

January 28th, 2013

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 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

SJMC2013-01-28/44R

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

- a. Travel Request by Councillor Hanlon**

Adoption of Minutes

SJMC2013-01-28/45R

It was decided on motion of Councillor Tilley; seconded by Deputy Mayor Duff: That the minutes of January 21st, 2013 meeting be adopted as presented.

Business Arising

SJMC2013-01-28/46R

Pursuant to Notice of Motion, it was moved by Councillor Hanlon; seconded by Councillor Galgay: That Council's decision of October 29, 2012 to sell Yellow Belly Brewery subterranean easement rights under a 12 x 40 foot section of the Beck's Cove portion of George Street, in order to allow expansion of the brewery operation, be rescinded, and that the City enter

into an arrangement, with the specific nature of the arrangement being deemed appropriate by the City Manager, with Yellow Belly Brewery so as to permit it, at a cost of \$15,000.00, to utilize an approximately 12 X 40 foot subterranean section of the Beck's Cove portion of George Street to allow for the expansion of its brewery operation.

The motion being put was unanimously carried.

Proposed Rezoning from RR Zone to RRI Zone, Ryan's Place – Various Properties

Under business arising, Council considered a memorandum dated January 24, 2013 from the Director of Planning regarding the above noted. A number of written submissions in support of the rezoning or with questions and concerns have been received respecting this proposed rezoning.

SJMC2013-01-28/47R

It was moved by Councillor Collins; seconded by Councillor Hanlon: That a public meeting, chaired by a member of Council, be held to provide an opportunity for City officials to provide a detailed overview as to the purpose of the proposed rezoning.

The motion being put was unanimously carried.

Civic No. 9 Scout's Place (Ward 5) Proposed Rezoning from Rural Residential (RR) to Rural Residential Infill (RRI)

Under business arising, Council considered a memorandum dated January 24, 2013 from the Director of Planning regarding the above noted. Written public submissions concerning the proposed rezoning were received and considered by Council.

SJMC2013-01-28/48R

It was moved by Councillor Collins; seconded by Councillor Tilley: That staff be authorized to proceed with the proposed rezoning and prepare the necessary rezoning resolution to be forwarded to the Department of Municipal Affairs with a request for Provincial registration of the rezoning amendment.

The motion being put was unanimously carried.

Blackhead Road and Blackhead Crescent - Proposed Rezoning from Open Space Reserve (OR) to Rural Residential Infill (RRI)

Under business arising, Council considered a memorandum dated January 24, 2013 from the Director of Planning regarding the above noted. One written public submission concerning the proposed rezoning was received and considered by Council.

SJMC2013-01-28/49R

It was moved by Councillor Collins; seconded by Councillor Hickman: That staff be directed to proceed with the proposed rezoning and prepare the necessary rezoning and Municipal Plan amendments which will be forwarded to the Department of Municipal Affairs with a request for the issuance of a Provincial release for the amendments.

The motion being put was unanimously carried.

Fireworks

Councillor Breen updated Council on a concern raised by Councillor Colbert with respect to the potential dangers associated with the storage and sale of fireworks from tractor trailers at inappropriate locations such as neighbourhoods, etc. Councillor Breen advised that he has been informed by the Fire Department that four locations were identified within the City where mobile structures stored and sold fireworks, and all were inspected and found to be in compliance with the City regulations in terms of the sale, storage and location, and met the Federal Government's Emergency Regulations.

Building Permits List

SJMC2013-01-28/50R

It was moved by Deputy Mayor Duff; seconded by Councillor Hann: That the recommendation of the Director of Building and Property Management with respect to the following Building Permits List be approved:

**Weekly Permits List
Council's January 28, 2013 Regular Meeting**

Permits Issued: 2013/01/17 To 2013/01/23

CLASS: COMMERCIAL

40 ABERDEEN AVE	MS	SERVICE SHOP
40 ABERDEEN AVE	MS	CLINIC
46 ABERDEEN AVE	MS	RESTAURANT
98 ABERDEEN AVE	MS	SERVICE SHOP
95C ABERDEEN AVE	MS	RETAIL STORE
5 BATES HILL	SN	RESTAURANT
77 BLACKMARSH RD	MS	RETAIL STORE
203 BLACKMARSH RD	MS	RETAIL STORE
245 BLACKMARSH RD	MS	CONVENIENCE STORE
245 BLACKMARSH RD	MS	CONVENIENCE STORE
245 BLACKMARSH RD	MS	CONVENIENCE STORE
CARPASIAN RD	MS	CLUB
94 ELIZABETH AVE	MS	RETAIL STORE
391-395 EMPIRE AVE	MS	COMMUNICATIONS USE
2 FOGWILL PL	MS	RESTAURANT
336 FRESHWATER RD	MS	SERVICE SHOP
336 FRESHWATER RD	MS	OFFICE
15 GOLDSTONE ST	MS	SERVICE SHOP
169 HAMLYN RD	MS	SERVICE SHOP
12-20 HIGHLAND DR	MS	RETAIL STORE
30 KELSEY DR - TD BANK	SN	BANK
55C KELSEY DR	MS	SERVICE SHOP
55 KELSEY DR	MS	RESTAURANT
65 KELSEY DR	MS	RETAIL STORE
102 KENMOUNT DR	MS	HOTEL
102 KENMOUNT DR	MS	OFFICE
150 KENMOUNT RD	MS	CAR SALES LOT
161 KENMOUNT RD	MS	RETAIL STORE
195 KENMOUNT RD	MS	SERVICE SHOP
351-361 KENMOUNT RD	MS	OFFICE
330 LEMARCHANT RD	MS	CONVENIENCE STORE
147 LEMARCHANT RD	MS	SERVICE SHOP
430-432 MAIN RD	MS	CONVENIENCE STORE
484-490 MAIN RD	MS	RESTAURANT
53-59 MAIN RD	MS	RETAIL STORE
355-367 MAIN RD	MS	OFFICE
239 MAJOR'S PATH	MS	OFFICE
34 NEW COVE RD	MS	PLACE OF AMUSEMENT
449 NEWFOUNDLAND DR	MS	CONVENIENCE STORE
87 OLD PENNYWELL RD	MS	CONVENIENCE STORE
36 PEARSON ST	MS	RETAIL STORE
154 PENNYWELL RD	MS	SERVICE STATION
34 PIPPY PL	MS	OFFICE
279 PORTUGAL COVE RD	MS	RETAIL STORE
20 ROPEWALK LANE	MS	SERVICE SHOP
ST. CLARE AVE	MS	PLACE OF ASSEMBLY
10 STAVANGER DR	MS	BOARDING HOUSE (4 OR LESS)
10 STAVANGER DR	MS	BOARDING HOUSE (4 OR LESS)
22 STAVANGER DR	MS	RETAIL STORE

95E STAVANGER DR	MS	SERVICE SHOP
86 THORBURN RD	MS	RETAIL STORE
644 TOPSAIL RD	MS	DAY CARE CENTRE
393 TOPSAIL RD	MS	OTHER
655 TOPSAIL RD	MS	RETAIL STORE
681 TOPSAIL RD	MS	PLACE OF AMUSEMENT
26-34 TORBAY RD	MS	TAVERN
10 ELIZABETH AVE	MS	OFFICE
120 TORBAY RD	MS	OFFICE
320 TORBAY RD	MS	COMMERCIAL SCHOOL
350 TORBAY RD	MS	SERVICE SHOP
370 TORBAY RD	MS	OFFICE
61 TORBAY RD	SN	EATING ESTABLISHMENT
88 KING'S RD	RN	TAKE-OUT FOOD SERVICE
90 O'LEARY AVE, LEVEL 2	RN	OFFICE
187 KENMOUNT RD	RN	OFFICE
418 WATER ST	NC	HOTEL

THIS WEEK \$ 13,617,000.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00

CLASS: RESIDENTIAL

1254 BLACKHEAD RD	NC	SINGLE DETACHED DWELLING
36 COCHRANE ST	NC	TOWNHOUSING
86 KENAI CRES, LOT 218	NC	SINGLE DETACHED DWELLING
7 KENAI CRES, LOT 243	NC	SINGLE DETACHED DWELLING
37 ROSALIND ST, LOT 440	NC	SINGLE DETACHED & SUB.APT
38 TURNBERRY ST	CO	HOME OFFICE
4 BELFAST ST	RN	SINGLE DETACHED DWELLING
78 CARTER'S HILL	RN	TOWNHOUSING
84 CASTLE BRIDGE DR	RN	SINGLE DETACHED DWELLING
162 CHEESEMAN DR	RN	SINGLE DETACHED DWELLING
122 CRAIGMILLAR AVE	RN	SINGLE DETACHED DWELLING
122 CRAIGMILLAR AVE	RN	SINGLE DETACHED DWELLING
45 CYPRESS ST	RN	SINGLE DETACHED DWELLING
49 FEILD ST	RN	SEMI-DETACHED DWELLING
46 FLEMING ST	RN	TOWNHOUSING
21 RIVERSIDE DR E	RN	SINGLE DETACHED DWELLING
5 CABOT AVE	RN	SINGLE DETACHED DWELLING

THIS WEEK \$ 1,436,250.00

CLASS: DEMOLITION

THIS WEEK \$.00

THIS WEEK'S TOTAL: \$ 15,053,250.00

REPAIR PERMITS ISSUED: 2013/01/17 TO 2013/01/23 \$ 58,100.00

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	

YEAR TO DATE COMPARISONS			
January 28, 2013			
TYPE	2012	2013	% VARIANCE (+/-)
Commercial	\$4,300,800.00	\$28,200,700.00	556
Industrial	\$0.00	\$0.00	0
Government/Institutional	\$37,300.00	\$0.00	-100
Residential	\$9,800,900.00	\$7,500,100.00	-23
Repairs	\$87,900.00	\$94,300.00	7
Housing Units (1 & 2 Family Dwellings)	26	16	
TOTAL	\$14,226,900.00	\$35,795,100.00	152

Respectfully submitted,

David Blackmore, R.P.A.
Director of Building & Property Management

Payrolls and Accounts

SJMC2013-01-28/51R

It was moved by Deputy Mayor Duff; seconded by Councillor Hann: That the following Payrolls and Accounts for the week ending January 17, 2013 be approved:

**Weekly Payment Vouchers
For The
Week Ending January 17, 2013**

Payroll

Public Works	\$ 500,547.16
Bi-Weekly Administration	\$ 789,646.95
Bi-Weekly Management	\$ 694,476.01
Bi-Weekly Fire Department	\$ 589,561.62
Accounts Payable	\$ 7,125,715.49
Total:	\$ 9,699,947.23

The motion being put was unanimously carried.

Tenders

- a. Tender – Goulds Main Road Upgrading – Phase 1
Durdle Drive to Keith Drive
- b. Tender CCTV Pipe Inspection

SJMC2013-01-28/52R

It was moved by Deputy Mayor Duff; seconded by Councillor Hann: That the recommendations of the Director of Engineering and the Director of Finance and City Treasurer be approved and the tenders approved as follows:

- a. Newfound Construction Ltd. @ \$2,531,073.71
- b. Crosbie Industrial then Afonso Group for one year period. Taxes Extra (as outlined in memo dated Jan 25, 2013 from Director of Finance)

Proposals

- a. Proposal Call – Engineering Consulting Services
Package 1 – Watermain Improvements Kilbride

SJMC2013-01-28/53R

It was moved by Councillor Tilley; seconded by Councillor Collins: That the recommendation of the Director of Engineering be approved and the consulting services be awarded as follows:

- a. **Dillon Consulting Ltd.**

The motion being put was unanimously carried

- b. Infrastructure Improvements – Package 2 – Craigmiller Avenue
Infrastructure Upgrade

SJMC2013-01-28/54R

It was moved by Councillor Hann; seconded by Councillor O’Leary: That the recommendation of the Director of Engineering be approved and the consulting services be awarded as follows:

- a. **Kendall Engineering Ltd.**

The motion being put was unanimously carried.

Gas Tax Funding

Council considered a memorandum dated January 16, 2013 from the Manager, Budget & Treasury regarding the above noted.

SJMC2013-01-28/55R

It was moved by Councillor Breen; seconded by Councillor Galgay: That the Gas Tax Capital Investment Plan be adopted as presented and submitted to the Province to ensure the City can avail of the gas tax funding dollars available.

The motion being put was unanimously carried.

Carnell Drive Bridge Replacement Project

Council considered a memorandum from the Director of Engineering regarding the above noted.

SJMC2013-01-28/56R

It was moved by Councillor Hickman; seconded by Councillor Hann: That the existing Carnell Drive Bridge structure be replaced and that Kendall Engineering Ltd. be retained as consulting engineer for this project.

The motion being put was unanimously carried.

Travel Request by Deputy Mayor Duff

SJMC2013-01-28/57R

It was moved by Councillor Collins; seconded by Councillor O’Leary: That travel by Deputy Mayor Duff to Prince George, British Columbia to attend FCM Board Meetings from March 6 to 9, 2013; and to Vancouver, British Columbia to attend FCM AGM from May 31 – June 3, 2013, be approved.

Deputy Mayor Duff who represents the cities of St. John’s, Mount Pearl, and Corner Brook on the Board of FCM advised that her term will expire at the next annual general meeting and under an informal agreement, the cities will rotate every two years, with it being Mount Pearl’s turn to send a representative to the next annual general meeting. Deputy Mayor suggested that the City of Mount Pearl be contacted in this regard, as a reminder.

The motion being put was unanimously carried.

Travel by Councillor Hanlon

SJMC2013-01-28/58R

It was moved by Councillor Tilley; seconded by Councillor Galgay: That travel by Councillor Hanlon to Halifax, to attend the APEC Event – Atlantic Canada Without Borders, February 1, 2013 be approved.

The motion being put was unanimously carried.

Snow Clearing Report

Council considered as information the Snow Clearing Report for the period January 1st to January 25th, 2013 showing a positive variance of \$26,985.00.

Petition

Councillor Hanlon tabled a petition the prayer of which reads as follows, and which was referred to the Police and Traffic Committee for followup.

Install Proper Lighting for the Crosswalk on Westerland Road

“St. John’s Newfoundland is a growing city and we see this in the amount of traffic that is accumulating. Memorial University is one of the busiest sections of the city with approximately 20,000 people involved daily. A traffic calming study needs to be done in that area by the St. John’s city council to ensure the safety of its people.

A 23 year old Memorial University student was hit by a car while crossing the crosswalk on Westerland Road on December the 8th, 2011, which connects Memorial University. The woman was severely injured after hitting the pavement. She suffered from three broken vertebrae and spent 11 days in the hospital. The woman underwent invasive surgery to stabilize the trauma to her back, which had the risk of causing paralysis.

Westerland Road is a dangerous area for pedestrians to cross. Proper lighting for crosswalks needs to be installed in the area to prevent further accidents. Sign the petition to make Westerland Road a safer place to cross.”

Councillor Tilley

Councillor Tilley advised residents of Welland Street that he has referred the issue of speeding to the Transportation Engineer for followup.

Councillor Breen

Councillor Breen noted recent reports of possible power interruptions due to problems at the Holyrood Generating Station and as well a report on the Muskrat Falls project of the possibility of power outages for extended periods if certain procedures are not put in place. He noted the City should be aware of the issues and know how to prepare for them. The City Manager advised that the initiative has been taken to the City’s Emergency Measures Protocol which will involve discussions with the utilities as well as representatives of the Province.

Councillor O’Leary

Councillor O’Leary noted that it has been brought to her attention that the proposal for an offshore wastewater treatment plant at the eastern end of St.

John's harbour is now on hold and that the current activities at this location are part of the regular business conducted at the harbour.

Councillor O'Leary asked that the Finance Committee take an immediate look at tax deferral for seniors and people on low income. She referenced the City of Mount Pearl's policy relative to deferment of taxation for low income and senior residents. Councillor O'Leary was reminded that as part of the City's budget process, Council committed to conduct a review of options for tax relief for low income residents and seniors, and that the review is currently underway. Staff will present various options and recommendations along with cost implications to the Finance Committee for review and recommendation as soon as possible.

Adjournment

There being no further business, the meeting adjourned at 5:10 p.m.

MAYOR

CITY CLERK

