

September 16th, 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.

The City Manager; Deputy City Manager, Corporate Services & City Clerk; Deputy City Manager, Public Works; Deputy City Manager, Financial Management; Deputy City Manager, Planning, Development & Engineering; Deputy City Manager, Community Services; Director of Engineering; City Solicitor, Chief Municipal Planner and Manager, Corporate Secretariat, were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2013-09-16/405R

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

- a. Notice of Motion
- b. Tender – Compu-Spread Parks
- c. Tender – Pine Bud Place – Water and Sewer Upgrade
- d. Nomenclature Committee Report, Sept. 16th, 2013
- e. Requests to Council from the Rotary Club
- f. Notice of Motion – O'Brien Farm Foundation

Adoption of Minutes

SJMC2013-09-16/406R

It was decided on motion of Deputy Mayor Duff; seconded by Councillor Galgay: That the minutes of September 9th, 2013 be adopted as presented.

Notices Published

1. A **Discretionary Use Application** has been submitted requesting permission to construct a Single Detached Dwelling at **civic number 14 Henry Street** to create a one unit Single-Detached Infill dwelling. One off-street parking space will be provided. (Ward 2)

One (1) submission

SJMC2013-09-16/407R

**It was moved by Councillor Hann; seconded by Councillor Hickman:
That the application be approved.**

The motion being put was unanimously carried.

2. **Discretionary Use Application** has been submitted requesting permission to occupy **civic number 515 Back Line Road** as a Home Occupation for an Esthetics Spa. The proposed business will offer esthetic services such as manicures, pedicures, waxing and massage. It will occupy a floor area of approximately 8.8 m² and will operate Monday to Saturday, 9 a.m. to 7 p.m., one client per session, by appointment only. Each session is approximately one to two hours long, with a maximum of five sessions per day. On-site parking is available for the business. The applicant is the sole employee. (Ward 5)

One (1) Submission

SJMC2013-09-16/408R

**It was moved by Councillor Hann; seconded by Councillor Hickman:
That the application be approved.**

The motion being put was unanimously carried.

3. A **Discretionary Use Application** has been submitted requesting permission to occupy a portion of **civic number 300 LeMarchant Road** as a Home Occupation for an Internal Medicine and Kidney Disease Clinic. The proposed business will occupy a floor area of approximately 14.5 m² and will operate Monday to Friday, 9 a.m. to 5 p.m., one patient per appointment, and is by appointment only. Each appointment is approximately one hour or less, with a maximum of 10 patients per day. Two on-site parking spaces are available for the business. The applicant is the sole employee. (Ward 2)

SJMC2013-09-16/409R

**It was moved by Councillor Hann; seconded by Councillor Hickman:
That the application be approved.**

The motion being put was unanimously carried.

Committee Reports

Planning Committee Report dated September 11, 2013

Council considered the following Planning Committee Report dated September 11, 2013:

In Attendance: Councillor Tom Hann, Chairperson
Deputy Mayor Shannie Duff
Councillor Sheilagh O’Leary
Councillor Sandy Hickman
Councillor Bruce Tilley
Councillor Danny Breen
Robert Smart, City Manager
Dave Blackmore, Deputy City Manager, PDE
Jason Sinyard, Director, Planning and Development
Brendan O’Connell, Director, Engineering
Lynnann Winsor, Director, Water & Wastewater
Lindsay Lyghtle-Brushett, Planner
Judy Powell, Metrobus
Sandy Abbott, Recording Secretary

The following matters were considered by the Planning and Housing Committee at its meeting held on September 11, 2013. A staff report is attached for Council’s information.

- 1. Department of Planning File Number: B-17-L.7 / 13-00131
Proposed Rezoning from the Institutional (INST) Zone to the Residential Kenmount (RK) Zone
Ladysmith Drive, East Side
Applicant: 11368 NL Ltd. (Ward 4)**

The applicant has submitted an application to rezone part of a property situated on the east side of Ladysmith Drive. The subject property is zoned Institutional (INST). The purpose is to rezone the subject property to the Residential Kenmount (RK) Zone. A Municipal Plan amendment would be required for this application.

The Committee recommends rejection as it is premature, and any change in the zoning in that area is deferred until the Municipal Plan Review is completed.

- 2. Siting of Wireless Facilities (Telecommunication or Cellphone Towers)
Draft Siting Protocol**

The matter of a siting protocol has been discussed at the Development Committee and the Planning and Housing Committee. This latest draft (attached) is referred for consideration.

The Committee recommends that the Draft Siting Protocol be recommended to Council for approval at its next regular meeting.

3. Department of Planning File Number: B-17-M.19 / 13-00109

Proposed Text Amendment to allow residential uses on the ground floor within the Commercial Office (CO) Zone, on a discretionary basis

53 and 67 Margaret's Place

Applicant: 66459 Newfoundland and Labrador Ltd.

Newfoundland and Labrador Ltd. Has submitted an application to redevelop the property located on 53 and 67 Margaret's Place in St. John's. The application is to allow residential uses on the ground floor within the Commercial Office (CO) Zone, on a discretionary basis.

The Committee recommends approval of the application by Council.

(Original Signed)

Jason Sinyard
Director, Planning and Development

SJMC2013-09-16/410R

Regarding Item # 2 – Siting of Wireless Facilities, it was moved by Councillor Hann; seconded by Councillor Tilley: That the Draft Siting Protocol be adopted as presented, that it be referred to a public meeting; that staff meet with Industry Canada and representatives of the telecom industry, and further, that staff be directed to begin reviewing applications using this protocol, until such time as the amendments dealing with the classification of wireless facilities, and in which zones they are discretionary, have been made. These would be brought forward to Council at a future date for consideration.

Discussion ensued during which members of Council accepted a friendly amendment by Councillor Tilley to the motion as follows:

Council would favour locations which are not in a Residential Zone or an Apartment Zone, and at least **200 m** from a Residential zone, an Apartment zone, a school property, or a recreational facility.

During discussion. Councillor Hickman suggested that staff at some future date look at the possibility of including land owners/renters in this policy and review the tax regime for the land being leased.

Following discussion, the amended motion being put was unanimously carried.

SJMC2013-09-16/411R

It was then moved by Councillor Tilley; seconded by Councillor Hann: That the City indicate to Bell Mobility that their proposal to build a cell tower on McLoughlan Street is unacceptable, and that they be asked to find an alternate site for the proposed tower.

The motion being put was unanimously carried.

SJMC2013-09-16/412R

Regarding Item # 1 – Ladysmith Drive, East Side Proposed Rezoning, it was moved by Councillor Hann; seconded by Councillor Hickman: That the Committee’s recommendation of deferral of the proposed rezoning be accepted.

Councillor Hanlon spoke against the motion and asked that the development be allowed to continue, noting that the INST Zone was put in place for future school or institutional use ; however, the Eastern School District have since advised they do not require this land. Other members of Council felt that as part of having a complete neighbourhood with different land uses within easy walking distance it would be wise to explore other possible institutional uses before rezoning it.

Following discussion , the motion being put was carried with Councillors Hanlon and Tilley dissenting.

SJMC2013-09-16/413R

Regarding Item #3, 52 and 62 Margaret’s Place, it was moved by Councillor Hann, seconded by Councillor Breen: That the Committee’s recommendation of approval be accepted.

The motion being put was unanimously carried.

Nomenclature Committee Report

Council considered the following Nomenclature Committee Report:

Date: September 13th , 2013
To: His Worship the Mayor and Members of Council
From: Nomenclature Committee
Re: Committee Recommendations

Council approval is requested for the following Street name:

Southlands Development Areas 3 & 4 – Stage 5 (44 lots) Fairview Investments Limited (Ward 5)

1. Cherrybark Crescent

SJMC2013-09-16/414R

It was moved by Councillor Collins: seconded by Councillor Breen: That the Committee's recommendation be approved.

The motion being put was unanimously carried.

Nomenclature Committee Report

Council considered the following Nomenclature Committee Report dated September 16th, 2013:

Date: September 16th, 2013
To: His Worship the Mayor and Members of Council
From: Nomenclature Committee
Re: Committee Recommendations

Council approval is requested for the following Street names:

Coventry Terrace Subdivision (53 Lots)

- 1. Daimler Street**
- 2. Willenhall Place**

SJMC2013-09-16/415R

It was moved by Councillor Tilley; seconded by Councillor Breen: That the Committee’s recommendations be approved.

The motion being put was unanimously carried.

Development Permits

Council considered as information the following Weekly Development Permits for the period September 6, 2013 to September 12, 2013:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF September 6, 2013 TO September 12, 2013**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Avalon Mall	Waste Enclosure	48 Kenmount Road	4	Approved	13-09-06
RES		Demolition & Rebuild of Single Detached Dwelling	9 Morris Avenue	2	Approved	13-09-11
COM	Murphy's Service Centre	Parking Lot Improvements	155 Empire Avenue	4	Approved	13-09-12

* 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 – September 16 2013

SJMC2013-09-16/416R

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

**Building Permits List
Council’s September 16, 2013 Regular Meeting**

Permits Issued: 2013/09/05 To 2013/09/11

CLASS: COMMERCIAL

175 Hamlyn Rd., Royal LePage	Co	Office		
181 Hamilton Ave	Nc	Accessory Building		
22 Austin St	Sn	Communications Use		
48 Kenmount Rd - Intersport	Sn	Retail Store		
223 Duckworth St, Suite 223	Sn	Office		
Elizabeth Ave	Ms	Commercial School		
50 Mews Pl Cabot Tire & Auto R	Sn	Commercial Garage		
199 Water St Smoothie Factory	Sn	Eating Establishment		
Freshwater Rd - Apt 112	Co	Office		
181 Mundy Pond Rd, 2nd Floor	Rn	Mixed Use		
187 Kenmount Rd, Cbcl	Rn	Office		
260 Duckworth St	Sw	Parking Lot		
15 Prescott St.	Sw	Parking Lot		
33 Pippy Pl	Rn	Office		
117 Ropewalk Lane	Cr	Commercial School		
			This Week \$	237,100.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

101 Torbay Road	Ms	Church		
Harbour Dr.-Pier 9	Nc	Accessory Building		
			This Week \$	160,500.00

Class: Residential

37 Baird Pl	Nc	Patio Deck		
301 Bay Bulls Rd	Nc	Accessory Building		
16 Blackall Pl	Nc	Accessory Building		
3 Chester Pl	Nc	Accessory Building		
52 Cypress St	Nc	Accessory Building		
14 Douglas St Lot 253	Nc	Single Detached & Sub.Apt		
101 Doyle's Rd	Nc	Accessory Building		
34 Dunkerry Cres	Nc	Accessory Building		
38 Dunkerry Cres, Lot 271	Nc	Single Detached Dwelling		
56 Dunkerry Cres Lot 262	Nc	Accessory Building		

63 Durdle Dr	Nc	Accessory Building
24 Exmouth St	Nc	Patio Deck
8 Fallowtree Pl	Nc	Fence
61 Feild St	Nc	Single Detached & Sub.Apt
12 Gerard Pl	Nc	Accessory Building
16 Gibbon Pl, Lot 15	Nc	Single Detached Dwelling
20 Gibbon Pl, Lot 13	Nc	Single Detached Dwelling
18 Glenlonan St(Retaining Wall	Nc	Fence
35-37 Hennessey's Line	Nc	Single Detached Dwelling
6 Ironwood Pl	Nc	Accessory Building
76 Lady Anderson St	Nc	Fence
83 Main Rd	Nc	Fence
83 Main Rd	Nc	Accessory Building
66 Newfoundland Dr	Nc	Patio Deck
108 Old Pennywell Rd	Nc	Single Detached & Sub.Apt
56 Orlando Pl Lot 193	Nc	Single Detached & Sub.Apt
42 Parsonage Dr	Nc	Accessory Building
42 Parsonage Dr	Nc	Fence
72 Airport Heights Dr	Nc	Patio Deck
52 Rosalind St	Nc	Fence
12 Sequoia Dr , Lot 300	Nc	Single Detached Dwelling
326 Stavanger Dr	Nc	Fence
18 Tigress St, Lot 617	Nc	Single Detached & Sub.Apt
193 Waterford Bridge Rd	Nc	Accessory Building
207 Brookfield Rd	Ex	Single Detached Dwelling
10 Conway Cres	Ex	Single Detached Dwelling
36 Melville Pl	Ex	Patio Deck
37 Parsonage Dr	Ex	Single Detached Dwelling
67 Wabush Pl	Ex	Single Detached & Sub.Apt
10 Central St	Rn	Single Detached Dwelling
12 Colonial St	Rn	Townhousing
65 Faulkner St	Rn	Single Detached Dwelling
15 Flavin St	Rn	Single Detached Dwelling
10 Kenai Cres	Rn	Single Detached Dwelling
18 Kenai Cres	Rn	Single Detached & Sub.Apt
99 Maunder's Lane	Rn	Single Detached Dwelling
36 Melville Pl	Rn	Single Detached Dwelling
112 Newtown Rd	Rn	Single Detached Dwelling
48 O'reilly St	Rn	Single Detached Dwelling
63 Quidi Vidi Rd	Rn	Single Detached Dwelling
65 Rennie's Mill Rd	Rn	Single Detached & Sub.Apt
182 Waterford Bridge Rd	Rn	Single Detached Dwelling
26 Winter Ave	Rn	Single Detached Dwelling
119 Blue Puttee Dr	Sw	Single Detached Dwelling
35 Country Grove Pl	Sw	Single Detached Dwelling
59 Duckworth St	Sw	Single Detached Dwelling
31 Exmouth St	Sw	Single Detached Dwelling
5 Glenlonan St	Sw	Single Detached Dwelling
112 Old Petty Harbour Rd	Sw	Single Detached & Sub.Apt

This Week \$ 3,245,250.00

Class: Demolition

9 Morris Ave	Dm	Single Detached Dwelling
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This Week \$.00

This Week's Total: \$ 3,642,850.00

Repair Permits Issued: 2013/09/05 To 2013/09/11 \$ 153,750.00

2 Beaumont Street - application for billboard was rejected due to Section 23(6) of the St. John's Sign By - Law.

Legend

- Co Change Of Occupancy
- Cr Chng Of Occ/Renovtns
- Ex Extension
- Nc New Construction
- Oc Occupant Change
- Rn Renovations
- Sw Site Work
- Ti Tenant Improvements
- Sn Sign
- Ms Mobile Sign
- Cc Chimney Construction
- Cd Chimney Demolition
- Dv Development File
- Ws Woodstove
- Dm Demolition

YEAR TO DATE COMPARISONS			
September 16, 2013			
TYPE	2012	2013	% VARIANCE (+/-)
Commercial	\$156,900,000.00	\$70,500,900.00	-55
Industrial	\$3,600,100.00	\$131,000.00	-96
Government/Institutional	\$15,500,500.00	\$72,000,000.00	365
Residential	\$137,000,100.00	\$117,500,300.00	-14
Repairs	\$3,800,500.00	\$3,700,200.00	-3
Housing Units (1 & 2 Family Dwellings)	456	332	
TOTAL	\$316,801,656.00	\$263,832,732.00	-17

Respectfully Submitted,

David Blackmore, R.P.A.
Deputy City Manager - Planning, Development & Engineering

Payrolls and Accounts

SJMC2013-09-16/417R

It was decided on motion of Councillor Tilley; seconded by Councillor Breen: That the following Payrolls and Accounts for the week ending September 12th, 2013 be approved:

**Weekly Payment Vouchers
For The
Week Ending September 12, 2013**

Payroll

Public Works	\$ 412,323.91
Bi-Weekly Administration	\$ 806,917.32
Bi-Weekly Management	\$ 748,071.32
Bi-Weekly Fire Department	\$ 600,443.14
Accounts Payable	\$ 6,147,319.18
Total:	\$ 8,715,074.84

Tender

1. Tender – Water Transmission Main Replacement
Blackmarsh Road to Topsail Road
2. Pine Bud Place- Water & Sewer Upgrade
3. Tender – Bay Bulls Road Street Upgrading Phase 2
(Royal Oak Drive to Bay Bulls Road)
4. Tender - Tender Skate Park Equipment 2013079
5. Compu-Spread Parts

SJMC2013-09-16/418R

**It was decided on motion of Councillor Tilley; seconded by Councillor Breen:
That recommendations of the Director of Engineering and the Deputy City
Manager of Corporate Services be approved and the tenders awarded as
follows:**

1. **Pyramid Construction Ltd. @ \$1,800,501.32**
2. **Pyramid Construction Ltd. @ \$1,621,883.35**
3. **Weir's Construction @ \$1,930,506.41**
4. **Canadian Ramp Company @ \$51,221.81 – taxes extra**
5. **Bosch Rexroth Canada Corp. @ \$44,069.74**

Notice of Motion

Councillor Breen gave the following Notice of Motion

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move to enact an amendment to the St. John's Commercial Property Tax By-Law so as to provide for vacancy relief where the tenant of leased premises is exempt from municipal taxation by virtue of provincial or federal legislation.

DATED at St. John's, NL this 16th day of September, 2013

Notice of Motion

Deputy Mayor Duff gave the following Notice of Motion

TAKE NOTICE that I will at the next Regular Meeting of Council move a motion to introduce a ByLaw to exempt the O'Brien Farm Foundation from municipal property tax.

Dated at St. John's this 16th day of September, 2013

Curbside Leaf Collection Pilot Project

Council considered a memorandum dated September 12, 2013 from the Deputy City Manager, Public Works along with a background report from Mr. Steve Colford on a proposed curbside leaf collection project.

SJMC2013-09-16/419R

It was moved by Councillor O'Leary; seconded by Councillor Breen: That the pilot curbside leaf collection program be deferred and referred to the Public Works Committee for discussion.

His Worship the Mayor felt that the program should not be implemented until next year to allow an opportunity to educate the general public.

Following discussion, the motion being put was carried with His Worship the Mayor dissenting.

92 Bay Bulls Road

Council considered a memorandum dated September 11, 2013 from the City Solicitor regarding the above noted.

SJMC2013-09-16/420R

It was moved by Councillor Collins; seconded by Councillor Hanlon: That Notice of Expropriate be executed for land required by the City from 92 Bay Bulls Road for street upgrading.

The motion being put was unanimously carried.

Kiwanis Street, 59973 Newfoundland & Labrador Limited

Council considered a memorandum dated September 11, 2013 from the City Solicitor regarding the above noted.

SJMC2013-09-16/421R

It was moved by Councillor Collins; seconded by Councillor Hanlon: That Notice of Expropriation be executed for land required by the City from 59973 Newfoundland & Labrador Limited for construction of Kiwanis Street.

The motion being put was unanimously carried.

**Letter to His Worship the Mayor dated September 6, 2013 from Alexander (Sandy) Roche, Treasurer, Rotary Club of Waterford Valley
Re: Requests to Council from the Rotary Club**

Council considered the above noted letter to His Worship the Mayor

SJMC2013-09-16/422R

It was moved by Councillor O'Leary; seconded by Councillor Breen: That the City in conjunction with the City of Mount Pearl and the Town of Paradise proceed with the following:

- a. **The creation of an inter-municipal body which would require the relevant officials of the three municipalities to come together on a regular basis to deliberate on the health of the Waterford River and to maximize the opportunity for a more coordinated approach to planning and developments throughout the river system;**
- b. **A study which would assess how the health of the river has fared over time; enumerate and prioritize the factors that currently affect or will likely affect the health of the river and identify possible mitigating remedial actions with order of magnitude cost estimates;**

- c. **Participate in the September 29th, World Rivers Day Event focusing on the Waterford River.**

The motion being put was unanimously carried.

Councillor O’Leary

Councillor O’Leary brought forward an ongoing complaint on behalf of Mr. J. Pike in relation to the operation of an industrial business, D. F. Barnes Ltd., 11-45 Pepperrell Road, seemingly operating in violation of City regulations. She asked that the matter be referred to staff for follow-up.

Adjournment

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

MAYOR

CITY CLERK