

April 26th, 2011

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

Acting Mayor Duff presided

There were present also: Councillors O'Leary; Hickman, Hann; Colbert; Breen, Galgay, Tilley, Hanlon and Collins

Regrets: His Worship the Mayor

City Manager, Deputy City Manager/Director of Corporate Services and City Clerk; Deputy City Manager/Director of Public Works and Parks; Director of Planning; Director of Engineering; Director of Finance and City Treasurer; City Solicitor and Manager, Corporate Secretariat were also in attendance.

Adoption of the Agenda

SJMC2011-04-26/204R

It was decided on motion of Councillor Hanlon; seconded by Councillor O'Leary: That the Agenda be adopted as presented with the following additional items:

- a. Letters dated April 20, 2011 from Downtown St. John's nominated for Best Associations' Website in the 15th Annual Webby Awards for its work with John Atkins & Co. (JA)
- b. Letter of concern from Sean Seaward re 77 Blackmarsh Road
Re Discretionary Use Application
- c. Memorandum dated April 26, 2011 from the Director of Finance and City Treasurer Re City Bond Ratings
- d. Arts in the City Newsletter

Adoption of Minutes

SJMC2011-04-26/205R

It was decided on motion of Councillor Collins; seconded by Councillor Tilley: That the minutes of the April 18th, 2011 meeting be adopted as presented.

City Bond Ratings

Council considered a memorandum dated April 26, 2011 from the Director of Finance and City Treasurer advising that the City has now been Assigned credit ratings by the two leading agencies, Moody's and Standard and Poors. The Director of Finance explained that the rating assigned by Moody's is Aa2 (stable), the same rating assigned to the Government of Newfoundland and Labrador, while that assigned by Standard and Poors is A+ (stable), also the same level achieved by the Provincial Government. He outlined the circumstances that led to the assignment of these ratings which allows the City of St. John's to access a much broader market at lower interest rates than it would be able to achieve otherwise.

Business Arising

Proposed Text Amendment to the St John's Development Regulations - Definition of "Tavern"

Council considered a memorandum dated April 20, 2011 from the Director of Planning regarding the above noted.

SJMC2011-04-26/206R

It was moved by Councillor Galgay; seconded by Councillor Tilley: That the following Resolution for St. John's Development Regulations Amendment Number 506, 2011 be adopted, which will be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendment in accordance with the requirements of the Urban and Rural Planning Act.

RESOLUTION ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 506, 2011

WHEREAS the City of St. John's wishes to amend the definition of "Tavern" as listed in Section 2 of the St. John's Development Regulations.

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

- 1. Repeal the definition of "Tavern" in Section 2 of the Development Regulations and replace it with the following new definition:**

SJMC2011-04-26/207R

It was moved by Councillor Galgay; seconded by Councillor Tilley: That the application be deferred in order to give City Staff an opportunity to review the written public submissions.

The motion being put was unanimously carried.

2. **A Change of Non-Conforming Use Application** has been submitted by Saunder's Bath & Kitchen requesting permission to convert **Civic Number 3 Monchy Street** into 4 Residential Units. There are a minimum of four (4) on-site parking spaces provided. **(Ward 2)**

SJMC2011-04-18/208R

It was moved by Councillor Galgay; seconded by Councillor Colbert: That the application be approved.

The motion being put was unanimously carried.

Public Hearings

Public Hearing Report dated March 29, 2011

Public Hearing Report dated April 7, 2011

Re: Application by Gibraltar Development Ltd. to rezone property at **Civic Number 146 New Cove Road** to permit the development of a 4-storey, 22 unit apartment building

Acting Mayor Duff presented the public hearing report dated April 7, 2011 which was held to provide an opportunity for public review and comment on the application submitted by Gibraltar Development Ltd. to rezone the property located at Civic Number 146 New Cove Road to permit the development of a 4-storey, 22 unit apartment building.

In this regard, Council also considered a memorandum dated April 21, 2011 from the Director of Planning.

SJMC2011-04-26/209R

It was moved by Councilor Hanlon; seconded by Councillor Tilley: That the proposed rezoning of the property at 146 New Cove Road from the R2 Zone to the A2 Zoning be approved and that the following Resolution for St. John's Development Regulations Amendment Number 492, 2011 be adopted, which will be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendment in accordance with the requirements of the Urban and Rural Planning Act.

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 492, 2011**

WHEREAS the City of St. John's wishes to allow the rezoning of the property at Civic Number 146 New Cove Road in order to allow the redevelopment of the property for an apartment building,

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 the property at Civic Number 146 New Cove Road from the Residential Medium Density (R2) Zone to the Apartment Medium Density (A2) 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.

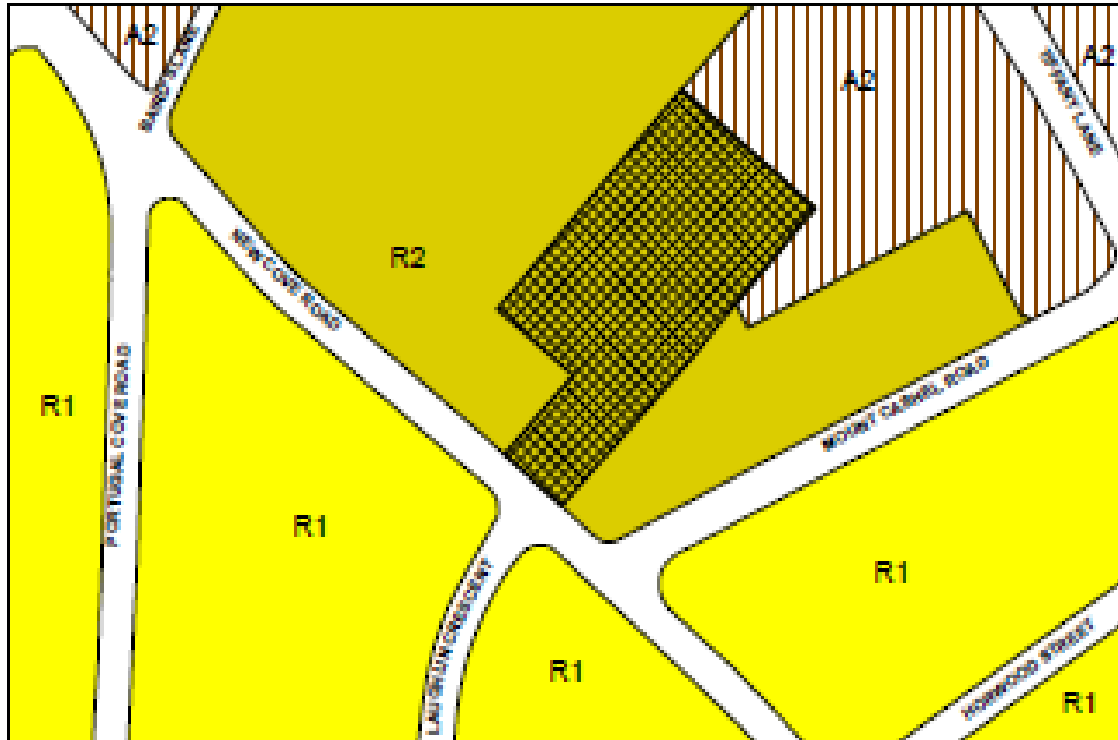
IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 26th day of **April, 2011.**

Mayor

**Director of Corporate Services/
City Clerk**

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

MCIP



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 492, 2011
[Map Z-1A]**

2011 04 21 SCALE: 1:1500
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

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



AREA PROPOSED TO BE REZONED FROM
RESIDENTIAL MEDIUM DENSITY (R2) LAND USE ZONE TO
APARTMENT MEDIUM DENSITY (A2) LAND USE ZONE

148 NEW COVE ROAD, GIBRALTAR DEVELOPMENTS

M.O.P. signature and seal

Mayor

Director Corp. Services/City Clerk

Council Adoption

Provincial Registration

Members of Council supporting the motion were satisfied that after the traffic lights were installed at the intersection of New Cove Road and Portugal Cove Road an analysis was conducted which indicated that all approaches operated at good levels of service with plenty of reserve capacity. It was also noted that this application is a variation of the second 2010 application that was deferred last September and differs from the one which was rejected in July 2010 in that the number of apartment units and the building height have been reduced.

Councillor O'Leary objected to the motion indicating that the development will only serve to compound the existing traffic control situation, noting that more needs to be done to address the traffic issues.

During discussion, it was noted that the Police and Traffic Committee is looking at traffic flow issues in relation to exiting Mary Queen of Peace School. Councillor Hickman suggested that the Committee look at Parish Hall back entrance as an alternate exit.

Following discussion, the motion being put was carried with Councillor O'Leary dissenting.

Development Committee Report

Council considered the following Development Committee Report dated April 19, 2011:

- 1. Proposed Change of Non-Conforming Use Application
Proposed Change of Commercial Occupancies
Mr. Brad Fisher
Civic No. 29 Howley Avenue Extension (Ward 2)**

The Development Committee recommends that the application to recognize the currently operating three (3) non-conforming commercial occupancies be advertised for public review and comment in accordance with Section 5.5 of the St. John's Development Regulations prior to consideration of approval by Council.

Robert F. Smart
City Manager
Chair – Development Committee

SJMC2011-04-26/210R

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

The motion being put was unanimously carried.

Elizabeth-Anne Malischewsk, Georgestown Neighbourhood Association

Councillor Hann referenced an email from Elizabeth-Anne Malischewsk, Georgestown Neighbourhood Association regarding complaints from Georgestown residents neighbouring the construction site at the corner of Hayward Avenue and Fleming Street, next to Century Park and the basketball court. Councillor Galgay indicated that the City's Department of Building and Property Management will send an inspector to the site to ensure that construction is being undertaken by the developers in a safe and appropriate manner and in accordance with the approved plans. As a Permitted Use, the application was not required under the City's regulations to be advertised for public review/comment.

Development Permits List

Council considered as information the following Development Permits List for the period April 15 to 21, 2011:

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Redwood Construction	Extension to building / Site work	89 O'Leary Avenue	4	Approved	11-04-20

<p>* Code Classification: RES - Residential COM - Commercial AG - Agriculture</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>

**Andrea Roberts
Assistant Development
Officer
Department of Planning**



Building Permits List

SJMC2011-04-26/211R

**It was decided on motion of Councillor Collins; seconded by Councillor Breen:
That the recommendation of the Director of Building and Property
Management with respect to the following Building Permits List be approved:**

2011/04/19

Permits List

CLASS: COMMERCIAL

ECKO UNLIMITED	AVALON MALL NO. 1	SN RETAIL STORE	
NEWFOUNDLAND CHOCOLATE COMPANY	166 DUCKWORTH ST	SN RETAIL STORE	
JOHNSON INSURANCE	FACTORY LANE	SN OFFICE	
SOUTHLAND GRP/10801 NFLD INC.	120 GABRIEL RD	SN RECREATIONAL USE	
A.I.M.E. PHYSIOTHERAPY INC.	204-206 MAIN RD	MS CLINIC	
ALL SOURCE ENTERPRISES LTD.	431-435 MAIN RD	MS TAKE-OUT FOOD SERVICE	
CUSTOM CABINETS AND SUPPLIES	156 MAJOR'S PATH	SN LIGHT INDUSTRIAL USE	
HICKMAN MOTORS LIMITED	20 PEET ST	MS CAR SALES LOT	
PIZZA EXPRESS LIMITED	TORBAY ROAD-TORBAY RD MALL	MS RESTAURANT	
10509 NFLD LTD.	203 BLACKMARSH RD	EX RETAIL STORE	
RON POPE	100 NEW GOWER ST, UNIT 740	RN OFFICE	
HECTOR WILLIAMS	331-339 MAIN RD	SW AGRICULTURE	
FORTIS PROPERTIES CORPORATION	136-140 WATER ST, 10TH FLOOR	RN OFFICE	
			THIS WEEK \$ 199,400.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00

CLASS: RESIDENTIAL

PRO TECH CONSTRUCTION	10 ALDERGROVE PL, LOT# 250	NC SINGLE DETACHED DWELLING	
NEW VICTORIAN HOMES	36 SPRUCE GROVE AVE, LOT 139	NC SINGLE DETACHED DWELLING	
AMY SEAWARD AND	11 BLUE JACKET PL	NC FENCE	
HANN CONSTRUCTION LTD.	86 BLUE PUTTEE DR, LOT 102	NC SINGLE DETACHED DWELLING	
HANN CONSTRUCTION LTD.	88 BLUE PUTTEE DR, LOT 103	NC SINGLE DETACHED DWELLING	
BARRY LEDREW & KRYSTAL DONAHUE	82 CABOT ST	NC PATIO DECK	
BALNAFAD COMPANY LTD.	77 CAPE PINE ST, LOT 37	NC SINGLE DETACHED & SUB.APT	
QUINLAN HOME CONSTRUCTION LTD.	114 CASTLE BRIDGE DR, LOT 213	NC SINGLE DETACHED DWELLING	
PRO-TECH CONSTRUCTION	132 CASTLE BRIDGE DR, LOT 206	NC SINGLE DETACHED & SUB.APT	
PRO-TECH CONSTRUCTION	81 CASTLE BRIDGE DR, LOT 100	NC SINGLE DETACHED DWELLING	
CINDY SAUNDERS	147 CHEESEMAN DR	NC SINGLE DETACHED DWELLING	
NEW VICTORIAN HOMES	50 COUNTRY GROVE PL, LOT 70	NC SINGLE DETACHED & SUB.APT	
NEW VICTORINA HOMES	11 COUNTRY GROVE PL, LOT 40	NC SINGLE DETACHED DWELLING	
VINCENT AND WANDA HOWLETT	16 COVENTRY WAY	NC FENCE	
YORK DEVELOPMENTS	631 EMPIRE AVENUE, UNIT 3	NC TOWNHOUSING	
YORK DEVELOPMENTS	633 EMPIRE AVENUE, UNIT 2	NC TOWNHOUSING	
YORK DEVELOPMENTS	635 EMPIRE AVENUE, UNIT 1	NC TOWNHOUSING	

WILLIS MARTIN	4 FREDERICTON PL	NC ACCESSORY BUILDING
ATLANTIC HOMES LTD.	18 GEORGINA ST, LOT 433	NC SINGLE DETACHED & SUB.APT
CHRISTOPHER MOORE AND KEVIN MURPHY	47-51 GILLIES RD	NC SINGLE DETACHED & SUB.APT
JEFFREY CAREW	49 GLENEYRE ST	NC ACCESSORY BUILDING
JEANNE M. O'BRIEN AND	59 GLENLONAN ST, LOT 88	NC SINGLE DETACHED DWELLING
JEANNE M. O'BRIEN AND	108 GOWER ST	NC ACCESSORY BUILDING
FAIRVIEW INVESTMENTS LIMITED	130 GREAT EASTERN AVE, LOT 105	NC SINGLE DETACHED DWELLING
SCOTT BISHOP	127 GREAT EASTERN AVE, LOT 138	NC SINGLE DETACHED & SUB.APT
KEN PAUL	128 GROVES RD	NC ACCESSORY BUILDING
EDWARD KENNY	27 GUY ST	NC FENCE
CALVIN THOMAS WALSH	11 HUNT'S LANE	NC ACCESSORY BUILDING
CHRISTOPHER MULLINS	110 HUSSEY DR	NC ACCESSORY BUILDING
YORK DEVELOPMENT	22 JENSEN CAMP RD	NC SINGLE DETACHED DWELLING
DARCY WARD (DRC REALTY)	74 LIME ST	NC SINGLE DETACHED DWELLING
GERARD E. KIELEY & ALLISON COLLINS	154 MAIN RD	NC PATIO DECK
ATLANTIC HOMES LIMITED	24 OTAWA ST	NC PATIO DECK
ATLANTIC HOMES LTD.	49 PETITE FORTE DR, LOT 323	NC SINGLE DETACHED & SUB.APT
ATLANTIC HOMES LIMITED	51 PETITE FORTE DR, LOT 324	NC SINGLE DETACHED & SUB.APT
FAIRVIEW INVESTMENTS LIMITED	65 PETITE FORTE DR, LOT 331	NC SINGLE DETACHED & SUB.APT
CARDINAL HOMES LTD	22 PLUTO ST, LOT 83	NC SINGLE DETACHED DWELLING
JOSEPH ABBOTT LTD.	40 JENSEN CAMP PL, LOT 96	NC SINGLE DETACHED & SUB.APT
ROBERT NOFTLE	78 TEAKWOOD DR, LOT 11	NC SINGLE DETACHED DWELLING
DR. CHRISTOPHER PATEY & ALEXANDRA BAIRD	4 WADLAND CRES	NC ACCESSORY BUILDING
SONYA BARNES	126 WATERFORD BRIDGE RD	NC ACCESSORY BUILDING
CON MAHONEY	7 OXEN POND PL	CO HOME OCCUPATION
ARNOLD HAINES	73 KEITH DR	CR HOME OCCUPATION
JEROME COADY	9 WALSH'S LANE	EX SINGLE DETACHED DWELLING
SULLIVAN'S CONTRACTING LIMITED	19 CABOT ST	RN SINGLE DETACHED & SUB.APT
EDWARD BROCKERVILLE	5 CATALINA PL	RN SINGLE DETACHED DWELLING
JUSTIN SPURRELL	29 GOLD MEDAL DR	RN SINGLE DETACHED DWELLING
JOE GUINEY	21 MACLAREN PL	RN SINGLE DETACHED DWELLING
MARJORIE SNELGROVE	76 MARK NICHOLS PL	RN SINGLE DETACHED DWELLING
	39 QUEEN'S RD	RN CONDOMINIUM
	37-39 BACK LINE	SW VACANT LAND

THIS WEEK \$ 7,127,435.00

CLASS: DEMOLITION

PUGLISEVICH OILFIELD	615 TORBAY RD	DM SINGLE DETACHED DWELLING
PUGLISEVICH OILFIELD	619 TORBAY RD	DM SINGLE DETACHED DWELLING
MANGA HOTELS	43 SPRINGDALE ST	DM WAREHOUSE
PETROLEUM & ENV SERVICES	93 NEW COVE RD	DM COMMERCIAL GARAGE

THIS WEEK \$ 52,500.00

THIS WEEK'S TOTAL: \$ 7,379,335.00

REPAIR PERMITS ISSUED: 2011/04/14 TO 2011/04/19 \$ 61,037.00

LEGEND

CO	CHANGE OF OCCUPANCY	SN	SIGN
CR	CHNG OF OCC/RENOVTNS	MS	MOBILE SIGN

EX	EXTENSION	CC	CHIMNEY CONSTRUCTION
NC	NEW CONSTRUCTION	CD	CHIMNEY DEMOLITION
OC	OCCUPANT CHANGE	DV	DEVELOPMENT FILE
RN	RENOVATIONS	WS	WOODSTOVE
SW	SITE WORK	DM	DEMOLITION
TI	TENANT IMPROVEMENTS		

Payrolls and Accounts

SJMC2011-04-268/212R

It was decided on motion of Councillor Collins; seconded by Councillor Breen: That the following Payrolls and Accounts for the week ending April 20, 2011, be approved:

**Weekly Payment Vouchers
For The
Week Ending April 20, 2011**

PAYROLL

Public Works	\$ 289,087.27
Bi-Weekly Casual	\$ 16,315.55

ACCOUNTS PAYABLE \$ 2,241,805.84

Total: \$ 2,547,208.66

Tenders

- a. RFP – Robin Hood Bay Waste Management Facility, Waste Management Scale Software
- b. Tender – 2011 Street Rehabilitation Program

SJMC2011-04-26/213R

It was moved by Councillor Colbert; seconded by Councillor Tilley: That the recommendations of the Deputy City Manager/Director of Public Works & Parks and the Director of Engineering be approved and the tenders awarded as follows:

- a. PC Scale Tower Inc. under the terms of the RFP for the amount of **\$53,260.00**
- b. Pyramid Construction Ltd. in the amount of **\$7,642,349.90**

Easement – 139 Water Street –Fortis Properties Corporation

Council considered a memorandum dated April 18, 2011 from the City Solicitor regarding the above noted.

SJMC2011-04-26/214R

It was moved by Councillor Breen; seconded by Councillor Tilley: That two easements at 139 Water Street, owned by Fortis Properties Corporation and required by the City for a sewer line and a control panel, both in relation to a Cleanup Project, be acquired for the appraised value of \$33,000.00 and \$37,000 for a total of \$70,000 plus legal fees, as recommended by the City Solicitor.

The motion being put was unanimously carried.

Re – Notice of Expropriation - 215 Blackmarsh Road, West End Fire Station Site

Council considered a memorandum dated April 20, 2011 from the City Solicitor regarding the above noted.

SJMC2011-04-26/215R

It was moved by Councillor Hann; seconded by Councillor Hickman: That the matter be deferred.

The motion being put was unanimously carried.

Arts and the City Newsletter

Councillor O’Leary outlined the contents of the City’s Arts and the City Newsletter, prepared by the Department of Economic Development, Tourism and Culture.

Letter dated April 20, 2011 from Downtown St. John’s nominated for Best Associations’ Website in the 15th Annual Webby Awards for its work with John Atkins & Co. (JA)

Councillor Tilley on behalf of Council congratulated Downtown St. John’s who has been nominated for Best Associations’ Website in the 15th Annual Webby Awards for its work with John Atkins & Co. (JA).

Response to City's Letter to Federal Candidates

Acting Mayor Duff and Councillor Hann acknowledged letters from Federal Liberal Candidate Siobhan Coady and Federal NDP Candidate Ryan Cleary in response to the City's letters to the Federal candidates on their position on various issues including federal assistance for public transit.

St. John's Sports and Entertainment Financial Statements

Councillor Breen presented the St. John's Sports and Entertainment Audited Financial Statements for the year ended December 31, 2010. He outlined the details of the statements as contained in a letter dated April 26, 2011 from Mr. Gerry Smith, Chair, SJSEL. Councillor Breen commended the board members and staff on a job well done and acknowledged and thanked outgoing board members Tom Clift and Sharon Jeans for their service to the City. Councillor Collins, along with thanking the management team, thanked Councillor Breen and former Councillor Ron Ellsworth for their contribution to the Board.

SJMC2011-04-26/216R

Following discussion, it was moved by Councillor Breen; seconded by Councillor Galgay: That the St. John's Sports and Entertainment Audited Financial Statements for the year ended December 31, 2010, be adopted as presented.

The motion being put was unanimously carried.

Councillor Collins

Councillor Collins advised that Southlands residents will be polled in relation to the location of the mailboxes in the area.

Councillor Collins advised that signs will be installed to direct traffic in the Southlands construction area.

Councillor Hanlon

Councillor Hanlon noted that two locations in St. John's have been announced as finalists for the Great Places in Canada Contest, Pippy Park and the Ecclesiastical District. She encouraged residents to take part in the online voting.

Councillor Galgay

Councillor Galgay referenced an article on Newfoundland by Lisa Moore in the general interest Walrus Magazine.

Councillor Galgay noted the unveiling of a plaque over the weekend commemorating the 100th anniversary of the establishing of the Pentecostal Assemblies of Newfoundland and Labrador and extended congratulations and best wishes to the group.

Councillor Breen

Councillor Breen thanked the members of the Telus Cup Organizing Committee and asked that a letter be forwarded on behalf of Council to Mr. Jack Casey, to commend and thank him and his committee on a job well done.

Councillor O'Leary

Councillor O'Leary commended the St. John's Regional Fire Department Camp Ignite Initiative, which will introduce women to the roles of a Firefighter and encourage interest in women to become firefighters.

Councillor O'Leary extended congratulations to the East Coast Music Award winners.

Acting Mayor Duff

Acting Mayor Duff paid tribute to the late Paul Reynolds, former Mayor of the Town of Wedgewood Park and former City Councillor, and offered condolences to his family on behalf of Council.

Adjournment

There being no further business, the meeting adjourned at 6:05 p.m.

MAYOR

CITY CLERK