

**March 3<sup>rd</sup>, 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, Breen, 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; Deputy City Manager Financial Management; Director of Engineering; Chief Municipal Planner; City Solicitor; and Manager, Corporate Secretariat, were also in attendance.

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

**SJMC2014-03-03/99R**

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

**Adoption of Minutes**

**SJMC2014-03-03/100R**

**It was decided on motion of Councillor Breen; seconded by Councillor Hann:  
That the minutes of February 27<sup>th</sup>, 2014 be adopted as presented.**

**Business Arising**

**Application to Rezone Property Situate at "1 Bergeron Place"  
(Bergeron Place & Groves Road)**

Under business arising, Council considered a memorandum dated February 24, 2014 from the Chief Municipal Planner regarding the above noted.

**SJMC2014-03-03/101R**

**It was moved by Councillor Davis; seconded by Councillor Tilley: That the following Resolutions for St. John’s Municipal Plan Amendment Number 122, 2013 and St. John’s Development Regulations Amendment Number 593, 2013 be adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendments:**

**RESOLUTION  
ST. JOHN’S MUNICIPAL PLAN  
AMENDMENT NUMBER 122, 2013**

**WHEREAS** the City of St. John’s wishes to allow development of a single detached house on a parcel of undeveloped, vacant land situated at the corner of Groves Road and Bergeron Place [Parcel ID # 400394].

**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 that is situated in the area of the corner of Groves Road and Bergeron Place from the Rural (RUR) District to the Residential Low Density (RLD) District, as more specifically shown on the 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 3<sup>rd</sup> day of March, 2014.

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

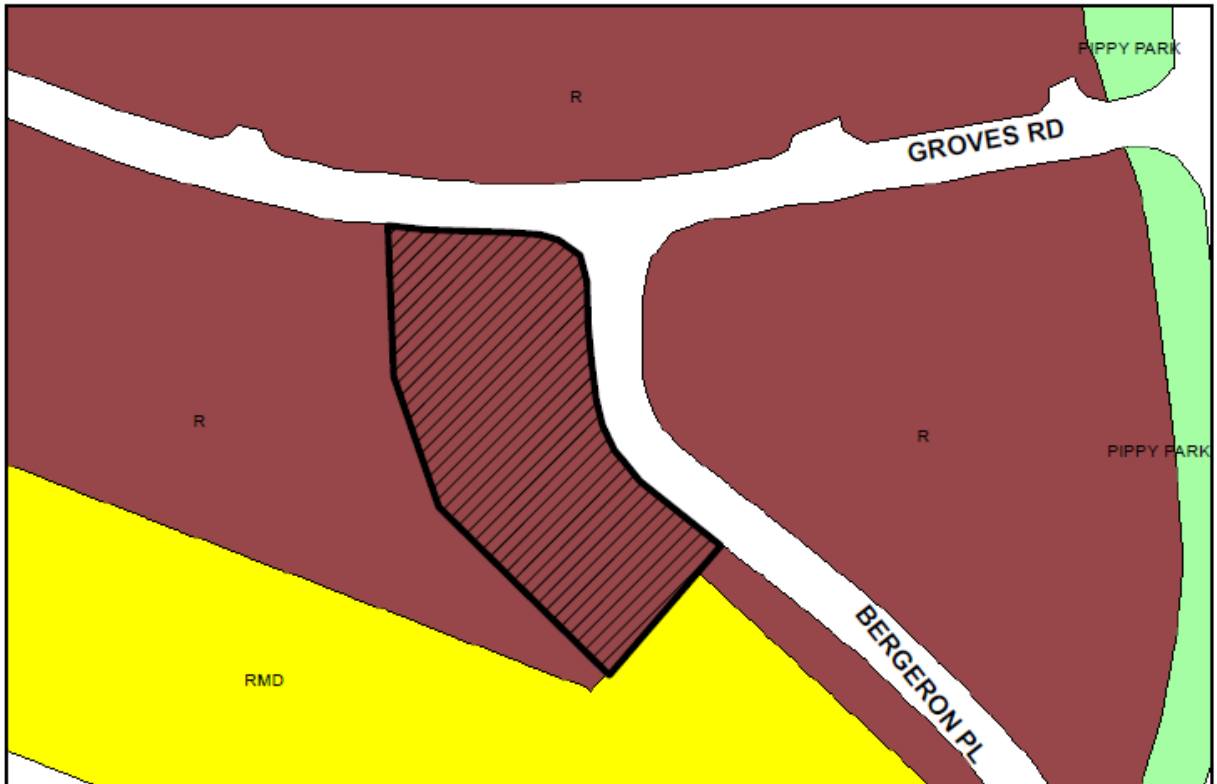
\_\_\_\_\_  
**MCIP**

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

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

3 February 2014  
\_\_\_\_\_  
**Council Adoption**

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



**CITY OF ST. JOHN'S  
MUNICIPAL PLAN  
Amendment No. 122, 2013  
[Map III-1A]**

2013 12 02 SCALE: 1:750  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING,  
DEVELOPMENT & ENGINEERING

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



AREA PROPOSED TO BE REDESIGNATED FROM  
RURAL (R) LAND USE DISTRICT TO  
RESIDENTIAL LOW DENSITY (RLD) LAND USE DISTRICT

**BERGERON PLACE AT GROVES ROAD**

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

\_\_\_\_\_  
Mayor

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

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

Provincial Registration

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 593, 2013**

**WHEREAS** the City of St. John's wishes to allow development of a single detached house on a parcel of undeveloped, vacant land situated at the corner of Groves Road and Bergeron Place [Parcel ID # 400394].

**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 that is situated in the area of the corner of Groves Road and Bergeron Place from Rural Residential Infill (RRI) Zone to the Residential Medium Density (R2) Zone, as more specifically shown on the 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 3<sup>rd</sup> day of March, **2014**.

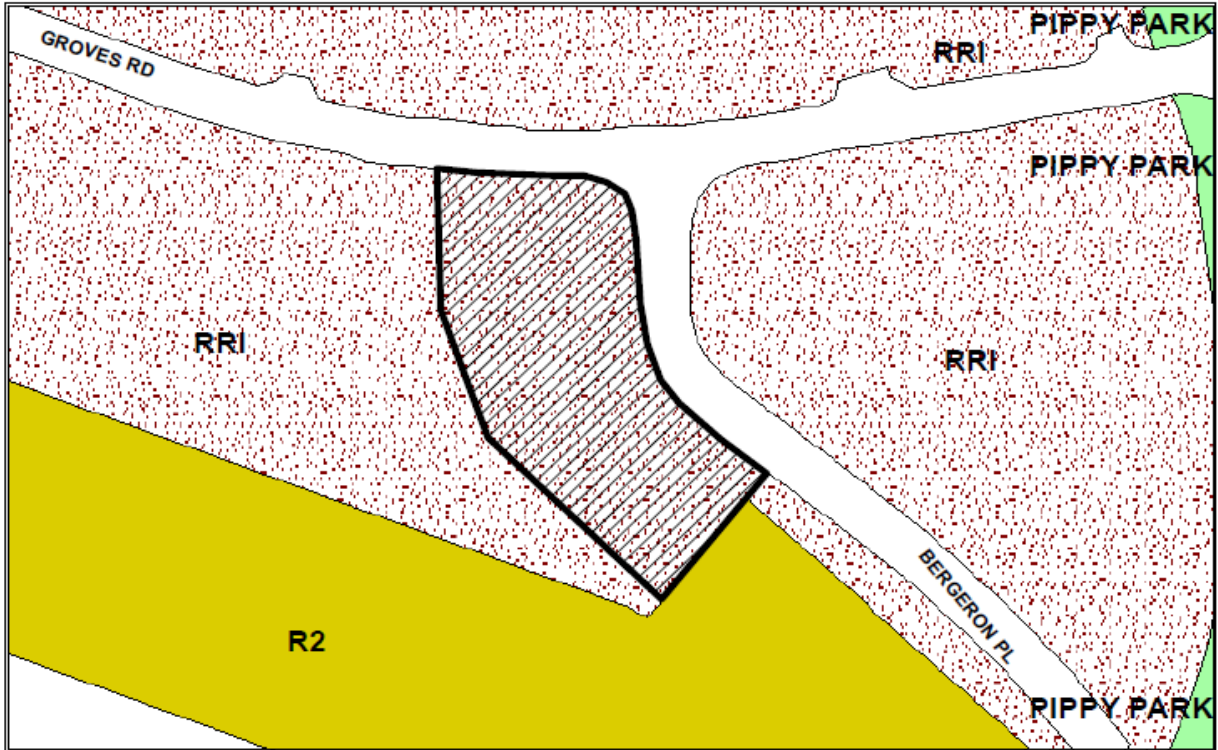
\_\_\_\_\_  
**Mayor**

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

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

3 February 2014  
\_\_\_\_\_  
**Council Adoption**

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



**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 593, 2013  
[Map Z-1A]**

2013 12 02 SCALE: 1:750  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING,  
DEVELOPMENT & ENGINEERING

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



AREA PROPOSED TO BE REZONED FROM  
RURAL RESIDENTIAL INFILL (RR1) LAND USE ZONE TO  
RESIDENTIAL MEDIUM DENSITY (R2) LAND USE ZONE

**BERGERON PLACE AT GROVES ROAD**

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

\_\_\_\_\_  
Mayor

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

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

Provincial Registration

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

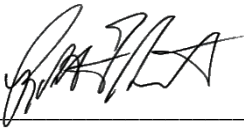
**Committee Reports**

**Development Committee Report dated January 28, 2014**

Council considered the following Development Committee Report dated February 25, 2014:

- 1. Planning & Development File No. DEV1400039  
Proposed Demolition and Reconstruction of Accessory Building  
Civic No. 1320 Portugal Cove Road - Town of Portugal Cove – St. Philip’s  
Windsor Lake Watershed  
Applicant: Aaron Stacey**
- 

Council approve the application for a 30m<sup>2</sup> accessory building pursuant to Section 106 (2) (a) of the City of St. John’s Act.



Robert F. Smart, City Manager  
Chair – Development Committee

**SJMC2014-03-03/102R**

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

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

**Planning & Development Standing Committee Report dated February 18, 2014**

Council considered the following Planning & Development Standing Committee Report dated February 18, 2014:

- In Attendance:** Councillor Tom Hann, Chairperson  
Deputy Mayor Ron Ellsworth  
Councillor Bruce Tilley  
Councillor Danny Breen  
Councillor Sandy Hickman  
Councillor Dave Lane  
Councillor Bernard Davis  
Councillor Jonathan Galgay

Robert Smart, City Manager  
Jason Sinyard, Director, Planning and Development  
Ken O'Brien, Chief Municipal Planner  
Garreth Griffiths, Manager of Real Estate Services  
Sylvester Crocker, Manager – Technical Services  
Judy Powell, General Manager, Metrobus  
Maureen Harvey, Recording Secretary

Also present from The Telegram was Dan MacEachern

**1. Wireless facilities (telecom towers); Revisions to the draft siting protocol**

The Committee considered a memorandum from the Chief Municipal Planner dated February 17, 2014. The memo referenced the public meeting held on December 3, 2013 wherein input and concerns were put forward. On the basis of the outcome of that meeting, a number of revisions are proposed as follows:

- a. Defining Wireless Facilities - The original draft dealt with broadcast antenna structures, cellular towers, and other equipment (mounted on the ground or on a rooftop or other structure). It is recommended that the protocol also include private antenna systems such as for Ham Radio and Citizen Band (CB) Radio where the antenna is mounted on a tower. It would exclude private antennas that are mounted on other structures (such as a chimney or the side of a house).
- b. Changes to Federal Regulations for Wireless Facilities – in early February, Federal Industry Minister, James Moore, announced that wireless companies must consult with communities when building cellphone towers, regardless of their height. This change removes the regulation that allowed a tower to be built without full consultation if it was less than 15 metres tall. Wording of the protocol will be amended to reflect this change.
- c. Buffer Distance – The original protocol suggested a minimum 200 metre buffer from a residential zone, an apartment zone, a school property, or a recreational facility. Staff is recommending no particular buffer distance but rather that each application be evaluated on its merits. While it is preferred not to have towers near the zones mentioned, if the City rejects most or all applications, a telecom company could appeal to Industry Canada to override the City's decision, leaving the City with no recourse as to suitable locations.
- d. The City's Preference for Co-Location and Preferred Locations – The earlier draft discussed co-location (where a new wireless facility uses an existing tower, perhaps owned by another company). Staff recommends emphasizing this and setting out preferred locations (industrial and commercial areas) in a new section in the draft protocol.

**Recommendation**

**The Committee recommends that Council approve the attached Siting Protocol for Wireless Facilities in the City of St. John's as prepared on February 17, 2014.**

**2. Fire Safety Alternatives for Upper Floors of Downtown Buildings**

Sylvester Crocker, Manager of Technical Services delivered a presentation supporting the recommendations put forth by RJ Bartlett Engineering Ltd. in relation to development of upper floors of downtown buildings and fire safety alternatives. These recommendations are supported by the Heritage Advisory Committee and are in concert with the City's Roadmap 2021: A Strategic Economic Plan for St. John's.

**Recommendation**

**The Committee recommends acceptance of the report by RJ Bartlett Engineering Limited entitled "*Fire Safety Alternatives for Mixed Occupancies with Upper Storey Development Downtown St. John's*" and that the recommendations contained therein be implemented accordingly.**

**The Committee further recommends that with Council's approval of these recommendations the Department of Strategy and Engagement develop a communications strategy to promote the revised business process.**

Councillor Tom Hann  
Chairperson

**SJMC2014-03-03/103R**

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

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

**Development Permits List**

Council considered as information the following weekly development permits list for the period February 20, 2014 to February 26, 2014:



**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING  
FOR THE PERIOD OF February 20, 2014 TO February 26, 2014**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Pardy's Waste Management	Waste Water Treatment Facility	30 Kyle Avenue		Approved	14-02-24
RES		Proposed Residential Dwelling	75 Doyle's Road	5	Approved	14-02-25

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

INST- Institutional  
 IND- Industrial

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\*\* 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 03, 2014**

**SJMC2014-03-03/104R**

**It was moved by Councillor Puddister; seconded by Councillor Collins: 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 03, 2014 Regular Meeting**

Permits Issued: 2014/02/20 To 2014/02/26

**CLASS: COMMERCIAL**

255 BAY BULLS RD	CO RETAIL STORE
44 CROSBIE RD	CO CLUB
168 WATER ST - DEL SOL	CR RETAIL STORE

AVALON MALL- KEARNEY'S	SN	RETAIL STORE
20 PEET ST	MS	CAR SALES LOT
134 CASEY ST	RN	SEMI-DETACHED DWELLING
216 WATER ST	CR	TAVERN
22 ST. JOSEPH'S LANE - LOBBY	RN	CONDOMINIUM
181 MUNDY POND RD, 2ND FLOOR	RN	MIXED USE
240 WATER ST, NL CREDIT UNION	RN	OFFICE
61A PATRICK ST	RN	LODGING HOUSE
334 WATER ST	RN	RESTAURANT
121 KELSEY DRIVE, LOT 4/BLDG D	SW	PARKING LOT
48 KENMOUNT RD, URBAN PLANET	RN	RETAIL STORE

THIS WEEK \$ 1,055,221.00

**CLASS: GOVERNMENT/INSTITUTIONAL**

THIS WEEK \$ .00

**CLASS: RESIDENTIAL**

37 FOX AVE	NC	PATIO DECK
34 FRESHWATER RD, UNIT 3	NC	TOWNHOUSING
53 KENAI CRES	NC	FENCE
5 LEGACY PL LOT 39	NC	SINGLE DETACHED & SUB.APT
7 LEGACY PL LOT 38	NC	SINGLE DETACHED & SUB.APT
387 BACK LINE	CO	HOME OFFICE
15 CEDARHURST PL	EX	SINGLE DETACHED DWELLING
80 BLUE PUTTEE DR	RN	SINGLE DETACHED DWELLING
18 BYRON ST	RN	SINGLE DETACHED DWELLING
5 CABOT ST	RN	SINGLE DETACHED DWELLING
9-11 CAMPBELL AVE	RN	TOWNHOUSING
166 DUCKWORTH ST	RN	RETAIL STORE
2 DUKE ST	RN	SINGLE DETACHED & SUB.APT
624 EMPIRE AVE	RN	SINGLE DETACHED DWELLING
3 FIRST AVE	RN	SINGLE DETACHED DWELLING
20 SPRUCEDALE DR	RN	SINGLE DETACHED DWELLING

THIS WEEK \$ 957,000.00

**CLASS: DEMOLITION**

THIS WEEK \$ .00

THIS WEEK'S TOTAL: \$ 2,012,221.00

REPAIR PERMITS ISSUED: 2014/02/20 TO 2014/02/26 \$ 19,000.00

28 Summer Street Your application for a third residential unit is rejected as contrary to Section 10.5.1 and 10.5.2 of the City of St. John's 1994 Development Regulations.

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		

YEAR TO DATE COMPARISONS			
March 3, 2014			
TYPE	2013	2014	% VARIANCE (+/-)
Commercial	\$30,800,500.00	\$10,700,200.00	-65
Industrial	\$25,000.00	\$0.00	0
Government/Institutional	\$53,000,000.00	\$42,400,400.00	-2
Residential	\$13,900,700.00	\$19,400,700.00	40
Repairs	\$177,700.00	\$300,500.00	69
Housing Units (1 & 2 Family Dwellings)	38	19	
<b>TOTAL</b>	<b>\$97,903,900.00</b>	<b>\$72,801,800.00</b>	<b>-26</b>

Respectfully Submitted,

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

**Payrolls and Accounts**

**SJMC2014-03-03/105R**

**It was decided on motion of Councillor Puddister; seconded by Councillor Collins: That the following Payrolls and Accounts for the week ending February 26, 2014 be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending February 26, 2014**

**Payroll**

<b>Public Works</b>	<b>\$ 509,724.97</b>
<b>Bi-Weekly Administration</b>	<b>\$ 750,401.86</b>
<b>Bi-Weekly Management</b>	<b>\$ 710,256.02</b>
<b>Bi-Weekly Fire Department</b>	<b>\$ 627,208.98</b>
<b>Accounts Payable</b>	<b>\$5,095,246.54</b>
<b>Total:</b>	<b>\$7,692,833.37</b>

**Tenders**

- a. **Engineering Consulting Services  
Water Transmission Main Replacement  
Allandale Road/Bonaventure Avenue/Mayor Avenue – Phases 2,3 & 4**

**SJMC2014-03-03/106R**

**It was decided on motion of Councillor Puddister; seconded by Councillor Collins: That the recommendation of the Director of Engineering be approved and the RFP awarded as follows:**

- a. **Kendall Engineering Ltd. @ \$701,786.50 (HST included)**

**Petitions**

Councillor Breen tabled a petition the prayer of which reads as follows:

**“We, the residents of the North East land Assembly of the City of St. John’s hereby petition the City Council of St. John’s to totally reject the Discretionary Use Application submitted by Leo Bruce to use his residence at 11 Parsons Place to operate a commercial enterprise namely an Audio Post Production and Voice-over Studio.”**

**Councillor Breen noted that the application has since been withdrawn.**

**Snow Clearing Report**

Council considered as information the snow clearing report for the period January 1 to February 28, 2014, showing a negative variance of \$654,071.00

**Economic Update, March 2014**

Councillor Tilley presented the highlights of the Economic Update for March 2014.

**Deputy Mayor Ellsworth**

Deputy Mayor Ellsworth advised that both he and Councillor Davis have had some consultation with members of the Larkhall Academy Council concerning the volume of traffic in this school zone. He noted that one of the options being looked at is a Kids and Ride Drop Off and hopefully with the assistance of staff a solution will be found to alleviate the traffic issue. Deputy Mayor Ellsworth noted that as soon as the “ground work” has been done the matter will be brought forward to the Police and Traffic Committee for discussion.

Deputy Mayor Ellsworth alluded to recent stories concerning renters living in substandard housing, and encouraged those individuals to avail of the City’s 311 service since the City does have some mechanisms in place to deal with landlords who are not compliant.

**Councillor Puddister**

Councillor Puddister updated Council on his attendance last week at a meeting of the Mayor’s Advisory Committee on Prevention of Crime, chaired by Ms. Marie Ryan. He noted that the Committee intends to meet on a monthly basis and based on discussions at the first meeting it will be a very active committee.

Councillor Puddister alluded to the recent tragic passing of Lorretta Saunders, a young aboriginal woman from Goosebay, NL, and asked that His Worship the Mayor on behalf of Council write a letter of condolence to her family.

Councillor Puddister asked that His Worship the Mayor on behalf of Council forward a letter to Mr. Ryan Cleary, MP, St. John's South-Mount Pearl in support of his initiative to call on the federal government to launch a national inquiry on missing and murdered aboriginal women.

**Councillor Breen**

Councillor Breen asked the status on the start up of construction of sidewalks on Logy Bay Road and was advised by staff that it is anticipated that the project will proceed in June.

**Councillor Galgay**

Councillor Galgay advised that as a follow-up to discussion concerning the Quidi Vidi Village parking issue, the Quidi Vidi Neighborhood Association has called a meeting for tomorrow evening at the Plantation. He noted that an invitation has been extended to staff and members of Council.

**Councillor Davis**

Councillor Davis advised that residents of Airports have raised concerns with respect to traffic issues in the Roncolli School area with backup up traffic on Airport Heights Drive trying to gain access to the parking lot. He encouraged residents to pay attention to the parking and traffic signage which were put in place for the safety of the children. Councillor Davis noted that school renovations will be ongoing for the next year asked that staff look at some options to deal with the issue of parking and traffic in this zone.

**Councillor Collins**

Councillor Collins advised that the Southlands Community Centre will soon open and it is anticipated that a public meeting will be held in mid April.

Councillor Collins noted that proposals for the 163 Blackhead Road project are currently under review.

**His Worship the Mayor**

His Worship the Mayor reported on his attendance at the Big City Mayor's conference and has joined the mayors from across Canada in calling on provincial, territorial and federal partners to work with cities to fix the affordable housing shortage and improve aging transportation systems, two key impediments to growth.

**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**