

May 6th, 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.

Deputy Mayor Duff presided.

There were present also: Councillors O'Leary, Hann, Colbert, Breen, Galgay, Tilley, Hanlon and Collins.

Regrets: His Worship the Mayor and Councillor Hickman.

The City Manager; Deputy City Manager, Corporate Services & City Clerk; Deputy City Manager, Public Works; Deputy City Manager, Planning, Development & Engineering; Director of Engineering; Acting Director of Planning; City Solicitor; and Recording Secretary were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2013-05-06/193R

**It was decided on motion of Councillor Galgay; seconded by Councillor Tilley:
That the Agenda be adopted with the omission of the following items:**

- Memorandum dated May 2, 2013 from the Acting Director of Planning Re: Proposed Rezonings for Southlands Boulevard Extension, Glencrest (Ward 5) Applicant: KMK Capital Inc. for 10718 Nfld Inc.
- 2013 Capital Budget

Adoption of Minutes

SJMC2013-05-06/194R

**It was decided on motion Councillor Hanlon; seconded by Councillor Collins:
That the minutes of April 29th, 2013 be adopted as presented.**

Audited Financial Statements: St. John's Sports & Entertainment Ltd.

Mr. Gerry Smith, Chairperson and Ms. Susan Gardner of SJSEL presented the audited financial statements for the year ended December 31, 2012. In 2012, SJSEL operated well within its operating grant of \$1,000,000 with revenues in excess of expenditures in the amount of \$704,657. Fiscal 2012 continued the trend of significant reductions in the annual City operating grant. The presentation of the 2012 audited statements completes both Mr. Smith's and Ms. Gardner's tenure as chair and board members of the SJSEL.

Members of Council commended Mr. Smith and Ms. Gardner for their exceptional work on the Board, particularly in their capacity as volunteers.

SJMC2013-05-06/195R

**It was decided on motion Councillor Breen; seconded by Councillor Galgay:
That SJSEL's audited financial statements for the year ended December 31,
2012 be adopted by Council.**

**Parking Standards for Movie Theatres
St. John's Development Regulations Amendment No. 566, 2013**

Under business arising, Council considered a memorandum dated May 2, 2013 from the Acting Director of Planning regarding the above noted.

SJMC2013-05-06/196R

**It was decided on motion of Councillor Hann; seconded by Councillor Tilley:
That the following Resolution for St. John's Development Regulations
Amendment Number 566, 2013 be adopted, which will 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 566, 2013**

WHEREAS the City of St. John's wishes to modify the St. John's Development Regulations regarding the off-street parking standard for Movie Theatres,

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 Urban and Rural Planning Act, 2000:

Amend Section 2 ("Definitions") by deleting the definition of a Place of Assembly and adding the following definition:

"PLACE OF ASSEMBLY means land or buildings used as gathering places for substantial numbers of people and, without limiting the generality of the foregoing, includes auditoriums, convention centres, public and private halls, Movie Theatres, and similar gathering places."

Amend Section 9.1.1 ("General Parking Requirements") by changing the parking standard that applies to a Place of Assembly to specifically exclude Movie Theatres as follows:

"Place of Amusement or Place of Assembly or Auditorium (excluding a Movie Theatre): One parking space per 10 square metres of seating area, or 1 space per three (3) seats, whichever is the greater."

Amend Section 9.1.1 ("General Parking Requirements") by deleting the standard for "Theatre" and adding the following standard:

"Movie Theatre: One parking space per 3.7 seats."

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 6th day of May, **2013**.

Mayor

City Clerk

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

MCIP

**Proposed Rezoning from CDA-Kenmount to RK Zone for Residential Use
Kenmount Road (Ward 4)
St. John's Development Regulations Amendment Number 573, 2013**

Under business arising, Council considered a memorandum dated May 2, 2013 from the Acting Director of Planning regarding the above noted.

SJMC2013-05-06/197R

It was moved by Councillor Hanlon; seconded by Councillor Breen: That the following Resolution be adopted, which will be referred to the Department of Municipal Affairs for Provincial registration of the amendment:

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 573, 2013**

WHEREAS the City of St. John's wishes to accommodate residential development above the 190 metre elevation along Tigress Street in Kenmount Terrace,

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 Urban and Rural Planning Act:

Rezone land along Tigress Street (Kenmount Terrace) from the Comprehensive Development Area -Kenmount (CDA – Kenmount) Zone to the Residential Kenmount (RK) 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

6th day of May, 2013.

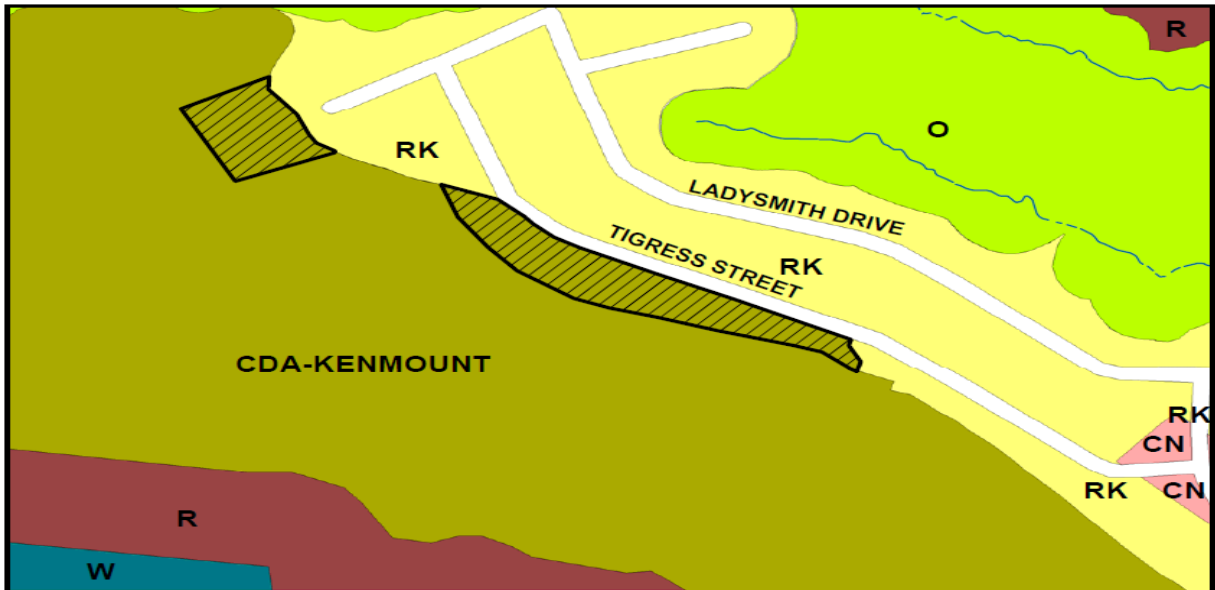
Mayor

City Clerk

Provincial Registration

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


MCIP



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 573, 2013
[Map Z-1A]**

2013 05 02 SCALE: 1:5000
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING,
DEVELOPMENT & ENGINEERING

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

 AREA PROPOSED TO BE REZONED FROM COMPREHENSIVE DEVELOPMENT AREA - KENMOUNT ROAD (CDA-KENMOUNT) LAND USE ZONE TO RESIDENTIAL KENMOUNT (RK) LAND USE ZONE

Tigrass Street - Kenmount Terrace Development

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

Councillor O’Leary questioned the status of plans for open space development for this area. Councillor Hann advised that at present there is some negotiation ongoing for land acquisition. Once that is resolved, the Parks Division will start work on the development of a concept plan for a park which will include trail development that will interconnect neighbourhoods.

The motion being put was unanimously carried.

**Proposed Rezoning from CDA-Kenmount to Industrial General (IG) and Commercial Highway (CH) Zone, Kenmount Road (Ward 4)
St. John’s Development Regulations Amendment Number 574, 2013**

Under business arising, Council considered a memorandum dated May 2, 2013 from the Acting Director of Planning.

SJMC2013-05-06/198R

It was decided on motion of Councillor Hanlon; seconded by Councillor Hann: That the following Resolution for St. John’s Development Regulations Amendment Number 574, 2013 be adopted, which will 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 574, 2013**

WHEREAS the City of St. John’s wishes to accommodate an industrial commercial subdivision along Kenmount 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 Urban and Rural Planning Act:

Rezone land along Kenmount Road from the Comprehensive Development Area -Kenmount (CDA – Kenmount) Zone to the Industrial General (IG) Zone and the Commercial Highway (CH) 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 6th day of May, 2013.

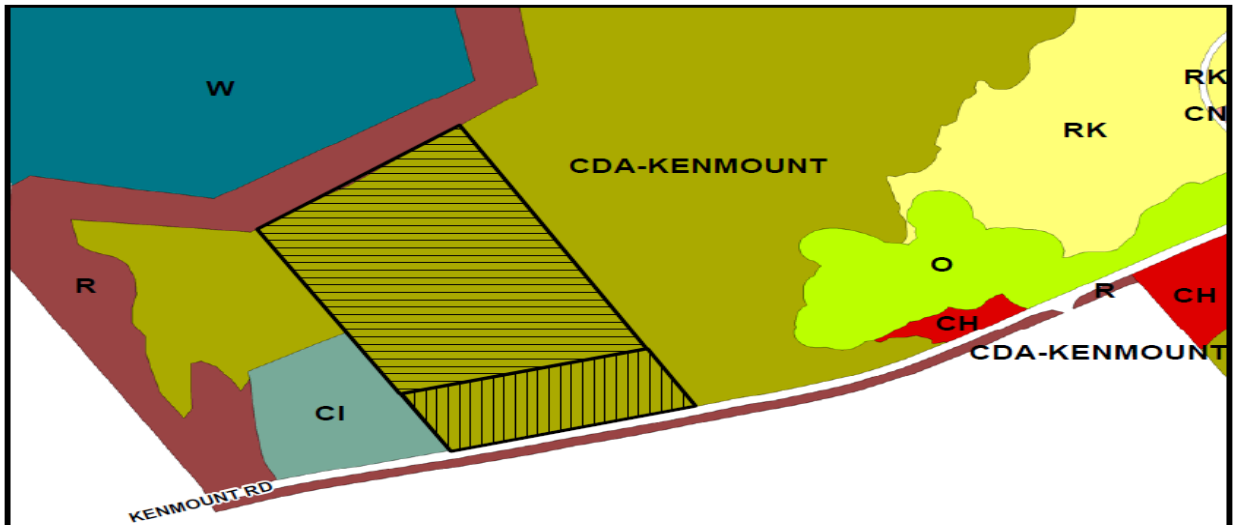
Mayor

City Clerk

Provincial Registration


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


MCIP



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 574, 2013
[Map Z-1A]**

2013 05 02 SCALE: 1:10000
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING,
DEVELOPMENT & ENGINEERING

 AREA PROPOSED TO BE REZONED FROM COMPREHENSIVE DEVELOPMENT AREA - KENMOUNT ROAD (CDA-KENMOUNT) LAND USE ZONE TO INDUSTRIAL GENERAL (IG) LAND USE ZONE

 AREA PROPOSED TO BE REZONED FROM COMPREHENSIVE DEVELOPMENT AREA - KENMOUNT ROAD (CDA-KENMOUNT) LAND USE ZONE TO COMMERCIAL HIGHWAY (CH) LAND USE ZONE

**Kenmount Road Industrial Development
Berjon Holdings**

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

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

Notices Published

1. A Discretionary Use Application has been submitted by TW Fitness Inc. to establish and operate a personal training facility. The proposed business will occupy 90 m² of space on the first floor of **Civic No. 44 Crosbie Road** and will employ a staff of three. Hours of business will be 6 a.m. to 10 p.m., Monday to Saturday, by appointment only. Parking for the subject business can be accommodated on site. **(Ward 4)**

One (1) submission of support

SJMC2013-05-06/199R

**It was decided on motion of Councillor Hanlon; seconded by Councillor Tilley:
That the application be approved subject to all applicable City requirements.**

Mayor's Advisory Committee Report on Status of Persons with Disabilities dated April 24th, 2013

Council considered the following Mayor's Advisory Committee Report on the Status of Persons with Disabilities dated April 24, 2013:

Attendees: Kelly White, Co-Chairperson
Pauline Crann, Co-Chairperson
Andrea Boundridge, NL Association for the Deaf
Sandra Yetman, ILRC
Robert Young, Canadian Hard of Hearing Association
Max Jacobs, CHANNAL
Nick Mercer, Next Up Representative
Chris Dedde, Autism Society of NL
Tara Nanayakkara, Canadian Council of the Blind
Kim Larouche, At-Large Representative
Philip Strong, CNIB
Councillor Sheilagh O'Leary
Councillor Tom Hann
Susan Ralph, Accessible Transit Coordinator
Trisha Rose, Program Coordinator (Inclusive Services)
Gord Tucker, Manager of Property Management
Karen Chafe, Recording Secretary

Report:

1. Proposed Locations for Audible Pedestrian Signals

On April 24, 2013, the Audible Pedestrian Signals Sub-Committee was held and the following recommendation was put forth which was later endorsed by the Mayor's Advisory Committee on the Status of Persons with Disabilities via e-mail poll:

That the \$50,000 budget allocation already approved by Council for audible pedestrian signals be used at the following two intersections:

- **Priority # 1: Westerland Road @ Prince Phillip Parkway**
- **Priority # 2: Columbus Drive @ Topsail Road**

Phillip Strong, representing the Canadian National Institute for the Blind and Tara Nanayakkara, representing the Canadian Council of the Blind, (both of whom represent the Mayor’s Advisory Committee) were present during the meeting and agreed on the locations selected. The two areas selected have heavy vehicular and pedestrian traffic most of which is generated by the nearby educational institutions and shopping centers. The Sub-Committee will continue to consult with the City's Department of Engineering about future locations for installation of APS devices as funding permits.

Kelly White and Pauline Crann
Co-Chairpersons

SJMC2013-05-06/200R

It was decided on motion of Councillor O’Leary; seconded by Councillor Tilley: That the Committee’s recommendation be approved.

Councillor Colbert requested the status of the issue regarding blue zones.

Building Permits List

SJMC2013-05-06/201R

It was decided on motion of Councillor O’Leary; seconded by Councillor Hann: That the recommendation of the Deputy City Manager, Planning, Development & Engineering be approved with respect to the following building permits:

**Building Permits List
Council’s April 29, 2013 Regular Meeting**

Permits Issued: 2013/04/18 To 2013/04/24

Class: Commercial

116 Duckworth St-Outcast Gamin	Co	Retail Store
150 Kenmount Rd	Co	Club
5 Lewisporte Pl	Co	Service Shop
681 Topsail Rd -Island Frozen	Co	Retail Store
50 Kelsey Dr	Nc	Fence
31 Airport Rd	Sn	Service Shop
217 Lemarchant Rd	Sn	Office
11 Major's Path	Sn	Service Station
35 Campbell Ave	Rn	Pharmacy

93 Torbay Rd-Dance Studio	Sw	Commercial School
22-24 Blackmarsh Rd	Ex	Parking Lot
93 Torbay Rd-Dance Studio	Cr	Commercial School
145 Kelsey Dr, Lot # 3	Nc	Office

This Week \$ 2,732,800.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

38 Outer Battery Rd	Nc	Accessory Building
11 Capulet St Lot 212	Nc	Single Detached Dwelling
33 Cappahayden St, Lot 23	Nc	Single Detached Dwelling
18 Chafe Ave	Nc	Fence
57 Chafe Ave	Nc	Accessory Building
172 Cheeseman Dr, Lot 175	Nc	Accessory Building
43 Country Grove Pl	Nc	Accessory Building
43 Country Grove Pl	Nc	Fence
11 Della Dr	Nc	Accessory Building
17 Durham Pl	Nc	Fence
80 Eastbourne Cres	Nc	Patio Deck
9 Eastmeadows Pl	Nc	Single Detached Dwelling
140 Forest Rd	Nc	Accessory Building
4 Gibbons Pl, Lot 21	Nc	Single Detached & Sub.Apt
36 Glenlonan St	Nc	Accessory Building
7 Keats Pl	Nc	Fence
18 Kenai Cres, Lot 185	Nc	Single Detached Dwelling
62 Kenai Cres	Nc	Accessory Building
33 Kenai Cres	Nc	Accessory Building
114 Ladysmith Dr, Lot 219	Nc	Single Detached & Sub.Apt
8 Eastmeadows Place	Nc	Single Detached Dwelling
97 Pennywell Rd	Nc	Patio Deck
40 Queen's Rd	Nc	Fence
1 Rankin St	Nc	Single Detached & Sub.Apt
83 Rotary Dr	Nc	Accessory Building
108 St. Clare Ave	Nc	Fence
61 Sunset St	Nc	Accessory Building
17 Tigress St, Lot 628	Nc	Single Detached & Sub.Apt
19 Tigress St, Lot 627	Nc	Single Detached & Sub.Apt
21 Tigress St, Lot 626	Nc	Single Detached & Sub.Apt
25 Tigress St, Lot 624	Nc	Single Detached Dwelling
26 Sitka St, Lot 279	Nc	Single Detached & Sub.Apt
126 Waterford Bridge Rd	Nc	Accessory Building
99 Winslow St	Nc	Patio Deck
47 Boyle St	Co	Single Detached Dwelling
18 Glenlonan St	Co	Single Detached & Sub.Apt
66 Penney Cres	Ex	Single Detached Dwelling
1- 7 Algerine Place	Rn	Townhousing
1-10 Eagle Court	Rn	Townhousing
14 Kenai Cres, Lot 183	Rn	Single Detached Dwelling
15 Oberon St	Rn	Single Detached Dwelling
45 Pearson St	Rn	Single Detached Dwelling
30 Sequoia Dr	Rn	Single Detached Dwelling

90 Oxen Pond Rd

Sw Single Detached & Sub.Apt

This Week \$ 2,620,736.00

Class: Demolition

This Week \$.00

This Week's Total: \$ 5,353,536.00

Repair Permits Issued: 2013/04/18 To 2013/04/24 \$ 119,050.00

130 Freshwater Road Garage Extension Rejected Due To Section 10.5.3(6)Of The City Of St. John's Development Regulations.

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			
April 29, 2013			
Type	2012	2013	% Variance (+/-)
Commercial	\$115,600,600.00	\$40,500,500.00	-65
Industrial	\$3,600,100.00	\$28,000.00	-99
Government/Institutional	\$11,100,200.00	\$7,100,100.00	-36
Residential	\$44,400,100.00	\$31,600,700.00	-29
Repairs	\$1,000,000.00	\$800,700.00	-20
Housing Units (1 & 2 Family Dwellings)	142	99	
Total	\$175,701,000.00	\$80,030,000.00	-54

Respectfully Submitted,

David Blackmore, R.P.A.

Deputy City Manager - Planning, Development & Engineering

Payrolls and Accounts

SJMC2013-05-06/202R

**It was decided on motion of Councillor Hann; seconded by Councillor Tilley:
That the following Payrolls and Accounts for the week ending May 2, 2013 be
approved:**

**Weekly Payment Vouchers
For The
Week Ending May 2, 2013**

Payroll

Public Works	\$ 343,680.90
Bi-Weekly Casual	\$ 17,113.30
Accounts Payable	\$ 3,940,713.39
Total:	\$ 4,301,507.59

Tenders

- a. Tender – Water Tanker (St. John’s Regional Fire Department)
- b. Tender – 2013 Asphalt Crack Sealing Program

SJMC2013-05-06/203R

**It was decided on motion of Councillor Breen; seconded by Councillor O’Leary:
That the recommendation of the Deputy City Manager, Corporate Services &
City Clerk and the Director of Engineering be approved and the tenders
awarded as follows:**

- a. **Metalfab Limited @ \$192,000.00, taxes extra**
- b. **Crown Contracting Inc. @ \$160,290.50**

Quidi Vidi Village Oral History and Folklore Project

Council considered as information a memorandum dated May 2, 2013 from Deputy Mayor Shannie Duff regarding a public meeting to be held on May 8, 2013 at the Quidi Vidi Village Plantation to launch the Quidi Vidi Village Oral History and Folklore Project being undertaken in cooperation with the Heritage Foundation of NL, Memorial University's Department of Folklore and the City of St. John's in cooperation with the Quidi Vidi Village Foundation.

Travel by Councillor Hanlon

SJMC2013-05-06/204R

It was decided on motion of Councillor Tilley; seconded by Councillor Breen: That travel by Councillor Hanlon to the MNL Municipal Symposium, Gander, NL, May 9-11, 2013 be approved.

239 Craigmiller Avenue

Council considered a memorandum memorandum dated April 26, 2013 from the City Solicitor concerning the above noted.

SJMC2013-05-06/205R

It was decided on motion of Councillor Galgay; seconded by Councillor O'Leary: That a Quit Claim deed be executed with respect to 239 Craigmiller Avenue.

Economic Update , May 2013

Councillor Tilley presented as information the highlights of the May 2013 Economic Update, a copy of which is on file with the City Clerk's Department.

Councillor Collins

- Southside Road: A river clean-up will be taking place at 6:30 p.m. this evening.
- A traffic calming focus group for Southside Road will be taking place on Thursday May 9 at 6:00 p.m.

Councillor Tilley

- Elaborated on a number of cultural and tourism events taking place in the City during the summer season, i.e. St. John's Day; the Nickle Independent Festival; Signal Hill Tattoo; Festival of Voices, etc.

- Has received a number of complaints from residents of Pasadena Crescent about noise emanating from the clearing of dumpsters at 3:00 a.m. – 6:00 a.m. in the morning. The Deputy City Manager of Planning, Engineering and Development was asked to investigate (which he has done); however, given the complaints' lack of specificity, staff is unable to focus on any particular business and is, therefore, in the process of circulating notices to all businesses in the area.

Councillor Breen

- There will be an open house on the Carrick Drive traffic calming policy on May 16 from 2:00 – 4:30 p.m. followed by a public meeting at 7:00 p.m. on the same date at the Pleasantville Legion.

Councillor O'Leary

- The East Coast Trail Association Tely Hike will be taking place on June 1, 2013.

- Requested clarification on some public meetings that are coming up:
 - Councillor Hanlon will be having a ward meeting on June 5, 2013 from 7:00 p.m. – 9:00 p.m.;

 - Independent Commissioner's Hearing on May 15, 2013 in the Foran/Greene Room at 7:00 p.m. regarding the Downtown Parking Study;

Acting Mayor Duff

- The public is asked to use extreme caution when maneuvering around street painting crews who have the dangerous task of being situated in the middle of streets and passing motor traffic.

Adjournment

There being no further business, the meeting adjourned at 6:00 p.m.

MAYOR

CITY CLERK