

May 14, 2012

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.

City Manager, Deputy City Manager/Director of Corporate Services & City Clerk; Deputy City Manager/Director of Public Works & Parks; Director of Planning; Acting Director of Engineering; City Solicitor and Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2012-05-14/283R

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

Adoption of Minutes

SJMC2012-05-14/284R

It was decided on motion of Councillor Galgay; seconded by Councillor Breen: That the minutes of May 7th, 2012 meeting be adopted as presented.

Business Arising

Discretionary Use Application for One (1) Additional Residential Dwelling Unit, Civic Number 111 Hayward Avenue (Ward 2) Applicant - Skymark Contracting

Under business arising, Council considered a memorandum dated May 10, 2012 from the Director of Planning regarding the above noted application which was deferred by Council at its Regular Meeting

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held on May 7, 2012 in order to provide City staff with an opportunity to review the public submissions received in response to the City's advertisement of the application. These submissions expressed traffic flow/parking concerns. Copies of the written public submissions were provided for Council's information.

It is also noted that at Council's Regular Meeting of May 7, 2012 Councillor Galgay tabled a letter from Ms. Elizabeth Oliver, Co-Chair of the Georgestown Neighbourhood Association Committee on Planning, requesting deferral of the application pending the Municipal Plan Review, and asked that the request be referred to the Planning and Housing Committee for follow-up.

SJMC2012-05-14/285R

It was moved by Councillor Galgay; seconded by Deputy Mayor Duff: That the Discretionary Use Application for the proposed one (1) additional residential dwelling unit at Civic Number 111 Hayward Avenue be deferred until the request by Ms. Elizabeth Oliver, Co-Chair of the Georgestown Neighbourhood Association to have the application deferred pending the Municipal Plan Review, has been considered by the Planning and Housing Committee at its meeting to be held on May 25, 2012.

Deputy Mayor Duff asked that in consideration of this application that information on the following be provided:

- (1) Are accessory apartments permitted in townhouses under the City of St. John's Development Regulations;**
- (2) Is there any City owned land involved in the widening of this driveway for the extra car parking space, and will that result in the destruction of the one tree on that open space.**

The motion being put was unanimously carried.

Public Hearing

**Public Hearing Report dated May 3, 2012
Application to Rezone Property to Permit a Car Sales Lot
Civic Number 257 Brookfield Road (Ward 5)
Applicant: Sinnott's Auto Sales**

Councillor Hanlon presented a report of the public meeting held on May 3, 2012 the purpose of which was to provide an opportunity for public review and comment on the application submitted by Sinnott's

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Auto Sales to rezone the property at Civic Number 257 Brookfield Road from the Rural Residential Infill (RRI) Zone and the Rural Zone to the Commercial Industrial (CI) Zone. The purpose of the proposed rezoning is to allow the development and operation of a car sales lot. In this regard, Council also considered a memorandum dated May 10, 2012 from the Director of Planning.

SJMC2012-05-14/286R

It was moved by Councillor Hanlon; seconded by Councillor Collins: That staff be directed to proceed with the rezoning process for this application, and agreed that the following Resolution for St. John's Development Regulations Amendment Number 540, 2012 be adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendment.

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 540, 2012**

WHEREAS the City of St. John's wishes to allow the establishment of a car sales lot at Civic Number 257 Brookfield 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 the property at Civic Number 257 Brookfield Road from the Rural Residential Infill (RRI) Zone and the Rural (R) Zone to the Commercial Industrial (CI) Zone as shown on Map Z-1B 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 14th day of **May, 2012.**

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

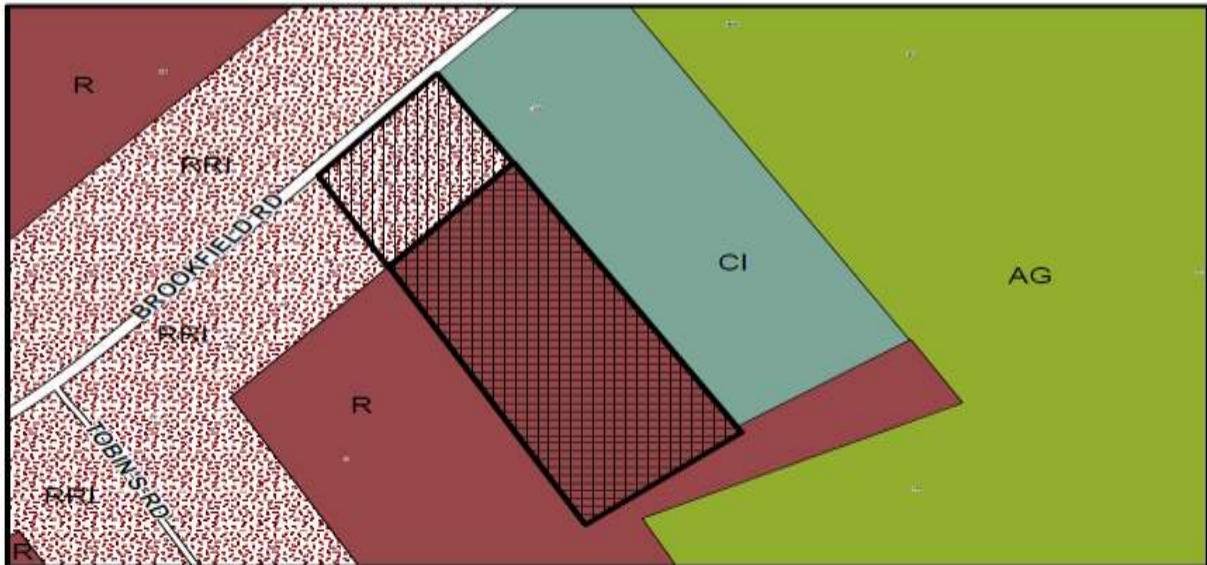
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CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S

MCIP

Mayor

Director of Corporate Services/
City Clerk



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 540, 2012
[Map Z-1B]**

2012 05 10 SCALE: 1:2000
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
RURAL RESIDENTIAL INFILL (RRI) LAND USE ZONE
TO COMMERCIAL INDUSTRIAL (CI) LAND USE ZONE



AREA PROPOSED TO BE REZONED FROM
RURAL (R) LAND USE ZONE TO
COMMERCIAL INDUSTRIAL (CI) LAND USE ZONE

257 Brookfield Road

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

The motion being put was unanimously carried.

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Building Permits List

SJMC2012-05-14/287R

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

2012/05/09

Permits List

CLASS: COMMERCIAL

118 FRESHWATER RD	CO	OFFICE
183 KENMOUNT RD	CO	OFFICE
260 BLACKMARSH RD	NC	ACCESSORY BUILDING
20 CATHEDRAL ST	SN	SEMI-DETACHED DWELLING
385 EMPIRE AVE	MS	OFFICE
14 FORBES ST	MS	CONVENIENCE STORE
12-20 HIGHLAND DR	MS	SERVICE SHOP
56 KENMOUNT RD - CHILDREN'S PL	SN	RETAIL STORE
70 KENMOUNT RD	MS	EATING ESTABLISHMENT
394 KENMOUNT RD	SN	RESTAURANT
394 KENMOUNT RD	MS	RESTAURANT
330 LEMARCHANT RD	MS	CONVENIENCE STORE
430-432 MAIN RD	MS	CONVENIENCE STORE
135 MAYOR AVE	MS	OFFICE
449 NEWFOUNDLAND DR	MS	CONVENIENCE STORE
52 PIPPY PL	MS	RETAIL STORE
117 ROPEWALK LANE	SN	RETAIL STORE
10 ST. CLARE AVE	MS	RECREATIONAL USE
3 STAVANGER DR	MS	RESTAURANT
15-27 STAVANGER DR	MS	RETAIL STORE
430 TOPSAIL RD	SN	RETAIL STORE
236 WATER ST	RN	BANK
25-27 AUSTIN ST-1ST FLOOR	CR	OFFICE
312 WATER ST	RN	TAVERN
30 HALLETT CRES	RN	OFFICE
95 UNIVERSITY AVE	NC	SERVICE SHOP
3 PADDY'S POND PL LOT 26	NC	TRANSPORTATION TERMINAL
430 TOPSAIL RD	RN	SHOPPING CENTRE
34 NEW COVE RD	RN	CLUB
632 TOPSAIL RD MARY BROWNS	CR	EATING ESTABLISHMENT
18 CRAIG DOBBIN'S WAY	RN	OFFICE
56 KENMOUNT RD	NC	RETAIL STORE
99 AIRPORT RD	RN	CLINIC

THIS WEEK \$ 1,365,205.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

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7-15 COLLEGE SQ-CAREW LODGE

RN LODGING HOUSE

THIS WEEK \$ 400,000.00

CLASS: RESIDENTIAL

4 ADVENTURE AVE, LOT 74	NC	SINGLE DETACHED DWELLING
272 ANSPACH ST	NC	ACCESSORY BUILDING
313 BACK LINE	NC	FENCE
14 BARTON'S RD	NC	PATIO DECK
9 BARTON'S RD	NC	ACCESSORY BUILDING
5 BENNETT AVE	NC	PATIO DECK
416 BLACKMARSH RD	NC	ACCESSORY BUILDING
16 BLUE JACKET PL	NC	FENCE
109 BLUE PUTTEE DR	NC	ACCESSORY BUILDING
109 CASTLE BRIDGE DR, LOT 222	NC	SINGLE DETACHED DWELLING
156 CHEESEMAN DR, LOT 99	NC	SINGLE DETACHED DWELLING
162 CHEESEMAN DR, LOT 102	NC	SINGLE DETACHED DWELLING
181 CHEESEMAN DR - LOT 173	NC	SINGLE DETACHED DWELLING
77 CHEROKEE DR	NC	ACCESSORY BUILDING
2 COUNTRY GROVE PL, LOT 46	NC	SINGLE DETACHED & SUB.APT
9 COUNTRY GROVE PL, LOT 41	NC	SINGLE DETACHED DWELLING
13 COUNTRY GROVE PL, LOT 39	NC	SINGLE DETACHED DWELLING
7 CURRIE PL	NC	PATIO DECK
44 CYPRESS ST, LOT 160	NC	SINGLE DETACHED DWELLING
66 CYPRESS ST, LOT 171	NC	SINGLE DETACHED & SUB.APT
3 CYPRESS ST, LOT 151	NC	SINGLE DETACHED DWELLING
17 CYPRESS ST, LOT 144	NC	SINGLE DETACHED & SUB.APT
52 DAUNTLESS ST	NC	ACCESSORY BUILDING
50-52 DONOVAN'S RD	NC	PATIO DECK
40 DURDLE DR, LOT 78	NC	ACCESSORY BUILDING
32 FRANCIS ST	NC	FENCE
70 GIL EANNES DR	NC	FENCE
27 GIL EANNES DR	NC	ACCESSORY BUILDING
14 GLENLONAN ST, LOT 25	NC	SINGLE DETACHED DWELLING
16 GLENLONAN ST, LOT 26	NC	SINGLE DETACHED & SUB.APT
34 GLENLONAN ST, LOT 15	NC	SINGLE DETACHED DWELLING
65 GLENLONAN ST	NC	ACCESSORY BUILDING
92 GRENFELL AVE	NC	ACCESSORY BUILDING
75 GRENFELL AVE	NC	FENCE
420 HAMILTON AVE	NC	ACCESSORY BUILDING
2 HARRINGTON DR	NC	PATIO DECK
8 HAZELWOOD CRES	NC	FENCE
30 HEFFERNAN'S LINE	NC	FENCE
48 ICELAND PL	NC	ACCESSORY BUILDING
58 LADY ANDERSON ST - LOT 470	NC	SINGLE DETACHED & SUB.APT
60 LADY ANDERSON ST - LOT 471	NC	SINGLE DETACHED & SUB.APT
62 LADY ANDERSON ST - LOT 472	NC	SINGLE DETACHED & SUB.APT
64 LADY ANDERSON ST - LOT 473	NC	SINGLE DETACHED & SUB.APT
68 LADY ANDERSON ST - LOT 475	NC	SINGLE DETACHED & SUB.APT
72 LADY ANDERSON ST - LOT 477	NC	SINGLE DETACHED & SUB.APT
57 LADY ANDERSON ST - LOT 639	NC	SINGLE DETACHED & SUB.APT
59 LADY ANDERSON ST - LOT 638	NC	SINGLE DETACHED & SUB.APT
59 MACBETH DR	NC	ACCESSORY BUILDING
95 MACBETH DR	NC	ACCESSORY BUILDING
675-677 MAIN RD	NC	SINGLE DETACHED DWELLING
4 MUNN PL	NC	ACCESSORY BUILDING
35 NAUTILUS ST, LOT 132	NC	SINGLE DETACHED & SUB.APT
53 NAVAJO PL	NC	ACCESSORY BUILDING
42 NEWTOWN RD	NC	PATIO DECK

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34 OBERON ST, LOT 174	NC	SINGLE DETACHED DWELLING
62 OTTER DR	NC	ACCESSORY BUILDING
4 OXEN POND PL	NC	FENCE
58 PENNYWELL RD	NC	ACCESSORY BUILDING
90 PITCHERS PATH , LOT 4	NC	SINGLE DETACHED DWELLING
35 RIDGEMOUNT ST	NC	ACCESSORY BUILDING
33 ROSALIND ST	NC	FENCE
33 ROSALIND ST	NC	ACCESSORY BUILDING
6 ROSE ABBEY ST, LOT 152	NC	SINGLE DETACHED DWELLING
12 ROSE ABBEY ST	NC	ACCESSORY BUILDING
549 SOUTHSIDE RD	NC	FENCE
10 TITANIA PL, LOT 162	NC	SINGLE DETACHED DWELLING
45 VALLEYVIEW RD	NC	FENCE
54 VISCOUNT ST	NC	ACCESSORY BUILDING
6 BUGLER PL	EX	SINGLE DETACHED DWELLING
64 DURDLE DR	EX	ACCESSORY BUILDING
21 HUSSEY DR	EX	MOBILE HOME
1 BEECH PL	RN	SINGLE DETACHED DWELLING
1 BEECH PL	RN	SINGLE DETACHED DWELLING
116 CASTLE BRIDGE DR, LOT 212	RN	SINGLE DETACHED DWELLING
8 CHAPEL ST	RN	TOWNHOUSING
5 CHURCH HILL	RN	SEMI-DETACHED DWELLING
26 GOWER ST	RN	SEMI-DETACHED DWELLING
46 ST. CLARE AVE	RN	SEMI-DETACHED DWELLING
45 SMITHVILLE CRES	RN	SINGLE DETACHED DWELLING
9 SOUTHCOTT PL	RN	SINGLE DETACHED DWELLING
242 SOUTHERN SHORE HWY	RN	SINGLE DETACHED DWELLING
BAY BULLS RD	SW	VACANT LAND
31 DOYLE'S RD	SW	DAY CARE CENTRE

THIS WEEK \$ 7,405,950.00

CLASS: DEMOLITION

675-677 MAIN RD	DM	SINGLE DETACHED DWELLING
50 KENMOUNT RD BLUENOTES	DM	RETAIL STORE

THIS WEEK \$ 6,500.00

THIS WEEK'S TOTAL: \$ 9,177,655.00

REPAIR PERMITS ISSUED: 2012/05/03 TO 2012/05/09 \$ 193,500.00

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

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The motion being put was unanimously carried.

Payrolls and Accounts

SJMC2012-05-14/288R

It was moved by Deputy Mayor Duff; seconded by Councillor Tilley: That the following Payrolls and Accounts for the week ending May 10th, 2012 be approved:

**Weekly Payment Vouchers
For The
Week Ending May 10, 2012**

Payroll

Public Works	\$ 380,448.78
Bi-Weekly Administration	\$ 767,457.49
Bi-Weekly Management	\$ 638,817.75
Bi-Weekly Fire Department	\$ 566,9580.93

Accounts Payable \$ 4,465,157.48

Total: \$ 6,818,840.43

The motion being put was unanimously carried.

Tenders

- a. Tender – Two (2) Aerial Service Body Trucks
- b. Tender – Road Gravel

SJMC2012-05-14/289R

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

- a. Saunders Equipment @ \$208,590.00 for both units, taxes not included**
- b. Clark's Trucking @ \$101,500.00, taxes not included**

The motion being put was unanimously carried.

Petitions

Councillor O'Leary tabled a petition the prayer of which reads as follows:

"We the undersigned deplore the closure of SaveEasy in Churchill Square. We urge City Council not to approve any other kinds of uses of the location. A food store is absolutely essential to the neighbourhood, particularly for seniors and students."

Councillor O'Leary noted that a copy of the petition will be forwarded to Loblaw's.

Councillor Hanlon tabled a petition the prayer of which reads as follows:

"We the undersigned citizens and property owners of Rodney Street are strongly opposed to the proposed rezoning of property in our neighbourhood from Residential Low Density (R1) to Residential Medium Density (R2). We were informed of an application for such a change by the owners of 28-32 Whiteway Street. We believe that such a change would in fact and in precedent have a negative effect on our quality of life. We also are of the opinion that the advocate(s) of the proposed zoning change have quality and profitable housing construction opportunities available to them within the current R1 zoning designation."

(The petition will be included in the Agenda of the Regular Meeting of Council when the application is brought forward for Council's consideration.)

Summer Meeting Schedule 2012

Council considered a memorandum dated May 10, 2012 from the Deputy City Manager/Director of Corporate Services & City Clerk regarding the above noted.

SJMC2012-05-14/290R

It was moved by Councillor Tilley; seconded by Councillor O'Leary: That the following Summer Schedule for Regular and/or Special Meetings following the meeting of Tuesday, June 26, 2012 be approved:

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Tuesday, July 10, 2012
Monday, July 23, 2012
Monday, August 6, 2012
Monday, August 20, 2012

Regular meetings to resume on Tuesday, September 4th, 2012.

The motion being put was unanimously carried.

NOIA Conference Attendance

Council considered a memorandum dated May 11, 2012 from the Deputy City Manager/Director of Corporate Services & City Clerk regarding the above noted.

SJMC2012-05-14/291R

It was moved by Councillor Hanlon; seconded by Councillor Tilley: That attendance by Councillors Tilley, Breen and O'Leary at the NOIA Conference June 18 to 21, 2012 to be held at the St. John's Convention Centre, be approved.

The motion being put was unanimously carried.

490-496 Back Line – Emergency Overflow Diversion

SJMC2012-05-14/292R

It was moved by Councillor Collins; seconded by Councillor Colbert: That a parcel of land located at Back Line, Goulds required by the City in order to construct an emergency overflow diversion structure, be purchased at a cost of \$500.00 plus legal fees.

The motion being put was unanimously carried.

Councillor Collins

Councillor Collins expressed concern that trucks used to transport the various fish species are not properly equipped to control leakage, which creates an unpleasant odour in the Fort Amherst area, and recommended that the owners be approached on obtaining the proper type of truck to transport the fish. The matter was referred to staff for follow-up.

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Councillor Hanlon

Councillor Hanlon reminded residents of 2012 National Road Safety Week, May 15.

Councillor Hanlon provided information on the YMCA National Summer Work Student Exchange Program and asked that it be posted on the City's website.

Councillor Tilley

Councillor Tilley reminded residents of Seniors' Day Event to take place June 7, 2012.

Councillor Tilley noted that staff are finalizing plans for the Tourism Awards event, June 19, 2012. As well plans are underway towards St. John's Day celebrations, June 23-25 and Canada Day, July 1.

Councillor Tilley noted that Downtown St. John's just announced a new Façade Improvement Program and outlined some of the details of the program.

Councillor Galgay

Councillor Galgay advised of a public meeting to be held by the City of St. John's on Tuesday, May 15, 2012 to provide an opportunity for public review and comment on an application submitted by Henry Bell Developments Ltd. to redevelop and extend the former Avalon Telephone Building located at Civic Number 345-353 Duckworth Street.

Councillor Galgay also advised of a public meeting to be held on Thursday, May 17, 2012 at 7 p.m. in the Foran/Greene Room, fourth floor, St. John's City Hall to provide an opportunity for public review and comment on an application submitted to the City by Powderhouse Hill Investments Ltd. to rezone vacant land on Quidi Vidi Village Road known locally as "School House Hill" to allow the construction of a 5-storey, 24-unit residential apartment building in condominium ownership (4 floors of apartments over 1 basement level of parking).

Councillor Colbert

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Councillor Colbert acknowledged the passing of Mr. Bill Bowman and asked that His Worship the Mayor on behalf of Council write a letter of condolence to his family.

Councillor Hann

Councillor Hann acknowledged the passing of Mr. Don Johnson and asked that His Worship the Mayor on behalf of Council write a letter of condolence to his family.

Councillor Hann advised that he has asked that the RNC step up surveillance in the area of the small park located in Fort Amherst, due to reports of untoward activity taking place.

Councillor O’Leary

Councillor O’Leary noted that she strongly supports the wishes of the residents for a supermarket operation in Churchill Square since the closure of the Save Easy store in the area.

Councillor O’Leary noted that she attended on the weekend the public workshop “Designing a Lead Safe Yard or Vegetable Garden” and tabled a presentation by guest speaker , Luisa Oliveira, landscape architect, city planner and founder of the “Safer Soil” Program, titled Somer Vision, City of Somerville, Massachusetts Comprehensive Plan, 2010-2030, which she referred to the Planning Division for consideration during the review of the St. John’s Municipal Plan.

Councillor O’Leary noted that she has been approached on the ongoing issue pertaining to the lack of wheelchair accessible rental properties. She stressed the need to have the issue assessed by both the Province and the City and suggested that an incentive program be considered to encourage landlords to ensure rental properties are accessible. The matter was referred to the Mayor’s Advisory Committee on the Status of Persons with Disabilities for discussion.

Councillor O’Leary noted that it has been brought to her attention that two of the main entrances to the new Craft Incubator Space building, located in Quidi Vidi are not wheelchair accessible,

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and asked that the matter be referred to the Department of Building and Property Management for follow-up.

Deputy Mayor Duff

Deputy Mayor Duff noted the launch of the Regional Water “Save a Drop Campaign” and stressed the importance managing and conserving water.

Deputy Mayor Duff advised that she received complaints from area residents about the Temperance Street houses known as “Four Sisters, in that people are entering and using them as a place to “squat”. She noted the importance of the properties to the City’s architectural history and heritage and asked that the Director of Building and Property Management conduct an inspection of the houses and report back to Council on their condition.

Deputy Mayor Duff noted that she received requests to have the owner of the property on the corner of Temperance Street and Water Street East take steps to clean up the construction debris in that area. The matter was referred to staff for follow-up.

Deputy Mayor Duff noted that the Newfoundland and Labrador Book awards 2012 event will take place on May 17 at the LSPU Hall.

Adjournment

There being no further business, the meeting adjourned at 5:25 p.m.

MAYOR

CITY CLERK

ST. JOHN'S