

**December 15, 2008**

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 5:00 p.m. today.

His Worship the Mayor 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 Corporate Services and City Clerk, the Associate Commissioner/Director of Engineering, the Director of Planning, the Director of Finance and City Treasurer and Manager, Corporate Secretariat were also in attendance.

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

**SJMC2008-12-15/760R**

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

- a. Heritage Advisory Committee Report dated December 11<sup>th</sup>, 2008
- b. Special Events Advisory Committee Report dated December 9<sup>th</sup>, 2008

**Adoption of Minutes**

**SJMC2008-12-15/761R**

**It was decided on motion of Councillor Duff; seconded by Councillor Collins: That the Minutes of the December 8<sup>th</sup>, 2008 meeting be adopted as presented.**

**Development Committee Report dated December 16<sup>th</sup>, 2008**

Council considered the following Development Committee Report dated December 16<sup>th</sup>, 2008:



Mr. Paul Mackey, Director of Public Works & Parks  
Mr. Dave Blackmore, Director of Building & Property  
Management  
Mr. Joe Sampson, Manager of Development  
Mr. Ken O'Brien, Manager of Planning & Information  
Mr. Chris Neary, GIS Technologist  
Ms. Kelly Butler, Recording Secretary

**1. Council Directive R2008-04-07/13 – Goulds Ultimate Service Area and  
Development Outside the Goulds Ultimate Service Area (Ward 5)**

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The Committee met separately with two delegations comprised of Mr. Bruce Lee, representing the Estate of Margaret Lee (delegation #1), and Mr. Bill Clarke, Harmony Homes, and Mr. John Bidgood (delegation #2) to discuss the above noted matter. The Committee also considered the **attached** memorandum dated December 5, 2008, from the Director of Engineering.

**The Committee recommends that the recommendation of the Director of Engineering be accepted and that the status quo be maintained with respect to the Goulds Ultimate Service Area and that no development, whether serviced or unserved, be permitted outside the boundaries of the Goulds Ultimate Service Area, except for infill development consistent with existing zoning.**

**The Committee further recommends that no new roads or cul-de-sac bulbs be allowed to be constructed outside the boundaries of the Goulds Ultimate Service Area.**

**2. Proposed Office Building – Johnson Inc. – Former Horwood Lumber Site –  
Springdale Street/New Gower Street (Ward 2)**

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Councillor Puddister declared a conflict of interest in this matter and indicated he would be refraining from any discussion and recommendation on this application.

The Committee met with Mr. Charlie Oliver – Martek, Morgan, Finch, and Mr. Ron Fougere - Ron Fougere and Associates, regarding the above noted application. The Committee also considered the **attached** memorandum dated December 8, 2008, from the Director of Planning and it reviewed a PowerPoint presentation prepared by City staff with material provided by the

proponents. The presentation included a view plane analysis. *(A copy of this full presentation will be sent out as an appendix to the agenda for the Regular Meeting of Council to be held on December 15, 2008)*

**The Committee recommends that proponent be required to undertake a Land Use Assessment Report (LUAR) for the office building project. The proposed Terms of Reference for the LUAR are attached for Council's consideration of approval and include provisions for a Traffic Impact Study.**

The Committee also recommends that the former Horwood Lumber site be considered for rezoning from the Commercial Central Mixed Use (CCM) Zone to the Commercial Central Office (CCO) Zone. It is further recommended that once the LUAR has been submitted and reviewed by City staff that the proposed rezoning of the site and the Assessment Report be referred to a public meeting, to be chaired by a member of Council.

**3. St. John's Urban Region Regional Plan**

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The Committee considered as information the attached letter dated November 28, 2008, from the Minister of Municipal Affairs.

**4. Proposed Rezoning of Property – Mr. Richard Cook – Southside Road (between Civic No 585 and 595) (Ward 5)**

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The Committee considered the attached memorandum dated December 4, 2008, from the Manager of Planning and Information and the Director of Planning regarding the above noted matter.

The Committee recommends that the applicant be required to submit a geotechnical engineering report, demonstrating that the subject property can be developed safely. When the geotechnical report has been submitted, a suitable portion of the property could be considered for rezoning from the Open Space Reserve (OR) Zone to Residential Low Density (R1) Zone.

It is further recommended that once the required geotechnical engineering information is provided by the applicant and reviewed by City staff, that a public meeting be held on the rezoning application, which will be chaired by a member of Council.

**5. Proposed Condominium/Apartment Building – PHB Group – Topsail Road/Holbrook Avenue (Ward 3)**

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The Committee considered the attached memorandum dated December 5, 2008, from the Manager of Planning and Information and the Director of Planning regarding the above noted matter.

The Committee recommends that the developer be required to undertake a Land Use Assessment Report (LUAR) for the proposed development. It is further recommended that upon submission of the LUAR and review of the report by City staff, that the rezoning application and the LUAR be referred to a public meeting to be chaired by a member of Council.

*The Terms of Reference for the Land Use Assessment Report are attached for Council's consideration of approval.*

Councillor Keith Coombs  
Chairperson



Councillor Frank Galgay  
Ron Penney, Chief Commissioner & City Solicitor  
Art Cheeseman, Associate Commissioner/Director of Engineering  
Bob Bishop, Director of Finance & City Treasurer  
Dave Blackmore, Director of Building & Property Management  
Jim Clarke, Manager of Streets & Parks  
Brendan O'Connell, Manager of Environmental Services  
Jason Sinyard, Manager of Waste Management  
Brian Head, Operations Assistant – Parks  
Steve Colford, Operations & Systems Engineer  
Karen Chafe, Recording Secretary

**1. Graffiti Management Plan**

The Committee considered the attached memo dated November 20<sup>th</sup>, 2008 from the Chief Commissioner/City Solicitor regarding the Graffiti Management Plan. The Committee on motion of Councillor Duff; seconded by Councillor Hanlon endorses the following recommendation of the Chief Commissioner:

**That the City adopt the Graffiti Management Plan and that the Mayor write the Chief of Police thanking the RNC and particularly Constable Joe Smyth for his initiative in developing the plan and leading enforcement efforts.**

**2. Proposed Building Lot: Jill Cray and Greg Duke, New Pennywell Road**

The Committee considered a memo dated November 7<sup>th</sup>, 2008 from the Associate Commissioner/Director of Engineering regarding an application from Jill Cray and Greg Duke for permission to develop a building lot on property adjacent to Civic No. 282 New Pennywell Road. The applicants have asked the City to accept responsibility for the cost of extending the service mains approximately 30 metres to the eastern boundary of their proposed building lot. The estimated cost of the work for which the City would be responsible would be \$64,000.00. The applicants do not object to extending the municipal services across the frontage of their proposed building lot.

**The Committee recommends that the City accept responsibility for the cost of extending the service mains approximately 30 metres to the eastern boundary of the proposed building lot at a cost of \$64,000.00, to be funded out of the capital works budget for next year. This approval is subject to an agreement that the property owners pay the cost to extend the municipal services across the frontage of their proposed building lot.**

**3. Emergency Plan – Storm Warning Flyer**

The Committee considered a memo dated November 20<sup>th</sup>, 2008 from the Director of Building and Property Management regarding the attached Emergency Plan – Storm Warning Flyer

**The Committee recommends that the attached flyer be distributed through a bulk mail-out at an estimated cost of \$5,300.00.**

**4. Snow Removal Regulations Amendment**

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The Committee considered a memo dated November 25<sup>th</sup>, 2008 from the Director of Public Works & Parks regarding Section 7 of the Snow Removal Regulations which currently states: *“No person shall deposit snow and ice upon any street or sidewalk in such a way as to create a safety hazard.”*

**The Committee endorses the recommendation of the Director of Public Works & Parks that Section 7 of the Snow Removal Regulations be amended to read as follows:**  
*No person shall deposit snow and ice upon any street or sidewalk.*

**5. Service Evaluation Survey Results**

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The Committee refers the attached service evaluation survey results for the period of July – September 2008, to Council for information purposes.

**6. Proposed Revisions to Policy 08-04-16 (Proper Abandonment of Water Services to Property)**

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The Committee considered a memo dated December 8<sup>th</sup>, 2008 from the Manager of Environmental Services regarding the above noted matter. For cases where a property owner wants to demolish a building, but does not want to make a street cut right away, the City is currently requiring that the owner take out a Street Excavation Permit. The City holds deposit monies to ensure that the work is done later on. The Manager of Environmental Services proposed that monies be held in an Abandonment Deposit fund to simplify the process.

**The Committee recommends approval of the proposed revisions as outlined in the attached Policy 08-04-16: *Abandonment of Water Services to Property.***

**7. Building Permits (Under-estimated cost of work)**

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The Director of Building and Property Management advised the Committee of the major discrepancies that are occurring on a regular basis with regard to contractors’ estimated cost of work which they file in their building applications vs. the actual cost which does not get reflected in the permit fee. He has suggested that this be rectified by making it mandatory for contractors to supply proof of contract estimates.

**The Committee endorses the above noted direction of the Director of Building and Property Management.**

## **8. Churchill Park – Christmas Tree Sales**

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The Director of Building and Property Management relayed complaints received from business owners at Churchill Square with regard to the sale of Christmas trees on the site. The concerns stem from the space allocated for the sale of trees which obstructs some customer parking.

**The Committee recommends that the status quo be maintained on this matter and that Christmas trees be permitted to be sold at Churchill Square, noting the long-standing tradition of the location. It is also worthy to note that the sale of Christmas trees also attracts business to the surrounding area and it was felt that this benefit far outweighs the parking inconvenience.**

**Councillor Wally Collins  
Chairperson**

### **SJMC2008-11-15/765R**

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

**Regarding Item #4 (Snow Removal Regulations Amendment) it was agreed that the wording of the recommendation be amended to reflect that the only sidewalks affected would be those being cleared by the City. It was noted also that City staff will use discretion in applying the regulations.**

**Regarding Item # 3, Councillor Hann suggested, as part of the City's emergency preparedness, that the City prepare a generic Public Service Announcement for use during emergency situations. In this regard, Councillor Colbert suggested that the City consult with Newfoundland Power to avail of their experience in preparation of public service announcements in emergency situations.**

**The motion being put was unanimously carried in addition to the amendment to recommendation #4.**

### **Heritage Advisory Committee Report dated December 11<sup>th</sup>, 2008**

Council considered the following Heritage Advisory Committee Report dated December 11<sup>th</sup>, 2008:

**Attendees:** Councillor Shannie Duff, Chairperson  
Anne Hart, Resident Representative  
Debbie O'Rielly, Heritage Foundation of NL  
Gerard Hayes, Resident Representative  
David Kelland, NL Association of Architects  
Ken O'Brien, Manager of Planning & Information



Peter Mercer, Heritage Officer  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Recording Secretary

**1. Fort William Condominiums @ civic # 2 Water St. (Harmony Homes)**

The Committee discussed the above noted application and submits the following comments for Council's consideration:

- The Committee acknowledges the constraints of the site in that it is shallow in depth and linear.

**The Committee agrees that in order not to delay commencement of the project, pending final approval of the overall design, the developer be permitted to proceed with the pouring of the concrete footings for Phase One on the westernmost portion of the site. It is noted that in order to proceed with the project the developer will have to comply with the requirements of the Dept. of Building and Property Management as detailed in the attached letter from Bruce Snow, Senior Building Inspector/Plans Examiner.**

- With regard to the other design aspects of the proposed condominium development,

**The Committee recommends continued consultation with the Developer with a view to finalizing the building's design. Some of the following points were outlined for guidance in future discussions with the Developer:**

With regard to the east elevation of the building, facing Temperance Street, consideration must be given to the impact that the dimensions of the proposed development will have on the stone houses (the Four Sisters) which are immediately adjacent to the north-east and which are designated provincially and municipally as Heritage Buildings. The following is of particular concern:

- The elevations which were submitted by the Developer do not correctly reflect the steep slope of Temperance St.; a revised elevation, including the location and relative heights of the "Four Sisters" houses should be submitted. These new elevations should also outline the massing of the structure on the Temperance St. side as it relates to the Four Sisters.

The Temperance St. façade of the building should be parallel to the street and in line with the "Four Sisters" houses. This would mean that one end of the building would not be square, but it would improve the look of the bottom of Temperance Street. In older areas, buildings are sometimes given an irregular shape to make best use of their site. As a bonus, it would add some floor space to the units at that end

- Concern was expressed about the large amount of blank wall on the Temperance St. elevation and that this could be addressed by adding fenestration (windows). Additional windows would enhance the value of the units and increase natural interior lighting.

The architectural treatment of the East Façade of the Building on Temperance Street should respect the integrity of the heritage designated stone houses, i.e. it is suggested that where stone is used at the foundation level it should resemble the ashlar cut stone façade of the adjacent stone buildings. The stone foundation should be stepped up to follow the street elevations.

Other considerations for future discussion:

- The Committee recommends that the small windows on the Water St. façade (in the storage areas of each unit) be removed completely as they add clutter to the general appearance of the façade (and do not appear to be functionally necessary).
- With regard to the roofline, the Committee recommends that the pediments above the elevator shafts be redesigned to relieve the linear façade of the building. Particularly, it is suggested that the architect explore the option of a mansard roof design.
- The Committee wishes to ensure that any archaeological surveys or excavations have been carried out as per any municipal, provincial or federal requirement in that regard.
- With regard to the front façade Water St. side, the Committee recommends that the stone finish be restricted to the foundation level only and should resemble the ashlar cut stone used on the east elevation.

Committee members agreed they are eager to continue working with the developer to achieve a design that is sensitive to the surrounding heritage area while meeting the developer's objectives.

## 2. **8 Kenna's Hill - Stone House Revised Elevations**

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The Committee has considered proposed revised elevations for the renovation of the Stone House which is a heritage designated building.

**The Committee recommends approval of the attached revised elevations as submitted, subject to the new windows in the rebuilt linhey being the same design, size, and orientation as those in the original building and that all wooden exit stairs be painted a complimentary color to blend with the new linhey construction (possibly being painted the trim color).**

**Councillor Shannie Duff**  
**Chairperson**

**SJMC2008-12-15/766R**

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

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

**Special Events Advisory Committee Report dated December 9, 2008**

Council considered the following Special Events Advisory Committee Report dated December 9, 2008:

- 1) Event:** City of St. John's New Years Eve Celebrations
- Location:** Quidi Vidi Lake
- Date:** December 31, 2008 - Alternative date: January 1, 2009 @ 7:00 pm

This event requires an extension to the Noise By-Law to 12:30 am on January 1, 2009.

This event will require road closures, to be determined.

**Recommendation:**

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

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

**SJMC2008-12-15/767R**

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

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

**Development Permits List**

Council considered as information the following Development Permit List for the period December 5<sup>th</sup> to 11<sup>th</sup>, 2008:

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF December 5, 2008 To December 11, 2008**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Byron Driscoll	Proposed 2 Lot Subdivision	88 Groves Road	4	Rejected, contrary to Section 10.41.3	08-12-08
IND	Department of Natural Resources	Six (6) Quarry Lease Renewals	Various Locations	5	Approved	08-12-05
RES	Sheila Ivimey	Proposed Farm Related Residence	123 Back Line Road	5	Rejected, contrary to St. John's Urban Region Agriculture Development Area Regulations	08-12-10
COM	Chimo Construction Management Ltd.	Building Extension	410 East White Hills Road	1	Approved	08-12-05
RES	Bernie Connors	Subdivide for Semi-Detached Dwelling	149 Casey Street	2	Approved	08-12-05

*	<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**

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**Building Permits List**

**SJMC2008-12-15/768R**

**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:**

2008/12/10

Permits List

**CLASS: COMMERCIAL**

LANSING PROPERTIES INC.	251 EMPIRE AVE	EX OFFICE
SMART SET	79B ABERDEEN AVE	MS RETAIL STORE
PET'S UNLIMITED	89 ABERDEEN AVE	MS RETAIL STORE
REITMANS (CANADA) LIMITED	95D ABERDEEN AVE	MS RETAIL STORE
ROYAL CANADIAN LEGION	59 BLACKMARSH RD	MS CLUB
MARIE'S MINI MART	44 CROSBIE RD, MARIE'S	MS RETAIL STORE
ACHEVIA TUTORING	11 ELIZABETH AVE	MS OFFICE
MEINEKE CAR CARE	305 FRESHWATER RD	MS COMMERCIAL GARAGE
MARIE'S MINI MART	12-20 HIGHLAND DR	MS CONVENIENCE STORE
ST. JOHN'S 8 MOTEL LIMITED	175 HIGGINS LINE	MS HOTEL
BOSTON PIZZA	35 KELSEY DR	MS RESTAURANT
GLOW TANNING	30 KENMOUNT RD	MS SERVICE SHOP
DOOLY'S	58 KENMOUNT RD, DOOLY'S	MS PLACE OF AMUSEMENT
OXFORD MORTGAGE CONSULTING	58 KENMOUNT RD	MS OFFICE
KELSEY'S USED AUTO	364 KENMOUNT RD	MS RETAIL STORE
AUTO SOURCE INC.	229 KENMOUNT RD	MS COMMERCIAL GARAGE
LONG HOLDINGS INC.	447 KENMOUNT RD	SN OFFICE
AVALON HEARING	193-199 LEMARCHANT RD	MS OFFICE
ULTRAMAR LTD	225 LOGY BAY RD	MS SERVICE STATION
CANADIAN BLOOD SERVICES	434-438 MAIN RD	MS PARISH HALL
NEW YOU	355B MAIN RD	MS SERVICE SHOP
MIKE FOLEY KENPO	135 MAYOR AVE	MS COMMERCIAL SCHOOL
SOOTHE	119 NEW COVE RD	MS RETAIL STORE
ABIGAIL'S HAIR STUDIO	200-232 NEWFOUNDLAND DR	MS SERVICE SHOP
NEWLOOK UPHOLSTERY & FABRICS	31 PEET ST	MS RETAIL STORE
KOSY DESIGNS INC.	279 PORTUGAL COVE RD	MS RETAIL STORE
ACTION INVESTMENTS LTD.	279 PORTUGAL COVE RD	MS CLINIC
SELL OFF VACATIONS	38-42 ROPEWALK LANE	MS OFFICE
KNIGHTS OF COLUMBUS	ST. CLARE AVE	MS CLUB
KNIGHTS OF COLUMBUS	ST. CLARE AVE	MS CLUB
IRVING OIL LIMITED	2 STAVANGER DR	MS SERVICE STATION
GALLERIA ENTEAK INC.	16 STAVANGER DR	MS RETAIL STORE
HERBAL MAGIC	386 STAVANGER DR	MS RETAIL STORE
PRINCESS AUTO LTD.	410 STAVANGER DR	MS RETAIL STORE
EARLY ACHIEVERS INC.	397 STAVANGER DR	MS OFFICE
STAVANGER DRIVE PIZZA COMPANY	415 STAVANGER DR	MS RESTAURANT
SUBWAY	46 TORBAY RD	MS EATING ESTABLISHMENT
WEST SIDE CHARLIES	430 TORBAY RD	MS PLACE OF AMUSEMENT
A. HARVEY & CO. LTD.	714 TORBAY RD	MS PETROLEUM USE
TOULON DEVELOPMENT	145 TORBAY RD CAMPUS RINGS	MS RETAIL STORE
AFRICAN MARKET SQUARE	145 TORBAY RD	MS RETAIL STORE
ORIENTAL STAR RESTAURANT INC.	TORBAY ROAD-TORBAY RD MALL	MS RESTAURANT
ICT CANADA GROUP INC.	TORBAY ROAD-TORBAY RD MALL	MS COMMUNICATIONS USE
10000 VILLAGES	WATERFORD BRIDGE RD	MS RETAIL STORE
CANADIAN BLOOD SERVICES	7 WICKLOW ST	MS OFFICE
MAGNA CONTRACTING	349 INCINERATOR RD	NC ACCESSORY BUILDING
NEW YORK FRIES	430 TOPSAIL RD - THE VILLAGE	RN EATING ESTABLISHMENT
58989 NFLD. & LABRADOR INC.	312 WATER ST	CR TAVERN
HARVEY ELECTRIC LIMITED	2 VANGUARD CRT	RN OFFICE
EASTERN SCHOOL BOARD	215 WATER ST, SUITE 6	RN OFFICE

THIS WEEK \$ 92,000.00  
TO DATE \$ 55,433,394.00

**CLASS: INDUSTRIAL**

THIS WEEK \$ .00

TO DATE \$ 2,685,000.00

**CLASS: GOVERNMENT/INSTITUTIONAL**

CITY OF ST. JOHN'S	40 MUNDY POND RD	MS ADMIN BLDG/GOV/NON-PROFIT
METROBUS	CROSBIE ROAD, BUS SHELTER	NC PUBLIC USE
NEWFOUNDLAND LIQUOR CORP	123-125 NEW GOWER ST	SW ADMIN BLDG/GOV/NON-PROFIT
THE WORKS	17 WESTERLAND RD	RN RECREATIONAL USE
PROVINCIAL GOVERNMENT	215 WATER ST, PRV GOV, 4TH FL	RN ADMIN BLDG/GOV/NON-PROFIT
SNC PROFAC INC.	CHARTER AVENUE	RN ADMIN BLDG/GOV/NON-PROFIT

THIS WEEK \$ 819,165.00  
TO DATE \$ 43,120,635.00

**CLASS: RESIDENTIAL**

CINDY GARBERG	12 ANTHONY AVE	NC ACCESSORY BUILDING
NICOLE CHAYTOR & RONALD CHAFE	BACK LINE	NC SINGLE DETACHED DWELLING
ANN-MARIE AND JASON CHAFE	237 BAY BULLS ROAD	NC ACCESSORY BUILDING
ATLANTIC HOMES	16 CARIBOU PL - LOT 8	NC SINGLE DETACHED DWELLING
TERRY WALSH CONSTRUCTION	59 CHEROKEE DR, LOT 60	NC SINGLE DETACHED DWELLING
ROCKWOOD HOMES	59 CHEYNE DR - LOT 3.02	NC SINGLE DETACHED DWELLING
ROCKWOOD HOMES	67 CHEYNE DR, LOT 3.06	NC SINGLE DETACHED DWELLING
LARRY MURPHY	DOYLES ROAD, LOT 41 PARCEL 2	NC SINGLE DETACHED DWELLING
LARRY MURPHY	DOYLE'S RD, LOT 39, PARCEL 1	NC SINGLE DETACHED DWELLING
JEFFREY K. WALSH	116 EDISON PL	NC SINGLE DETACHED DWELLING
PAUL & GAILE FISHER	6 GOODRIDGE ST	NC ACCESSORY BUILDING
MARILYN RYAN	73 GREAT EASTERN AVE	NC ACCESSORY BUILDING
GIBRALTAR DEVELOPMENT	JULIEANN PLACE - LOT 142	NC SINGLE DETACHED DWELLING
GIBRALTAR DEVELOPMENT	11 KATIE PLACE - LOT 149	NC SINGLE DETACHED DWELLING
MODERN HOMES LIMITED	CARIBOU PLACE, LOT 14	NC SINGLE DETACHED DWELLING
GIBRALTAR DEVELOPMENT	KATIE MARIE PLACE - LOT 156	NC SINGLE DETACHED DWELLING
GIBRALTAR DEVELOPMENT	KATIE MARIE PLACE - LOT 147	NC SINGLE DETACHED DWELLING
CASEY B. MATTHEWS	110 MOSS HEATHER DR	NC ACCESSORY BUILDING
SKYMARK HOMES LIMITED	38 NAVAJO PL, LOT 243	NC SINGLE DETACHED DWELLING
SKYMARK HOMES	13 NAVAJO PL, LOT 183	NC SINGLE DETACHED DWELLING
SKYMARK HOMES	11 PIPER ST, LOT 5	NC SINGLE DETACHED DWELLING
PRO-TECH CONSTRUCTION	127 AIRPORT HEIGHTS DR - LOT 2	NC SINGLE DETACHED DWELLING
HANN CONSTRUCTION LTD.	44 SGT. CRAIG GILLAM AVE, L 17	NC SINGLE DETACHED DWELLING
HANN CONSTRUCTION LTD.	16 SOLDIER CRES - LOT 39	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION &	22 SPRUCEDALE DRIVE - LOT 147	NC SINGLE DETACHED & SUB.APT
REARDON CONSTRUCTION	9 SPRUCEDALE DRIVE - LOT 162	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION	19 SPRUCEDALE DR, LOT 167	NC SINGLE DETACHED & SUB.APT
KELLY DREDGE	24 BALNAFAD PL	CR SUBSIDIARY APARTMENT
GERALD COSTELLO	138 ENNIS AVE	CR SUBSIDIARY APARTMENT
TED BLANCHARD	133 NEW COVE RD	CR SUBSIDIARY APARTMENT
HOLDEN VENTURES INC.	241 BROOKFIELD RD	EX SINGLE DETACHED DWELLING
KURT SULLIVAN &	21 LARNER ST	EX SINGLE DETACHED DWELLING
DARLENE ERESE	33 ALEXANDER ST	RN SEMI-DETACHED DWELLING
DWAYNE STURGE	40 FEILD ST	RN TOWNHOUSING
TODD BENSON	55 LARKHALL ST	RN SINGLE DETACHED & SUB.APT
PRO-TECH CONSTRUCTION	57 MACBETH DR	RN SINGLE DETACHED DWELLING
DAVID MORGAN & MARINA WHITTEN	98 PATRICK ST	RN SINGLE DETACHED DWELLING
MICHELE HAIRE	58 PLEASANT ST	RN TOWNHOUSING
JOY GALLANT	53 PRINCE OF WALES ST	RN SEMI-DETACHED DWELLING
DENNIS BURT	68 SPENCER ST	RN SINGLE DETACHED DWELLING

THIS WEEK \$ 4,938,845.00  
TO DATE \$145,152,905.00

**CLASS: DEMOLITION**

WADDEN REALTY LIMITED

30 O'LEARY AVE

DM COMMERCIAL GARAGE

THIS WEEK \$ 25,000.00  
TO DATE \$ 1,798,400.00

THIS WEEK'S TOTAL: \$ 5,875,010.00

TOTAL YEAR TO DATE: \$248,190,334.00

REPAIR PERMITS ISSUED: 2008/12/04 TO 2008/12/10 \$ 52,100.00  
2007/12/13 TO 2008/12/10 \$ 3,591,260.00 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**

**SJMC2008-12-15/769R**

**It was decided on motion of Councillor Hann; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending December 11<sup>th</sup>, 2008 be approved as presented:**

**Weekly Payment Vouchers  
For The  
Week Ending December 11, 2008,**

**PAYROLL**

Public Works	\$ 483,456.30
Bi-Weekly Amalgamation	\$ 494,991.54
Bi-Weekly Management	\$ 605,495.83
Bi-Weekly Administration	\$ 647,687.18

**ACCOUNTS PAYABLE**

Cheque No. 140818 - 141116	\$6,202,955.32
<b>Total:</b>	<b>\$8,434,586.17</b>

**Tenders**

- a. Tender – Supply of Cab Chassis with Crane and Flatbed
- b. Tender – Supply of Five (5) Sanitation Side Loaders

**SJMC2008-12-15/770R**

**It was decided on motion of Councillor Hann; seconded by Councillor Puddister: That the recommendations of the Director of Finance and City Treasurer be approved and the tenders awarded as follows:**

- a. Avalon Ford in the amount of \$120,656.00 (taxes not included)
- b. Saunders Equipment Ltd. in the amount of \$1,273,525.00 (taxes not included)

**2009 Tax Rates**

**SJMC2008-12-15/771R**

**It was moved by Councillor Duff; seconded by Councillor Hann: That the following Resolution be adopted:**

**2009 PROPERTY TAX RATE RESOLUTION - RESIDENTIAL PROPERTIES**

**IT IS HEREBY RESOLVED** that pursuant to the provisions of the St. John's Assessment Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the real property tax rate for the 2009 fiscal year as follows, namely:-

- 1. for residential properties and the residential portion of mixed commercial/residential properties, the real property tax rate is 1.10 percent per annum of the assessed value of the property in respect of which the tax is imposed.
- 2. (a) where the real property tax applies to buildings to which water mains are not accessible for servicing such buildings with water services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value; and,  
(b) where the real property tax applies to buildings to which sewer mains are not accessible for servicing such buildings with sewer services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value.

The said taxes shall be due and payable half-yearly in advance on the 1st. day of January and the 1st. day of July, 2009.

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



**SJMC2008-12-15/772R**

**It was moved by Councillor Duff; seconded by Councillor Hann: That the following Resolution be adopted:**

**2009 PROPERTY TAX RATE RESOLUTION - COMMERCIAL PROPERTIES**

**IT IS HEREBY RESOLVED** that pursuant to the provisions of the St. John's Assessment Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the commercial property tax rate for the 2009 fiscal year as follows, namely:-

- 1. for commercial properties and the commercial portion of mixed commercial/residential properties, the real property tax rate is 1.72 percent per annum of the assessed value of the property in respect of which the tax is imposed.
- 2. (a) where the real property tax applies to buildings to which water mains are not accessible for servicing such buildings with water services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value; and,
  - (b) where the real property tax applies to buildings to which sewer mains are not accessible for servicing such buildings with sewer services, the tax rates referred to in (1) hereof shall be reduced by .05 percent per annum of the assessed value.

The said taxes shall be due and payable half-yearly in advance on the 1st. day of January and the 1st. day of July, 2009.

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

**SJMC2008-12-15/773R**

**It was moved by Councillor Duff; seconded by Councillor Hann: That the following Resolution be adopted:**

**2009 BUSINESS TAX RATE RESOLUTION**

**IT IS HEREBY RESOLVED** that pursuant to the provisions of The St. John's Assessment Act, and all other powers it enabling, the St. John's Municipal Council fixes the business tax rates for the 2009 fiscal year as follows:-

Banks/Trust Co/Credit Unions	6.895 percent per annum
Loan Companies/Investment Firms and Life Insurance Companies	4.924 percent per annum

Oil Companies Tank Farms	3.549 percent per annum
Breweries	2.463 percent per annum
Commercial Schools	2.463 percent per annum
Hotel/Motel	1.970 percent per annum
Bed and Breakfasts	1.181 percent per annum
Other Business Operations	1.773 percent per annum
Productive Agriculture Lands	0.271 percent per annum
Unproductive Agriculture Lands	0.0 percent per annum
Registered Charities	0.0 percent per annum

Communication/Cable operators not covered under the Utility Tax Resolution will be fixed at 3.549 percent per annum.

Container Terminals/Oil Industry Offshore Supply Bases rate will be fixed at 1.15 percent per annum.

Businesses operating in the Downtown St. John=s Business Improvement Area will be subject to an additional tax of 10% per annum of the Business Tax imposed to a maximum annual additional tax levy of \$4,000 for each location from which the business, trade or profession is carried on.

A minimum Business Tax will be levied at \$267.50 per annum.

The said tax shall be due and payable half-yearly in advance on the 1st. day of January and the 1st. day of July, 2009.

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

**SJMC2008-12-15/774R**

**It was moved by Councillor Duff; seconded by Councillor Hann: That the following Resolution be adopted:**

**RESOLUTION**  
**2009 BUSINESS TAX RATE ON UTILITIES**

**IT IS HEREBY RESOLVED** that pursuant to the provisions of the Taxation of Utilities and Cable Television Companies Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the Municipal Business Tax rate on utilities at 2.5 percent of the gross revenue of any and all utilities derived within the City limits of the City of St. John's during the year January 1, 2008 to December 31, 2008.

The said tax shall be due and payable at the time and in the manner prescribed by the Lieutenant-Governor in Council in the regulations made pursuant to the said **Taxation of Utilities and Cable Television Companies Act**.

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

**SJMC2008-12-15/775R**

**It was moved by Councillor Duff; seconded by Councillor Hann: That the following Resolution be adopted:**

**2009 WATER TAX RESOLUTION**

**IT IS HEREBY RESOLVED** that under the provisions of The St. John's Assessment Act, and all other powers it enabling, the Water Tax shall be levied as follows:-

For residential units and for commercial properties not taxed by water meters, the sum of Five Hundred and Twenty Dollars (\$520.00) per annum per commercial property or per residential unit for residential and apartment buildings.

The said tax shall be due and payable half-yearly on the 1st. day of January and the 1st. day of July, 2009.

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

**SJMC2008-12-15/776R**

**It was moved by Councillor Duff; seconded by Councillor Hann: That the following Resolution be adopted:**

**2009 WATER BY METER RESOLUTION**

**IT IS HEREBY RESOLVED** that under the provisions of the St. John's Assessment Act, and all other powers it enabling, the Council hereby fixes the rates for Water by Meter effective January 1, 2009, as follows:-

**Monthly Consumption Rates**

Up to 2,000,000 gallons	\$4.00 per 1,000 gallons
Over 2,000,000 gallons	\$1.32 per 1,000 gallons

**Monthly Base Charge**

5/8"	meter	z	30.95
3/4"	meter		46.50
1"	meter		77.40
12"	meter		154.80
2"	meter		246.95
3"	meter		494.40
4"	meter		790.00
6"	meter		1,544.75
8"	meter		2,470.90
10"	meter		3,550.80

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

**SJMC2008-12-15/777R**

**It was moved by Councillor Duff; seconded by Councillor Hann: That the following Resolution be adopted:**

**2009 15% PROPERTY TAX REDUCTION  
FOR SENIOR CITIZENS**

**IT IS HEREBY RESOLVED THAT A REDUCTION OF 15% OF THE PROPERTY TAX FOR 2009 BE PROVIDED TO SENIOR CITIZENS SUBJECT TO THE FOLLOWING CONDITIONS:-**

- (a) That the applicant is the assessed owner of the property as of January 1, 2009.
- (b) That the applicant occupies the property as his/her principal year-round residence.
- (c) That the applicant is in receipt of the guaranteed income supplement under the Old Age Security Act.

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

**SJMC2008-12-15/778R**

**It was moved by Councillor Duff; seconded by Councillor Hann: That the following Resolution be adopted:**

**2009 ACCOMMODATION TAX RESOLUTION**

**IT IS HEREBY RESOLVED** that pursuant to the provisions of the St. John's Assessment Act and all other powers it enabling, the St. John's Municipal Council hereby fixes the Accommodation Tax at 3% of the amount charged for the accommodation, lodging or stay in a room in a building in the City which is:-

- (a) licensed under the Tourist Establishments Act;
- (b) owned by the Memorial University of Newfoundland; or
- (c) located at the Littledale Conference Centre.

The said tax shall be due and payable quarterly by April 15<sup>th</sup>., July 15<sup>th</sup>., October 15<sup>th</sup>. and January 15th.

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

**City of St. John's 2009 Budget**

**SJMC2008-12-15/779R**

**It was moved by Councillor Hann; seconded by Councillor Hickman: That \$35,000 be allocated towards the grooming of some of the Grand Concourse trail system.**

**The motion being put was unanimously carried with funding to be allocated out of capital budget.**

**SJMC2008-12-15/780R**

**It was moved by Councillor Duff; seconded by Councillor Galgay: That the 2009 Operating and Capital budgets be adopted as presented along with funding allocation towards Grand Concourse trail system**

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

**Chairing Public Meetings 2009**

Council considered a memorandum dated December 10, 2008 from the Associate Commissioner/Director of Corporate Services and City Clerk regarding the above noted.

**SJMC2008-12-15/781R**

**It was moved by Councillor Galgay; seconded by Councillor Collins : That the following rotation for chairing Public Meetings for 2009 be approved:**

<b>January</b>	<b>Councillor Hanlon</b>
<b>February</b>	<b>Councillor Hann</b>
<b>March</b>	<b>Councillor Collins</b>
<b>April</b>	<b>Deputy Mayor Ellsworth</b>
<b>May</b>	<b>Councillor Coombs</b>
<b>June</b>	<b>Councillor Hickman</b>
<b>July</b>	<b>Councillor Colbert</b>
<b>August</b>	<b>Councillor Puddister</b>
<b>September</b>	<b>Councillor Galgay</b>
<b>October</b>	<b>Councillor Duff</b>
<b>November</b>	<b>Councillor Hann</b>
<b>December</b>	<b>Councillor Hanlon</b>

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

**50 Pleasant Street**

Council considered a memorandum dated December 10, 2008 from the Director of Building & Property Management regarding the above noted.

**SJMC2008-12-15/782R**

**It was moved by Councillor Collins; seconded by Councillor Hanlon: That the recommendation of the Director of Building and Property Management that Council order the demolition and removal of the building at 50 Pleasant Street, and the repair of the two adjoining party walls in accordance with Section 375 of the City of St. John’s Act, be approved, the cost of the work being charged to the property.**

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

**Councillor Coombs**

Councillor Coombs advised of a complaint concerning flooding on Jensen Camp Road in the area that borders on NLHC property and asked that the matter be referred to the Department of Public Works and Parks for follow-up.

**Councillor Hann**

**FCM Roll of Honour**

**SJMC2008-12-15/783R**

**It was moved by Councillor Hann; seconded by Councillor Collins: That former Mayor Andy Wells be nominated as a contender for the FCM Roll of Honour.**

**The motion being put there voted for it the mover, seconder, Councillors Hanlon, Coombs and Puddister.**

**Voting against the motion were Councillors Duff, Galgay, Hickman and Colbert.**

**The motion was carried.**

**His Worship the Mayor**

His Worship the Mayor presented a cheque for \$500 on behalf of the Elks Lodge earmarked for City parks projects.

**Adjournment**

There being no further business, the meeting adjourned at 6:16 p.m.

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**MAYOR**

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**CITY CLERK**