

September 24th, 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, Hann, Colbert, Breen, Galgay, Tilley and Collins.

Regrets: Deputy Mayor Duff and Councillor Hanlon.

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

Call to Order and Adoption of the Agenda

SJMC2012-09-24/474R

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

1. Memorandum dated September 17, 2012 from the Director of Engineering
Re: Road Closure, TD Building 136 – 140 Water Street
2. Memorandum dated September 20, 2012 from His Worship the Mayor
Re: Kruzenshtern Tall Ship Visit
3. Memorandum dated September 24, 2012 from the Director of Building & Property Management
Re: Mobile Vending, Long Dick's Sausage Emporium

Adoption of Minutes

SJMC2012-09-24/475R

**It was decided on motion of Councillor Breen; seconded by Councillor O'Leary:
That the minutes of September 17th, 2012 meeting be adopted as presented.**

Notices Published

1. **A Variance of Non-Conformity Application** has been submitted by an applicant requesting permission to demolish an existing single-detached dwelling located at **Civic No. 62 Cuckhold's Cove Road** and to construct a new single detached dwelling on the site which is 50% larger. The existing dwelling has a floor area of approximately 80 meters squared and the proposed new dwelling will have a floor area of 120 meters squared. The application site is located in the Open Space (O) Zone, where the existing single detached dwelling is considered to be a legal non-conforming use. **(Ward 2)**

SJMC2012-09-24/476R

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

The motion being put was unanimously carried.

Development Committee Report dated September 17, 2012

Council considered the following Development Committee Report dated September 11, 2012:

RECOMMENDATIONS

1. **Acreage Investments Limited**
Crown Land Referral for 1.2 Hectares of Land
Thorburn Road (adjacent to Civic No. 529) Ward 4
Rural Residential (RR) and Rural (R) Zones

Recommendation

Council approved the subject Crown Land Grant application. Should the applicant be successful in obtaining the Crown Land Grant, a formal development application must be submitted to the City for review and approval prior to the commencement of any development on site.

2. **Parking Relief Request**
Proposed Law Office
302 LeMarchant Road
Residential Mixed (RM) Zone

Recommendation

Council approved parking relief in accordance with Section 9.1.2 of the St. John's Development Regulations for the subject occupancy.

3. Change of Non-conforming Use and Parking Relief Request
Applicant: Newfoundland Energy Services Ltd.
40 Power's Court (Anderson House) Ward 2
Residential High Density (R3) Zone

Recommendation

Council approved parking relief in accordance with Section 9.1.2 of the St. John's Development Regulations for Newfoundland Energy Services Ltd. It is further recommended that approval be given for the proposed office use subject to all applicable requirements of the Department of Building and Property Management.

Robert F. Smart
City Manager
Chair – Development Committee

SJMC2012-09-24/477R

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

The motion being put was unanimously carried

Special Events Advisory Committee Recommendations

Council considered the following Special Events Advisory Committee Recommendations:

- 1) **Event:** Cape to Cabot Road Race
Location: Cape Spear to Signal Hill Via City Streets
Date: October 14, 2012
Time: 8:00 am – 11:00 am

This event requires the following temporary road closures;

Blackhead Road - Warford Road to Cape Spear
Blackhead Road - Warford Road to Linegar Avenue - northbound closed
Blackhead Road - Linegar Avenue to Southside Road - closed to local traffic and one lane control only
Southside Road - Leslie Street to 245 Southside Road
Water Street eastbound curb lane from Leslie Street to Harbour Drive
Harbour Drive eastbound
Water Street eastbound from Prescott Street/Jobs Cove to Hill O' Chips

*	Code Classification: RES- Residential COM- Commercial AG - Agriculture OT - Other	INST IND	- Institutional - 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

SJMC2012-09-24/479R

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

2012/09/19

Permits List

CLASS: COMMERCIAL

206 DUCKWORTH ST	CO	RETAIL STORE
71 AIRPORT RD. STE 105,102,202	RN	MIXED USE
390 TOPSAIL RD-ROGERS	RN	RETAIL STORE
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
10 BAY BULLS RD-IRVING	MS	SERVICE STATION
77 BLACKMARSH RD	MS	RETAIL STORE
203 BLACKMARSH RD	MS	RETAIL STORE
245 BLACKMARSH RD	MS	CONVENIENCE STORE
CARPASIAN RD	MS	CLUB
94 ELIZABETH AVE	MS	RETAIL STORE
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
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
150 KENMOUNT RD	MS	CAR SALES LOT
274 KENMOUNT RD	MS	RETAIL STORE
81 KENMOUNT RD	MS	RETAIL STORE
195 KENMOUNT RD	MS	SERVICE SHOP
323 KENMOUNT RD	SN	RETAIL STORE
351-361 KENMOUNT RD	MS	OFFICE
409 KENMOUNT RD	MS	CAR SALES LOT
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
53-59 MAIN RD-RONA	MS	RETAIL STORE
355-367 MAIN RD	MS	OFFICE
239 MAJOR'S PATH	MS	OFFICE
1 MARCONI PL	MS	RETAIL STORE
449 NEWFOUNDLAND DR	MS	CONVENIENCE STORE
22 O'LEARY AVE	MS	RESTAURANT
36 PEARSON ST	MS	OFFICE
36 PEARSON ST	MS	RETAIL 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
20 ROPEWALK LANE	MS	SERVICE SHOP
38-42 ROPEWALK LANE	MS	OFFICE
ST. CLARE AVE	MS	PLACE OF ASSEMBLY
22 STAVANGER DR	MS	RETAIL STORE
34 STAVANGER DR.	MS	RETAIL STORE
34 STAVANGER DR	MS	RETAIL STORE
286 STAVANGER DR	MS	CONVENIENCE STORE
3 STAVANGER DR	MS	RETAIL STORE
95E STAVANGER DR	MS	SERVICE SHOP
86 THORBURN RD	MS	OFFICE
390 TOPSAIL RD ROGERS	MS	RETAIL STORE
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
681 TOPSAIL RD	MS	RETAIL STORE
26-34 TORBAY RD	MS	TAVERN
10 ELIZABETH AVE	MS	OFFICE
120 TORBAY RD	MS	OFFICE
320 TORBAY RD	MS	RETAIL STORE
320 TORBAY RD	MS	COMMERCIAL SCHOOL
340 TORBAY RD	MS	SERVICE STATION
350 TORBAY RD	MS	SERVICE SHOP
464 TORBAY RD	MS	RETAIL STORE
97 TORBAY RD	MS	DAY CARE CENTRE
145 TORBAY RD	MS	SERVICE SHOP
TORBAY ROAD-TORBAY RD MALL	MS	SERVICE SHOP
TORBAY ROAD-TORBAY RD MALL	MS	RETAIL STORE
TORBAY ROAD-TORBAY RD MALL	MS	RESTAURANT
411 TORBAY RD	MS	EATING ESTABLISHMENT
411 TORBAY ROAD	MS	EATING ESTABLISHMENT
430 TOPSAIL RD - KOODO	RN	RETAIL STORE
5-7 PIPPY PL	RN	RETAIL STORE
2 FRESHWATER RD	CO	RETAIL STORE
25 RHODORA ST	SW	CONDOMINIUM
10 FACTORY LANE	RN	OFFICE
55 BOND ST	RN	SINGLE DETACHED DWELLING
AVALON MALL NO. 1 ENVY	RN	RETAIL STORE
181 MUNDY POND RD	CR	CLINIC
35 CAMPBELL AVE	RN	PHARMACY
80 ABERDEEN AVE - TD BANK	NC	BANK
30 KELSEY DR - TD BANK	NC	BANK
30 WHITE ROSE DR - BLDG A	NC	RETAIL STORE
50 WHITE ROSE DR - BLDG B	NC	RETAIL STORE
17 MAJOR'S PATH	EX	OFFICE

THIS WEEK \$ 8,900,128.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00

CLASS: RESIDENTIAL

16 ALDER PL	NC	ACCESSORY BUILDING
112 CAMPBELL AVE	NC	PATIO DECK
107 CANADA DR	NC	ACCESSORY BUILDING
88 CAPE PINE ST, LOT 84	NC	SINGLE DETACHED & SUB.APT
31 CASTLE BRIDGE DR	NC	ACCESSORY BUILDING
117 CASTLE BRIDGE DR LOT 226	NC	SINGLE DETACHED DWELLING
9A CHAPMAN CRES	NC	ACCESSORY BUILDING
30 DAUNTLESS ST, LOT 131	NC	SINGLE DETACHED DWELLING
105-109 DOOLING'S LINE	NC	ACCESSORY BUILDING
6 DURHAM PL	NC	ACCESSORY BUILDING
64 FRANCIS ST	NC	ACCESSORY BUILDING
9 GLEN ABBEY ST	NC	ACCESSORY BUILDING
77 GOODRIDGE ST	NC	FENCE
1 IRONWOOD PL	NC	FENCE
27 JAMIE KORAB ST	NC	ACCESSORY BUILDING
26 KING'S BRIDGE RD	NC	FENCE
161 LADYSMITH DR, LOT 339	NC	SINGLE DETACHED & SUB.APT
5 LANCASTER ST	NC	PATIO DECK
20 MIRANDA ST, LOT 103	NC	SINGLE DETACHED & SUB.APT
13 MIRANDA ST	NC	PATIO DECK
38 NEWMAN ST	NC	FENCE
10 OTTER DR	NC	FENCE
247 PETTY HARBOUR RD	NC	ACCESSORY BUILDING
43 PITCHER'S PATH	NC	FENCE
114 QUIDI VIDI RD	NC	FENCE
45 RICHMOND ST	NC	FENCE
17 MARSLAND PL	NC	ACCESSORY BUILDING
45 TEAKWOOD DR	NC	FENCE
231 TOPSAIL RD	NC	FENCE
36 VALLEYVIEW RD	NC	ACCESSORY BUILDING
8 FEILD ST	CO	HOME OFFICE
22 BORDEN ST	CR	SUBSIDIARY APARTMENT
15 POWER ST	CR	SUBSIDIARY APARTMENT
10 CONWAY CRES	EX	SINGLE DETACHED DWELLING
17 CORNWALL HTS	EX	SINGLE DETACHED DWELLING
114 QUIDI VIDI RD	EX	ACCESSORY BUILDING
10 ADVENTURE AVE	RN	SUBSIDIARY APARTMENT
158 CHEESEMAN DR, LOT 100	RN	SINGLE DETACHED DWELLING
4 EASTMEADOWS PLACE	RN	SINGLE DETACHED DWELLING
11 NORTH DR	RN	SINGLE DETACHED DWELLING
233 PORTUGAL COVE RD	RN	SINGLE DETACHED DWELLING
310 STAVANGER DR	RN	SINGLE DETACHED DWELLING
36 TAYLOR PL	RN	SINGLE DETACHED DWELLING
134 BONAVENTURE AVE	SW	SINGLE DETACHED DWELLING
44 EMPIRE AVE	SW	SINGLE DETACHED & SUB.APT
54 TORBAY RD	SW	SINGLE DETACHED DWELLING

THIS WEEK \$ 1,412,270.00

CLASS: DEMOLITION

35 FLEMING ST
37 FLEMING ST
AVALON MALL

DM TOWNHOUSING
DM TOWNHOUSING
DM RETAIL STORE

THIS WEEK \$ 25,000.00

THIS WEEK'S TOTAL: \$ 10,337,398.00

REPAIR PERMITS ISSUED: 2012/09/13 TO 2012/09/19 \$ 165,707.00

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	

The motion being put was unanimously carried.

Payrolls and Accounts

SJMC2012-09-17/480R

It was moved by Councillor Hann; seconded by Councillor Hickman: That the following Payrolls and Accounts for the week ending September 20, 2012 be approved:

**Weekly Payment Vouchers
For The
Week Ending September 20, 2012**

Payroll

Public Works	\$ 402,354.12
Bi-Weekly Casual	\$ 21,309.76
Accounts Payable	\$ 4,737,446.38
Total:	\$ 5,161,110.26

The motion being put was unanimously carried.

Tenders

- a. Tender – Suction Pumps (Ruby Line Pump Station)
- b. Tender – Apparatus Pumper (SJRFD)

SJMC2012-09-17/481R

It was moved by Councillor Hann; seconded by Councillor Hickman: That the recommendations of the Director of Finance and City Treasurer be approved and the tenders awarded as follows:

- a. **National Process Equipment @ \$183,232.00 (taxes not included)**
- b. **Carl Thibault @ \$342,878.00, taxes not included**

The motion being put was unanimously carried.

Attendance by Councillor O’Leary at 2012 Atlantic Green Forum & Design Charrette

Council considered a memorandum dated September 21, 2012 from the Deputy City Manager/Director of Corporate Services & City Clerk regarding the above noted.

SJMC2012-09-24/482R

It was moved by Councillor Breen; seconded by Councillor Tilley: That approval be granted Councillor O’Leary to attend the 2012 Atlantic Green Forum and Design Charrette Premier Annual Event, October 29th-30th at the Holiday Inn, St. John’s, & Design Charrette, Sunday, October 28th, 2012

The motion being put was unanimously carried.

**2012 Water Main Improvements
Request to Add Additional Work to Contract**

Council considered a memorandum dated September 20, 2012 from the Deputy City Manager/Director of Public Works and Parks regarding the above noted.

SJMC2012-09-24/483R

It was moved by Councillor Collins; seconded by Councillor Hann: That Council approve adding the proposed additional work to the existing unit price contract with Newfound Construction for 2012 Water

Main Improvements. The cost of the additional work is estimated at \$175,000 to be funded from existing 2012 budget allocations.

The motion being put was unanimously carried.

8 Road De Luxe

Council considered a memorandum from the City Solicitor dated September 17, 2012 concerning the above noted.

SJMC2012-09-24/484R

It was moved by Councillor Hickman; seconded by Councillor Breen: That approval be granted to try to sell land at 38 Road De Luxe by way of Public Tender, as per the recommendation of the City Solicitor.

The motion being put was unanimously carried.

Former Right-of-Way Between 49 and 51 Forbes Street

Council considered a memorandum from the City Solicitor dated September 18, 2012 regarding the above noted.

SJMC2012-09-24/485R

It was moved by Councillor Tilley; seconded by Councillor O'Leary: That that 10' right-of-way between 49 and 51 Forbes Street be sold to the two abutting property owners, at a rate of \$2.00 per square foot plus the usual administration fees and taxes, as per the recommendation of the City Solicitor.

The motion being put was unanimously carried.

Council Representation on Mayor's Advisory Committee on Status of Persons with Disabilities

Council considered a memorandum dated September 14, 2012 from Recording Secretary, Mayor's Advisory Committee on the Status of Persons with Disabilities concerning the above noted.

SJMC2012-09-24/486R

It was moved by Councillor O'Leary; seconded by Councillor Galgay: That Councillor Hann be appointed as Council's representative on the Mayor's Advisory Committee on the Status of Persons with Disabilities.

The motion being put was unanimously carried.

Mobile Vending
Long Dick's Sausage Emporium

Council considered a letter from the Director of Building and Property Management concerning a proposal from the lessee of Long Dick's Sausage Emporium to relocate the approved mobile vending space on Duckworth Street.

SJMC2012-09-24/487R

It was moved by Councillor O'Leary; seconded by Councillor Tilley: That Long Dick's Sausage Emporium Mobile Vending be relocated to a location which fronts a section of open space on New Gower Street which would not be in conflict with local business. It is within the 100 m restriction of Mile One, however, given the fact that it is on the opposite side of the street and in excess of 100 m from the entrance to Mile One it is felt that there would be no negative impact at this location.

The motion being put was unanimously carried.

Kruzenshtern Tall Ship Visit

Council considered a memorandum dated September 20, 2012 from His Worship the Mayor regarding the above noted.

SJMC2012-09-24/488R

It was moved by Councillor Tilley; seconded by Councillor Collins: That the City of St. John's host a City tour for their cadets on the occasion on the Kruzenshtern Tall Ship Visit to the City from October 15 to 19, 2012.

The motion being put was unanimously carried.

Road Closure

Council considered a memorandum dated September 24, 2012 from the Director of Engineering Re Road Closure, TD Building 136-140 Water Street.

SJMC2012-09-24/489R

It was moved by Councillor Hann; seconded by Councillor Galgay: That approval be granted for the following Road Closure:

**TD Building 136 – 140 Water Street
October 8th to October 31st, 2012**

The motion being put was unanimously carried.

Councillor Collins

Councillor Collins asked that consideration be given to extending the sidewalks in Kilbride in the area of Gaze Seed Co. to the Ultramar Gas Station. The matter was referred to the Director of Engineering for follow-up.

Councillor O’Leary

Councillor O’Leary noted that due to her attendance at the MNL Annual Convention and Trade Show in Gander, NL, October 4 - 6, 2012 she won’t be available to attend the Public Information Session on the Proposed New Wedgewood Park Recreation Centre on October 4, 2012, and asked to be kept informed of all pertinent information including any submissions received on the issue.

His Worship the Mayor

His Worship the Mayor noted that a fence along Topsail Road in the area of Bishop’s Gate is in a state of disrepair. The matter was referred to the Director of Engineering for follow-up.

Adjournment

There being no further business, the meeting adjourned at 5:30 p.m.

MAYOR

CITY CLERK