

December 6, 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, Galgay, Tilley, Hanlon and Collins.

Regrets – Councillor Colbert.

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

Adoption of the Agenda

SJMC2010-12-06/662R

It was decided on motion of Councillor Tilley; seconded by Councillor Breen: That the Agenda be adopted as presented with the following additions:

- a. Tender – King George V Flood Control – Phase 2 (Dewatering Station)
- b. Road Closure – Republic of Doyle end of season film shoots – Dec 12 and 15, 2010

Adoption of Minutes

SJMC2010-12-06/663R

It was decided on motion of Councillor Hann; seconded by Councillor O'Leary: That the minutes of the November 29, 2010 meeting be adopted as presented.

Business Arising

Under business arising, Council considered a memorandum dated December 2, 2010 from the Director of Planning re Proposed Accessory/Storage Building, Civic No. 357 Thorburn Road, Applicant – Oline Olyn Ltd.

SJMC2010-12-06/664R

It was moved by Councillor Hanlon; seconded by Councillor Hickman: That the application from Oline Olyn Ltd. for the proposed commercial accessory/storage building based on the conflict in the Development Regulations and the objections of the area residents, be rejected.

The motion being put was unanimously carried.

(It is noted that the Department of Planning will refer the issue of the conflicting sections in the Development Regulations regarding non-conforming uses to a future meeting of the Planning Committee for consideration of possible amendments to the Regulations to resolve the conflict.)

Boulevard Residents

Under business arising, Deputy Mayor Duff alluded to an issue raised last week by Councillor Breen regarding complaints by residents of the Boulevard area of noise from refrigerated trailers at the Dominion supermarket. She noted that in conversation with former Councillor Art Puddister, he suggested the City review the agreement put in place whereby Loblaws would store the trailers inside the warehouse portion of the building. Councillor Breen advised that he continues to work on the situation, that the agreement is being reviewed to determine the intent at the time, and information will be made available to the residents and Council in the near future.

Under business arising, Councillor Breen referenced a notice of motion proposed by him back in October to amend the Noise Bylaw to change allowable start up time on construction sites and clarified the fact that a draft bylaw has been prepared as a result of consultation with the various parties and the intention is to present the bylaw in its draft format to the NL Construction Association, the Road Builders Association and other interested groups, prior to Council moving forward with a decision on the proposed amendment to the current bylaw.

Notices Published

- i. An application for an extension of a non-conforming use has been submitted by Karen Stirling requesting approval to construct an extension to **Civic No. 151 Signal Hill Road**. The applicant proposes to construct an

extension of 60m² (600 ft²) above the front portion of the house to complement the elevation, rear of the dwelling. (Ward 2)

SJMC2010-12-06/665R

It was moved by Councillor Galgay; seconded by Deputy Mayor Duff: That the application be approved subject to the existing and proposed new floor space in the dwelling being used for residential purposes only, no commercial or other non-residential uses should be permitted to operate from the property; and subject to all applicable requirements of the Departments of Engineering and Planning; noting a Standard Development Agreement is required.

The motion being put was unanimously carried.

- ii. **A Discretionary Use Application** has been submitted by NL Housing Corporation requesting permission to convert **Civic No. 42 Buckmaster's Circle** from a one-unit townhouse dwelling into a two-unit dwelling. Parking is provided in the parking lot that is currently on site. The subject building is located in the Residential Medium Density (R2) Zone where Multiple Dwellings are a Discretionary Use. (Ward 2)

SJMC2010-12-06/666R

It was moved by Councillor Galgay; seconded by Deputy Mayor Duff: That the application be approved, noting a Standard Development Agreement is required.

The motion being put was unanimously carried.

- iii. **A Discretionary Use Application** has been submitted by Dave Ashley requesting permission to sub-divide **Civic No. 15 Connors Avenue** to construct a four-unit dwelling. Four on-site parking spaces will be provided. The subject building is located in the Residential Medium Density (R2) Zone where Multiple Dwellings are a Discretionary Use. (Ward 3)

SJMC2010-12-06/667R

It was moved by Councillor Tilley; seconded by Councillor Hanlon That the application be deferred pending completion of the review of the application for Municipal servicing by the Departments of Engineering and Public Works & Parks.

The motion being put was unanimously carried.

Development Committee Report dated November 30, 2010

Council considered the following Development Committee Report dated November 30, 2010:

RECOMMENDATION OF REJECTION:

- 1. Proposed Subdivision of Lot for Construction of a Dwelling
Walter Tucker
Civic No. 150 Bennett's Road
Town of Portugal Cove - St. Philips
Broad Cove River Watershed**

The Development Committee recommends that Council reject the above noted application pursuant to Section 104 (4) of the City of St. John's Act.

**Ronald G. Penney, Chairperson
City Manager**

SJMC2010-12-06/668R

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

The motion being put was unanimously carried.

Planning and Housing Standing Committee Report dated November 24, 2010

Council considered the following Planning and Housing Standing Committee Report dated November 24, 2010:

In Attendance:

- Councillor Frank Galgay, Chairperson
- Deputy Mayor Shannie Duff
- Councillor Sheilagh O'Leary
- Councillor Tom Hann
- Councillor Danny Breen
- Councillor Bruce Tilley
- Councillor Wally Collins
- Mr. Paul Mackey, Deputy City Manager/Dir. of Public Works & Parks
- Mr. Cliff Johnston, Director of Planning
- Mr. Dave Blackmore, Director of Building & Property Management
- Mr. Joe Sampson, Manager of Development
- Mr. Ken O'Brien, Manager of Planning & Information

Mr. Jim Clarke, Manager of Streets & Parks
Mr. Robin King, Transportation Engineer
Ms. Lynnann Winsor, Development Engineer
Mr. Chris Small, Planning Technician
Ms. Kelly Butler, Recording Secretary

1. Proposed Residential Development and Parking Garage – Bell Street/Duckworth Street (Ward 2) – WLC Holdings and the Hardman Group

The Committee met with representatives of WLC Holdings (Mr. Bill Clarke, Mr. Ryan Clarke, and Mr. Dick Cook) and the Hardman Group (Colin Whitcomb) and considered the **attached** memorandum dated November 16, 2010, from the Director of Planning regarding the above noted matter. The Committee also reviewed a View Plane Analysis prepared by the Department of Planning showing the development as proposed to be built by the developer and also showing the development as limited to 15 metres in height as measured from Henry Street. *(A copy of the View Plane Analysis will be sent out under separate cover with the Regular Council Agenda.)*

Following the presentation, a short question and answer period ensued. Councillor Hann inquired about the reason for having a building with the additional height as opposed to a building with a 15 metre height. Mr. Whitcomb advised that the extra height was required to establish an extra level of parking in the parking garage, which would provide an additional 80-90 parking spaces. There are certain fixed costs with parking, and a higher density of parking helps to defray costs with the number of parking stalls. Mr. Cook also noted that the condominium façade, as depicted in the view plane analysis is only a model, and it will be less obtrusive and blend in more with the surrounding properties. In addition, the façade of the parking garage will also be designed to look less like a parking structure. The development company intends to work with the City's Heritage Advisory Committee in this regard. Mr. Cook also noted that, pending Council's approval, site work could commence during the winter as it mostly entails excavation of rock.

(The delegation retired from the meeting.)

The Committee discussed the application at length, with it being noted that the view plane analysis shows there is little difference in the impact of the project as proposed to be constructed by the applicants with the additional height versus limiting the height of the buildings to 15 metres as measured from Henry Street. However, there may be some concerns with shadowing, which can be addressed as part of the Land Use Assessment Report. With regard to the parking that would be lost should the proposal be limited to 15 metres in height as measured from Henry Street, it was noted that the Downtown Parking Study recommends the creation of an additional 500 public parking spaces. The public parking created as part of this proposal is almost half of that recommendation. The Committee also discussed the issue of private-public partnerships to create additional public parking in the downtown, with it being noted that each project is different and has to be evaluated on its own merits in order to determine if a private-public partnership is

beneficial. The whole point of a private-public partnership is to create provision for public parking in new buildings so that the City does not have to construct a stand alone parking garage on a separate parcel of land.

The Committee recommends, on motion of Councillor Breen; seconded by Councillor Hann: That the applicants be requested to undertake a Land Use Assessment Report for the development based on the height of the building as proposed in their initial application (above 15 metres in height as measured from Henry Street). The Committee also agreed that once the assessment report has been reviewed by City staff to ensure all applicable information has been provided, the application/ assessment report be referred to a public meeting to be chaired by a member of Council.

Subsequent to the Planning and Housing Committee meeting, staff have prepared the attached Terms of Reference for the Land Use Assessment Report for Council's consideration of approval

2. Proposed Rezoning of Property – Maddox Cove Road (Ward 5)

The Committee met with MHAs John Dinn and Keith Hutchings and several Maddox Cove Road property owners to discuss an application to rezone vacant land on the north side of Maddox Cove Road from the Open Space Reserve (OR) Zone to the Rural Residential Infill (RRI) Zone to allow new residential unserviced ½ acre building lots. The Committee also considered the **attached** memorandum dated November 19, 2010, from the Director of Planning and the Manager of Planning and Information regarding the above noted matter.

Mr. Dinn spoke on behalf of the property owners and made the following points in support of the rezoning application:

- The group is requesting that a small section of Maddox Cove Road be rezoned to allow for residential development on ½ acre building lots (the section from the boundary of Petty Harbour-Maddox Cover to the house that City staff says was constructed without permits).
- City staff feel that the land is too steep and unstable to allow property owners to develop their properties. Mr. Dinn noted that this is not the case – the land gets steeper further out Maddox Cove Road.
- City staff feel that allowing this development will create urban sprawl. Mr. Dinn indicated, however, that not everyone wants to live in a subdivision. There are a lot of people who want to build on larger building lots.
- The City has previously given approval to develop land on Maddox Cove Road (opposite the subject properties) for unserviced residential development.

- The City is already servicing Maddox Cove Road (garbage collection and snow clearing).
- Many of the property owners are elderly and want the issue resolved so that they can pass the land along to their children to develop or sell it.

(The delegation retired from the meeting.)

The Committee discussed the arguments put forth by the delegation at length. The Director of Planning advised that staff do not support the rezoning application and have concerns about allowing the rezoning of the subject property. The subject property is zoned as Open Space Reserve, which is one of the City's most restrictive zones. It is assigned to areas that are not considered suitable for development. The land on the opposite side of Maddox Cove Road is zoned as Rural. The areas are zoned differently mainly because of the topography of the land, which is steeper on the north side of the road. These building lots on the south side of the road have been grandfathered in, and are two acres in size. Council's policy is to allow unserviced development on public roads only in infill situations. Staff do not consider this application for development to be an infill situation. The Director of Planning noted that Council turned down a similar application for Blackhead Road recently. He further noted that it has been Council's adopted position, in the development of the new Northeast Avalon Regional Plan, that there should be very limited unserviced development in the Northeast Avalon Region. To allow new residential building lots on Maddox Cove Road would be seen to be contrary to Council's position.

Councillor Collins expressed his support for the application, noting that there is already one house on the north side of Maddox Cove Road, with more to be constructed on the south side in the near future. The City is already servicing the area for garbage collection and snow clearing. If the City does not allow development of the subject property, the land becomes basically useless. Deputy Mayor Duff noted that while she understood Councillor Collins' position, she could not support the application as it was contrary to the City's policy for unserviced development and would be promoting urban sprawl.

It was moved by Deputy Mayor Duff; seconded by Councillor Galgay: That the rezoning application be rejected. Voting in favour of the motion were the mover, seconder, and Councillors Breen and Hann. Councillors Tilley and Collins were opposed.

The motion to reject the application passed.

The Committee recommends that the rezoning application be rejected based on the current restrictive Open Space Reserve (OR) zoning of the site. The City's current planning policies seek to prevent the designation of new lands for unserviced residential development which would constitute unserviced residential sprawl.

3. Proposed Rezoning of Property – Civic No. 567 Empire Avenue (Ward 3) – Mr. George Layden

The Committee considered the **attached** memorandum dated November 19, 2010, from the Director of Planning and the Manager of Planning and Information regarding the above noted application.

The Committee recommends, on motion of Councillor Tilley; seconded by Deputy Mayor Duff: That the rezoning application be advertised for public review and comment. Upon completion of the advertising process, the application will be referred to a future Regular Meeting of Council for a decision.

4. Position Paper re: Issues to Discuss with the Department of Education and the Eastern School District

Councillor Breen referenced the plan by the Department of Education and the Eastern School District for the possible construction of a new east end high school on the former Janeway site. He noted that there will be major traffic implications with this plan and neither party has consulted with the City in this regard. Councillor Breen also noted that there are a number of other issues that need to be discussed with the Department of Education and the Eastern School District as well. He suggested that staff jointly prepare a position paper on the various issues. Council has agreed to request a meeting with representatives from the Department of Education and the Eastern School District and can present the position paper at that time.

The Committee recommends, on motion of Councillor Breen; seconded by Deputy Mayor Duff: That a position paper be prepared by the Directors of Engineering, Planning, Building and Property Management, and Recreation outlining the City's position on issues facing the City with respect to decisions made by the Department of Education and the Eastern School District.

Councillor Frank Galgay
Chairperson

SJMC2010-12-06/669R

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

Regarding Item #1 – Councillor Galgay gave an overview of the Proposed Residential Development and Parking Garage proposed for Bell Street/Duckworth Street, by WLC Holdings and the Hardman Group. He also presented a view plane analysis of the proposed development prepared by the City of St. John's Department of Planning. He

indicated his support of the development noting that the development as proposed will revitalize that section of the downtown, and will provide public parking spaces in an area where parking is badly needed.

Deputy Mayor Duff noted that due to the benefit of the much needed parking she is satisfied with the requested elevation of 3 metres above the 15 metre height limit. She also pointed out that the developer will work with the City’s Heritage Advisory Committee to develop an appropriate façade for the building.

SJMC2010-12-06/670R

Regarding Item #2 – Proposed Rezoning of Property – Maddox Cove Road: It was moved by Councillor Collins; seconded by Councillor Hanlon: That the Committee’s recommendation be deferred pending further review.

The motion to defer Item #2 being put was unanimously carried.

Following discussion, the main motion being put was carried noting deferral of item #2.

Development Permits List

Council considered as information the following Development Permits List for the period of November 26 to December 2 , 2010

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF November 26, 2010 TO December 2, 2010**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	John Walsh	Home Office for Electrical Contractor	5 Howley Avenue Extension	2	Approved	2010-11-30
COM	Scott Linehan	Home Office for Cleaning Services Business	64 Canada Drive	3	Approved	2010-11-30
RES	Lloyd Osmond	Building Lot	467 Thorburn Road	4	Approved	2010-11-30
COM	Steers Limited	Extension	14 Austin Street	4	Approved	2010-12-02

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

INST - Institutional
 IND - Industrial

** 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.

**Gerard Doran
 Development Officer
 Department of Planning**

Building Permits List

SJMC2010-12-06/671R

It was decided on motion of Councillor Collins; 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:

2010/12/01

Permits List

CLASS: COMMERCIAL

CHRIS PRIOR	39 CAMPBELL AVE	CO CLINIC	
MACMORRAN COMMUNITY CENTRE COR	10 BROTHER MCSHEFFREY LANE	EX PLACE OF ASSEMBLY	
E M M HARDCHROME AND	75 BLACKMARSH RD	SN COMMERCIAL GARAGE	
FIRST CHOICE HAIR CUTTERS	84-86 ELIZABETH AVE	MS SERVICE SHOP	
HAROLD F. & CONSTANCE HAYWARD	203 KENMOUNT RD	SN RETAIL STORE	
A.I.M.E. PHYSIOTHERAPY INC.	204-206 MAIN RD	MS CLINIC	
PLAZA MASTER GP LTD.	TORBAY RD	SN RETAIL STORE	
ENERCON BUILDERS	AIRPORT RD, SITE TRAILER	NC ACCESSORY BUILDING	
SWEETCAKES	536-538 WATER ST	CR BAKERY	
ALISTAIR INVESTMENTS INC	250 DUCKWORTH ST	SW RESTAURANT	
ST. JOHN'S RACING &	65 LAKE VIEW DR	NC AGRICULTURE	
SOUTHWEST PROPERTIES	215 WATER ST, 4TH FLOOR COMMON	RN OFFICE	
JOHN & INA GREEN	463 LOGY BAY RD APOLLO VENDING	CR WAREHOUSE	
COLLINS COFFEE CORP.	258 WATER ST	CR EATING ESTABLISHMENT	
HEALEY'S AUTO BODY SHOP LTD	112 EMPIRE AVE	EX COMMERCIAL GARAGE	
GARY HOLDEN & EARL NORMAN	110 WATER ST	CR MIXED USE	
JUDY ASH	10 HUNT'S LANE	NC CONVENIENCE STORE	
STATOIL CANADA	365-367 WATER ST @ STEERS COVE	RN OFFICE	
			THIS WEEK \$ 1,388,826.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00

CLASS: RESIDENTIAL

WAYNE & ELIZABETH POWER	3 ALDERGROVE PL, LOT 238	NC SINGLE DETACHED DWELLING
RAY HAYWARD	BEAVER BROOK DR, PARCEL B	NC SINGLE DETACHED & SUB.APT
DAVID ROCHE	5 BENNETT AVE	NC PATIO DECK
STEPHEN STEELE	80 CALVER AVE	NC PATIO DECK
DENNIS PENNEY	17 CARIBOU PL, LOT 17	NC SINGLE DETACHED DWELLING
ROCK SOLID HOME BUILDERS	10 CANSO PL, LOT 3	NC SINGLE DETACHED & SUB.APT
SHAWN & JACQUELINE JACOBS	27 CEDAR BRAE CRES	NC ACCESSORY BUILDING
GARY MAHON SERVICES	52 FRANCIS ST, LOT 83	NC SINGLE DETACHED DWELLING
BING CHEN & BAIYU ZHANG	64 HALL'S RD	NC ACCESSORY BUILDING
BING CHEN & BAIYU ZHANG	64 HALL'S RD	NC FENCE
LYNDON QUINTON	27 ICELAND PL, LOT 47	NC SINGLE DETACHED DWELLING
GIBRALTAR DEVELOPMENT LIMITED	5 KATIE PL, LOT 146	NC SINGLE DETACHED DWELLING
GUARDIAN HOMES INC	3 LAGGAN PL, LOT 54	NC SINGLE DETACHED DWELLING
GUARDIAN HOMES INC.	5 LAGGEN PLACE - LOT 55	NC SINGLE DETACHED DWELLING
JASON PETER SHARPE	6 LARNER ST	NC ACCESSORY BUILDING
FORBES STREET HOLDINGS	78 NEW PENNYWELL RD	NC PATIO DECK
FORBES ST HOLDINGS	80 NEW PENNYWELL RD	NC PATIO DECK
JOHN CAHILL	85 PLEASANT ST	NC PATIO DECK
QUINLAN HOME CONSTRUCTION LTD	11 ROSE ABBEY STREET, LOT 146	NC SINGLE DETACHED DWELLING
QUINLAN HOME CONSTRUCTION LTD.	5 ROSE ABBEY ST, LOT 149	NC SINGLE DETACHED DWELLING
QUINLAN HOME CONSTRUCTION LTD	9 ROSE ABBEY STREET, LOT 147	NC SINGLE DETACHED DWELLING
PRO-TECH CONSTRUCTION	13 ROSE ABBEY ST, LOT 145	NC SINGLE DETACHED DWELLING
PETER DWYER	44 ROTARY DR, LOT 75	NC SINGLE DETACHED & SUB.APT
PETER DWYER	46 ROTARY DR, LOT 76	NC SINGLE DETACHED & SUB.APT
NEW VICTORIAN HOMES	2 ROWSELL PL, LOT 64	NC SINGLE DETACHED DWELLING
NEW VICTORIAN HOMES	6 ROWSELL PL, LOT 62	NC SINGLE DETACHED DWELLING
BILL MILLER	2 ST. SHOTTS PL, LOT 85	NC SINGLE DETACHED & SUB.APT
MICHELE BOLAND	48 SMITH AVE	NC FENCE
BARRY GRENNING	242 SOUTHERN SHORE HWY	NC ACCESSORY BUILDING
DAVID DOBBIN	3 VEITCH CRES	NC ACCESSORY BUILDING
ROXANNE R. PRZYBYSZ AND	27 WATERFORD BRIDGE RD	NC FENCE
LEAH MEEHAN	35 OTTER DR	CO DAY CARE CENTRE
AUSTIN'S CONTRACTING	12 GEORGINA ST	CR SUBSIDIARY APARTMENT
WILLIAM M. OLIVER &	151 BAY BULLS RD	EX ACCESSORY BUILDING
ROBERT & MELINDA DURDLE	1 DRUKEN CRES	RN SINGLE DETACHED & SUB.APT
ERIC SAMUEL BAILEY & SUSAN ANN	72 EDISON PL	RN SEMI-DETACHED DWELLING
ROGER F. ANGEL	138 HAMILTON AVE	RN SINGLE DETACHED DWELLING
JOHN & JEAN HEWSON	264 HAMILTON AVE	RN SINGLE DETACHED DWELLING
BRIAN HARVEY	98 LIME ST	RN SEMI-DETACHED DWELLING
LEAH MEEHAN	35 OTTER DR	RN DAY CARE CENTRE
AMANDA GAULTOIS	161 PLEASANT ST	RN SEMI-DETACHED DWELLING
JENNIFER MURPHY	50 SGT. CRAIG GILLAM AVE	RN SINGLE DETACHED DWELLING
CHARLES LUCAS HAINES	235 CRAIGMILLAR AVE	SW SINGLE DETACHED DWELLING
STEPHEN AMOR & CHRISTINE AMOR	30 HIGHLAND DR	SW SINGLE DETACHED DWELLING
DIANE BISHOP	43 O'REGAN RD	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 4,018,193.00

CLASS: DEMOLITION

QUATTRO HOLDINGS LTD.	329 DUCKWORTH ST	DM SEMI-DETACHED DWELLING
DONALD DAWE	24 SHEA ST	DM SINGLE DETACHED DWELLING
BELL ALIANT	146-152 WATER ST	DM COMMUNICATIONS USE

THIS WEEK \$ 86,000.00

THIS WEEK'S TOTAL: \$ 5,493,019.00

REPAIR PERMITS ISSUED: 2010/11/25 TO 2010/12/01 \$ 46,000.00

LEGEND

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

Payrolls and Accounts

SJMC2010-12-06/672R

It was decided on motion of Councillor Collins; seconded by Councillor Tilley: That the following Payrolls and Accounts for the weeks ending December 2, 2010 be approved:

**Weekly Payment Vouchers
For The
Week Ending December 2, 2010**

PAYROLL

Public Works	\$ 357,270.76
Bi-Weekly Casual	\$ 19,343.48

ACCOUNTS PAYABLE \$ 4,070,040.70

Total: \$ 4,446,654.94

Tenders

- a. Tender – Veterinarian Services (Euthanasia)
- b. Tender – King George V Flood Control – Phase 2 (Dewatering Station)

SJMC2010-12-06/673R

It was moved by Councillor Galgay; seconded by Deputy Mayor Duff: That the recommendation of the Director of Finance and City Treasurer and the Director of Engineering be approved and the tenders awarded as follows:

- a. Sunrise Animal Hospital @ \$1,185.00/Visit or \$123,240.00/Year - (taxes not included)
- b. Pyramid Construction Ltd. @ \$224,220.25

Councillor O’Leary pointed out that the lowest bidder, Kelly Devereaux, did not meet the specifications.

The motion being put was unanimously carried.

Petition

Councillor Hanlon tabled a petition the prayer of which reads as follows, and which was referred to the Director of Building and Property Management for followup:

Petition of keep the proposed expansion of a Garage on 24 Shea Street within the sightline of all existing properties

My signature on this petition is to confirm that I am opposed to the renovation of 24 Shea Street which will result in the construction of an expansion to the existing dwelling with a new garage. This expansion of a garage will significantly protrude past the sight line of all other homes on Shea Street and it will dramatically alter the character, history and ambience of this beautiful 60 year old neighbourhood.

My signature also reflects that I am not opposed to neighbours renovating their property but that I would prefer that any new construction be consistent with the existing properties. In this particular situation the new owner can achieve their desire to expand by utilizing the enormous area of the back yard portion of the property instead of encroaching on the sidewalk and street of this family oriented neighbourhood.

My signature indicates that I am asking Council to consider the desire and wishes of the existing property owners on Shea Street by directing the owner to stay within the site line of the existing properties.

Waterline Easement – Lomac Street/Fagan Drive

Council considered a memorandum dated December 1, 2010 from the City Manager regarding the above noted.

SJMC2010-12-06/674R

It was moved by Councillor Hickman; seconded by Councillor Hann: That a waterline easement required by the City at Fagan Drive from Mr. Charles Cook, be acquired by the City for \$14,000.00 plus legal fees, as recommended by the City Manager.

Councillor Hann asked for an explanation on the cost of acquiring this particular easement which was referred to the City Manager for followup.

The motion being put was unanimously carried.

Forest Avenue – Sewer Line Easement

Council considered a memorandum dated December 1, 2010 from the City Manager regarding the above noted.

SJMC2010-12-06/675R

It was moved by Councillor Tilley; seconded by Councillor O’Leary: That a sanitary sewer line easement on property at 3 Forest Avenue, be acquired by the City for \$5,000.00 plus legal fees, as recommended by the City Manager.

The motion being put was unanimously carried.

110 Portugal Cove Road

Council considered a memorandum dated December 2, 2010 from the City Manager regarding the above noted.

SJMC 2010-12-06/676R

It was moved by Councillor Hann; seconded by Deputy Mayor Duff: That the owners of property at 110 Portugal Cove be compensated in the amount of \$250.00 for a bush removed by the City as a result of waterline upgrades on Portugal Cove Road, as recommended by the City Manager.

The motion being put was unanimously carried.

Demolition of Properties in Watershed

Council considered a memorandum dated December 2, 2010 from the Director of Building and Property Management regarding the above noted.

SJMC2010-12-06/677R

It was moved by Councillor Hickman; seconded by Deputy Mayor Duff: That the following properties located in the Bay Bulls Big Pond Watershed area, all beyond 50% depreciated, be ordered demolished and removed as per Section 375 of the City of St. John's Act, failing which, the City will undertake to have the work carried out and charged to these properties:

**325 Southern Shore Highway
150 Southern Shore Highway
103 Southern Shore Highway**

The motion being put was unanimously carried.

Ratification of Email Poll

SJMC2010-12-06/678R

It was decided on motion of Councillor Breen; seconded by Councillor O'Leary: That the following email poll be ratified:

A section of New Cove Road from Argyle Street to Elizabeth Ave to be closed to facilitate service connections to the new Piper's store at the corner of Elizabeth Ave and New Cove Road. The roadway would be closed on Saturday, December 4 from 8:00 am to 5:00 pm while the work is being completed. This closure was previously approved for this past Sunday but was cancelled due to conflicting with the Downtown Christmas Parade. A signage plan and traffic advisories to be put in place.

Economic Update December 2010

Councillor Hanlon presented the highlights of the December 2010 Economic Update.

Councillor Hanlon congratulated Leslie Galway, Chief Executive Officer for the Workplace Health, Safety and Compensation Commission, a recipient of the prestigious 2010 Canada's Most Powerful Women, Top 100 Awards, in the Professionals category.

His Worship the Mayor noted that Chief Executive Officer of Fortis Properties, Nora Duke, is also a recipient of the award. It was agreed that letters of congratulations be forwarded to the women by the Mayor on behalf of Council.

Road Closure – Republic of Doyle end of season film shoots – Dec 12 and 15, 2010

SJMC2010-12-06/679R

It was moved by Councillor Collins; seconded by Councillor Hanlon: That a request from the film crew of The Republic of Doyle to close George Street between Queen Street and Adelaide Street and Adelaide Street between Water Street and New Gower Street during the hours of 7:30 am and 2:00 pm on December 12, 2010, and December 15, 2010 - Bond St. between Colonial St. and Kings Rd., 4:30 pm and 7:30 pm and Bond St. at Bannerman St. and Colonial St 7:30 pm - 11:00 pm.be approved.

The motion being put was unanimously carried.

Councillor Collins

Councillor Collins advised that the Development Committee will be meeting with representatives of Mines and Energy to discuss potential quarry locations in the Goulds area.

Councillor Collins reported on another successful Goulds Santa Claus parade and thanked all involved.

Councillor Collins asked the status of the placement of pavement markings on the Kilbride Road. The City Engineer agreed to follow up on the matter.

Councillor Hanlon

Councillor Hanlon asked for an update on Portugal Cove Road/New Cove Road construction. The Director of Engineering advised that paving is partially completed as of today and is scheduled to be completed by mid December, weather permitting. He also advised that landscaping will be completed next year and the street is scheduled to be open by December 22, weather permitting.

Councillor Hanlon tabled information on the MNL Board of Directors Meeting held in St. John's on November 30, 2010 which is on file with the City Clerk's office.

Councillor Hanlon thanked ex Premier Danny Williams and wished him well. She also congratulated Premier Kathy Dunderdale and wished her well in her term as Premier of Newfoundland and Labrador.

Councillor Tilley

Councillor Tilley advised that he has received calls from residents of Frecker Drive concerned about the location of the markings for the cycling program. The Director of Engineering will follow-up on the matter as well as the rationale for taking up the sidewalks on Captain Whelan Drive.

Councillor Galgay

Councillor Galgay announced on behalf of Judy Ryerson, Chair of Quidi Vidi Village Foundation, the following events: Dec 7, 7:00 pm, Christmas Tree Lighting, and December 12 – Christmas Seniors Dinner, 4:30 p.m. , in the Old Inn, Quidi Vidi Village.

Councillor Hickman

Councillor Hickman noted that the Public Works, Environment and Protection Committee met and reviewed a report prepared by the Director of Engineering on flood related projects, noting that the total funding need for flood related projects

only, which include projects as a result of Hurricane Igor is \$64 million. He noted that since projects of this nature are not eligible for government funding, it is hoped that funding will become available to address other capital projects. The Director of Engineering advised that the Federal Emergency Assistance Program guidelines permit restoration to pre-storm conditions only.

Councillor O'Leary

Councillor O'Leary indicated that she has spoken to the Director of Regional Fire Services and the Director of Engineering regarding a safety issue, in her opinion, at the bottom of Margaret's Place due to the extensive construction in the area and suggested the need for an access, especially for emergency vehicles. She noted she will work with the Director of Engineering on this and further report to Council.

Councillor O'Leary advised of complaints regarding the monument at the corner of Long's Hill and Livingstone Street, which is the Holloway School memorial site. His Worship the Mayor noted that the structure there now is not the monument but the corner stone of Holloway School, which will be developed into an architecturally designed monument. He advised Councillor O'Leary to contact Mr. Bob LeMessieur of the Collegiate Committee for any information she may wish on its design.

Councillor O'Leary commended Premier Kathy Dunderdale and also applauded the leadership of Liberal Leader, Yvonne Jones and NDP Leader, Lorraine Michael.

His Worship the Mayor

His Worship the Mayor again reminded members of Council of the policy with respect to offering condolences and congratulations during public meetings of Council. Deputy Mayor Duff and Councillor O'Leary suggested that the policy governing meetings of Council be reviewed. His Worship the Mayor reminded members of Council that the rules were recently reviewed and Council decided to

maintain the status quo. Deputy Mayor Duff advised she intends to bring forward a motion to Council in the new year to have the rules reviewed.

Deputy Mayor Duff

Deputy Mayor Duff noted that there will be a special ceremony at MUN School of Engineering to commemorate the Montreal Massacre at the École Polytechnique, which reminds all of us of the problems related to violence in our society in general, particularly violence against women, and thanked the Province for the attention they place on this issue.

His Worship the Mayor

His Worship the Mayor acknowledged the presence in the Chamber of striking Metrobus workers.

His Worship the Mayor advised that the Federal Government Stimulus Funding Program has been extended to October 2011 and thanked the Harper government for this initiative.

Adjournment

There being no further business, the meeting adjourned at 5:50 p.m.

MAYOR

CITY CLERK