

April 26<sup>th</sup>, 2010

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 Duff; Councillors O'Leary, Hickman, Hann, Breen, Tilley, Hanlon and Collins

Regrets: Councillors Colbert and Galgay

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

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

##### **SJMC2010-04-26/229R**

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

- a. **Media Release – St. John's Cruise Ship Season Begins**

#### **Adoption of Minutes**

##### **SJMC2010-04-26/230R**

**It was decided on motion of Deputy Mayor Duff; seconded by Councillor Hanlon: That the minutes of the April 20<sup>th</sup>, 2010 meeting be adopted as presented.**

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

#### **Notices Published**

1. **A Discretionary Use Application** has been submitted by Col-Terr Management requesting permission to develop the ground floor of **Civic No. 325 Duckworth Street into a Dwelling Unit**. The proposed apartment will be located above the Duke of Duckworth Lounge and will comprise a floor area of 140 m<sup>2</sup>. The site is located in the Parking Exempt Area, Map D of the St. John's Development Regulations. **(Ward 2)**

**SJMC2010-04-26/231R**

**It was moved by Councillor Hickman; seconded by Councillor Hann: That the application be approved.**

**Following discussion, the motion being put was unanimously carried.**

**Development Committee Report dated April 20<sup>th</sup>, 2010**

Council considered the following Development Committee Report dated April 20<sup>th</sup>, 2010:

**RECOMMENDATION OF APPROVAL:**

- 1. Crown Land Grant Referral  
Capital Ready Mix Limited  
Proposed Quarry at Black Mountain/Little Soldiers Pond  
Incinerator Road (Ward 5)**

The Development Committee recommends that the above noted request for a Crown Land Grant be approved. Should the applicant be successful in obtaining the Crown Land Grant, a formal development application must be submitted to the City for review and approval prior to the commencement of any development of land within the City's municipal boundary.

**RECOMMENDATION OF REJECTION:**

- 2. Proposed Crown Land Lease for Organic Farm  
Mr. Mark Wilson  
Lot 32 B – Portugal Cove Road**

The Development Committee recommends that the above noted application be rejected as it does not support the use of Lot 32B for agriculture purposes due to its location within the Windsor Lake Watershed. While this farm will be organic in nature, farming operations, including the use of green manure, could introduce additional nutrients and organic matter into the water supply. This may lead to changes in the ecosystem of the water supply, such as increasing algae blooms. The Committee further recommends that the City purchase Lot 32B Portugal Cove Road to ensure no development occurs within this area of the Windsor Lake Watershed.

**Ronald Penney, Chairperson  
City Manager**

**SJMC2010-04-26/232R**

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

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

**SJMC2010-04-26/233R**

**Regarding Item #2: It was moved by Councillor Hann; seconded by Deputy Mayor Duff: That the application be deferred pending receipt of additional information from the proponent and/or the Provincial Department of Agrifoods.**

**Discussion ensued during which Deputy Mayor Duff asked that staff provide a list of any other farm operations currently operating within the City's watershed boundaries. Also, Councillor Hann suggested that maybe an alternate location can be found for an organic farm operation and asked that staff support the proponent in pursuit of an appropriate location.**

**Following discussion, the motion for deferral being put was unanimously carried.**

**Special Events Committee Report dated April 21<sup>st</sup>, 2010**

Council considered the following Special Events Committee Report dated April 21<sup>st</sup>, 2010:

- 1) Event: Battle of the Atlantic Parade  
Location: Parade Street to Waterfront (Pier 10/11)  
Date: Sunday – May 2, 2010  
Time: 10:20 am – 1:30 pm

This event may cause traffic delays along parade route.

- 2) Event: Lunchtime Concert Series  
Location: Harbour Side Park  
Date: June 28 – August 28, 2010 (Fridays Only)  
Time: 11:00 am – 1:00 pm

- 3) Event: Canadian Forces Day  
Location: Quidi Vidi Lake  
Date: June 26, 2010  
Time: 8:00 am – 4:00 pm

A road closure is required on the Boulevard between East White Hills Road and Legion Road.

- 4) Event: Nautilus Hr. Front 10 Km Road Race  
Location: Southside Road  
Date: May 16, 2010  
Time: 6:00 am – 9:30 am

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.

Robin King, P. Eng.  
Chairman, Special Events Advisory Committee

**SJMC2010-04-26/234R**

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

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

**Building Permits List**

**SJMC2010-04-26/235R**

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

2010/04/21

Permits List

**CLASS: COMMERCIAL**

WAYPOINTS	145 LEMARCHANT RD	RN OFFICE
DICKS AND COMPANY LIMITED	385 EMPIRE AVE	MS OFFICE
AVALON RECYCLING SERVICES LTD	61 JAMES LANE	MS LIGHT INDUSTRIAL USE
CABOT HOLDINGS LIMITED	191 KENMOUNT RD	SN MIXED USE
AT HOME FURNISHINGS	193 KENMOUNT RD	MS RETAIL STORE
O & M HOLDINGS	33 O'LEARY AVE	SN OFFICE
HICKMAN MOTORS	20 PEET ST	MS CAR SALES LOT
NEW LOOK UPHOLSTERY	20 PEET ST	MS RETAIL STORE
EASTERN PROPANE	29-31 PIPPY PL	MS OFFICE
ROPEWALK TAILORING	30 ROPEWALK LANE	MS SERVICE SHOP
THE BUSINESS DEPOT LTD.	34 STAVANGER DR	MS RETAIL STORE
THE BUSINESS DEPOT LTD.	34 STAVANGER DR	MS RETAIL STORE
PIPERS DEPARTMENT STORES	681 TOPSAIL RD	MS RETAIL STORE
GRANITE DEPARTMENT STORE INC.	272-276 TORBAY RD	MS RETAIL STORE
NORTH ATLANTIC REFINING	280 TORBAY RD	MS OFFICE
COLOR YOUR WORLD	464 TORBAY RD	MS RETAIL STORE
SUN SPA # 1	145 TORBAY RD	MS SERVICE SHOP
SUN SPA	145 TORBAY RD	MS SERVICE SHOP
JOSADA HAIR STUDIO	TORBAY ROAD-TORBAY RD MALL	MS SERVICE SHOP
FRENCHY'S CLOTHING STORE LTD.	TORBAY ROAD-TORBAY RD MALL	MS RETAIL STORE
PETER'S PIZZA & GOLDEN FOODS	411 TORBAY RD	MS RETAIL STORE
PETER'S PIZZA & GOLDEN FOODS	411 TORBAY RD	MS RETAIL STORE
NOBLE DENTON CANADA LTD.	215 WATER ST, NOBLE DENTON	TI OFFICE
ARDENE	430 TOPSAIL RD	TI RETAIL STORE
BOOSTER JUICES CORP.ITED	470 TOPSAIL RD	CR EATING ESTABLISHMENT
FORTIS PROPERTIES CORPORATION	CAVENDISH SQ, WASHROOMS	RN HOTEL
FORTIS PROPERTIES CORPORATION	CAVENDISH SQM BALLROOM	RN HOTEL
RON FOUGERE ASSOC.	430 TOPSAIL RD,SPORTCHEK	TI RETAIL STORE

THIS WEEK \$ 2,056,353.00

**CLASS: INDUSTRIAL**

THIS WEEK \$ .00

**CLASS: GOVERNMENT/INSTITUTIONAL**

HAZELWOOD ELEMENTARY SCHOOL 391 TOPSAIL RD MS SCHOOL

THIS WEEK \$ 500.00

**CLASS: RESIDENTIAL**

L.A. BROWNE	1 BLUE RIVER PL	NC FENCE
CLOVER CONSTRUCTION INC.	40 CAPE PINE ST, LOT 66	NC SINGLE DETACHED DWELLING
BALNAFAD COMPANY LIMITED	19 CAPE PINE ST, LOT 7	NC SINGLE DETACHED DWELLING
ROCK SOLID HOME BUILDERS LTD	29 CAPE PINE ST, LOT 12	NC SINGLE DETACHED DWELLING
COREY & NANCY WELLS	22 CARIBOU PL	NC ACCESSORY BUILDING
KEN BROWN	15 CANSO PL, LOT 12	NC SINGLE DETACHED & SUB.APT
KIRK PENNEY & LEA-ANN	78 CARPASIAN RD	NC FENCE
TERRY WALSH CONSTRUCTION	75 CHEROKEE DR, LOT 151	NC SINGLE DETACHED DWELLING
TERRY WALSH CONSTRUCTION	77 CHEROKEE DR, LOT 144	NC SINGLE DETACHED DWELLING
JAMAL & CHANTELE SIAVOSHI	40 CORPORAL JAMIE MURPHY ST	NC ACCESSORY BUILDING
SANDMAR HOLDINGS	36 FRANCIS ST	NC SINGLE DETACHED DWELLING
MACO BUILDERS LTD.	48 FRANCIS ST, LOT 81	NC SINGLE DETACHED DWELLING
62193 NL & LAB LTD.	31 FRANCIS ST, LOT 63	NC SINGLE DETACHED DWELLING
TONY MURPHY	27 FRECKER DR	NC ACCESSORY BUILDING
SULLIVAN'S CONTRACTING LIMITED	29 GOLD MEDAL DR, LOT 177	NC SINGLE DETACHED DWELLING
ERCO HOMES	8 GOLF COURSE RD - LOT 5C	NC SINGLE DETACHED DWELLING
BARRY HART & KIMBERLIE HART	22 GORMAN AVE	NC ACCESSORY BUILDING
TERRY WALSH CONSTRUCTION	77 HALL'S RD, LOT 5	NC SINGLE DETACHED DWELLING
CHRISTOPHER MULLINS	110 HUSSEY DR	NC ACCESSORY BUILDING
RALPH EVANS	8 JAMIE KORAB ST	NC ACCESSORY BUILDING
RALPH EVANS	8 JAMIE KORAB ST	NC FENCE
HANN CONSTRUCTION	2 MCCRAE ST - LOT 1	NC SINGLE DETACHED DWELLING
DON SINNOTT	546 MAIN RD	NC ACCESSORY BUILDING
TONY HOWLETT	550 MAIN RD	NC FENCE
RODNEY MAYO	9 MARSLAND PL, LOT 43	NC SINGLE DETACHED DWELLING
PAUL PHILLIPS	15 MIKE ADAM PL	NC ACCESSORY BUILDING
PAUL WILLIAM MINNETT AND	68 NEPTUNE RD	NC ACCESSORY BUILDING
JERRY MITCHELL/GERTRUDE DALTON	2 OAKMOUNT ST	NC ACCESSORY BUILDING
MICHELLE O'KEEFE	51 OLD BAY BULLS RD	NC FENCE
TERRY WALSH CONTRACTING	68 OTTER DR - LOT 148	NC SINGLE DETACHED DWELLING
ERCO HOMES	2 PARSONAGE DR, LOT 1	NC SINGLE DETACHED DWELLING
ERCO HOMES	4 PARSONAGE DR, LOT 2	NC SINGLE DETACHED DWELLING
ERCO HOMES	6 PARSONAGE DR, LOT 3	NC SINGLE DETACHED DWELLING
ERCO HOMES	8 PARSONAGE DR, LOT 4	NC SINGLE DETACHED DWELLING
DANA DUNN	64 PERLIN ST	NC ACCESSORY BUILDING
KRISTA WILLIAMS	PETTY HARBOUR ROAD	NC SINGLE DETACHED DWELLING
PHB GROUP INC.	89 RENNIE'S MILL RD	NC SINGLE DETACHED DWELLING
NEIL HISCOCK	34 RIGOLET CRES	NC ACCESSORY BUILDING
JEREMY RUBY	RUBY LINE	NC ACCESSORY BUILDING
ERCO HOMES	9 ROWSELL PL, LOT 57	NC SINGLE DETACHED DWELLING
TRUE NORTH HOMES INC	18 ST. SHOTTS PL, LOT 93	NC SINGLE DETACHED DWELLING
DERMOT HEPDITCH	23 SERPENTINE ST	NC ACCESSORY BUILDING
ERCO HOMES	66 SHORTALL ST, LOT 49	NC SINGLE DETACHED DWELLING
LAWRENCE PARDY	20 SPRUCEDALE DR	NC ACCESSORY BUILDING
MYRA HOLDINGS INC.	66B SQUIRES AVE	NC PATIO DECK
SULLIVAN'S CONTRACTING LTD	3 TOBY MCDONALD ST, LOT 232	NC SINGLE DETACHED DWELLING
DARREN P. DEBOURKE	33 TOPSAIL RD	NC ACCESSORY BUILDING

TERRY WESCOTT	5 YORK ST	NC ACCESSORY BUILDING
TERRY WESCOTT	5 YORK ST	NC FENCE
FREDERICK JOPSEPH RICHE AND	21 ROCHE ST	EX SINGLE DETACHED DWELLING
KRYSTLE COLLINS	138 BAY BULLS RD	RN SINGLE DETACHED & SUB.APT
WILLIAM HAYES	14 CORONATION ST	RN TOWNHOUSING
DAVID SHARPE	18 COURTNEY ST	RN SUBSIDIARY APARTMENT
DANA VALONE	5 GLENVIEW TERR	RN SINGLE DETACHED DWELLING
JAMES & ANICA STOWE	53 GOLD MEDAL DR	RN SINGLE DETACHED DWELLING
DANIEL SHORT	152 GREEN ACRE DR	RN SINGLE DETACHED DWELLING
DAVID, KIMBERLY, CHESLEY	19 HAWKER CRES	RN SINGLE DETACHED DWELLING
SKYMARK CONTRACTING LTD.	61 ICELAND PL	RN SINGLE DETACHED DWELLING
JENNIFER KENDALL	11 IRISH LOOP ST	RN SINGLE DETACHED DWELLING
JODY WORTHMAN &	14 LAUGHLIN CRES	RN SINGLE DETACHED DWELLING
SKYMARK HOMES	16 PIPER ST	RN SINGLE DETACHED DWELLING

THIS WEEK \$ 5,587,650.00

**CLASS: DEMOLITION**

VIRGINIA MARIE HALLEY	53 BATTERY RD	DM SINGLE DETACHED DWELLING
RICK TARRANT	7 CALVER ST	DM ACCESSORY BUILDING
JOHN S DELANEY	3 JORDAN PL	DM SINGLE DETACHED DWELLING
WEST 49 INC.	AVALON MALL, WEST 49	DM RETAIL STORE

THIS WEEK \$ 20,940.00

THIS WEEK'S TOTAL: \$ 7,665,443.00

REPAIR PERMITS ISSUED: 2010/04/15 TO 2010/04/21 \$ 90,500.00

LEGEND

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

**Rejections:**

18 Whiteford Place Your application for a driveway is rejected as contrary to Section 10.3.3(1)(g) of the St. John's Development Regulations.

28 Brad Gushue Crescent Your application for a driveway is rejected as contrary to Section 10.3.3(1)(g) of the St. John's Development Regulations.

**Payrolls and Accounts**

**SJMC2010-04-26/236R**

**It was decided on motion of Deputy Mayor Duff; seconded by Councillor Breen: That the following Payrolls and Accounts for the week ending April 22<sup>nd</sup>, 2010 be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending April 22, 2010**

**PAYROLL**

Public Works \$ 307,033.59

Bi-Weekly Casual \$ 18,861.97

**ACCOUNTS PAYABLE** \$ 2,814,083.37

**Total:** \$ **3,139,978.93**

**Seminar Request – Councillor O’Leary**

Council considered a memorandum dated April 20, 2010 from the Deputy City Manager/Director of Corporate Services and City Clerk regarding the above noted.

**SJMC2010-04-26/237R**

**It was moved by Councillor Hanlon; seconded by Councillor Breen: That the City cover costs in the amount of \$75 for Councillor O’Leary to attend a seminar on the lawn care industry being offered by Landscape Newfoundland and Labrador, to be held on Thursday, May 6<sup>th</sup>, 2010**

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

**Letter dated April 16, 2010 from Mayor Harry Hallett President, MNL including response letter from Minister Kevin O’Brien regarding resolution 1-2009 “Regulation of Modifications to Exhaust Systems or Motorcycles”**

Council considered as information the above noted correspondence regarding the regulation of modifications to exhaust systems or motorcycles.

**St. John’s Cruise Ship Season**

His Worship the Mayor tabled for Council’s information a news release regarding the St. John’s Cruise Ship Season. During discussion, Councillor Collins noted that comment was made to him that some cruiselines could improve on preparing tourists before they arrive in St. John’s in comparison to what other cities do. He agreed to provide more information in this regard.

**Deputy Mayor Duff**

The Deputy Mayor commented on the visit this past weekend by Princess Anne, Colonel-in-Chief of the Royal Newfoundland Regiment and her tribute to the Regiment. The Deputy Mayor noted that members of the regiment were pleased with the cooperation received from the City.

**Councillor O'Leary**

Councillor O'Leary referenced the recent complaint on the hiring process for firefighters. She noted that it is important for the City to work towards taking a more active role in encouraging women to consider firefighting as a career. Councillor O'Leary indicated she received a positive response from members of Council and staff who agreed to investigate what other fire departments do and to work with the departments in the province on introducing such a program.

Councillor O'Leary asked the status on the restoration of Fort Amherst. The City Manager advised that it is an expensive project and application has been made for possible Federal funding. He noted that the first stage of a master plan is just about complete, which is Frederick's Cove Park, and should be open within a couple of months.

**Councillor Hickman**

Councillor Hickman asked that residents be given a reminder of garbage pickup days for civic holidays that are not well recognized such as St. George's Day, by way of additional radio announcements. Council concurred. The matter was referred to the Deputy City Manager/Director of Public Works and Parks.

Councillor Hickman encouraged residents to cleanup their property.

**Councillor Hann**

Councillor Hann noted that he supports Councillor O'Leary's suggestion to have dialogue on the issue of employment equity in light of the recent complaint about the



hiring process for firefighters. However, he noted that the City does a good job in practicing employment equity and an impression to the contrary should not be created.

Councillor Hann noted two incidents of attacks in the City's parks by off-leash dogs. His Worship the Mayor advised that a staff report is being prepared and will be forwarded to Council.

**Councillor Tilley**

Councillor Tilley advised of a public meeting to be held on April 28, 2010 concerning St. John's Municipal Plan Amendment Number 77, 2009 and St. John's Development Regulations Amendment Number 472, 2009 to redesignate and rezone vacant land located on the southside of Waterford Bridge Road, west of civic number 227 Waterford Bridge Road.

**Councillor Hanlon**

Councillor Hanlon advised that the annual general meeting of the St. John's Libraries Board will be held on May 3, 2010 at the A.C. Hunter Children's Library.

Councillor Hanlon stated that she firmly believes that the City is an equal opportunity employer but agrees that more marketing can be done to attract women into positions, noting that doesn't mean the City will be dropping its standards in any way.

Councillor Hanlon congratulated Rhonda Skanes on receiving an award for women's entrepreneurs and asked that a letter of congratulations be forwarded to her.

**Adjournment**

There being no further business, the meeting adjourned at 5:40 p.m.

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**MAYOR**

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**CITY CLERK**