

ST. JOHN'S

Committee of the Whole Agenda

July 24, 2019

9:00 a.m.

4th Floor City Hall

Pages

1. Call to Order
2. Approval of the Agenda
3. Adoption of the Minutes
 - 3.1 Committee of the Whole Minutes July 10, 2019 1
4. Presentations/Delegations
5. Finance & Administration - Councillor Dave Lane
6. Public Works & Sustainability - Councillor Ian Froude
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8. Housing - Councillor Hope Jamieson
9. Economic Development, Tourism & Culture - Sheilagh O'Leary
10. Governance & Strategic Priorities - Mayor Danny Breen
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11. Planning & Development - Councillor Maggie Burton
 - 11.1 Decision Note dated July 17, 2019 re: Application to Rezone Land to the Commercial Neighbourhood (CN) Zone for a Lounge and Eating Establishment (Pub and Eatery) 34

MPA1800006 - 75 Airport Heights Drive

12. Transportation - Councillor Debbie Hanlon

12.1 Decision Note dated July 17, 2019 re: Harbour Drive PayByPhone
Parking

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13. Other Business

14. Adjournment

ST. JOHN'S

Minutes of Committee of the Whole - City Council

Council Chambers, 4th Floor, City Hall

July 10, 2019, 9:00 a.m.

4th Floor City Hall

Present: Mayor Danny Breen
Deputy Mayor Sheilagh O'Leary
Councillor Maggie Burton
Councillor Sandy Hickman
Councillor Debbie Hanlon
Councillor Deanne Stapleton
Councillor Jamie Korab
Councillor Ian Froude
Councillor Wally Collins

Regrets: Councillor Dave Lane
Councillor Hope Jamieson

Staff: Kevin Breen, City Manager
Derek Coffey, Deputy City Manager of Finance & Administration
Tanya Haywood, Deputy City Manager of Community Services
Cheryl Mullett, City Solicitor
Elaine Henley, City Clerk
Ken O'Brien, Chief Municipal Planner
Maureen Harvey, Legislative Assistant

1. Call to Order

2. Approval of the Agenda

The agenda was adopted as presented.

Cheryl Mullett joined the meeting at 9:09 am.

3. Adoption of the Minutes

3.1 Committee of the Whole Minutes - June 26, 2019

Recommendation

Moved By Councillor Hanlon

Seconded By Councillor Collins

That the Committee of the Whole minutes dated June 26, 2019 be adopted as presented.

CARRIED UNANIMOUSLY

4. **Presentations/Delegations**

5. **Finance & Administration - Councillor Dave Lane**

5.1 **Decision Note dated July 2, 2019 re: Shad Memorial 2019 - Luncheon Sponsorship**

Recommendation

Moved By Councillor Hanlon

Seconded By Councillor Korab

That Council approve hosting a luncheon for the staff and students of Shad Memorial 2019.

CARRIED UNANIMOUSLY

6. **Public Works & Sustainability - Councillor Ian Froude**

7. **Community Services & Events - Councillor Jamie Korab**

7.1 **Decision Note dated July 4, 2019 re: Special Event Advisory Committee Request - ibuylocal**

While the following motion suggests no further consideration of a Saturday event, Councillor Burton suggested that further discussion may be warranted given that these type of events take place in other jurisdictions on Saturdays.

Mayor Breen joined the meeting at 9:13 am.

Recommendation

Moved By Councillor Korab

Seconded By Councillor Hanlon

While the request was to host a ibuylocal event on Saturday, July 27, 2019 , based on feedback from Downtown St. John's, Council approves the hosting of this event on Sunday July 28, 2019 or any Sunday. Council is not in agreement with the closure of Cliff's Baird's Cove on Water Street on Sunday, July 28, 2019 due to its importance in the transportation of cruise passengers from Pier 17 to Pier 7.

CARRIED UNANIMOUSLY

8. Housing - Councillor Hope Jamieson

8.1 Information Note dated June 17, 2019 re: Release of the Housing Needs Assessment Report

Judy Tobin and Simone Lily of the City's Housing Division presented the report.

The Committee concurred with the release of the Housing Needs Assessment Report which analyzes supply and demand for housing, identifies gaps, lays the foundation for supporting the Affordable Housing Strategy and sets out to develop new initiatives.

It was noted that the data and community inputs presented in the Housing Needs Assessment Report help identify specific needs in both market and non-market housing. Key recommendations have been prepared for consideration and will be explored by the Affordable Housing Working Group. To ensure that changes in the external environment are reflected in the AHS, housing needs updates will be conducted twice throughout the life of the 2019-2028 Affordable Housing Strategy.

9. Economic Development, Tourism & Culture - Sheilagh O'Leary

9.1 Information Note dated July 4, 2019 re: Laneway Public Art Animation - Craft Council of NL Partnership

The Information Note provides the Committee with an update on the laneway animation partnership between the City and the Craft Council of NL.

The City-Craft Council agreement is with the Craft Council of NL now for review and signing; as soon as that is complete, City staff will assist the Craft Council with the finalizing of the RFP for circulation as necessary and convene the aforementioned committee.

10. Governance & Strategic Priorities - Mayor Danny Breen

10.1 Decision Note dated June 28, 2019 re: Small Home Rebuilding/Extension in a City Watershed Policy

Recommendation

Moved By Councillor Hickman

Seconded By Councillor Collins

That Council approve the Small Home Rebuilding/ Extension in a City Watershed Policy and the rescission of the current Development in the City's Watersheds Policy.

CARRIED UNANIMOUSLY

10.2 Decision Note dated July 5, 2019 re: Panel to Review Election Reform Process including Finance By-Law

Recommendation

Moved By Councillor Froude

Seconded By Councillor Burton

That rather than implementing a public engagement plan, Council appoint a four-person panel to consider the CASE submission and present their commentary to Council. The report could then be used for Council to determine its next steps. The following four individuals are proposed to comprise the Panel and they provide a comprehensive cross section of expertise in the academic, administrative and political areas:

Ross Reid: former Canadian politician who most recently served as the Chief of Staff to Newfoundland and Labrador Premiers Kathy Dunderdale and Tom Marshall. Reid is a former Progressive Conservative member of Parliament who served as the Minister of Fisheries and Oceans and Minister for the Atlantic Canada Opportunities Agency under Prime Minister Kim Campbell;

Dr. Amanda Bittner: studies elections and voting in Canada. She has published research on voter turnout, immigration, as well as the impact of social cleavages and political sophistication on political attitudes. She is currently working on projects in a number of areas, including voters' attitudes about immigration; the influence of gender on public opinion and voting; and Canadian parties and elections.

Marie Ryan: Partner at Goss Gilroy Inc. Management Consultants and tireless advocate for social justice in the community, former councillor and deputy mayor. She is an advocate for inclusive citizenship and development of the housing and homelessness support services sector. She is the recipient of the Queen's Diamond Jubilee Medal and the Order of Newfoundland and Labrador

Dr. Steven Tomblin: is a full professor in the Department of Political Science and Medicine (Community Health) at Memorial University of Newfoundland. In addition to administrative service in the political science department, Tomblin has served as the Principal Investigator for the Atlantic Regional Training Centre.

It was noted that the intent is to have the recommendations presented to Council by September 22nd.

CARRIED UNANIMOUSLY

11. Planning & Development - Councillor Maggie Burton

11.1 Decision Note dated June 25, 2019 re: 336 Water Street (corner of Adelaide Street), Mary Brown's Restaurant - Mural

It was noted the Decision Note had been circulated and recommended for approval by the Built Heritage Experts Panel via an e-poll on July 4, 2019

Recommendation

Moved By Councillor Burton

Seconded By Councillor Hanlon

That Council approve the proposed mural at 336 Water Street as proposed.

CARRIED UNANIMOUSLY

11.2 Decision Note dated June 28, 2019 re: 10 Merrymeeting Road, Exterior Façade Renovations

It was noted that the Decision Note was reviewed by the Built Heritage Experts Panel via e-poll and recommended for approval.

Recommendation

Moved By Councillor Burton

Seconded By Deputy Mayor O'Leary

That Council approve the exterior façade renovations at 10 Merrymeeting Road, as proposed. It is further recommended that any renovations to the dwelling meet the heritage standards set out in the St. John's Development Regulations

CARRIED UNANIMOUSLY

12. **Transportation - Councillor Debbie Hanlon**

13. **Other Business**

14. **Adjournment**

There being no further business the meeting adjourned at 10:00 am

Mayor Danny Breen/Chairperson

DECISION/DIRECTION NOTE

Title: 2019-2020 Sidewalk Snow Clearing Route Adjustments

Date Prepared: July 5, 2019

Report To: Council

Councillor and Role: All

Ward: Various

Decision/Direction Required: Sidewalk snow clearing route changes or additions to be determined

Discussion – Background and Current Status:

Over the past winter season, numerous requests were received for additions or changes to the sidewalk snow clearing routes. Proposed changes are not done once the season begins. All requests are considered at the end of the season. The proposed route changes have been summarized in this direction note for Council consideration.

Key Considerations/Implications:

1. Budget/Financial Implications

There are no financial implications for the proposed additions, however as the route lengths increase, the service levels decrease.

2. Partners or Other Stakeholders

Pedestrians throughout the City of St. John's.

3. Alignment with Strategic Directions/Adopted Plans

The proposed changes address pedestrian safety during the winter months and in part “Improves safety for all users on a well-maintained street network” as is part of Council strategic direction of “A City that Moves.”

4. Legal or Policy Implications

There are no apparent legal or policy implications due to any proposed changes.



5. Privacy Implications

There are no apparent privacy implications due to any proposed changes.

6. Engagement and Communications Considerations

Any approved changes to the sidewalk snow clearing routes will be adequately communicated to the public.

7. Human Resource Implications

There are no apparent human resource implications due to any proposed changes.

8. Procurement Implications

There are no apparent procurement implications due to any proposed changes.

9. Information Technology Implications

There are no apparent information technology implications due to any proposed changes.

10. Other Implications

Not Applicable

Recommendation:

City staff recommends that Council approve the addition of both sides of Old Pennywell Road from Brier Ave to Columbus Drive to the sidewalk snow clearing routes.

Prepared by/Date: Ryan Crewe, Operations Engineer - Roads

Approved by/Date: David Crowe, Manager - Roads

Attachments: Details of proposed route adjustments



2019-2020 Sidewalk Snow Clearing Route Changes / Additions

Route Changes:

1. Empire Avenue from Stamp's Lane to Mayor Avenue, a change is proposed to switch from the north side of the road to the south side of the road, to accommodate Canada Post mail deliveries.

Route Additions:

1. Old Pennywell Road from Brier Ave to Columbus Drive, on both sides of the road, an addition of approximately 400 meters.
2. The Boulevard from Pleasantville Ave to the CNIB crosswalk, on the north side of the road, an addition of approximately 120 meters.
3. Waterford Bridge Road from Cowan Ave to Brookfield Road, on the north side of the road, an addition of approximately 730 meters.
4. Craigmillar Avenue and Topsail Road from Craigmillar to Water Street, on the north side of the road, an addition of approximately 1310 meters.
5. Topsail Road from McLoughlan Street to St. Mary's Elementary, on the south side of the road, an addition of approximately 300 meters.
6. Topsail Road from St. Mary's Elementary to Craigmillar Ave, on the south side of the road, switching to the north side of the road, an addition of approximately 720 meters.
7. Frecker Drive from Burgeo Street to Blackmarsh Road, on the north side of the road, an addition of approximately 1000 meters.
8. Boyle Street and a portion of Bartlett Place from Anspach Street to Forbes Street, on the east side of the road, an addition of approximately 700 meters.
9. Forest Road from Lake View Ave to Regiment Road, on the south side of the road, an addition of approximately 1000 meters.
10. Macbeth Drive from Kincaid Street to Airport Heights Drive, on the east side of the road, an addition of approximately 120 meters.

If approved, these additions will add approximately 6400 meters to the sidewalk snow clearing routes.

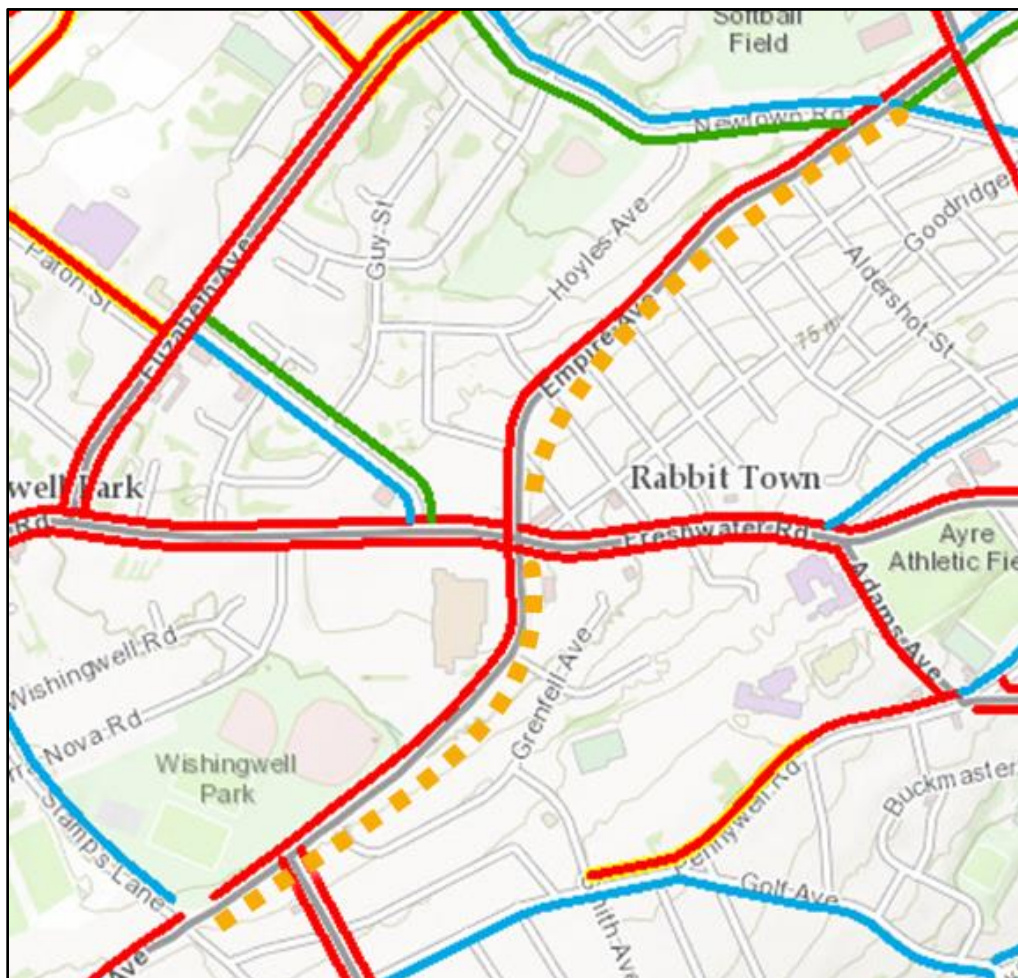
Empire Avenue from Stamp's Lane to Mayor Avenue

The request to change from clearing the north side of the road to the south side results from Canada Post's cancellation of home delivery during March 2019.

- Ward 4 and 2
- Arterial-Minor Class Road
- Priority 1 (multi-lane in areas)
- 1700 meters on the south side of the road

Currently the north side is included on the route for the following reasons:

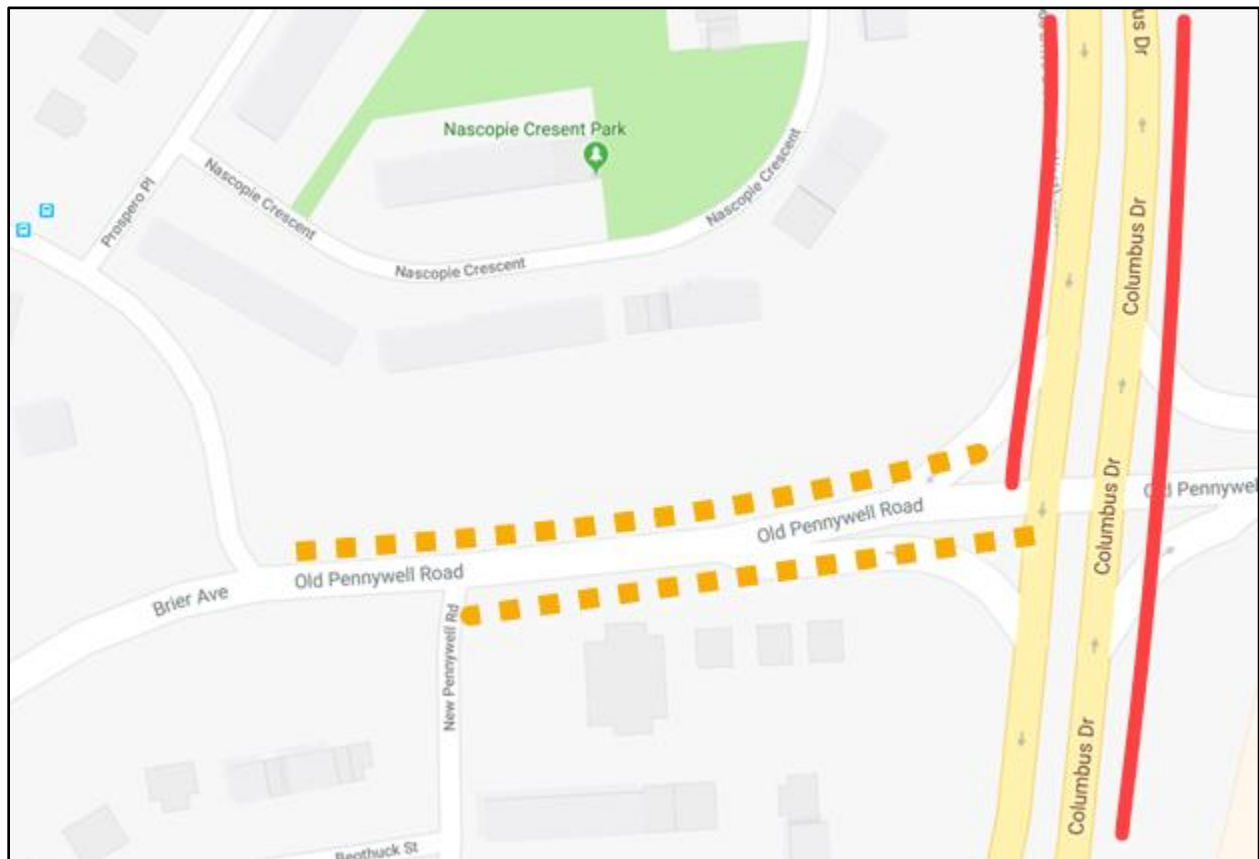
1. There are numerous poles in the sidewalk on the south side between Freshwater and Mayor, making it difficult to clear snow.
2. Staff can clear the area with regular sidewalk equipment (residential side may need large blowers and require removals) and can be cleared faster
3. The residential side has elevated lawns which can cause complaints from residents as the snow gets piled higher.
4. The north side has more room for snow storage
5. Parking is not permitted on the north side.



Old Pennywell Road from Brier Ave to Columbus Drive

The request to clear both sides of the road came in as a result of the increased traffic from the Team Gushue Highway, via Brier Ave. This change will allow pedestrians to get from New Pennywell Road to Old Pennywell Road / Baccalieu Street via the signalized intersection at Columbus Drive without having to cross the busy Brier Ave.

- Ward 4
- Arterial-Minor Class Road
- Priority 1, multi-lane
- 400 meters total for both sides



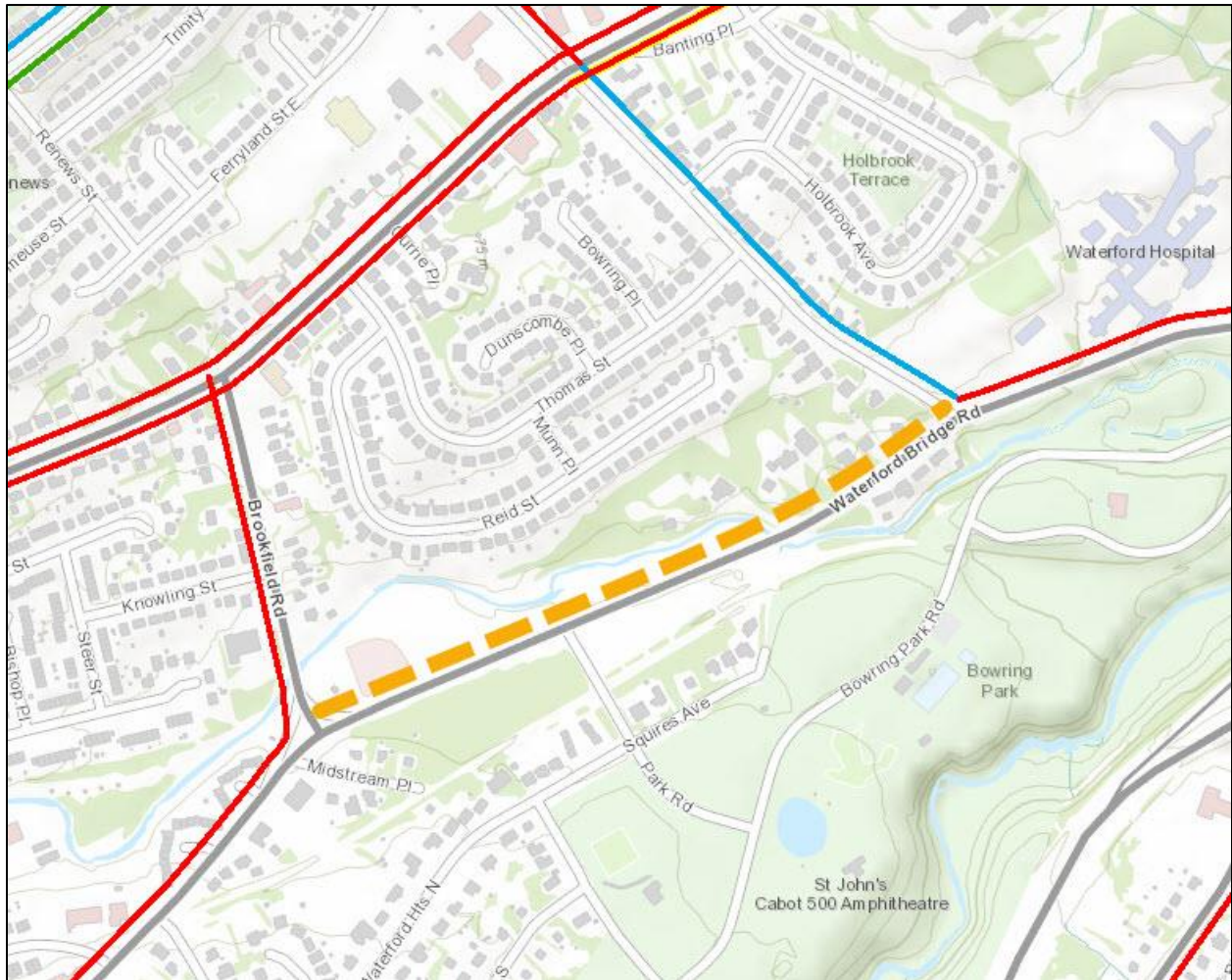
The Boulevard from Pleasantville Ave to the CNIB crosswalk

- Ward 2
- Arterial-Minor class road
- Priority 1
- 120 meters on the north side of the road



Waterford Bridge Road from Cowan Ave to Brookfield Road

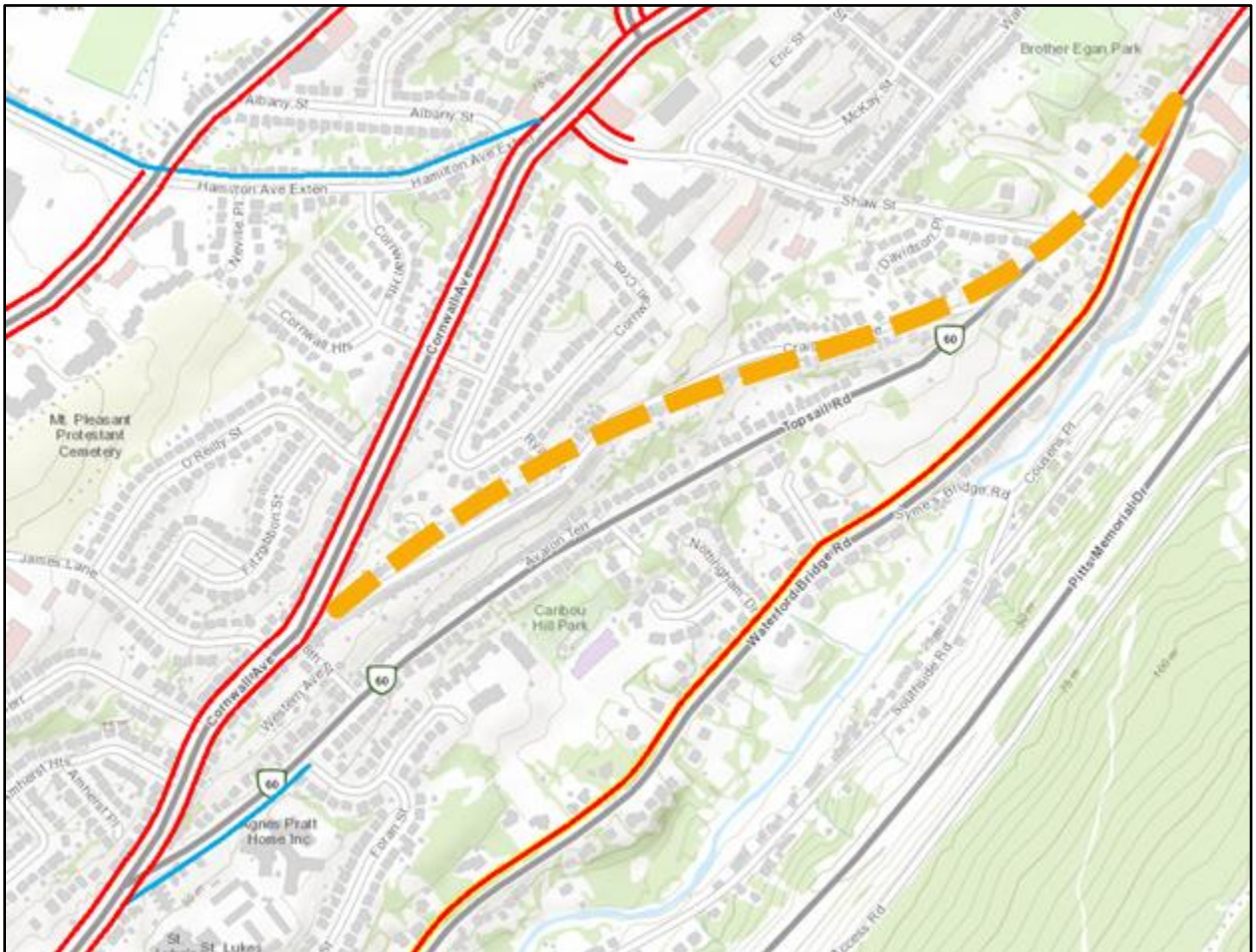
- Ward 3 & 5
- Arterial-Minor class road
- Priority 1
- 730 meters on the north side of the road



Craigmillar Avenue and Topsail Road from Craigmillar to Water St

- Ward 3
- Residential class road (Topsail is Collector)
- Priority 2
- 1310 meters, on the north side of the road

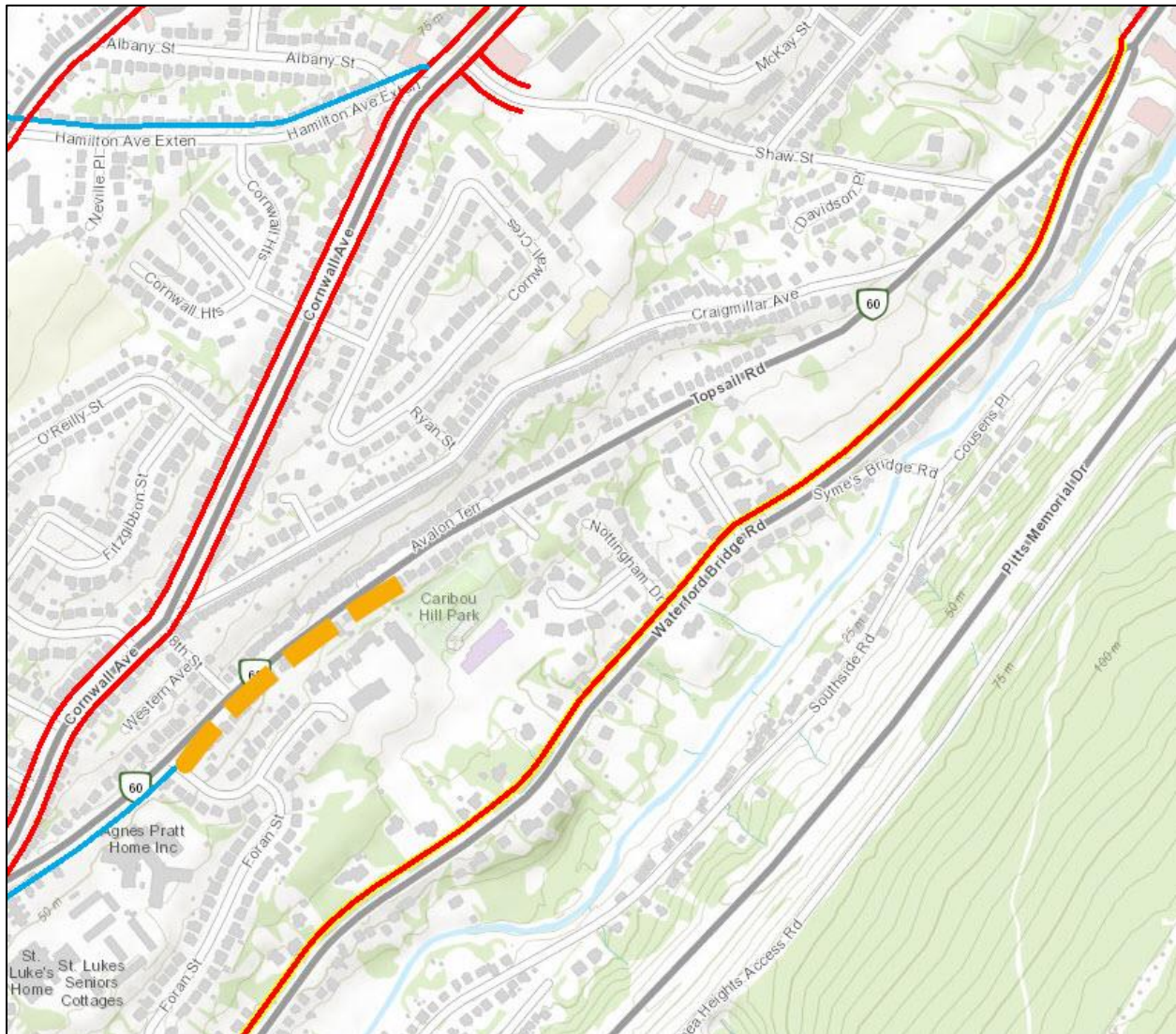
The north side appears to have fewer obstructions and more room to store snow. Topsail Road sidewalks are also requested, which is parallel to this street



Topsail Road from McLoughlan Street to St. Mary's Elementary

- Ward 3
- Collector class road
- Priority 2
- 300 meters, on the south side of the road

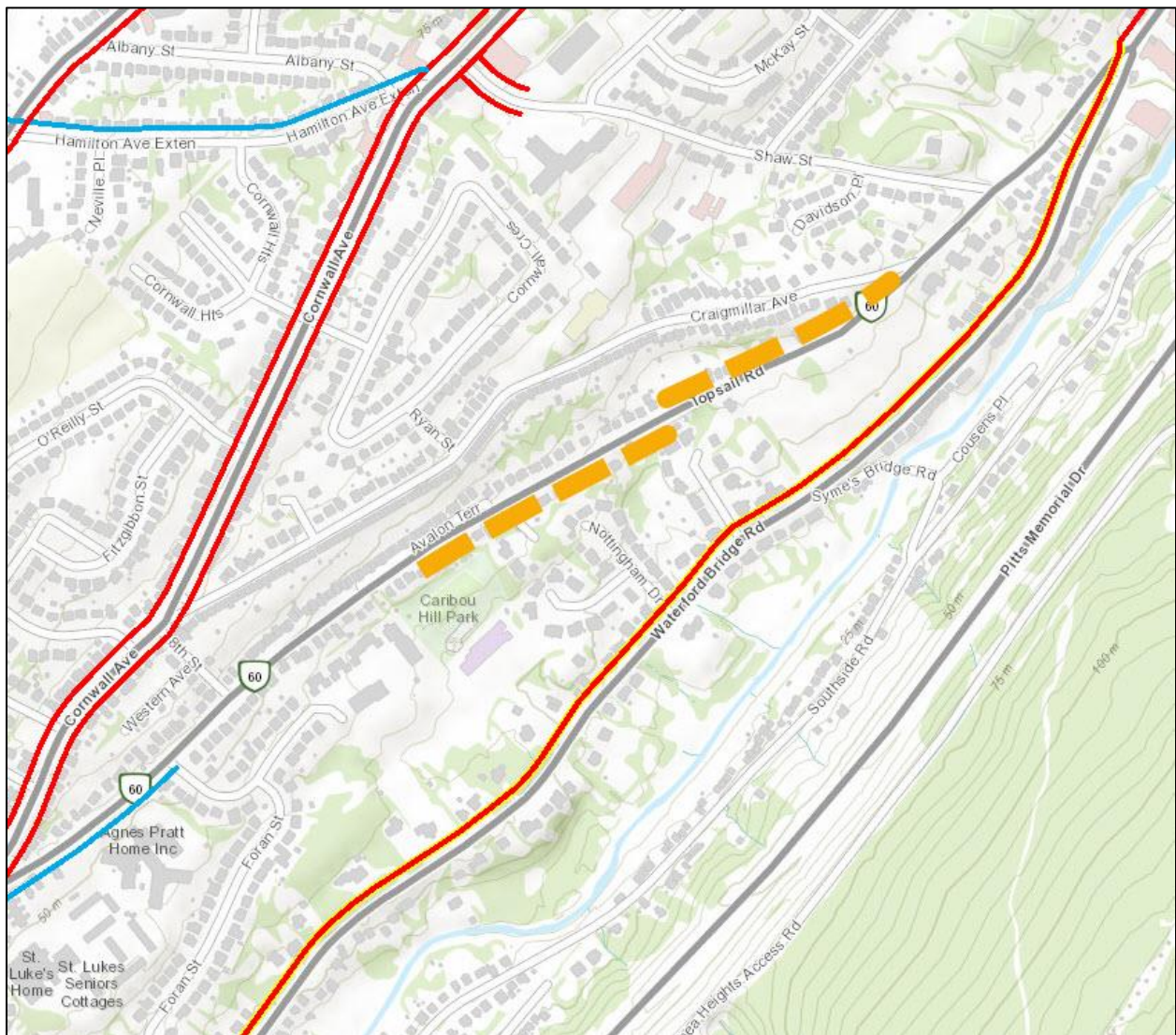
There are multiple obstructions on this route including several utility poles, hydrants and narrow sidewalks, that may make this route very difficult to clear.



Topsail Road from St. Mary's Elementary to Craigmillar Avenue

- Ward 3
- Collector class road
- Priority 2
- 720 meters, on the south side switching to north side

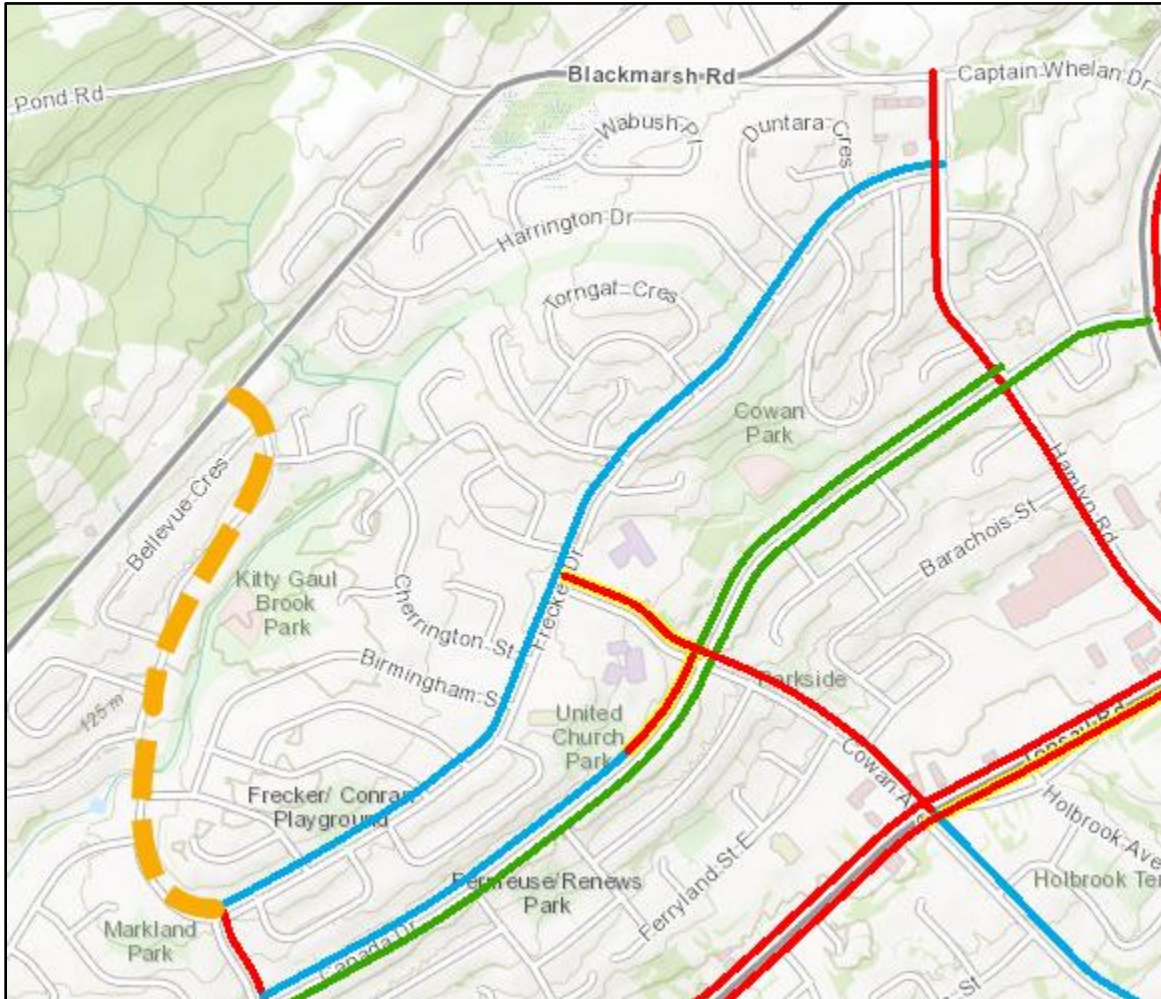
There are multiple obstructions on this route including several utility poles, hydrants and narrow sidewalks, that may make this route very difficult to clear.



Frecker Drive from Burgeo Street to Blackmarsh Road

- Ward 3
- Collector class road
- Priority 2
- 1000 meters on the north side of the road

This proposed change will result in sidewalks being cleared the full length of Frecker Drive.



Boyle Street and section of Bartlett Place, from Anspach St to Forbes St

- Ward 3
- Residential class road
- Priority 2
- 700 meters on the east side of the road



Forest Road from Lake View Ave to Regiment Road

- Ward 2
- Collector class road
- Priority 2
- 1000 meters on the south side of the road



Macbeth Drive from Kincaid Street to Airport Heights Drive

This request results from parents wishing to drop-off children on Macbeth Drive rather than use the dedicated park-and-ride lane on the school parking lot.

- Ward 1
- Residential class road
- Priority 3
- 120 meters on the east side of the road

Currently both sides of Airport Heights Drive are included on the route, priority 3 residential streets are not.

Due to the smaller sizes of the adjacent residential lots, clearing the sidewalks at this location will result in a much smaller snow storage area, and may result in the need for snow removals at this location.



DECISION/DIRECTION NOTE

Title: Audit Committee – Terms of Reference

Date Prepared: July 15, 2019

Report To: Committee of the Whole – July 24, 2019

Councillor and Role: Councillor Dave Lane/Finance and Administration

Ward: N/A

Decision/Direction Required:

Seeking approval from Council to approve the newly developed Terms of Reference for the Audit Standing Committee.

Discussion – Background and Current Status:

At its Regular Meeting of February 5, 2018 (CD #2018-02-05/14), Council agreed to appoint a panel to review the best governance process for the City's Internal Audit function.

The subsequent report of the panel was approved by Council at its Regular Meeting of April 15, 2019 (CD#2019-04-15/1).

The report contained several recommendations, including changes to the existing Audit and Accountability Standing Committee, as noted below:

- There should be 2 public representatives on the Audit and Accountability Standing Committee of Council; one of these individuals should be the Chair of the Audit and Accountability Standing Committee.
- Specific Councillors (3) be identified and appointed to serve on the Audit and Accountability Standing Committee; the current structure has all Councillors as members of the Committee but few actively participate.
- The Audit and Accountability Standing Committee have at least 4 meetings per year.
- The Audit and Accountability Standing Committee recommend the budget allocation for the Internal Audit Division to Council and guide its approval. The budget allocation would include salary resources, professional development, travel and normal operating costs.
- The Audit and Accountability Standing Committee review special project requests outside of the work plan independently developed by the Internal Audit Division and

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support Internal Audit in decisions taken with respect to those requests.

- The Audit and Accountability Standing Committee be responsible for hiring the City Internal Auditor.
- The Audit and Accountability Standing Committee conduct an annual performance review of the City Internal Auditor.
- The Audit and Accountability Standing Committee liaise with, and receive reports of, the external auditor.
- The Audit and Accountability Standing Committee follow up to ensure that recommendations resulting from work of the Internal Audit Division are implemented.

Based on the recommendations of the panel, the Internal Auditor, Deputy City Manager of Finance and Administration together with the City Clerk, developed a Terms of Reference for the Audit Standing Committee.

Once the Terms of Reference is approved, we will advertise for a public member to Chair the Committee.

Key Considerations/Implications:

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders:
 - Mayor and members of Council
 - Residents of the City
3. Alignment with Strategic Directions/Adopted Plans: N/A
4. Legal or Policy Implications: N/A
5. Privacy Implications: N/A
6. Engagement and Communications Considerations:
 - Advertise for a new public member/Chair
7. Human Resource Implications: N/A
8. Procurement Implications: N/A
9. Information Technology Implications: N/A

10. Other Implications: N/A

Recommendation:

It is recommended that Council approved the newly drafted Terms of Reference for the Audit Standing Committee.

Prepared by: Elaine Henley, City Clerk

Reviewed by: Sean Janes, Internal Auditor

Approved by: Derek Coffey, Deputy City Manager/Finance and
Administration

Attachments: Draft Terms of Reference – Audit Committee

1. GENERAL INFORMATION

Standing committee name:	Audit Committee
Reporting to:	Council
Date of formation - expiration date:	
Meeting frequency:	Minimum of four times per year
Staff lead:	DCM, Finance & Administration – External Audit Matters City Internal Auditor – Internal Audit Matters
Other staff liaison:	As required

2. PURPOSE

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

- Financial reporting
- Internal control systems
- Risk management
- Legal and regulatory compliance
- The external audit process
- The internal audit function

The Audit Committee is a standing committee of Council, appointed by Council and makes recommendations directly to Council regarding the above noted matters.

Audit Committee Relationship to Strategic Plan:

- A Sustainable City – be financially responsible and accountable.
- An Effective City – work with our employees to improve organizational performance through effective processes and policies; and ensure accountability and good governance through transparent and open decision making.

Applicable Legislation/City Bylaws:

- N/A

Other City Plans, Guides or Strategies:

- N/A

Other Distinct Deliverables and Considerations:

- The Committee will be presented with a report of all fraud allegations received by the Office of the City Internal Auditor on an annual basis, along with the results of any investigations and any other relevant statistics.

3. MEMBERSHIP AND COMPOSITION**3.1 COMPOSITION**

The Audit Committee will be comprised of a minimum of 5 members from the following stakeholder groups:

3.1.1 Public Members**Committee Chair**

The Audit Committee will be chaired by a member of the public. The position of Chair will be advertised and will be selected by Council upon recommendation of staff drawing from the available candidates. The public member chairing the Committee will have responsibility for ensuring the Committee carries out its work as per the terms of reference.

Public Members

The Committee will be comprised of 2 residents serving as public members (1 serving as Chair). Public members are volunteers and will receive no compensation for participation. Preference will be given to residents of St. John's. Public members must have an accounting and/or an auditing designation, have experience in the public sector, either directly or indirectly as a finance professional, auditor or consultant, and/or have demonstrated expertise and experience in matters of municipal finance and auditing.

Council Members

A minimum of 3 Council members shall be appointed to the Committee.

3.1.2 Staff and Council Members (Ex-Officio Members)**Lead Staff**

The City Internal Auditor will act as Lead Staff for the Audit Committee for all internal audit related matters while the Deputy City Manager of Finance & Administration will appoint a staff member to be Lead Staff on all external audit related matters. Other staff support/attendance may be requested by the Lead Staff where required.

City Clerk

The City Clerk will provide legislative and governance support to the committee.

Council

The Committee will have three members of Council while all other Council members are considered ex-officio.

3.2 LENGTH OF TERM

Public Member Experts

Unless otherwise indicated, Audit Committee members term of appointment is four years. Recognizing the value of experience and the need for continuity, incumbents who are willing to seek reappointment may signify their intent to serve an additional two years, for a total of six years. In some cases, members may be encouraged to provide guidance, expertise and attend in a bridging capacity following the end of their term.

Cooling-off Period (Former City Staff and Council)

There will be a cooling-off period of two years for Council and Staff once they are no longer associated with the City. Setting term lengths with a cooling-off period will promote gradual turnover, ensuring a constant balance between new members and former staff or council.

Additional Considerations:

- Midterm Appointments: When an appointment is made which does not coincide with the beginning of a term (i.e. to fill a vacancy) the partial term (i.e. less than two years) shall not count towards the maximum length of service or number of terms on the Committee for the appointee.

Exceptions to the above terms are as follows: when an insufficient number of applications have been received; if a particular area of expertise is indispensable and there are no other suitable replacements; if the Committee would suffer from a lack of continuity (i.e. more than half of all members are replaced at once); if directly related to the Committee's purpose as defined in its Terms of Reference.

4. ROLES, RESPONSIBILITIES AND REPORTING

4.1 ROLES AND RESPONSIBILITIES

As a municipal standing committee, roles include:

- Making recommendations to Council in a manner that will support City strategic directions and goals.
- Providing expertise specific to the mandate of the Committee.
- Working within given resources.

Shared Member Responsibilities

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.

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.

Conduct

Members shall strive to serve the public interest by upholding Federal, Provincial and Municipal laws and policies. Members are to be transparent in their duties to promote public confidence. Members are to respect the rights and opinions of other committee members.

Preparation

Meeting agenda and accompanying materials will be circulated electronically one week prior to all meetings; members are expected to review all distributed materials prior to meetings. Alternate material distribution methods to be made available upon request.

Agendas

- Agendas to require focus with clear parameters for content and alignment with terms of reference/purpose.
- Agendas will be finalized one week before meetings.
- Items and accompanying material that are received after the agenda has been prepared and distributed (but prior to the meeting) will be moved to the following meeting's agenda at the discretion of the City Clerk.

Attendance and Participation

Active participation in meetings is expected of all public members. "Active participation" may refer to both meeting attendance and/or engagement. An effort should be made to attend meetings in person or remotely. If a member declines three consecutive attempts to schedule a meeting or is unable to attend three consecutive scheduled meetings without justified absence, that member may be retired from the committee at the discretion of the City Clerk

Members who wish to request a leave of absence for an extended period of time (3+ months) may submit such a request to the City Clerk. Previously submitted applications may be used to fill temporary vacancies created by approved leaves of absence.

Quorum – a quorum for meetings is considered to be 50% + 1 members in attendance.

Voting

City Staff and non-appointed council members are ex-officio and therefore non-voting.

4.2 MEMBER ROLES AND RESPONSIBILITIES**4.2.1 City Staff****Lead Staff**

- To act as a liaison between the Committee and the City; linking across departments on issues relevant to the work of the Committee.
- Lead staff will attend the Regular Meeting of Council when reports of the Audit Committee are included in the agenda and when requested by the Chair or Council.
- Ensure the Committee is informed about City policy, procedure and available resources in reference to specific agenda items and provide procedural and/or technical advice to assist the committee where appropriate.
- Request additional staff support/attendance at meetings as needed.
- To develop agendas in cooperation with the Chair and City Clerk's Office for distribution.
- Incorporate input from the Committee into ongoing City work where appropriate (e.g. projects, staff updates, publications).

Other Staff Liaison

- The work of Other Staff Liaisons intersects the purpose of the Committee and therefore they may be required to participate.

City Clerk

- To be responsible for legislative functions related to the Committee's operation, establishment, review, and term amendments. This includes leading or supporting day-to-day committee activities such as the co-ordination of meeting schedules and the external/internal distribution/posting of committee agendas and meeting reports
- Facilitate and support the recruitment and appointment process through assisting in the development of "Notice of Vacancy" while ensuring all relevant forms and supporting documentation are completed and received.
- In adherence with the terms of reference, the Office of City Clerk and Lead Staff oversee committee selection with input from relevant departments.

- The Office of the City Clerk will work with Lead Staff members to ensure new members receive orientation.

4.2.2 Public Members

Chair

- The presiding officer of the Audit Committee will be referred to as "Chair." A Committee member shall not serve as a Chair for more than four consecutive years except in extenuating circumstances (see Term Limits).
- Uphold Committee processes and functions in accordance with all terms presented, maintaining productivity and focus. This includes ensuring committee members' conduct themselves in a professional manner.
- If appropriate, with support from the City Clerk and Lead Staff, the Chair will help build and coordinate a work plan for the committee.
- Prepare and submit agenda items and accompanying materials to the City Clerk (i.e. act as a conduit for all communications between public members and the City Clerk).
- Where appropriate, support the Lead Staff and/or City Clerk in fulfilling the Committee requirements related to reporting processes (annual presentations, written reports, FAQ's etc.).
- Assist in the development of content for Notice of Vacancy documents.
- Review the Audit Committee's Terms of Reference with the City Clerk and Lead Staff at the end of each term and be prepared to propose amendments as needed.

Public Members

Public members are expected to provide advice to support City decision making; applying knowledge and experience related to the mandate of the committee in carrying out functions commensurate with its defined purpose. Roles to include active participation in meetings; representing professional designation to which they belong in the community and engaging experts when appropriate.

4.2.3 Council

The Audit Committee reports to Council.

In cases where an item of Committee business (as detailed in a given meeting agenda) would benefit from having additional members of council attend, it will be the responsibility of the Chair and/or Lead Staff to inform Council.

4.3 REPORTING

The Audit Committee shall report through Council.

Standardized Reporting Process:

- The Committee Lead Staff, Chair and City Clerk will work to complete a report for referral to Council.
- Following reporting to Council, the report will be posted to the City of St. John's website, if appropriate.

5. COMMITTEE RECRUITMENT AND SELECTION**5.1 RECRUITMENT, VACANCIES, AND APPLICATIONS**

Recruitment practices will be consistent for all standing committees. When new members are required a "Notice of Vacancy" will be prepared by the City Clerk and distributed through City communication channels. Additional communications opportunities may be identified by relevant departments/committee members. This document will include general information regarding committee purpose, the terms of reference and a link to the Application Form.

A vacancy on a committee occurs when a member resigns, vacates a position, or when their resignation is requested by the Chair. Vacancies may occur at: the date of resignation; the date the member ceases to be qualified; the date the Chair declares the position vacant due to lack of attendance or incapacitation.

All applicants must complete an Application Form which may be downloaded from the City website or obtained by visiting/calling Access 311. Applications will be made available in large print format upon request and may be submitted electronically, via mail, by phone, or in person to the attention of the City Clerk's Office.

5.2 ELIGIBILITY AND SELECTION**Eligibility**

Appointments to the City of St. John's Audit Committee will follow Section 3. Membership and Composition.

Selection Criteria

In addition to eligibility requirements, an applicant's specific skills and experience will be important factors in committee selection. While all who meet the Eligibility Requirements outlined are encouraged to apply, applicants with demonstrated participation in groups or initiatives with goals relevant to the committee's purpose will be preferred. Some other considerations pertaining to general selection criteria include: past professional and volunteer experience, ability to perform required tasks, and complementary skills, or competencies possessed. Those who are selected to serve on the City's Audit Committee will be notified by email.

6 PUBLIC ENGAGEMENT

The City of St. John's recognizes that engagement between the City and its citizens is an essential component of an effective municipal government. The City views public engagement as a process – one that facilitates dialogue with the right people, using the right tools, at the right time, on subject areas of mutual interest.

In accordance with the City of St. John's [Engage! Policy](#), the role of the Audit Committee in the spectrum of engagement will fall within the realm of "consultation." As such, City of St. John's Audit Committee will be based on the principles of commitment, accountability, clear and timely information, and inclusiveness.

Standing committees are only one of the ways to engage with the City. Where applicable the City will consider the use of other tools to gather perspectives and input. For more information on public engagement in the City of St. John's or to find out how to get involved or learn about what's coming up, check out the engagement page on the City's website. You can also check out the City's [Engage! St. John's](#) online engagement platform and connect with us on [Twitter](#) and [Facebook](#).

7 OTHER GOVERNANCE

7.1 REVIEW OF TERMS

Taking into account recommendations from the Committee Chair, Council, the City Clerk and Lead Staff, the Committee will, at the first meeting of each year, review the Audit Committee Terms of Reference document. The purpose of this review will be to ensure that the operations and function of the Committee are still aligned with its defined purpose. Through this review process, amendments to the Terms of Reference may be proposed and recommended to council.

7.2 MEETING AND SCHEDULES

The Audit Committee will meet a minimum of four times per year as agenda items are determined. The exact frequency of Audit Committee meetings will be determined by the Chair, Lead Staff, and City Clerk.

Unless otherwise specified (generally one week prior to a meeting) Audit Committee meetings shall be held at City Hall and shall generally be open to the public. In-camera sessions (closed to the public) may be held at the request of the Chair or Lead Staff to deal with privileged matters.

7.3 CONFLICTS OF INTEREST AND CONFIDENTIALITY

Conflicts of Interest

A conflict of interest refers to situations in which personal, occupational or financial considerations may affect or appear to affect the objectivity or fairness of decisions related to the committee's activities. A conflict of interest may be real, potential or perceived in nature. Conflict of Interest may occur when a committee member participates in discussion or decision-making about a matter which may financially benefit that Member or a member of his/her family, or someone with whom the committee member has a close personal relationship, directly or indirectly, regardless of the size of the benefit.

In cases where the committee agenda or discussions present a conflict of interest for a member, that member is required to declare such conflict; to abstain from discussion; and remove himself/herself from the meeting room until the agenda item has been dealt with by the Committee.

Confidentiality:

All committee members are required to refrain from the use or transmission of any confidential or privileged information while serving with the Audit Committee.

STANDING COMMITTEE TERMS OF REFERENCE

Staff Liaison Name:

Signature: _____

Date: _____

Chair Name:

Signature: _____

Date: _____

City Clerk Name:

Signature: _____

Date: _____

DECISION/DIRECTION NOTE

Title: Application to Rezone Land to the Commercial Neighbourhood (CN) Zone for a Lounge and Eating Establishment (Pub and Eatery)
MPA1800006
75 Airport Heights Drive

Date Prepared: July 17, 2019

Report To: Committee of the Whole

Councillor & Role: Councillor Maggie Burton, Planning and Development Lead

Ward: 1

Decision/Direction Required:

To consider a rezoning application for land at 75 Airport Heights Drive from the Commercial Local (CL) Zone to the Commercial Neighbourhood (CN) Zone to allow for a Lounge and Eating Establishment use. An amendment to the St. John's Municipal Plan is required.

Discussion – Background and Current Status:

The City has received an application for a pub and eatery at 75 Airport Heights Drive. The property is currently zoned Commercial Local which does not allow a Lounge or Eating Establishment use. The applicant has requested to rezone the property to Commercial Neighbourhood in which Lounge and Eating Establishment are discretionary uses. The properties surrounding 75 Airport Heights Drive are zoned Residential Low Density (R1) and a majority of the properties are dwellings, apart from two vacant lots adjacent to the property on the western side.

The property is designated Residential Low Density (RLD) under the St. John's Municipal Plan and applies to those areas characterized by a predominance of single detached dwellings. The current Commercial Local Zone is permitted under the RLD District, however a rezoning to the Commercial Neighbourhood (CN) Zone would require a Municipal Plan amendment to the Commercial General District, as the CN Zone allows for more commercial uses than the CL Zone.

The building at 75 Airport Heights Drive was built as a Daycare Centre and was rezoned in June 2018 to the CL Zone to accommodate commercial uses such as office, take-out or hair salon. The same applicant is now requesting the CN Zone for a pub and eatery. During the public consultation for the rezoning in 2018, there were concerns raised by residents regarding the change to a commercial zone. The neighbourhood felt that a commercial zone would increase traffic and create a precedent for more requests for commercial uses. However, the

ST. JOHN'S

applicant states that they have neighbourhood support for a pub and eatery, and it is a desired service in the area.

There are no development or engineering concerns with the proposed amendment. The development will require 17 parking spaces. The applicants have proposed 10 parking spaces and have requested parking relief for 7 spaces. The applicant is asking for parking relief because the property is within walking distance to the adjacent residential neighbourhood. Further, there is on-street parking available on the opposite side of the street from 40 Airport Heights Drive to Canso Place. Please note, the attached site plan will be updated prior to public consultation to display a 1.8 metre fence surrounding the property.

Once the property is rezoned other Commercial Neighbourhood uses may be permitted. The list of permitted and discretionary uses in the CN Zone is attached. Given that the applicant has indicated that there is a desire and need for this use within the neighbourhood, it is recommended to advertise the proposed amendment for public consultation to determine any concerns from the neighbourhood. At a later date, the Municipal Plan amendment would require a commissioner's public hearing.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
Neighbouring residents and property owners.
3. Alignment with Strategic Directions/Adopted Plans:
A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications:
Amendments to the St. John's Municipal Plan and Development Regulations are required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations:
Advertisement of the proposed amendment.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

Recommendation:

It is recommended that Council consider the amendments to the St. John's Municipal Plan and Development Regulations at 75 Airport Heights Drive to rezone land from the Commercial Local (CL) Zone to Commercial Neighbourhood (CN) Zone and that the application be advertised for public review and comment. Following the public consultation, the application would be referred to a regular meeting of Council for consideration of adoption.

Prepared by/Signature:

Ann-Marie Cashin, MCIP – Planner III, Urban Design and Heritage

Signature: _____

Approved by/Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

AMC/dlm

Attachments:

Zoning Map
Site Plan
CN Zone Table

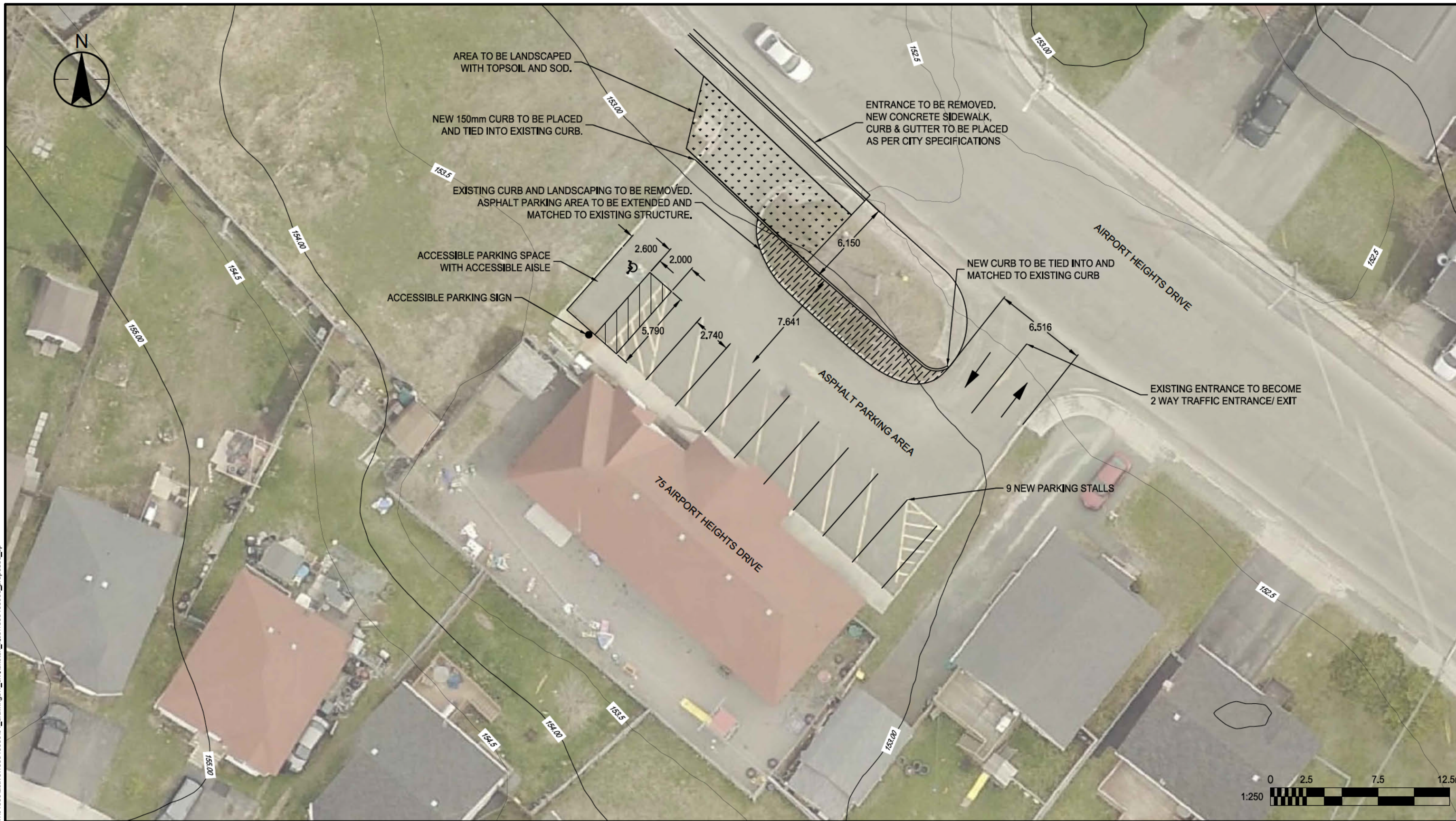


SUBJECT PROPERTY

CL

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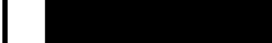


Stantec Consulting Ltd.
141 Kelsey Drive
St. John's NL A1B 0L2
Tel: (709) 576-1458
www.stantec.com

Notes

1. AERIAL IMAGERY AND LIDAR INFORMATION PROVIDED BY THE CITY OF ST. JOHN'S.
2. ALL WORK TO BE COMPLETED IN ACCORDANCE TO CITY OF ST. JOHNS SPECIFICATIONS.

Client/Brient



75 AIRPORT HEIGHTS DR.

Project No.
133348530

Title

PROPOSED SITE PLAN

Revision

Reference Sheet

Date

2019.07.09

Figure No.

CSK1

10.17 COMMERCIAL NEIGHBOURHOOD (CN) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

10.17.1 Permitted Uses

Residential:

- (a) Dwelling Units located in the second and/or higher Storeys of a Building **(1995-12-08)**
(2007-04-05)

Public:

- (b) Library
- (c) Adult Day Care Facility (subject to Section 7.2)

Commercial:

- (d) Bakery
- (e) Bank (Subject to Section 7.30) **(2012-06-29)**
- (f) Clinic
- (g) Commercial School
- (h) Custom Workshop
- (i) Dry-cleaning Establishment
- (j) Laundromat
- (k) Office
- (l) Parking Area
- (m) Printing Establishment
- (n) Retail Store
- (o) Service Shop
- (p) Sign Maker's Shop
- (q) Veterinary Clinic

Recreational:

- (r) Park

Other:

- (s) Public Utility

CN

10.17.2 Discretionary Uses (subject to Section 5.8)

- | | | |
|-----|--|--------------|
| (a) | Car Washing Establishment (Subject to Section 7.30) | (2012-06-29) |
| (b) | Car Sales Lot | (2007-09-07) |
| (c) | Church | (1998-05-29) |
| (d) | Day Care Centre (subject to Section 7.6) | |
| (e) | Eating Establishment (subject to Section 7.21)(Subject to 7.31) | (1995-09-15) |
| | | (2012-06-29) |
| (f) | Lounge (subject to Section 7.21) | (2014-06-06) |
| (g) | Private Park | (2007-10-05) |
| (h) | Recycling Depot (provided the site is not located
in a Residential Land Use District of the
St. John's Municipal Plan) | (1997-11-21) |
| (i) | Rental Storage Use (subject to Section 7.23) | (2008-07-18) |
| (j) | Service Station and Gas Bar (Subject to Section 7.30) | (2012-06-29) |
| (k) | Small Scale Wind Turbine | (2012-06-01) |
| (l) | Take-Out Food Service (Subject to Section 7.30) | (2012-06-29) |
| (m) | Taxi Business | |

10.17.3 Zone Requirements

- (1) The following requirements shall apply to all Commercial and Institutional Uses:

- | | | |
|-----|--|------------------------|
| (a) | Lot Area (minimum) | 900 square metres |
| (b) | Lot Frontage (minimum) | 30 m |
| (c) | Lot Coverage (maximum) | 50% |
| (d) | Gross Floor Area used exclusively for a
Commercial Use shall not exceed | 9000 square metres |
| (e) | Floor Area Ratio maximum) | 1.0 |
| (f) | Building Height (maximum) | 3 Storeys |
| (g) | Building Line (minimum) | 7 m |
| (h) | Side Yards (minimum) | 1 m per Storey |
| (i) | Side Yard on Flanking Road (minimum) | 6 m |
| (j) | Rear Yard (minimum) | 6 m |
| (k) | Landscaping on Lot (minimum) | Subject to Section 8.5 |

- (2) All other uses:
As determined by Council

CN

Title: Harbour Drive PayByPhone Parking
Date Prepared: July 17, 2019
Report To: Committee of the Whole
Councillor/Theme: Debbie Hanlon - Transportation
Ward: 2

Decision/Direction Required:

Decision is required to determine the next steps the City will take with regards to paid parking on Harbour Drive after the one-year trial of a PayByPhone only area.

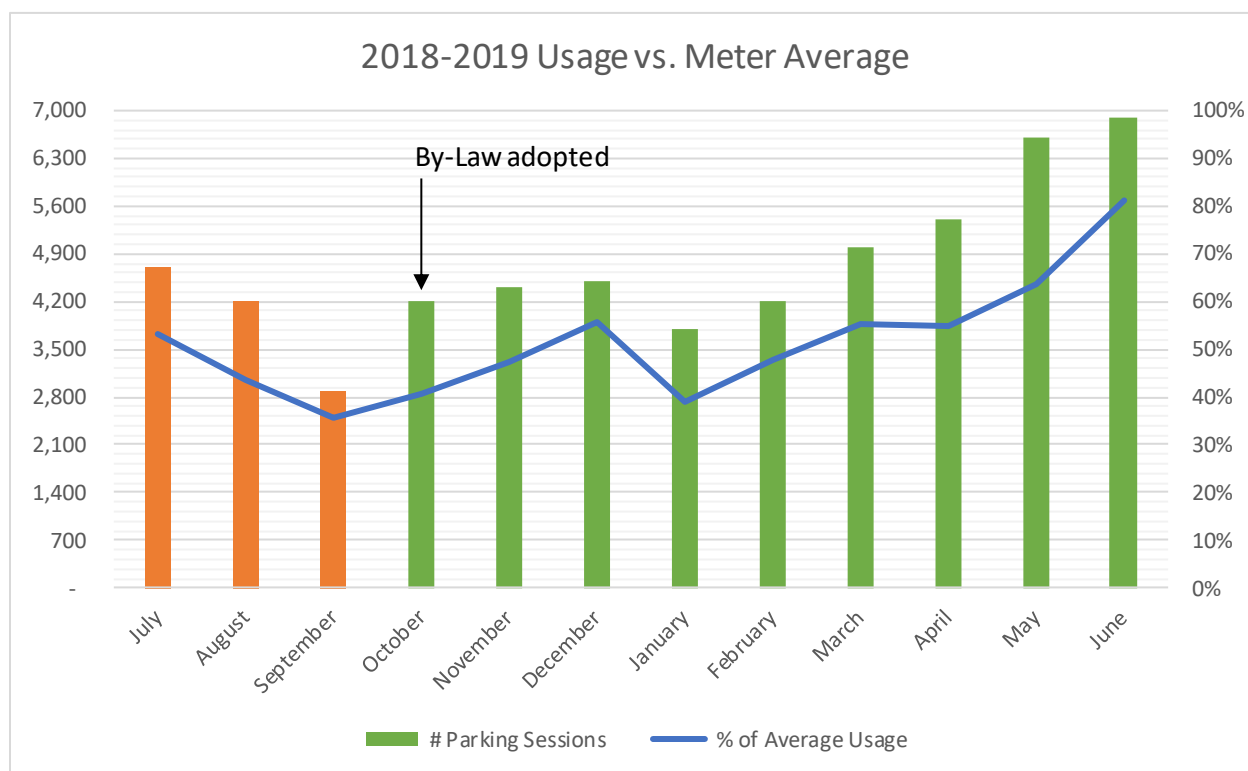
Discussion – Background and Current Status:

Last year the City replaced 136 single-space meters along Harbour Drive with a PayByPhone only area. To pay for parking in this area customers use the PayByPhone smart phone application or call the toll-free number provided. This payment method was trialed as the sole payment option in this area for one calendar year as part of the City's Paid Parking Management Strategy.

Paid parking compliance in this test area saw an initial acceptance followed by a decline in the first few months until the [St. John's Paid Parking Regulations](#) was passed in October and enforcement began. In June of 2019, parking usage on Harbour Drive is at over 80% of average meter use for the area (based on use before vandalism became an issue). **Figure 1** illustrates the total monthly PayByPhone use during this trial year as compared to the average historical meter use for the area.

While the trend of paid parking compliance has improved in the area, continued feedback from the public was monitored. Concerns regarding a lack of alternative payment methods, particularity for those who may not have access to a mobile phone or who are not as comfortable using this application technology, have been identified. Given these concerns and in the interest of making paid parking compliance as easy as possible for all users, it is recommended that pay station meter hardware be installed along Harbour Drive as part of the City's new equipment roll out. It is also recommended that, in future, the standard approach will be to include payment hardware in addition to the PayByPhone option. Exceptions may be made on a case by case basis only with a strong rationale.

Figure 1: Harbour Drive PayByPhone Usage



Key Considerations/Implications:

1. Budget/Financial Implications

Costs to purchase/install parking meter hardware is yet to be determined and will depend on the award of the Supply of and Services for Paid Parking Management and Enforcement RFP. It is anticipated that any capital costs would be covered by the City's Parking Reserve Fund.

2. Partners or Other Stakeholders

n/a

3. Alignment with Strategic Directions/Adopted Plans

This initiative contributes to implementation of the City's Paid Parking Management Strategy and advances the City's goal M2 – "Improve safety for all users on a well-maintained street network" as part of the 2019 action item M2.3 – "Implement recommendations and actions from the Paid Parking Management Strategy".

4. Legal or Policy Implications

n/a

5. Privacy Implications

n/a

6. Engagement and Communications Considerations

n/a

7. Human Resource Implications

n/a

8. Procurement Implications

Any purchasing would adhere to Procurement legislation and policy.

9. Information Technology Implications

n/a

10. Other Implications

n/a

Recommendations:

It is recommended that, in addition to the PayByPhone option, the City install pay station meter hardware on Harbour Drive as part of the City's new parking meter equipment roll out.

Prepared by:

Anna Bauditz, Transportation System Engineer

Signature: _____

Approved by:

Garrett Donaher, Manager - Transportation Engineering

Signature: _____

Attachments:

N/A