

April 1st, 2013

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: Councillors O'Leary; Hickman, Hann, Breen, Galgay, Tilley, Hanlon and Collins.

Regrets: Deputy Mayor Duff and Councillor Colbert.

City Manager, Deputy City Manager, Corporate Services & City Clerk, Deputy City Manager, Public Works & Parks, Deputy City Manager, Planning, Development & Engineering, Director of Engineering, Acting Director of Planning, City Solicitor and Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2013-04-01/142R

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

Adoption of Minutes

SJMC2013-04-01/143R

It was decided on motion of Councillor Collins; seconded by Councillor Galgay: That the minutes of March 25th, 2013 meeting be adopted as presented.

Business Arising

**Development Fee and Subdivision Application Fee
St. John's Development Regulations Amendment No. 556, 2013**

Under business arising, Council considered a memorandum dated March 27, 2013 from the Acting Director of Planning regarding the above noted.

SJMC2013-04-01/144R

It was moved by Councillor Galgay; seconded by Councillor Hickman: That staff be directed to advertise the following amendment to the St. John's Development Regulations respecting the Development Fee and the Subdivision Application Fee which would then be referred to a future regular meeting of Council for consideration of adoption and formally set the rates for these two fees; and further, it was agreed that staff will also consult with affected stakeholders.

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 556, 2013**

WHEREAS the City of St. John's wishes to modify the current provisions of the St. John's Development Regulations dealing with the Subdivision Application Fee and the Development Fee.

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act, 2000:

Repeal Section 6.4.2 ("Subdivision Application Fee") and repeal Section 6.4.3 ("Development Fee") and replace with the following new sections:

"6.4.2 Subdivision Application Fee

For any Subdivision, a Subdivision Application Fee shall be paid prior to the issue of any permits, and the amount of this Fee shall be established by Council from time to time. This Fee shall apply to every Lot created by the Subdivision, excluding the Homestead Lot. This Fee shall be in addition to any other fee or requirement."

"6.4.3 Development Fee

- (1) A Residential Development Fee shall be paid for each new Dwelling Unit to be constructed on a Lot. The Fee shall be paid prior to the issuance of any permit for the new Dwelling Unit. The amount of the Fee shall be established by Council from time to time and shall be in addition to any other fee or requirement.
- (2) A Non-Residential Development Fee shall be paid for each new structure, or expansion of an existing structure, for a non-residential use to be constructed on a Lot. The Fee shall be paid prior to the issuance of any permit for the new structure or expansion. The amount of the Fee shall be established by Council from time to time and shall be in addition to any other fee or requirement.

(3) A Mixed Use Development Fee shall be paid for each new structure, expansion of an existing structure or each new Dwelling Unit in a mixed use to be constructed on a Lot. The Fee shall be paid prior to the issuance of any permit for the new structure, expansion or Dwelling Unit. The amount of the Fee shall be established by Council from time to time and shall be in addition to any other fee or requirement.”

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 1st day of **April, 2013.**

Mayor

City Clerk

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

MCIP

The motion being put was unanimously carried.

Proposed Hotel Development 227-229 Kenmount Road
Applicant: Pacific Coast Architecture for Northwood Properties Inc.

Council considered a memorandum dated March 26, 2013 from the Acting Director of Planning regarding the above noted.

SJMC2013-04-01/145R

It was moved by Councillor Hanlon; seconded by Councillor Tilley: That Resolutions for St. John’s Municipal Plan Amendment Number 109, 2013 and St. John’s Development Regulations Amendment Number 557, 2013 be formally approved in the form as they were adopted by Council on March 4, 2013; which will now be sent to the Department of Municipal Affairs with the request that they be issued Provincial registration.

The motion being put was unanimously carried.

Finance and Administration Standing Committee Report dated March 21, 2013

At this point, Councillor Breen stated the City's position on the Provincial Budget. A copy of the statement is on file with the City Clerk's office. His Worship the Mayor noted that the City is looking forward to the beginning of a meaningful consultation with the province on a new fiscal relationship.

Council considered the following Finance and Administration Standing Committee Report dated March 21, 2013:

In attendance: Councillor Danny Breen, Chairperson
Councillor Wally Collins
Councillor Sheilagh O'Leary
Councillor Tom Hann
Councillor Frank Galgay
Councillor Bruce Tilley
Councillor Sandy Hickman
Mr. Bob Smart, City Manager
Mr. Neil Martin, Deputy City Manager/City Clerk
Mr. Paul Mackey, Director, Deputy City Manager/Director of Public Works/Parks
Mr. Bob Bishop, Director of Finance/City Treasurer
Ms. Elizabeth Lawrence, Director of Economic Development, Tourism and Culture
Ms. Jill Brewer, Director of Recreation
Mr. Sean Janes, City Auditor
Ms. Sandy Abbott, Recording Secretary

1. Requests for Financial Support and Sponsorships

The Committee considered memorandums from the City Clerk outlining requests from the following groups/organizations under the City's policy for Conference Sponsorship:

National Darts Federation of Canada: Request for the City to provide funding for four events taking place in St. John's. Approximately 1,100 participants are anticipated.

Newfoundland and Labrador Rugby Union: Request for the City to provide funding to host the 2013 Canadian Eastern Rugby Championship Tournament to be held July 11-14, 2013. Approximately 400 people are anticipated.

Canadian Technical Asphalt Association: Request for the City to provide funding to host the 58th Annual CTAA Conference to be held November 17-20, 2013. Approximately 350-400 participants are anticipated.

Department of Geography, MUN: Request for the City to provide funding to host the Annual Meeting of the Canadian Association of Geographers to be held August 10-15, 2013. Approximately 300 academics, professionals and students are anticipated.

Swimming Newfoundland and Labrador: Request for the City to provide funding to host the East Coast Swimming Long Course Championships to be held July 4-7, 2013. Approximately 360 swimmers are anticipated.

United Ostomy Association of Canada Inc.: Request for the City to provide funding to host their national conference. Approximately 350 attendees are anticipated.

Oceanex Eastern Canadian Gymnastics Championships: Request for the City to provide funding to host the 2013 Oceanex Eastern Canadian Gymnastics Championships in St. John's. Over 1,000 athletes, coaches, judges, families and spectators are anticipated.

NL 5 Pin Bowlers' Association: Request for the City to provide funding to host the Canadian 5 Pin Bowlers' Association National Open Tournament in St. John's. Approximately 375 people are anticipated.

Supporting documentation for the requests was reviewed and the following recommendation is brought forward:

The Committee recommends the following contributions in accordance with Policy No. 04-09-02:

National Darts Federation of Canada (Councillor Collins dissented) \$2,000.00
Newfoundland and Labrador Rugby Union \$750.00
Canadian Technical Asphalt Association \$750.00
Department of Geography, MUN \$750.00
Swimming NL: \$1500 approved (Councillor Collins dissented) \$1,500.00
United Ostomy Association of Canada Inc. \$750.00
Oceanex Eastern Canadian Gymnastics Championships \$1,500.00
Newfoundland and Labrador 5 Pin Bowlers' Association \$750.00

2. Big Brothers Big Sisters Canada

The Committee received a request for a donation of \$100.00 towards the 100th Anniversary of Big Brothers Big Sisters of Canada:

The Committee recommends approval of a donation of \$100.00 towards the 100th Anniversary of Big Brothers Big Sisters.

3. Municipalities Newfoundland and Labrador

The Committee received a request for financial support of \$2,000.00 towards a Meet and Greet Event of Municipalities NL to be held March 15-17, 2013:

The Committee recommends that no action is required as this event has already occurred and has been dealt with previously.

4. Faculty of Business Administration, MUN

The Committee received a request for financial sponsorship from the Faculty of Business Administration, MUN, towards the 48th Annual Business Day held on March 15, 2013:

The Committee recommends that no action is required as this event has already occurred.

5. Lady Cove Women's Choir

The Committee received a request for financial assistance from Lady Cove Women's Choir re their 10th Anniversary.

The Committee recommends that Council reject the request for financial assistance to Lady Cove Women's Choir's 10th Anniversary as this application should have been made to the Grants to Artists fund.

6. Atlantic Maple Leaf NL 2013 Tribute Dinner

The Committee received a request for financial assistance towards the Atlantic Maple Leaf NL 2013 Tribute Dinner in support of military families to be held on June 27, 2013.

The Committee recommends that Council reject the request for financial assistance towards the Atlantic Maple Leaf NL 2013 Tribute Dinner as this falls outside the parameters of the City's funding policies. The Committee recommends, however, that in-kind support be provided.

7. Royal Newfoundland Regiment Band

The Committee received a request for financial assistance towards the purchase of Royal Newfoundland Regiment Band uniforms.

The Committee recommends that Council reject the request for financial assistance towards the purchase of Royal Newfoundland Regiment Band uniforms as it falls outside the parameters of the City's funding policies.

8. Commercial Water Tax

The Committee considered a memo dated March 19, 2013 from the Deputy City Manager, Financial Management, regarding the issuance of the first water tax bills for 2013 and the draft letter which will be circulated to these users in advance of the tax increase. The Committee concurred with the issuance of the draft letter, a copy of which is on file with the City Clerk's Department.

9. Additional Grant Allocation – Sports Grant

The Committee considered a memorandum dated March 20, 2013 from the Director of Recreation regarding the Department of Recreation's review of an additional allocation of grants for sports organizations.

A copy of the memorandum is attached to this Report.

The Committee recommends Council's approval of the course of action regarding the allocation of grants for sports organizations as outlined by the Director of Recreation in the memorandum.

10. Special Events and Festivals Funds

The Committee considered a memorandum dated March 20, 2013 from the Director of Economic Development, Tourism & Culture outlining the recommendations for funding allocation from the Special Events and Festivals Fund.

A copy of the memorandum is attached to this Report.

The Committee recommends Council's approval of the recommendations of the Director of Economic Development, Tourism and Culture for funding allocation from the Special Events and Festivals Fund.

Danny Breen, Chairperson

SJMC2013-04-01/146R

It was moved by Councillor Breen; seconded by Councillor Hanlon: That the Committee's recommendations be approved.

Regarding Item #7, Royal Newfoundland Regiment Band, Councillor Tilley advised that it was noted during discussions by the Committee that there will be other forms of requests with respect to the Regiment's 216th anniversary celebrations where the City might be able to assist.

Councillor O'Leary expressed the need for Council to provide a plan on how it intends to provide tax relief for seniors and people on fixed incomes. Councillor Breen noted that as part of the City's budget process, the review is underway and staff are looking at various options for Council's consideration and it is hoped that the process will be finalized for budget 2014.

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permits List for the period March 22 to 28, 2013:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF March 22, 2013 TO March 28, 2013**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Demolition and Rebuild of Dwelling	61 Field Street	2	Approved	13-03-25
RES		Subdivision of Lot	825-829 Main Road	5	Approved	13-03-22
COM	Yellow Belly Brewery	Expansion of Brewery	288 Water Street	5	Approved	13-03-26
COM	Dexter Management Inc.	Home Office Book Keeping	72 Halley Drive	1	Approved	13-03-27
AG		Change of Crown Land Lease into Grant	423A Bay Bulls Road	5	Approved	13-03-27

<p>* Code Classification: RES - Residential COM - Commercial A - Agriculture OT - Other</p> <p>INST - Institutional IND - Industrial</p>
<p>** This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.</p>

**Gerard Doran
Development Officer
Department of Planning**

Building Permits List

SJMC2013-04-01/147R

It was moved by Councillor Hickman, seconded by Councillor Tilley: That the recommendation of the Director of Building and Property Management with respect to the following Building Permits List be approved:

Building Permits List Council's April 1, 2013 Regular Meeting

Permits Issued: 2013/03/21 To 2013/03/26

Class: Commercial

260 Portugal Cove Rd	Co	Retail Store		
48 Kenmount Rd, Jump Plus	Sn	Retail Store		
699 Torbay Rd	Ms	Eating Establishment		
448 Water St	Sn	Office		
20 Crosbie Pl-3rd Floor	Rn	Office		
75 Kelsey Dr Glazes Windscreen	Rn	Retail Store		
336 Water St Second Cup	Rn	Eating Establishment		
465 East White Hills Rd	Cr	Commercial Garage		
			This Week \$	566,145.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

16 Douglas St, Lot 254	Nc	Single Detached Dwelling		
42 Kenai Cres, Lot 196	Nc	Single Detached Dwelling		
56 Kenai Cres	Nc	Accessory Building		
81 Ladysmith Dr , Lot 172	Nc	Single Detached Dwelling		
26 Linegar Ave	Nc	Accessory Building		
26 Linegar Ave	Nc	Single Detached Dwelling		
33 Point Leamington St	Nc	Accessory Building		
33 Tanner St	Nc	Accessory Building		
1 Sitka St, Lot 294	Nc	Single Detached Dwelling		
42 Castle Bridge Dr	Co	Home Office		
38 Rigolet Cres	Cr	Subsidiary Apartment		
120 University Ave	Cr	Subsidiary Apartment		
58 Barnes Rd	Rn	Semi-Detached Dwelling		
18 Blatch Ave	Rn	Semi-Detached Dwelling		
19 Cypress St	Rn	Subsidiary Apartment		
65 Feild St	Rn	Semi-Detached Dwelling		
7 Glenlonan St	Rn	Single Detached Dwelling		
45 New Cove Rd	Rn	Single Detached Dwelling		
64 Queen's Rd	Rn	Townhousing		
			This Week \$	1,572,300.00

Class: Demolition

6 Diefenbaker St	Dm	Single Detached Dwelling		
640 Empire Ave	Dm	Townhousing		

642 Empire Ave

Dm Townhousing

This Week \$ 15,000.00

This Week's Total: \$ 2,153,445.00

Repair Permits Issued: 2013/03/21 To 2013/03/26 \$ 2,000.00

Legend

- Co Change Of Occupancy
- Cr Chng Of Occ/Renovtns
- Ex Extension
- Nc New Construction
- Oc Occupant Change
- Rn Renovations
- Sw Site Work
- Ti Tenant Improvements
- Sn Sign
- Ms Mobile Sign
- Cc Chimney Construction
- Cd Chimney Demolition
- Dv Development File
- Ws Woodstove
- Dm Demolition

Year To Date Comparisons			
April 01, 2013			
Type	2012	2013	% Variance (+/-)
Commercial	\$55,200,100.00	\$33,600,800.00	-39
Industrial	\$1,300,100.00	\$25,000.00	-98
Government/Institutional	\$8,600,900.00	\$6,800,100.00	-21
Residential	\$26,900,900.00	\$20,800,900.00	-23
Repairs	\$600,800.00	\$500,100.00	-17
Housing Units (1 & 2 Family Dwellings)	79	59	
Total	\$92,602,800.00	\$61,726,900.00	-33

Respectfully Submitted,

David Blackmore, R.P.A.
Director Of Building & Property Management

Payrolls and Accounts

SJMC2013-04-01/148R

It was moved by Councillor Hickman; seconded by Councillor Tilley: That the following Payrolls and Accounts for the week ending March 28th, 2013 be approved:

**Weekly Payment Vouchers
For The
Week Ending March 28, 2013**

Payroll

Public Works	\$ 535,876.80
Bi-Weekly Administration	\$ 701,925.02
Bi-Weekly Management	\$ 696,924.49
Bi-Weekly Fire Department	\$ 558,455.62

Accounts Payable \$ 2,992,348.42

Total: \$ 5,485,530.35

The motion being put was unanimously carried.

Tenders

St. John's Convention Centre Expansion - CP#4 – Main Building

SJMC2013-04-01/149R

It was moved by Councillor Hickman; seconded by Councillor Tilley: That the Tender for the St. John's Convention Center Expansion – CP#4 – Main Building be awarded to Pomerleau Inc. in the amount of \$52,695,420.52.

Councillor Hickman presented a media release regarding the Convention Centre Project Tender noting that the newly expanded centre will be fully open for business January 2016.

The motion being put was unanimously carried.

- a. Tender – Rental of Cars and Trucks
- b. Tender – Garbage and Recycling Bags
- c. Tender – Plumbing & Maintenance/Service Contract
- d. Tender – Cleaning Services
- e. Tender – Aerial Photography and Digital Orthophotography

SJMC2013-04-01/150R

It was moved by Councillor Hickman; seconded by Councillor Tilley: That the recommendations of the Deputy City Manager, Director of Corporate Services & City Clerk, and Director of Building and Property Management be approved and the tenders awarded as follows:

- a. **Thrifty Car Rental; Centsible Practicar Car & Truck Rentals and Royal Garage Discount as outlined in Memo dated March 25th, 2013**
- b. **Peter Pan Sales Limited @ \$51,274.86 – HST Extra**
- c. **King's Plumbing & Heating Services @ \$283,912.00, includes HST and is for a three (3) year period**
- d. **Kelloway Construction**
Sub Package "A": - \$553,200.00 total for duration of Contract before HST
Sub Package "B" - \$69,600.00 total for duration of Contract before HST
Sub Package "C" - \$76,800.00 total for duration of Contract before HST
- e. **Leading Edge Geomatics @ \$90,513.00 plus HST**

The motion being put was unanimously carried.

Parking Standards for Movie Theatres
St. John's Development Regulations Amendment No. 566, 2013

Council considered a memorandum dated March 27, 2013 from the Acting Director of Planning concerning the above noted.

SJMC2013-04-01/151R

It was moved by Councillor Galgay; seconded by Councillor Tilley: That staff be directed to advertise the following text amendment to the St. John's Development Regulations respecting the parking standard for a Movie Theatre, which will then be referred back to a future regular meeting of Council for consideration of adoption.

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 566, 2013**

WHEREAS the City of St. John's wishes to modify the St. John's Development Regulations regarding the off-street parking standard for Movie Theatres,

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text amendment to the St. John's Development Regulations in accordance with the Urban and Rural Planning Act, 2000:

Amend Section 2 ("Definitions") by deleting the definition of a Place of Assembly and adding the following definition:

"PLACE OF ASSEMBLY means land or buildings used as gathering places for substantial numbers of people and, without limiting the generality of the foregoing, includes auditoriums, convention centres, public and private halls, Movie Theatres, and similar gathering places."

Amend Section 9.1.1 ("General Parking Requirements") by changing the parking standard that applies to a Place of Assembly to specifically exclude Movie Theatres as follows:

"Place of Amusement or Place of Assembly or Auditorium (excluding a Movie Theatre): One parking space per 10 square metres of seating area, or 1 space per three (3) seats, whichever is the greater."

Amend Section 9.1.1 ("General Parking Requirements") by deleting the standard for "Theatre" and adding the following standard:

"Movie Theatre: One parking space per 3.7 seats."

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 1st day of **April, 2013**.

Mayor

City Clerk

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

MCIP

The motion being put was unanimously carried.

Travel by Councillor Hanlon

Council considered a memorandum dated March 27, 2013 from the Deputy City Manager/Director of Corporate Services & City Clerk regarding the above noted.

SJMC2013-04-01/152R

It was moved by Councillor Collins; seconded by Councillor O’Leary: That attendance by Councillor Hanlon at the NLOWE 2013 Annual Conference, April 17 and 18, 2013, Hotel Gander, be approved.

The motion being put was unanimously carried.

Snow Clearing Report for the period January 1 to March 29, 2013

Council considered as information the Snow Clearing Report for the period January 1 to March 29, 2013 showing a positive variance of \$189,454.00.

Economic Update

Councillor Tilley presented the highlights of the April 2013 Economic Update.

Adjournment

There being no further business, the meeting adjourned at 6:20 p.m.

MAYOR

CITY CLERK