

**April 21<sup>st</sup>, 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.

Acting Mayor Ellsworth presided.

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

Regrets: His Worship the Mayor and Councillor Galgay.

The Associate Commissioner/Director of Corporate Services and City Clerk, Associate Commissioner/Director of Engineering, Director of Planning, Director of Recreation, Senior Legal Counsel (Mr. Robert Bursey) Acting Director of Public Works and Parks and Manager, Corporate Secretariat were also in attendance.

Councillor Duff asked the permission of Council to deal with Item #3 of the Parks and Recreation Standing Committee Report dated February 26<sup>th</sup>, 2009 (City of St. John's Recreation and Parks Master Plan: 2008-2018) contained in today's agenda. Council unanimously agreed.

The Committee's recommendation is as follows:

**City of St. John's Recreation and Parks Master Plan: 2008-2018**

Copies of the final report of the Recreation and Parks Master Plan were circulated to Committee members for their review. A memo dated February 26<sup>th</sup>, 2009 from the Director of Recreation was also tabled, outlining the significant changes to the Plan as indicated below:

- It was determined that the Wedgewood Park Recreation Centre Pool would have to be replaced as the capacity of the new pool at the YM-YWCA would not be sufficient for the existing and anticipated demand for aquatic programs and services. In addition, membership-only access to programs offered by the YM-YWCA would be a significant barrier for recreational drop-in and lesson programming, which has been deemed as the highest priorities for aquatics in the master plan.
- As a result of the above, it was also determined that a new facility with a pool would not fit on the existing site and as such, a new location for the Recreation

Centre or re-location of the ball field would be required. It was recommended a high priority be placed on the land identification and acquisition for a new Recreation Centre or ball field.

Councillors Collins and Hann expressed major concern about what they perceived to be a lack of consideration being given to the south zone area, including the Goulds and Southlands, noting in particular that there is no indoor swimming pool in this region of the City, despite the fact that there are a number of indoor swimming pools situated in the City's east end, i.e. Wedgewood Park, Aquarena and the YMCA. Staff explained that the highest priorities are replacing our existing aging aquatic facilities at the Mews Centre and Wedgewood Park, and that new facilities such as a super centre in the Goulds, and a new gymnasium in Kilbride are recommended. It was also stated that there is a formula for new facilities that is based on population. As the population in the south region continues to grow, consideration will then be given to the construction of an indoor swimming pool. The needs of the more densely populated areas have to be given prior consideration as per the criteria outlined in the Master Plan which establishes a benefits based approach.

**The Committee on motion of Deputy Mayor Ellsworth; seconded by Councillor Hickman, with Councillor Collins dissenting, recommends approval in principle of the City of St. John's Recreation & Parks Master Plan.**

**Councillor Hann advised that he would only support the approval subject to the ability to affect changes in the south zone.**

#### **Presentation by Staff**

The Director of Recreation with the assistance of the Acting Director of Public Works and Parks provided a power point presentation on the City of St. John's Recreation and Parks Master Plan.

#### **SJMC2009-04-21/226R**

**Following the presentation, it was moved by Councillor Duff; seconded by Councillor Hanlon: That the Committee's recommendation to grant approval in principle to the City of St. John's Recreation & Parks Master Plan, be accepted.**

Discussion ensued during which members of Council commended and thanked staff on the presentation. They also extended thanks to all members of the Steering Committee as well as the Consultant for their excellent work towards the development of the plan. During discussion, Councillor Colbert suggested it would be wise for the City to become involved in discussions with the Province when new school construction is being considered so that a natural component of discussion would be the inclusion of various programs for all who reside

in the school area. Councillor Colbert also asked if during preparation of the plan citizens had been surveyed for an opinion on having a portion of their taxes dedicated to enhancing the recreational facilities. The Director of Recreation advised that such a survey was not part of the study but is something that might be of interest for follow-up.

During discussion, Councillors Collins and Hann again reiterated their concern that the plan lacks consideration to the west end of the city, including Goulds, Kilbride and Southlands, and therefore indicated they would not support the plan.

The other members of Council supporting the report pointed out that there is a formula for new facilities based on population and therefore as areas grow the facilities will expand. They noted the fact that the highest priorities are replacing the existing aging facilities at the Mews Centre and Wedgwood Park. Also mentioned was the fact that parks and swimming pools within the City are available to not only the neighbouring areas but to the region; and also the fact that Mount Pearl recreational facilities are available and are in close proximity for residents of Goulds and Southlands.

Also during discussion, Councillor Duff asked that the City now arrange to meet with the Minister of Education to discuss the plan, partnership funding and involvement in discussions on new school construction.

**Following discussion, the motion to approve in principle the City of St. John's Recreation & Parks Master Plan, being put was carried with Councillors Collins and Hann dissenting.**

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

**SJMC2009-04-21/227R**

**It was decided on motion of Councillor Duff; seconded by Councillor Collins:  
That the agenda be adopted as presented.**

#### **Adoption of Minutes**

**SJMC2009-04-21/228R**

**It was decided on motion of Councillor Coombs; seconded by Councillor Collins:  
That the Minutes of the April 13<sup>th</sup>, 2009 meeting be adopted as presented.**

**Business Arising**

**Notices Published**

A **Discretionary Use Application** has been submitted by Ches Lucas for a proposed Home Occupation at **Civic No. 177 Groves Road**. The proposed business will be a Sheet Metal/Plumbing Office which will operate 8:00 am to 4:30 pm Monday-Friday. The business will be located in the accessory building located on the property, and there will be 2 employees with the business. The total proposed floor area for the business is 53m<sup>2</sup>. There are 4 on-site parking spaces available for this business. A Home Occupation is a discretionary use in an accessory building in the Rural Residential Infill (RRI) Zone. **(WARD 4)**

**One (1) Submission of objection**

**SJMC2009-04-21/229R**

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

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

**Effect of abstention from voting**

Under business arising, Council considered a memorandum dated April 14, 2009 from the Chief Commissioner and City Solicitor regarding the above noted. Members of Council were in agreement to not count a member of Council who has abstained from a vote for the purpose of establishing a majority.

Councillor Coombs gave the following Notice of Motion:

**TAKE NOTICE** that I will at the next Regular Meeting of the St. John's Municipal Council move to enact an amendment to the St. John's Rules of Procedures in order that a Councillor who abstains from voting on a motion or resolution will not be counted for the purposes of determining a majority vote.

**Dated** at St. John's, NL this 21<sup>st</sup> day of April, 2009.

**Proposed Condominium Hotel, Temperance Street - Applicant – Nolan Hall Real Estate Ltd**

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Under business arising, Council considered a memorandum dated April 16, 2009 from the Director of Planning regarding the above noted and advising that in accordance with the Council Directive of March 23, 2009, the public meeting on this development application has been scheduled for Wednesday, May 13, 2009 at 7 p.m. in the Foran/Greene Room.

**Proposed Rezoning of Property, Civic Number 653 Southside Road Applicant – William Noseworthy**

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Under business arising, Council considered a memorandum dated April 15, 2009 from the Director of Planning regarding the above noted.

**SJMC2009-04-21/230R**

**It was moved by Councillor Hann; seconded by Councillor Puddister: That the following Resolutions for St. John’s Municipal Plan Amendment Number 68, 2009 and St. John’s Development Regulations Amendment Number 455, 2009, be adopted:**

**RESOLUTION  
ST. JOHN’S MUNICIPAL PLAN  
AMENDMENT NUMBER 68, 2009**

**WHEREAS** the City of St. John’s wishes to accommodate the residential development of land situated at Civic Number 653 Southside Road;

**BE IT THEREFORE RESOLVED** that the City of St. John’s hereby adopts the following map amendment to the St. John’s Municipal Plan pursuant to the provisions of the Urban and Rural Planning Act, 2000:

**Redesignate land at Civic Number 653 Southside Road from the Open Space (O) Land Use District to the Residential Low Density Land Use (RLD) 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 21<sup>st</sup> day of April, 2009.

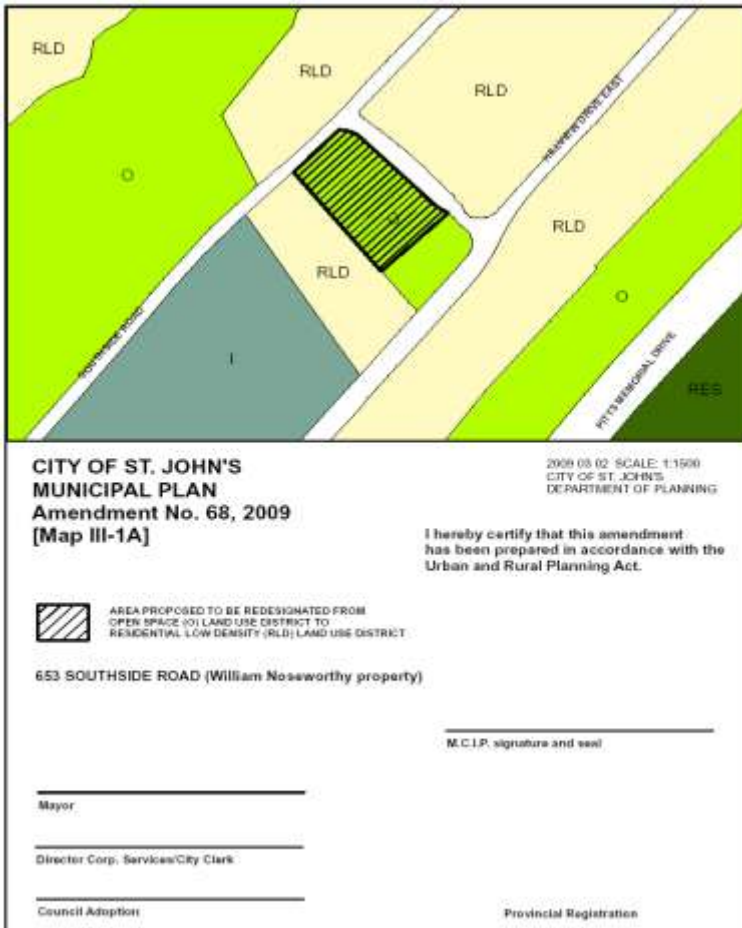
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**Mayor**

\_\_\_\_\_  
**Director of Corporate Services/  
City Clerk**

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

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

\_\_\_\_\_  
MCIP



**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 455, 2009**

**WHEREAS** the City of St. John's wishes to accommodate the residential development of land at Civic Number 653 Southside Road;

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations pursuant to the provisions of the Urban and Rural Planning Act, 2000:

**Rezone land situated at Civic Number 653 Southside Road from the Open Space (O) Zone to the Residential Low Density (R1) 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 21<sup>st</sup> day of April, **2009**.

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

\_\_\_\_\_  
**Director of Corporate Services/  
City Clerk**

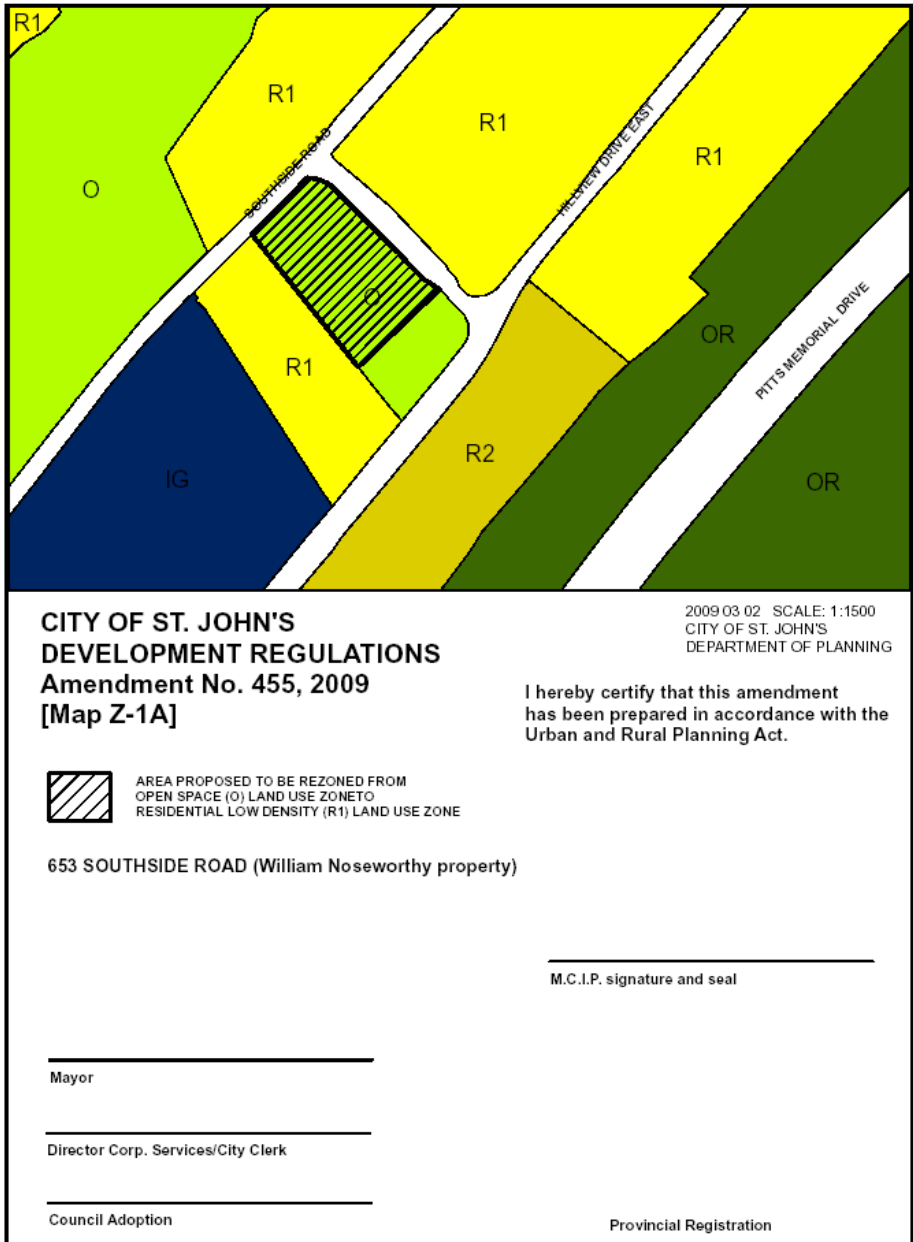
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**Provincial Registration**

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

\_\_\_\_\_  
MCIP

**and further, that Ms. Maura Hanrahan, a member of the City's Commissioners list, be appointed as commissioner to conduct a public hearing in the amendments.**

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



**Proposed Rezoning of Property-Vicker’s Avenue - Applicant – Newfoundland and Labrador Housing Corporation**

Under business arising, Council considered a memorandum dated April 16, 2009 from the Director of Planning regarding the above noted.



**SJMC2009-04-21/231R**

**It was move by Councillor Coombs; seconded by Councillor Puddister: That the following Resolutions for St. John’s Municipal Plan Amendment Number 70, 2009 and St. John’s Development Regulations Amendment Number 458, 2009 be adopted.**

**RESOLUTION  
ST. JOHN’S MUNICIPAL PLAN  
AMENDMENT NUMBER 70, 2009**

**WHEREAS** the City of St. John’s wishes to permit the development of a new housing development by the Newfoundland and Labrador Housing Corporation on Vickers Avenue.

**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, 2000:

**Redesignate land on Vickers Avenue from the Open Space Land Use District to the Residential Medium 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 21<sup>st</sup> day of April, 2009.

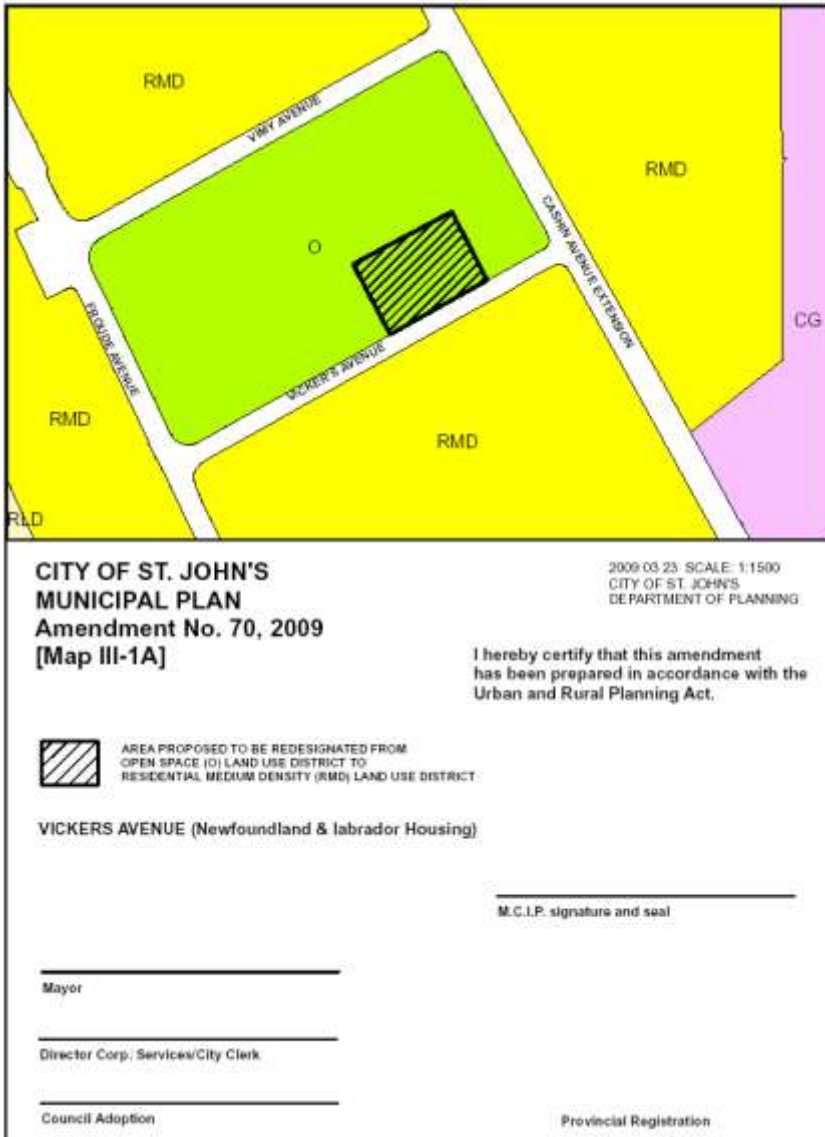
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**Mayor**

\_\_\_\_\_  
**Director of Corporate Services/  
City Clerk**

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

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

\_\_\_\_\_  
MCIP



**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 458, 2009**

**WHEREAS** the City of St. John's wishes to permit the development of a new housing development by the Newfoundland and Labrador Housing Corporation on Vickers Avenue.

**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, 2000:

**Rezone land on Vickers Avenue from the Open Space (O) Zone to the Residential High Density (R3) 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 21<sup>st</sup> day of April, **2009**.

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

\_\_\_\_\_  
**Director of Corporate Services/  
City Clerk**

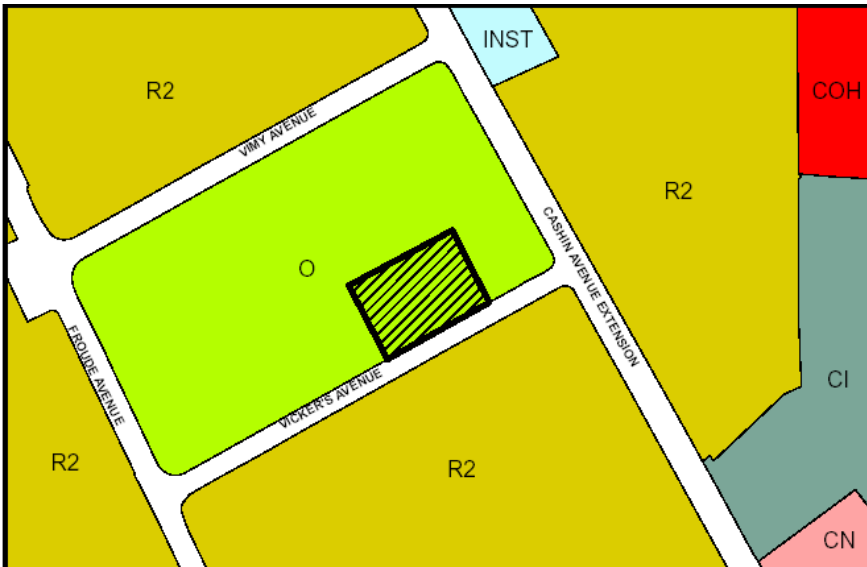
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**Provincial Registration**

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

\_\_\_\_\_  
MCIP

**and further, that Ms. Maura Hanrahan, a member of the City's Commissioners list, be appointed as commissioner to conduct a public hearing in the amendments.**

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



**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 458, 2009  
[Map Z-1A]**

2009 03 23 SCALE: 1:1500  
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  
OPEN SPACE (O) LAND USE ZONE TO  
RESIDENTIAL HIGH DENSITY (R3) LAND USE ZONE

VICKERS AVENUE (Newfoundland & Labrador Housing)

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director Corp. Services/City Clerk

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

Provincial Registration

**Parks and Recreation Standing Committee Report dated February 26<sup>th</sup>, 2009**

Council considered the following Parks and Recreation Committee Report dated February 26<sup>th</sup>, 2009:

- Attendees:** Councillor Shannie Duff, Chairperson  
Deputy Mayor Ron Ellsworth  
Councillor Sandy Hickman  
Councillor Tom Hann  
Councillor Wally Collins

Councillor Debbie Hanlon  
Ron Penney, Chief Commissioner/City Solicitor  
Jill Brewer, Director of Recreation  
Paul Mackey, Director of Public Works & Parks  
Bob Bishop, Director of Finance & City Treasurer  
Dave Blackmore, Director of Building & Property Management  
Jim Clarke, Manager of Streets & Parks  
Brian Head, Operations Assistant – Parks  
Tanya Haywood, Manager – Facilities Division  
Heather Hickman, Manager – Community Development  
Natalie Godden, Manager – Family & Leisure Services  
Carla Lawrence, Manager – Youth Soccer Division  
Karen Chafe, Recording Secretary

1. **Smoke Free Strategy**

The Committee tabled the proposed Smoke-Free Strategy for the City of St. John's Playgrounds and Outdoor Recreational Sport Facilities.

**The Committee on motion of Councillor Hann; seconded by Councillor Hickman recommends endorsement of the attached Smoke-Free Strategy.**

2. **Shea Heights Come Home Year Committee – Request for Use of Ball Field**

The Committee met with the following members of the Shea Heights Come Home Year Committee: Harold Druken, Linda Scanlon, Ashley Warren, Peter Jordan and Wayne King. The delegation requested the use of the ball field in Shea Heights for two recreational ball games scheduled between July 19<sup>th</sup> – 26<sup>th</sup>, 2009. The event is in commemoration of Gerald King and is so named the Gerald King Memorial Tournament.

Staff advised that the use of the ball field in question is classified as a youth field, due to its small size which is not adequate for use by adult players due to the extent of risk to property damage, not to mention physical hazards to persons who may be in the way of errant balls. The City has in the past received many complaints about such damage having occurred as a result of this field being used by adults. Staff, therefore, strongly advise against the use of this particular field for the tournament noting the extent of risk involved for which the City would be held liable. The Come Home Year Committee made assurances that they would do whatever is possible to mitigate any liability, noting that they are willing to use wooden bats, as well as have spotters situated around the periphery of the field to ensure errant balls do not cause damage.

The idea of installing a safety net was also considered, however, this would be cost prohibitive to the organizers of the event. Staff suggested that the tournament be held in another regulation sized field somewhere else throughout the City, however, the Come Home Year Committee felt quite adamant about using this field in particular which is located within the community.

**The Committee recommends that the City of St. John's staff work in consultation with the Come Home Year Committee to resolve the issue and to consider alternative solutions for holding the tournament so that the risk factor is mitigated.**

**The Committee further suggested that consideration be given to determining if there is sufficient demand to merit the upgrading of the field with netting so that the community can enjoy greater, more flexible use by both youth and adult groups. Staff indicated, however, that this would not be feasible as there is not a large enough demand for adult play from members in the community.**

**3. City of St. John's Recreation and Parks Master Plan: 2008-2018**

Copies of the final report of the Recreation and Parks Master Plan were circulated to Committee members for their review. A memo dated February 26<sup>th</sup>, 2009 from the Director of Recreation was also tabled, outlining the significant changes to the Plan as indicated below:

- It was determined that the Wedgewood Park Recreation Centre Pool would have to be replaced as the capacity of the new pool at the YM-YWCA would not be sufficient for the existing and anticipated demand for aquatic programs and services. In addition, membership-only access to programs offered by the YM-YWCA would be a significant barrier for recreational drop-in and lesson programming, which has been deemed as the highest priorities for aquatics in the master plan.
- As a result of the above, it was also determined that a new facility with a pool would not fit on the existing site and as such, a new location for the Recreation Centre or re-location of the ball field would be required. It was recommended a high priority be placed on the land identification and acquisition for a new Recreation Centre or ball field.

Councillors Collins and Hann expressed major concern about what they perceived to be a lack of consideration being given to the south zone area, including the Goulds and Southlands, noting in particular that there is no indoor swimming pool in this region of the City, despite the fact that there are a number of indoor swimming pools situated in the City's east end, i.e. Wedgewood Park, Aquarena and the YMCA. Staff explained that the highest priorities are replacing our existing aging aquatic facilities at the Mews Centre and Wedgewood Park, and that new facilities such as a super centre in the Goulds, and a new gymnasium in Kilbride are recommended. It was also stated that there is a formula for new facilities that is based on population. As the population in the south region continues to grow, consideration will then be given to the construction of an indoor swimming pool. The needs of the more densely populated areas have to be given prior consideration as per the criteria outlined in the Master Plan which establishes a benefits based approach.

**The Committee on motion of Deputy Mayor Ellsworth; seconded by Councillor Hickman, with Councillor Collins dissenting, recommends approval in principle of the City of St. John's Recreation & Parks Master Plan.**

**Councillor Hann advised that he would only support the approval subject to the ability to affect changes in the south zone.**

**Councillor Shannie Duff  
Chairperson**

**Item #1** recommendation has been revised and will be dealt with in the Parks and Recreation Standing Committee Report dated April 16<sup>th</sup>, 2009.

**Item #3** has been dealt with as noted above.

**SJMC2009-04-21/232R**

**Regarding Item #2 - It was moved by Councillor Duff; seconded by Councillor Hann: That the Committee's recommendation be approved.**

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

**Parks and Recreation Standing Committee Report dated April 16<sup>th</sup>, 2009**

Council considered the following Parks and Recreation Committee Report dated April 16<sup>th</sup>, 2009:

**Attendees:** Councillor Shannie Duff, Chairperson  
Deputy Mayor Ron Ellsworth  
Councillor Wally Collins  
Councillor Debbie Hanlon  
Councillor Art Puddister  
Ron Penney, Chief Commissioner/City Solicitor  
Jill Brewer, Director of Recreation  
Bob Bishop, Director of Finance & City Treasurer  
Dave Blackmore, Director of Building & Property Management  
Jim Clarke, Acting Director of Public Works & Parks  
Brian Head, Operations Assistant – Parks  
Tanya Haywood, Manager – Facilities Division  
Heather Hickman, Manager – Community Development  
Carla Lawrence, Manager – Youth Soccer Division  
Elizabeth Hayward, Program Supervisor  
Karen Chafe, Recording Secretary

**Report:**

1. **King George V Park – St. John’s Senior Soccer Association**

The Committee met with Mr. Brian Murphy of the St. John’s Senior Soccer Association. He outlined the following two requests for which he is seeking Council’s permission:

- a) The Senior Soccer Association is requesting an increase to their utility grant of \$4,000.00 per year for a total of \$10,000 per year. This request for funding would start in 2010. Since the facility renovations in 2006, the utility costs have increased substantially due to the increased usage (including length of season) and the power required to heat and light the new building 12 months per year.
- b) The Senior Soccer Association is requesting permission to install a mini artificial soccer field at King George V Park to be located behind the west bleachers, as indicated on the attached chart. The mini field’s dimension would be 20 yards by 40 yards. The main purpose for this mini field is to accommodate warm-up exercises for senior teams as well as for use as a training area for under 8 and under 10 players. The St. John’s Senior Soccer Association is requesting that the City waive all permit fees if any are required.

**With regard to item (a) above, the Committee recommends that the St. John’s Senior Soccer Association be given an increase in their utility grant of \$4,000.00 from the present \$6,000 for a total of \$10,000 per year, to start in 2010.**

**With regard to item (b) above, the Committee recommends approval in principle subject to the St. John’s Senior Soccer Association’s consultation with the surrounding neighbours who would be most affected by the proposal; and further that the construction of the project be completed in conjunction with the site restoration of the facility, under the project management of the City of St. John’s. The St. John’s Senior Soccer Association will be responsible for 100% of the funding of the construction of the mini-pitch.**

2. **Request from St. Mary’s Elementary School**

The Committee considered a memorandum dated March 11<sup>th</sup>, 2009 from the Director of Public Works & Parks regarding the request from St. Mary’s Elementary School for a contribution towards the hard surface courts. The Committee endorses the following recommendation of the Director of Public Works & Parks:

**That as the proposed location for the courts is a concern because it is relatively secluded and is on School Board property, and given that there have been problems with a playground at this location in the past, it is recommended that the City not financially support this project.**



3. **Designation of Space for Untethered Dogs**

The Committee considered a memorandum dated March 25<sup>th</sup>, 2009 from the Manager of Streets & Parks regarding the allocation of suitable areas for large unfenced space where dogs could run free. Staff suggests that the City consider establishing more fenced off-leash dog parks and have provided a list of prospective areas where these can be considered. The majority of cost involved in establishing such areas is related to the installation of fencing and ranges in amounts from \$18,000 - \$26,000 depending on the size.

**The Committee recommends that the Department of Public Works & Parks investigate the possibility of installing a fenced off-leash dog park in the areas of Bowring Park and Mundy Pond Park, outlining the exact locations for each, the dimensions proposed and costs involved. Once this information is compiled, it will be referred to a future meeting of the Parks and Recreation Standing Committee for further review. Any recommendations put forth by the Committee as a result of this review would be subject to funding availability as well as public consultation through the advertisement of a public meeting.**

4. **Smoke-Free Ban**

The Committee considered background information from the Hansard transcript of the House of Assembly dated April 2<sup>nd</sup>, 2009, with regard to the Province's intention to make all regional games held in the Province smoke free, and that municipalities wishing to host regional games and the NL Summer or Winter games would have to meet the stipulation in the application guidelines noting that all outdoor recreation facilities and areas must be smoke free.

The Committee during its February 26<sup>th</sup> meeting had recommended the adoption of a Smoke-Free Strategy for playgrounds and outdoor recreational sport facilities. This recommendation will be forwarded to the Regular Meeting of April 21<sup>st</sup> and is yet to be ratified due to a request for deferral.

**The Committee recommends that the Smoke-Free Strategy referenced in the February 26<sup>th</sup> Parks and Recreation Standing Committee report be upgraded to an outright ban for the areas outlined in that report.**

**The Committee further recommends that Chairperson Duff write a letter to the Royal St. John's Regatta Committee asking them to consider declaring the Regatta a smoke-free event.**

5. **Eric/McKay Street Tenants' Association**

The Committee considered a letter dated March 18<sup>th</sup>, 2009 from Mrs. Brenda Denief and Mrs. Myrtle Mitchell, Chair and Vice-Chair of the Eric/McKay Street Tenants Association. They have requested the following:

- Provision of asphalt surface to include a basketball hoop and other multi-purpose uses on that surface on the existing mini playground.
- Installation of two horseshoe pits for adults

With regard to the horseshoe pits, staff explained that the rebar spikes which were previously used had to be removed for the safety of children and adults who could trip or fall on them. The Dept. of Public Works & Parks has offered to provide pins which can be removed and stored by residents after each game.

With regard to the asphalt surface, staff advised that to provide such in close proximity to the residents would contravene the City's policy requiring asphalt surfaces to be a minimum of 100 metres from the closest home in the area. It was roughly estimated that the closest homes in this case are approximately 30 meters away. The noise that would emanate from asphalt surfaces, particularly from bouncing basketballs for example, would be a major nuisance to surrounding residents, particularly if the hours for such activity cannot be controlled. Also worthy of note is that the Department of Recreation will be conducting a summer recreational pilot program in this area which will require the green space. An asphalt surface would likely limit the potential for these programs. Alternatively, children wishing to avail of asphalt surfaces can have access to the nearby Brother Egan Field which has regulation sized tennis courts which could be used.

**The Committee recommends that appropriate staff in conjunction with Councillor Duff and Councillor Galgay meet with the Eric/McKay Street Tenants Association to discuss alternatives and safer solutions to their request outlined above.**

**Councillor Shannie Duff  
Chairperson**

**SJMC2009-04-21/233R**

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

**Regarding Item #4 Smoke Free Ban** – member of Council unanimously supported the committee's recommendation for an outright smoking ban in the City 's Playgrounds and Outdoor Recreational Sport Facilities and agreed it should be implemented as soon as possible.

Councillor Colbert suggested that other organizations who lease facilities from the City or those organizations to whom the City contributes financially be invited to take part in the ban as well.

**Regarding Item #3 (Designation of Space for Untethered Dogs)** – Councillor Collins asked that the recommendation be dealt with separately. Council agreed.

**Following discussion, the motion regarding Items 1,2,4 and 5 being put was unanimously carried.**

**SJMC2009-04-21/234R**

**Regarding Item #3, it was moved by Councillor Duff; seconded by Councillor Hickman: That the Committee’s recommendation be approved.**

Acting Mayor Ellsworth noted that the Manager of Streets and Parks has identified a space that could be used for smaller dogs located behind the Animal Shelter on Higgins Line and will move forward with opening up that space.

**The motion being put was carried with Councillor Collins dissenting.**

**Special Events Advisory Committee Recommendation dated April 16, 2009**

Council considered the following Special Events Advisory Committee Recommendation dated April 16, 2009:

**1)Event:** Nautilus Running Club 5 km Road Race  
**Location:** Mundy Pond  
**Date:** Sunday - April 26, 2009  
**Time:** 9:00 am - 10:30 am

This event requires the following **lane** closure @ Mundy Pond Road between Blackler Avenue and Murphy's Lane from 9:00 am to 9:45 am. Note this is a lane closure, not a road closure.

**2)Event:** Battle of the Atlantic Parade  
**Location:** Parade Street to Waterfront (Pier 10/11)  
**Date:** Sunday - May 3, 2009  
**Time:** 10:20-13:30

This event may cause traffic delays along the parade route.

**Recommendation:**

It is the recommendation of the Committee that Council approve the above noted events, subject to the conditions set out by the Special Events Advisory Committee.

**SJMC2009-04-21/235R**

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

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

(Councillor Coombs left the meeting)

**Development Permit List**

Council considered as information the following Development Permits List for the period April 10, 2009 to April 16, 2009:

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF April 10, 2009 TO April 16, 2009**

| Code | Applicant             | Application                            | Location             | Ward | Development Officer's Decision                  | Date     |
|------|-----------------------|--|----------------------|------|---|----------|
| RES  | Jerome Quinlan        | Proposed Demolition and Reconstruction | 63 Warbury Street    | 2    | Rejected as per Section 10.5.3 (5)(d)           | 09-04-14 |
| AG   | Vincent Barton        | Proposed Dwelling                      | 44 Power's Road      | 5    | Rejected by Land Development Advisory Authority | 09-04-16 |
| AG   | Vicki Williams        | Proposed Dwelling                      | 165 Doyle's Road     | 5    | Rejected by Land Development Advisory Authority | 09-04-16 |
| RES  | Lillian & Jim Harding | Proposed building lot for Dwelling     | 3 Doyle's Road       | 5    | Approved  | 09-04-16 |
| RES  | Fabian O'Dea          | Proposed Enclosure of Rear Patio Deck  | 57 Fort Amherst Road | 5    | Rejected, contrary to Section 10.5.3(5)(f)      | 09-04-15 |

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

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**

**SJMC2009-04-21/236R**

**It was decided on motion of Councillor Duff; 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:**

2009/04/15

Permits List

**CLASS: COMMERCIAL**

|                                |                            |                          |            |
|--------------------------------|----------------------------|--------------------------|------------|
| LINCOLN SPORTS                 | 18 ARGYLE ST               | CO OFFICE                |            |
| CANADIAN TIRE CORP. LTD.       | 76 KENMOUNT RD             | NC PETROLEUM USE         |            |
| MEMORY LANE LTD                | 135 CAMPBELL AVE           | SN OFFICE                |            |
| TOYOTA PLAZA LIMITED           | 73 KENMOUNT RD             | MS CAR SALES LOT         |            |
| PETER'S PIZZA                  | 431-435 MAIN RD            | MS TAKE-OUT FOOD SERVICE |            |
| PIZZA EXPRESS LIMITED          | TORBAY ROAD-TORBAY RD MALL | MS RESTAURANT            |            |
| PIZZA EXPRESS LIMITED          | TORBAY ROAD-TORBAY RD MALL | MS RESTAURANT            |            |
| KAREN RUTLEDGE                 | 23 HOLDSWORTH ST           | RN RESTAURANT            |            |
| KEEP COOL REFRIDGERATION & A/C | EAST WHITE HILLS RD        | NC WAREHOUSE             |            |
| BANK OF NOVA SCOTIA            | TORBAY RD                  | RN BANK                  |            |
|                                |                            | THIS WEEK \$             | 836,740.00 |

**CLASS: INDUSTRIAL**

THIS WEEK \$ .00

**CLASS: GOVERNMENT/INSTITUTIONAL**

|                              |                            |                              |              |
|------------------------------|----------------------------|------------------------------|--------------|
| FED. GOV'T. (D.F.O. COMPLEX) | 80 EAST WHITE HILLS RD R16 | RN ADMIN BLDG/GOV/NON-PROFIT |              |
|                              |                            | THIS WEEK \$                 | 1,041,921.00 |

**CLASS: RESIDENTIAL**

|                               |                               |                              |  |
|-------------------------------|-------------------------------|------------------------------|--|
| COLIN MCGRATH                 | 3 BALNAFAD PL                 | NC ACCESSORY BUILDING        |  |
| SUSAN ALEXANDER               | 40 BEAUMONT ST                | NC FENCE                     |  |
| SHERRI MURPHY                 | 317 CANADA DR                 | NC PATIO DECK                |  |
| BYRON & LORRAINE DRISCOLL     | 77 CHEYNE DR, LOT 3-11        | NC SINGLE DETACHED DWELLING  |  |
| AU BING                       | 8 CHIMO PL                    | NC FENCE                     |  |
| LEWIS CLARKE                  | 14 CRESTON PL                 | NC FENCE                     |  |
| IVAN ABBOTT                   | 40 GOLD MEDAL DR, LOT 189     | NC SINGLE DETACHED DWELLING  |  |
| BRIAN & GWENDOLYN WALSH       | 336 GROVES RD                 | NC ACCESSORY BUILDING        |  |
| DENNIS PENNEY                 | 52 HOPEDALE CRES, LOT 194     | NC SINGLE DETACHED DWELLING  |  |
| RAJAN MATTHEW                 | 65 HOPEDALE CRES - LOT 179    | NC SINGLE DETACHED & SUB.APT |  |
| GIBRALTAR DEVELOPMENT         | 32 JULIEANN PL                | NC PATIO DECK                |  |
| JACK CAINES                   | 37 JULIEANN PL                | NC FENCE                     |  |
| HANN CONSTRUCTION             | 20 KERR ST, LOT 38            | NC SINGLE DETACHED DWELLING  |  |
| AUBREY GREELEY                | 26 LADY ANDERSON ST - LOT 285 | NC SINGLE DETACHED DWELLING  |  |
| MARGARET MURRIN               | 361 LOGY BAY RD               | NC ACCESSORY BUILDING        |  |
| MARK & SONYA RANDELL          | 17 MIKE ADAM PL LOT 5-252     | NC SINGLE DETACHED DWELLING  |  |
| TERRY WALSH CONSTRUCTION LTD. | 53 OTTER DR, LOT 123          | NC SINGLE DETACHED DWELLING  |  |
| AUSTIN'S CONTRACTING INC.     | 29 PETITE FORTE DR, LOT 300   | NC SINGLE DETACHED DWELLING  |  |
| NEW VICTORIAN HOMES           | 18 SGT. CRAIG GILLAM AVE L. 4 | NC SINGLE DETACHED DWELLING  |  |

|                          |                               |                             |
|--------------------------|-------------------------------|-----------------------------|
| NEW VICTORIAN HOMES      | 39 SGT. CRAIG GILLAM AVE L 26 | NC SINGLE DETACHED DWELLING |
| MAXINE H. IVORY          | 5 PRESTWICK PL                | CR SUBSIDIARY APARTMENT     |
| SHELDON BARRY            | 22 PROSPECT ST                | CR SINGLE DETACHED DWELLING |
| SEAN & KAREN GOODYEAR    | 41 WEDGEPORT RD               | CR SUBSIDIARY APARTMENT     |
| GLADYS DEERING           | 147 CASEY ST                  | EX SINGLE DETACHED DWELLING |
| PATRICIA LEONARD         | 16 CEDARHURST PL              | EX SINGLE DETACHED DWELLING |
| JACQUELINE H. GLYNN      | 190 DOYLE'S RD                | EX SINGLE DETACHED DWELLING |
| CHRISTOPHER COLE         | 15 AYLWARD PL                 | RN SINGLE DETACHED DWELLING |
| STEPHEN LEWIS            | 36 BONAVENTURE AVE            | RN SEMI-DETACHED DWELLING   |
| SEAN A. HARTERY          | 54 FLOWER HILL                | RN SEMI-DETACHED DWELLING   |
| JONATHAN ANSTEY          | 190 GREEN ACRE DR             | RN SINGLE DETACHED DWELLING |
| GIBRALTAR DEVELOPMENT    | 63 JULIEANN PL                | RN SINGLE DETACHED DWELLING |
| SARAH HALFYARD           | 52 LESLIE ST                  | RN SINGLE DETACHED DWELLING |
| JO-ANN KEMBERLY MITCHELL | 101 MACBETH DR                | RN SINGLE DETACHED DWELLING |
| REGINALD NEIL            | 1 MURPHY'S SQ                 | RN SINGLE DETACHED DWELLING |
| JONATHAN WHITE           | 178 PENNYWELL RD              | RN SINGLE DETACHED DWELLING |
| PERRY MCCARTHY           | FOWLER'S RD                   | SW VACANT LAND              |
| PERRY MCCARTHY           | FOWLER'S RD                   | SW VACANT LAND              |

THIS WEEK \$ 2,370,150.00

**CLASS: DEMOLITION**

|                        |               |                        |
|------------------------|---------------|------------------------|
| PROJECT MANAGEMENT AND | TEMPERANCE ST | DM WAREHOUSE           |
|                        |               | THIS WEEK \$ 10,000.00 |

THIS WEEK'S TOTAL: \$ 4,258,811.00

REPAIR PERMITS ISSUED: 2009/04/09 TO 2009/04/15 \$ 53,867.00

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**

**SJMC2008-04-21/237R**

**It was decided on motion of Councillor Duff; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending April 16, 2009 be adopted as presented:**

**Weekly Payment Vouchers  
For The  
Week Ending April 16, 2009**

**PAYROLL**

|                          |               |
|--------------------------|---------------|
| Public Works             | \$ 301,848.87 |
| Bi-Weekly Amalgamation   | \$ 463,791.81 |
| Bi-Weekly Management     | \$ 575,477.05 |
| Bi-Weekly Administration | \$ 550,536.18 |

**ACCOUNTS PAYABLE**

|                            |                       |
|----------------------------|-----------------------|
| Cheque No. 145205 - 145500 | <b>\$1,680,958.01</b> |
| <b>Total:</b>              | <b>\$3,572,611.92</b> |

**Tenders**

- a. Tender - Robin Hood Bay Landfill  
Contract 6C – Installation of Manhole Structure
- b. Tender – 2009 Infrastructure Maintenance Contract 1  
West End Manholes and Catch Basins
- c. Tender – Two Single Axle Dump Trucks/Sanders

**SJMC2009-04-21/238R**

**It was moved by Councillor Collins; seconded by Councillor Colbert: That the recommendation of the Associate Commissioner and Director of Engineering and the Director of Finance and City Treasurer be approved and the tenders awarded as follows:**

- a. **Pyramid Construction Ltd. in the amount of \$15,820.00**
- b. **Kelloway Construction Ltd. in the amount of \$576,893.25**
- c. **Western Star Trucks in the amount of \$344,300.00**

(At this point, The Deputy Mayor asked that Councillor Collins determine the status of Council's request that staff conduct an inventory of the City's trucks to determine if any can be equipped with sideguards)

**Board Appointments – St. John's Sports and Entertainment Ltd.**

Council considered a memorandum dated April 15, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

**SJMC2009-04-21/239R**

**It was moved by Councillor Colbert; seconded by Councillor Hann: That Deputy Mayor Ellsworth, Ms. Sharon Jeans and Ms. Susan Gardiner be appointed to the St. John's Sports and Entertainment Ltd. Board for a further two year term, to expire in April of 2011.**

During discussion, Councillor Puddister noted that the intent of the appointments is to serve a two year term with eligibility for a further two year term, and pointed out that Ms. Sharon Jeans was appointed to complete a term previously held by someone else thereby not serving a full two year term. He asked for clarification from the Chief Commissioner and City Solicitor on how this will impact Ms. Jeans term.

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

**Doolings Line Drainage Easements**

Council considered a memorandum dated April 16, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

**SJMC2009-04-21/240R**

**It was moved by Councillor Puddister; seconded by Councillor Duff: That the Mayor and City Clerk be authorized to execute Notices of Expropriation in order to acquire drainage easements from the following people in the vicinity of Doolings Line in order to improve the flow of the existing Brook:**

- |           |                                      |                           |
|-----------|--------------------------------------|---------------------------|
| <b>1.</b> | <b>John C. Hamlyn &amp; Son Ltd.</b> | <b>3560 m<sup>2</sup></b> |
| <b>2.</b> | <b>Leonard Dooling</b>               | <b>753 m<sup>2</sup></b>  |
| <b>3.</b> | <b>George Mogridge</b>               | <b>138 m<sup>2</sup></b>  |
| <b>4.</b> | <b>James and Joanne Abbott</b>       | <b>3925 m<sup>2</sup></b> |

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



**Park Lane Drainage Easements**

Council considered a memorandum dated April 16, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

**SJMC2009-04-21/241R**

**It was moved by Councillor Puddister; seconded by Councillor Duff: That the Mayor and City Clerk be authorized to execute Notices of Expropriation from the following property owners at Park Lane in order to create a drainage ditch:**

- |           |                               |                             |
|-----------|-------------------------------|-----------------------------|
| <b>1.</b> | <b>Joseph Putt</b>            | <b>190.70 m<sup>2</sup></b> |
| <b>2.</b> | <b>Glen Putt</b>              | <b>60.04 m<sup>2</sup></b>  |
| <b>3.</b> | <b>Brendan and Carol Lee</b>  | <b>757.19 m<sup>2</sup></b> |
| <b>4.</b> | <b>Eric and Madonna Chafe</b> | <b>340.18 m<sup>2</sup></b> |

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

**Councillor Hann**

Councillor Hann expressed disappointment that information about an ongoing investigation into the loss of funds at Mile One Centre, which was discussed by Council at a private meeting, had been reported to the Telegram. He expressed concern that this casts aspersions on all the staff at Mile One.

Councillor Hann asked that the City write the staff at Mile One Centre thanking them for their good work. Council unanimously agreed.

Councillor Hann asked for a detailed report on the cost overruns associated with the Harbour Cleanup, for consideration at next week’s Regular meeting of Council. The matter was referred to the Associate Commissioner and Director of Engineering for follow-up.

Councillor Hann advised that the St. John’s Transportation Commission has been nominated for a national corporate recognition award for 2009 for their marketing campaign conducted over the summer.

Councillor Hann advised that Mr. Edward Gruchy, Transit Operator, involved in the food drive, will be receiving a volunteer award from VOXM Foundation.

**Councillor Puddister**

Councillor Puddister encouraged residents to license their dogs and keep the license updated on a yearly basis.

**Councillor Collins**

Councillor Collins asked how much money the City can expect from the sale of recyclables. The matter was referred to the Director of Public Works and Parks.

**Councillor Hanlon**

Councillor Hanlon reminded residents of Earth Day April 22<sup>nd</sup> noting that information will be forthcoming on the Take Pride Take Action initiative.

**Acting Mayor Ellsworth**

Acting Mayor Ellsworth encouraged residents to get involved in an effort to clean up the City. He encouraged dog owners to clean up after their pets.

Acting Mayor Ellsworth recognized Volunteer Appreciation Week and on behalf of Council thanked all the volunteers throughout the City and Province for their much appreciated volunteer efforts.

Acting Mayor Ellsworth alluded to comments by the Mayor of CBS concerning potential development above the 190 m contour line. Mayor French has expressed concern about the impact on his community, fire fighting capability, water pressure, the town's water supply, etc. The Acting Mayor noted that it is the town's responsibility to ensure that the infrastructure needs are in place to address the town's growing needs.

The Associate Commissioner and Director of Engineering noted that some of the concerns seem to be on the issue of whether water supply will allow communities to develop in accordance with their municipal plan. He noted the St. John's Regional Water Supply Study was carried out through the Regional Water Committee of which

CBS is a member. One of the factors considered in the study was future areas destined for development, current population and expected population growth. The Study was presented to the Committee, and all associated members as well as to the Department of Municipal Affairs.

**Adjournment**

There being no further business, the meeting adjourned at 6:40 p.m.

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**MAYOR**

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**CITY CLERK**