

December 12th, 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.

His Worship the Mayor presided.

There were present also Deputy Mayor Duff; Councillors O'Leary, Hickman, Hann; Colbert, Breen, Galgay, Tilley, Hanlon and Collins.

City Manager; Deputy City Manager/Director of Public Works & Parks; Director of Finance and City Treasurer; Director of Engineering; Director of Planning, Director of Building and Property Management; City Solicitor, Acting City Clerk and Recording Secretary were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2011-12-12/622R

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

- a. Tender – Two Rubber Tracked Sidewalk Plows
- b. Tender – One Rubber Tracked Sidewalk Plow

Adoption of Minutes

SJMC2011-12-12/623R

It was decided on motion of Councillor Tilley; seconded by Deputy Mayor Duff: That the minutes of the December 5th, 2011 meeting be adopted as presented.

Business Arising

**6 Top Battery Road – Proposed Upper Deck and Rail
Applicant – Deer Park Contracting Ltd.**

The above noted application was considered by the Development Committee at its meeting held on November 29, 2011 and recommended for rejection based on the opinion of the Committee that the view of the abutting property owners will be affected by the addition of the proposed deck. Council at its Regular Meeting held on December 5, 2011 asked that a decision be deferred for one week to allow members of Council an opportunity to visit the site.

Following the site visit, members of Council were satisfied that the obstruction is minimal and is the result of a four foot extension to the original house.

SJMC2011-12-12/624R

It was then moved by Councillor Hann; seconded by Councillor Colbert: That the application for an Upper Deck and Rail at 6 Top Battery Road, by Deer Park Contracting Ltd., be approved.

The motion being put was unanimously carried.

Committee Reports

Development Committee Report dated December 6th, 2011

Council considered the following Development Committee Report dated December 6th, 2011:

RECOMMENDATIONS OF APPROVAL

- 1. Department of Environment and Conservation File No. 1021590
Crown Land Grant Referral for 90 m² of Land
Proposed Extension to Private Building Lot for Reconstruction of Dwelling
58 Battery Road
Applicant: Mr. Elias Bartellas**

The Development Committee recommends that Council approve the subject Crown Land Grant application for residential use. Should the applicant be successful in obtaining the Crown Land Grant, a formal development application must be submitted to the City for review and approval prior to the commencement of any development on the site.

**2. Department of Environment & Conservation File No. 1011403
Crown Land Grant Referral
6 Ordnance Street (Ward 2)
Applicant: Mr. Roy Knoechel
Residential Downtown (RD) Zone**

The Development Committee recommends that Mr. Knoechel's request for the Crown Land Grant be approved. Should the applicant be successful in obtaining the Crown Land Grant, a formal development application must be submitted to the City for review and approval prior to the commencement of any development on the site.

Robert F. Smart
City Manager
Chair – Development Committee

SJMC2011-12-12/625R

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

The motion being put was unanimously carried.

1 Beech Place

SJMC2011-12-12-626R

It was moved by Councillor Hanlon; seconded by Councillor O'Leary: That staff be directed to allow any applicable City measures to permit the redevelopment of the property as proposed by the applicant for #1 Beech Place.

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permits List for the period of December 2 to 8, 2011:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF December 2, 2011 TO December 8, 2011**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Noreen Yetman	Proposed Building Lot	9 Linegar Avenue	5	Rejected, contrary to section 5.1.3 (3)	11-12-02
COM	Noseworthy's Plumbing Ltd.	Home Office – Plumbing Contracting	47 Cape Pine Street	5	Approved	11-12-07

* Code Classification:
 RES- Residential
 COM- Commercial
 AG - Agriculture
 OT - Other

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

SJMC2011-12-12/627R

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

2011/12/07

Permits List

CLASS: COMMERCIAL

FLOWER STUDIO	77 BLACKMARSH RD	CO WAREHOUSE
BELL ALIANT	1 SEABORN STREET	NC COMMUNICATIONS USE
ULTRAMAR LTD.	172 FRESHWATER RD	SN COMMERCIAL GARAGE
BALLY HALY GOLF & COUNTRY	90 LOGY BAY RD	SN CLUB
FAIRVIEW INVESTMENTS	GREAT EASTERN AVE @ ICELAND	NC ACCESSORY BUILDING
ACE ANGELS AGENCY (AAA)	11 QUEEN ST	CR CLINIC
ZORIN INDUSTRIES INC.	365-367 WATER ST	SW OFFICE
ZORIN INDUSTRIES INC.	365-367 WATER ST	SW PARKING LOT
R. VEYSOGLU PHD	114 DUCKWORTH ST	RN MIXED USE
NEW WAVE STORAGE UNIT	30 KENMOUNT RD	RN RETAIL STORE
BELL ALIANT	8 ALBANY ST	NC COMMUNICATIONS USE

BELL ALIANT	47 BENNETT AVE	NC COMMUNICATIONS USE
BELL ALIANT	92 BRAZIL ST	NC COMMUNICATIONS USE
BELL ALIANT	112 CAMPBELL AVE	NC COMMUNICATIONS USE
BELL ALIANT	34 CORONATION ST	NC COMMUNICATIONS USE
BELL ALIANT	16 CRAIGMILLAR AVE	NC COMMUNICATIONS USE
BELL ALIANT	6 EATON PL	NC COMMUNICATIONS USE
BELL ALIANT	1 JAMES LANE	NC COMMUNICATIONS USE
BELL ALIANT	210 LEMARCHANT RD	NC COMMUNICATIONS USE
BELL ALIANT	7 LESLIE ST	NC COMMUNICATIONS USE
BELL ALIANT	109 MCKAY ST	NC COMMUNICATIONS USE
BELL ALIANT	21 MCLOUGHLAN ST	NC COMMUNICATIONS USE
BELL ALIANT	1 MELVILLE PL	NC COMMUNICATIONS USE
BELL ALIANT	8 MERCER'S LANE	NC COMMUNICATIONS USE
BELL ALIANT	50 MUNDY POND RD	NC COMMUNICATIONS USE
BELL ALIANT	65 OLD PENNYWELL RD	NC COMMUNICATIONS USE
BELL ALIANT	190 PENNYWELL RD	NC COMMUNICATIONS USE
BELL ALIANT	342 PENNYWELL RD	NC COMMUNICATIONS USE
BELL ALIANT	100 PROWSE AVE	NC COMMUNICATIONS USE
BELL ALIANT	8 SYMONDS AVE	NC COMMUNICATIONS USE
BELL ALIANT	252 TOPSAIL RD	NC COMMUNICATIONS USE
BELL ALIANT	41 VICKERS AVE	NC COMMUNICATIONS USE
COBALT PROPERTIES LIMITED	632 TOPSAIL RD MARY BROWN'S	EX EATING ESTABLISHMENT

THIS WEEK \$ 775,786.00

CLASS: INDUSTRIAL

NEWFOUNDLAND BREWERY LTD.	51 BELVEDERE ST	SW INDUSTRIAL USE
---------------------------	-----------------	-------------------

THIS WEEK \$ 134,688.00

CLASS: GOVERNMENT/INSTITUTIONAL

BRIDGES TO HOPE INC.	37 COOKSTOWN RD	RN MIXED USE
----------------------	-----------------	--------------

THIS WEEK \$ 1,000.00

CLASS: RESIDENTIAL

ERCO HOMES	35 SPRUCE GROVE AVE, LOT 104	NC SINGLE DETACHED & SUB.APT
WAYNE HARVEY	18 CAPPAHAYDEN ST	NC FENCE
WAYNE HARVEY	18 CAPPAHAYDEN ST	NC ACCESSORY BUILDING
MARGARET & JAMES MARCH	132 CASTLE BRIDGE DR	NC ACCESSORY BUILDING
WALTER SCOTT	104 CHEESEMAN, DR, LOT 67	NC SINGLE DETACHED DWELLING
PETER SHEA & CATHY HOYLES	12 FOREST AVE	NC SINGLE DETACHED DWELLING
SHAWN GREEN & MARY POTTLE	35 HALL'S RD	NC ACCESSORY BUILDING
DEER PARK CONTRACTING LTD	7 HALLIDAY PL, LOT 7	NC SINGLE DETACHED DWELLING
JEFF CAREW	9 IRONWOOD PL, LOT 33	NC SINGLE DETACHED DWELLING
LEROY & DEE-ANNE BOLT	13 LONG BEACH ST	NC ACCESSORY BUILDING
ERCO HOMES	3 LOTUS ST, LOT 81	NC SINGLE DETACHED DWELLING
HANN CONSTRUCTION	7 MCCRAE ST - LOT 123	NC SINGLE DETACHED DWELLING
ATLANTIC HOMES LTD.	17 NAUTILUS ST, LOT 123	NC SINGLE DETACHED & SUB.APT
SKYMARK CONTRACTING	1 PLUTO ST, LOT 72	NC SINGLE DETACHED DWELLING
MACINTYRE HOMES	47 TEAKWOOD DR, LOT 77	NC SINGLE DETACHED DWELLING
MACINTYRE HOMES	49 TEAKWOOD DR, LOT 76	NC SINGLE DETACHED DWELLING
MACINTYRE HOMES & RENOVATIONS	55 TEAKWOOD DR, LOT 73	NC SINGLE DETACHED & SUB.APT
JOSEPH & TERESITA DZIADURA	39 WHITEWAY ST	NC ACCESSORY BUILDING
LISA ANTLE	12 LADY ANDERSON ST	CO HOME OCCUPATION
JAMES R. ROGERS AND	22 ABRAHAM ST	CR SINGLE DETACHED & SUB.APT
JAMIE & MICHELLE CHIPPETT	76 CASTLE BRIDGE DR	CR SUBSIDIARY APARTMENT
DEIDRE AYRE	17 FOREST RD	CR SINGLE DETACHED DWELLING
DIANE BRAKE	65 PINE BUD AVE	CR SINGLE DETACHED DWELLING

VALARIE & TERRY WATSON	1198 BLACKHEAD RD	EX ACCESSORY BUILDING
JAMIE & MICHELLE CHIPPETT	76 CASTLE BRIDGE DR	EX SINGLE DETACHED DWELLING
R. JAMES WEICK/ALISON W. PYE	9 EDINBURGH ST	EX SINGLE DETACHED DWELLING
KEVIN HENNESSEY	370 EMPIRE AVE	EX SINGLE DETACHED DWELLING
YVAN ROSE	80 ALLANDALE RD	RN SINGLE DETACHED DWELLING
STEPHEN PUDESTER	3 ARGYLE ST	RN SINGLE DETACHED DWELLING
CARL & ROBERTA MCLEAN	51 BATTERY RD	RN SINGLE DETACHED DWELLING
LORI HEATH	14 COLONIAL ST	RN TOWNHOUSING
WAYNE CLARKE	34 CONNORS AVE	RN SINGLE DETACHED DWELLING
SEAN P. MACNEILL AND	9 EMERSON ST	RN SINGLE DETACHED DWELLING
SEAN F. COLLIER AND	24 HAMLET ST	RN SINGLE DETACHED DWELLING
ROBYN NOEL	103 HAMILTON AVE	RN SEMI-DETACHED DWELLING
OWEN CLYDE HILL & JILL RENEE	19 JAMIE KORAB ST	RN SINGLE DETACHED DWELLING
PASCAL GIGUERE	263 LEMARCHANT RD	RN SEMI-DETACHED DWELLING
JOHN J. HARRIS	19 POWER ST	RN SEMI-DETACHED DWELLING
JOHN HARRIS	21 POWER ST	RN SEMI-DETACHED DWELLING
PAUL TRACEY	44 SHAW ST	RN SINGLE DETACHED DWELLING
IVAN C. ABBOTT	60 TEAKWOOD DR, LOT 2	RN SINGLE DETACHED DWELLING

THIS WEEK \$ 4,473,600.00

CLASS: DEMOLITION

SEAN J. VINNICOMBE AND	399 BLACKHEAD RD	DM SINGLE DETACHED DWELLING
------------------------	------------------	-----------------------------

THIS WEEK \$ 1,500.00

THIS WEEK'S TOTAL: \$ 5,386,574.00

REPAIR PERMITS ISSUED: 2011/12/01 TO 2011/12/07 \$ 31,000.00

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

SJMC2011-12-12/628R

It was decided on motion of Councillor Tilley; seconded by Councillor Collins: That the following Payrolls and Accounts for the week ending December 8, 2011 be approved:

**Weekly Payment Vouchers
For The
Week Ending December 8, 2011**

PAYROLL

Public Works	\$ 512,761.92
Bi-Weekly Administration	\$ 718,120.02
Bi-Weekly Management	\$ 644,980.40
Bi-Weekly Regional Fire Department	\$ 585,930.73

ACCOUNTS PAYABLE \$3,093,872.16

Total: \$5,555,665.23

Tenders

- a. **Tender – Two Rubber Tracked Sidewalk Plows**
- b. **Tender - One Rubber Tracked Sidewalk Plow**

SJMC2011-12-12/629R

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

- a. **Saunders Equipment in the amount of \$275,455.00 (taxes not included)**
- b. **S & S Supply Ltd. in the amount of \$176,517.46 (taxes not included)**

The motion being put was unanimously carried.

2012 Budget

His Worship the Mayor called upon Councillor Breen, Chair of the Finance and Administration Standing Committee, to present the City of St. John's 2012 Budget, a copy of which forms part of the minutes and is on file with the City Clerk's office.

Following the presentation and subsequent discussion, the following motions were put forward:

SJMC2011-12-12/630R

It was moved by Councillor Breen; seconded by Deputy Mayor Duff: That the City of St. John's Operating Budget for the 2012 fiscal year, be adopted.

The motion being put was unanimously carried.

SJMC2011-12-12/631R

It was moved by Councillor Breen; seconded by Councillor Tilley: That the following Tax and Interest Rate Resolutions for 2012 be adopted:

2012 WATER TAX RESOLUTION

IT IS HEREBY RESOLVED that under the provisions of the City of St. John's Municipal Taxation Act, and all other powers it enabling, the Water Tax shall be levied as follows:-

For residential units and for commercial properties not taxed by water meters, the sum of Six Hundred and Fifteen Dollars (\$615.00) per annum per commercial unit for commercial properties or per residential unit for residential and apartment buildings.

The said tax shall be due and payable half-yearly on the 1st. day of January and the 1st. day of July, 2012.

2012 WATER BY METER RESOLUTION

IT IS HEREBY RESOLVED that under the provisions of the City of St. John’s Municipal Taxation Act, and all other powers it enabling, the Council hereby fixes the rates for Water by Meter effective January 1, 2012, as follows:

Monthly Consumption Rates

\$4.03 per 1,000 gallons
or \$0.88 per cubic meter

Monthly Base Charge

5/8" meter	\$ 36.62
3/4" meter	55.02
1" meter	91.60
1½" meter	183.09
2" meter	292.06
3" meter	584.71
4" meter	934.65
6" meter	1,826.90
8" meter	2,922.20
10" meter	4,199.29

2012 PROPERTY TAX RATE RESOLUTION – COMMERCIAL PROERTIES

IT IS HEREBY RESOLVED that pursuant to the provisions of the City of St. John’s Municipal Taxation Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the commercial property tax rate for the 2012 fiscal year as follows, namely:-

1. for commercial properties and the commercial portion of mixed commercial/residential properties, the real property tax rate is 1.68 percent per annum of the assessed value of the property in respect of which the tax is imposed.

2. (a) where the real property tax applies to buildings to which water mains are not accessible for servicing such buildings with water services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value; and,

(b) where the real property tax applies to buildings to which sewer mains are not accessible for servicing such buildings with sewer services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value.

The said taxes shall be due and payable half-yearly in advance on the 1st. day of January and the 1st. day of July, 2012.

2012 BUSINESS TAX RATE ON UTILITIES RESOLUTION

IT IS HEREBY RESOLVED that pursuant to the provisions of the Taxation of Utilities and Cable Television Companies Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the Municipal Business Tax rate on utilities at 2.5 percent of the gross revenue of any and all utilities derived within the City limits of the City of St. John's during the year January 1, 2011 to December 31, 2011.

The said tax shall be due and payable at the time and in the manner prescribed by the Lieutenant-Governor in Council in the regulations made pursuant to the said **Taxation of Utilities and Cable Television Companies Act**.

2012 25% PROPERTY TAX REDUCTION FOR SENIOR CITIZENS

IT IS HEREBY RESOLVED THAT A REDUCTION OF 25% OF THE PROPERTY TAX FOR 2012 BE PROVIDED TO SENIOR CITIZENS SUBJECT TO THE FOLLOWING CONDITIONS:-

- (a) That the applicant is the assessed owner of the property as of January 1, 2012.
- (b) That the applicant occupies the property as his/her principal year-round residence.
- (c) That the applicant is in receipt of the guaranteed income supplement under the Old Age Security Act.

2012 PROPERTY TAX RATE RESOLUTION – RESIDENTIAL PROPERTIES

IT IS HEREBY RESOLVED that pursuant to the provisions of the City of St. John’s Municipal Taxation Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the real property tax rate for the 2012 fiscal year as follows, namely:-

- 1. for residential properties and the residential portion of mixed commercial/residential properties, the real property tax rate is 1.06 percent per annum of the assessed value of the property in respect of which the tax is imposed.
- 2. (a) where the real property tax applies to buildings to which water mains are not accessible for servicing such buildings with water services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value; and,
 - (b) where the real property tax applies to buildings to which sewer mains are not accessible for servicing such buildings with sewer services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value.

The said taxes shall be due and payable half-yearly in advance on the 1st. day of January and the 1st. day of July, 2012.

2012 BUSINESS TAX RATE RESOLUTION

IT IS HEREBY RESOLVED that pursuant to the provisions of the City of St. John’s Municipal Taxation Act, and all other powers it enabling, the St. John's Municipal Council fixes the business tax rates for the 2012 fiscal year as follows:-

Banks/Trust Co/Credit Unions	6.739 percent per annum
Loan Companies/Investment Firms and Life Insurance Companies	4.813 percent per annum
Oil Companies Tank Farms	3.469 percent per annum
Breweries	2.407 percent per annum
Commercial Schools	2.407 percent per annum
Hotel/Motel	1.926 percent per annum
Bed and Breakfasts	1.154 percent per annum
Other Business Operations	1.733 percent per annum
Productive Agriculture Lands	0.265 percent per annum
Unproductive Agriculture Lands	0.0 percent per annum
Registered Charities	0.0 percent per annum

Communication/Cable operators not covered under the Utility Tax Resolution will be fixed at 3.469 percent per annum.

Container Terminals/Oil Industry Offshore Supply Bases rate will be fixed at 1.124 percent per annum.

Businesses operating in the Downtown St. John's Business Improvement Area will be subject to an additional tax of 10% per annum of the Business Tax imposed to a maximum annual additional tax levy of \$4,000 for each location from which the business, trade or profession is carried on.

A minimum Business Tax will be levied at \$267.50 per annum.

The said tax shall be due and payable half-yearly in advance on the 1st. day of January and the 1st day of July, 2012.

2012 ACCOMMODATION TAX RESOLUTION

IT IS HEREBY RESOLVED that pursuant to the provisions of the City of St. John's Municipal Taxation Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the Accommodation Tax at 3% of the amount charged for the accommodation, lodging or stay in a room in a building in the City which is:-

- (a) licensed under the Tourist Establishments Act;
- (b) owned by the Memorial University of Newfoundland; or
- (c) located at the Littledale Conference Centre.

The said tax shall be due and payable quarterly by April 15th., July 15th., October 15th. and January 15th.

2012 INTEREST RATE RESOLUTION

IT IS HEREBY RESOLVED that pursuant to the provisions of the City of St. John's Municipal Taxation Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the interest rate on arrears of tax and any other arrears of amounts owing to the City for the 2012 and future fiscal years, at 1.25% per month, with the interest charged each month added to the balance owing and subject to interest in the following months.

The motion being put was unanimously carried.

Adjournment

There being no further business, the meeting adjourned 6:15 p.m.

MAYOR

CITY CLERK