

November 13th, 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: Councillors O'Leary, Hickman, Breen, Galgay, Hanlon and Collins .

Regrets: Deputy Mayor Duff, Councillors Tilley, Colbert and Hann.

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, Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2012-11-13/563R

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

Adoption of Minutes

SJMC2012-11-13/564R

**It was decided on motion of Councillor O'Leary; seconded by Councillor Hickman:
That the minutes of November 5th, 2012 meeting be adopted as presented.**

Notices Published

A Discretionary Use Application submitted to establish a personal and professional well-being consultation office at Civic No. 67 Eastbourne Crescent as a Home Occupation was withdrawn.

Public Hearings

Public Hearing Report dated November 1, 2012

Re: Proposed Residential Condominium Apartment Building

Civic No. 40 Henry Street (**Ward 2**)

Applicant: Manga Developments/Kingslake Group Corporation

Councillor Breen presented the report of a public meeting held on November 1, 2012 to provide an opportunity for public review and comment on the building design changes proposed by Manga Developments/Kingslake Group Corporation for their residential condominium apartment building project proposed to be constructed at Civic Number 40 Henry Street (the site of the former Star of the Sea Hall Building).

Councillor Breen noted that the response at the public meeting was very supportive of the project and residents were satisfied that their concerns about traffic had been satisfactorily addressed.

SJMC2012-11-13/565R

It was moved by Councillor Breen; seconded by Councillor Galgay: That report be adopted as presented.

The motion being put was unanimously carried.

SJMC2012-11-13/566R

It was then moved by Councillor Breen; seconded by Councillor O'Leary: That Approval-in-Principle be granted to the proposed residential condominium apartment building at Civic Number 40 Henry Street subject to the following conditions:

- 1. The development must be constructed in accordance with the building elevations approved by Council at its Regular Meeting of September 4, 2012;**
- 2. The development must be constructed in accordance with the building design and building usage as presented at the public information session held on November 1, 2012; and**
- 3. The development must satisfy all applicable requirements of the St. John's Development Regulations and all applicable requirements of the City's Departments of Engineering, Building & Property Management, Planning and Public Works & Parks.**

Following discussion, the motion being put was unanimously carried.

Committee Reports

Parks and Recreation Standing Committee Report dated November 6, 2012

Council considered the following Parks and Recreation Standing Committee Report dated November 6, 2012

Attendees: Councillor Frank Galgay, Chairperson
Councillor Danny Breen
Councillor Wally Collins
Councillor Sheilagh O’Leary
Councillor Sandy Hickman
Bob Smart, City Manager
Paul Mackey, Deputy City Manager & Director of Public Works & Parks
Jill Brewer, Director of Recreation
Dave Blackmore, Director of Building & Property Management
Heather Hickman, Manager of Community Development
Carla Lawrence, Manager of Sport & Communications
Tanya Haywood, Manager of Facilities Division
Natalie Godden, Manager of Family & Leisure Services
Brian Head, Operations Assistant – Parks Division
Karen Chafe, Recording Secretary

Report:

1. **Bannerman Park Redevelopment Plan (Skating Trail and Proposed Pavilion)**

The Committee met with representatives of Tract Consulting: Mr. Neil Dawe and Mr. Chris Woodford and representatives from the Bannerman Park Foundation: Ms. Jennifer Guy, Chairperson and Ms. Michelle Eagles, Executive Director. The purpose of the meeting was to get Council’s direction on whether or not the present bandstand should be removed and/or replaced with a new pavilion structure which will be bigger in size, more centrally aligned with the trail leading to Military Road and more accessible to people with disabilities. The new pavilion’s improved acoustics and lighting will also be able to accommodate musical and theatrical performances and other public events and uses. The location will also be more compatible to the proposed ice trail which will surround the pavilion. The following options were outlined:

- Option # 1: Demolish existing bandstand and replace with new pavilion
- Option # 2: Retain and repair existing bandstand
- Option # 3: Adaptive re-use/redesign of existing bandstand
- Option # 4: Retain existing bandstand (as an ornamental piece) and construct new pavilion

The pros and cons of each option are detailed in the attached submission.

The Committee on motion of Councillor Hickman; seconded by Councillor O’Leary recommends the following:

- Council’s approval of Option # 1 to demolish and replace the existing bandstand with a larger, more accessible pavilion conducive to various uses which at present cannot be accommodated by the existing structure;
- that the roof design of the new structure be reflective of the simple roof design of the existing bandstand;
- that Council approve the concept design for the skating trail proposed to surround the new pavilion. Artist renderings are attached.

Councillor Frank Galgay
Chairperson

SJMC2012-11-13/567R

It was moved by Councillor Galgay; seconded by Councillor Hanlon: That the Committee’s recommendation be postponed in order to allow Tract Consulting the opportunity to provide Council with a presentation on the proposed Bannerman Park Redevelopment Plan (Skating Trail and Proposed Pavilion).

The motion being put was carried with Councillor O’Leary dissenting.

Development Permits List

Council considered as information the following Development Permits List for the period of November 2, 2012 to November 8, 2012:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF November 2, 2012 TO November 8, 2012**

Code	Applicant	Application	Location	Ward	Development Officer’s Decision	Date
RES		Proposed Building Lot in Agriculture Zone	Pearltown Road	5	Rejected by Land Use Advisory Committee	12-11-02
RES		Proposed Dwelling	26 Monkstown Road	2	Rejected – Insufficient Lot Area	12-11-02
COM		Home Office-Website Development	231 Back Line	5	Approved	12-11-05
COM		Home Office-Non-Profit Coordinator	260 Hamilton Ave	2	Approved	12-11-05
COM	SPS Consulting Inc	Commercial Building	79 Mews Place	4	Approved	12-11-08
RES		Building Lot	19 Brookfield Road (subdivision of lot)	3	Approved	12-11-08

*	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

SJMC2012-11-13/568R

It was moved by Councillor Hanlon; seconded by Councillor Collins: 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 November 12th, 2012 Regular Meeting**

Permits Issued: 2012/11/01 To 2012/11/07

Class: Commercial

102 Kenmount Rd	Ex	Hotel
40 Aberdeen Ave	Ms	Retail Store
40 Aberdeen Ave	Ms	Retail Store
40 Aberdeen Ave	Ms	Clinic
46 Aberdeen Ave	Ms	Restaurant
90 Aberdeen Ave	Ms	Retail Store
98 Aberdeen Ave	Ms	Service Shop
95c Aberdeen Ave	Ms	Retail Store
22-24 Blackmarsh Rd	Ms	Retail Store
77 Blackmarsh Rd	Ms	Retail Store
245 Blackmarsh Rd	Ms	Convenience Store
261 Brookfield Rd	Sn	Car Sales Lot
Carpasian Rd	Ms	Club
94 Elizabeth Ave	Ms	Retail Store
391-395 Empire Ave	Ms	Communications Use
2 Fogwill Pl	Ms	Restaurant
32 Frecker Dr Irving	Ms	Service Station
336 Freshwater Rd	Ms	Service Shop
336 Freshwater Rd	Ms	Office
15 Goldstone St	Ms	Service Shop
9 Hallett Cres	Ms	Retail Store
169 Hamlyn Rd	Ms	Service Shop
12-20 Highland Dr	Ms	Retail Store
55c Kelsey Dr	Ms	Service Shop
55 Kelsey Dr	Ms	Restaurant
65 Kelsey Dr-Staples	Ms	Retail Store
102 Kenmount Rd	Ms	Hotel
102 Kenmount Rd	Ms	Office

150 Kenmount Rd	Ms	Car Sales Lot
161 Kenmount Rd	Ms	Retail Store
195 Kenmount Rd	Ms	Service Shop
323 Kenmount Rd	Ms	Retail Store
351-361 Kenmount Rd	Ms	Office
409 Kenmount Rd	Ms	Car Sales Lot
439 Kenmount Rd	Sn	Commercial Garage
330 Lemarchant Rd	Ms	Convenience Store
147 Lemarchant Rd	Ms	Service Shop
225 Logy Bay Rd	Ms	Service Station
430-432 Main Rd	Ms	Convenience Store
484-490 Main Rd	Ms	Restaurant
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
St. Clare Ave	Ms	Place Of Assembly
10 Stavanger Dr	Ms	Boarding House(4 Or Less)
22 Stavanger Dr	Ms	Retail Store

286 Stavanger Dr	Ms	Convenience Store
3 Stavanger Dr	Ms	Restaurant
95e Stavanger Dr	Ms	Service Shop
86 Thorburn Rd	Ms	Office
462 Topsail Rd	Ms	Convenience Store
644 Topsail Rd	Ms	Day Care Centre
393 Topsail Rd	Ms	Other
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
84 Gower St	Rn	Mixed Use
370 Torbay Rd	Rn	Office
350 Torbay Rd	Rn	Office
370 Back Line	Nc	Accessory Building
120 Kenmount Rd Bmw St. John's	Nc	Accessory Building
195 Cbs Bypass Rd	Ex	Warehouse
500 Topsail Rd	Rn	Eating Establishment
470 Topsail Rd	Sw	Retail Store
10 Hebron Way - Harvey's	Nc	Restaurant
61 Kelsey Dr, Rbc	Nc	Bank
79 Mews Pl	Nc	Office

This Week \$ 3,801,737.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

220 Waterford Bridge Rd	Nc	Fence
-------------------------	----	-------

This Week \$ 30,000.00

Class: Residential

19 Aldergrove Pl	Nc	Swimming Pool
8 Birchwynd St	Nc	Patio Deck
101 Blue Puttee Dr, Lot 93	Nc	Single Detached Dwelling
8 Canterbury Pl	Nc	Patio Deck
27 Country Grove Pl, Lot 88	Nc	Single Detached Dwelling
17 Cypress St	Nc	Fence
15 Douglas St - Lot 259	Nc	Single Detached Dwelling
17 Douglas St - Lot 258	Nc	Single Detached Dwelling
10 Galashiels Pl	Nc	Patio Deck
3 Hamlet St	Nc	Patio Deck
38 Barachois St	Nc	Accessory Building
14 Howlett Ave	Nc	Accessory Building
10 Hyde Park Dr	Nc	Accessory Building
22 Kenai Cres - Lot 187	Nc	Single Detached Dwelling
28 Kenai Cres - Lot 190	Nc	Single Detached Dwelling
36 Kenai Cres - Lot 194	Nc	Single Detached Dwelling
74 Kenai Cres - Lot 212	Nc	Single Detached & Sub.Apt
76 Kenai Cres - Lot 213	Nc	Single Detached & Sub.Apt
23 Kenai Cres - Lot 237	Nc	Single Detached Dwelling
166 Ladysmith Dr, Lot 480	Nc	Single Detached Dwelling
178 Lady Smith Drive, Lot 486	Nc	Single Detached Dwelling
2 Leonard Pl	Nc	Patio Deck
10 Mccrae St., Lot 134	Nc	Single Detached Dwelling
631-633 Main Rd	Nc	Accessory Building
21 Miranda St	Nc	Fence
172 Mundy Pond Rd, Unit 1	Nc	Duplex Dwelling
172 Mundy Pond Rd, Unit 2	Nc	Duplex Dwelling
1 Oberon St, Lot 139	Nc	Single Detached & Sub.Apt
3 Pluto St	Nc	Subsidiary Apartment
3 Pluto St	Nc	Fence
33 Portugal Cove Rd	Nc	Accessory Building
77a Rennie's Mill Rd	Nc	Accessory Building
30 Sequoia Dr - Lot 309	Nc	Single Detached Dwelling
3 Sitka St - Lot 293	Nc	Single Detached Dwelling
7 Sitka St - Lot 291	Nc	Single Detached Dwelling
9 Sitka St - Lot 290	Nc	Single Detached Dwelling
11 Wallace Pl	Nc	Accessory Building
148 Watson St	Nc	Fence
43 Wedgeport Rd	Nc	Patio Deck
10 Elizabeth Ave -Smart Kidz	Co	Retail Store
25 Gary Dr	Co	Home Office
60 Ladysmith Dr	Co	Day Care Centre
37 Spruce Grove Ave	Cr	Subsidiary Apartment
4 Galashiels Pl	Cr	Subsidiary Apartment
3 Galashiels Pl	Cr	Subsidiary Apartment
48 Great Eastern Ave	Cr	Single Detached & Sub.Apt
75 Jasper St	Cr	Single Detached & Sub.Apt
216 Water St, 3rd Floor	Cr	Subsidiary Apartment
22 Forest Rd	Ex	Single Detached Dwelling
17 Parade St	Ex	Townhousing
2-20 Brophy Place	Rn	Townhousing
13 Charlton St	Rn	Townhousing
107 Craigmillar Ave	Rn	Townhousing
58 Empire Ave	Rn	Single Detached Dwelling
71 Francis St	Rn	Single Detached Dwelling
16 Gilbert St	Rn	Semi-Detached Dwelling
6 Larkhall St	Rn	Single Detached Dwelling
110 Queen's Rd	Rn	Semi-Detached Dwelling
57 Regent St	Rn	Single Detached Dwelling
72 Spencer St	Rn	Single Detached Dwelling
57 Beothuck St	Sw	Single Detached Dwelling

158 University Ave Sw Single Detached & Sub.Apt
 This Week \$ 4,991,975.00

Class: Demolition

13 Dunford St Dm Single Detached Dwelling
 17a Hussey Dr Dm Single Detached Dwelling
 12 Suez St Dm Single Detached Dwelling
 This Week \$ 35,000.00

This Week's Total: \$ 8,858,712.00

Class: Rejected

10 Wishingwell Road Co Commercial Garage
 Not a Permitted Use in an R1 Zone

Repair Permits Issued: 2012/11/01 To 2012/11/07 \$ 101,100.00

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
November 12, 2012

TYPE	2011	2012	% VARIANCE (+/-)
Commercial	\$89,600,300.00	\$202,300,800.00	126
Industrial	\$2,600,300.00	\$5,000,100.00	92
Government/Institutional	\$35,300,300.00	\$16,200,900.00	-54
Residential	\$205,800,500.00	\$164,000,500.00	-20
Repairs	\$4,800,800.00	\$4,800,000.000	0
Housing Units (1 & 2 Family Dwellings)	633	543	
TOTAL	\$338,102,200.00	\$392,302,300.00	16

NOTE: The above amount for 2012 Year-to-Date Commercial is \$9,100,000. Less than previous weeks; this represents a permit value that was included a second time in this total in error by CSR's which has since been deducted.

The motion being put was unanimously carried.

Payrolls and Accounts

SJMC2012-11-13/569R

It was moved by Councillor Hanlon; seconded by Councillor Collins: That the following Payrolls and Accounts for the week ending November 8, 2012 be approved:

**Weekly Payment Vouchers
For The
Week Ending November 8, 2012**

Payroll

Public Works	\$ 363,521.68
Bi-Weekly Administration	\$ 758,661.66
Bi-Weekly Management	\$ 673,382.51
Bi-Weekly Fire Department	\$ 557,603.41

Accounts Payable \$ 2,713,203.58

Total: \$ 5,066,372.84

The motion being put was unanimously carried.

Tenders

- a. Tender – VMWARE

SJMC2012-11-13/570R

It was moved by Councillor Hanlon; seconded by Councillor Collins: That the recommendation of the Director Finance and City Treasurer be approved and the tender awarded as follows:

- a. ONX Enterprise Solutions @ \$56,828.57, taxes not included.

The motion being put was unanimously carried.

Council Meetings, Christmas Season

Council considered a memorandum dated November 9th, 2012 from the Deputy City Manager/Director of Corporate Services & City Clerk regarding the above noted.

SJMC2012-11-13/571R

It was moved by Councillor Galgay; seconded by Councillor Hickman: That Council suspend its meetings for the weeks of December 24th and 31st, 2012 with the final meeting for 2012 being December 17th, and the first meeting for 2013 being Monday, January 7th.

The motion being put was unanimously carried.

25 Rhodora Street, Gibraltar Development, Noise By Law Exemption Request

Council considered a memorandum dated November 5, 2012 from the Director of Building and Property Management regarding the above noted.

SJMC2012-11-13/572R

It was moved by Councillor Hanlon; seconded by Councillor Hickman: That a request from Gibraltar Development for an exemption from the City's Noise By-Law to facilitate the pouring of concrete floor slabs associated with the development on 25 Rhodora Street, be approved subject to the contractor taking measures to advise residents, such as the delivering of notices to neighbouring houses prior to each concrete pour and advising Council of same.

Councillor Hanlon asked if the residents can be provided with exact time frames for each concrete pour. The matter was referred to staff for follow-up.

The motion being put was unanimously carried.

24 Dublin Road – Sewer Line Easement

Council considered a memorandum dated November 1, 2012 from the City Solicitor regarding the above noted.

SJMC2012-11-13/573R

It was moved by Councillor Hanlon; seconded by Councillor O’Leary: That a sewer line easement required by the City on property at 24 Dublin Road be acquired for \$16,100.00 plus legal fees for the closing of the transaction.

The motion being put was unanimously carried.

Newfoundland Power Easement, Charter Avenue/East Drive - Pleasantville

Council considered a memorandum dated November 8, 2012 from the City Solicitor regarding the above noted.

SJMC2012-11-13/574R

It was moved by Councillor Breen; seconded by Councillor Galgay: That the Easement Agreement between the City and Newfoundland Power for a distribution easement on the City’s affordable house project property at Pleasantville, be approved.

The motion being put was unanimously carried.

Councillor Collins

Councillor Collins advised that he has received complaints regarding the traffic calming measures being implemented on Old Topsail Road. The matter was referred to the Director of Engineering for follow-up.

Councillor Hanlon

Councillor Hanlon noted she has received queries on the status of installing monkey stairs and viewing area adjacent to the proposed condominium hotel site, for Temperance Street by Nolan Hall Real Estate Ltd. The Director of Engineering noted that the installation of the monkey stairs and a dedicated viewing area was a condition of approval of the proposed development. He indicated he will find out if developer intends to proceed with the development.

Councillor Hanlon asked that the City provide extra notification to promote the completion of the work on Elizabeth Avenue.

Councillor O’Leary

Councillor O’Leary indicated that she has received queries from constituents regarding the City’s communication process with the St. John’s Port Authority.

Councillor O’Leary stressed the need for the City to foster strong communications with the Authority for the benefit of the residents and the revitalization of the harbourfront.

His Worship the Mayor noted that the City experiences a strong relationship with the Port Authority and indicated that the line of communication with the St. John’s Port Authority, though very informal, is open based on the need for communication.

Adjournment

There being no further business, the meeting adjourned at 5:05 p.m.

MAYOR

CITY CLERK