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 Duff; Councillors O'Leary, Hann, Colbert; Breen, Galgay, Tilley, Hanlon and Collins

Regrets: Councillor Hickman

The City Manager, the 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, Senior Legal Counsel and Manager, Corporate Secretariat were also in attendance.

## Call to Order and Adoption of the Agenda

#### SJMC2010-04-05/181R

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

- a. Memorandum dated March 31, 2010 from the Deputy City Manager/Director of Corporate Services and City Clerk re City's Haiti Disaster Recovery Fund
- b. Memorandum dated March 31, 2010 from the Deputy City Manager/Director of Corporate Services and City Clerk re Travel by His Worship the Mayor and Councillor Hanlon

#### **Adoption of Minutes**

#### SJMC2010-04-05/182R

It was decided on motion of Councillor Tilley; seconded by Councillor O'Leary: That the minutes of the March 29<sup>th</sup>, 2010 meeting be adopted as presented.

2010-04-05

## **Business Arising**

**Provincial Registration** 

Proposed Rezoning of Land located on the South Side of Waterford Bridge Road Applicant: Corpus Christi Parish

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Under business arising, Council considered a memorandum dated March 30<sup>th</sup>, 2010 from the Director of Planning regarding the above noted.

#### SJMC2010-04-05/183R

It was moved by Councillor Tilley; seconded by Councillor Hanlon: That the following Resolutions for St. John's Municipal Plan Amendment Number 77, 2009 and St. John's Development Regulations Amendment Number 472, 2009, be adopted:

# RESOLUTION ST. JOHN'S MUNICIPAL PLAN AMENDMENT NUMBER 77, 2009

**WHEREAS** the City of St. John's wishes to amend the land use designation of property located on the south side of Waterford Bridge Road, west of Civic Number 227 Waterford Bridge Road.

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act.

Redesignate land located on the south side of Waterford Bridge Road, west of Civic Number 227 Waterford Bridge Road, from the Institutional Land Use District to the Residential Low Density Land Use District and the Open Space Land Use District as shown on Map III-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 5<sup>th</sup> day of April, 2010.

Mayor	I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.
Director of Corporate Services and City Clerk	MCIP

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# CITY OF ST. JOHN'S MUNICIPAL PLAN Amendment No. 77, 2009 [Map III-1A]



AREA PROPOSED TO BE REDESIGNATED FROM INSTITUTIONAL (INST) LAND USE DISTRICT TO OPEN SPACE (O) LAND USE DISTRICT



Mayor

AREA PROPOSED TO BE REDESIGNATED FROM INSTITUTIONAL (INST) LAND USE DISTRICT TO RESIDENTIAL LOW DENSITY (RLD) LAND USE DISTRICT

Waterford Bridge Road, land west of civic #227, Corpus Christ Church property 2009 10 23 SCALE: 1:1250 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.

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Director Corp. Services/City Clerk

Council Adoption

Provincial Registration

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## RESOLUTION ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 472, 2009

**WHEREAS** the City of St. John's wishes to amend the land use zoning designation of property located on the south side of Waterford Bridge Road, west of Civic Number 227 Waterford Bridge Road.

**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.

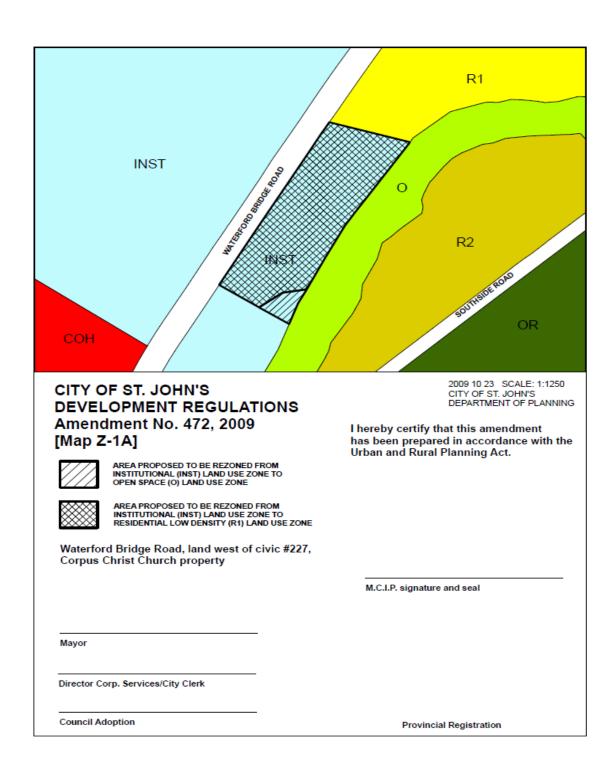
Rezone land located on the south side of Waterford Bridge Road, west of Civic Number 227 Waterford Bridge Road, from the Institutional Zone to the Residential Low Density (R1) Zone and the Open Space (O) Zone as shown in Map Z-1A attached.

**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 5<sup>th</sup> day of April, 2010.

Mayor	I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.
Director of Corporate Services/ City Clerk	MCIP

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and further; that Mr. Wayne Thistle, Q.C., a member of the City's commissioner list, be appointed as the commissioner to conduct a public hearing on Municipal Plan Amendment Number 77, 2009 and Development Regulations Amendment Number 472, 2009, the proposed date for the public hearing being April 28, 2010.

The motion being put was unanimously carried.

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## **Other Matters**

Members of Council discussed the withdrawal by Fortis Properties Corporation of its application to redevelop its Water Street site, as per a letter to the Director of Planning dated March 31, 2010 from Mr. Terry K. Chaffey, Vice-President, Real Estate. Councillor Tilley outlined what he felt is the City's loss in terms of taxation, job opportunities, building permits etc. Councillor Breen felt the Fortis proposal did not go far enough to enhance and protect the downtown heritage but had hoped for a compromise. Councillor Hann expressed disappointment that the proponent did not have an opportunity to reach the planning stage. He expressed concern of lost revenue, of sending the wrong message to the business community noting that Council needs new generation of revenue from new development. Councillor Galgay indicated his support of appropriate development and outlined many of the City's ongoing projects and noted he would welcome a revised proposal from Fortis. Councillor O'Leary also indicated her support of appropriate development, noting the proposal by Fortis was completely contrary to the City's Regulations and was withdrawn by Fortis while she had hoped for a compromise by Fortis. Councillor Hanlon also noted that Council "did not take the proposal off the table" but rather Fortis stopped negotiations. She indicated the historical properties on Water Street should be protected and she would like to see Fortis come forward with another proposal. Councillor Colbert indicated he would encourage Fortis to bring forward a proposal that would bring together the economic value and heritage preservation. Councillor Collins noted did not support the Fortis proposal because it did not meet the current regulations and he stressed the importance of treating all development proposals equally. Deputy Mayor Duff noted from the beginning she did not support the proposal put forth by Fortis. She indicated she would have welcomed an opportunity to meet with the developer and find a compromise for a more appropriate development, noting she will be surprised if Fortis does not come back with a modified proposal. His Worship the Mayor indicated that Fortis felt they were being made an example of and "the door had been slammed". The Mayor encouraged Fortis to bring back a revised proposal.

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## **Notices Published**

1. A Discretionary Use Application has been submitted by NL Housing Corporation requesting permission to convert Civic No. 21-23 Mundy Pond Road from a two (2) unit Semi Detached dwelling into a three (3) unit dwelling. One (1) additional parking space will be created for a total of three (3) parking spaces. The subject building is located in the R2 Zone where Multiple Dwellings are a Discretionary Use. (Ward 3)

#### SJMC2010-04-05/184R

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

The motion being put was unanimously carried.

# **Development Committee Report dated March 30th, 2010**

Council considered the following Development Committee Report dated March 30<sup>th</sup>, 2010:

The following matters were considered by the Development Committee at its meeting held on March 30, 2010. The staff reports are attached for Council's information.

# 1. Proposed Protein Conversion Plan Country Ribbon Inc. Incinerator Road (Ward 5)

The Development Committee recommends that Council direct City staff to write the Department of Environment and Conservation advising that the proposed protein conversion plant could be allowed by the City as a Discretionary use at the Incinerator Road location.

It is further recommended that the City suggest to the Department of Environment and Conservation that it ask Country Ribbon Inc. to provide additional details on methods to control any odours that might be generated by the protein conversion process as well as additional details on waste water disposal utilizing the proposed on-site waste water treatment facility. Details on fencing/screening of this site should also be provided.

The Department of Planning has advised Country Ribbon Inc. that if their protein conversion plant project is released by the Minister of Environment and Conservation, that it will be necessary for the company to submit a development application to the City for review and consideration of approval. As previously noted, the plant would be required to be processed as a Discretionary Use application and would be subject to a Land Use Assessment Report (LUAR) and a public notification procedure. The environmental registration document, with additional detail as recommended above, may be able to serve as the LUAR.

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## 2. Proposed Agricultural Operations

**Crown Land Leases for Agricultural Uses** 

**Portugal Cove Road Area** 

- (a) Lot 32-B Organic Farm Operation Mark Wilson
- (b) Lots 18, 22, 38, and 53 Forage Production Operation Gary & Matthew Rose

Regarding Item 2A, the Development Committee recommends that Council not support the application for agricultural use for Lot 32-B (Mark Wilson) due to fact that the site is located in the Watershed. The Committee believes that the protection of the Watershed precludes the use of the land for agricultural use.

Regarding Item 2B, the Development Committee recommends that Council approve the application for agricultural use for Lots 18, 22, 38, and 53 (Gary & Matthew Rose). As Lots 22 and 38 are located within the municipal boundaries of St. John's, the approval for these two Crown Land lots for agricultural use should be subject to the applicants making a formal development application to the City for use of the land for forage if they are successful in obtaining leases on these lots.

# Ronald Penney, Chairperson City Manager

## SJMC2010-04-05/185R

Regarding Item #1, It was moved by Councillor Hann; seconded by Deputy Mayor Duff: That the Committee's recommendation be approved.

The motion being put was unanimously carried.

#### SJMC2010-04-05/186R

Regarding Item #2 (A), it was moved by Councillor Hann; seconded by Deputy Mayor Duff: That the Committee's recommendation be deferred pending a more detailed plan on the proposed agricultural use of the property.

The motion being put was unanimously carried.

#### SJMC2010-04-05/187R

Regarding Item 2 (B), It was moved by Councillor Hann; seconded by Deputy Mayor Duff: That the Committee's recommendation be approved.

The motion being put was unanimously carried.

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# Arts Advisory Committee Report dated March 18th, 2010

#### SJMC2010-04-05/188R

It was moved by Deputy Mayor Duff; seconded by Councillor Galgay: That consideration of the report be deferred pending Councillor Hickman's return from vacation, April 12, 2010

The motion being put was unanimously carried.

## **Development Permits List**

Council considered the following Development Permits List for the period March 26<sup>th</sup> to April 1<sup>st</sup>, 2010:

#### DEVELOPMENT PERMITS LIST DEPARTMENT OF PLANNING FOR THE PERIOD OF March 26, 2010 TO April 1, 2010

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
IND	11239 Newfoundland Inc./ Weather Shore Windows Inc.	Manufacturing of windows and doors/Retail Store	73 Blackmarsh Road	2	Approved	10-03-30
COM	Grenville Belbin	Home Office	32 Diana Road	4	Approved	10-03-29
RES	Core Contracting Inc	Building Lot	124 Doyle's Road	5	Approved	10-03-29
COM	Danny Skinner	Home Office Electrical Contractor	38 Bell's Turn	4	Approved	10-03-30

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

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**

#### SJMC2010-04-05/189R

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

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2010/03/30

#### Permits List

#### CLASS: COMMERCIAL

TARGA NEWFOUNDLAND MOTORSPORTS	39-41 PIPPY PL	CO	OFFICE
Y.M.C.A./C.N.I.B.	70 BOULEVARD	OC	OFFICE
BAINE JOHNSTON CENTRE LIMITED	FACTORY LANE - JOHNSONS INS	RN	OFFICE
ULTRAMAR LTD	102 BAY BULLS RD	MS	COMMERCIAL GARAGE
ULTRAMAR LTD.	36 BLACKMARSH RD	MS	COMMERCIAL GARAGE
V	42 ELIZABETH AVE	MS	COMMERCIAL GARAGE
ULTRAMAR LTD.	52 KENMOUNT RD	MS	COMMERCIAL GARAGE
CHROME IT ACCESSORIES INC.	55 STAMP'S LANE	SN	RETAIL STORE
SUMMIT MOTORS INC.	409 KENMOUNT RD	NC	ACCESSORY BUILDING
ASSOCIATION OF SEAFOOD	10 FORT WILLIAM PL	RN	OFFICE
SHARONA ESTATES INC.	732 WATER ST	RN	OFFICE
SHARONA ESTATES INC.	736 WATER ST	RN	MIXED USE
RBC DOMIMION SECURITIES	10 FORT WILLIAM PL	RN	OFFICE
NORTH ATLANTIC PETROLEUM	86 THORBURN RD	RN	CONVENIENCE STORE
FORTIS PROPERTIES	FACTORY LANE	RN	OFFICE
ARIZONA HEATING INC.	140 STAVANGER DRIVE	NC	OFFICE

THIS WEEK \$ 2,583,997.00

CLASS: INDUSTRIAL

THIS WEEK \$ .00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$ .00

#### CLASS: RESIDENTIAL

	44	
HANN CONSTRUCTION LIMITED	•	
HIPPO HOMES INC.	41 GOLD MEDAL DR, LOT 5-171	NC SINGLE DETACHED DWELLING
RANDY O. NOSEWORTHY &	56 LADYSMITH DR, LOT 25	NC SINGLE DETACHED DWELLING
SKYMARK CONTRACTING LTD.	12 MARGARET'S PL	NC TOWNHOUSING
SKYMARK HOMES	14 MARGARET'S PL	NC TOWNHOUSING
SKYMARK HOMES	16 MARGARET'S PL	NC TOWNHOUSING
SKYMARK HOMES	18 MARGARET'S PL	NC TOWNHOUSING
ROCKWOOD HOMES	32 PARSONAGE DRIVE, LOT 16	NC SINGLE DETACHED DWELLING
PATRICK & GLENICE LARACY	10 CIRCULAR RD	EX SINGLE DETACHED DWELLING
VLASTAMIL MASEK	16 WARREN PL	EX SINGLE DETACHED DWELLING
ALLAN HAWCO	9 ATLANTIC AVE	RN TOWNHOUSING
STAVROS STASSIS	14 EASTAFF ST	RN SINGLE DETACHED & SUB.APT
GLENN & SONIA BURRY	109 ELIZABETH AVE	RN SINGLE DETACHED DWELLING
DIANNE/IGNATIUS/MARTHA WARD	13 MAYOR AVE	RN SINGLE DETACHED DWELLING
MICHAEL BARKER	40 MERRYMEETING RD	RN SINGLE DETACHED DWELLING
NOEL & YOLANDA SHEEHAN	110 PLEASANT ST	RN SINGLE DETACHED DWELLING
AMANDA GAULTOIS	161 PLEASANT ST	RN SEMI-DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP	13 PROSPERO PL	RN SEMI-DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP	13A PROSPERO PL	RN SEMI-DETACHED DWELLING
BERNARD HARRIS	134 QUEEN'S RD	RN SINGLE DETACHED & SUB.APT
SANDRA JUDY KELLAND	8 GOWER ST	SW SEMI-DETACHED DWELLING
JOHN CHARLES MORGAN	75 PENNYWELL RD	SW SEMI-DETACHED DWELLING

THIS WEEK \$ 1,898,600.00

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#### CLASS: DEMOLITION

ANCHOR ENTERPRISES INC. 86 THORBURN RD DM RETAIL STORE

THIS WEEK \$ 20,000.00

THIS WEEK''S TOTAL: \$ 4,502,597.00

REPAIR PERMITS ISSUED: 2010/03/25 TO 2010/03/30 \$ 68,795.00

#### LEGEND

CO CHANGE OF OCCUPANCY
CR CHNG OF OCC/RENOVTNS
EX EXTENSION
NC NEW CONSTRUCTION
CC CHIMNEY CONSTRUCTION
OC OCCUPANT CHANGE
CD CHIMNEY DEMOLITION
RN RENOVATIONS
DV DEVELOPMENT FILE
SW SITE WORK
DM DEMOLITION

## **Payrolls and Accounts**

#### SJMC2010-04-05/190R

It was decided on motion of Councillor Hann; seconded by Councillor Collins: That the following Payrolls and Accounts for the week ending April 1<sup>st</sup>, 2010 be approved:

# Weekly Payment Vouchers For The Week Ending April 1, 2010

## **PAYROLL**

Public Works	\$ 303,559.36
Regional Fire Services	\$ 531,974.83
Bi-Weekly Management	\$ 569,993.25
Bi-Weekly Administration	\$ 666,003.05
ACCOUNTS PAYABLE	\$ 1,054,297.53

Total: \$ 3,125,828.02

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## 71 Old Bay Bulls Road – Joan Mackey

Council considered a memorandum dated March 31<sup>st</sup>, 2010 from the City Manager regarding the above noted.

## SJMC2010-04-05/191R

It was moved by Deputy Mayor Duff; seconded by Councillor Hann: That the recommendation of the City Manager that a sanitary sewer easement over property of Joan Mackey at 71 Bay Bulls Road, required by the City, be acquired for \$2,500 plus the value of a tree removal (\$800.00), plus legal fees for the closing of the transaction, be approved.

The motion being put was unanimously carried.

#### 15-17 Connors Avenue

Council considered a memorandum dated March 31<sup>st</sup>, 2010 from the City Manager regarding the above noted.

#### SJMC2010-04-05/192R

It was moved by Councillor Hann; seconded by Councillor Hanlon: That the recommendation of the City Manager, that the land proposed to be developed be declared a development area and the O'Keefe Estate land be expropriated and conveyed to the developer under the following conditions, be approved:

- 1. the developer agrees to pay all costs associated with the expropriation;
- 2. the developer provides the City with a security deposit in the amount of \$25,000.00 to cover any potential costs including compensation, and that this amount be held for six years or until all claims have been satisfied.

The motion being put was unanimously carried.

## 172 Logy Bay Road, Ron Fougere

Council considered a memorandum dated April 1<sup>st</sup>, 2010 from the City Manager regarding the above noted.

#### SJMC2010-04-05/193R

It was moved by Councillor Colbert; seconded by Deputy Mayor Duff: That the recommendation of the City Manager that a public meeting be held to determine the neighbourhood feelings on a proposal by Ron Fougere with respect to City owned land adjacent to 172 Logy Bay Road (former Breen's Store), be approved.

The motion being put was unanimously carried.

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## **Extension of Recycling Pilot Project Contract**

Council considered a memorandum dated March 30<sup>th</sup>, 2010 from the Deputy City Manager/Director of Public Works and Parks regarding the above noted.

#### SJMC2010-04-05/194R

It was moved by Councillor Tilley; seconded by Councillor Breen: That the recommendation of the Deputy City Manager/Director of Public Works and Parks that the contract for the recycling pilot project with Avalon Recycling be extended until October 2010 at the same monthly cost (\$9,450.00 per month) and in accordance with the other terms of the existing contract, be approved.

The motion being put was unanimously carried.

# Snow Clearing Report for the period January 1st, 2010 to April 2nd, 2010

Council considered as information the snow clearing report for the period January 1<sup>st</sup>, 2010 to April 2<sup>nd</sup>, 2010 showing a positive variance of \$203,886.00.

## **Economic Update April 2010**

Council considered as information the Economic Updated for April 2010.

Phone Poll Ratification – Tender for Diesel Fuel, Gasoline and Furnace Fuel on Montreal Rack

## SJMC2010-04-05/195R

It was moved by Councillor Hanlon; seconded by Councillor Galgay: That the phone poll for Tender for Diesel Fuel, Gasoline and Furnace Fuel on Montreal Rack, awarding the tender to North Atlantic Supply @ \$1,575,000.00 for Diesel, \$442,750.00 for Gasoline and \$914,340.00 for Furnace Fuel (taxes not include), be ratified.

The motion being put was unanimously carried.

## City's Haiti Disaster Recovery Fund

Council considered a memorandum dated March 31<sup>st</sup>, 2010 from the Deputy City Manager/Director of Corporate Services and City Clerk advising that the committee appointed by Council met to review the applications received for access to the City's Haiti disaster recovery fund.

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## SJMC2010-04-05/196R

It was moved by Councillor Tilley; seconded by Deputy Mayor Duff: That the Committee's recommendation that the City's Haiti Disaster Recovery Funds in the amount of \$50,000.00, be provided to Hands Across the Sea, (HATS); that HATS be approached to see if they can avail of volunteer skilled labour support and if so, that City Staff be canvassed to see if they are interested in providing such support, with their travel and per diem costs being covered by the City.

The motion being put was unanimously carried.

## Travel by His Worship the Mayor and Councillor Hanlon

Council considered a memorandum dated March 31, 2010 from the Deputy City Manager/Director of Corporate Services and City Clerk regarding the above noted.

#### SJMC2010-04-05/197R

It was moved by Councillor Colbert; seconded by Councillor Galgay: That travel by His Worship the Mayor and Councillor Hanlon to attend the Offshore Technology Conference (OTC), Houston, Texas, May 1 to 6, 2010, be approved.

The motion being put was unanimously carried.

## Councillor O'Leary

Councillor O'Leary advised the general public that a meeting is planned with the Director of Finance and City Treasurer and members of Council to discuss the Councillors Pension Plan.

Councillor O'Leary advised that she will be attending the upcoming meeting of the Library Committee and will review the report that has been completed and will provide an update as things progress. His Worship the Mayor suggested that Mr. Alan Goodridge of the Provincial Libraries Board, be contacted in this regard.

Councillor O'Leary alluded to the removal of a mature tree on Newtown Road. She asked how the City can maintain mature growth in buffer zones and requested that the matter be referred to the Tree Committee as well as the Public Works, Environment and Protection Standing Committee for discussion.

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## **Councillor Hann**

Councillor Hann encouraged people to put forward their nominations for the 2010 Seniors of Distinction Awards and advised that people who did not win last year can be re-nominated this year.

Councillor Hann spoke of the metrobus transit system capital requirements, noting that the need to maintain public transportation is Canada wide. He noted that the study on the system should be finalized by late fall and will be made available to members of Council.

#### **Councillor Breen**

Councillor Breen advised that he received concerns from residents about enforcement of the winter on street parking ban. He suggested that other methods in terms of management and enforcement of the parking ban be considered. The matter was referred to the Public Works, Environment and Protection Standing Committee for discussion.

#### **Councillor Hanlon**

Councillor Hanlon congratulated Blue Drop Performance who received funding from National Research of Canada.

Councillor Hanlon advised of a meeting of the Downtown Library Committee which is scheduled for April 17, 2010.

Councillor Galgay noted that he has supported the establishment of a public library for the downtown for many years, noting that the responsibility rests with the Provincial Government and stressed the importance for members of Council to lobby members of the House of Assembly.

Councillor Hanlon advised that the MHA's will be lobbied and kept informed.

Councillor Hanlon asked that the Public Works, Environment and Protection Committee look at ways to improve the City's current Household Hazardous Waste Disposal system.

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# **Councillor Collins**

Councillor Collins advised that work on Brookfield Road and Kilbride Road is scheduled to commence this summer.

# **Adjournment**

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

MAYOR	
CITY CLERK	