

**February 23, 2015**

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall at 4:30 p.m. today.

Mayor Dennis O'Keefe presided.

There were present also, Deputy Mayor Ron Ellsworth; Councillors Davis, Puddister, Hickman, Breen, Galgay, Tilley, and Collins.

Regrets: Councillor Hann and Lane.

The Deputy City Manager of Corporate Services; Deputy City Manager of Public Works; Deputy City Manager of Community Services; Deputy City Manager of Finance & Administration; Acting Deputy City Manager of Planning, Development and Engineering; Chief Municipal Planner; City Clerk, Acting City Solicitor; Solicitor; and Supervisor of Legislative Services were also in attendance.

**Call to Order and Adoption of the Agenda**

**SJMC2015-02-23/080R**

**It was decided on motion of Councillor Davis; seconded by Councillor Puddister: That the agenda be adopted as presented.**

**Adoption of Minutes**

**SJMC2015-02-23/081R**

**It was decided on motion of Councillor Breen; seconded by Councillor Tilley: That the minutes of February 16, 2015 be adopted as presented.**

**Notice of Motion re: Increase in Snow Clearing Fines**

Councillor Galgay gave the above Notice of Motion during the Regular Meeting of February 16, 2015 and has since been advised by the Legal Department that Section 403 of the City of St. John's Act regulates the penalties for commercial operators. On that basis, he has withdrawn the Notice of Motion. He requested, however, that once the City of St. John's Act comes under review, that this issue be once again considered.

## **Notices Published**

Council considered the following applications:

- **318 Water Street – Commercial Central Regional (CRR) Zone**  
A Discretionary Use Application has been submitted requesting permission to operate a Lounge in association with a new restaurant located at **318 Water Street**. The proposed business will occupy a floor area 140 m<sup>2</sup>. No submissions received.
- **181 Mundy Pond Road – Residential Low Density – R1) Zone**  
A Change of Non-Conforming Use Application has been submitted to the City requesting approval to convert a portion of **181 Mundy Pond Road** into a Dermatology Clinic. The clinic will occupy the second level of the building. Hours of operation will be Monday to Friday 8:00 a.m.-5:00 p.m. On-site parking is provided. No submissions received.
- **24-26 Austin Street – Commercial Industrial (CI) Zone**  
A Discretionary Use Application has been submitted by State of Mind Inc. requesting permission to occupy **24-26 Austin Street** for an indoor skate park with retail sales. The proposed business will occupy a total floor area of approximately 901m<sup>2</sup> with 92.9 m<sup>2</sup> for retail purpose. It will operate Monday to Sunday, 10:00 a.m.–8:00 p.m. during winter months and 12:00 p.m. – 8:00 p.m. during summer months. Sessions will be scheduled for the skate park based on age and will be two (2) hours in duration. The business will employ 5 employees. Off street parking is provided. No submissions received.

### **SJMC2015-02-23/082R**

**It was decided on motion of Councillor Galgay; seconded by Deputy Mayor Ellsworth: That the applications for 318 Water Street, 181 Mundy Pond Road, and 24-26 Austin Street be approved subject to all applicable City requirements.**

### **Public Meeting: 591-609 Southside Road**

Council considered the Department of Planning File # REZ1400025 in relation to the proposed text amendment and rezoning to the Residential Medium Density (R2) Zone for 11 Single Detached Dwellings for 591-609 Southside Road. The applicant is RJC Services.

### **SJMC2015-02-23/083R**

**It was moved by Deputy Mayor Ellsworth; seconded by Councillor Collins: That Council adopt-in-principle the presented resolutions for the St. John's Municipal Plan Amendment Number 129, 2015 and St. John's Development Regulations Amendment Number 602, 2015, which will be referred to the Department of Municipal and Intergovernmental Affairs with a request for issuance of the Provincial release. Upon such issuance, the amendments will be referred back to a future meeting of Council for consideration of formal**

**adoption and the appointment of a commissioner to conduct a public hearing on the amendments as required by the Urban and Rural Planning Act.**

Deputy Mayor Ellsworth advised that the three major issues expressed by residents in the area were traffic flow, parking congestion and water run-off from the Southside Hills. With respect to traffic flow, it was noted that this is being dealt with through the traffic calming measures put in place. The concerns about parking will not be exacerbated by the proposed development as an additional 12 parking spaces will be situated on-site. As for problems experienced in the past with respect to water run-off, the City's Zero Net Policy for new developments will be applied which is anticipated to improve the current situation and offset the water run-off problem currently experienced by residents in the immediate vicinity.

Councillor Collins also noted that there were previous proposals that came forth for this particular property, all of which were too intense for the neighbourhood. He felt that this proposal is more compatible and as such he supports it.

Councillor Puddister, though seeing merit in the proposal, objected to it based on principle, noting that the residents have legitimate concerns. The subject property is currently zoned as open space and Southside Road itself is quite an old road in need of infrastructural improvements.

**The motion being put, was carried with Councillor Puddister dissenting.**

**Development Permits List**

Council considered as information, the Development Permits List for the period February 12 – 18, 2015.

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING  
FOR THE PERIOD OF February 12, 2015 TO February 18, 2015**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Home Office for Wholesale Auto License	39 Frecker Drive	3	Approved	15-02-18
AG		Accessory Building	35-37 Hennessey's Line	5	Approved	15-02-18

*	<b>Code Classification:</b> RES - Residential CO - 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 Supervisor  
Department of Planning**

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**Building Permits List**

Council considered the Building Permits list for the period February 11 – 18, 2015.

**Building Permits List  
Council's February 23, 2015 Regular Meeting**

Permits Issued: 2015/02/11 To 2015/02/18

**Class: Commercial**

48 Kenmount Rd/Charm Diamond	Sn	Retail Store
57 Blackmarsh Rd	Ms	Place Of Assembly
44 Crosbie Rd	Ms	Convenience Store
10 Elizabeth Ave	Ms	Retail Store
84-86 Elizabeth Ave	Ms	Retail Store
391-395 Empire Ave	Ms	Club
324 Frecker Dr	Ms	Convenience Store
15 Hebron Way	Sn	Clinic
25 Hebron Way	Ms	Retail Store
35 Hebron Way	Ms	Restaurant
189 Higgins Line	Ms	Office
61 James Lane	Ms	Warehouse
58 Kenmount Rd	Ms	Office
120 Kenmount Rd	Ms	Car Sales Lot
120 Kenmount Rd	Ms	Car Sales Lot

475 Kenmount Rd	Ms	Car Sales Lot
515 Kenmount Rd	Ms	Retail Store
484-490 Main Rd	Ms	Retail Store
215 Major's Path	Ms	Retail Store
6 Mullaly St	Ms	Warehouse
119 New Cove Rd	Ms	Clinic
446 Newfoundland Dr	Ms	Restaurant
60 O'leary Ave	Ms	Retail Store
279 Portugal Cove Rd	Ms	Service Shop
279 Portugal Cove Rd	Ms	Clinic
35 Ridge Rd	Ms	Club
20 Ropewalk Lane	Ms	Service Shop
16 Stavanger Dr	Ms	Restaurant
410 Stavanger Dr	Ms	Retail Store
415 Stavanger Dr	Ms	Restaurant
Thorburn Rd	Ms	Convenience Store
Thorburn Rd	Ms	Convenience Store
88 Thorburn Rd	Ms	Retail Store
446 Topsail Rd	Ms	Service Station
681 Topsail Rd	Ms	Tavern
26-34 Torbay Rd	Ms	Tavern
10 Elizabeth Ave	Ms	Office
192-194 Torbay Rd	Ms	Eating Establishment
192-194 Torbay Rd	Ms	Eating Establishment
320 Torbay Rd	Ms	Club
426 Torbay Rd	Ms	Retail Store
430 Torbay Rd	Ms	Tavern
260 Waterford Bridge Rd	Ms	Church
15-27 Stavanger Dr	Cr	Custom Workshop
15 Stavanger Dr	Ex	Retail Store
48 Kenmount Rd / H & R Block	Co	Retail Store
34 King's Rd	Rn	Office
13 George St	Rn	Tavern
48 Kenmount Rd Kfc	Rn	Eating Establishment
48 Kenmount Rd, Mary Browns	Rn	Restaurant

This Week \$ 109,400.00

**Class: Industrial**

This Week \$ .00

**Class: Government/Institutional**

This Week \$ .00

**Class: Residential**

60 Francis St	Nc	Patio Deck
110 Great Eastern Ave	Nc	Fence
6 Rosalind St	Nc	Accessory Building
561 Thorburn Rd	Nc	Swimming Pool
80 Boulevard , Unit 314	Rn	Apartment Building
80 Boulevard, Suite/Floor 715	Rn	Apartment Building
80 Boulevard Unit 310	Rn	Apartment Building
80 The Boulevard, Unit 103	Rn	Apartment Building
80 Boulevard Unit 516	Rn	Apartment Building
215 Craigmillar Ave	Rn	Single Detached Dwelling
284 Freshwater Rd	Rn	Single Detached & Sub.Apt
8 Mckay St	Rn	Semi-Detached Dwelling

14 Margaret's Pl	Rn	Townhousing	
42 Mountbatten Dr	Rn	Single Detached Dwelling	
22 Oberon St	Rn	Single Detached Dwelling	
19 Kildare Pl	Sw	Single Detached & Sub.Apt	
			This Week \$ 334,900.00

**Class: Demolition**

8 Allan Sq	Dm	Semi-Detached Dwelling	
			This Week \$ 46,000.00

This Week 'S Total: \$ 490,300.00

Repair Permits Issued: 2015/02/11 To 2015/02/18 \$ 525,000.00

Legend

Co	Change Of Occupancy	Sw	Site Work
Cr	Chng Of Occ/Renovtns	Ms	Mobile Sign
Nc	New Construction	Sn	Sign
Oc	Occupant Change	Ex	Extension
Rn	Renovations	Dm	Demolition

Year To Date Comparisons			
February 23, 2014			
TYPE	2014	2015	% VARIANCE (+/-)
Commercial	\$9,618,000.00	\$8,178,000.00	-15
Industrial	\$0.00	\$0.00	0
Government/Institutional	\$42,429,000.00	\$7,500,000.00	-8
Residential	\$18,437,000.00	\$2,747,000.00	-85
Repairs	\$286,000.00	\$588,300.00	106
Housing Units (1 & 2 Family Dwellings)	16	4	
<b>TOTAL</b>	<b>\$70,770,000.00</b>	<b>\$19,013,300.00</b>	<b>-73</b>

Respectfully Submitted,

Jason Sinyard, P. Eng., MBA  
 Director of Planning & Development

**SJMC2015-02-23/084R**

**It was decided on motion of Councillor Davis; seconded by Councillor Breen: That the recommendations of the Director of Planning and Development with respect to the Building Permits List for the period February 5 – 10, 2015 be approved.**

**Requisitions, Payrolls and Accounts**

Council considered the requisitions, payrolls and accounts for the week ending February 18, 2015.

**Weekly Payment Vouchers  
For The  
Week Ending February 18, 2015**

**Payroll**

<b>Public Works</b>	<b>\$ 567,664.93</b>
<b>Bi-Weekly Casual</b>	<b>\$ 23,043.57</b>
<b>Accounts Payable</b>	<b>\$ 3,295,813.90</b>
<b>Total:</b>	<b>\$ 3,886,522.40</b>

**SJMC2015-02-23/085R**

**It was decided on motion of Councillor Davis; seconded by Councillor Breen: That the Payrolls and Accounts for the week ending February 11, 2015 be approved.**

**Tenders**

Council considered the following tenders:

- Tender 2015017 Purchase of One (1) Generator (Water and Wastewater)
- Tender 2015011 Purchase of One (1) Pumper Truck (SJRFD)

**SJMC2015-02-23/086R**

**It was decided on motion of Councillor Davis; seconded by Councillor Breen: That Council award respectively the tenders as follows as per the lowest qualified bidders that met specifications:**

- **Wajax Power Systems in the amount of \$57,800 plus taxes,; and**
- **Emergency Repair Ltd. in the amount of \$537,062.75 plus taxes.**

**Notice of Motion**

Councillor Tilley gave the following Notice of Motion:

**Take Notice** that I will, at a future Regular Meeting of Council, move a motion to rescind a portion of Council's decision of July 28, 2014 approving Harnett Street as a street name in the Clovelly Trails Subdivision – Stage 3C (105 Lots), Cabot Development Corporation Limited (Ward 1).

Dated at St. John's, Newfoundland and Labrador, the 23<sup>rd</sup> of February, 2015.

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Councillor Bruce Tilley, Ward 3

**Travel Authorization – Offshore Technology Conference**

Council considered a memorandum dated February 18, 2015 from the City Clerk requesting authorization for Councillor Galgay to attend the Offshore Technology Conference in Houston, Texas.

**SJMC2015-02-23/087R**

**It was decided on motion of Councillor Hickman; seconded by Councillor Collins: That Council approve travel for Councillor Jonathan Galgay to attend the Offshore Technology Conference in Houston Texas from May 4, 2015 to May 7, 2015.**

**Councillor Wally Collins**

- Councillor Collins referenced the blue flashing lights on the blades of the City's snow clearing equipment. Though most vehicles are equipped with these safety devices, there are still some vehicles that are not. Particular reference was made to one such



vehicle cited in the Middle Pond area. Councillor Collins requested that the blue flashing lights be installed on any vehicles not yet equipped.

**Councillor Jonathan Galgay**

- Councillor Galgay referenced complaints from citizens living on Wood St. with respect to an adult massage parlor situated on that street. Though the term "massage parlor" falls under the current definition of "service shop" under the City's Development Regulations, he questioned if this could be removed. The Acting Deputy City Manager of Planning, Development & Engineering indicated that this matter was being considered as part of the Development Regulations review and that one application is already on hold pending the outcome of that review. Councillor Galgay requested that all future applications for massage parlors be put on hold pending this review.

**Councillor Art Puddister**

- Councillor Puddister referenced a recent meeting held by students at the College of the North Atlantic and the Marine Institute who came together to discuss the difficulties they experience with finding parking in the Pippy Park area. The meeting was also attended by various members of Council and Provincial Government representatives. Councillor Puddister requested that staff be authorized to have discussions with the Pippy Park Commission in an effort to facilitate more parking for students and users of the trail system in that area. There may also be potential to use land on Nagles Hill in this regard.

**Mayor Dennis O'Keefe**

- Mayor O'Keefe updated Council on his upcoming meeting with Premier Davis to discuss the 911 system with a view to finding a resolution.
- Mayor O'Keefe addressed criticisms about bagged meters in the Downtown and noted that of the 700 meters in the Downtown area, 175 were bagged during the Valentine's Day weekend to facilitate snow removal operations. The remaining 525

metered spaces were available for use in addition to another 278 public parking spaces available in the two new parking garages at 351 Water and Bell St. He has been told that many of these spaces were not used. In addition, there were another 200 spaces available throughout the Downtown in public garages for after-hours use, amounting to 1000 plus parking spaces.

**Adjournment**

There being no further business the meeting adjourned at 5:15 p.m.

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**MAYOR**

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**CITY CLERK**