

October 21<sup>st</sup>, 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 Ellsworth; Councillors Hann; Hickman, Lane, Puddister, Breen, Galgay, Tilley, Davis and Collins.

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

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

##### **SJMC2013-10-21/468R**

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

#### **Adoption of Minutes**

##### **SJMC2013-10-21/469R**

**It was decided on motion of Councillor Lane; seconded by Councillor Breen: That the minutes of October 15<sup>th</sup>, 2013 be adopted as presented.**

#### **Notices Published**

- a. A Discretionary Use application has been submitted to operate an 'Aquaculture' use on **land adjacent to 90 Pearltown Road** as a Discretionary Use in the Agriculture (AG) Zone. The proposed structures would be greenhouse-style buildings containing closed tanks for raising tilapia fish. The tanks would be built above ground and use natural lighting plus some artificial lights when natural daylight is not sufficient to provide 14 hours per day. The buildings would be metal-frame, poly-covered greenhouses 200 feet long and 15 feet high.

The City of St. John's wishes to allow 'Aquaculture' as a Discretionary Use in the Agriculture (AG) Zone and to define 'Aquaculture' to read as follows: "AQUACULTURE' means the breeding, hatching and rearing of fish or other aquatic plants or animals for sale and/or personal use." (Ward 5)

**One (1) Submission**

**Proposed Text Amendment to the Agriculture (AG) Zone.**

**SJMC2013-10-15/470R**

**It was moved by Councillor Collins; seconded by Deputy Mayor Ellsworth: That the application be approved subject to conditions recommended to the proposed text amendment to the Agriculture (AG) Zone.**

**SJMC2013-10-15/471R**

**It was then moved by Councillor Puddister; seconded by Councillor Collins: That a decision be deferred for one week to allow staff an opportunity to investigate the lighting issue and its impact on residences in close proximity to the proposed development.**

**The motion to defer being put was unanimously carried.**

**Public Hearings**

**Rezoning from the RR Zone to the RRI Zone  
Ryan's Place, Goulds – Various Properties**

Councillor Collins presented a report of a public meeting held on August 22, 2013 the purpose of which was to provide an opportunity for comments/opinions on the proposed rezoning of Ryan's Place from Rural Residential (RR) zone which requires at least one acre to a Rural Residential Infill (RRI) zone which requires only half acre lots on well and septic.

In this regard, Council considered a memorandum dated October 16, 2013 from the Chief Municipal Planner. A number of written submissions on the proposed rezoning application were presented for Council's information.

**SJMC2013-10-21/472R**

**It was moved by Councillor Collins; seconded by Councillor Davis: That the matter be deferred pending further review.**

**The motion to defer being put was unanimously carried.**

**Proposed Rezoning for Commercial and Residential Development  
(The Light House Project) 83 & 90 Duckworth Street  
Applicant – Republic Properties Inc. Republic Properties Inc.**

Councillor Hann presented the report of a public meeting held on May 22, 2013 to provide an opportunity for public review and comment on an application submitted by Republic Properties regarding the redevelopment of civic numbers 83 and 90 Duckworth Street (former East Fire Station). A six-storey building consisting of ground floor commercial and five floors of boutique hotel are proposed for civic number 83 Duckworth Street. The site is currently zoned Commercial Central Mixed Use under the St. John's Development Regulations. This zone allows the proposed development with a maximum building height of 15 metres. The applicants have requested a height of 21 metres with an increase in the floor area ratio. A four-storey building, with two levels of parking (one underground) and three floors of residential units is proposed for civic number 90 Duckworth Street, which requires a rezoning from Residential Downtown to the Apartment Downtown Zone. Existing buildings on both sites will be demolished. Parking for both buildings will be provided at civic number 90 Duckworth Street.

In this regard, Council considered a memorandum dated October 16, 2013 from the Chief Municipal Planner regarding the application. A number of written submissions on the proposed rezoning application were presented for Council's information.

**SJMC2013-10-21/473R**

**It was moved by Councillor Hann; seconded by Councillor Tilley: That staff be directed to proceed with the amendment process for this application and draft the appropriate amendments to the St. John's Development Regulations for referral to a future Regular Meeting of Council for consideration of adoption.**

**SJMC2013-10-21/474R**

**It was then moved by Councillor Lane; seconded by Councillor Galgay: That the motion be amended to include a height reduction of one floor to the height proposed for the development.**

Members of Council voting against the amendment felt that reducing the project by one floor would be of little value and cautioned against the change in terms of significant economic impacts for the proponents.

**The amendment to the motion being put there voted for it the mover and seconder. The amendment was lost.**

In speaking to the main motion, members of Council indicated their support of the project, spoke of its many benefits and welcomed a development of this magnitude to the revitalization of the downtown. Concern was expressed relative to the City's planning process and future development in the downtown. It was pointed out that the City embarked on its St. John's Municipal Plan Review and once completed will provide advice and direction to the City and will set out policies for planning, use, and future development of property.

**Following discussion the main motion being put was unanimously carried.**

### **Committee Reports**

#### **Development Committee Report, October 15<sup>th</sup>, 2013**

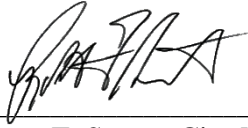
Council considered the following Development Committee Report dated October 15<sup>th</sup>, 2013:

**1. Approval-in-Principle for Proposed Recreational Supply Building**  
**Coastal Outdoors**  
**Applicant: Ron Fougere**  
**800 Kenmount Road**  
**Commercial Industrial (CI) Zone (Ward 2)**

The Development Committee recommends that Council grant an Approval-in-Principle for the development, subject to the following conditions:

- a. Compliance with the requirements of the Planning and Development Division;
- b. The required Building Permits must be obtained from the City, prior to the commencement of any development;
- c. This Development must meet the minimum parking requirements for the CI Zone for this type of occupancy;
- d. There is a concept plan currently under development for this area for a possible signalized roadway network, through which individual properties would access Kenmount Road, and would prohibit individual direct connections onto Kenmount Road. Therefore, the property access location will need to be modified at a later date in time to fall in line with the proposed development guidelines for the area; and

- e. If the proponent wishes to connect to the Town of Paradise services, any limitations, upgrades or permissions must be obtained from that municipality.



Robert F. Smart, City Manager  
Chair – Development Committee

**SJMC2013-10-21/475R**

**It was moved by Councillor Hann; seconded by Councillor Davis: That the Committee’s recommendation be approved.**

**The motion being put was unanimously carried.**

**Development Permits**

Council considered as information the following Weekly Development Permits for the period October 11, 2013 to October 17, 2013:

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING  
FOR THE PERIOD OF October 11, 2013 TO October 17, 2013**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Exp Services for Tim Horton's	Drive Thru Alterations & Site Work	275 Kenmount Road	4	Approved	13-10-11
COM	DSF Granite	Commercial Building	40 Eastland Drive	1	Approved	13-10-17
COM	Food For Thought	Proposed Retail of Food	84 Gower Street	2	Approved	13-10-17
RES	Fairview Investments Ltd	Forty-four(44) Residential Lots	Southlands– Area 3 and 4 (Stage 5)	5	Approved	13-10-18

\* 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 – October 21<sup>st</sup>, 2013**

**SJMC2013-10-21/476R**

**It was decided on motion of Councillor Collins; seconded by Councillor Puddister: 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 October 21, 2013 Regular Meeting**

Permits Issued: 2013/ To 2013/

**CLASS: COMMERCIAL**

24A MEWS PL	CO	OFFICE		
83 ELIZABETH AVE	MS	COMMERCIAL GARAGE		
35 KELSEY DR- BOSTON PIZZA	SN	RESTAURANT		
31 PEET ST	MS	RETAIL STORE		
180 PORTUGAL COVE RD	MS	PLACE OF ASSEMBLY		
46-50 ROBIN HOOD BAY RD	MS	INDUSTRIAL USE		
ST. CLARE AVE	MS	PLACE OF ASSEMBLY		
397 STAVANGER DR	MS	RETAIL STORE		
415 STAVANGER DR-BOSTON PIZZA	SN	RESTAURANT		
430 TOPSAIL RD-BRIAN HEAD ASSC	SN	OFFICE		
26-34 TORBAY RD	MS	TAVERN		
430 TORBAY RD	MS	TAVERN		
140 WATER ST	SN	BANK		
13 LEMARCHANT RD	RN	MIXED USE		
49-51 KENMOUNT RD, SALVATION	SW	RETAIL STORE		
61 TORBAY RD	NC	FENCE		
644 TOPSAIL RD	RN	SHOPPING CENTRE		
50 WHITE ROSE, NORTHERN REFLEC	RN	RETAIL STORE		
50 WHITE ROSE DR	RN	RETAIL STORE		
290 EMPIRE AVE	RN	ADMIN BLDG/GOV/NON-PROFIT		
			THIS WEEK \$	663,800.00

**CLASS: INDUSTRIAL**

THIS WEEK \$ .00

**CLASS: GOVERNMENT/INSTITUTIONAL**

THIS WEEK \$ .00

**CLASS: RESIDENTIAL**

15 ALDERGROVE PL, LOT 244	NC	SINGLE DETACHED DWELLING		
40 CAPE PINE ST	NC	FENCE		

20 CAPPAHAYDEN ST	NC	ACCESSORY BUILDING
150 CASTLE BRIDGE DR LOT 197	NC	SINGLE DETACHED DWELLING
107 CASTLE BRIDGE DR, LOT 221	NC	SINGLE DETACHED DWELLING
2 COLLINS PL	NC	PATIO DECK
202 HAMILTON AVE	NC	PATIO DECK
31 HARRIS RD	NC	ACCESSORY BUILDING
20 HUSSEY DR	NC	PATIO DECK
202 HUSSEY DR	NC	ACCESSORY BUILDING
8 EASTMEADOWS PL	NC	FENCE
88 MOSS HEATHER DR	NC	ACCESSORY BUILDING
3 NEW PENNYWELL RD	NC	ACCESSORY BUILDING
10 OPHELIA PL, LOT 207	NC	SINGLE DETACHED DWELLING
147 PLEASANT ST	NC	FENCE
8 PROSPERO PL	NC	PATIO DECK
92 QUEEN'S RD	NC	PATIO DECK
22 ROSE ABBEY ST, LOT 160	NC	SINGLE DETACHED DWELLING
76 ROTARY DR, LOT 91	NC	SINGLE DETACHED DWELLING
78 ROTARY DR, LOT 92	NC	SINGLE DETACHED DWELLING
57 ROTARY DR, LOT 114	NC	SINGLE DETACHED DWELLING
24 SEQUOIA DR, LOT 306	NC	SINGLE DETACHED DWELLING
22 SINNOTT PL	NC	PATIO DECK
9 SUMAC ST	NC	ACCESSORY BUILDING
120 UNIVERSITY AVE	NC	PATIO DECK
31 GREAT EASTERN AVE	CO	HOME OFFICE
9 THOMAS ST	CR	SUBSIDIARY APARTMENT
16 CONNEMARA PL	EX	SINGLE DETACHED DWELLING
9 REGIMENT RD	EX	SINGLE DETACHED DWELLING
235 TOPSAIL RD	EX	SINGLE DETACHED DWELLING
63 BATTERY RD	RN	SINGLE DETACHED DWELLING
26 BLUE RIVER PL	RN	SINGLE DETACHED DWELLING
9 BRIGHTON PL	RN	SINGLE DETACHED DWELLING
48 CHEROKEE DR	RN	SINGLE DETACHED DWELLING
33 COCHRANE ST	RN	TOWNHOUSING
3 EASTMEADOWS CRES	RN	SINGLE DETACHED & SUB.APT
42 KENAI CRES	RN	SINGLE DETACHED DWELLING
17 LOGY BAY RD	RN	SINGLE DETACHED DWELLING
8 EASTMEADOWS PL	RN	SINGLE DETACHED DWELLING
104 PEARLTOWN RD	RN	SINGLE DETACHED DWELLING
61 PENNYWELL RD	RN	SINGLE DETACHED DWELLING
60 PRESCOTT ST	RN	SINGLE DETACHED DWELLING
134 QUEEN'S RD	RN	SEMI-DETACHED DWELLING
50 ROCHE ST	RN	SINGLE DETACHED DWELLING
15 STANFORD PL	RN	SINGLE DETACHED DWELLING
57 STIRLING CRES	RN	SINGLE DETACHED DWELLING
9 THOMAS ST	RN	SINGLE DETACHED DWELLING
12 VIMY AVE	RN	TOWNHOUSING
70 HEAVY TREE RD	SW	OTHER
8 EASTMEADOWS PL	SW	FENCE

THIS WEEK \$ 2,292,450.00

**CLASS: DEMOLITION**

THIS WEEK \$ .00

THIS WEEK'S TOTAL: \$ 2,956,250.00

REPAIR PERMITS ISSUED: 2013/10/10 TO 2013/10/16 \$ 90,820.00

105 Castle Bridge Drive - your application to widen the driveway is rejected as contrary to Section 10.3.3(g) of St. John's Development Regulations.

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			
October 21, 2013			
TYPE	2012	2013	% VARIANCE (+/-)
Commercial	\$179,200,300.00	\$79,400,500.00	-56
Industrial	\$5,000,000.00	\$131,000.00	-97
Government/Institutional	\$15,800,700.00	\$78,100,300.00	394
Residential	\$152,100,500.00	\$139,600,600.00	-8
Repairs	\$4,400,400.00	\$4,100,900.00	-7
Housing Units (1 & 2 Family Dwellings)	501	396	
<b>TOTAL</b>	<b>\$356,501,900.00</b>	<b>\$301,333,300.00</b>	<b>-15</b>

Respectfully Submitted,

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

**Payrolls and Accounts**

**SJMC2013-10-21/477R**

**It was decided on motion of Councillor Collins; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week October 17<sup>th</sup>, 2013 be approved:**



**Weekly Payment Vouchers  
For The  
Week Ending October 17, 2013**

**Payroll**

**Public Works** **\$ 368,278.92**

**Bi-Weekly Casual** **\$ 25,097.31**

**Accounts Payable** **\$4,460,536.83**

**Total:** **\$ 4,853,913.06**

**Tenders**

- a. Tender – Insurance Renewal - 2013-2014
- b. Tender – Maintenance of City Generators

**SJMC2013-10-21/478R**

**It was decided on motion of Councillor Collins; seconded by Councillor Puddister: That the recommendations of the Deputy City Manager Corporate Services and City Clerk and the Deputy City Manager Public Works be approved and the tenders awarded as follows:**

- a. Zurich Insurance in the amount of \$1,324,713.00 for the period November 1, 2013 to October 31, 2014
- b. Sansom Equipment Limited in the amount of \$56,205.00, which includes HST.

**Committee Memberships of Council 2013-2014**

- a. Committee Memberships of Council 2013-2014

**SJMC2013-10-21/479R**

**It was decided on motion of Councillor Breen; seconded by Councillor Lane: That the following list of Chairs and Memberships to the City's various boards and committees (2013-2014) be approved:**

<b>Standing Committees</b>		
<b>Committee</b>	<b>Chairperson</b>	<b>Membership</b>
Audit and Accountability	Deputy Mayor Ron Ellsworth	Councillor Dave Lane Councillor Danny Breen Councillor Bruce Tilley Councillor Jonathan Galgay
Economic Development, Tourism and Public Engagement	Co-Chaired by: Councillor Bruce Tilley Councillor Dave Lane	Mayor Dennis O’Keefe Deputy Mayor Ron Ellsworth Councillor Art Puddister Councillor Sandy Hickman Councillor Danny Breen Councillor Jonathan Galgay Councillor Bernard Davis
Finance and Administration	Councillor Danny Breen	Deputy Mayor Ron Ellsworth Councillor Sandy Hickman Councillor Dave Lane Councillor Art Puddister Councillor Bruce Tilley Councillor Wally Collins
Community Services and Housing	Councillor Bernard Davis	Deputy Mayor Ron Ellsworth Councillor Sandy Hickman Councillor Art Puddister Councillor Danny Breen Councillor Wally Collins
Planning & Development	Councillor Tom Hann	Deputy Mayor Ron Ellsworth Councillor Sandy Hickman Councillor Dave Lane Councillor Art Puddister Councillor Danny Breen Councillor Bruce Tilley Councillor Wally Collins
Public Works	Councillor Jonathan Galgay	Deputy Mayor Ron Ellsworth Councillor Sandy Hickman Councillor Dave Lane Councillor Art Puddister Councillor Danny Breen Councillor Bruce Tilley Councillor Wally Collins

<b>Regional Committees</b>		
Committee	Chairperson	Membership
Regional Fire Services	Councillor Danny Breen	Councillor Tom Hann Councillor Bruce Tilley
Regional Water Services	Deputy Mayor Ron Ellsworth	Councillor Tom Hann Councilor Jonathan Galgay Councillor Bernard Davis
Regional Waste Water Services	Deputy Mayor Ron Ellsworth	Councillor Tom Hann Councillor Bernard Davis
Eastern Waste Management		Mayor Dennis O’Keefe Councillor Tom Hann Councillor Sandy Hickman Councillor Dave Lane Councillor Art Puddister Councillor Danny Breen Councillor Jonathan Galgay Councillor Bruce Tilley Councillor Bernard Davis Councillor Wally Collins
<b>Boards/Committees with Council Representation</b>		
Committee	Chairperson	Membership
St. John’s Transportation Commission	Councillor Wally Collins	Deputy Mayor Ron Ellsworth Councillor Bernard Davis
St. John’s Sports & Entertainment		Councillor Danny Breen
C.A. Pippy Park Commission		Councillor Sandy Hickman
Grand Concourse Authority		Councillor Jonathan Galgay
Bowring Park Foundation		Deputy Mayor Ron Ellsworth
Quidi Vidi Rennies River Foundation		Councillor Sandy Hickman
St. John’s Clean & Beautiful		Councillor Dave Lane
Aquarena Committee		Councillor Sandy Hickman
Municipalities Newfoundland and Labrador		Councillor Jonathan Galgay
<b>Other Committees of Council</b>		
Committee	Chairperson	Membership
Animal Care & Control	Deputy Mayor Ron Ellsworth	Councillor Art Puddister

Cruise Ship	Mayor Dennis O’Keefe	Councillor Art Puddister
Arts Advisory	Councillor Sandy Hickman	Councillor Dave Lane Councillor Jonathan Galgay
Environmental Advisory	Councillor Dave Lane	Deputy Mayor Ron Ellsworth
Heritage Advisory	Co-Chairs: Councillor Sandy Hickman Councillor Dave Lane	Deputy Mayor Ron Ellsworth
Nomenclature	Councillor Bruce Tilley	Mayor Dennis O’Keefe
Police & Traffic	Councillor Art Puddister	Councillor Tom Hann Councillor Sandy Hickman Councillor Danny Breen Councillor Bruce Tilley Councillor Jonathan Galgay Councillor Bernard Davis Councillor Wally Collins
Public Arts Advisory		Councillor Sandy Hickman
St. John’s Para-Transit		Councillor Ron Ellsworth Councillor Tom Hann
Special Events		Councillor Jonathan Galgay Councillor Bernard Davis
Taxi		Deputy Mayor Ron Ellsworth
<b>Others</b>		
<b>Committee</b>	<b>Chairperson</b>	<b>Membership</b>
Urban Forest Advisory		Councillor Sandy Hickman Councillor Dave Lane
Mayor’s Advisory Committee on the Status of Persons with Disabilities		Deputy Mayor Ron Ellsworth Councillor Tom Hann
Mayor’s Advisory Committee on Youth		Deputy Mayor Ron Ellsworth Councillor Bernard Davis
Mayor’s Advisory Committee on Seniors		Councillor Tom Hann Councillor Bruce Tilley
Mayor’s Advisory Committee on Crime Prevention		Councillor Art Puddister Councillor Jonathan Galgay
Mayor’s Advisory Committee on Affordable Housing		Deputy Mayor Ellsworth Councillor Danny Breen

Committee to Review Condominium Services		Councillor Danny Breen Councillor Bruce Tilley
Joint Committee of Council and the Downtown Development Commission		Councillor Dave Lane
Rotary Sunshine Park	Mayor Dennis O'Keefe	
Bannerman Park Foundation		Councillor Sandy Hickman Councillor Jonathan Galgay
Northeast Avalon Joint Council		Councillor Art Puddister
<b>Staff Committees with Council Representation</b>		
Committee	Council Representative	Membership
Development Committee	Councillor Tom Hann	Deputy Mayor Ron Ellsworth

**Councillor Davis**

Councillor Davis noted that he has received calls from residents on Viscount Street, Airport Heights regarding signage on the park located in the middle of Viscount Street. The matter was referred to the Police and Traffic Committee for follow-up.

Councillor Davis expressed concern with respect to speeding on Ladysmith Drive asked that the matter be referred to the Police and Traffic Committee for followup.

**Councillor Breen**

Councillor Breen provided information on the City's Budget Consultation Process and provided dates for the sessions as follows:

- Session 1 – Wednesday, October 30, 2013 7-9 p.m. in E.B. Foran Room
- Session 2 - Saturday, November 2, 2013 9–11 a.m at the Capital Hotel, 208 Kenmount Road

**Adjournment**

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

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**MAYOR**

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**CITY CLERK**