

April 30th, 2012

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

Deputy Mayor Duff presided.

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

Regrets: His Worship the Mayor and Councillors Hickman and Breen.

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

Call to Order and Adoption of the Agenda

SJMC2012-04-30/258R

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

- a. Letter dated April 27, 2012 to Honourable Terry French endorsed by the Urban Forest Advisory Committee**

Adoption of Minutes

SJMC2012-04-30/259R

It was decided on motion of Councillor Tilley; seconded by Councillor O'Leary: That the minutes of April 24th, 2012 meeting be adopted as presented.

Business Arising

Notice of Motion

Drive-Thru Facility, Amendment No. 539, 2012, St. John's Development Regulations

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Acting Mayor Duff noted that subsequent review of the above noted Amendment adopted by Council at its Regular Meeting held on April 24th, 2012, which would have the effect of incorporating the standards for Drive-Thru Facilities into the text of the Development Regulations, has led the Legal Department to conclude that several issues exist with the Amendment as drafted and therefore staff have requested deferral in order to undertake clarifications and amendments as deemed to be necessary to rectify the Amendment.

SJMC2012-04-30/260R

It was then moved by Councillor Collins; seconded by Councillor O’Leary: That the following Notice of Motion put forward by Councillor Collins at the Regular Meeting of Council held on April 24th, 2012 be deferred until such time as the rectified Amendment is presented at a future Regular Meeting of Council with full Council attendance.

“Take Notice that I will at the next Regular Meeting of Council move a motion to reconsider drive thru standards.”

The motion being put was unanimously carried.

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It was then moved by Councillor Collins; seconded by Councillor Hann: That the original Amendment be referred to the Office of the City Solicitor and the Department of Planning to rectify the issues identified by the City Solicitor and that the rectified Amendment be brought back to a future Regular Meeting for Council’s consideration.

The motion being put was unanimously carried.

Proposed Rezoning of Property, Kenmount Road/Nautilus Street Area
Applicant: Bristol Development

Council considered a memorandum dated April 26, 2012 from the Director of Planning regarding the above noted. It is noted that the public hearing on St. John’s Municipal Plan Amendment Number 105, 2012 and St. John’s Development Regulations Amendment Number 537, 2012 scheduled to be held on April 25, 2012 was cancelled under the provisions of the Urban and Rural Planning Act as no written objections to the amendments were received by the City Clerk’s Department prior to the hearing.

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It was moved by Councillor Hanlon; seconded by Councillor O'Leary: That the Resolutions for St. John's Municipal Plan Amendment Number 105, 2012 and St. John's Development Regulations Amendment Number 537, 2012 be formally adopted, which will then be sent to the Department of Municipal Affairs with a request that they be issued Provincial registration.

The motion being put was unanimously carried.

**Proposed Rezoning of Property
Civic Number 40 Henry Street
Applicant: Manga Developments Ltd.**

Council considered a memorandum dated April 25, 2012 from the Director of Planning regarding the above noted. It is noted that the public hearing on St. John's Municipal Plan Amendment Number 103, 2012 and St. John's Development Regulations Amendment Number 535, 2012 scheduled to be held on April 24, 2012 was cancelled under the provisions of the Urban and Rural Planning Act as no written objections to the amendments were received by the City Clerk's Department prior to the hearing.

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It was moved by Councillor Galgay; seconded by Councillor Collins: That Resolutions for St. John's Municipal Plan Amendment Number 103, 2012 and St. John's Development Regulations Amendment Number 535, 2012 be formally adopted, which will then be forwarded to the Department of Municipal Affairs for Provincial registration.

The motion being put was unanimously carried.

Planning & Housing Standing Committee Report dated April 25, 2012

Council considered the following Planning & Housing Standing Committee Report dated April 25, 2012:

In Attendance: Councillor Tom Hann, Chairperson
Deputy Mayor Shannie Duff
Councillor Bruce Tilley
Councillor Sheilagh O'Leary
Councillor Danny Breen
Councillor Frank Galgay
Councillor Wally Collins

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Councillor Sandy Hickman
Mr. Bob Smart, City Manager
Mr. Cliff Johnston, Director of Planning
Mr. Walt Mills, Director of Engineering
Mr. Dave Blackmore, Director of Building and Property Management
Ms. Judy Powell, General Manager - Metrobus
Mr. Ken O'Brien, Manager of Planning & Information
Mr. Joe Sampson, Manager of Development
Ms. Lynnann Winsor, Manager of Development, Engineering Services
Ms. Maureen Harvey, Recording Secretary

1. Memorandum dated April 24, 2012 re: Proposed rezoning to the Apartment Medium Density (A2) Zone and Residential Low Density (R1) Zone – 25 Rhodora Street, (Ward 4) Gibraltar Development

The Committee considered the attached memorandum dated April 24, 2012 from the Department of Planning regarding the proposed rezoning of 25 Rhodora Street.

On a motion by Councillor Danny Breen; seconded by Deputy Mayor Shannie Duff, the Committee agreed that the revised application be referred to a public meeting to be chaired by a member of Council.

2. Memorandum dated April 24, 2012 re: Proposed rezoning from the Rural (R) Zone to the Commercial Industrial (CI) Zone, Fowler's Road Area (Ward 5) – Metcalfe Holdings Ltd.

The Committee considered the attached memorandum dated April 24, 2012 from the Department of Planning with respect to the proposed rezoning of a portion of the Fowler's Road Area.

The Committee agreed that the revised application be advertised for public review and comment.

3. City owned land on Blackhead Road (Ward 5)

The Committee discussed the possible future sale and development of city owned land adjacent to the existing senior's facility on Blackhead Road. A site plan of the area is attached.

The Committee recommends on a motion from Councillor Wally Collins; seconded by Deputy Mayor Shannie Duff that the City engage the services of an appraiser to determine the highest and best use of the property.

4. Memorandum dated April 24, 2012 re: Proposed Rezoning from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone – 28 Whiteway Street (Ward 4)

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The Committee considered the attached memorandum from the Department of Planning dealing with proposed rezoning at 28 Whiteway Street.

The Committee agreed, on a motion by Councillor Sandy Hickman; seconded by Councillor Danny Breen that the rezoning application be advertised for public review and comment.

5. Application to enlarge change rooms at Fieldian Grounds – (Ward 4) – see attached correspondence

The Committee considered the attached correspondence from the Fieldian Athletic Grounds Association regarding their proposal to enlarge change rooms at their existing facility.

On a motion by Councillor Bruce Tilley; seconded by Councillor Wally Collins, the Committee recommends that City Staff be directed to draft and advertise a proposed site specific text amendment to the St. John's Development Regulations to facilitate a proposed extension to the existing change rooms at Fieldian Grounds.

6. Memorandum dated April 24, 2012 re: Proposed Rezoning to Accommodate Residential Development – 480 Main Road (Ward 5)

The Committee considered the attached staff memorandum dated April 24, 2012 from the Department of Planning dealing with proposed rezoning to accommodate a residential development at 480 Main Road, Goulds.

On a motion put forth by Councillor Wally Collins; seconded by Deputy Mayor Shannie Duff, the committee recommends that the application be advertised for public review and comment.

7. Memorandum dated April 24, 2012 re: Proposed rezoning of property to the Residential Low Density (R1) Zone – 304 Bay Bulls Road (Ward 5)

The Committee considered the attached memorandum dated April 24, 2012 from the Department of Planning regarding proposed rezoning of property at 304 Bay Bulls Road.

The Committee recommends on a motion by Deputy Mayor Shannie Duff; seconded by Councillor Sheilagh O'Leary that this rezoning application be rejected as the subject property is located within the boundaries of the Provincial Agricultural Development Area.

8. Memorandum dated April 19, 2012 from the Director of Building and Property Management regarding residential accessory buildings

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The Committee considered the attached memorandum dated April 19, 2012 from the Director of Building and Property Management regarding proposed changes to the St. John's Development Regulations regarding the regulation of Residential Accessory Buildings.

The Committee recommends on a motion from Deputy Mayor Shannie Duff; seconded by Councillor Bruce Tilley, that City Staff be directed to draft and advertise the appropriate text amendments to the St. John's Development Regulations to implement the recommendations as put forward in the Director's memorandum with respect to Residential Accessory Buildings.

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

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permits List:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF April 20, 2012 TO April 26, 2012**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM		Home Office for Cleaning Company	Freshwater Road	2	Approved	12-04-24

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

**Gerard Doran
Development Officer
Department of Planning**

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



Building Permits List

SJMC2012-04-30/265R

It was decided on Councillor Colbert; 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:

2012/04/25

Permits List

CLASS: COMMERCIAL

3-7 CASHIN AVE-PET-N-PAMPER	CO	SERVICE SHOP
67 AIRPORT RD	NC	ACCESSORY BUILDING
WATER & TEMPERANCE (TRAILER)	NC	ACCESSORY BUILDING
56 KENMOUNT RD-ROOTS	SN	RETAIL STORE
351 WATER ST	SW	MIXED USE
207 KENMOUNT RD - CHES'S	RN	RESTAURANT
336 FRESHWATER RD-EXTREME PITA	RN	RESTAURANT
180 PORTUGAL COVE RD	RN	EATING ESTABLISHMENT
120 STAVANGER DR	RN	OFFICE
240 WATERFORD BRIDGE RD	SW	OFFICE
33-37 ELIZABETH AVE	RN	OFFICE

THIS WEEK \$ 431,740.00

CLASS: INDUSTRIAL

349 INCINERATOR RD	EX	LIGHT INDUSTRIAL USE
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THIS WEEK \$ 2,240,000.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00

CLASS: RESIDENTIAL

3 ALDERGROVE PL	NC	ACCESSORY BUILDING
315 ANSPACH ST	NC	FENCE
48 BELLEVUE CRES	NC	ACCESSORY BUILDING
51 SPRUCE GROVE AVE, LOT 95	NC	SINGLE DETACHED DWELLING
123 BLUE PUTTEE DR	NC	FENCE
334 CANADA DR	NC	ACCESSORY BUILDING
81 CASTLE BRIDGE DR, LOT 100	NC	FENCE
173 CHEESEMAN DR, LOT 108	NC	SINGLE DETACHED DWELLING
16 COUNTRY GROVE PL, LOT 53	NC	SINGLE DETACHED DWELLING
36 CYPRESS ST, LOT 156	NC	SINGLE DETACHED DWELLING
38 CYPRESS ST, LOT 157	NC	SINGLE DETACHED DWELLING
62 CYPRESS ST, LOT 169	NC	SINGLE DETACHED DWELLING
5 CYPRESS ST, LOT 150	NC	SINGLE DETACHED DWELLING

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13 CYPRESS ST, LOT 146	NC	SINGLE DETACHED DWELLING
71 CYPRESS ST, LOT 120	NC	SINGLE DETACHED DWELLING
165 DOYLES ROAD - LOT 10	NC	SINGLE DETACHED DWELLING
39 FERRYLAND ST E	NC	ACCESSORY BUILDING
13 GOLF AVE	NC	ACCESSORY BUILDING
80 GUZZWELL DR	NC	FENCE
113 HOWLETT'S LINE	NC	ACCESSORY BUILDING
4 IRONWOOD PL, LOT 30	NC	SINGLE DETACHED DWELLING
13 MCCRAE ST, LOT 120	NC	SINGLE DETACHED DWELLING
26 NEWHOOK PL	NC	ACCESSORY BUILDING
18 OBERON ST, LOT 155	NC	SINGLE DETACHED DWELLING
20 OBERON ST, LOT 156	NC	SINGLE DETACHED DWELLING
4 PEPPERTREE PL	NC	PATIO DECK
71 PITCHER'S PATH, LOT 1	NC	SINGLE DETACHED DWELLING
11 ROSE ABBEY ST	NC	PATIO DECK
7 ROSEMARKIE ST	NC	ACCESSORY BUILDING
24 ROTARY DR, LOT 65	NC	SINGLE DETACHED DWELLING
26 ROTARY DR, LOT 66	NC	SINGLE DETACHED DWELLING
66 ROTARY DR, LOT 86	NC	SINGLE DETACHED & SUB.APT
68 ROTARY DR, LOT 87	NC	SINGLE DETACHED & SUB.APT
70 ROTARY DR, LOT 88	NC	SINGLE DETACHED & SUB.APT
49 ROTARY DR, LOT 118	NC	SINGLE DETACHED DWELLING
20 RUSS HOWARD ST	NC	ACCESSORY BUILDING
28 TUPPER ST	NC	ACCESSORY BUILDING
83 WINSLOW ST	NC	FENCE
25 WISHINGWELL RD	NC	ACCESSORY BUILDING
18 GLENEYRE ST	CO	HOME OFFICE
29 HARRIS RD	CO	SINGLE DETACHED & SUB.APT
15 MCNEILY ST	CR	SUBSIDIARY APARTMENT
18 KENT PL	EX	SINGLE DETACHED & SUB.APT
66 CAPE PINE ST	RN	SINGLE DETACHED DWELLING
77 CORNWALL CRESCENT	RN	SINGLE DETACHED DWELLING
106 HIGHLAND DR	RN	SINGLE DETACHED DWELLING
22 ST. JOSEPH'S LANE	RN	CONDOMINIUM
68 MONROE ST	SW	SINGLE DETACHED DWELLING

THIS WEEK \$ 6,055,650.00

CLASS: DEMOLITION

83 THORBURN RD	DM	SINGLE DETACHED DWELLING
65 STAVANGER DR	DM	CAR SALES LOT

THIS WEEK \$ 67,500.00

THIS WEEK'S TOTAL: \$ 8,794,890.00

REPAIR PERMITS ISSUED: 2012/04/19 TO 2012/04/25 \$ 47,761.00

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

SJMC2012-04-30/266R

It was decided on motion of Councillor Colbert; seconded by Councillor Tilley: That the following Payrolls and Accounts for the week ending April 26th, 2012 be approved:

Weekly Payment Vouchers For The Week Ending April 26, 2012

Payroll

Public Works	\$ 339,436.58
Bi-Weekly Administration	\$ 682,110.93
Bi-Weekly Management	\$ 646,762.42
Bi-Weekly Fire Department	\$ 568,660.49

Accounts Payable	\$ 2,021,741.62
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Total:	\$ 4,258,712.04
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Tenders

- a. Tender – Three Tandem Plow/Sander Trucks
- b. Tender – Mobile Column Vehicle Lift System
- c. Tender – One New Road Grader

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- d. Tender – Skate Park Equipment
- e. Tender – One New Service Van
- f. Tender – One New Secure Service Van
- g. Tender – Guard Rail Straightening
- h. Tender – 2012 Asphalt Crack Sealing Program

SJMC2012-04-30/267R

It was decided on motion of Councillor Tilley; seconded by Councillor Collins: That the recommendations of the Director of Finance and City Treasurer and the Director of Engineering be approved and the tenders awarded as follows:

- a. Royal Freightliner @ \$612,098.00, taxes not included
- b. MJS Holdings Ltd. @ \$89,102.00, taxes not included
- c. Nortrax Canada Ltd. @ \$255,700.00, taxes not included
- d. Canadian Ramp Co. @ \$49,380.52, taxes not included
- e. Avalon Ford @ \$33,139.00, taxes not included
- f. Hickman Motors @ \$31,728.38, taxes not included
- g. John F. Power Construction Ltd. @ \$98,845.00, taxes not included
- h. Crown Contracting Inc. @ \$ 162,098.50

The motion being put was unanimously carried.

Request from the Canadian Breast Cancer Foundation to fly a banner at City Hall to promote the Run for the Cure on Sunday, September 30, 2012

SJMC2012-04-30/268R

It was decided on motion of Councillor Hann; seconded by Councillor O’Leary: That a request from the Canadian Breast Cancer Foundation to fly a banner at City Hall to promote the Run for the Cure on Sunday, September 30, 2012 be approved.

Letter dated March 22, 2012 to Mayor Dennis O’Keefe from the Provincial Minister of Finance and President of Treasury Board in response to a letter dated November 17, 2012 to Premier Dunderdale from Mayor Dennis O’Keefe

Council considered as information the above noted letter. His Worship the Mayor in his letter to Premier Dunderdale requested that the Government rebate the Provincial portion of the HST for the Pleasantville development, and further, that the Government review its taxation of affordable housing for those in core need. The Minister of Finance and President of Treasury Board responded that he is

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not in a position to support a rebate for the Pleasantville development. With respect to the Mayor's suggestion that government review its taxation of affordable housing for those in core need, the Minister noted that public policy challenges can be addressed by a variety of different policy tools, taxation being just one of them.

During discussion, Councillor Colbert expressed concern over the amount of money paid by the City in HST on affordable housing which he noted could be allocated towards developing additional housing units. He asked if NLHC pays HST on affordable housing and suggested if they don't that the City Manager investigate whether it would be to the City's benefit to funnel the Pleasantville project as well as future affordable housing projects through NLHC instead of the City taking the lead.

Letter dated April 27, 2012 to Honourable Terry French endorsed by the Urban Forest Advisory Committee

Council considered the above noted letter requesting that the Province of Newfoundland and Labrador:

- a. Champion the effort for provincial-wide declaration of participation in Arbour Day, June 1st and National Tree Day, Sept 26, 2012
- b. Take this request to cabinet for discussion and approval to garner the support of the affiliated government departments to devote a financial contribution for the development of promotional educational information
- c. Publicly declare support in a public statement to enhance the awareness of the benefits of green spaces to the people and the communities in which they live, play and work. It is an excellent opportunity for the Provincial Government to serve as the leader to engage the youth of our communities and provide outdoor classroom learning venues for nature appreciation and flora and fauna exploration.
- d. Review the 'Why is this Important' to facilitate decision-making.

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It was moved by Councillor O'Leary; seconded by Councillor Hanlon: That the letter as presented and as endorsed by the Urban Forest Advisory Committee along with supporting organizations, be forwarded to Honourable Terry French, Minister of the Department of Environment and Conservation.

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The motion being put was unanimously carried.

Councillor O’Leary

Councillor O’Leary advised that the Atlantic Book Awards & Festival will take place in St. John’s May 10 to 17, 2012, and noted she will have more information in this regard to bring forward.

Councillor O’Leary spoke to the fact that she will be attending the Stewardship Association of Municipalities Annual General Meeting in Grand Falls-Windsor on May 24 to 26, 2012, as per Council approval, and looks forward to representing the City, as the City has not had any representation for some time on the Stewardship Association of Municipalities and will provide a follow-up report to Council on the issues including the stewardship and Habitat Conservation Plan for Lundrigan’s Marsh.

Councillor Hann

Councillor Hann advised residents that the City is considering a number of initiatives to address the litter problem/illegal dumping of garbage in the City. He advised that the staff are in the process of putting forward a request for proposals for security patrol services in an effort to combat the litter problem.

Councillor Hann advised that Mr. Allan Miller has been selected as the new Chairperson of the Mayor’s Advisory Committee for Seniors and extended thanks to outgoing Chairperson Mr. Frank Lee for his valuable contribution to the Committee and his leadership towards moving issues forward.

Councillor Galgay

Councillor Galgay advised that some senior citizens are finding it difficult to pay their property taxes due to rising property values and subsequent increased tax rates. He noted that many

seniors do not qualify for the City's 25 percent discount. He asked that staff through the Finance Committee investigate what other municipalities across Canada do to assist seniors in paying their taxes, and that a position paper on the issue be prepared for presentation to Council in the fall.

Councillor Tilley

Councillor Tilley noted that he has received complaints concerning contractors conducting work outside the City of St. John's Noise By-Law Restriction and encouraged residents to contact 311 to have the situation investigated.

Councillor Hanlon

Councillor Hanlon advised that the Regatta will be offering the Learn to Row Program again this year, free of charge and encouraged residents to participate.

Councillor Hanlon advised that a public meeting will be held on May 3, 2012 to provide an opportunity for public review and comment on an application submitted by Sinnott's Auto Sales to rezone the property located at Civic No. 257 Brookfield Road from the Rural Residential Infill (RRI) Zone and the Rural Zone to the Commercial Industrial (CI) Zone. The purpose of the rezoning is to allow the development of a portion of the property for a car sales lot.

Adjournment

There being no further business, the meeting adjourned 5:40 p.m.

MAYOR

CITY CLERK

ST. JOHN'S