate of the Committee based on the revised committee structure approved by Council. The document was reviewed with changes discussed and agreed upon. The revised mandate is shown below:

***City of St. John’s
Audit and Accountability Standing Committee Mandate***

Purpose

The Audit and Accountability Standing Committee is appointed by Council to assist Council in fulfilling its oversight responsibilities with respect to:

Overseeing the City's financial reporting process including internal control processes, procedures for financial reporting, and the monitoring of the integrity and appropriateness of the City's financial statements;

- *Ensuring and monitoring the adequacy of financial, operational and compliance internal controls and risk management processes designed to manage significant business risk exposures;*
- *The selection, compensation, independence and performance of the external auditors; and*
- *Monitoring of compliance against corporate business and strategic plans and budgetary objectives.*

Membership

Membership shall be comprised of a minimum of two members of Council and two citizen representatives. The term of the Committee shall coincide with the term of Council.

Qualifications

The citizen representative shall have an accounting and/or auditing designation and have experience in the public sector, either directly or indirectly as a consultant or auditor. The Citizen Representative must be independent of the City and the City's internal and external auditors.

Meetings

The Committee shall meet once a month. Additional meetings may be authorized at the request of management, any member of the Committee, or at the request of the external or internal auditors.

Reporting

Minutes shall be kept of each meeting and supplied to Council at its next meeting.

RESPONSIBILITIES

The Committee is responsible for the following:

Financial Statements

- *Review significant accounting and reporting issues, including complex or unusual transactions and highly judgmental areas, and recent professional and/or regulatory pronouncements, and understand their impact on the financial statements.*
- *Review with management and the external auditors the results of the audit, including any difficulties encountered.*
- *Review the annual financial statements, and consider whether they are complete, consistent with information known to committee members, and reflect appropriate accounting principles.*

- *Review other sections of the annual report before release and consider the accuracy and completeness of the information. Review with management and the external auditors all matters required to be communicated to the committee under generally accepted auditing standards.*
- *Understand how management develops interim financial information, and the nature and extent of internal and external auditor involvement.*
- *Review interim financial reports with management and consider whether they are complete and consistent with the information known to committee members.*

Internal Control

- *Consider the effectiveness of the City's internal control system, including information technology security and control.*
- *Understand the scope of internal and external auditors' review of internal control over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.*

Internal Audit

- *Review with management and the City Internal Auditor the charter, activities, staffing, and organizational structure of the internal audit function.*
- *Review and recommend approval of the annual audit plan and all major changes to the plan.*
- *Ensure there are no unjustified restrictions or limitations, and review and concur in the appointment, replacement, or dismissal of the City Internal Auditor.*
- *At least once per year, review the performance of the City Internal Auditor.*
- *Review the effectiveness of the internal audit function.*
- *On a regular basis, meet separately with the City Internal Auditor to discuss any matters that the committee or internal audit believes should be discussed privately.*

External Audit

- *To satisfy itself as to the existence and terms of an Engagement Letter from the external auditors.*
- *Review the external auditors' proposed audit scope and approach, including coordination of audit effort with internal audit, including the materiality limits incorporated into the audit.*
- *Review the performance of the external auditors, and recommend approval on the appointment or discharge of the auditors.*
- *Review and confirm the independence of the external auditors by obtaining statements from the auditors on relationships between the auditors and the City, including non-audit services, and discussing the relationships with the auditors.*

- *To review the auditor's report and audited financial statements and to satisfy itself that these financial statements present fairly the financial position and results of operations and that the external auditors have no reservations about them and to make such recommendations thereon to Council as deemed necessary by the Committee.*
- *To satisfy itself that there are no unresolved issues between management and the external auditors, which could affect the financial statements and that generally, there is a good working relationship between management and the auditors.*
- *To review the external auditors' management letter together with the implementation plans as advised by management.*
- *On a regular basis, meet separately with the external auditors to discuss any matters that the committee or auditors believe should be discussed privately.*

Compliance

- *Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.*
- *Review the findings of any examinations by regulatory agencies, and any auditor observations.*
- *Review the process for communicating the code of conduct to City personnel, and for monitoring compliance therewith.*
- *Obtain regular updates from management and City legal counsel regarding compliance matters.*

Risk Management

- *Review and discuss with management their responsibility for assessing and managing the City's exposure to business risk.*
- *Review policies governing risk management.*
- *Review and discuss with management the City's major business risk exposures.*

Business and Strategic Plan Monitoring

- *Review the corporate business and strategic plans as prepared by management and approved by Council.*
- *Meet with management on a semi-annual basis and review compliance with corporate business plans.*
- *Meet with management on an annual basis and review compliance with the corporate strategic plan.*

Reporting Responsibilities

- *Regularly report to Council about committee activities, issues, and related recommendations.*
- *Provide an open avenue of communication between internal audit, the external auditors, the senior management team and Council.*
- *Review any other reports the City issues that relate to committee responsibilities.*

Other Responsibilities

- *Perform other activities related to this mandate as requested by Council.*
- *Institute and oversee special investigations as needed.*
- *Review and assess the adequacy of the Audit Charter annually, requesting Council approval for proposed changes.*
- *Confirm annually that responsibilities outlined in this mandate have been carried out.*

The Committee recommends approval of the revised mandate for the Audit and Accountability Committee as shown above which reflects the revised committee structure previously approved by Council.

Deputy Mayor Ron Ellsworth
Chairperson

SJMC2014-01-13/18R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hickman: That the Report be adopted as presented.

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permits List for the period January 2, 2014 to January 8, 2014:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF January 2, 2014 TO January 8, 2014**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Home Office	4 Mabeldon Place	1	Approved	14-01-02
RES		Building Lot	70 Hennessey's Line	5	Approved	14-01-03
RES		Residential Building Lot	Adjacent to 88 Main Road, Goulds	5	Approved	14-01-06
RES		Home Office	3 York Street	2	Approved	14-01-06
COM	Carl Yetman Architect Inc.	Site plan - Extension to Building	5 Hallett Crescent	4	Approved	14-01-16

*	Code Classification: RES - Residential COM - Commercial AG - Agriculture OT - Other	INST - Institutional IND - Industrial
---	---	--

Gerard Doran
Development Officer
Department of Planning

** This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.

Building Permits List – January 13, 2014

SJMC2014-01-13/19R

It was moved by Councillor Hickman; seconded by Councillor Breen: That That the recommendation of the Director of Planning and Development with respect to the following building permits, be approved:

Building Permits List
Council's January 13, 2014 Regular Meeting

Permits Issued: 2014/01/02 TO 2014/01/08

CLASS: COMMERCIAL

71 O'LEARY AVE-CLEAR VIEW GLAS	CO	WAREHOUSE
100 ELIZABETH AVE	SN	SERVICE SHOP
125 HARBOUR DR, LEGROS & MOTTI	SN	RESTAURANT
386 STAVANGER DR	MS	RETAIL STORE
308 WATER ST	SN	RETAIL STORE
90 PEARLTOWN RD	NC	AGRICULTURE
5 HALLETT CRES	EX	WAREHOUSE
5 HALLETT CRES	RN	OFFICE

THIS WEEK \$ 1,925,800.00

CLASS: RESIDENTIAL

40 COUNTRY GROVE PL	NC	ACCESSORY BUILDING
39 LINEGAR AVE	NC	ACCESSORY BUILDING
26 MCLOUGHLAN ST	CR	SUBSIDIARY APARTMENT
14 BRANSCOMBE ST	EX	SINGLE DETACHED DWELLING
13 JAMIE KORAB ST	RN	SINGLE DETACHED DWELLING
29-33 WATERFORD BRIDGE RD	RN	APARTMENT BUILDING
13 OBERON ST	SW	SINGLE DETACHED DWELLING

THIS WEEK \$ 48,700.00

CLASS: DEMOLITION

THIS WEEK \$.00

THIS WEEK'S TOTAL: \$ 1,974,500.00

REPAIR PERMITS ISSUED: 2014/01/02 TO 2014/01/08 \$ 12,000.00

LEGEND

CO CHANGE OF OCCUPANCY	SW SITE WORK
NC NEW CONSTRUCTION	EX EXTENSION
RN RENOVATIONS	CR CHNG OF OCC/RENOVTNS
MS MOBILE SIGN	DM DEMOLITION
SN SIGN	

YEAR TO DATE COMPARISONS			
January 13, 2014			
TYPE	2013	2014	% VARIANCE (+/-)
Commercial	\$317,700.00	\$1,925,800.00	506
Industrial	\$0.00	\$0.00	0
Government/Institutional	\$0.00	\$0.00	0
Residential	\$2,400,400.00	\$48,700.00	-98
Repairs	\$11,200.00	\$12,000.00	7
Housing Units (1 & 2 Family Dwellings)	7	0	
TOTAL	\$2,729,300.00	\$1,986,500.00	-27

Respectfully Submitted,

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

Payrolls and Accounts

SJMC2014-01-13/20R

**It was decided on motion of Councillor Hickman; seconded by Councillor Breen:
That the following Payrolls and Accounts for the week ending January 9, 2014 be
approved:**

**Weekly Payment Vouchers
For The
Week Ending January 9, 2014**

Payroll

Public Works \$ 715,521.61

Bi-Weekly Casual \$ 3,935.16

Accounts Payable \$7,488,616.02

Total: \$8,208,072.79

Tender

- a. **RFP – Regional Water System – Non-Destructive Testing of
1050 mm and/or 750 mm Prestressed Concrete Lined Cylinder Pipe (Hyprescon)**

SJMC2014-01-13/21R

**It was decided on motion of Councillor Hickman; seconded by Councillor Breen:
That the recommendation of the Director of Engineering be approved and the
proposal awarded as follows:**

- a. **Pure Technologies Ltd. - Option A @ \$736,760.00 including HST.**

Other Business

Economic Update January 2014

Councillor Tilley presented the highlights of the January 2014 Economic Update.

Most Influential Women List of 2013 Announced by CAAWS

Members of Council acknowledged and commended Jill Brewer, Deputy City Manager, Community Services on the being named as one of the **Most Influential Women in Sport and Physical Activity (MIW) List of 2013** by the Canadian Association for the Advancement of Women and Sport and Physical Activity (CAAWS) . Twenty women across Canada were named to this prestigious list.

Snow Clearing Report

Council considered as information the snow clearing report for the period January 1 to 10, 2014, showing a negative variance of \$98,474.00.

Councillor Collins

Councillor Collins reminded residents of a public meeting to be held at the Goulds Recreation Centre on Tuesday, Jan. 14, 2014 beginning at 7 p.m. to further discuss the proposed rezoning of property in the area of Ryan's Place to the Rural Residential Infill (RRI) Zone.

Councillor Davis

Councillor Davis advised residents that Special Events and Festivals Grant Applications are now available and the deadline for submission is Friday, February 7, 2014.

Councillor Galgay

Councillor Galgay advised that he has received calls from concerned business owners in the downtown with regards to bagged meters. He explained that the meters are bagged to ensure safe access and to accommodate the ongoing process of installing the new digital parking meters. As indicated by Councillor Davis, installation has been completed in the Churchill Square area and Water Street and today staff started replacing the meters on Duckworth Street. The City keeps residents updated on what streets are scheduled for installation.

Councillor Galgay expressed concern that private contractors are working throughout the night in neighbourhoods and are dumping snow on the streets which is causing a problem for the residential neighbourhoods. It was noted by staff that snow clearing operations are exempt from the noise by law, however, if a complaint is received staff make an effort to contact the homeowner and/or contractor to asked that they use discretion in this regard. It was noted that staff do act on complaints regarding dumping of snow onto the streets.

Councillor Lane

Councillor Lane tabled letters from The Downtown St. John's Board of Management, BOMA NL (Building Owners and Managers Association) Board of Directors as well as the George Street Association Newfoundland and Labrador regarding their concerns relative to snow clearing operations. Councillor Lane indicated that he looks forward to facilitating discussions between the Downtown St. John's Board of Management and the City on the winter-related issues facing downtown businesses and property owners.

Councillor Hann

Councillor Hann in speaking to the City's planning and development process, pointed out that staff are working to the fullest extend to process application as quickly and efficiently as possible, however, are bound by the Urban & Rural Planning Act as well as the City Act. Councillor Hann assured residents that staff are working towards improving the process. As pointed out by His Worship the Mayor, he along with staff, have had discussions with the Province, to find a way to make it more advantageous for developers and residents to do business in the City.

Deputy Mayor Ellsworth

Deputy Mayor Ellsworth asked that residents call 311 to identify the location of potholes in order that they can be filled quickly as possible.

Adjournment

There being no further business the meeting adjourned at 5:50 p.m.

MAYOR

CITY CLERK