

**August 5<sup>th</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 Duff, Councillors O'Leary, Hickman, Hann, Colbert, Breen, Galgay, Tilley and Collins.

Regrets: Councillor Hanlon

The City Manager; Deputy City Manager, Public Works; Deputy City Manager, Planning, Development & Engineering; Director of Engineering; City Solicitor, Acting City Clerk and Planner (Lindsay Brushett Lyghtle), were also in attendance.

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

##### **SJMC2013-08-05/333R**

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

#### **Adoption of Minutes**

##### **SJMC2013-08-05/334R**

**It was decided on motion of Deputy Mayor Duff; seconded by Councillor O'Leary: That the minutes of July 22, 2013 be adopted as presented.**

#### **Business Arising**

##### **St. John's Native Friendship Center**

##### **SJMC2013-08-05/335R**

**It was moved by Councillor Hickman; seconded by Councillor Collins: That the following e-poll be ratified:**

**St. John's Native Friendship Center Application for Child Care Facility at 97 Elizabeth Avenue: E-Poll dated August 5, 2013 to hold a public information session.**

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

**Re: St. John's Municipal Plan Amendment Number 110, 2013 and St. John's Development Regulations Amendment Number 559, 2013: Proposed Townhouse and Seniors Residential Condominium Development, Ruby Line at Southlands Boulevard (Ward 5) Applicant: Reardon Construction and Development Limited**

Under business arising, Council considered a memorandum dated July 31, 2013 from the Chief Municipal Planner concerning the above noted.

**SJMC2013-08-05/336R**

**It was moved by Councillor Hickman; seconded by Councillor Collins: That the following Resolutions for St. John's Municipal Plan Amendment Number 110, 2013 and St. John's Development Regulations Amendment Number 559, 2013 be adopted, which will then be referred to the Department of Municipal Affairs for Provincial registration.**

**RESOLUTION  
ST. JOHN'S MUNICIPAL PLAN  
AMENDMENT NUMBER 110, 2013**

**WHEREAS** the City of St. John's wishes to allow the residential development of property located at the intersection of Ruby Line and Southlands Boulevard.

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act.

**Redesignate land in the area of Ruby Line at Southlands Boulevard from the Commercial General Land Use District to the Residential Medium Density Land Use District and the Residential High Density Land Use District as shown on Map III-1A attached.**

**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**IN WITNESS THEREOF** the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 5<sup>th</sup> day of August, 2013.

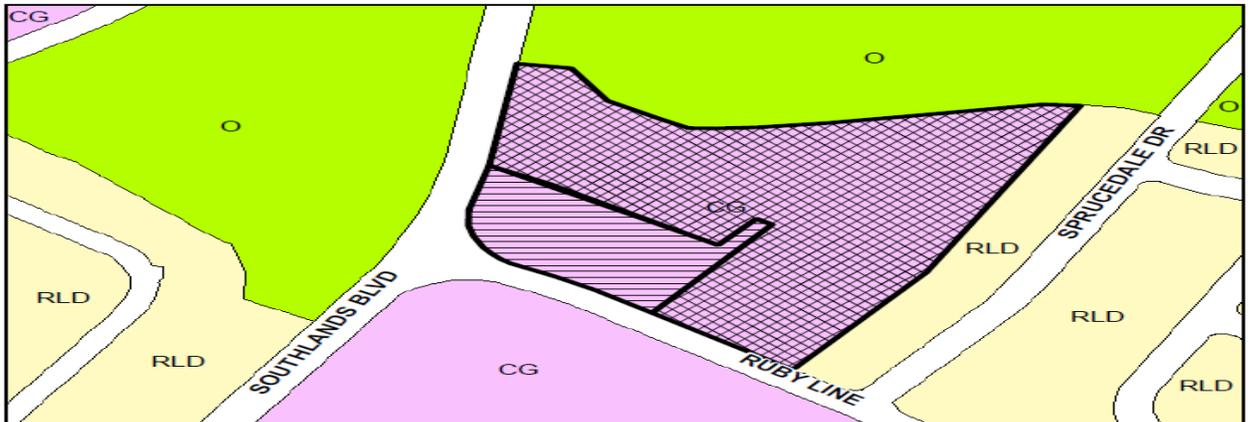
I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Provincial Registration**

\_\_\_\_\_  
MCIP



**CITY OF ST. JOHN'S  
MUNICIPAL PLAN  
Amendment No. 110, 2013  
[Map III-1A]**

2013 05 22 SCALE: 1:2500  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING

-  AREA PROPOSED TO BE REDESIGNATED FROM COMMERCIAL GENERAL (CG) LAND USE DISTRICT TO RESIDENTIAL MEDIUM DENSITY (RMD) LAND USE DISTRICT
-  AREA PROPOSED TO BE REDESIGNATED FROM COMMERCIAL GENERAL (CG) LAND USE DISTRICT TO RESIDENTIAL HIGH DENSITY (RHD) LAND USE DISTRICT

I hereby certify that this amendment has been prepared in accordance with the Urban and Rural Planning Act.

**SOUTHLANDS BOULEVARD AT RUBY LINE**

\_\_\_\_\_  
M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption

\_\_\_\_\_  
Provincial Registration

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 559, 2013**

**WHEREAS** the City of St. wishes to allow the residential development of property located at the intersection of Ruby Line and Southlands Boulevard.

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act.

**Rezone land in the area of Ruby Line at Southlands Boulevard from the Commercial Office Hotel (COH) Zone to the Residential Medium Density (R2) Zone, Apartment Medium Density (A2) Zone and Open Space (O) Zone as shown on Map Z-1A attached.**

**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**IN WITNESS THEREOF** the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 5th day of August, 2013.

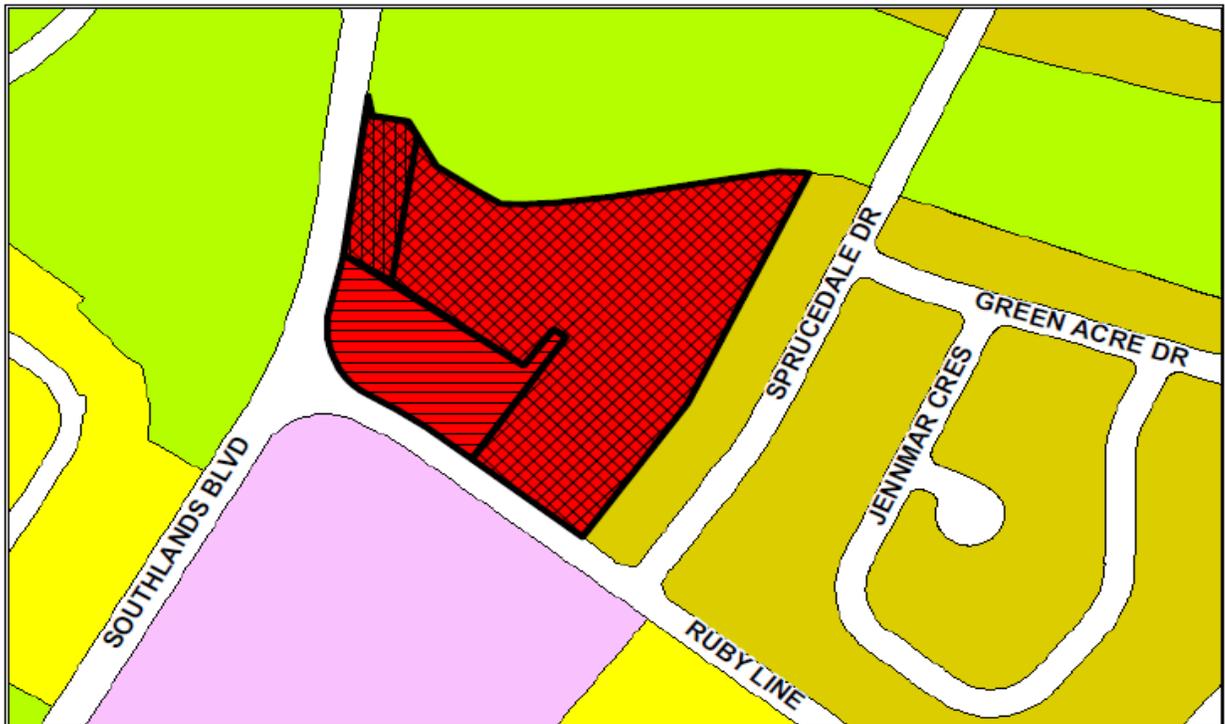
\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Provincial Registration**

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

\_\_\_\_\_  
MCIP



**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 559, 2013  
[Map Z-1A]**

2013 05 22 SCALE: 1:2500  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING

I hereby certify that this amendment  
has been prepared in accordance with the  
Urban and Rural Planning Act.

-  AREA PROPOSED TO BE REZONED FROM COMMERCIAL OFFICE HOTEL (COH) LAND USE ZONE TO RESIDENTIAL MEDIUM DENSITY (R2) LAND USE ZONE
-  AREA PROPOSED TO BE REZONED FROM COMMERCIAL OFFICE HOTEL (COH) LAND USE ZONE TO APARTMENT MEDIUM DENSITY (A2) LAND USE ZONE
-  AREA PROPOSED TO BE REZONED FROM COMMERCIAL OFFICE HOTEL (COH) LAND USE ZONE TO OPEN SPACE (O) LAND USE ZONE

**SOUTHLANDS BOULEVARD AT RUBY LINE**

M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption

\_\_\_\_\_  
Provincial Registration

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

**St. John's Municipal Plan Amendment Number 95, 2013 and St. John's Development Regulations Amendment Number 512, 2013 – Application to Rezone Property to the Rural Residential Infill (RRI) Zone – Maddox Cove Road**

Under business arising, Council considered a memorandum dated August 1, 2013 from the Chief Municipal Planner regarding the above noted, along with a copy of the Commissioner's report of the public hearing held on May 21, 2013 to consider both the proposed amendments to the Regional Plan and the proposed amendments to the St. John's Municipal Plan and Development Regulations

**SJMC2013-08-05/337R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Hann: That the proposed amendments for Maddox Cove Road be rejected, and further that that the Commissioner's report be adopted as presented.**

**Discussion ensued during which some members of Council supporting the motion to reject, felt that any changes to the regulations should wait until the municipal plan process has been conducted.**

**SJMC2013-08-05/338R**

**It was then moved by Councillor Tilley; seconded by Councillor Collins: That the Application to Rezone Property to the Rural Residential Infill (RRI) Zone – Maddox Cove Road, be deferred.**

**The motion to defer being put there voted for it the mover and the seconder.**

**The motion to defer was lost.**

**The main motion to reject the proposed amendments for Maddox Cove Road, and adopt the Commissioner's report as presented, being put, was carried with Councillors Tilley and Collins dissenting.**

**Committee Reports**

**Economic Development & Tourism Standing Committee Report of July 9, 2013**

Council considered the following Economic Development & Tourism Standing Committee Report of July 9, 2013:

In Attendance: Councillor Bruce Tilley  
Councillor Danny Breen,  
Councillor Tom Hann  
Bob Smart, City Manager  
Jill Brewer, Deputy City Manager of Community Services  
Elizabeth Lawrence, Director of Strategy and Engagement  
Deborah Cook, Manager of Tourism & Culture  
Karen Chafe, Recording Secretary

**Report:**

1. **Northeast Avalon Regional Development Board – Membership Request**

The Committee considered a memo dated July 2, 2013 from the Director of Strategy and Engagement regarding the Northeast Avalon Regional Economic Development Board (NEAREDB) which recently adopted a new vision for the organization along with a new membership structure. The City has participated in the NEAREDB for many years and Deputy Mayor Duff currently sits on the Board of Directors.

The Committee on motion of Councillor Breen/seconded by Deputy Mayor Duff recommends Council's approval of the following staff recommendation:

**That the City of St. John's purchase a one-year membership with the NEAREDB at a cost of \$500 with a view to reviewing participation as a member in future years.**

2. **ONS 2014 Stavanger Norway**

The Committee considered background information from the Director of Strategy and Engagement regarding the above noted matter and the City's participation in the ONS 2014 festival in Norway.

In 2000, the City of St. John's was a major participant and established its own pavilion at a cost of approximately \$80,000. The investment significantly raised the City's profile on the international stage and helped to establish St. John's as a major player in the oil and gas industry. The City of Stavanger has again invited the City of St. John's to participate in the 2014 festival. The estimated cost to contribute this time around with the same level of intensity as before would be approximately \$150,000.

**The Committee on motion of Deputy Mayor Duff; seconded by Councillor Breen: recommends that the City not participate in the 2014 ONS Festival in Stavanger, noting the significant costs associated with such and the lack of resources to participate. It should be noted that the City is well positioned internationally and does not need to exert the same level of effort as was done in 2000. It was also felt there are more cost effective ways to pursue networking and partnership opportunities with the City of Stavanger.**

3. **Conference Board of Canada - City Magnets III**

The Committee considered a memo dated July 5, 2013 from the Director of Strategy and Engagement regarding a request to participate in the Conference Board of Canada's City Magnets III. By participating as an investor in this study, St. John's will have an opportunity to participate in a dialogue and discussion with other partners as the material of this report is exclusively assembled for the investors. For St. John's this information about immigration is important to enhancing our understanding of St. John's as a community for immigration and developing approaches to becoming a greater recipient of newcomers.

**The Committee on motion of Councillor Breen; seconded by Deputy Mayor Duff: recommends that the City of St. John's participate in the Conference Board of Canada's City Magnets III study.**

4. **Local Immigration Partnership (LIP) in St. John's**

The Committee considered an issue paper regarding the establishment of a local immigration partnership in St. John's. With an aging population and a declining working age population, a key to future economic prosperity in St. John's will be the attraction and retention of talent. Immigration will play a significant role in this regard and a local immigration partnership (LIP) will facilitate the integration of newcomers as well as strengthen a community's ability to attract newcomers.

**The Committee on motion of Councillor Hann; seconded by Councillor Breen: recommends the establishment of a local immigration partnership (LIP) in St. John's subject to external funding approval from Citizenship and Immigration Canada.**

5. **Economic Diversification & Growth Enterprises Program (EDGE)**

The Committee considered a memo dated July 5, 2013 from the Director of Strategy and Engagement regarding options for the City of St. John's to continue its participation in the EDGE Program. According to Provincial Department officials, municipalities do not have the right to make selective decisions respecting municipal EDGE tax relief, i.e. a municipality's election to be an EDGE participant means that the municipality must apply its taxation relief to all EDGE designated businesses.

**The Committee on motion of Deputy Mayor Duff; seconded by Councillor Breen: recommends that the City of St. John's eliminate its participation in the EDGE Program.**

Councillor Bruce Tilley  
Chairperson

**SJMC2013-08-05/339R**

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

In speaking to Item #4, Local Immigration Partnership (LIP) in St. John's, Councillor O'Leary noted that some time ago she had discussed the idea of the City hosting an event to welcome new comers to the City. She asked that staff follow-up on the status of such an event.

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

**Public Works & Environment Standing Committee of July 18, 2013**

Council considered the following Public Works & Environment Standing Committee of July 18, 2013:

**Attendees:** Councillor Wally Collins, Chairperson  
Councillor Tom Hann  
Councillor Bruce Tilley  
Councillor Sheilagh O'Leary  
Councillor Frank Galgay  
Councillor Danny Breen  
Councillor Sandy Hickman  
Bob Smart, City Manager  
Paul Mackey, Deputy City Manager of Public Works  
Dave Blackmore, Deputy City Manager of Planning, Development & Engineering  
Bob Bishop, Deputy City Manager of Financial Management  
Jason Sinyard, Director of Planning  
Brendan O'Connell, Director of Engineering  
Don Brennan, Director of Streets & Traffic  
Brian Head, Manager of Parks & Open Spaces Division  
Steve Colford, Manager of Waste & Recycling  
George Whiteway, Operations Assistant – Environmental Services  
Jim Moore, Head Foreperson, Streets  
Karen Chafe, Recording Secretary

**Report:**

1. **Proposed Amendments to St. John's Snow Removal Regulations**

The Committee considered a council directive from the regular meeting of May 27, 2013 wherein Councillor Hanlon wanted to defer Council's decision on the above noted pending further review of the rationale outlined by the Committee. In this regard, the Committee reconsidered the memorandum dated April 26, 2013 from the Deputy City Manager of Public Works. The current Snow Removal Regulations only apply to commercial businesses on specifically named streets in the downtown core. The Committee reconfirms its motion

below, noting that the Downtown area is the most problematic, needing the most regulation, due to the high density of commercial buildings and lack of off-street parking:

**The Committee on motion of Deputy Mayor Duff; seconded by Councillor Tilley recommends that the Snow Removal Regulations not be amended to require all commercial businesses to remove snow from sidewalks abutting their properties for the following reasons:**

- **The City has established priority sidewalk clearing routes based on street classification and pedestrian usage. If all businesses are required to clear sidewalks throughout the City, there will be pressure to expand sidewalk clearing routes to areas adjoining the areas cleared by businesses even if these sidewalks are not priorities. Resources are currently not available to expand our sidewalk clearing routes.**
- **Sidewalks in many areas of the City are the only practical space available for snow storage both for residents and for City street snow clearing operations. If these sidewalks have to be cleared, it will necessitate an increase in the amount of snow which must be trucked away. Additional resources will be required for this activity.**
- **Requiring businesses to clear abutting sidewalks within 24 hours will cause an increase in public pressure for the City to complete its sidewalk clearing routes in a similar time frame which is not possible without additional resources.**
- **Enforcement staff would be required to ensure businesses comply with the amended Regulations.**
- **For the revised By-Law to be effective in cases where businesses fail to comply, the City would need to complete the clearing work and recover the cost from the business. This will require additional resources (either in-house or contracted).**

2. **Indiscriminate Dump Sites Camera Surveillance**

The Committee considered a memo dated June 11, 2013 from the Deputy City Manager of Public Works regarding a proposed program for camera surveillance of indiscriminate dump sites. The Committee on motion of Councillor Hann; seconded by Councillor O'Leary recommends approval of the following

**That the City implement a pilot camera surveillance program in 2013 modeled after the Conception Bay South program. The cost of the pilot program will be funded from the existing Waste Management budget. Following evaluation of the pilot program, a further report will be brought forward to Council on whether or not to continue or expand the program in 2014 along with budgetary requirements for proposed options.**

3. **Review of Tipping Fees/Penalties for Uncovered Loads to Robin Hood Bay Landfill**

Councillor Hann referenced the ongoing problems with uncovered truck loads continuing to enter the Landfill and the obvious hazards they create when driving along the highway to get to the Landfill. The City has on occasion invited the RNC to monitor the Landfill and to ticket those with uncovered truck loads. In the past, this was quite helpful in offsetting the problem.

**The Committee on motion of Councillor Breen/seconded by Councillor O’Leary: recommends that City staff in conjunction with the Legal Department review options to surcharge tipping fees or issue tickets for vehicles that enter the Landfill with uncovered loads.**

4. **Backyard Composting**

The Committee considered e-mail correspondence from Councillor O’Leary and the Manager of Waste Management regarding the question of whether or not the City should proceed with promotional initiatives to encourage residential composting.

In 2011 the MMSB contacted members of Council inquiring whether or not the City would be participating in a backyard compost program whereby they would provide a preordered quantity of backyard compost bins at reduced prices to municipalities. The Manager of Waste Management Division at the time had recommended that the City not partake in this program and instead continue to focus its support on developing a regional solution to organics diversion and composting at the Robin Hood Bay Facility, as well as focusing immediate waste diversion energy on advancing the new recycling program.

Councillor O’Leary suggested that Council write a letter to the Multi Materials Stewardship Board to ascertain when their composting initiative would be made available. She also suggested that as part of the City’s own educational component, it should offer the option to people who are interested in composting.

**The Committee on motion of Councillor O’Leary; seconded by Councillor Tilley: recommends that the City investigate the logistics of composting incentives and the costs related to such. Further, the Committee recommends that the City write a letter to the Multi Materials Stewardship Board requesting the status of their progress with respect to their backyard composting program.**

**Councillor Wally Collins  
Chairperson**

**SJMC2013-08-05/340R**

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

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

**Planning and Housing Standing Committee Report of July 29, 2013**

Council considered the following Planning and Housing Standing Committee Report of July 29, 2013:

**In Attendance:** Councillor Tom Hann, Chairperson  
Deputy Mayor Shannie Duff  
Councillor Sandy Hickman  
Councillor Sheilagh O'Leary  
Councillor Bruce Tilley  
Councillor Frank Galgay  
Councillor Wally Collins  
Robert Smart, City Manager  
Paul Mackey, Deputy City Manager, Public Works  
Dave Blackmore, Deputy City manager, PDE  
Carol Kirkland, Acting Director, Planning and Development  
Brendan O'Connell, Director, Engineering  
Ken O'Brien, Chief Municipal Planner  
Sandy Abbott, Recording Secretary

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- 1. Department of Planning File Number: B-17-P.10 / 13-00102**  
**Proposed text amendment to allow Aquaculture as a discretionary use in the Agriculture (AG) Zone**  
**Applicant: Jim Lester**  
**75 Pearltown Road (Ward 5)**

The property owner, Jim Lester, has submitted an application to establish an Aquaculture operation on lands zoned Agricultural (AG) Zone.

*Staff recommend that the text amendment, as a discretionary use in the Agricultural (AG) Zone, be advertised for public review and comment. This would require a Municipal Plan amendment.*

- 2. Department of Planning File Number: B-17-K.2**  
**Proposed Rezoning from CDA-Kenmount to Industrial General (IG) Zone and Commercial Highway (CH) Zone for Industrial Use**  
**Applicant: H3 Development Limited**  
**Kenmount Road (Ward 4)**

HD Development has applied to rezone a parcel of crown land on the north side of Kenmount Road to allow for the construction of an industrial commercial subdivision. This property is adjacent to a previous application by Berjon Holdings Limited (760 Kenmount Road). A consultant has been hired to prepare a report on all lands over 190m on Kenmount Road.

*Staff recommend that the application be advertised for public review and comment.*

**3. Department of Planning File Number: B.17-E.16 (13-00139)  
Proposed Rezoning to Accommodate Development of Seniors Apartment Buildings  
Applicant: N. D. Dobbin Properties Limited  
640-642-644 Empire Avenue (Ward 3)**

N. D. Dobbin Properties Limited has submitted an application to rezone land at 640-642-644 Empire Avenue from the Residential Low Density (R1) Zone and the Apartment Low Density (A1) Zone to the Apartment Medium Density (A2) Zone. This is to allow development of two 3-storey, 15-unit rental apartment buildings for seniors in addition to the one 3-storey, 15-unit rental apartment building for seniors previously planned for 640-642 Empire Avenue, resulting in a total of 3 buildings and 45 apartment dwelling units.

*Staff recommend that the application be subject to an LUAR under the attached terms of reference. When the report is complete, the application and report will be referred to a public meeting chaired by a member of Council.*

**4. Department of Planning File Number: S-25-B.2 / 13-00037  
Proposed Rezoning from FI and OR to R2  
Applicant: B. A. Tucker Limited  
48-56 Bay Bulls Road (Ward 5)**

B. A. Tucker Limited has submitted an application to rezone the property with the intention of development ten (10) semi-detached houses. The proposed rezoning is from the Residential Low Density (R1) Zone and Open Space Reserve (OR) Zone to Residential Medium Density (R2) Zone. A Municipal Plan amendment would be required for this application.

*Staff recommend that the application be advertised for public review and comment.*

**5. Department of Planning File Number B-17-B.23  
Proposed to the Residential Medium Density (R2) Zone  
Applicant: City of St. John's  
Civic No. 163 Blackhead Road (Ward 5)**

The City of St. John's has submitted an application to rezone property at 163 Blackhead Road from the Apartment Low Density (A1) Zone to the Residential Medium (R2) Zone, allowing the property to be planned as a mixed use residential development, with a focus on the provision of providing affordable housing.

*Staff recommend that we proceed to a public meeting chaired by a member of Council.*

**6. Kilbride Comprehensive Development Areas (CDA's) and Water Supply Issues**

Applications have been received for development of two subdivisions: Golden Chain and Strawberry Creek. Both proposals are mostly or entirely above the 124 m contour. Property located above that elevation cannot be developed without construction of a high level water storage tank for the Kilbride area. A number of other higher areas also cannot be developed without a high level storage tank, including CDA5 (43ha), CDA3 (11 ha), and CDA4 (5ha).

*Staff recommend an RFP for a comprehensive development study covering all undeveloped lands in Kilbride east of Bay Bulls Road.*

**7. Department of Planning File Number: B-17-T.24 / 13-00137**

**Civic No. 97 Torbay Road, (Ward 1)**

**Proposed Text Amendment to add Taxi Business as a permitted use in the Institutional (INST) Zone**

**Applicant: Bugden's Taxi 2013**

Bugden's Taxi 2013 have submitted an application for a taxi stand at 07 Torbay Road. It would require a text amendment to add a "Taxi Business" or "Taxi Dispatch" to the Institutional (INST) Zone. While the text amendment could be considered, the application at 97 Torbay Road is recommended for rejection.

*Staff recommend rejection.*

**8. Draft Terms of Reference – Quidi Vidi Village**

This item stems from a Council Directive for the Committee to look at doing an overlay zone for Quidi Vidi Village based on the 2006 Quidi Vidi Development Plan. There was discussion around protecting the general character of the Village and identifying its character-defining elements. Staff resources will be made available upon request for the purpose of information gathering and assistance. The budget for this project is estimated at \$25,000.00.

*Staff recommend that the City proceed with the Terms of Reference for Quidi Vidi Village.*

Councillor Tom Hann  
Chairperson

**SJMC2013-08-05/341R**

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

**Regarding Item #8 – Draft Terms of Reference – Quidi Vidi Village – Council accepted a friendly amendment to the motion as follows:**

**That the study be completed within six months and that any consideration of applications for development in Quidi Vidi be deferred pending consideration of this study.**

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

**Development Committee Report of July 30, 2013**

Council considered the following Development Committee Report of July 30, 2013;

- 1. Department of Planning File Number 13-00162/B-17-K.12  
*Department of Environment and Conservation File No.1024353*  
Paradise Properties Limited  
Crown Land Grant Referral for 0.25 Hectares of Land  
Kenmount Road Ward 4  
Comprehensive Development Area Kenmount (CDA) Zone**

The Development Committee recommends that Council approve the crown land grant referral.

- 2. Planning File No. 13-00161/B-S-25-F.3  
Proposed Seven (7) Unit Townhouse Development  
Applicant: Ron Fougere Associates  
144 Freshwater Road (Mary Brown's Site) Ward 2  
Residential High Density (R3) Zone**

It is recommended that Council grant Approval-in-Principle to the application subject to the following conditions:

1. Payment of application, development fees and civic assessments.
2. Compliance with all requirements of the City's Department of Planning, Development & Engineering.



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Robert F. Smart, City Manager  
Chair – Development Committee

**SJMC2013-08-05/342R**

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

(Councillor Colbert declared a conflict of interest on Item #2)

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

**Nomenclature Committee Report (via e-mail poll concluded on August 2, 2013)**

**SJMC2013-08-05/343R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Collins: That the following e-mail poll be ratified**

Nomenclature Committee Report (via e-mail poll concluded on August 2, 2013)

- (1) 200 Waterford Bridge Road – Proposed Sixteen (16) Lot Residential Development formerly Corpus Christi Parish Hall Property  
Proposed Name - **Westmount Place**
- (2) Virginia Water Village Subdivision Phase 3 off Logy Bay Road – King William Development Limited:  
Proposed Name: **Waterview Place**

**Development Permits**

Council considered as information the following Weekly Development Permits for the period June 14, 2013 to June 20, 2013:

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF July 19, 2013 TO August 1, 2013**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM		Home Office – Admin for Off-Site Tutorubg	87 Perlin Street	5	Approved	13-07-19
RES		Demolition & Rebuild of Dwelling	6 Rostellan Place	4	Approved	13-07-22

COM		Proposed Residential Retail Store	84 Gower St.	2	Rejected-Contrary to Section's 7.16 and Section 7.12.2(a)	13-07-22
COM	Sheppard Case Architects Inc.	Commercial Building - Orthodontic Clinic	15 Hebron Way	1	Approved	13-07-22
RES		Building Lot	166 Airport Heights Drive	4	Approved	13-07-30
COM	Open Architects Inc	Extension to Existing Building	673 Topsail Road	3	Approved	13-07-31
COM		Home Office-Electrical Contractor	13 St.Shott's Street	5	Approved	13-07-31
RES	Nosguard Holdings Ltd	Fifty-three (53) Residential Lots	Coventry Way (Empire Avenue West)	3	Approved	13-07-29

\* 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**

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**Building Permits List – June 19 to August 1, 2013**

**SJMC2013-08-05/344R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Hickman: 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 August 5, 2013 Regular Meeting

Permits Issued: 2013/07/18 To 2013/07/31

**CLASS: COMMERCIAL**

391-395 Empire Ave, Nl Health	Co	Office
48 Kenmount Rd	Rn	Retail Store
77 Blackmarsh Rd	Rn	Warehouse
15 Aberdeen Ave	Sn	Retail Store
99 Airport Rd	Sn	Office
300 East White Hills Rd	Sn	Retail Store
177 Kenmount Rd	Sn	Car Sales Lot
409 Kenmount Rd	Ms	Car Sales Lot
79 Mews Pl	Sn	Office
181 Mundy Pond Rd., Suite 2	Sn	Clinic
St. Clare Ave	Ms	Place Of Assembly
681 Topsail Rd	Sn	Retail Store
192-194 Torbay Rd	Ms	Retail Store
571 Torbay Rd	Sn	Restaurant
Blue Puttee, Behind 117/119	Nc	Accessory Building
344 Pennywell Rd	Nc	Patio Deck
80 Mews Pl	Nc	Accessory Building
119 Springdale St	Nc	Accessory Building
328 Blackmarsh Rd	Nc	Accessory Building
145 Kelsey Dr, Suite 102	Rn	Office
4 Cathedral St	Rn	Restaurant
47 Blackmarsh Rd	Nc	Accessory Building
57 Old Pennywell Rd, Floor 1&2	Rn	Office
48 Kenmount Rd, La Senza	Rn	Retail Store
15 Carnell Dr, King George V	Rn	Recreational Use
50 White Rose Dr	Ex	Retail Store
141 Kelsey Dr, Lot 2/Bldg B	Rn	Office
5 Springdale St. Fortis Tower	Rn	Office

This Week \$ 6,155,300.00

**Class: Industrial**

This Week \$ .00

**Class: Government/Institutional**

465 Topsail Rd	Nc	Accessory Building
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This Week \$ .00

**Class: Residential**

8 Adventure Ave	Nc	Fence
3 Adventure Ave	Nc	Patio Deck
385 Back Line	Nc	Accessory Building
17 Bannerman St	Nc	Accessory Building
17 Bar Haven St	Nc	Fence
17 Beaumont St	Nc	Accessory Building
54 Beaver Brook Dr	Nc	Accessory Building
3 Bennett Ave	Nc	Fence

19 Bishop's Line	Nc	Patio Deck
6 Blatch Ave	Nc	Patio Deck
6 Blatch Ave	Nc	Fence
3 Bradbury Pl	Nc	Fence
61 Brazil St	Nc	Patio Deck
228 Brookfield Rd	Nc	Single Detached Dwelling
34 Buchanan St	Nc	Fence
33 Burling Cres	Nc	Fence
68 Cabot St	Nc	Patio Deck
19 Cape Pine St	Nc	Fence
22 Cappahayden St, Lot 44	Nc	Single Detached & Sub.Apt
108 Castle Bridge Dr	Nc	Fence
20 Cedarhurst Pl	Nc	Patio Deck
172 Cheeseman Dr	Nc	Patio Deck
183 Cheeseman Dr	Nc	Accessory Building
25 Cook St	Nc	Single Detached Dwelling
47 Country Grove Pl	Nc	Accessory Building
38 Coventry Way	Nc	Accessory Building
103 Craigmillar Ave	Nc	Patio Deck
42 Dauntless St	Nc	Accessory Building
21 Devine Pl	Nc	Patio Deck
2 Douglas St	Nc	Accessory Building
17 Duntara Cres	Nc	Accessory Building
11 Earhart St	Nc	Fence
4 Eastmeadows Pl	Nc	Patio Deck
60 Edison Pl	Nc	Fence
640 Empire Ave	Nc	Apartment Building
Fourth Pond Rd	Nc	Accessory Building
34 Francis St	Nc	Patio Deck
29 Francis St	Nc	Fence
55 Glenlonan St	Nc	Fence
3 Hamlet St	Nc	Accessory Building
181 Hamilton Ave	Nc	Condominium
13 Hannaford Pl	Nc	Accessory Building
4 Hatcher St	Nc	Accessory Building
14 Hazelwood Cres	Nc	Fence
42 Hayward Ave	Nc	Patio Deck
44 Hayward Ave	Nc	Fence
Heavy Tree Road	Nc	Single Detached Dwelling
78-80 Heffernan's Line	Nc	Accessory Building
18 Hopedale Cres	Nc	Fence
21 Hussey Dr	Nc	Patio Deck
21 Hussey Dr	Nc	Fence
28 Iceland Pl	Nc	Fence
66 Iceland Pl	Nc	Fence
59 Kenai Cres, Lot 222	Nc	Single Detached Dwelling
6 Kerr St	Nc	Accessory Building
67 Ladysmith Dr	Nc	Fence
71 Ladysmith Dr, Lot 167	Nc	Single Detached Dwelling
75 Ladysmith Dr, Lot 169	Nc	Single Detached & Sub.Apt
17 Laughlin Cres	Nc	Patio Deck
26 Lobelia St	Nc	Patio Deck
26 Lobelia St	Nc	Fence
18 Meadowbrook Park Pl	Nc	Patio Deck
525-527 Main Rd	Nc	Fence
26 Margaret's Pl	Nc	Fence
26 Margaret's Pl	Nc	Patio Deck
26 Margaret's Pl	Nc	Patio Deck
26 Margaret's Pl	Nc	Fence
17 Myrick Pl	Nc	Accessory Building
44 Orlando Pl, Lot 187	Nc	Single Detached & Sub.Apt
44 Parsonage Dr	Nc	Accessory Building
51 Parsonage Dr, Lot 221	Nc	Accessory Building

154 Pearltown Rd	Nc	Patio Deck
53 Penetanguishene Rd	Nc	Accessory Building
76 Petite Forte Dr	Nc	Accessory Building
7 Petite Forte Dr	Nc	Fence
16 Pole Cres	Nc	Accessory Building
14 Polina Rd	Nc	Patio Deck
Portugal Cv. Rd/#1 Fraser's Ln	Nc	Fence
166 Airport Heights Dr, Lot 1a	Nc	Single Detached Dwelling
40 Prospero Pl	Nc	Fence
29 Regiment Rd	Nc	Patio Deck
29 Rosalind St	Nc	Fence
7 Rusted Pl	Nc	Patio Deck
73 Springdale St	Nc	Patio Deck
18 Stanford Pl., Lot 31	Nc	Single Detached Dwelling
25 Stanford Pl, Lot 38	Nc	Single Detached Dwelling
5 Stoneley Pl, Lot 2.10	Nc	Single Detached Dwelling
22 Tigress St, Lot 619	Nc	Single Detached & Sub.Apt
18 Torngat Cres	Nc	Patio Deck
1 Tracey Pl	Nc	Accessory Building
9 Tralee St	Nc	Fence
11 Tralee St	Nc	Fence
39 Wabush Pl	Nc	Patio Deck
6 Road De Luxe	Cr	Subsidiary Apartment
13 Roche St	Cr	Subsidiary Apartment
30 Wicklow St	Cr	Subsidiary Apartment
17 Cornwall Hts	Ex	Single Detached Dwelling
23 Empire Ave	Ex	Single Detached Dwelling
25 Franklyn Ave	Ex	Patio Deck
15 McCrae St	Ex	Patio Deck
51 Roche St	Ex	Single Detached Dwelling
85 Snow's Lane	Ex	Single Detached Dwelling
168 Topsail Rd	Ex	Single Detached Dwelling
11 Vaughan Pl	Ex	Single Detached Dwelling
6 Barkham St	Rn	Townhousing
8 Barkham St	Rn	Townhousing
28 Outer Battery Rd	Rn	Single Detached Dwelling
63 Bond St	Rn	Townhousing
57 Cabot St	Rn	Single Detached Dwelling
45 Cornwall Cres	Rn	Single Detached Dwelling
103 Craigmillar Ave	Rn	Single Detached Dwelling
239 Craigmillar Ave	Rn	Condominium
49 Cookstown Rd	Rn	Semi-Detached Dwelling
42 Franklyn Ave	Rn	Semi-Detached Dwelling
7 Gibbons Pl	Rn	Single Detached & Sub.Apt
193 Gower St	Rn	Apartment Building
93 Grenfell Ave	Rn	Single Detached Dwelling
28 Iceland Pl	Rn	Single Detached Dwelling
39 Julieann Pl	Rn	Single Detached Dwelling
38 Keith Dr	Rn	Single Detached Dwelling
298 Lemarchant Rd	Rn	Single Detached Dwelling
21 Meadowbrook Park Rd	Rn	Single Detached Dwelling
697 Main Rd	Rn	Accessory Building
75 Military Rd	Rn	Townhousing
11 Mount Royal Ave	Rn	Single Detached Dwelling
35 Pine Bud Ave	Rn	Single Detached Dwelling
59 Quidi Vidi Rd	Rn	Single Detached Dwelling
20 Riverside Dr W	Rn	Mobile Home
150 Signal Hill Rd	Rn	Single Detached Dwelling
73 Springdale St	Rn	Single Detached Dwelling
73 Springdale St	Rn	Single Detached & Sub.Apt
85 Springdale St	Rn	Single Detached Dwelling
12 Terra Nova Rd	Rn	Single Detached Dwelling
10 Aldergrove Pl	Sw	Single Detached Dwelling

480 Bay Bulls Rd	Sw	Vacant Land	
18 Chafe Ave	Sw	Single Detached Dwelling	
44 Cypress St	Sw	Single Detached Dwelling	
42 Dauntless St	Sw	Single Detached Dwelling	
Heavy Tree Road Adj. To #40	Sw	Single Detached Dwelling	
18 O'reilly St	Sw	Single Detached Dwelling	
			This Week \$ 7,584,151.00

**Class: Demolition**

6 Rostellan Pl	Dm	Single Detached Dwelling	
496 Southside Rd	Dm	Single Detached Dwelling	
			This Week \$ 20,000.00

This Week's Total: \$ 13,759,451.00

Class: Rejected

43 Springdale Street	Sn	Sign	
Area		Signs are not permitted in Heritage	

Repair Permits Issued: 2013/07/18 To 2013/07/31 \$ 400,153.00

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		

YEAR TO DATE COMPARISONS			
August 5, 2013			
TYPE	2012	2013	% VARIANCE (+/-)
Commercial	\$143,000,700.00	\$59,400,100.00	-58
Industrial	\$3,600,100.00	\$131,000.00	-96
Government/Institutional	\$15,000,200.00	\$71,300,200.00	375
Residential	\$116,700,700.00	\$92,400,400.00	-21
Repairs	\$3,100,200.00	\$7,200,800.00	132
Housing Units (1 & 2 Family Dwellings)	381	282	
<b>TOTAL</b>	<b>\$281,401,900.00</b>	<b>\$230,432,500.00</b>	<b>-18</b>

Respectfully Submitted,

David Blackmore, R.P.A.  
Deputy City Manager - Planning, Development & Engineering

**Payrolls and Accounts**

**SJMC2013-08-05/345R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Hickman: That the following Payrolls and Accounts for the week ending July 25<sup>th</sup> and August 1<sup>st</sup>, be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending July 25, 2013**

**Payroll**

<b>Public Works</b>	<b>\$ 421,567.96</b>
<b>Bi-Weekly Casual</b>	<b>\$ 161,932.40</b>
<b>Accounts Payable</b>	<b>\$ 3,880,116.44</b>
<b>Total:</b>	<b>\$ 4,463,616.80</b>

**Weekly Payment Vouchers  
For The  
Week Ending August 1, 2013**

**Payroll**

Public Works	\$ 413,375.64
Bi-Weekly Administration	\$ 821,663.79
Bi-Weekly Management	\$ 700,377.84
Bi-Weekly Fire Department	\$ 597,445.57
<b>Accounts Payable</b>	<b>\$ 5,590,917.62</b>
<b>Total:</b>	<b>\$ 8,123,780.46</b>

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

**Tenders**

1. Request for Proposals re: RHB Waste Management Facility Integrated Wildlife Management Plan
2. Request for Proposals re: Project No. 32-13 PHM – Supply and Deliver Road Salt for 2013/2014 Season
3. Tender for Safety Supplies

**SJMC2013-08-05/346R**

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

- a. **Braemar Services in accordance with the terms and conditions of the RFP for @ \$17,081.00 (plus HST) per month.**

- b. A. Harvey & Company Ltd. @ \$2,766,400.00 (taxes extra)**
- c. Various suppliers as outlined in memo dated July 30, 2013 from Chris Davis (Buyer), @ total cost of \$62,377.96 (prices excluding HST)**

**Notice of Motion**

Councillor O’Leary gave the following Notice of Motion:

**TAKE NOTICE** that I will at the next regular meeting of the St. John’s Municipal Council move an amendment to section 93 of the Rules of Procedure so as to provide that the appointment of Chairpersons of the Standing Committees is made via a regular meeting of Council.

DATED at St. John’s, NL this 5<sup>th</sup> day of August, 2013.

**Other Business**

**45 Anthony Avenue**

Council considered a memorandum dated July 18, 2013 from Acting City Solicitor regarding the above noted.

**SJMC2013-08-05/347R**

**It was moved by Councillor Tilley; seconded by Councillor Colbert: That City land on Anthony Avenue be sold at a price based on \$3.00 per square foot (approximately \$2,000.00) plus usual administration fees and HST contingent upon the applicant acquiring the adjacent land first.**

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

**234 Portugal Cove Road**

Council considered a memo dated July 24, 2013 from Acting City Solicitor regarding the above noted.

**SJMC2013-08-05/348R**

**It was moved by Councillor Tilley; seconded by Councillor Breen: That an easement at 234 Portugal Cove Road required by the City for replacement of the water transmission line, be acquired for \$750.00 plus legal fees.**

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

**Kiwanis Street**

Council considered a memo dated July 31, 2013 from Acting City Solicitor regarding the above noted.

**SJMC2013-08-05/349R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Tilley: That Notice of Expropriation be executed to acquire 2 parcels of land required by the City from the Putt family at Kenmount Road for the construction of Kiwanis Street.**

**(Councillor Colbert declared a conflict of interest on this matter.)**

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

**Portugal Cove Road, Water Line Easement, Pentecostal Assemblies**

Council considered a memo dated July 31, 2013 from Acting City Solicitor regarding the above noted.

**SJMC2013-08-05/350R**

**It was moved by Councillor O'Leary; seconded by Councillor Breen: That an easement required by the City from the Pentecostal Assemblies for replacement of the water transmission line at Portugal Cove Road be acquired for \$10,000.00 plus legal fees.**

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

**Portugal Cove Road # 238, Water Transmission Line.**

Council considered a memo dated August 1, 2013 from Acting City Solicitor regarding the above noted.

**SJMC2013-08-05/351R**

**It was moved by Councillor Breen; seconded by Councillor Hickman: That Notice of Expropriate be executed to acquire an easement required by the City on land of 238 Portugal Cove Road for replacement of the water transmission line.**

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

**Patrick Street # 136**

Council considered a memo dated August 1, 2013 from Acting City Solicitor regarding the above noted.

**SJMC2013-08-05/352R**

**It was moved by Councillor Galgay; seconded by Councillor Collins: That Quit Claim Deed be executed with respect to property rear of 136 Patrick Street at Hollett Place.**

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

**Water Street # 312, Propane Tanks**

Council considered a memo dated August 1, 2013 from Acting City Solicitor regarding the above noted.

**SJMC2013-08-05/353R**

**It was moved by Councillor O'Leary; seconded by Councillor Hann: That the lease with respect to propane tanks on 312 Water Street be terminated upon 60 days notice, as per provisions in the lease, and that the tanks be removed.**

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

**McNiven Place Ball Field, Newfoundland Power**

Council considered a memo dated August 1, 2013 from Acting City Solicitor regarding the above noted.

**SJMC2013-08-05/354R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Tilley: That an easement from the City required by Newfoundland Power over land at McNiven Street for the power line and infrastructure that was installed to provide lighting to the ball field, be granted.**

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

**Churchill Avenue, Pleasantville**

Council considered a memo dated August 1, 2013 from Acting City Solicitor regarding the above noted.

**SJMC2013-08-05/355R**

**It was moved by Councillor Hickman; seconded by Councillor Tilley: That an easement required by Newfoundland Power over City land, Churchill Avenue, Pleasantville, for distributing power to the City's affordable housing project and the apartment buildings to the rear, be granted.**

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

**Ratification of Phone Polls**

**SJMC2013-08-05/356R**

**It was decided on motion Councillor Galgay; seconded by Councillor Breen: That the following e-poll be ratified:**

- E-poll re: Proposed Residential Building Lot on Maxwell Place (Development Committee recommendation to reject)

**Economic Update**

Councillor Tilley presented the highlights of the July 2013 Economic Update.

Councillor Tilley tabled a letter dated July 31, 2013 from Mr. Ray Hopkins, The Meadows Condominium Corporation concerning city services for the Meadows Condominium citizens, which was referred to staff for follow-up.

**Councillor O'Leary**

Councillor O'Leary received a complaint from a local business owner concerning the use of a generator on the sidewalk in front of a business during the George Street Festival. The matter was referred to staff to ensure that the business owners are made aware of the regulations governing this type of practice.

**Deputy Mayor Duff**

Deputy Mayor Duff enquired about the scheduling for the Metrobus transportation to the Folk Festival to be held in Bowring Park. Councillor Hann noted that once the schedule is worked out by Metrobus and the Festival representatives, it will be made public. He agreed to follow-up to ensure that the information is made available as soon as possible.

**His Worship the Mayor**

His Worship the Mayor asked that City staff revisit a report that was prepared some time ago with respect to finding a venue within the City for holding major concerts and maybe identify a site that might be suitable and developed as a dedicated site for concerts.

**Adjournment**

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

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**MAYOR**

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**CITY CLERK**