

March 4th, 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, Acting Director of Planning, Director of Engineering, City Solicitor and Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2013-03-04/99R

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

Adoption of Minutes

SJMC2013-03-04/100R

It was decided on motion of Deputy Mayor Duff; seconded by Councillor Tilley: That the minutes of February 25th, 2013 meeting be adopted as presented.

Business Arising

Proposed Hotel Development, Civic Numbers 227, 229 & 245 Kenmount Road Applicant: Pacific Coast Architecture for Northwood Properties Corporation

Under business arising, Council considered a memorandum dated February 28, 2013 from the Director of Planning concerning the above noted.

SJMC2013-03-04/101R

It was moved by Councillor Hann; seconded by Councillor Hanlon: That the following Resolutions for St. John’s Municipal Plan Amendment Number 109, 2013 and St. John’s Development Regulations Development Regulations Amendment Number 557, 2013, be adopted; and further, that Mr. Wayne Thistle, who is a member of the City’s Commissioner list, be appointed as the commissioner to conduct a public hearing on the amendments. The proposed date for the public hearing is March 26, 2013:

**RESOLUTION
ST. JOHN’S MUNICIPAL PLAN
AMENDMENT NUMBER 109, 2013**

WHEREAS the City of St. John’s wishes to allow a hotel development at Civic Number 227-229-245 Kenmount Road which will have a building height greater than 15 metres.

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

Amend Part III, Section 3.3.3 (“Commercial Highway Land Use District – Building Height and Area”) by adding the following new sentence so that the Section reads as follows:

**“Building Height and Area
Building Heights in this District shall not exceed a height of 15 metres or a Floor Area Ratio of 1.0 with the exception of the property located at Civic Number 227-229-245 Kenmount Road where the maximum allowed Building Height is 25 metres.**

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 4th day of March, 2013.

Mayor

City Clerk

Provincial Registration

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

MCIP

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 557, 2013**

WHEREAS the City of St. John's wishes to allow a hotel development at Civic Number 227-229-245 Kenmount Road which will have a building height greater than 15 metres.

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act.

Amend Section 10.20.3 ("Zone Requirements – Commercial Highway (CH) Zone) by adding the following new subsection:

“10.20.3 (3) Notwithstanding subsections (1) and (2) noted above, the maximum Building Height for the property located at Civic Number 227-229-245 Kenmount Road is 25 metres.

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 4th day of March, 2013.

Mayor

City Clerk

Provincial Registration

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

MCIP

The motion being put was unanimously carried.

Notices Published

- i. **A Discretionary Use Application** has been submitted requesting permission to utilize a portion of **Civic No. 191 Topsail Road** as a **Home Occupation** that involves the preparing and delivery of cooked meals. The proposed business will occupy a floor area of approximately 20 m2 and will operate Monday to Friday, 7 a.m. until 2 p.m. The business involves preparing and cooking of meals on domestic cooking equipment. No client/customer visits to the property, delivery to customers' homes and business only. The applicant is the sole employee. On-site parking can accommodate parking for two (2) vehicles. **(Ward 3)**

SJMC2013-03-04/102R

It was moved by Councillor Galgay; seconded by Councillor Tilley: That the application be approved, subject to all applicable City requirements.

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permits List for the period February 15, 2013 to February 28, 2013:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF February 15, 2013 TO February 28, 2013**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Fairview Investments	Building Lot	61 Boyle Street	3	Approved	13-02-25
COM	Stantec Architecture	Extension to St.John's Convention Centre-Site Plan	101 New Gower Street	2	Approved	13-02-26
COM	Dynamis Homeopathic Inc.	Commercial School for Dance-Site Plan	93 Torbay Road	1	Approved	13-02-27

*	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

SJMC2013-03-04/103R

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

**Building Permits List
 Council's March 4, 2013 Regular Meeting**

Permits Issued: 2013/02/21 To 2013/02/27

Class: Commercial

47 Pippy Pl	Rn	Office
90 Aberdeen Ave	Ms	Retail Store
385 Empire Ave	Ms	Office
338 Freshwater Rd	Sn	Eating Establishment
338 Freshwater Rd, Mary Browns	Sn	Eating Establishment
54 Kenmount Rd	Sn	Eating Establishment
191 Kenmount Rd	Ms	Restaurant
250 Lemarchant Rd	Ms	Pharmacy
2 Stavanger Dr	Ms	Restaurant
14 Stavanger Dr	Sn	Eating Establishment
506 Topsail Rd	Sn	Eating Establishment
248 Torbay Rd	Sn	Eating Establishment
520 Topsail Rd	Rn	Restaurant
156 Water St	Rn	Retail Store
520 Topsail Rd	Rn	Restaurant
350 Torbay Rd Weight Watchers	Rn	Office
90 O'leary Ave	Rn	Office
45 Bonaventure Ave	Rn	Place Of Amusement

This Week \$ 625,285.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

5 Douglas St, Lot 264	Nc	Single Detached Dwelling
62 Kenai Cres, Lot 206	Nc	Single Detached Dwelling
22 Meighen St	Nc	Accessory Building
9 Scouts Pl	Nc	Accessory Building
260 Hamilton Ave	Co	Office
3 New Cove Terr	Co	Home Office
24 Notre Dame Dr	Co	Single Detached Dwelling
67 Bonavista St	Rn	Single Detached Dwelling
130 Castle Bridge Dr	Rn	Single Detached Dwelling
6 Galashiels Pl	Rn	Single Detached Dwelling
42 Gold Medal Dr	Rn	Single Detached Dwelling
49 Queen's Rd	Rn	Subsidiary Apartment
38 Veitch Cres	Rn	Single Detached Dwelling
29 Riverside Dr W	Sw	Mobile Home

This Week \$ 602,950.00

Class: Demolition

315 Water St, 1st Floor	Dm	Mixed Use
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This Week \$ 5,000.00

This Week's Total: \$ 1,233,235.00

Repair Permits Issued: 2013/02/21 To 2013/02/27 \$ 41,750.00

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			
March 04, 2013			
Type	2012	2013	% Variance (+/-)
Commercial	\$15,700,000.00	\$30,900,000.00	97
Industrial	\$1,200,100.00	\$25,000.00	-98
Government/Institutional	\$8,000,000.00	\$5,300,000.00	-34
Residential	\$18,100,400.00	\$14,200,900.00	-22
Repairs	\$300,700.00	\$200,700.00	-33
Housing Units (1 & 2 Family Dwellings)	47	39	
Total	\$43,301,200.00	\$50,626,600.00	17

Respectfully Submitted,

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

Payrolls and Accounts

SJMC2013-03-04/104R

It was moved by Councillor Hanlon; seconded by Councillor Hann: That the following Payrolls and Accounts for the week ending February 28th, 2013 be approved:

**Weekly Payment Vouchers
For The
Week Ending February 28, 2013**

Payroll

Public Works	\$ 487,530.27
Bi-Weekly Administration	\$ 697,426.64
Bi-Weekly Management	\$ 689,049.09
Bi-Weekly Fire Department	\$ 564,249.79
Accounts Payable	\$ 4,078,865.55
Total:	\$ 6,517,121.34

The motion being put was unanimously carried.

Attendance by Councillor O’Leary at Stewardship Assoc. of Municipalities Inc. AGM

Council considered a memorandum dated February 27th, 2013 from the Deputy City Manager/Director of Corporate Services & City Clerk regarding the above noted.

SJMC2013-03-04/105R

It was moved by Councillor Tilley; seconded by Councillor Hickman: That attendance by Councillor O’Leary at Stewardship Assoc. of Municipalities Inc. AGM , Bay Roberts & Spaniard’s Bay, April 19-20, 2013 be approved.

The motion being put was unanimously carried.

Request to close Harbour Drive

Council considered a memorandum dated February 26, 2013 from the Director of Engineering regarding the above note.

SJMC2013-03-04/106R

It was moved by Deputy Mayor Duff; seconded by Councillor Hickman: That a request by Eastport Properties to temporarily close Harbour Drive from March 11th to March 15th, 2013 to accommodate the disassembly of a construction crane that has been in use at 351 Water Street, be approved, subject to the conditions of the Department of Engineering.

The motion being put was unanimously carried.

NF Power Easement – 52 Carter’s Hill

Council considered a memorandum dated February 22, 2013 from the City Solicitor regarding the above noted.

SJMC2013-03-04/107R

It was moved by Councillor Tilley; seconded by Councillor Hickman: That that an easement over land of the City and non-profit housing unit required Newfoundland Power in order to service four new houses at the corner of Livingstone Street and Carter’s Hill, be granted approval.

The motion being put was unanimously carried.

105 Waterford Bridge Road – Tom & Shirley McCaughey

Council considered a memorandum dated February 27th, 2013 from the Acting City Solicitor regarding the above noted.

SJMC2013-03-04/108R

It was moved by Deputy Mayor Duff; seconded by Councillor Tilley: That the purchase of back land at 105 Waterford Bridge Road be approved at a cost of \$2.50 per square foot plus usual administration fees and HST.

The motion being put was unanimously carried.

**Ratification of E-Poll, February 28, 2013, Attendance by Councillor O’Leary
Urban Summit MNL, March 1-2, St. John’s NL, Capital Hotel**

SJMC2013-03-04/109R

It was moved by Councillor Tilley; seconded by Councillor Breen: That the above noted epoll approving attendance by Councillor O’Leary at the Urban Summit MNL, March 1-2, St. John’s NL, Capital Hotel, be ratified.

The motion being put was unanimously carried.

Snow Clearing Report for the period January 1st to February 28th, 2013

Council considered as information the snow clearing report for the period January 1st to February 28th, 2013 showing a negative variance of \$127,036.

Economic Update March 2013

Councillor Tilley presented the highlights of the March 2013 Economic Update.

Deputy Mayor Duff

Deputy Mayor Duff updated Council on the Urban Summit event held in St. John’s on March 1-2, 2013, which was attended by her along with Councillors Galgay and O’Leary, the City Manager and Director of Economic Development, Tourism and Culture. There were a number of presentations and discussions encouraging urban municipalities to consider and develop new and distinctive ways with respect to economic planning and development. In this regard, Deputy

Mayor Duff noted that it is the City's role as a leading municipality to commit to taking the necessary steps towards a general approach to economic development and planning in a regional context. She asked that the matter be referred to the Economic Development and Tourism Standing Committee for discussion.

Councillor O'Leary

Councillor O'Leary advised of a presentation by Mr. Neil Dawe, Tract Consulting Ltd., at a NACAP Workshop held this past weekend at the Fluvarium on Sustaining our Watersheds. She suggested that Mr. Dawe be invited to present the presentation to the Planning and Housing Committee. She also asked that an invitation be extended to representatives of the Environmental Advisory Committee.

Councillor Collins

Councillor Collins advised residents of Goulds that construction work will begin in April in the Goulds area on the Main Road Upgrading Project and that an open house will be held on March 6 for residents of the area who have any questions regarding this project.

Adjournment

There being no further business, the meeting adjourned at 5:45 p.m.

MAYOR

CITY CLERK