

February 16, 2009

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 4:30 p.m. today.

Mayor Dennis O'Keefe presided.

There were present also Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Coombs, Hanlon and Collins

Regrets: Deputy Mayor Ellsworth

The Chief Commissioner and City Solicitor, the Associate Commissioner/Director of Engineering, the Director of Planning, Acting City Clerk and Recording Secretary were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2009-02-16/94R

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

- a. Letter dated February 11, 2009 from Councillor Tom Hann, Chair, St. John's Transportation Commission re Request for Funding, New Metrobus Facility

Adoption of Minutes

SJMC2009-02-16/95R

It was decided on motion of Councillor Coombs; seconded by Councillor Duff: That the Minutes of the February 9th, 2009 meeting be adopted as presented.

New Metrobus Facility

Council considered a letter dated February 11, 2009 from Councillor Tom Hann, Chair, St. John's Transportation Commission regarding the new Metrobus facility.

Councillor Hann noted that the Commission is progressing with the plans for the new Metrobus facility. The building requirements have been determined and cost estimates received. The Commission is recommending the construction of a sixty-four (64) bus facility at an estimated project cost of \$34,205,586.00. The current metrobus fleet has fifty-three (53) buses. This size of facility will meet current operational requirements and provide room for growth in the foreseeable future. \$26 million has been received from the Public Transit Capital Trust Fund which results in an additional funding requirement of \$8.2 million. The facility will be built to meet the international Leadership in Energy and Environmental Design (LEED) Green Building Standards. It is a benchmark for the design, construction and operation of high performance green buildings. By meeting these standards, it will result in energy efficiency, water savings and a reduction in greenhouse gas emissions and as such, will be a sustainable green building. Buildings meeting these standards are eligible to receive funding from the Green Fund administered by the Provincial Department of Environment and Conservation. The amount of additional funding will be reduced by the amount of funding that may be received from the Green Fund or other sources.

SJMC2009-02-16/96R

It was moved by Councillor Hann; seconded by Councillor Hanlon: That the City approve the additional funding in the amount of \$8.2 million required to construct a sixty-four (64) bus facility, noting there could be some savings because of a \$2 million escalation clause built into the project plans.

The motion being put was unanimously carried.

Notices Published

1. A Discretionary Use Application has been submitted by Tim Hortons requesting permission to increase the parking area and Drive Thru lane length for their existing retail operation at Civic No. 92 Thorburn Road. The proposed site work would entail expansion of the lot on the east side by 125 m² which would create a longer queuing space for the vehicles in the Drive Thru. **(Ward 4)**

SJMC2009-02-16/97R

It was moved by Councilor Hanlon; seconded by Councillor Puddister: That the application be approved.

Members of Council commended Tim Hortons on this initiative which is the first of other changes to come to eliminate the queuing problem that became a safety issue at many of their outlets.

The motion being put was unanimously carried.

Development Committee Report dated February 10, 2009

Council considered the following Development Report dated February 10, 2009:

RECOMMENDATION OF APPROVAL:

- 1. Proposed Height Variance for Accessory Building
Civic No. 566-568 Thorburn Road (Ward 4)**

The Development Committee recommends that Council allow the requested height variance and approve the height of 5.3 metres for the accessory building.

RECOMMENDATION OF REJECTION:

- 2. Request to Establish Building Line for Proposed Self-Storage Facility
Ms. Anna Stassis
Civic No. 56 Airport Road (Ward 1)**

The Development Committee recommends that Council reject the request to establish the Building Line at 6 metres for the proposed development, as the minimum building line in the Commercial Industrial (CI) Zone is 20 metres.

**Art Cheeseman, Chairperson
Associate Commissioner/Director of Engineering**

SJMC2009-02-16/98R

Regarding Item #1: It was moved by Councillor Hann; seconded by Councillor Duff: That the Committee's recommendation of approval be accepted.

The motion being put was unanimously carried.

SJMC2009-02-16/99R

Regarding Item #2: It was moved by Councillor Hann; seconded by Councillor Duff: That the Committee's recommendation of rejection be accepted.

The motion being put was unanimously carried.

Nomenclature Committee Report dated February 12, 2009

Council considered the following Nomenclature Committee Report dated February 12, 2009:

Council approval is recommended for the following:

- A. Brookfield Plains Subdivision – Stage 1A and 1B
(off Commonwealth Avenue, Mount Pearl)
 - 1. Castle Bridge Drive
 - 2. Francis Street

- B. Future Collector Street
Kelsey Drive Commercial Area – Stage 1
 - 1. Albatross Drive

- C. Kenmount Terrace Subdivision – Stage 8
(Ashlin Ridge Estates)
 - 1. Antelope Street

SJMC2009-02-16/100R

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

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permit List for the period February 6, 2009 to February 12, 2009:

DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF February 6, 2009 TO February 12, 2009

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Bruce Snow	Building Lot	245 Bay Bulls Road	5	Approved	09-02-06
INST	Retired Citizens Association	Site Plan	10 Bennett Avenue	2	Approved	09-02-12
COM	Charles R. Bell Limited	Site Re-Development	81 Kenmount Road	3	Approved	09-02-12
INST	Kenny's Pond Seniors Development	Site Plan	135 MacDonald Drive	1	Approved	09-02-12

<p>* Code Classification: RES - Residential COM - Commercial AG - Agriculture</p>	<p>INST - Institutional IND - Industrial</p>
<p>** 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.</p>	

Gerard Doran
 Development Officer
 Department of Planning

Building Permits List

SJMC2009-02-16/101R

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

2009/02/11

Permits List

CLASS: COMMERCIAL

ROYAL BANK OF CANADA	40 ABERDEEN AVE	MS BANK
BOGART'S JEWELRY LTD	40 ABERDEEN AVE	MS RETAIL STORE
WOODWARD AUTO SALES	152 AIRPORT RD	MS CAR SALES LOT
BODY QUEST	92 ELIZABETH AVE	MS SERVICE SHOP
CARLSON WAGONLIT TRAVEL	92 ELIZABETH AVE	MS OFFICE
GOING MOBILE	336 FRESHWATER RD	MS RETAIL STORE
IN MOTION	179 HAMLYN RD	MS CLUB
MOORES	41 KELSEY DR	MS RETAIL STORE
LEGROW'S TRAVEL	75 KELSEY DR	MS OFFICE

DISCOUNT AUTO	350 KENMOUNT RD	MS COMMERCIAL GARAGE
PENNEY KIA INC.	497 KENMOUNT RD	MS CAR SALES LOT
A.I.M.E. PHYSIOTHERAPY INC.	204-206 MAIN RD	MS CLINIC
A.I.M.E. PHYSIOTHERAPY INC.	204-206 MAIN RD	MS CLINIC
BUDDY'S FISH & CHIPS LTD.	445 NEWFOUNDLAND DR	MS EATING ESTABLISHMENT
BUDDY'S FISH & CHIPS LTD.	445 NEWFOUNDLAND DR	MS EATING ESTABLISHMENT
CREATIVE BRICK AND TILE	78 O'LEARY AVE	MS RETAIL STORE
ATLANTIC CASH & CARRY	37 O'LEARY AVE	MS RETAIL STORE
ORTHOPEDIC SOLUTIONS	342 PENNYWELL RD	MS RETAIL STORE
EASTSIDE MARIO'S	180 PORTUGAL COVE RD	MS RESTAURANT
CREATIVE BRICK AND TILE	25 STAVANGER DR	MS RETAIL STORE
GOING MOBILE	15-27 STAVANGER DR	MS RETAIL STORE
NEW WORLD FITNESS	644 TOPSAIL RD	MS CLUB
MY BROTHER'S PLACE	686 TOPSAIL RD	MS RESTAURANT
SECOND PAGE	655 TOPSAIL RD	MS OFFICE
CHES'S SNACKS LIMITED	655 TOPSAIL RD	MS RESTAURANT
JUNGLE JIMS	286 TORBAY RD	MS RESTAURANT
THE MATTRESS STORE LTD.	286 TORBAY RD	MS RETAIL STORE
GRUMPY STUMP	272-276 TORBAY RD	MS TAVERN
BRITON HOLDINGS INC.	272-276 TORBAY RD	MS RESTAURANT
HAWKNO HOLDINGS LIMITED	272-276 TORBAY RD	MS RESTAURANT
HAWKNO HOLDINGS LIMITED	272-276 TORBAY RD	MS RESTAURANT
HAWKNO HOLDINGS LIMITED	272-276 TORBAY RD	MS RESTAURANT
COCONUT ISLAND TAN	272-276 TORBAY RD	MS SERVICE SHOP
BANK OF NOVA SCOTIA	TORBAY RD	MS BANK
BULLDOG FITNESS	TORBAY ROAD-TORBAY RD MALL	MS SERVICE SHOP
THERAPEUTIX	722 WATER ST	MS CLINIC
JUSTIN BUTLER	215 WATER ST, 2ND LEVEL F1B	SN EATING ESTABLISHMENT
50808 NEWFOUNDLAND AND	55-59 MARGARET'S PL	RN MIXED USE
50808 NEWFOUNDLAND AND	55-59 MARGARET'S PL (MCP BLDG)	RN OFFICE
CITY HONDA	547 KENMOUNT RD - CITY HONDA	RN CAR SALES LOT
SMITH BITS	215 WATER ST - SMITH BITS	CR OFFICE
OZARK HOLDINGS LTD.	22 SUDBURY ST	CR OFFICE
SOUTHWEST PROPERTIES	215 WATER ST, HEBRON	RN OFFICE

THIS WEEK \$ 481,550.00
TO DATE \$ 57,276,135.00

CLASS: INDUSTRIAL

THIS WEEK \$.00
TO DATE \$ 2,685,000.00

CLASS: GOVERNMENT/INSTITUTIONAL

FED GOVT (SIR HUMPH. GILBERT)	175-177 DUCKWORTH ST	RN ADMIN BLDG/GOV/NON-PROFIT
FEDERAL GOVT	10 BARTER'S HILL CELING TILES	RN ADMIN BLDG/GOV/NON-PROFIT

THIS WEEK \$ 110,573.00
TO DATE \$ 43,987,946.00

CLASS: RESIDENTIAL

KEITH REES	DOYLE'S LANE	NC ACCESSORY BUILDING
EPIC CONSULTING SERVFCES	10 SELFRIDGE RD	NC PATIO DECK
PAUL & SARAH BASSLER	74 NEWTOWN RD, SWEETHEART DIAP	CO HOME OFFICE
EDISON KING	5 STAMP'S LANE	CO OFFICE
KRISTA ISAACS	23 GREEN ACRE DR	CR SUBSIDIARY APARTMENT
LARRY ADAMS	137 HIGGINS LINE	CR SUBSIDIARY APARTMENT
KEVIN & CAROL REID	44 MYRICK PL	CR SINGLE DETACHED & SUB.APT
THE SUN SPA	145 TORBAY RD, THE SUN SPA	CR SERVICE SHOP

WAYNE ROCHE	734 WATER ST	CR SINGLE DETACHED & SUB.APT
STEVEN CARR	93 BOND ST	RN TOWNHOUSING
PRO-TECH CONSTRUCTION	11 COULTAS ST	RN SINGLE DETACHED DWELLING
WILLIAM N. ROWE	10 FOREST RD	RN SINGLE DETACHED DWELLING
FWS HOLDINGS INC	51 GUZZWELL DR	RN SINGLE DETACHED & SUB.APT
CLINT BRUCE	16 JAMIE KORAB ST	RN SINGLE DETACHED DWELLING
CABOT DEVELOPMENT CORPORATION	3 KERR ST	RN SINGLE DETACHED DWELLING
JAMES & JO-ANN ABBOTT	242-250 MAIN RD	RN SINGLE DETACHED WELLING
HANN CONSTRUCTION LTD.	20 SOLDIER CRES	RN SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	10-24 VIMY AVE, 8 UNITS	RN TOWNHOUSING
MICHAEL J. SULLIVAN	23 LAUGHLIN CRES	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 1,158,071.00
TO DATE \$154,634,487.00

CLASS: DEMOLITION

THIS WEEK \$.00
TO DATE \$ 1,905,800.00

THIS WEEK'S TOTAL: \$ 1,750,194.00

TOTAL YEAR TO DATE: \$260,489,368.00

REPAIR PERMITS ISSUED: 2009/02/05 TO 2009/02/11 \$.00
2007/12/13 TO 2009/02/11 \$ 3,680,160.00 YTD

LEGEND

CO CHANGE OF OCCUPANCY	MS MOBILE SIGN
CR CHNG OF OCC/RENOVTNS	SN SIGN
EX EXTENSION	TI TENANT IMPROVEMENTS
NC NEW CONSTRUCTION	CC CHIMNEY CONSTRUCTION
OC OCCUPANT CHANGE	DV DEVELOPMENT FILE
RN RENOVATIONS	DM DEMOLITION
SW SITE WORK	

Payrolls and Accounts

SJMC2009-02-16/102R

It was decided on motion of Councillor Hann; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending February 12, 2009 be approved as presented:

**Weekly Payment Vouchers
For The
Week Ending February 12, 2009**

PAYROLL

Public Works	\$ 384,984.57
Bi-Weekly Casual	\$ 13,652.34

ACCOUNTS PAYABLE

Cheque No. 143164 - 143441	\$ 2,487,702.97
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Total:	\$ 2,886,339.88
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Tenders

- a. Tender - Supply of Robin Hood Bay Office Furniture

SJMC2009-02-16/103R

It was moved by Councillor Hann; seconded by Councillor Puddister: That the recommendation of the Director of Finance and City Treasurer be approved, and the tender awarded as follows:

- a. **Superior Office Interiors at \$59,271.00 (taxes not included)**

The motion being put was unanimously carried.

Ruby Line Upgrading

Council considered a memorandum dated February 13, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-02-16/104R

It was moved by Councillor Puddister; seconded by Councillor Collins: That Notice of Expropriation be executed by the City for the easement from 58824 Newfoundland and Labrador Limited, required by the City as part of the Ruby Line upgrading project .

The motion being put was unanimously carried.

30 McNeil Street – Habitat for Humanity

Council considered a memorandum dated February 6, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-02-16/105R

It was moved by Councillor Colbert; seconded by Councillor Galgay: That the recommendation of the Chief Commissioner and City Solicitor that the vacant lot at 30 McNeil Street be donated to Habitat for Humanity for the construction of a house.

The motion being put was unanimously carried.

Snow Clearing Report

Council considered the Snow Clearing Report for the period January 1st to February 13, 2009 showing a negative of \$329,281.00

Snow Clearing and Ice Control of Downtown Sidewalks

Council considered as information a memorandum dated February 12, 2009 from the Director of Public Works and Parks regarding the above noted.

Councillor Hanlon

Councillor Hanlon noted she has had complaints that the sidewalk in the area of St. Andrews School, University Avenue, is very dangerous because of its incline. As indicated by staff, this year's budget does not contain funding allocation for salting of sidewalks and will be considered next year.

Councillor Hanlon noted that concern has been raised by residents in her Ward on the use of snowmobiles within the City, parks, trails etc. She tabled information on how other municipalities address the situation and asked that it be referred to the Public Works Committee with a view to finding ways to address the situation within the City.

Councillor Hanlon tabled information on the new crosswalk safety program taken on by the City of Halifax which involves flagging crosswalks, and asked that it be referred to the Police and Traffic Committee for consideration.

Councillor Hanlon advised that a meeting will be held on February 20, 2009 at City Hall the purpose of which is to meet with residents of Wishingwell Road to discuss the recent watermain break in their area.

Councillor Hanlon tabled a letter from Mr. Rod Brown regarding the dangers associated with the disposal of dry cell batteries. The Associate Commissioner/Director of Engineering noted that the City's Household Hazardous Program provides a method of disposing of such items. He further noted that the new Robin Hood Bay facility will eventually look after hazardous waste collection. As noted by Mr. Tom Jackman in an email dated February 16, 2009 under a national program, Call2Recycle, batteries can be dropped off at Canadian Tire and Home Depot or any of the participating retailers.

Councillor Hanlon tabled an article titled "Canadian house sales drop again in January, agents report". She alluded to the fact that the largest year-over-year increase was noted in St. John's at 24.4 per cent.

Councillor Galgay

Councillor Galgay tabled a letter dated February 6, 2009 from Esther and Patrick Marshall, regarding excessive speeding on Pennywell Road, and asked that it be referred to the Police and Traffic Committee for consideration.

Councillor Puddister

Councillor Puddister referred to the Canada Lands proposed development for Pleasantville and questioned whether an environmental assessment would be carried out, expressing concern of the probability of oil tanks in the ground. The Director of Planning noted it is his understanding that as part of the process, Canada Lands has undertaken whatever environmental assessment is required, and indicated he would request that information.

Councillor Hickman

Councillor Hickman asked that the Public Works Committee look at any preventative measures that might be considered to control the pothole situation and avoid the potentially harmful consequences.

Adjournment

There being no further business, the meeting adjourned at 5:25 p.m.

MAYOR

CITY CLERK