

April 4<sup>th</sup>, 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.

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

#### **Adoption of the Agenda**

##### **SJMC2011-04-04/166R**

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

- a. Memorandum from Councillor Galgay, Chair, Planning and Housing Committee Re Fortis Properties Proposes Office Building for West End of Downtown
- b. Proposed Rezoning of Property Maddox Cove Road

#### **Adoption of Minutes**

##### **SJMC2011-04-04/167R**

**It was decided on motion of Councillor O'Leary; seconded by Councillor Breen:  
That the minutes of the March 28<sup>th</sup>, 2011 meeting be adopted as presented.**

#### **Notices Published**

1. **A Discretionary Use Application** has been submitted by Mr. Greg Martin requesting permission to consolidate two (non-conforming) lots located at **Civic Numbers 174 & 176 Hamilton Avenue** to accommodate two additional infill

dwelling units on the property, thus creating one lot containing one, 3-unit dwelling. One off-street parking space per unit will be provided. (Ward 2)

One (1) Submission of Concern

**SJMC2011-04-04/168R**

**It was moved by Councillor Galgay; seconded by Councillor Hann: That a decision on the application be deferred in order to allow city staff an opportunity to review the written submission.**

**The motion to defer 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 No. 3 Monchy Street** into 3 Residential Units. There are a minimum of three (3) on-site parking spaces provided. (Ward 2)

**SJMC2011-04-04/169R**

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

**The motion being put was unanimously carried.**

**Development Permits List**

Council considered as information the following Development Permits List for the period March 25 to March 31, 2011:

DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF March 25, 2011 TO March 31, 2011

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	David Blundon	Home Office-Casino Taxi	535 Empire Avenue	3	Approved	11-03-28
RES	Tim Walsh	Building Lot	Adjacent to No.12 Jensen Camp Road	3	Approved	11-03-28
COM	Angela Organ	Home Office – Home Care	110 Higgin's Line	4	Approved	11-03-29
RES	Richard Delahaunty	Building Lot	Subdivision of 92 Old Bay Bulls Road	5	Approved	11-03-21
RES	Bodan Construction Ltd	Demolition/Rebuild	10 Forest Avenue	2	Approved	11-03-30

\* Code Classification:  
 RES- Residential  
 COM- Commercial  
 AG - Agriculture

INST- Institutional  
 IND- Industrial

\*\* 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.

Gerard Doran  
 Development Officer  
 Department of Planning

**Building Permits List**

**SJMC2011-04-04/170R**

**It was decided on motion of Councillor Hann; 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:**

2011/03/30

Permits List

**CLASS: COMMERCIAL**

E.C.BOONE LIMITED	49-55 ELIZABETH AVE,BILLBOARD	SN OFFICE	
GAME-ON-GEAR	37 O'LEARY AVE	MS OFFICE	
PAR HOLDINGS LIMITED	120 LEMARCHANT RD	SW OFFICE	
ALIANTELECOM INC.	2A HUSSEY DR	RN COMMUNICATIONS USE	
P.P.S.C.	215 WATER ST, 8TH FLOOR	RN OFFICE	
BMO NESBITT BURNS INC.	100 NEW GOWER ST,3RD FLR	RN OFFICE	
TALON ENERGY SERVICES	215 WATER ST , TALON ENERGY	CR OFFICE	
WHW ARCHITECTS (LAURA CHAULK)	11 ELIZABETH AVE	TI PHARMACY	
		THIS WEEK \$	775,499.00

**CLASS: INDUSTRIAL**

THIS WEEK \$ .00

**CLASS: GOVERNMENT/INSTITUTIONAL**

STELLA BURRY COMMUNITY	142 MILITARY RD	CR OFFICE	
FED. GOV'T. (POST OFFICE)	KENMOUNT RD, CANADA POST	RN ADMIN BLDG/GOV/NON-PROFIT	
		THIS WEEK \$	850,000.00

**CLASS: RESIDENTIAL**

KARWOOD CONTRACTING	COUNTRY GROVE PL, LOT 76	NC SINGLE DETACHED DWELLING
KARWOOD CONTRACTING	COUNTRY GROVE PL, LOT 69	NC SINGLE DETACHED DWELLING
JAMES & LUCY MILLER	21 DUBLIN RD	NC ACCESSORY BUILDING

PHILIP FINLAY	129 GREAT EASTERN AVE, LOT 137	NC SINGLE DETACHED & SUB.APT
TERRY WALSH CONSTRUCTION	8 HAMLET ST, LOT 63	NC SINGLE DETACHED DWELLING
IAN KIELEY	217 OLD BAY BULLS RD	NC PATIO DECK
GLEN A PUTT	40 PARK LANE	NC ACCESSORY BUILDING
AUSTIN'S CONTRACTING	42 ROSALIND ST, LOT 403	NC SINGLE DETACHED DWELLING
KRISTI WARREN	24 BURGEO ST	CO SINGLE DETACHED DWELLING
DAVE PEET SIDING & RENOVATIONS	10 LIMERICK PL	CR SUBSIDIARY APARTMENT
HENRY CHRISTOPHER COLLINGWOOD	14 LIMERICK PL	EX SINGLE DETACHED DWELLING
GERALD STAPLETON	19 CALGARY ST	RN SINGLE DETACHED DWELLING
PAUL CROSBIE	70 CIRCULAR RD	RN SINGLE DETACHED & SUB.APT
BRIAN JOHNSTON	34 HYDE PARK DR	RN SINGLE DETACHED DWELLING
DIMITRI & NATALIA NAUMENKO	30 LEMARCHANT RD	RN SINGLE DETACHED DWELLING
DONALD & ELIZABETH HILLMAN	102 NEW COVE RD	RN SINGLE DETACHED DWELLING
HOMESCAPE INC.	242 PENNYWELL RD	RN MIXED USE
MICHAEL J. BARRETT	77 QUIDI VIDI RD	RN SEMI-DETACHED DWELLING
ANGELA CRAWFORD	480 THORBURN RD	RN SINGLE DETACHED & SUB.APT
GARTH J. OLINIK	42 WEYMOUTH ST	RN SINGLE DETACHED & SUB.APT
L ALWAY	20 YORK ST	RN SINGLE DETACHED DWELLING
WILLIAM NEVILLE AND	610 TOPSAIL RD	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 1,663,300.00

**CLASS: DEMOLITION**

THIS WEEK \$ .00

THIS WEEK'S TOTAL: \$ 3,288,799.00

REPAIR PERMITS ISSUED: 2011/03/24 TO 2011/03/30 \$ 23,000.00

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**

**SJMC2011-04-04/171R**

**It was decided on motion of Councillor Hann; seconded by Councillor Tilley:  
That the following Payrolls and Accounts for the week ending March 31, 2011,  
be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending March 31, 2011**

**PAYROLL**

Public Works	\$ 421,605.38
Bi-Weekly Administration	\$ 703,707.09
Bi-Weekly Management	\$ 563,309.38
Regional Fire Department	\$ 607,675.87

**ACCOUNTS PAYABLE** \$ **1,846,274.82**

**Total: \$ 4,142,572.54**

**Tenders**

- a. Tender - Traffic Paint
- b. Tender – Rental of Equipment for Robin Hood Bay Waste Facility

**SJMC2011-04-04/172R**

**It was moved by Councillor Colbert; seconded by Councillor Breen: That the recommendations of the Director of Finance and City Treasurer be approved and the tenders awarded as follows:**

- a. **UCP Paint @ \$181,860.00, as per the Public Tendering Act, taxes not included.**
- b. **Kelloway Construction; Pyramid Construction; Hubert Murphy Ltd.; Newfound Construction; Gladney Bus. Ltd. – on an item by item basis as per the information provided. The lowest bidder of items required will be approached first to supply and if cannot the City may use the next lowest bidder, as per the Public Tendering Act, taxes not included**

### **Recycling Collection**

Council considered information provided by the Deputy City Manager/Director of Public Works and Parks regarding the transparent blue bags mandatory for recycling collection.

### **Snow Clearing Report for the period January 1<sup>st</sup> to April 1<sup>st</sup>, 2011**

Council considered as information the snow clearing report for the period January 1<sup>st</sup> to April 1<sup>st</sup>, 2011 showing a negative variance of \$533,459.00.

### **April 2011 Economic Update**

Council considered as information the April 2011 Economic Update. Councillor Hanlon pointed out the highlights of the report with respect to the business briefs, City building permits, business approvals, initiatives and upcoming events.

Councillor Tilley asked the status of Council meeting with representatives of the St. John's International Airport Authority. The City Clerk agreed to follow-up.

### **Fortis Properties Proposes Office Building for West End of Downtown**

Councillor Galgay, Chair, Planning and Housing Committee tabled the Fortis Properties Media Release concerning an application to the City for the construction of a 12 storey, Class A office building at the corner bounded by Springdale Street, New Gower Street and Hamilton Avenue Extension, known as the former Horwood Lumber site. Members of Council welcomed the proposal which is presently before the Planning Division of the City for evaluation and will then be presented to the Planning and Housing Standing Committee before it is presented to Council for final approval.

### **Proposed Rezoning of Property Maddox Cove Road**

Councillor Collins brought forward the issue surrounding an application to rezone vacant land on the north side of Maddox Cove Road from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone to allow new residential unserviced ½ acre building lots. The Planning & Housing Standing Committee at its meeting held on November 24,

2010 recommended rejection of the rezoning application based on the current restrictive Open Space Reserve (OR) zoning of the site. Council, at its Regular Meeting held on December 6, 2010, deferred the Committee's recommendation pending further review. The City's current planning policies seek to prevent the designation of new lands for unserved residential development which would constitute unserved residential sprawl.

**SJMC2011-04-04/173R**

**It was moved by Councillor Collins; seconded by Councillor O'Leary: That an application to rezone vacant land on the north side of Maddox Cove Road from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone to allow new residential unserved ½ acre building lots, be approved.**

Members of Council supporting the motion noted there is already one house on the north side of Maddox Cove Road, with more to be constructed on the south side in the near future and the City is already servicing the area for garbage collection and snow clearing. They indicated that the property owners want the issue resolved to allow them to pass the land along to their family to either develop or sell, noting that the land becomes useless if development is prohibited by the City.

Acting Mayor Duff and Councillor Galgay opposed the motion because it is contrary to the City's policy for unserved development and would be promoting urban sprawl.

**Following discussion, the motion being put was carried with Acting Mayor Duff and Councillor Galgay dissenting.**

**Councillor Galgay**

Councillor Galgay noted that Municipal Awareness Day will be held on May 18, 2011. He noted that he along with Councillor Hanlon met with the ad hoc committee which suggested a number of events to be held in celebration of the work carried out by mayors, councilors, staff and municipal administrators and volunteers. He asked the cooperation of Council and staff to make the City's contribution towards that particular day the same as every other municipality in Newfoundland and Labrador.

**Acting Mayor Duff**

Acting Mayor Duff referenced a letter to the Mayor's office from the Kiwanis Music Festival thanking the City for its contribution towards the Senior Rose Bowl competition. She noted she will write a letter of congratulations on behalf of Council to the Senior Rose Bowl winner, Chris McGee.

Acting Mayor Duff congratulated the Town of CBS on being officially crowned Kraft Hockeyville 2011 and asked that a letter be forward on behalf of Council.

Acting Mayor Duff provided an update on Mayor O'Keefe's health condition and wished him a speedy recovery.

**Councillor O'Leary**

Councillor O'Leary commended the quality of the City's swimming instructions and the instructors, offered by the City's Department of Recreation.

Councillor O'Leary feels there should be an emergency access laneway off Margaret's Place given the amount of development in that area and suggested that the City work with the developers either on the current development or the potential new one to create a laneway for emergency vehicles and for the safety of the neighbourhood.

**Councillor Hickman**

Councillor Hickman reminded the people on behalf of St. John's Clean and Beautiful of their Community Awards deadline April 15, 2011.

**Councillor Hann**

Councillor Hann noted that on behalf of the St. John's Transportation Commission he will be forwarding a letter to all Federal candidates to ask what the party's stance is on public transit. Acting Mayor Duff agreed to forward a letter also and request that they provide a response to Council on the issue.



**Councillor Colbert**

Councillor Colbert referenced the recent decision by the Village Mall to no longer permit the transit system to use the Village parking lot as a transfer location. He noted that comments, by a spokesperson, that the mall experienced less vandalism and theft in the stores during the metrobus labour dispute gave the impression that the riders of Metrobus are the problem, are unfair and merit clarification.

Councillor Hann concurred noting the comments were a reflection of the service. He advised that the Village Mall representatives refused to meet with Metrobus on the issue and cited their decision to no longer permit the system to use the parking lot is final. Councillor Hann advised that Metrobus is currently looking at alternate locations.

**Councillor Galgay**

Councillor Galgay advised that on Wednesday the FCM will be releasing a document stating their position and providing a detailed outline of the issues such as affordable housing, national transportation, environment etc. The document will be made available for circulation to members of Council.

Councillor Galgay reminded members of Council that this year the City will be involved in Municipal Awareness Day.

**Adjournment**

There being no further business, the meeting adjourned at 6:00 p.m.

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**ACTING MAYOR**

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**CITY CLERK**