

October 6, 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: Deputy Mayor Ellsworth, Councillors Hann, Puddister, Hickman, Breen, Lane, Galgay, Davis, Tilley and Collins.

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

Call to Order and Adoption of the Agenda

SJMC2014-10-06/438R

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

Adoption of Minutes

SJMC2014-10-06/439R

It was moved by Councillor Puddister; seconded by Councillor Davis: That the minutes of September 29, 2014 be adopted as presented.

The motion being put was unanimously carried.

Notice of Motion – Councillor Galgay – Amendment to Commercial Maintenance By-law

Council considered the notice of motion put forward by Councillor Galgay at the Regular Meeting of Council dated September 29, 2014. Prior to the motion being put, Councillor Galgay advised that in speaking with the Legal Department subsequent to introduction of the notice of motion, it has been determined that there is no need to amend the City's Litter By-law. Therefore, only an amendment to the Commercial Maintenance By-law is required.

SJMC2014-10-06/440R

It was decided on motion of Councillor Galgay; seconded by Councillor Puddister: That an amendment be enacted to the St. John’s Commercial Maintenance By-law in order to enhance controls on the migrate of deleterious and/or injurious substances from private and/or commercial property onto public property.

BY-LAW NO.

**ST. JOHN’S COMMERCIAL MAINTENANCE (AMENDMENT NO. 1 – 2014) BY-LAW
PASSED BY COUNCIL ON**

Pursuant to the powers vested in it under the City of St. John’s Act, RSNL 1990 c.C-17, as amended and all other powers enabling it, the City of St. John’s hereby enacts the following By-Law relating to the regulation and control of storage on commercial property.

BY-LAW

1. This By-Law may be cited as “The St. John’s Commercial Maintenance (Amendment No. 1 – 2014) By-Law.
2. The following is added as Section 3(a.1):

“3(a.1) Where the Land of a Commercial Property is used for the storage of goods, materials or equipment such goods, materials or equipment shall be secured, contained and/or immobilized in a manner acceptable to the Inspector.”

IN WITNESS WHEREOF the Seal of the City of St. John’s has been hereunto affixed and this By-Law has been signed by the Mayor and City Clerk this 6th day of October, 2014.

MAYOR

CITY CLERK

The motion being put was unanimously carried.

Discussion on the motion resulted in clarification that the amendment will address issues that would deal with materials stored on site as opposed to dust or debris that may be the result of general excavation.

Memorandum from the City Manager re: Council CD R2014-09-29/12 re: Media Relations Policy

Council considered the above-noted wherein the City Manager clarified that the purpose of having the Communications Division of the Office of Strategy and Engagement as the first point of contact for media is to ensure that City spokespersons have the full gamut of information available to them in order to ensure that the media is provided with complete and accurate information. Under the Media Relations Policy, the Mayor and Council members, committee chairs, the City Manager, or in his absence, the Deputy City Managers, the Deputy City Manager - Public Works on matters related to summer/winter street maintenance, and the Fire Chief and Deputy Fire Chiefs, or their designates, on matters related to fire, safety and emergency issues are authorized to speak as City spokespersons. They do not require the prior authorization of the Communications Division to do so.

The memorandum also states that the policy which was approved by Council on January 3, 2012 is currently under review.

Memorandum dated October 1, 2014 from Chief Municipal Planner re: Quidi Vidi Village Overlay Zone – Public Meeting September 30, 2014 and Next Steps.

Consideration was given to the above noted memorandum which noted that the study included all properties in the core of the village as well as higher lands along Cuckhold's Cove Road, Maxwell Place and Regiment Road. Leading up to it, Council placed a temporary moratorium on development applications in the village as per Council Directive R2013/08-05/19. While it is not likely that the entire overlay study will be presented to Council in the near future and the more immediate need to create additional parking areas, the Chief Municipal Planner suggested Council may wish to consider the following actions:

- Reduce the limits of the temporary moratorium on development applications. The consultants have made recommendations on overlay zoning in the core village. For the remainder of the study area, the consultants recommend no change to zoning.

Therefore, Council could lift the moratorium on development applications for areas that are not the subject of recommended zone changes in the draft report.

- Place two (2) sites recommended for parking areas on the City's capital-works list for 2015. Out of nine (9) sites considered in the Quidi Vidi Village Development Plan (2006), the consultants recommend that two (2) of them offer good opportunity for parking. One is alongside Quidi Vidi Village Road just south of the Coronation Bridge and is being used informally for parking already. The other is City-owned land on Quidi Vidi Village Road opposite Regiment Road and next to the Grand Concourse walking trail around Quidi Vidi Lake. These two areas would then provide some public parking at each end of the village.

SJMC2014-10-06/441

It was decided on motion of Deputy Mayor Ron Ellsworth; seconded by Councillor Galgay: That the temporary moratorium on development applications in the core village be lifted for areas that are not the subject of recommended zone changes in the draft report; and

Further that the following sites be approved for parking development as part of the 2015 Capital Works Program in the following locations:

- **Alongside Quidi Vidi village Road just south of the Coronation Bridge; and**
- **City owned land on Quidi Vidi Village Road opposite Regiment Road and next to the Grand Concourse walking trail around Quidi Vidi Lake.**

The motion being put was unanimously carried.

Notices Published

Council considered the following notices published:

- **251 Empire Avenue, Commercial Office (CO) Zone**
A Discretionary Use Application has been submitted to the City by Rogers Communications Inc. seeking approval of site design in relation to a telecommunications rooftop site at 251 Empire Avenue.

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 Empire Avenue of Rogers' intentions to install a rooftop antenna system consisting of:

Nine antennas which will be mounted on tripods to the roof of the building. The antenna system will be 3.77 meters in height above the existing building which is currently 11 meters. All visible elements will be painted the same color as the existing façade of the building. (two submissions and one petition were received)

SJMC2014-10-06/442R

It was moved by Councillor Hann; seconded by Deputy Mayor Ellsworth: That Council approve the above noted applications subject to all applicable City requirements.

Development Permits List

Council considered as information the following Development Permits List for the periods September 26th to October 2nd, 2014.

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF September 26, 2014 TO October 2, 2014**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM		Home Hardware Location	430 Topsail Road	3	Approved	14-09-30
RES		Subdivision of Lot	345 Groves Road	4	Approved	14-09-30

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

Building Permits List

Council considered the Building Permits list for the periods of September 18th and September 25th, 2014.

SJMC2014-10-06/443R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Puddister: That the recommendations of the Director of Planning and

Development with respect to the following Building Permits list for the period September 23rd to October 1st be approved:

**Building Permits List
Council's October 06, 2014 Regular Meeting**

Permits Issued: 2014/09/23 To 2014/10/01

Class: Commercial

195 Airport Heights Dr	Co	Day Care Centre
5 Navigator Ave -World Parkway	Nc	Hotel
245-247 Duckworth St	Oc	Retail Store
40 Aberdeen Ave	Ms	Service Shop
40 Aberdeen Ave	Ms	Retail Store
40 Aberdeen Ave	Ms	Office
40 Aberdeen Ave	Ms	Service Shop
40 Aberdeen Ave	Ms	Clinic
40 Aberdeen Ave	Ms	Retail Store
46 Aberdeen Ave	Ms	Restaurant
1 Anderson Ave	Ms	Clinic
37 Anderson Ave	Ms	Eating Establishment
48 Kenmount Rd/Cineplex	Sn	Place Of Amusement
260 Blackmarsh Rd	Ms	Retail Store
3 Blackmarsh Rd	Ms	Retail Store
77 Blackmarsh Rd	Ms	Retail Store
245 Blackmarsh Rd	Ms	Convenience Store
Carpasian Rd	Ms	Place Of Assembly
Carpasian Rd	Ms	Place Of Assembly
2 Cornwall Ave	Sn	Bank
395 East White Hills Rd	Ms	Commercial Garage
92 Elizabeth Ave	Ms	Office
92 Elizabeth Ave	Ms	Club
92 Elizabeth Ave	Ms	Office
94 Elizabeth Ave	Ms	Retail Store
94 Elizabeth Ave	Ms	Retail Store
73 Elizabeth Ave	Ms	Service Station
2 Fogwill Pl	Ms	Restaurant
336 Freshwater Rd	Ms	Service Shop
336 Freshwater Rd	Ms	Communications Use
336 Freshwater Rd	Ms	Office
336 Freshwater Rd	Ms	Office
12 Gleneyre St	Ms	Service Shop
15 Goldstone St	Ms	Service Shop
15 Goldstone St	Ms	Service Shop
5 Hallett Cres	Ms	Industrial Use
169 Hamlyn Rd	Ms	Service Shop
179 Hamlyn Rd	Ms	Club
78 Harvey Rd	Ms	Eating Establishment
12 Hebron Way, Starbucks	Ms	Eating Establishment
25 Hebron Way	Ms	Retail Store
16 Highland Dr	Ms	Convenience Store
12-20 Highland Dr	Ms	Clinic
55b Kelsey Dr Telus	Ms	Communications Use
55 Kelsey Dr	Ms	Restaurant
75 Kelsey Dr	Ms	Eating Establishment
54 Kenmount Rd	Ms	Eating Establishment
102 Kenmount Dr	Ms	Office
102 Kenmount Dr	Ms	Office

102 Kenmount Dr	Ms	Hotel
150 Kenmount Rd	Ms	Car Sales Lot
33 Kenmount Rd	Ms	Office
35 Kenmount Rd	Ms	Eating Establishment
85-95 Kenmount Rd	Ms	Car Sales Lot
161 Kenmount Rd	Ms	Retail Store
193 Kenmount Rd	Ms	Place Of Amusement
195 Kenmount Rd	Ms	Service Shop
275 Kenmount Rd	Ms	Retail Store
497 Kenmount Rd	Ms	Car Sales Lot
541 Kenmount Rd	Ms	Retail Store
147 Lemarchant Rd	Ms	Service Shop
484-490 Main Rd	Ms	Restaurant
53-59 Main Rd	Ms	Retail Store
345-349 Main Rd	Ms	Eating Establishment
299 Main Rd	Ms	Service Shop
395 Main Rd	Ms	Office
239 Major's Path	Ms	Office
172 Military Rd	Sn	Mixed Use
446 Newfoundland Dr	Ms	Eating Establishment
78 O'leary Ave	Ms	Retail Store
37 O'leary Ave	Ms	Retail Store
37 O'leary Ave	Ms	Office
36 Pearson St	Ms	Retail Store
154 Pennywell Rd	Ms	Service Station
34 Pippy Pl	Ms	Office
260 Portugal Cove Rd	Ms	Retail Store
279 Portugal Cove Rd	Ms	Restaurant
150 Clinch Cres	Ms	Lodging House
30 Ropewalk Lane	Ms	Eating Establishment
117 Ropewalk Lane	Ms	Eating Establishment
2 Stavanger Dr	Ms	Service Station
14 Stavanger Dr., Mcdonald's	Ms	Restaurant
16 Stavanger Dr	Ms	Retail Store
20 Stavanger Dr	Ms	Retail Store
22 Stavanger Dr	Ms	Retail Store
386 Stavanger Dr	Ms	Commercial School
386 Stavanger Dr	Ms	Retail Store
410 Stavanger Dr	Ms	Retail Store
15 Stavanger Dr	Ms	Retail Store
25 Stavanger Dr	Ms	Retail Store
15-27 Stavanger Dr	Ms	Retail Store
86 Thorburn Rd	Ms	Office
86 Thorburn Rd	Ms	Service Station
92 Thorburn Rd	Ms	Eating Establishment
430 Topsail Rd.,The Source	Sn	Retail Store
506 Topsail Rd	Ms	Eating Establishment
644 Topsail Rd	Ms	Service Shop
644 Topsail Rd	Ms	Club
644 Topsail Rd	Ms	Day Care Centre
668 Topsail Rd	Ms	Retail Store
656 Topsail Rd	Ms	Tavern
686 Topsail Rd	Ms	Restaurant
393 Topsail Rd	Ms	Day Care Centre
681 Topsail Rd	Ms	Retail Store
26-34 Torbay Rd	Ms	Tavern
26-34 Torbay Rd	Ms	Tavern
10 Elizabeth Ave	Ms	Office
10 Elizabeth Ave	Ms	Office
248 Torbay Rd	Ms	Restaurant
280 Torbay Rd	Ms	Eating Establishment

286 Torbay Rd Country Keepsake	Ms	Retail Store
286 Torbay Rd Jungle Jim's	Ms	Restaurant
286 Torbay Rd	Ms	Retail Store
320 Torbay Rd	Ms	Tavern
320 Torbay Rd	Ms	Restaurant
320 Torbay Rd	Ms	Eating Establishment
278 Torbay Rd	Ms	Service Shop
436 Torbay Rd	Ms	Nursery School
710 Torbay Rd	Ms	Retail Store
607 Torbay Rd	Ms	Office
110 Water St,Lush Consignment	Sn	Retail Store
250 Blackmarsh Rd, M. Browns	Rn	Restaurant
383 Duckworth St	Rn	Tavern

Robert E Howlett Dr	Sw	Vacant Land
88 Water St, Crows Nest	Rn	Club
145-147 Duckworth St	Rn	Office
1 Vanguard Crt	Rn	Office
673 Topsail Rd	Rn	Retail Store
138 Pennywell Rd	Rn	Place Of Amusement
35 Aviation Court	Rn	Office
15 Hebron Way, The Flower Stud	Rn	Retail Store
192-194 Torbay Rd	Rn	Service Station
210-214 Water St	Rn	Mixed Use
10 Factory Lane (Rooftop)	Rn	Communications Use
3 Stavanger Dr	Rn	Retail Store
48 Kenmount Rd - Thai Express	Cr	Eating Establishment
Cavendish Sq	Rn	Hotel
35 Major's Path	Rn	Office
48 Allandale Rd	Sw	Communications Use
48 Allandale Rd	Rn	Office

This Week \$ 3,772,137.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

10 Ann Harvey Pl	Nc	Single Detached Dwelling
11 Ann Harvey Pl, Lot 292	Nc	Single Detached Dwelling
129 Blue Puttee Dr	Nc	Fence
141 Blue Puttee Dr	Nc	Fence
17 Boncloddy St	Nc	Semi-Detached Dwelling
19 Boncloddy St	Nc	Semi-Detached Dwelling
82 Branscombe St	Nc	Accessory Building
65 Brazil St	Nc	Patio Deck
84 Castle Bridge Dr	Nc	Accessory Building
24 Cherrybark Cres - Lot 218	Nc	Single Detached Dwelling
41 Country Grove Pl	Nc	Fence
40 Eastbourne Cres	Nc	Fence
69 Hillview Dr E	Nc	Accessory Building

20 Kerry St	Nc	Accessory Building
203 Ladysmith Dr, Lot 605	Nc	Single Detached & Sub.Apt
233 Ladysmith Dr , Lot 590	Nc	Single Detached & Sub.Apt
14 Lawton Cres	Nc	Accessory Building
4 Legacy Pl	Nc	Fence
94 Linegar Ave	Nc	Single Detached & Sub.Apt
86 Main Rd	Nc	Accessory Building
835 Main Rd	Nc	Accessory Building
111a Mayor Ave	Nc	Fence
41 Meighen St	Nc	Patio Deck
30 Nascopie Cres	Nc	Fence
69 Nautilus St, Lot 149	Nc	Single Detached Dwelling
3 Newtown Rd	Nc	Fence
118 Old Petty Harbour Rd	Nc	Accessory Building
133 Old Petty Harbour Rd	Nc	Patio Deck
48b Quidi Vidi Village Rd	Nc	Single Detached Dwelling
38 Shoal Bay Rd	Nc	Accessory Building
14 Smith Ave	Nc	Fence
490 Southside Rd	Nc	Fence
216 Stavanger Dr, Lot 9	Nc	Single Detached Dwelling
230 Stavanger Dr	Nc	Fence
17 Sugar Pine Cres, Lot 262	Nc	Single Detached Dwelling
165 Waterford Bridge Rd	Nc	Fence
15 Westmount Pl	Nc	Accessory Building
15 Westmount Pl	Nc	Fence
4 Falkland St	Co	Office
104 Highland Dr	Co	Single Detached Dwelling
7 Crestview Pl	Cr	Single Detached Dwelling
406 Blackmarsh Rd	Ex	Single Detached Dwelling
292-296 Petty Harbour Rd	Ex	Accessory Building
8 Allan Sq	Rn	Semi-Detached Dwelling
24 Cairo St	Rn	Single Detached Dwelling
7 Capulet St	Rn	Single Detached & Sub.Apt
93 Casey St	Rn	Single Detached Dwelling
16 Circular Rd	Rn	Single Detached Dwelling
3 Curtis Pl	Rn	Single Detached Dwelling
43 Freshwater Rd	Rn	Townhousing
69 Freshwater Rd	Rn	Single Detached Dwelling
69 Gairlock St	Rn	Single Detached Dwelling
6 Gil Eannes Dr	Rn	Single Detached Dwelling
194 Hamilton Ave	Rn	Semi-Detached Dwelling
35 Hoyles Ave	Rn	Townhousing
37 Hoyles Ave	Rn	Townhousing
39 Hoyles Ave	Rn	Townhousing
41 Hoyles Ave	Rn	Townhousing
43 Hoyles Ave	Rn	Townhousing
45 Hoyles Ave	Rn	Townhousing
47 Hoyles Ave	Rn	Townhousing
49 Hoyles Ave	Rn	Townhousing
59 Hoyles Ave	Rn	Townhousing
61 Hoyles Ave	Rn	Townhousing
63 Hoyles Ave	Rn	Townhousing
65 Hoyles Ave	Rn	Townhousing
67 Hoyles Ave	Rn	Townhousing
69 Hoyles Ave	Rn	Townhousing
71 Hoyles Ave	Rn	Townhousing
73 Hoyles Ave	Rn	Townhousing
1 Kenai Cres	Rn	Single Detached Dwelling
30 Margaret's Pl	Rn	Townhousing
31 Maxse St	Rn	Townhousing
21 Monkstown Rd	Rn	Single Detached Dwelling

133 Old Petty Harbour Rd	Rn	Single Detached Dwelling
56 Paddy Dobbin Dr	Rn	Single Detached Dwelling
47 Quidi Vidi Rd	Rn	Townhousing
77 Rennie's Mill Rd	Rn	Single Detached Dwelling
6 Warbury St	Rn	Single Detached Dwelling
41 William St	Rn	Semi-Detached Dwelling
7 York St	Rn	Single Detached Dwelling
36 Hatcher St	Sw	Single Detached Dwelling
133 Old Petty Harbour Rd	Sw	Single Detached Dwelling
414 Blackmarsh Rd	Ms	Industrial Use

This Week \$ 3,884,208.00

Class: Demolition

220 Bay Bulls Rd	Dm	Single Detached Dwelling
136 Hamilton Ave	Dm	Single Detached Dwelling
29 Ladysmith Dr	Dm	Single Detached Dwelling
200 New Pennywell Rd	Dm	Single Detached Dwelling

This Week \$ 72,000.00

This Week 'S Total: \$ 7,728,345.00

Repair Permits Issued: 2014/09/23 To 2014/10/01 \$ 461,760.00

80 Forest Road - Your Application To Install Exterior Siding (Genstone Siding) Is Rejected As Per Section 5.9.4 Of The St. John's Development Regulations.

Legend

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

Year To Date Comparisons			
October 06, 2014			
Type	2013	2014	% Variance (+/-)
Commercial	\$77,644,000.00	\$127,442,000.00	
Industrial	\$131,000.00	\$125,300.00	-4
Government/Institutional	\$77,236,000.00	\$77,760,000.00	1
Residential	\$128,745,000.00	\$119,463,000.00	-7
Repairs	\$3,943,000.00	\$4,433,000.00	12
Housing Units (1 & 2 Family Dwellings)	369	269	
TOTAL	\$287,699,000.00	\$329,223,300.00	14

Respectfully Submitted,

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

Requisitions, Payrolls and Accounts

Council considered the requisitions, payrolls and accounts for the week ending October 1, 2014.

SJMC2014-10-06/444R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending October 1, 2014 be approved.

**Weekly Payment Vouchers For The
Week Ending October 1, 2014**

Payroll

Public Works	\$ 413,032.11
Bi-Weekly Casual	\$ 19,511.00
Accounts Payable	\$ 4,799,094.09
Total:	\$ 5,231,637.20

The motion being put was unanimously carried.

Tenders

Council considered the following tenders:

- a. Roofing Replacement – HGR Mews Centre

SJMC2014-10-06/445R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Puddister: That the tender for the above-referenced project be awarded to the low bidder, Newfound Roofing Ltd. in the amount of \$315,919.75 which includes HST and further that the project be funded from the unallocated capital fund.

The motion being put was unanimously carried.

b. Request for Proposals – West Community Centre

SJMC2014-10-06/446R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Puddister: That approval be given to award the Request for Proposals for the West Community Centre to Architecture 49 Inc.

The motion being put was unanimously carried.

Ratification of E-poll – Suncor – Application to drill a mud storage facility on Cadet Road.

An e-poll was conducted on September 25, 2014 seeking approval to an application by Suncor for a minor upgrade to drill a mud storage facility on Cadet Road on land under Federal jurisdiction. Ten of eleven Councillors agreed with only one Councillor not responding.

SJMC2014-10-06/447R

It was decided on motion of Councillor Lane seconded by Councillor Hickman: That the E-poll regarding Suncor's application to drill a mud storage facility on Cadet Road be ratified as presented.

The motion being put was unanimously carried.

Councillor Hann

- Made reference to the matter of illegal dumping at Thomas Pond where campers have been using the site during the summer and left garbage and derelict material on site. Based on staff estimates, cleanup will cost in the range of \$10,000. As this area has been similarly targeted during the last number of years, it was agreed that staff explore ways and means of preventing access to the area. Councillor Hann noted that while this area is in an unacceptable condition, in general, use of the City's surveillance cameras have been effective in dealing with illegal dumping as there have been a total of ten charges laid, seven with convictions and three pending.

Councillor Galgay

- Noted that on Friday, October 3rd, he attended an event at the Royal Canadian Legion on Blackmarsh Road at which time it was noticed that vandalism had taken place to a monument on the property. It was questioned whether the City could assist in the repair of the monument, to which it was agreed that Councillor Galgay would submit a request to the City's Finance and Administration Standing Committee for consideration.

Councillor Davis

- Requested consideration for the placement of traffic feedback signs at Airport Heights Drive and Great Eastern Avenue.

Adjournment

There being no further business the meeting adjourned at 5:35 p.m.

MAYOR

CITY CLERK