

November 17, 2014

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, Councillors Hann, Puddister, Hickman, Breen, Lane, Galgay, Tilley, Davis, and Collins.

Regrets: Deputy Mayor Ellsworth.

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

Call to Order and Adoption of the Agenda

SJMC2014-11-17/505R

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

The motion being put was unanimously carried.

Adoption of Minutes

SJMC2014-11-17/506R

**It was decided on motion of Councillor Puddister; seconded by Councillor Lane:
That the minutes of November 10, 2014 be adopted as presented.**

The motion being put was unanimously carried.

Petitions

In the interest of the number of people sitting in the gallery from the Logy Bay Road area, Mayor O'Keefe agreed to entertain the presentation of a petition.

Councillor Breen presented a petition signed by approximately 400 residents, which requests that Council issue a cease and desist order to the D.F. Barnes Group of Companies at 1145

Pepperell Road for the heavy industrial (IG zone) activity conducted on their site. The petition alleges this is a direct violation of the approved CI zoning for that area under section 10,27.1 of the Development Regulations. It is claimed to be the cause of the noise nuisance, noxious fumes, grit and air born dust pollution to the surrounding residential neighbourhoods, and the environmentally valuable area of Lundrigan's Marsh.

The petition was referred to the Department of Planning, Development and Engineering for review and follow up.

Business Arising from the Minutes

a. Included in the Agenda

Proposed St. John's Municipal Plan Amendment No. 131, 2014 and
Proposed St. John's Development Regulations Amendment No. 606, 2014
PDE File Number: REZ14-00005
146-148 Ladysmith Drive, Ward 5
Proposed Rezoning to Apartment Medium Density (A2)
11368 NL. Ltd./Northern Property REIT

SJMC2014-11-17/507R

It was decided on motion of Councillor Hann; seconded by Councillor Puddister: That Council adopt the attached resolutions for St. John's Municipal Plan Amendment Number 131, 2014 and St. John's Development Regulations Amendment Number 606, 2014 to rezone land to the Apartment Medium Density (A2) Zone. Further that Council appoint Mr. Stan Clinton, a member of the City's commissioner list, as the commissioner to conduct a public hearing on the Municipal Plan and Development Regulations amendments on December 11, 2014.

The motion being put was carried with Councillor Davis dissenting.

Notices Published

Council considered the following notices published:

- A Discretionary Use Application has been submitted requesting permission to occupy the current building at **61 Cashin Avenue** as a multiple dwelling unit. The dwelling will contain three (3), one (1) bedroom units. Off-street parking is available for each unit.

No submissions have been received.

SJMC2014-11-17/508R

It was decided on motion of Councillor Galgay; seconded by Councillor Hickman: That Council approve the above noted application subject to all applicable City requirements.

The motion being put was unanimously carried.

- A Discretionary Use Application has been submitted by RJC Services to develop the property at **32-36 Temperance Street**. The proposed residential development will comprise of a thirty-eight (38) unit, four (4) storey residential condominium building with forty-four (44) underground parking spaces. Parking will be accessed from U.S. Army Dock Road with no parking or entrances on Temperance Street. The building design will terraced in line with the slope of Temperance Street with height of just one (1) floor above Battery Road. Council has the discretion to allow residential use on the ground floor (1st storey) in a building in the CCM Zone.

Three submissions have been received.

SJMC2014-11-17/509R

It was decided on motion of Councillor Galgay; seconded by Councillor Breen: That Council defer the above noted application with staff being instructed to arrange a public information session on the application.

The motion being put was unanimously carried.

- A Discretionary Use Application has been submitted to the City of St. John's by Rogers Communication Inc. seeking approval of site design in relation to a rooftop telecommunications site at the TD Building on **140 Water Street**.

In accordance with the City of St. John's Siting Protocol for Wireless Facilities, the City of St. John's hereby notifies residents in the vicinity of 140 Water Street of Rogers' intention to install an antenna system consisting of:

- Nine (9) antennas divided into 3 sectors on the rooftop which will be mounted on poles on top of the penthouse. The antenna system will be 5.86 m in height above the existing building which is currently 42.5 m.

One submission has been received

SJMC2014-11-17/510R

It was decided on motion of Councillor Hann; seconded by Councillor Lane: That Council approve the above noted application subject to all applicable City requirements.

The motion being put was unanimously carried.

- A Discretionary Use Application has been submitted to the City of St. John's by Rogers Communication Inc. seeking approval of site design in relation to a rooftop telecommunications site at **251 Anspach Street**.

In accordance with the City of St. John's Siting Protocol for Wireless Facilities, the City of St. John's hereby notifies residents in the vicinity of 251 Anspach Street of Rogers' intention to install an antenna system consisting of:

- Six antennas which will be mounted on a pole and connected to the side of the building. The antenna system will be 3.16 m in height above the existing building which is currently 13.7 m. The antennas will be located in the upper extremity of a simulating chimney where the exterior covering will be vinyl siding of the same color as the existing brick wall.

No submissions have been received

SJMC2014-11-17/511R

It was decided on motion of Councillor Hann; seconded by Councillor Lane: That Council approve the above noted application subject to all applicable City requirements.

The motion being put was unanimously carried.

- A Discretionary Use Application has been submitted requesting approval to establish and operate a rental storage unit business at **856-860 Main Road**. The proposed development will include five (5) storage buildings, each having a floor area ranging from 237m² to 264m² and each containing 18-23 storage units. The height of each building to the peak is 2.97 metres. On-site parking will be provided

No submissions have been received.

SJMC2014-11-17/512R

It was decided on motion of Councillor Collins; seconded by Councillor Puddister: That Council approve the above noted applications subject to all applicable City requirements.

The motion being put was unanimously carried.

Committee Reports

Development Committee Report – November 10, 2014

Council considered the following report:

The following matters were considered by the Development Committee at its meeting held on November 10, 2014. A staff report is attached for Council's information.

**1. Department of Planning File Number CRW1400031
 Department of Environment and Conservation File No. 1035163
 Crown Land Lease Referral
 Existing Communications Tower
 Adjacent to 41 Blackhead Crescent
 Applicant: Bell Mobility Inc. c/o Kirkland Balsom**

It is recommended by the Development Committee that Council approve the subject Crown Land Lease application for existing communications tower.

(Original Signed)

Jason Sinyard
 Director – Planning and Development
 Acting Chair – Development Committee

JS/sf

Attachment

SJMC2014-11-17/513R

**It was decided on motion of Councillor Hann; seconded by Councillor Tilley:
 That Council adopt the recommendation contained in the Development
 Committee Report dated November 10, 2014**

Development Permits List

Council considered as information the following Development Permits List for the period November 6, 2014 – November 12, 2014.

DEVELOPMENT PERMITS LIST
 DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
 FOR THE PERIOD OF November 6, 2014 TO November 12, 2014

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Home Office for IT Services	22 Piper Street	4	Approved	14-11-10
RES		Home Office for Garden Design & Non-Profit Consulting	14 Colonial Street	2	Approved	14-11-10
RES		Proposed Building Lot	624 Main Road	5	Rejected (insufficient lot area & lot frontage)	14-11-06
RES	Protech Construction	Twenty-one Lot Subdivision	Adventure Avenue Kenmount Terrace	4	Approved	14-11-10

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

INST- Institutional
 IND- Industrial

Gerard Doran
 Development Supervisor
 Department of Planning

** 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.

Building Permits List

Council considered the Building Permits list for the period November 6 to November 12, 2014.

**Building Permits List
 Council's November 17, 2014 Regular Meeting**

Permits Issued: 2014/11/06 To 2014/11/12

Class: Commercial

255 Bay Bulls Rd	Ms	Retail Store
203 Blackmarsh Rd	Ms	Retail Store
271 Blackmarsh Rd	Ms	Retail Store
271 Blackmarsh Rd	Ms	Retail Store
711 Blackmarsh Rd	Ms	Service Shop
83 Elizabeth Ave.	Ms	Commercial Garage
12 Gleneyre St, Avalon Laser	Ms	Retail Store
222 Kenmount Rd	Ms	Retail Store
177 Kenmount Rd	Ms	Car Sales Lot
193 Kenmount Rd	Ms	Retail Store
75 Kiwanis St,Max Athletics	Ms	Club
468 Logy Bay Rd	Ms	Commercial Garage
358 Main Rd	Ms	Service Station
431-435 Main Rd	Ms	Take-Out Food Service
340 Newfoundland Dr	Ms	School
57 Old Pennywell Rd	Ms	Retail Store
22 O'leary Ave	Ms	Restaurant
10 Pearl Pl. Paint Ball	Ms	Place Of Amusement
180 Portugal Cove Rd	Ms	Hotel
38-42 Ropewalk Lane	Ms	Office
117 Ropewalk Lane	Ms	Retail Store
502 Topsail Rd	Ms	Service Shop
502 Topsail Rd	Ms	Service Shop
320 Torbay Rd	Ms	Retail Store
350 Torbay Rd	Ms	Take-Out Food Service
660 Torbay Rd	Ms	Retail Store
141 Torbay Rd	Ms	Office
141 Torbay Rd	Ms	Office
Torbay Road-Torbay Rd Mall	Ms	Office
Torbay Road-Torbay Rd Mall	Ms	Office

585 Torbay Rd	Ms	Take-Out Food Service
151-153 Water St	Sn	Retail Store
Southlands Blvd	Nc	Accessory Building
80 Hebron Way	Nc	Accessory Building
6 Howlett Ave	Sw	Office
210-214 Water St	Cr	Restaurant
10 Fort William Pl	Rn	Office

This Week \$ 37,400.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

13 Aldergrove Pl	Nc	Fence
15 Aldergrove Pl	Nc	Fence
93 Barnes Rd	Nc	Accessory Building
39 Bonavista St	Nc	Patio Deck
6 Brennan Field	Nc	Patio Deck
9 Caravelle Pl, Lot 25	Nc	Single Detached Dwelling
21 Cypress St	Nc	Swimming Pool
7 Furlong St	Nc	Accessory Building
57 Glenlonan St	Nc	Accessory Building
123 Great Eastern Ave	Nc	Accessory Building
15 Grenfell Ave	Nc	Accessory Building
8 Halliday Pl	Nc	Accessory Building
444 Maddox Cove Rd - Lot 8	Nc	Single Detached Dwelling
76 Mark Nichols Pl	Nc	Accessory Building
556 Newfoundland Dr	Nc	Patio Deck
37 Rosalind St	Nc	Swimming Pool
37 Rosalind St	Nc	Fence
12 Sugar Pine Cres, Lot 358	Nc	Single Detached Dwelling
23 Galaxy Cres	Cr	Subsidiary Apartment
32 Diefenbaker St	Ex	Single Detached Dwelling
48 Hopedale Cres	Ex	Single Detached Dwelling
231 Ladysmith Dr, Lot 591	Rn	Subsidiary Apartment
156 Major's Path	Rn	Custom Workshop
27 Piper St	Rn	Single Detached Dwelling
29 Sorrel Dr	Rn	Single Detached Dwelling
8 Larch Pl	Sw	Single Detached Dwelling

This Week \$ 940,350.00

Class: Demolition

37 George's Pond Pl	Dm	Single Detached Dwelling
Avalon Mall No. 1, Smart Set	Dm	Retail Store

This Week \$ 9,500.00

This Week's Total: \$ 987,250.00

Repair Permits Issued: 2014/11/06 To 2014/11/12 \$ 47,300.00

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			
November 17, 2014			
TYPE	2013	2014	% VARIANCE (+/-)
Commercial	\$91,556,000.00	\$163,994,000.00	79
Industrial	\$2,131,000.00	\$125,300.00	-94
Government/Institutional	\$79,798,000.00	\$77,940,100.00	-2
Residential	\$149,782,000.00	\$130,191,000.00	-13
Repairs	\$4,488,000.00	\$4,926,000.00	10
Housing Units (1 & 2 Family Dwellings)	416	296	
TOTAL	\$327,755,000.00	\$377,176,400.00	15

Respectfully Submitted,

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

SJMC2014-11-17/514R

It was decided on motion of Councillor Davis: seconded by Councillor Tilley: That the recommendations of the Director of Planning and Development with respect to the Building Permits list for the period November 6, 2012 to November 12, 2014 be approved.

The motion being put was unanimously carried.

Requisitions, Payrolls and Accounts

Council considered the requisitions, payrolls and accounts for the week ending November 12, 2014.

**Weekly Payment Vouchers
For The
Week Ending November 12, 2014**

Payroll

Public Works	\$ 385,757.96
Bi-Weekly Casual	\$ 22,071.99
Accounts Payable	\$ 3,588,326.02
Total:	\$ 3,996,155.97

SMC2014-11-17/501R

It was decided on motion of Councillor Davis; seconded by Councillor Tilley: That the Payrolls and Accounts for the week ending November 12, 2014 be approved.

The motion being put was unanimously carried.

Tenders

- **Tender 2014097 General Office Supplies and Related Services**
 - **Recommended Bidder: Corporate Express Canada, Inc. \$22,282.29 (HST extra) - one year period with the option to extend for two additional one year periods.**
- **Tender 2014082 Safety Supplies**
 - **Recommended Bidders: the lowest bidders per section meeting the specifications for various safety supplies, as per the Public Tendering Act, all of which are noted below. This contract is for a one year period with the option to extend for two additional one year periods. Taxes (HST) extra to price quoted.**

Safety Supplies	
TENDER #2014082 – Sept 11, 2014 - 2:00 PM	
Corporate Express Canada, Inc.	\$31,361.92
Source Atlantic Limited	\$9,032.22
Fastenal Canada, Ltd.	\$4,584.95
McLoughlan Supplies Limited	\$2,833.75
Campbell's Ships Supplies Limited	\$2,292.21
Brenkir Industrial Supplies Ltd.	\$1,942.15
Levitt-Safety Limited	\$1,588.86

SJMC2014-11-17/515R

**It was decided on motion of Councillor Davis; seconded by Councillor Tilley:
That Council award the above noted tenders as recommended.**

The motion being put was unanimously carried.

Quarterly Travel Report

Council considered, for information, a memo dated November 12, 2014 from the Deputy City Manager, Financial Management regarding the travel report for the third quarter of 2014.

City Council

Sandy Hickman	1111-52111	
• Charlottetown, PEI		
• 2014 Canadian Capital Cities Conference		
• September 2 - 6, 2014		Total: \$ 2,540.34
Dennis O'Keefe	1112-52111	
• Stavanger, Norway		
• WECP Meeting & ONS Trade Show & Conference		
• August 22 - 28, 2014		Total: \$ 5,922.96

Public Works

Ross Hutchings	3231-52347	
• Toronto, Ontario / Montreal, Quebec		
• APWA Conference / Larue Manufacturers		
• August 16 - 21, 2014		Total: \$ 3,643.25
James Moore	3231-52347	
• Toronto, Ontario / Montreal, Quebec		
• APWA Conference / Larue Manufacturers		
• August 16 - 21, 2014		Total: \$ 3,649.25
Jonathan Murphy	4331-52111	
• Dallas, Texas		
• SWANA Conference		
• August 24 - 28, 2014		Total: \$ 4,267.50

Brian Head 3011-52111
• Charlottetown, PEI
• Community in Bloom Conference
• September 17 - 21, 2014 Total: \$ 2,855.80

David Evans 7126-55212
• Victoria, B.C.
• Canadian Urban Forest Conference
• September 29 – October 3, 2014 Total: \$ 3,583.64

Community Services

Bernadette Walsh 6211-52111
• Reykjavek, Iceland
• SATW Conference & Island of North Atlantic Meetings
• September 13 - 21, 2014 Total: \$ 4,401.88

Janine Halliday 1274-52111
• Norfolk Country, Ontario
• MSDO Annual General Meetings & Conference
• September 22 - 26, 2014 Total: \$ 2,859.58

Corporate Services/City Clerk

Paula Pitcher 1214-52111
• Calgary, Alberta
• IFEPB Canadian Employee Benefits Conference
• August 9 - 14, 2014 Total: \$ 5,476.97

Elizabeth Clarke 1268-52111
• Toronto, Ontario / Winnipeg, Manitoba
• Underwriter's Meeting / RIMS Conference & Workshop
• September 10 - 20, 2014 Total: \$ 5,466.95

Helen Williamson 1216-52111
• Toronto, Ontario
• 6th Annual Addiction Symposium
• September 30 – October 2, 2014 Total: \$ 2,051.03

Strategy and Engagement

Elizabeth Lawrence 1211-52111
• Stavanger, Norway
• World Energy Cities & Offshore Northern Seas Meetings
• August 20 – 28, 2014 Total: \$4,569.50

Fire Department

David Day	2531-52111	
<ul style="list-style-type: none"> • Toronto, Ontario • APWA Conference • August 16 - 20, 2014 		Total: \$ 2,756.96
Brian Smith	2503-52111	
<ul style="list-style-type: none"> • Ottawa, Ontario • CAFC Conference • September 13 - 18, 2014 		Total: \$ 2,568.57
Derek Chafe	2503-52111	
<ul style="list-style-type: none"> • Ottawa, Ontario • CAFC Conference • September 13 - 18, 2014 		Total: \$ 2,500.26
Jerry Peach	2503-52111	
<ul style="list-style-type: none"> • Gander, NL • NL Association of Fire Services A.G.M. Convention • September 19 - 21, 2014 		Total: \$ 821.20

Economic Update – November 2014

Councillor Tilley presented the City’s Economic Update for November 2014 noting that St. John’s is the only city in the Atlantic Provinces to land in the top ten of the 2014 Entrepreneurial Communities report released by the Canadian Federation of Independent Business (CFIB). He also highlighted that to date in 2014, 140 new businesses have been approved. The Economic Update is available on the city’s website at www.stjohns.ca.

Memorandum dated November 13, 2014 from the Acting Deputy City Manager – Planning, Development and Engineering re: Variance on Frontage – 62 Blackler Avenue.

Council considered the above noted memorandum which requested a 3.5% variance on the lot frontage to allow for a building lot.

SJMC2014-11-17/516R

It was decided on motion of Councillor Tilley; seconded by Councillor Puddister: That approval be given for a 3.5% variance on lot frontage to allow for a building lot at 62 Blackler Avenue that will allow the middle lot of three proposed townhouse lots to meet the minimum frontage requirement.

The motion being put was unanimously carried.

Councillor Davis

Questioned the status of the construction project at Portugal Cove Road, noting that an excavator had been placed mid-street for several days with no activity. The Deputy City Manager of Planning, Development and Engineering responded that this project is nearing completion.

Councillor Galgay

In an effort to move the Victoria Park Revitalization Project forward, Councillor Galgay requested that consideration be given to a merger of existing Park Foundations (i.e. Bannerman and Bowring) to create one Parks Foundation for the City. He noted the matter is presently under discussion with the City Manager.

Adjournment

There being no further business the meeting adjourned at 5:50 p.m.

MAYOR

CITY CLERK