

November 14th, 2011

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, Hanlon and Collins.

Regrets: Councillor Tilley

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

Call to Order and Adoption of the Agenda

SJMC2011-11-14-/565R

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

- a. Memorandum dated November 10, 2011 from the City Solicitor re 32 Bugler Place

Adoption of Minutes

SJMC2011-11-14/566R

It was decided on motion of Councillor Galgay; seconded by Councillor O'Leary: That the minutes of the November 7th, 2011 meeting be adopted as presented.

Business Arising

Notice of Motion – Councillor Colbert

SJMC2011-11-14/567R

Pursuant to Notice of Motion, it was moved by Councillor Colbert; seconded by Councillor Breen: That the decision of Council to reject the application by Holy Heart High School to erect a 3' x 6.5' digital sign, be rescinded.

Councillor Colbert noted that he originally voted against the signage but since that he visited the school in the daytime and at night and while he respects the fact the Heritage Committee is doing its best to protect the heritage area and ecclesiastical district, he is satisfied that the Holy Heart sign is far enough removed that it really has no impact.

The motion being put was carried with Councillor Hanlon dissenting.

SJMC2011-11-14/568R

It was then moved by Councillor Colbert; seconded by Councillor Breen: That the application by Holy Heart High School to erect a 3' x 6.5' digital sign, be approved.

Deputy Mayor Duff noted that the proposed digital billboard was rejected by the Heritage Advisory Committee on the basis that a similar sign for The Rooms was previously rejected by Council as being inappropriate in the heritage area and ecclesiastical district, as is this present application. The predominant character of the neighbourhood is also residential.

SJMC2011-11-14/569R

It was then moved by Deputy Mayor Duff; seconded by Councillor O'Leary: That a decision to approve the application be deferred and referred back to the Heritage Advisory Committee for further review of the heritage sign by-law.

Councilor Colbert questioned whether there is such a by-law. Deputy Mayor Duff agreed that the issue needs to be clarified.

Following discussion, the motion to defer being put there voted for it the mover, seconder and Councillors Galgay, Hanlon and Collins. Voting against the motion were Councillors Breen, Colbert, Hann, Hickman and His Worship the Mayor. The motion to defer was lost.

SJMC2011-11-14/570R

It was then moved by Councillor Colbert; seconded by Councillor Breen: That the main motion be amended to grant approval of the application by Holy Heart High School to erect a 3' x 6.5' digital sign, provided it does not contravene the Heritage Sign By-law.

SJMC2011-11-14/571R

It was then moved by Deputy Mayor Duff; seconded by Councillor Hanlon: That the motion be amended to grant approval of the application by Holy Heart High School to erect a 3' x 6.5' digital sign, subject to the following conditions (a) no marquee lighting (b) the sign not to be bigger than existing wooden sign and (c) lights not be on after 11 pm.

SJMC2011-11-14/572R

It was then moved by Councillor Galgay; seconded by Councilor O'Leary That a decision be deferred for one week pending clarification with respect to the existence of a sign by-law, and confirmation on whether the Principal of Holy Heart would agree to the conditions of approval proposed.

The motion being put was carried with Councillor Colbert dissenting.

Application to Rezone Property on Maddox Cove Road (Ward 5)

Applicants: Stan Murphy, Bernard Chafe, Colleen Stack & Samuel Stack

Under business arising, Council considered a memorandum dated November 9, 2011 from the Director of Planning regarding the above noted. The Department of Municipal Affairs has advised that they are not prepared to issue a Provincial release at this time for the proposed City Amendments to rezone properties at the west end of Maddox Cove Road from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone. The rezoning process cannot proceed any further unless the Minister of Municipal Affairs agrees to undertake an amendment to change the Regional Plan designation for the properties under consideration for rezoning and a Provincial release is issued for the City's amendments.

SJMC2011-11-14/573R

It was moved by Councillor Collins; seconded by Councillor Hanlon: That the matter be referred to the Planning Committee for further review.

The motion being put was unanimously carried.

Notices Published

1. A **Discretionary Use Application** has been submitted by Janet Russell (Alca Productions Inc.) requesting permission to establish and occupy a 29m² floor area at **Civic No. 79 Queen's Road** for the creation and sale of Newfoundland audio books. The proposed retail area will comprise a floor area of 14m² and will be located on the main floor and operate Monday - Friday from 10:00 a.m. to 6:00 p.m. The office area of 15m² will be located on the second floor, operating 9:00 a.m. to 6:00 p.m., Monday to Friday. The business will employ a staff of two (2). Two (2) hour parking is available on adjacent streets. **(Ward 2)**

Two (2) submissions of objection
One (1) submission of support

SJMC2011-11-14/574R

It was moved by Deputy Mayor Duff; seconded by Councillor Hickman: That the application be approved.

The motion being put was unanimously carried.

Public Hearing

Public Hearing Report dated October 26, 2011

Re: Application to Rezone Property to Allow a Residential Subdivision
Civic Number 85 Old Petty Harbour Road **(Ward 5)**

Applicant: Republic Properties Inc.

Memorandum dated November 1, 2011 from the Director of Planning

Councillor Hickman presented a public hearing report dated October 26, 2011, the purpose of which was to provide an opportunity for public review and comment on the application submitted by Republic Properties Inc. to rezone land at Civic Number 85 Old Petty Harbour Road from the Comprehensive Development Area Number 5 (CDA-5) Zone to the Residential Low Density (1) Zone. The purpose of the rezoning is to enable the development of a residential subdivision for sixteen (16) building lots for single detached houses.

In this regard Council considered a memorandum dated November 1, 2011 from the Director of Planning.

SJMC2011-11-14/575R

It was moved by Councillor Hickman; seconded by Councillor Collins: That staff be directed to proceed with the rezoning of the requested portion of the property at Civic Number 85 Old Petty Harbour Road from the CDA-5 Zone to the Residential Low Density (R1) Zone; and adopted the following Resolution for St. John's Development Regulations Amendment Number 527, 2011, 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 527, 2011**

WHEREAS the City of St. John's wishes to allow the development of a residential subdivision for single-detached houses on property located at Old Petty Harbour 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 pursuant to the provisions of the Urban and Rural Planning Act:

Rezone land at Old Petty Harbour Road from the Comprehensive Development Area 5 (CDA-5) Zone to the Residential Low Density (R1) 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.

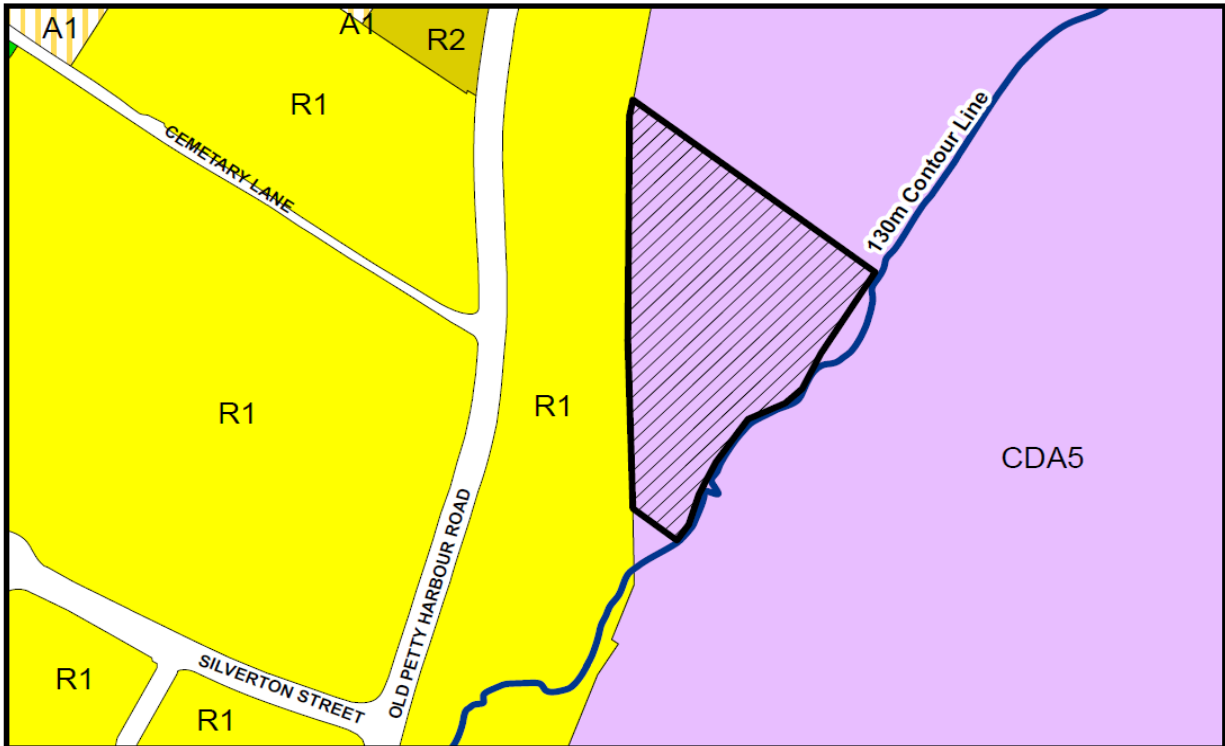
IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on Behalf of Council this 14th day of **November, 2011.**

Mayor

City Clerk

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. 527, 2011
[Map Z-1A]**

2011 10 27 SCALE: 1:2500
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
COMPREHENSIVE DEVELOPMENT AREA 5 (CDA5) LAND USE ZONE
TO RESIDENTIAL LOW DENSITY (R1) LAND USE ZONE

85 OLD PETTY HARBOUR ROAD

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permits List for the period of November 4th to 9th, 2011:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF November 4, 2011 TO November 9, 2011**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Tina Tulk	Proposed Subdivide of vacant land for 2 building lots	77 Penetanguishene Road	4	Rejected , contrary to Section 10.3.3.1.(b)	11-11-04
RES	Garnet Kindervater	Proposed Building Lot	12A Forest Avenue (Lot 2)	2	Approved	11-11-09

* 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

SJMC2011-11-14/576R

It was decided on motion of Councillor Hann; seconded by Councillor Breen: That the recommendation of the Director of Building and Property Management with respect to the following Building Permits List be approved:

2011/11/08

Permits List

CLASS: COMMERCIAL

THE NATURAL HEALTH SHOP	16 STAVANGER DR	CO RETAIL STORE
BLACKMARSH SUPERETTE	137 BLACKMARSH RD	MS CONVENIENCE STORE
SALTWATER IMAGES INC.	203 BLACKMARSH RD	MS RETAIL STORE
X-STATIC HAIR SALON	271 BLACKMARSH RD	MS SERVICE SHOP
GALAXY TRAVEL INC.	271 BLACKMARSH RD	MS OFFICE
LAURIER LOUNGE	301 HAMILTON AVE	MS TAVERN
CANADIAN TIRE REAL ESTATE	50 KELSEY DR	MS RETAIL STORE
CAA ATLANTIC SERVICES LIMITED	55 KELSEY DR	MS OFFICE
PET ZONE	193 KENMOUNT RD	MS RETAIL STORE
LOU'S AUTOMOTIVE & INDUSTRIAL	468 LOGY BAY RD	MS COMMERCIAL GARAGE
ARIZONA HEAT INC.	38 ROPEWALK LANE	MS SERVICE SHOP
PC MEDIC INCORPORATED	16 STAVANGER DR	MS OFFICE
HERBAL MAGIC INC.	140 STAVANGER DR	MS RETAIL STORE
MEGA WRAPS	585 TORBAY RD	MS EATING ESTABLISHMENT
MACKENZIE GEEHAN	134 WATER ST	CR SERVICE SHOP
PARKSIDE DEVELOPMENT	TOPSAIL RD -SITE TRAILER	NC ACCESSORY BUILDING
QUIDI VIDI BREWING COMPANY LTD	35 BARROWS RD	EX INDUSTRIAL USE
CANADIAN MEDICAL PRODUCTS INC.	45 JAMES LANE	RN OFFICE
ROHCAN INVESTMENTS INC.	120 TORBAY RD, GEMINI REALTY	CR OFFICE
BROWNING HARVEY LIMITED	15 ROPEWALK LANE	SW INDUSTRIAL USE
HENNEBURY ENGINEERING LTD	790 KENMOUNT RD - SELF STORAGE	NC WAREHOUSE
		THIS WEEK \$ 2,099,950.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00

CLASS: RESIDENTIAL

DAVID EBSARY	11 ABRAHAM ST	NC ACCESSORY BUILDING
PRO-TECH CONSTRUCTION LTD	12 GLEN ABBEY ST, LOT 254	NC SINGLE DETACHED & SUB.APT
JEFFREY CAREW	101 CHEESEMAN DR, LOT 59	NC SINGLE DETACHED & SUB.APT
ERCO HOMES	14 DAUNTLESS ST - LOT 139	NC SINGLE DETACHED & SUB.APT
NEW VICTORIAN HOMES	48 DAUNTLESS ST, LOT 122	NC SINGLE DETACHED DWELLING
CYNTHIA SLANEY	68 GLENLONAN ST	NC ACCESSORY BUILDING
FAIRVIEW INVESTMENTS LIMITED	178 GREAT EASTERN AVE, LOT 125	NC SINGLE DETACHED & SUB.APT
KYLE CHURCHILL	1 HALIFAX ST	NC ACCESSORY BUILDING
TERRY WALSH CONTRACTING LTD.	9 HAMLET ST, LOT 46	NC SINGLE DETACHED DWELLING

ENCON CONSTRUCTION LTD.	8 IRONWOOD PL - LOT 32	NC SINGLE DETACHED DWELLING
KERRI L. BLUNDELL	20 JOHN ST	NC PATIO DECK
LAWRENCE W. WARREN AND	22 MACBETH DR	NC ACCESSORY BUILDING
NEW VICTORIAN HOMES	32 MCCRAE ST - LOT 145	NC SINGLE DETACHED DWELLING
HANN CONSTRUCTION LTD	40 MCCRAE ST, LOT 149	NC SINGLE DETACHED DWELLING
BLUEWATER PROPERTY & DEV	17 MIRANDA ST, LOT 94	NC SINGLE DETACHED & SUB.APT
KARWOOD CONTRACTING	24 NAUTILUS ST, LOT 111	NC SINGLE DETACHED DWELLING
BONITA BUTLER	454 OLD PENNYWELL RD	NC SINGLE DETACHED DWELLING
GUOQI HAN AND	108 PENNEY CRES	NC FENCE
SKYMARK CONTRACTING LTD.	8 PLUTO ST, LOT 76	NC SINGLE DETACHED DWELLING
PRO-TECH CONST	4 ROSE ABBEY ST, LOT 151	NC SINGLE DETACHED & SUB.APT
MARTYN FEAR AND	14 ROSTELLAN PL	NC SINGLE DETACHED DWELLING
RENEE M. NOLAN	51 SALISBURY ST	NC PATIO DECK
ALLAN & KAREN THOMAS	5 STONEBRIDGE PL	NC FENCE
DAVID OSMOND	11 THISTLE PL	NC SINGLE DETACHED DWELLING
GERALD GALWAY	17 TOPSAIL RD	NC ACCESSORY BUILDING
YU ZHOU	38 NAVAJO PL	CO HOME OFFICE
PAUL SHORT	54 CAPE PINE ST	CR SUBSIDIARY APARTMENT
CHRISTOPHER HICKMAN AND	46 CIRCULAR RD	EX SINGLE DETACHED DWELLING
STEPHEN BETTLES/JILL DWYER	6 ALDER PL	RN SINGLE DETACHED DWELLING
CARSON BASTOW	45 BONAVIDA ST	RN SINGLE DETACHED DWELLING
MIKE/TAMMY LEE JOYCE	16-18 DURDLE DR	RN SINGLE DETACHED DWELLING
GLEN O'NEIL	26 FOX AVE	RN SINGLE DETACHED & SUB.APT
A & L CONSTRUCTION INC.	133 GREAT EASTERN AVE	RN SINGLE DETACHED DWELLING
EDWARD & WINNIFRED MULLALY	21 MULLOCK ST	RN SEMI-DETACHED DWELLING
CHRISTOPHER EVANS	23 MULLOCK ST	RN TOWNHOUSING
DONOVAN HOMES	5 ADVENTURE AVE	SW SINGLE DETACHED DWELLING
DARREN O'REILLY	16 BRAEMERE ST	SW SINGLE DETACHED DWELLING
MICHAEL WOODS	32 CIRCULAR RD	SW SINGLE DETACHED DWELLING
WILLIAM COLLINS	33 MURPHY'S AVE	SW SINGLE DETACHED DWELLING
BARBARA MULLOY	361 AIRPORT HEIGHTS DR	SW SINGLE DETACHED & SUB.APT

THIS WEEK \$ 5,996,800.00

CLASS: DEMOLITION

GOV. OF NFLD. & LAB	CHARTER AVE, BLDG 901	DM ADMIN BLDG/GOV/NON-PROFIT
		THIS WEEK \$ 45,000.00

THIS WEEK'S TOTAL: \$ 8,141,750.00

REPAIR PERMITS ISSUED: 2011/11/03 TO 2011/11/08 \$ 114,260.00

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	

Payrolls and Accounts

SJMC2011-11-14/577R

**It was decided on motion of Councillor Colbert; seconded by Councillor O’Leary:
That the following Payrolls and Accounts for the weeks ending November 10, 2011
be approved:**

**Weekly Payment Vouchers
For The
Week Ending November 10, 2011**

PAYROLL

Public Works	\$ 358,804.12
Bi-Weekly Administration	\$ 704,085.13
Bi-Weekly Management	\$ 632,132.41
Bi-Weekly Regional Fire Department	\$ 563,383.44

ACCOUNTS PAYABLE \$2,792,814.91

Total: \$5,051,220.01

Chairing Public Meetings 2012

Council considered a memorandum dated November 14, 2011 from the Acting City Clerk regarding the chairing of public meetings 2012.

Councillor Hickman suggested that consideration be given to alternating the chair for each public meeting. Council agreed that the matter be referred to the Planning Committee for consideration.

32 Bugler Place

Council considered a memorandum dated November 10, 2011 from the City Solicitor regarding the above noted.

SJMC2011-11-14/578R

It was moved by Councillor Breen; seconded by Councillor Colbert: That City land on Bugler Place be sold to the owner of 32 Bugler Place for \$2,088.00 (\$2/sq.ft.) plus the usual administration fees and HST.

The motion being put was unanimously carried.

His Worship

His Worship the Mayor reminded members of Council of the rules adopted by Council pertaining to going around the Council table.

Councillor O'Leary

Councillor O'Leary advised that as City Councillor and Co-Chair of the Coalition for Alternatives to Pesticides, she wrote a letter to the Minister of Environment, Honourable Minister Terry French, commending him on his commitment to the enactment of a ban on the use and sale of cosmetic pesticides. She noted the Province's commitment to the provincial legislation of a ban as was announced by Mr. French's predecessor, Mr. Ross Wiseman.

Councillor O'Leary commended an initiative taken by Calgary Mayor, Naheed Nenshi with respect to community involvement and planning issues. The purpose of the initiative is to try to engage people further into their community, which she feels is a great initiative that could be practiced by all citizens.

Councillor Hann

Councillor Hann advised that construction of the layby in front of Brother Rice School is now completed.

Councillor Hanlon

Councillor Hanlon expressed her objection to the rules pertaining to the Council go around. She noted that she intends to bring forward her previous motion with respect to a complete review of Council.

Councillor Hanlon advised of illegal dumping in the George's Pond area noting that a group of residents have taken the initiative to monitor the area.

His Worship the Mayor

His Worship the Mayor reminded members of Council that he agreed to Chair the Audit Standing Committee on the basis that no other member of Council expressed an interest. He noted his willingness to step down as chair to afford the opportunity to those members of Council who wish to chair a standing committee.

(Councillor O'Leary left the meeting)

Councillor Hann expressed concern that there is an impression that something untoward has taken place with respect to the process for selecting chairs of the committees. He defended the current process which involves nominations and subsequent voting for the committee chairs.

Adjournment

There being no further business, the meeting adjourned 5:40 p.m.

MAYOR

CITY CLERK