

April 30, 2007

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

His Worship the Mayor presided.

There were present also Deputy Mayor O'Keefe, Councillors Colbert, Hickman, Hann, Puddister, Ellsworth and Collins.

Regrets: Councillors Duff, Coombs and Galgay.

The Chief Commissioner and City Solicitor, Associate Commissioner/Director of Engineering, the Associate Commissioner/Director of Corporate Services and City Clerk, Director of Finance and City Treasurer, Director of Planning and Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of Agenda

SJMC2007-04-30/217R

It was decided on motion of Councillor Collins; seconded by Councillor Colbert: That the Agenda be adopted as presented with the following additional items:

- a. Special Events Committee Report dated April 26, 2007
- b. Memorandum dated April 30, 2007 from the Manager, Corporate Secretariat re: Approval for per diem (May 2 and 3/07) Deputy Mayor O'Keefe (Canada Borders Servicing Agency Planning Committee Meeting)
- c. Memorandum dated April 30, 2007 from the Chief Commissioner and City Solicitor re: Ranking of Small Cities
- d. Banner Request - Rotary

Adoption of the Minutes

SJMC2007-04-30/218R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Hann: That the Minutes of April 30, 2007 be adopted as presented.

2007 Capital Budget

Under business arising, Council considered a memorandum dated April 27, 2007 along with a revised version of the recommended Capital Works list for 2007, noting the funding cut-off line is at \$8,000,000.00 at item number 10, and that the list incorporates the previously approved Bell's Turn project. Council also considered a memorandum dated April 19, 2007 from the Chief Commissioner and City Solicitor, regarding Bell's Turn and recommending that Council fund the Bell's Turn project by placing it in the committed list and reduce the retaining wall program by the \$305,000.00 required for the project.

In addition, Council considered a letter from Maureen Dymond outlining concerns with respect to the proposed street changes to 3 Bell's Turn.

SJMC2007-04-30/219R

It was moved by Councillor Colbert; seconded by Deputy Mayor O'Keefe: That the 2007 Capital Budget be adopted as presented.

During discussion, His Worship the Mayor advised that he intends to table the list of projects that will not be funded but recommended by staff, as a result of the Bell's Turn realignment project. Councillor Collins reminded Council of its 2004 commitment to Old Bay Bulls Road.

With respect to Ms. Dymond's concerns, Councillor Ellsworth advised that he met with Mr. and Mrs. Dymond today and reviewed a map as provided by the Associate Commissioner/Director of Engineering, outlining changes proposed in order to carry out the Bell's Turn road realignment. Councillor Ellsworth advised that the Dymonds were satisfied that the changes as proposed would not negatively impact their property.

Following discussion, the motion being put was unanimously carried.

Open Space Reserve Fund

Under business arising, Council considered as information, a memorandum dated April 26, 2007 from the Director of Public Work and Parks identifying projects deferred in order to

provide the \$150,000 toward a Washroom - Maintenance/Meeting Room Building at Southlands.

Notices Published

1. **A Variance of Non-Conformity** application has been submitted by the St. John's Status of Women Council requesting permission to change the use of the first floor of **Civic No. 83 Military Road** from vacant office space to a residential apartment unit. The two existing residential apartment units on the upper floors will remain. Off-street parking is not available on the site (**Ward 2**)

SJMC2007-04-30/220R

It was decided on motion of Councillor Colbert; seconded by Deputy Mayor O'Keefe: That the application be approved.

Public Hearings

a. Public Hearing Report dated March 22, 2007

Council considered a Public Hearing Report dated March 22, 2007 which was held to discuss the following:

- a. The application from Carrera Capital Canada Ltd. to rezone land situated in the former Field Farm and the Lal property on the west side of Torbay Road to the Commercial Regional (CR) Zone. (Ward 1)
- b. The application from Perennial Management to rezone the A. Harvey & Company property on the east side of Torbay Road to the Commercial Regional (CR) Zone. (Ward1)

Council also considered a memorandum from the Director of Planning in this regard.

SJMC2007-04-30/221R

It was moved by Councillor Puddister; seconded by Deputy Mayor O'Keefe: That the staff be directed to proceed with the rezoning applications received from Carrera Capital (Canada) Ltd. and Perennial Management Ltd.; and further that the following Resolutions for St. John's Municipal Plan Amendment Number 46, 2007 and St. John's Development Regulations Amendment Number 404, 2007, be adopted in principle, subject to obtaining a Provincial release for the amendments from the Department of Municipal Affairs:

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 46, 2007**

WHEREAS the St. John's Municipal Council wishes to permit future commercial retail development of properties located on the east and west sides of Torbay Road, north of the intersection of Torbay Road with Stavanger Drive and to also designate a buffer for Outer Cove Brook which is located in this area.

BE IT THEREFORE RESOLVED that the St. John's Municipal Council hereby adopts the following map amendment to the St. John's Municipal Plan pursuant to the provisions of the Urban and Rural Planning Act, 2000:

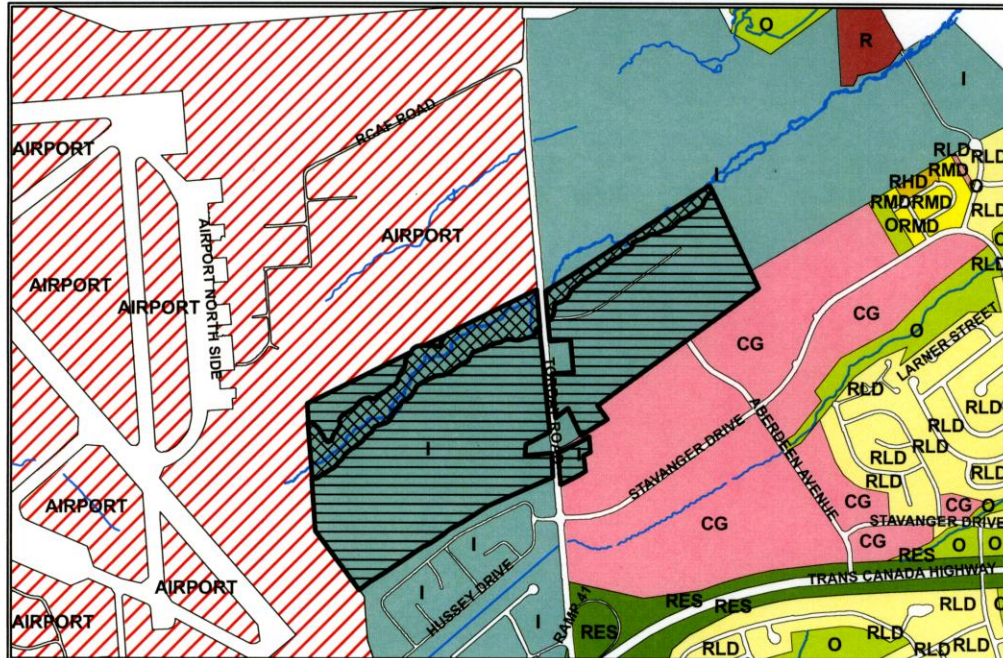
Redesignate lands on the east and west sides of Torbay Road, north of the intersection of Torbay Road with Stavanger Drive, from the Industrial General Land Use District to the Commercial General Land Use District and the Open Space Land Use District as shown on Map III - 1A attached.

BE IT FURTHER RESOLVED that the St. John's Municipal Council 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 30th day of April, 2007.

Mayor

**Director of Corporate Services/
City Clerk**



CITY OF ST. JOHN'S

SCALE= 1:2500

**MUNICIPAL PLAN 2003
AMENDMENT No. 46, 2007
[MAP III-1A]**

2007 04 27
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING



AREA PROPOSED TO BE REDESIGNATED
FROM INDUSTRIAL (I) LAND USE DISTRICT TO
COMMERCIAL GENERAL (CG) LAND USE DISTRICT



AREA PROPOSED TO BE REDESIGNATED
FROM INDUSTRIAL (I) LAND USE DISTRICT
TO OPEN SPACE (O) LAND USE DISTRICT

HARVEY PROPERTY AND CARRERA PROPERTY, TORBAY ROAD

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

MAYOR

DIRECTOR CORP. SERVICES/CITY CLERK

COUNCIL ADOPTION

M.C.I.P. signature and seal

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 404, 2007**

WHEREAS the St. John's Municipal Council wishes to permit commercial-retail development of properties located on the east and west sides of Torbay Road, north of the intersection of Torbay Road with Stavanger Drive and to also designate a buffer for Outer Cove Brook which is located in this area.

BE IT THEREFORE RESOLVED that the St. John's Municipal Council hereby adopts the following map amendment to the St. John's Development Regulations pursuant to the provisions of the Urban and Rural Planning Act, 2000.

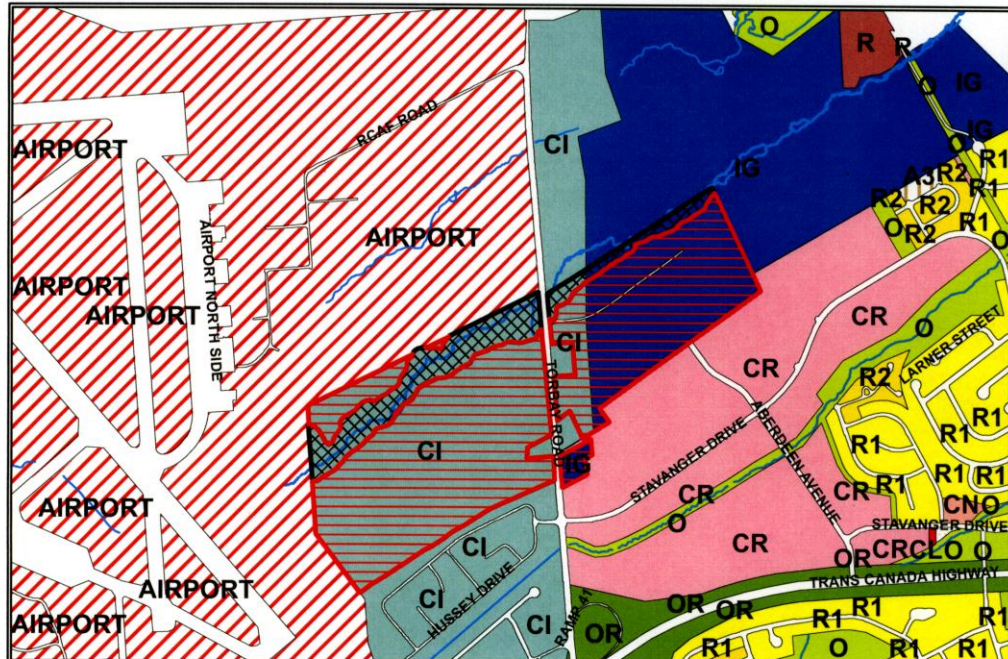
Rezone lands on the east and west sides of Torbay Road, north of the intersection of Torbay Road with Stavanger Drive, from the Commercial Industrial (CI) Zone and the Industrial General (IG) Zone to the Commercial Regional (CR) Zone and the Open Space (O) Zone as shown on Map Z-1A attached.

BE IT FURTHER RESOLVED that the St. John's Municipal Council requests the Minister of Municipal Affairs to register the amendment in accordance with the Urban and Rural Planning Act.

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 30th day of April, 2007.



Mayor

**Director of Corporate Services
& City Clerk**



**CITY OF ST. JOHN'S
 LAND USE ZONING AND
 DEVELOPMENT REGULATIONS 1994
 AMENDMENT No. 404, 2007
 [MAP Z-1A]**

SCALE= 1:15,000
 2007 04 27
 CITY OF ST. JOHN'S
 DEPARTMENT OF PLANNING

-  AREA PROPOSED TO BE REZONED FROM COMMERCIAL INDUSTRIAL (CI) LAND USE ZONE AND INDUSTRIAL GENERAL LAND USE ZONE TO COMMERCIAL REGIONAL (CR) LAND USE ZONE
-  AREA PROPOSED TO BE REZONED FROM COMMERCIAL INDUSTRIAL (CI) LAND USE ZONE AND INDUSTRIAL GENERAL LAND USE ZONE TO OPEN SPACE (O) LAND USE ZONE

HARVEY PROPERTY AND CARRERA PROPERTY, TORBAY ROAD

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

 MAYOR

 DIRECTOR CORP. SERVICES/CITY CLERK

 COUNCIL ADOPTION

 M.C.I.P. signature and seal

Council further recommended that Council request the Department of Municipal Affairs to undertake applicable amendments to the St. John's Urban Region Regional Plan to permit the proposed rezonings of the application sites to the CR Zone and the Open Space Zone; that the Department of Municipal Affairs, in conjunction with the City, appoint a Commissioner to conduct a joint public hearing to consider both the proposed amendments to the St. John's Municipal Plan and St. John's Development Regulation and applicable Amendments to the St. John's Urban Region Regional Plan; and also that the staff be directed to individually write the registered owners of the private properties located on the east and west sides of Torbay Road located adjacent to the application sites which are currently zoned as CI and IG, which are not part of either formal rezoning application and which are to determine if they too wish to be part of the rezoning process to have their properties considered for rezoning to the CR Zone.

The motion being put was unanimously carried.

Development Committee Report dated April 24, 2007

Council considered the following Development Committee Report dated April 24, 2007:

RECOMMENDATION OF APPROVAL:

**Request for Restaurant Liquor License
The Pantry
Autism Society of Newfoundland & Labrador
Civic No. 70 Clinch Crescent (Ward 4)**

The Development Committee recommends that Council approve the above noted application.

**Art Cheeseman, Chairperson
Associate Commissioner/Director of Engineering**

SJMC2007-04-30/222R

It was decided on motion of Councillor Hann; seconded by Councillor Ellsworth: That the Committee's recommendation of approval be accepted.

Special Events Committee Report

Council considered the following Special Events Committee Report dated April 26, 2007:

Re: Special Events Advisory Committee Recommendation

The following recommendations of the Committee are forwarded to Council for approval in principle subject to any conditions that may be required by the Special Events Advisory Committee.

- 1) Event: Battle of Atlantic Ceremony
Location: From Parade Street to Waterfront (Pier 10)
Date: May 6, 2007
Time: 10:00 a.m. – 1:45 p.m.

This event may cause traffic delays along the parade route.

Recommendation

It is the recommendation of the Committee that Council approve the above noted event, subject to the conditions set out by the Special Events Advisory Committee.

Robin King, P. Eng.
Chairman, Special Events Advisory Committee

SJMC2007-04-30/223R

It was decided on motion of Councillor Puddister; seconded by Councillor Colbert: That the Committee's recommendation be approved.

Development Permits List

Council considered as information the following Development Permits List for the period of April 7 to April 26, 2007:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF APRIL 20, 2007 TO APRIL 26, 2007**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
Com.	Ms. Lloydetta Quaicoe	Home Office: Business Consulting	Civic no. 6 Slade Place	Ward 1	Application Approved	07 04 24

NOTES:

<p>* Code Classification: RES - Residential INST - Institutional COM - Commercial IND - Industrial AG - Agriculture</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>
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**Ed Murray
Development Officer
Department of Planning**

Building Permits List

SJMC2007-04-30/224R

It was decided on motion of Deputy Mayor O'Keefe; seconded by Councillor Colbert: That the recommendation of the Director of Building and Property Management with respect to the following Building Permits List, be approved:

2007/04/25
Permits List

CLASS: COMMERCIAL

ALICE ALLAN	302 MAIN RD	CO RETAIL STORE
BOGART'S JEWELLERS	40 ABERDEEN AVE	SN RETAIL STORE
E.C. BOONE LTD.	40 ABERDEEN AVE - REMAX	SN OFFICE
PIZZA EXPRESS LIMITED	TORBAY ROAD-TORBAY RD MALL	MS RESTAURANT
PRESS & BEAN	430 TORBAY RD, PRESS & BEAN	CR RESTAURANT
KATHIE HICKS	21 QUEEN'S RD, KATHIE HICKS	RN RESTAURANT
BING TIAN	250 DUCKWORTH ST	CR RESTAURANT
10801 NEWFOUNDLAND INC.	120 GABRIEL RD, THE WOODS	RN ACCESSORY BUILDING
ST. JOHN AMBULANCE	112 FOREST RD, ST JOHN AMBULAN	RN OFFICE
REARDON CONSTRUCTION &	430 TORBAY RD	RN RESTAURANT
ALIAN T	CORNWALL CRES, OPI	NC COMMUNICATIONS USE
ALIAN T	CURTIS PL, OPI	NC COMMUNICATIONS USE
ALIAN T	TERRA NOVA RD, OPI	NC COMMUNICATIONS USE
BAGEL CAFE	246 DUCKWORTH ST	EX RESTAURANT
MATTHEWS VW/AUDI	KENMOUNT RD, EAST OF T N MOTOR	NC CAR SALES LOT

THIS WEEK \$ 1,359,300.00

TO DATE \$ 6,134,390.00

CLASS: INDUSTRIAL

THIS WEEK \$.00
TO DATE \$ 1,524,967.00

CLASS: GOVERNMENT/INSTITUTIONAL

FED. GOV'T. (BLDG. #309)	PLEASANTVILLE - BLDG 308	NC PATIO DECK
		THIS WEEK \$ 4,000.00
		TO DATE \$ 4,520,500.00

CLASS: RESIDENTIAL

ROBERT LEE	BACK LINE, ROBERT LEE	NC SINGLE DETACHED DWELLING
GUARDIAN HOMES INC.	31 BRAD GUSHUE CRES, LOT 5.51	NC SINGLE DETACHED DWELLING
JOHN NELDER/CAROLIN BEST	8A CONNOLLY'S LANE	NC SWIMMING POOL
HANN CONSTRUCTION	21 CORP JAMIE MURPHY ST, LOT158	NC SINGLE DETACHED DWELLING
TIMOTHY GALARNEAU & SUSAN	118 DOYLE'S RD	NC FENCE
JAMIE DUNN	11 DUNN'S PL	NC ACCESSORY BUILDING
SHEILA M. OSBORNE-BROWN &	217 ELIZABETH AVE	NC ACCESSORY BUILDING
FREDERICK HAWLEY/ANDREA POTTER	242 FRESHWATER RD	NC ACCESSORY BUILDING
REARDON CONSTRUCTION & DEV LTD	84 GISBORNE PL, UNIT N1	NC TOWNHOUSING
REARDON CONSTRUCTION & DEV LTD	86 GISBORNE PL, UNIT N2	NC TOWNHOUSING
REARDON CONSTRUCTION & DEV LTD	88 GISBORNE PL, UNIT N3	NC TOWNHOUSING
KIRK COLLINS	19 GULLAGE ST	NC ACCESSORY BUILDING
CHRIS SHEPPARD	48 HOPEDALE CRES, LOT 196	NC SINGLE DETACHED DWELLING
CHRISTOPHER MULLINS	110 HUSSEY DR	NC FENCE
PAUL PARSONS	2 JULIEANN PL	NC ACCESSORY BUILDING
PAUL PARSONS	2 JULIEANN PL	NC FENCE
CLARA MACLAREN	42 MACLAREN PL	NC FENCE
BRYAN & CLARIA MAARSCHALK	1 NORTHERN RANGER ST, LOT 72	NC PATIO DECK
FRANCIS MAHONEY & STEPHANIE	43 PETTY HARBOUR ROAD	NC SINGLE DETACHED DWELLING
MRS. NORMA VINCENT	14 POLINA RD	NC FENCE
ALLAN FIFIELD	49 AIRPORT HGTS DR	NC ACCESSORY BUILDING
BRAD HANCOCK/DARLENE BEUMORE	40 COWAN AVENUE	EX SINGLE DETACHED DWELLING
BARRY J. & L. RENEE ACERMAN	34 ERLEY ST	RN SINGLE DETACHED DWELLING
GREGORY M. MCISAAC	199 GOWER ST	RN SEMI-DETACHED DWELLING
PAUL K. COLBOURNE	17 MARK NICHOLS PL, LOT 5-25	RN SINGLE DETACHED DWELLING
ROLAND KLEIN/DIANE WHITAKER	258 NEW PENNYWELL RD	RN SINGLE DETACHED DWELLING
MCCARTHY HOMES	10 POLINA RD	RN SINGLE DETACHED DWELLING
JEFF REARDON	31 SHAW ST	RN SINGLE DETACHED DWELLING
HANN CONSTRUCTION LTD.	16 VEITCH CRES, LOT 240	RN SINGLE DETACHED DWELLING
ROBERT NICOL	73 VIRGINIA PL	RN SINGLE DETACHED DWELLING
		THIS WEEK \$ 1,511,008.00
		TO DATE \$17,185,098.00

CLASS: DEMOLITION

CITY OF ST. JOHN'S	16 ADAMS AVE	DM SINGLE DETACHED DWELLING
BRAD HANCOCK	40 COWAN AVE	DM SINGLE DETACHED DWELLING
		THIS WEEK \$ 6,800.00
		TO DATE \$ 156,756.00

THIS WEEK'S TOTAL: \$ 2,881,108.00

TOTAL YEAR TO DATE: \$39,521,711.00

REPAIR PERMITS ISSUED: 2007/04/19 TO 2007/04/25 \$ 31,300.00
 2006/12/28 TO 2007/04/25 \$ 435,830.00 YTD
 LEGEND

CO	CHANGE OF OCCUPANCY	EX	EXTENSION
NC	NEW CONSTRUCTION	TI	TENANT IMPROVEMENTS
RN	RENOVATIONS	SW	SITE WORK
SN	SIGN	CD	CHIMNEY DEMOLITION
MS	MOBILE SIGN	WS	WOODSTOVE
CR	CHNG OF OCC/RENOVTNS	DM	DEMOLITION

Payrolls and Accounts

SJMC2007-04-30/225R

It was decided on motion of Deputy Mayor O’Keefe; seconded by Councillor Colbert: That the following Payrolls and Accounts for the period April 26, 2007 be approved:

**Weekly Payment Vouchers
For The
Week Ending April 26, 2007**

PAYROLL

Public Works	\$ 54,276.81
Bi-Weekly Casual	\$ 13,614.62

ACCOUNTS PAYABLE

Cheque No. 115446 - 115753 (Includes Direct Deposits/Transfers/Equip. Leasing)	\$ 1,754,456.37
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Total: \$2,022,347.80

Tenders

- a. Tender – Rental of Construction Equipment for Robin Hood Bay Sanitary Fill
- b. Tender – Supply and Delivery of Electromagnetic Water Meters

SJMC2007-04-30/226R

It was decided on motion of Deputy Mayor O’Keefe; seconded by Councillor Colbert: That the recommendations of the Director of Finance and City Treasurer be approved and the tenders awarded as follows:

- a. **To the low bidder for each piece of equipment in the appropriate time frame required as per document presented by Director of Finance dated April 26, 2007**
- b. **Elster Metering in the amount of \$112,705.50 (HST Extra)**

218 Airport Heights Drive, Fred Hiscock

Council considered a memorandum dated April 27, 2007 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2007-04-30/227R

It was decided on motion of Deputy Mayor O'Keefe; seconded by Councillor Colbert: That the recommendation of the Chief Commissioner/City Solicitor that compensation in the amount of \$300.00 be paid to the property owner at 218 Airport Heights Drive for the removal of 15 ft. spruce tree during the reconstruction of Airport Heights Drive, be accepted.

2007 Street Rehabilitation Program

Council considered a memorandum dated April 26, 2007 from the Associate Commissioner Commissioner/Director of Engineering regarding the above noted.

SJMC2007-04-30/228R

It was moved by Councillor Ellsworth; seconded by Councillor Puddister: That the list of streets proposed for the 2007 Streets Rehabilitation Program, which is based on an anticipated expenditure of \$4 million, be approved as presented.

The motion being put was unanimously carried.

Letter dated April 11, 2007 from Paul Terrien, Chief of Staff, Office of the Minister of Transport, Infrastructure and Communities re Federal Investment in Public Transit

Council considered as information the above noted letter.

Letter dated April 26, 2007 from Nigel Mitchell re: Trans Atlantic Balloon Flight requesting assistance in finding space to store equipment and a site to launch the flight

Council considered the above noted letter and His Worship the Mayor appealed to public regarding Mr. Mitchell's request for assistance with his Trans Atlantic Balloon Flight and asked that anyone interested contact him to obtain the necessary information.

Travel by Deputy Mayor O’Keefe

SJMC2007-04-30/229R

It was decided on motion of Councillor Puddister; seconded by Councillor Colbert: That approval for per diem for Deputy Mayor O’Keefe May 2 to 3, 2007 during Canada Borders Servicing Agency Planning Committee Meeting, in Ottawa, be granted.

Banner Request

Council agreed to a request from Mr. Bruce Templeton, Rotary District Convention, that the City hang a Rotary Flag, during its Convention in St. John’s, May 10 to 13, 2007.

Ranking of Small Cities

Council considered a memorandum dated April 30, 2007 from the Chief Commissioner and City Solicitor advising that the City of St. John’s along with the City of Waterloo, ranked fifth in the category of best development and investment promotion for a small city, as per an index released by *Foreign Direct Investment* magazine, published by Financial Times Group in the United Kingdom, ranking the economic, business and financial strengths of cities across the NAFTA region.

Deputy Mayor O’Keefe

Deputy Mayor tabled a magazine “Feliciter” featuring an article entitled “Newfoundland at Last”, highlighting the attractions both the City and the Province have to offer.

Councillor Ellsworth

Councillor Ellsworth listed a number of youth week events taking place this week and encouraged the youth to become involved in the activities. He thanked the organizing committee for their work in the organization of the event.

Councillor Ellsworth raised the issue surrounding Nova Recycling operation litter problem noting that residents are complaining about the ongoing problem with garbage due to dumping outside the building after business hours. He advised that he spoke with the Director of Building and Property Management and met with the owners on the issue. He proposed that

the City become more aggressive noting that one option would be to take legal action against the owners of the operation as well the individuals responsible for dumping. Other members of Council agreed that the situation needs a permanent solution with it being suggested that it may be worthwhile to consider setting up a task force involving environment experts who would work towards finding a resolution or an alternate location for the operation. It was pointed that depending on the outcome of the City's pilot recycling project, the operation may eventually close. The Chief Commissioner/City Solicitor noted during discussion that over the years staff have experienced the utmost cooperation from Nova Recycling in trying to find ways to address the situation.

His Worship the Mayor

His Worship the Mayor advised that he intends to write the Mayor of Ilhavo to advise that Council by a majority vote has broken the Friendship Agreement between St. John's and Ilhavo, and asked that a copy of the agreement be placed on the agenda of the Regular Meeting of Council on May 14, 2007.

His Worship the Mayor commented on the provincial budget and commended government on a budget that clearly demonstrates what can be done on behalf of the people of the province given the fiscal capacity as a result of offshore oil revenues, noting if the pace of development can be exhilarated the future bodes well for the province.

Adjournment

There being no further business the meeting adjourned at 5:15 p.m.

MAYOR

CITY CLERK