

March 24th, 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.

His Worship the Mayor presided.

There were present also: Deputy Mayor Ellsworth; Councillors Hann, Hickman, Lane, Puddister, Galgay, Tilley, Davis and Collins.

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

Call to Order and Adoption of the Agenda

SJMC2014-03-24/133R

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

Adoption of Minutes

SJMC2014-03-24/134R

It was decided on motion of Councillor Davis; seconded by Councillor Puddister: That the minutes of March 18th, 2014 be adopted as presented.

Business Arising

SJMC2014-03-24/135R

Pursuant to Notice of Motion, It was moved by Councillor Collins; seconded by Councillor Galgay: That the previous decision of Council dated August 5, 2013 rejecting the application to rezone property on Maddox Cove Road to Residential Rural Infill, be rescinded.

Councillor Puddister asked if he would be in conflict of interest to take part in discussions on the matter due to the fact that a family member owns land on the opposite side of the road

and located in a different zone. The City Clerk declared him not to be in a conflict of interest.

All members of Council felt that the proposed rezoning of property to the Rural Residential Infill should be permitted, and were satisfied that a previous issue with ground water, identified by the Province, has been rectified; that wherever possible some of the existing landscape will be maintained and that the area proposed is already serviced by the City.

The motion to rescind being put was unanimously carried.

SJMC2014-03-24/136R

It was then moved by Councillor Collins; seconded by Councillor Davis: That the application to rezone property on Maddox Cove Road to Residential Rural Infill, be approved.

The motion being put was unanimously carried.

Internet Voting

Under business arising, Council considered as information a memorandum dated March 19, 2014 from the Deputy City Manager, Corporate Services & City Clerk which provided a chronology of events that have been undertaken by staff with respect to the introduction of internet voting as an option during municipal elections. His Worship the Mayor indicated that the City has been a forerunner in the fight for internet voting and will continue to do so.

Councillor Puddister referred to a document from Mr. Chris Cates, a citizen residing in Edmonton, Alberta, concerning internet voting, a copy of which is on file with the City Clerk's office.

Committee Reports

Development Committee Report dated March 18, 2014

Council considered the following Development Committee Report dated March 18, 2014:

The following matter was considered by the Development Committee at its meeting held on March 18, 2014. A staff report is attached for Council's information.

- 1. Proposed Crown Land Grant for Extension to Private Property**
Department of Environment & Conservation File 1036422
Crown Land Grant Referral for 0.25 Hectares
32 Petty Harbour Road (Ward 5)
Rural Residential Infill (RRI) Zone
-

Recommendation:

Council reject the subject Crown Land Grant referral application.

SJMC2014-03-24/137R

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

The motion being put was unanimously carried.

Planning & Development Standing Committee Report dated March 18, 2014

Council considered the following Planning & Development Committee Report dated March 18, 2014.

In Attendance: Councillor Tom Hann, Chairperson
Deputy Mayor Ron Ellsworth
Councillor Bruce Tilley
Councillor Wally Collins
Councillor Art Puddister
Councillor Sandy Hickman

Councillor Bernard Davis
Robert Smart, City Manager
Dave Blackmore, Deputy City Manager of Planning, Development & Engineering
Jason Sinyard, Director, Planning and Development
Ken O'Brien, Chief Municipal Planner
Karen Chafe, Recording Secretary

Also present from VOXM Radio was Lacy Barnes

1. 729 Fowler's Road, Ward 5

Application to Rezone Land to Institutional (INST) Zone for Proposed Addictions Treatment and Residential Recovery Facility

Applicant: Teen Challenge Canada

The Committee met with a delegation representing Teen Challenge Canada: Glen Barnes, Ivan Hynes, Don Fortaniere and Dan Murray. The purpose of the meeting was to discuss the above-noted application. Though the Committee was generally receptive to the application, the issue of upgrading the road to municipal standards was of major concern given the safety and liability concerns that would be imposed upon the City should emergency vehicles be obstructed from entering the site.

The Committee on motion of Councillor Puddister; seconded by Councillor Davis, with Deputy Mayor Ellsworth and Councillor Collins dissenting: recommends that the matter be deferred so that the City can investigate the possibility of the proponent's providing cost-shared funding to upgrade the road to municipal standards and as well, to ascertain what the proponent is willing to commit toward road maintenance in the long-term.

2. 34 Logy Bay Road, Ward 1

Application to Rezone Land to Apartment High Density (A3) Zone

Philip Pratt Architect for 5167 Newfoundland and Labrador Limited

The Committee considered a memorandum dated March 11, 2014 from the Chief Municipal Planner regarding the above-noted matter. The application is to rezone approximately 8,550 square metres (2.1 acres) of undeveloped land on the northeast corner of Logy Bay Road and Selfridge Road from the Apartment Medium Density (A2) Zone to the Apartment High Density (A3) Zone. The requested rezoning is to allow development of two 10-storey apartment buildings containing 141 apartment dwelling units. Each building will also have a small commercial component; the Gross Floor Area of the commercial space will be about 557 square metres (6000 ft²).

The Committee on motion of Councillor Hickman; seconded by Councillor Tilley, with Deputy Mayor Ellsworth, Councillors Puddister and Davis dissenting: recommends that Council approve the attached draft Terms of Reference for the proposed rezoning and development of the subject property. Following receipt of a satisfactory Land Use Assessment Report (which must include impacts from the proposed development's close proximity to the Bally Hally Golf Course), that the application be advertised in accordance with the requirements of Section 5.5 of the Development Regulations. A public meeting chaired by a member of Council is also recommended. At a later time, a public hearing chaired by an independent commissioner will be required.

**3. 30-64 Crosbie Road, Ward 4
Proposed Rezoning from Apartment Low Density (A1) Zone to the Apartment
Medium Density (A2) Zone
Applicant: AE Consultants**

The Committee considered a memorandum dated March 13, 2014 from the Chief Municipal Planner regarding the above noted matter. The purpose of the application is to rezone the subject property from the Apartment Low Density (A1) Zone to the Apartment Medium Density (A2) Zone to permit an additional apartment building of four (4) storeys in height.

The Committee on motion of Councillor Hickman; seconded by Councillor Collins: recommends that the attached Terms of Reference for a Land Use Assessment Report (LUAR) be approved. Once the report is prepared by the applicant and accepted by the City, staff recommends that it be referred to a public meeting chaired by a member of Council. Due to the fact that there are over a dozen houses that border the subject property, it would be appropriate to have this public discussion. No Municipal Plan amendment would be required.

**4. 1460 Blackhead Road “Parcel B” (Ward 5)
Proposed Rezoning from Rural (R) Zone to the Rural Residential (RR) Zone**

The Committee considered a memorandum dated March 13, 2014 from the Chief Municipal Planner regarding the above-noted matter. The property owner has submitted an application to rezone the property situated on 1460 Blackhead Road near the intersection with Blackhead Village Road. The purpose is to rezone the subject property from the Rural (R) Zone to the Rural Residential (RR) Zone to allow for future residential development on unserviced 4000 square metre (1 acre) lots.

The Committee on motion of Councillor Puddister; seconded by Deputy Mayor Ellsworth with Councillor Collins dissenting: recommends that this application be rejected given that it goes against the Municipal Plan’s policies to curb sprawl and new unserviced residential development along Blackhead Road. Extending the rural Residential (RR) designation into the Rural (R) designation to allow more residential development would increase sprawl and be detrimental to the visual character of the designated Scenic Road under the Regional Plan.

**5. 11 Petty Harbour Road (Ward 5)
Proposed Driveway in the Floodplain of a River**

The Committee considered a memorandum dated March 12, 2014 from the Chief Municipal Planner regarding the above noted. The owner of property situated at 11 Petty Harbour Road has applied for a text amendment to the St. John's Development Regulations respecting development in the floodplain of a designated waterway (Section 11.2/Overlay Districts – Bodies of Water and Development). The requested amendment, if approved, would allow the development of a private driveway within a floodplain.

The Committee on motion of Councillor Puddister; seconded by Councillor Davis with Councillor Collins dissenting: recommends that the application be rejected on the basis that the amendment sought by the applicant is contrary to the Municipal Plan and good planning practice. In addition, it is also possible that the proposed amendment would be contrary to the Regional Plan and Provincial policies.

**6. 146-148 Ladysmith Drive (Ward 5)
Proposed Rezoning to Apartment Medium Density (A2)
11368 NL Ltd.**

The Committee considered a memorandum dated March 14, 2014 from the Chief Municipal Planner regarding the above-noted. The City has received an application from 11368 NL Ltd. to have property at 146-148 Ladysmith Drive rezoned from the Institution (INST) Zone to the Apartment Medium Density (A2) Zone. The purpose of the rezoning is to accommodate the subdivision of land for development of 28 row house lots along Ladysmith Drive and development of a large lot to the rear of the row house lots on which would be located three apartment buildings containing a total of 181 apartment units. The applicant has provided preliminary subdivision and development concept plans/survey drawings.

The Committee on motion of Councillor Tilley; seconded by Councillor Davis: recommends Council's approval of the attached draft Terms of Reference and subsequent receipt of a satisfactory Land Use Assessment Report. Further, that the application be advertised in accordance with the requirements of Section 5.5

of the Development Regulations and a public meeting chaired by a member of Council be held. At a later stage, a public hearing chaired by an independent commissioner will be required.

Councillor Tom Hann
Chairperson

At the request of Councillor Puddister, Council agreed that Item #2 - 34 Logy Bay Road be dealt with separately.

SJMC2014-03-24/138R

It was moved by Councillor Hann; seconded by Councillor Lane: That the Committee's recommendations pertaining to Items 1, 3, 4, 5 and 6 be approved.

The motion being put was unanimously carried.

SJMC2014-03-24/139R

Regarding Item #2, 34 Logy Bay Road - It was moved by Councillor Hann; seconded by Councillor Hickman: That the Committee's recommendation be approved.

Members of Council opposing the motion indicated their objection to the proposed height of the buildings, their proximity to the park and the residential component.

Following discussion, the motion being put there voted for it the mover, seconder, Councillors Galgay, Tilley and Lane. Voting against the motion were His Worship the Mayor, Deputy Mayor Ellsworth, Councillors Puddister, Davis and Collins. The motion was lost.

Development Permits List

Council considered as information the following weekly development permits list for the period March 13 to March 19, 2014:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF March 13, 2014 TO March 19, 2014**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
AG		Proposed Filling of Land	17 Ruby Line	5	Approved	2014-03-18
RES		Proposed Buidling Lot	1 Melville Street	2	Rejected – Located in Flood Plain	2014-03-19
COM		Home Office for Off Site Sleep consulting	19 Durdle Drive	5	Approved	2014-03-19
COM	Bell Mobility	Cellular Antenna on Water Tower	Camrose Drive		Approved	2014-03-18

* 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 – March 24, 2014

SJMC2014-03-241/140R
It was moved by Councillor Collins; seconded by Councillor Puddister: That the recommendation of the Director of Planning and Development with respect to the following building permits, be approved:

Building Permits List Council's March 24, 2014 Regular Meeting

Permits Issued: 2014/03/13 To 2014/03/19

Class: Commercial

10 Fort William Pl, Patricia's	Co	Eating Establishment
39 Kelsey Dr, Bulk Barn	Sn	Retail Store
135 Mayor Ave	Ms	Club
350 Torbay Rd (Pet Zone)	Sn	Retail Store
286 Torbay Rd., Jungle Jims	Rn	Restaurant
125 Kelsey Dr	Rn	Office
48 Kenmount Road, Rogers Com.	Rn	Retail Store
655 Topsail Rd Seedlings	Co	Commercial School
365-367 Water St Boston Pizza	Rn	Restaurant
131 Kelsey Dr. (Bristol 3)	Rn	Office
456 Logy Bay Rd	Nc	Warehouse

This Week \$ 2,549,798.00

Class: Government/Institutional

This Week \$.00

Class: Residential

381 Blackhead Rd	Nc	Accessory Building
9 Capulet St Lot 213	Nc	Single Detached Dwelling
2 Cherrybark Cres., Lot 208	Nc	Single Detached & Sub.Apt
41 Cherrybark Cres, Lot 235	Nc	Single Detached & Sub.Apt
43 Cherrybark Cres, Lot 234	Nc	Single Detached & Sub.Apt
37 Critch's Path	Nc	Single Detached Dwelling
171 Doyle's Rd - Lot 5	Nc	Single Detached & Sub.Apt
23 Glenlonan St Lot 106	Nc	Single Detached & Sub.Apt
23b Glenlonan St., Lot 106a	Nc	Single Detached & Sub.Apt
180 Great Eastern Ave	Nc	Accessory Building
202 Hamilton Ave	Nc	Patio Deck
109 Ladysmith Dr, Lot 186	Nc	Single Detached Dwelling
62 Orlando Pl, Lot 196	Nc	Single Detached Dwelling
237 Petty Harbour Rd	Nc	Accessory Building
46 Burry Port St	Cr	Subsidiary Apartment
6 Galashiels Pl	Cr	Subsidiary Apartment
8 Fairwood St	Rn	Single Detached Dwelling
150 Linegar Ave	Rn	Single Detached & Sub.Apt
611 Main Rd	Rn	Single Detached Dwelling
55 Prince Of Wales St	Rn	Semi-Detached Dwelling
16 Signal Hill Rd	Rn	Semi-Detached Dwelling
163 Doyle's Rd	Sw	Vacant Land
1 Roche St	Sw	Single Detached Dwelling

This Week \$ 1,738,211.00

Class: Demolition

194 Lemarchant Rd

Dm Admin Bldg/Gov/Non-Profit

This Week \$ 15,000.00

This Week's Total: \$ 4,303,009.00

Repair Permits Issued: 2014/03/13 To 2014/03/19 \$ 6,000.00

Legend

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

TYPE	2013	2014	% VARIANCE (+/-)
Commercial	\$32,800,000.00	\$15,418,000.00	-53
Industrial	\$25,000.00	\$0.00	-100
Government/Institutional	\$6,771,000.00	\$42,455,000.00	527
Residential	\$19,178,000.00	\$22,153,000.00	16
Repairs	\$492,000.00	\$363,000.00	-26
Housing Units (1 & 2 Family Dwellings)	54	31	
TOTAL	\$59,266,000.00	\$80,389,000.00	36

Respectfully Submitted,

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

Payrolls and Accounts

SJMC2014-03-24/141R

It was decided on motion of Councillor Collins; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending March 19, 2014 be approved:

**Weekly Payment Vouchers
For The
Week Ending March 19, 2014**

Payroll

Public Works **\$ 481,197.88**

Bi-Weekly Casual **\$ 22,514.02**

Accounts Payable **\$3,289,341.61**

Total: **\$3,793,053.51**

Tenders

- a. RFP – Contract for Insurance Brokerage and Risk Management Services

SJMC2014-03-24/142R

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

- a. AON – the contract to begin April 1, 2014, for 3 years with the option to extend the contract for an extra 2 years. The annual cost of the service will be \$72,000.00

Snow Clearing Report

Council considered as information the snow clearing report for the period January 1 to March 21, 2014, showing a negative variance of \$742,357.

At this point His Worship the Mayor asked Deputy City Manager of Public Works to explain the situation pertaining to the layoff of snow clearing crews. The Deputy City Manager advised that normal time for scale back of temporary snow clearing staff is the third week of March, going from 180 operators to 50 operators. He noted that the 50 workers were responding Monday as normal. He advised that a situation with back to back storms or extended storms will be covered off through overtime, also the City has the ability to recall or reassign crews during a storm to assist the crews on the normal day shift. The Deputy City Manager indicated that the actual work load is less in terms of snow clearing this time of year given the City is finished with snow removal and snow blower operations.

Councillor Galgay

Councillor Galgay has concerns that the City's Parking Permit System is subject to abuse and asked that the matter be referred to the Community Services & Housing Committee for discussion and review. He asked that staff evaluate the system and perhaps consider suspending the issuance of any more permits pending the result of an evaluation.

Councillor Davis

Councillor Davis advised that he has received calls from residents of the Mt. Scio Road area that skidoo activity is affecting the animals. He asked that the matter be referred to staff to see what the City in conjunction with the RNC can do to mitigate the problem.

Retirement – Manager, Corporate Secretariat

His Worship the Mayor and members of Council congratulated and extended best wishes to Mrs. Phyllis Bartlett on her retirement.

Adjournment

There being no further business the meeting adjourned at 6:20 pm

MAYOR

CITY CLERK