

September 19<sup>th</sup>, 2011

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 4:50 p.m. today.

His Worship the Mayor presided.

There were present also: Deputy Mayor Duff; Councillors O'Leary; Hickman, Hann, Colbert, Breen, Galgay, Tilley, Hanlon and Collins.

The City Manager; Deputy City Manager/Director of Corporate Services & City Clerk; Deputy City Manager/Director of Public Works and Parks; Director of Planning; Director of Engineering; City Solicitor and Manager, Corporate Secretariat were also in attendance.

### **Adoption of the Agenda**

#### **SJMC2011-09-19/474R**

**It was as decided on motion of Councillor Collins; seconded by Councillor Hanlon: That the Agenda be adopted as presented with the following additional item:**

- a. Letter dated September 5, 2011 from Rick Hansen to His Worship the Mayor thanking him for his participation in the launch of the 25<sup>th</sup> Anniversary Relay

### **Adoption of Minutes**

#### **SJMC2011-09-19/475R**

**It was decided on motion of Councillor Galgay; seconded by Deputy Mayor Duff: That the Minutes of the September 12<sup>th</sup>, 2011 meeting be adopted as presented.**

### **Business Arising**

**Re: Proposed Rezoning of Property,  
Civic Number 229 Kenmount Road (Ward 4)**

**Applicant – Lansing Properties on behalf of Kenmount Properties**

Under business arising, Council considered a memorandum dated September 14, 2011 from the Director of Planning regarding the above noted.

# ST. JOHN'S

**SJMC2011-09-19/476R**

**It was moved by Councillor Colbert; seconded by Councillor Hann: That St. John's Municipal Plan Amendment Number 97, 2011 and St. John's Development Regulations Amendment Number 520, 2011 be formally approved, which will then be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendments.**

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

**Notices Published**

- 1. A Discretionary Use Application** has been submitted by Jennifer Malone requesting permission to occupy the Accessory Building at **Civic No. 31 Alexis Place as a Home Occupation for a Dog Grooming Salon.**

The proposed business will occupy a floor area of approximately 43 m<sup>2</sup> in the accessory building and will operate Tuesday -Saturday 9:00am - 5:00pm. Clients will be seen by appointment only, no walk-ins permitted. A minimum of Ten (10) on-site parking spaces are provided for the business. The applicant is the sole employee.

A Home Occupation may be located in an Accessory Building in the Rural Residential (RR) Zone. (Ward 5)

**SJMC2011-09-19/477R**

**It was moved by Councillor Collins; seconded by Councillor Breen: That the application be approved subject to no overnight boarding of animals being permitted and subject to no outdoor kennels or animal runs being allowed to be constructed.**

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

**Committee Reports**

**Development Committee Report dated September 13, 2011**

Council considered the following Development Committee Report dated September 13, 2011:

**RECOMMENDATION OF APPROVAL:**

- 1. Proposed Building Lot  
Subdivision of Civic No. 25 Savannah Park Drive (Ward 4)  
Applicant: Mr. William Legge**

**ST. JOHN'S**

The Development Committee recommends that Council establish a minimum building line of 21.85 metres for this property at the existing dwelling, in accordance with Section 8.3.1 of the Development Regulations.

2. **Proposed Building Lot**  
**Subdivision of Civic No. 29 Sunset Street (Ward 5)**  
**Applicant: Mike & Lisa Peters**

The Development Committee recommends that Council establish a minimum building line of 17 metres for this property at the existing dwelling, in accordance with Section 8.3.1 of the Development Regulations.

### **OTHER**

3. **Proposed Eat-In Restaurant**  
**Civic No. 632 Topsail Road (Ward 3)**  
**Applicant: Genivar Inc. on behalf of Cobalt Properties**

The attached memo is provided for Council's information.

4. **Discretionary Use Application – Place of Amusement**  
**Proposed Indoor Skate Park and BMX Bike Facility**  
**77 Blackmarsh Road (Ward 2)**  
**Applicant: TurnDown BMX**

The attached memo is provided for Council's information.

Cliff Johnston  
Director of Planning  
Acting Chair – Development Committee

### **SJMC2011-09-19/478R**

**Regarding Items 1 and 2, It was moved by Councillor Hann; seconded by Councillor Tilley: That the Committee's recommendations be approved.**

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

**Regarding Item #3, Council considered as information a memorandum dated September 15, 2011 from the City Manager, advising that Genivar Inc. have now submitted a revised preliminary site plan for a proposed extension to the west side of civic no. 632 Topsail Road for a proposed eat-in Mary Brown's Restaurant only. As a permitted use, an eat-in restaurant does not require public**

# ST. JOHN'S

notification and upon final approval by staff of all required detailed plans, the application would be approved by staff and would be placed on the Development Permits list at a future Regular Meeting of Council for information purposes. It is noted that Genivar Inc. are still interested to have a drive-thru restaurant at civic no. 632 Topsail Road if they can adhere to any new drive-thru standards that may be adopted by Council.

Regarding Item #4, Council considered as information a memorandum dated September 15, 2011 from the City Manager advising that TurnDown BX will not be operating from 77 Blackmarsh Road and have now entered into an agreement to relocate to 799 Water Street and have made application to the Department of Planning for the same. Upon completion of the advertising process the new application for the indoor skate park and BMX bike facility at 799 Water Street will be referred to a future Regular Meeting of Council for consideration of approval.

**Development Permits List**

Council considered, as information, the following Development Permits List for the period September 2 to 8, 2011.

DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF September 9, 2011 TO September 15, 2011

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Shawn Webber	Home Office – Electrical Contracting	11 Almond Crescent	5	Approved	11-09-09
RES	Brian Bambrick	Demolition and Rebuild of Dwelling	28 Chafe Avenue	2	Approved	11-09-15
RES	Heather Brown	Building Lot	Bay Bulls Rd. (Subdivision of No. 98)	5	Approved	11-09-15
COM	Yu Zhou	Home Office – Investment Services	38 Navajo Place	4	Approved	11-09-15
COM	Stephen Murphy	Home Office – Electrical Contractor	88 Dooling's Line	5	Approved	11-09-15
RES	Robert & Tracy White	Rebuild of Single Detached Dwelling	146 Old Pennywell Road	4	Approved	11-09-15

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

Gerard Doran  
 Development Officer  
 Department of Planning



\*\* 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.

## **Building Permits List**

### **SJMC2011-09-19/479R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Hann: That the recommendation of the Director of Building and Property Management with respect to the following Building Permits List be approved:**

2011/09/14

Permits List

#### **CLASS: COMMERCIAL**

TOWN SHOES LIMITED	85A ABERDEEN AVE	MS RETAIL STORE
PENNY MAZDA	220 KENMOUNT RD	MS CAR SALES LOT
ASHLEY FELTHAM SCHOOL OF DANCE	484-490 MAIN RD	MS COMMERCIAL SCHOOL
EASYCONNECT	355-367 MAIN RD	MS OFFICE
NEW HUT LIMITED	464 TOPSAIL RD	MS EATING ESTABLISHMENT
PRECIOUS PEOPLE'S PLAYLAND	644 TOPSAIL RD	MS DAY CARE CENTRE
PRECIOUS PEOPLE	393 TOPSAIL RD	MS OTHER
BELL ALIANT	252 ANSPACH ST	NC COMMUNICATIONS USE
BELL ALIANT	8 BAY BULLS RD	NC COMMUNICATIONS USE
BELL ALIANT	1 BAY BULLS RD	NC COMMUNICATIONS USE
BELL ALIANT	217 BAY BULLS RD	NC COMMUNICATIONS USE
BELL ALIANT	56 BIRMINGHAM ST	NC COMMUNICATIONS USE
BELL ALIANT	28 BOYLE ST	NC COMMUNICATIONS USE
BELL ALIANT	78 BOYLE ST	NC COMMUNICATIONS USE
BELL ALIANT	217 BROOKFIELD RD	NC COMMUNICATIONS USE
BELL ALIANT	236 CANADA DR	NC COMMUNICATIONS USE
BELL ALIANT	1 CRESTON PL	NC COMMUNICATIONS USE
BELL ALIANT	99 DOYLE ST	NC COMMUNICATIONS USE
BELL ALIANT	2 DUNTARA CRES	NC COMMUNICATIONS USE
BELL ALIANT	12 EARHART ST	NC COMMUNICATIONS USE
BELL ALIANT	3 EDISON PL	NC COMMUNICATIONS USE
BELL ALIANT	16 ELLIOTT'S RD	NC COMMUNICATIONS USE
BELL ALIANT	34 FAHEY ST	NC COMMUNICATIONS USE
BELL ALIANT	24 FERRYLAND ST E	NC COMMUNICATIONS USE
BELL ALIANT	14 FORBES ST	NC COMMUNICATIONS USE
BELL ALIANT	184 FRECKER DR	NC COMMUNICATIONS USE
BELL ALIANT	120 GABRIEL RD	NC COMMUNICATIONS USE
BELL ALIANT	38 GANDER CRES	NC COMMUNICATIONS USE
BELL ALIANT	22 GISBORNE PL	NC COMMUNICATIONS USE
BELL ALIANT	63 GREENSPOND DR	NC COMMUNICATIONS USE
BELL ALIANT	39 GRIEVE ST	NC COMMUNICATIONS USE
BELL ALIANT	HAMLIN ROAD - ALIANT	NC COMMUNICATIONS USE
BELL ALIANT	11 HOLBROOK AVE	NC COMMUNICATIONS USE
BELL ALIANT	55 LESTER ST	NC COMMUNICATIONS USE
BELL ALIANT	1 MEADOWGREEN PL	NC COMMUNICATIONS USE
BELL ALIANT	50 MOONEY CRES	NC COMMUNICATIONS USE
BELL ALIANT	71 OLD BAY BULLS RD	NC COMMUNICATIONS USE
BELL ALIANT	98 OLD PETTY HARBOUR RD	NC COMMUNICATIONS USE
BELL ALIANT	1 POINT VERDE PL	NC COMMUNICATIONS USE
BELL ALIANT	3 ROSE BLANCHE ST	NC COMMUNICATIONS USE
BELL ALIANT	61 SPRUCEDALE DR	NC COMMUNICATIONS USE

# ST. JOHN'S

BELL ALIANT	2 TANNER ST	NC COMMUNICATIONS USE
BELL ALIANT	TEAKWOOD DR - ALIANT	NC COMMUNICATIONS USE
BELL ALIANT	4 TEAKWOOD DR	NC COMMUNICATIONS USE
BELL ALIANT	9 TOMPKINS ST	NC COMMUNICATIONS USE
BELL ALIANT	2 TOPSAIL RD	NC COMMUNICATIONS USE
BELL ALIANT	464 TOPSAIL RD	NC COMMUNICATIONS USE
BELL ALIANT	1 TOPSAIL RD	NC COMMUNICATIONS USE
BELL ALIANT	15 WABUSH PL	NC COMMUNICATIONS USE
JEFF MOORES	312 PADDY'S POND RD	NC TRANSPORTATION TERMINAL
DUFF'S GARAGE	749 THORBURN RD MR. TRANSMATIC	RN COMMERCIAL GARAGE
POWER BOLAND LIMITED	84-86 ELIZABETH AVE -SUITE 809	CR OFFICE
CHOICES FOR YOUTH INC.	261 DUCKWORTH ST	RN OFFICE
CHOICES FOR YOUTH INC.	12-16 CARTER'S HILL PL	RN MIXED USE
DORSET INVESTMENTS LIMITED	5 KIWANIS ST	RN RETAIL STORE
MCDONALD'S RESTAURANTS OF	14 STAVANGER DR	RN RESTAURANT

THIS WEEK \$ 666,500.00

**CLASS: INDUSTRIAL**

STANTEC (RANDY PATEY)	456 LOGY BAY RD	SW LIGHT INDUSTRIAL USE
COUNTRY RIBBON INC.	EAST WHITE HILLS RD	RN INDUSTRIAL USE

THIS WEEK \$ 129,578.00

**CLASS: GOVERNMENT/INSTITUTIONAL**

THIS WEEK \$ .00

**CLASS: RESIDENTIAL**

PAULINE PHILLIPS	12 ANN-JEANNETTE PL	NC FENCE
JAMES B. & CINDY G. CASE	24 BOULEVARD	NC FENCE
PAUL ROBERTS	1 BUTTERWORTH PL	NC ACCESSORY BUILDING
CLOVER CONSTRUCTION	89 CAPE PINE ST, LOT 43	NC SINGLE DETACHED DWELLING
CATHERINE KNOX	57 CARPASIAN RD	NC PATIO DECK
PATRICIA LEONARD	16 CEDARHURST PL	NC PATIO DECK
CARLA RALPH AND ADAM LEGROW	116 CHEESEMAN DR, LOT 19	NC SINGLE DETACHED & SUB.APT
SARAH HANNA	29 CONWAY CRES	NC ACCESSORY BUILDING
RICHARD & RUTH GOLLOP	18 CORNWALL AVE	NC FENCE
MICHAEL KAVANAGH	48 COUNTRY GROVE PL	NC FENCE
MRS. MARLENE MAYNARD	3 DUNLEA ST	NC PATIO DECK
BRUCE RANDELL PATEY &	5 EASTMEADOWS CRES	NC FENCE
KIMBERLY DUNPHY	17 ELDERBERRY PL	NC ACCESSORY BUILDING
TANYA O'BRIEN	33 FITZGIBBON ST	NC PATIO DECK
JOANNE M. WINSOR	21 GEORGINA ST	NC ACCESSORY BUILDING
WILLIAM P FLYNN AND	94 GLENLONAN ST, LOT 47	NC FENCE
JAMES MCCARTHY	8 GOLF AVE	NC PATIO DECK
KIMBERLEY G. GIBBONS	15 GREENSPOND DR	NC ACCESSORY BUILDING
CAMPBELL FEEHAN	315 GROVES RD	NC SINGLE DETACHED DWELLING
DAVE CARTER	18 HORWOOD ST	NC PATIO DECK
REARDON CONSTRUCTION & DEV LTD	77 JENNMAR CRES, LOT 110	NC SINGLE DETACHED DWELLING
BRENDAN BARRETT/ MARY O'BRIEN	6 KENSINGTON DR	NC FENCE
PASCAL GIGUERE	263 LEMARCHANT RD	NC ACCESSORY BUILDING
NICOLAS MACCALLUM	52 LESLIE ST	NC PATIO DECK
CORRIE DAVIS & DENEEN CULL	16 MARIGOLD PL	NC PATIO DECK
CORRIE DAVIS & DENEEN CULL	16 MARIGOLD PL	NC ACCESSORY BUILDING
JOSEPH & JUDY KELLY	311 NEWFOUNDLAND DR	NC FENCE



SKYMARK CONTRACTING	8 OBERON ST, LOT 150	NC SINGLE DETACHED DWELLING
RON HICKEY	41 PARSONAGE DR, LOT 20	NC SINGLE DETACHED DWELLING
JONATHAN EARLE AND	12 PARSONS PL	NC FENCE
JOHN READE	58 PORTUGAL COVE RD	NC ACCESSORY BUILDING
QUINLAN HOME CONSTRUCTION LTD.	8 ROSE ABBEY ST - LOT 153	NC SINGLE DETACHED & SUB.APT
JOHN PROWSE CONSTRUCTION	41 ROSE ABBEY ST, LOT 131	NC SINGLE DETACHED DWELLING
J & P CONTRACTING INC	56 ROTARY DR	NC SINGLE DETACHED & SUB.APT
J & P CONTRACTING INC	85 ROTARY DR, LOT 104	NC SINGLE DETACHED & SUB.APT
WILLIAM ST. CROIX	15 SUMAC ST	NC ACCESSORY BUILDING
SKYMARK CONTRACTING	31 SUMAC ST, LOT 96	NC SINGLE DETACHED DWELLING
MRS. IVY PENNEY	28 SUVLA ST	NC PATIO DECK
MYLES MURPHY AND	20 TURNBERRY ST	NC ACCESSORY BUILDING
MI OH	63 CHEROKEE DR	CO HOME OCCUPATION
61162 NFLD & LAB	18 ANTELOPE ST	CR SUBSIDIARY APARTMENT
LISA WALSH	38 FIRDALE DR	CR SUBSIDIARY APARTMENT
JAMES SMITH	9 ROSALIND ST	CR SUBSIDIARY APARTMENT
JILL QUINN	45 BRAD GUSHUE CRES	EX SINGLE DETACHED DWELLING
MIKE POWER	20 CHARLOTTETOWN PL	EX SINGLE DETACHED DWELLING
J. SCOTT & LAURIE E. YOUNG	11 EATON PL	EX SINGLE DETACHED DWELLING
LAURA WARDLE	18 OTTER DR	EX SINGLE DETACHED DWELLING
DEBBIE MERCER	65 CASHIN AVE	RN PATIO DECK
MYRTLE BLANDFORD	16 COOK ST	RN SEMI-DETACHED DWELLING
IAN WILLIAMS	8 JAMIE KORAB ST	RN SINGLE DETACHED DWELLING
MCKINLAY PLACE CONDO CORP.	49 LEMARCHANT RD	RN CONDOMINIUM
EUGENE LYE	153 LOGY BAY RD	RN SINGLE DETACHED & SUB.APT
NEIL HICKS	38 NEWMAN ST	RN SINGLE DETACHED DWELLING
YUMING ZHAO	263 STAVANGER DR	RN SINGLE DETACHED DWELLING
YU FENG	4 STIRLING CRES	RN SINGLE DETACHED DWELLING
PATRICK MCCORMICK	70 ALLANDALE RD	SW SINGLE DETACHED DWELLING
DAVID G. RALPH	54 CHEYNE DR	SW SINGLE DETACHED DWELLING
DAVID HISCOCK,	88 ENNIS AVE	SW SINGLE DETACHED DWELLING
BETTY MCNIVEN	36 MCNIVEN PL	SW SINGLE DETACHED DWELLING
STEPHEN KING	36 VALLEYVIEW RD	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 3,950,772.00

**CLASS: DEMOLITION**

BRIAN BAMBRICK	28 CHAFE AVE	DM SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	9 MARTIN ST	DM SEMI-DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	11 MARTIN ST	DM SEMI-DETACHED DWELLING
JOHN LEWIS & KELLY HUDSON	99 PEARLTOWN RD	DM SINGLE DETACHED DWELLING

THIS WEEK \$ 22,900.00

THIS WEEK'S TOTAL: \$ 4,769,750.00

REPAIR PERMITS ISSUED: 2011/09/08 TO 2011/09/14 \$ 229,294.00

LEGEND

# ST. JOHN'S

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		

**Rejection:** 11 Mayor Avenue – Your application for the rear sunroom extension is rejected as per Section 10.5.3(5)(f) of the St. John’s Development Regulations.

**Payrolls and Accounts**

**SJMC2011-09-19/480R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Hann: That the following Payrolls and Accounts for the week ending September 15, 2011, be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending September 15, 2011**

**PAYROLL**

Public works	\$ 366,333.93
Bi-Weekly Administration	\$ 719,694.02
Bi-Weekly Management	\$ 637,867.80
Regional Fire Department	\$ 591,210.92

**ACCOUNTS PAYABLE** \$4,526,747.37

**Total: \$6,841,854.04**

**Tenders**

- a. Tender – Non-Profit Housing Upgrades, Goodview Street/Carter’s Hill

**SJMC2011-09-19/481R**





**It was moved by Councillor Galgay; seconded by Councillor Tilley: That the recommendation of the Director of Building and Property Management be approved and the tender awarded as follows:**

- a. Coastal Building Products and Services Ltd. for the amount of \$898,700.00 which includes HST**

Deputy Mayor Duff asked how many units would be upgraded. The information can be obtained from the Department of Building and Property Management.

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

**Letter dated September 5, 2011 from Rick Hansen to His Worship the Mayor thanking him for his participation in the launch of the 25<sup>th</sup> Anniversary Relay**

Council acknowledged the above noted letter.

#### **Deputy Mayor Duff**

Deputy Mayor Duff commended the Festival of the Sea event and thanked all who contributed to its tremendous success. She thanked City of St. John's employee, Margaret Donovan, for her work towards the organization of the event and for her support to the organizing committee.

#### **Councillor O'Leary**

Councillor O'Leary updated the public on the City's Complimentary Neuter Program for cats.

#### **Councillor Breen**

Councillor Breen advised that the Quidi Vidi Lake dog park will be extended to accommodate a small breed dog park. He thanked staff for their prompt action and attention to this matter. Councillor Breen noted that discussions are ongoing with the Legion with respect to upgrading their parking lot.

Councillor Tilley asked about locating a dog park in the City's west end. Councillor Collins advised that a location across from Bowring Park is being looked by staff and the Bowring Park Foundation.

# ST. JOHN'S

Councillor O'Leary noted that there is a small dog park at the Animal Care Shelter on Higgins Line. She also noted that locating a dog park in the Mundy Pond area will also be considered.

### **Councillor Tilley**

With respect to the problem with pigeon droppings on Caldwell Place, Councillor Tilley advised that it appears that an acceptable solution has been found and residents will be advised on how the City plans to proceed.

### **Councillor Hanlon**

Councillor Hanlon advised that Take Back the Night March will go ahead at Bannerman Park on September 23, 2011 and encouraged residents to take part in the event.

### **Councillor Collins**

Councillor Collins asked that staff investigate the possibility of locating a dog park across from Bowring Park in the vicinity of the ball park.

Councillor Collins also asked that pavement lines be installed on the Southern Shore Highway.

### **Councillor Hickman**

Councillor Hickman referenced the recent Telegram article on Fred Gamberg and the mural of him on a wall at the corner of Duckworth and Prescott Streets. He will check with staff to see if ownership of the land in front of the mural can be determined, with a view to having the area clean up and maybe have benches installed.

### **His Worship the Mayor**

His Worship the Mayor also praised the Irish Newfoundland Festival and its economic spin-off.

# ST. JOHN'S

His Worship the Mayor noted that the Paradise business community has joined with the Mount Pearl Chamber of Commerce, and encouraged the group to go a step further and join the St. John's Board of Trade and form one business organization.

**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**

**ST. JOHN'S**