

January 10, 2011

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 5:00 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.

The 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

SJMC2011-01-10/19R

It was decided on motion of Councillor Breen; seconded by Councillor Galgay: That the Agenda be adopted as presented.

Adoption of Minutes

SJMC2011-01-10/20R

It was decided on motion of Councillor Breen; seconded by Councillor O'Leary: That the minutes of the January 4, 2011 meeting be adopted as presented.

Business Arising

Application to Rezone Property, Civic Number 567 Empire Avenue (Ward 3) – Applicant: George Layden

Under business arising, Council considered a memorandum dated January 5, 2011 from the Director of Planning regarding the above noted.

SJMC2011-01-10/21R

It was moved by Councillor Tilley; seconded by Councillor Galgay: That the application from Mr. George Layden to rezone property at Civic Number 567 Empire Avenue from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone, be approved, and that the following

Resolution for St. John’s Development Regulations Amendment Number 501, 2011, be adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial registration in accordance with the requirements of the Urban and Rural Planning Act.

**RESOLUTION
ST. JOHN’S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 501, 2011**

WHEREAS the City of St. John’s wishes to allow the rezoning of the property at Civic Number 567 Empire Avenue in order to allow the redevelopment of the property.

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 the property at Civic Number 567 Empire Avenue from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone as shown on 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 10th day of **January, 2011.**

Mayor

City Clerk

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

MCIP



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 501, 2011
[Map Z-1A]**

2011 01 07 SCALE: 1:1000
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.



AREA PROPOSED TO BE REZONED FROM
RESIDENTIAL, LOW DENSITY (R1) LAND USE ZONE TO
RESIDENTIAL MEDIUM DENSITY (R2) LAND USE ZONE

667 EMPIRE AVENUE (George Layden Property)

M.C.P. signature and seal

Mayor

City Clerk

Council Adoption:

Provincial Registration

The motion being put was unanimously carried.

Development Committee Report dated January 4, 2011

Council considered the following Development Committee Report dated January 4, 2011:

RECOMMENDATION

1. **Discretionary Use Application
Proposed Martini Bar
271 Duckworth Street (Ward 3)
Applicant: Jeffery Heale**

The Committee recommends that Council now make a decision as to whether it wishes to consider re-advertising the application for the proposed Martini Bar or alternatively, if Council wishes to reject the application. If Council wishes to consider the possible approval of the application, the application will be advertised as per the procedures outlined in section 5.5 of the Development Regulations.

Neil A. Martin
Acting City Manager
Chair – Development Committee

SJMC2011-01-10/22R

It was moved by Councillor Galgay; seconded by Deputy Mayor Duff: That the application for a Martini Bar, 271 Duckworth Street by Jeffery Heale, be rejected.

Discussion ensued, during which Councillor Galgay gave a history of the application which was previously rejected by Council on May 3, 2010. He noted that the proposed application was processed as a Discretionary Use as it is located within 150 metres of a Residential Zone, and nothing has changed since the previous rejection and therefore there is no reason to reconsider the proposed application. He expressed concern with the problems faced by the residents as a result of lounges in the area, noting that the people have the right to “peace and quiet quality of life”.

Councillor O’Leary rejected the motion and asked that the application be re-advertised “for the sake of clarity” because she believes there was some confusion from the beginning with respect to the application, noting she would make a decision following the

response to the adverting process. Councillor Collins also felt that the application should be re-advertised.

Deputy Mayor Duff indicated that complaints are often received regarding the behaviour of bar clientele late at night and noted that Council has no control once approval is granted. She suggested she could possibly consider a conditional agreement with the owners that would restrict hours of operation.

Following discussion the motion to reject being put there voted for it the mover, seconder, Councillors Breen, Hickman, Tilley and His Worship the Mayor. Voting against the motion were Councillors O’Leary, Colbert, Hann, Hanlon and Collins. The motion to reject was carried.

Development Permits List

Council considered as information the following Development Permits List for the period of December 30, 2010 to January 6, 2011:

DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF December 30, 2010 TO January 6, 2011

Code	Applicant	Application	Location	Ward	Development Officer’s Decision	Date
COM	Paul Moss	Home Office	190 Topsail Road	2	Approved	2010-12-30
COM	Kendall Engineering Ltd.	NLL Recycling Site Plan	340 East White Hills Road	1	Approved	2010-12-30
COM	Tiller Engineering Inc.	Parking Lot Extension RCMP Building	100 East White Hills Road	1	Approved	2010-12-31

* 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

SJMC2011-01-10/23R

It was decided on motion of Councillor Tilley; 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:

2011/01/05

Permits List

CLASS: COMMERCIAL

QUIK CASH LTD.	261 KENMOUNT RD	CO BANK	
KENNY ENTERPRISES LIMITED	245 BLACKMARSH RD	MS CONVENIENCE STORE	
DICKS AND COMPANY LIMITED	385 EMPIRE AVE	MS OFFICE	
THE GIRLS BRA SHOP	16-72 HAMLYN RD,GIRLS BRA SHOP	SN RETAIL STORE	
PETER'S PIZZA	431-435 MAIN RD	MS TAKE-OUT FOOD SERVICE	
INFOTECH	570 NEWFOUNDLAND DR	SN OFFICE	
HICKMAN MOTORS LIMITED	20 PEET ST	MS CAR SALES LOT	
EASTSIDE MARIOS	180 PORTUGAL COVE RD	MS RESTAURANT	
HAIR CONNECTION INC.	386 STAVANGER DR	MS SERVICE SHOP	
HAIR CONNECTION INC.	386 STAVANGER DR	MS SERVICE SHOP	
CABOT DEVELOPMENT CORPORATION	3 STAVANGER DR PET SMART	MS RETAIL STORE	
WDI COFFEE INCORPORATED	92 THORBURN RD TIM HORTINS	MS EATING ESTABLISHMENT	
10475 NFLD LTD.	644 TOPSAIL RD	MS CLUB	
DISCOVER MUSIC SCHOOL LIMITED	644 TOPSAIL RD	MS COMMERCIAL SCHOOL	
DISCOUNT FIRE WORKS	673 TOPSAIL RD	MS RETAIL STORE	
PIZZA EXPRESS LIMITED	TORBAY ROAD-TORBAY RD MALL	MS RESTAURANT	
YELLOW BELLY BREWERY	85 BOND ST	CR CONVENIENCE STORE	
NLL RECYCLING LTD.	340 EAST WHITE HILLS RD	NC ACCESSORY BUILDING	
GJ CAHILL & COMPANY (1979) LTD	NEWFOUNDLAND DRIVE	NC ACCESSORY BUILDING	
KARAMER HOLDINGS LTD	KELSEY DRIVE	NC OFFICE	
KEITH NOSEWORTHY	732 WATER ST	CR MIXED USE	
HARVEY & COMPANY LTD.	88 KENMOUNT RD	NC WAREHOUSE	
		THIS WEEK \$	358,145.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

ST TERESA'S PARISH	MUNDY POND RD	RN CHURCH	
		THIS WEEK \$	150,000.00

CLASS: RESIDENTIAL

REARDON CONSTRUCTION &	70 FRESHWATER RD CONDOMINIUMS	NC CONDOMINIUM
REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 101	NC CONDOMINIUM
REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 102	NC CONDOMINIUM
REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 103	NC CONDOMINIUM
REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 104	NC CONDOMINIUM

REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 105	NC CONDOMINIUM
REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 106	NC CONDOMINIUM
REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 201	NC CONDOMINIUM
REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 202	NC CONDOMINIUM
REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 203	NC CONDOMINIUM
REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 204	NC CONDOMINIUM
REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 205	NC CONDOMINIUM
REARDON CONSTRUCTION &	70 FRESHWATER RD, UNIT 206	NC CONDOMINIUM
CHRIS YETMAN	6 LAGGAN PL, LOT 59	NC SINGLE DETACHED & SUB.APT
YOLANDA SHEEHAN	110 PLEASANT ST	NC FENCE
NEW VICTORIAN HOMES	71 SHORTALL ST	NC SINGLE DETACHED DWELLING
GARY NOFTALL	3 TRINITY ST	NC PATIO DECK
SARAH THOMPSON	6 JENNMAR CRES, LOT 142	CR SUBSIDIARY APARTMENT
DAVID SOMERS	20 WOOD ST	EX SINGLE DETACHED DWELLING
SUSAN O'BRIEN	126 BOND ST	RN TOWNHOUSING
STEPHEN J. GREENE	3 BYRON ST	RN SINGLE DETACHED & SUB.APT
MICHAEL CONWAY	19 DEVINE PL	RN SINGLE DETACHED DWELLING
TERRY WLASH CONT	77 HALL'S RD	RN SINGLE DETACHED DWELLING
ROB POWER & KELLIE WALSH	38 MULLOCK ST	RN SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	70 NEW PENNYWELL RD	RN SEMI-DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP	72 NEW PENNYWELL RD	RN SEMI-DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP	49 NEW PENNYWELL RD	RN SEMI-DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	51 NEW PENNYWELL RD	RN SEMI-DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP	61 NEW PENNYWELL RD	RN SEMI-DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	63 NEW PENNYWELL RD	RN SEMI-DETACHED DWELLING
BRIAN JOHANSEN	120 QUEEN'S RD	RN SINGLE DETACHED DWELLING
MEINO C. MAST	1 ROWAN ST	RN SINGLE DETACHED DWELLING
KEVIN J. ENGLISH &	38 POWER'S CRT	RN TOWNHOUSING

THIS WEEK \$ 2,396,678.00

CLASS: DEMOLITION

DEACON INVESTMENTS/TUCKAMORE	7 PLANK RD	DM OFFICE
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THIS WEEK \$ 8,000.00

THIS WEEK'S TOTAL: \$ 2,912,823.00

REPAIR PERMITS ISSUED: 2010/12/29 TO 2011/01/05 \$ 38,250.00

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

SJMC2011-01-10/24R

It was decided on motion of Councillor Hann; seconded by Deputy Mayor Duff: That the following Payrolls and Accounts for the week ending December 31, 2010 and January 6, 2011, be approved:

**Weekly Payment Vouchers
For The
Week Ending December 31, 2010**

PAYROLL

Public Works	\$ 405,356.29
Bi-Weekly Casual	\$ 11,188.98

ACCOUNTS PAYABLE	\$ 1,656,915.29
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Total: \$ 2,073,460.56

**Weekly Payment Vouchers
For The
Week Ending January 6, 2010**

PAYROLL

Public Works	\$ 447,268.54
Bi-Weekly Management	\$ 610,239.07
Fire Department	\$ 587,038.44
Bi-Weekly Administration	\$ 613,740.38

ACCOUNTS PAYABLE	\$ 308,340.94
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Total: \$ 2,638,627.37

Councillor O’Leary

Councillor O’Leary commented on a meeting she attended with two members of the Steering Committee overseeing the establishment of the Holloway School Memorial, Long’s Hill. She advised that the Committee is open to providing the area residents with information on the project and involving them in the process.

Councillor Hickman

Councillor Hickman asked the status of the 2010 snow clearing costs. It was noted that a report will be available at a later date, as well as a report on 2011 costs to date.

Councillor Breen

Councillor Breen noted the City’s purchase of eight automated external defibrillators to be installed in the following City facilities:

- 1) Municipal Depot - Gatehouse
- 2) Mews Center
- 3) Wedgewood Park Recreation Center
- 4) St. John's Recreation Center
- 5) Robin Hood Bay Landfill at the Public Drop Off
- 6) Windsor Lake Water Treatment Facility
- 7) Bay Bulls Regional Water Treatment Facility

He noted that employees in these areas have been trained in their use. He also indicated that Phase 2 of this initiative will see defibrillators installed in other areas as well.

Councillor Tilley

Councillor Tilley expressed concern about the illegal removal of recyclable material placed for curbside recycling. He noted that City staff have forwarded letters to those identified stealing the material, noting that the maximum fine if convicted is \$5,000.

His Worship the Mayor

His Worship the Mayor acknowledged a number of Metrobus riders present in the Chamber. The Mayor noted on behalf of Council, that Council is fully aware of the negative impact of the strike on many City residents and indicated that Council is doing its utmost to resolve the situation.

Adjournment

There being no further business, the meeting adjourned at 5:30 p.m.

MAYOR

CITY CLERK