

February 19, 2007

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 Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Coombs, Ellsworth and Collins.

Regrets: Deputy Mayor O=Keefe

The Chief Commissioner/City Solicitor, Associate Commissioner/Director of Corporate Services and City Clerk, Associate Commissioner/Director of Engineering, Director of Planning, and Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of Agenda

SJMC2007-02-19/73R

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

- a. Request for Proposals - Art Procurement Policy and Procedures Review**
- b. Request for Proposals - Cultural Planning Research**
- c. Memorandum dated February 19, 2007 from Councillor Duff re: Travel Approval, Urban Municipalities Committee**

Adoption of the Minutes

SJMC2007-02-19/74R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Duff: That the Minutes of February 12, 2007 be adopted as presented.

Future Governance of Mile One Centre

Under business arising, Councillor Colbert advised that at the request of the Deputy

Mayor, who is out of town on City business, the matter surrounding the Future Governance of Mile One Centre, will be deferred until next week=s Regular Meeting of Council.

St. John=s Municipal Plan Amendment No. 44, 2007 & St. John=s Development Regulations Amendment No. 400, 2007, Ricketts Road, Application to Rezone Property to the CN Zone, Applicant: LeMarchant Road 1995 Ltd. (Ward 2)

Under business arising, Council considered a memorandum dated February 14, 2007 from the Director of Planning regarding the above noted.

SJMC2007-02-19/75R

It was moved by Councillor Duff; seconded by Councillor Puddister: That the following Resolution for St. John=s Municipal Plan Amendment Number 44, 2007 and St. John=s Development Regulations Amendment Number 400, 2007, be adopted, which will then be referred to the Department of Municipal Affairs for Provincial registration in accordance with the requirements of the Urban and Rural Planning Act:

**URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE**

ST. JOHN=S MUNICIPAL PLAN AMENDMENT NUMBER 44, 2007

and

ST. JOHN=S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 400, 2007

Under the authority of Sections 16, 17 and 18 of the Urban and Rural Planning Act, 2000, the St. John=s Municipal Council:

- a) adopted St. John=s Municipal Plan Amendment Number 44, 2007 and St. John=s Development Regulations Amendment Number 400, 2007 on the 22nd day of January, 2007;
- b) gave notice of the adoption of St. John=s Municipal Plan Amendment Number 44, 2007 and St. John=s Development Regulations Amendment Number 400, 2007 by advertisements inserted in *The Telegram* newspaper on the 27th day and the 31st day of January, 2007; and,
- c) set the 12th day of February, 2007 at 7:00 p.m. at St. John=s City Hall for the holding of a public hearing to consider objections and representations.

Now under the authority of Section 23 of the Urban and Rural Planning Act, 2000,

the St. John=s Municipal Council approves St. John=s Municipal Plan Amendment Number 44, 2007 and St. John=s Development Regulations Amendment Number 400, 2007 as adopted.

SIGNED AND SEALED THIS 19th day of February, 2007.

Mayor

**Director of Corporate Services
and City Clerk**

The motion being put was unanimously carried.

**Notice of Motion - St. John=s Municipal Plan Amendment Number 40, 2006
and St. John=s Development Regulations Amendment Number 391, 2006**

Council considered a memorandum dated February 15, 2007 from the Director of Planning re: Proposed Rezoning of Property on Ballast Road, Quidi Vidi Village, Applicant: Gerald Power.

SJMC2007-02-19/76R

Pursuant to Notice of Motion, it was moved by Councillor Duff; seconded by Councillor Ellsworth: That the decision made by Council at its Regular Meeting of October 30, 2006 to approve the St. John=s Municipal Plan Amendment Number 40, 2006 and St. John=s Development Regulations Amendment Number 391, 2006, be rescinded, since the development application has not proceeded in the manner committed to by the applicant and since the Reddigans have withdrawn their permission for the rezoning of the back part of their property.

The motion being put was unanimously carried.

Development Committee Report dated February 13, 2007

Council considered the following Development Committee Report dated February 13, 2007:

RECOMMENDATION OF APPROVAL:

- 1. Request for Restaurant Liquor License
Pasta Plus Restaurant
Food Services Inc.
Civic No. 233 Duckworth Street (Ward 2)**

The Development Committee recommends that Council grant approval to the above noted application.

- 2. Proposed Site Redevelopment
Tim Horton=s/North Atlantic Convenience Store and Gas Bar
TDL Group Inc.
Civic No. 694 Water Street (Ward 2)**

The Development Committee recommends that Council grant Approval-in-Principle to the above noted application. Final approval will be subject to submission of detailed site and servicing plans prepared in accordance with the City=s Commercial Development Policy and a detailed site landscaping plan prepared in accordance with the City=s Landscape Development and Street Tree Planting Policies.

- 3. Proposed Extension and Renovation
Signature Homes
24-26 Healey=s Pond Crescent (Broad Cove River Watershed - Town of Portugal Cove-St. Philips)**

The Development Committee recommends that Council grant approval to the application for renovation and a proposed 50% increase in floor area of the existing dwelling in accordance with Section 104(b) of the City of St. John=s Act.

- 4. Proposed Utility Pole and Electrical Installation to Existing Building
Mr. Robert King
116 Bennett=s Road (Broad Cove River Watershed - Town of Portugal Cove-St. Philips)**

The Development Committee recommends that Council grant approval to the application for proposed utility pole and electrical installation based on information provided by the applicant and the Town of Portugal Cove-St. Philips which granted two prior approvals which have since lapsed.

OTHER:

- 5. Proposed Stonework Exhibits
Johnson GEO Park**

Signal Hill Road (Ward 2)

The above noted project was discussed by the Development Committee, and the proposed structures are permitted under the St. John=s Development Regulations. It is recommended that a public information session, to be chaired by a member of Council, be held to present the project.

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

SJMC2007-02-19/77R

Regarding Item #1: It was decided on motion of Councillor Hickman; seconded by Councillor Duff: That the Committee=s recommendation to grant approval to the application be accepted.

SJMC2007-02-19/78R

Regarding Item #2: It was decided on motion of Councillor Duff; seconded by Councillor Galgay: That the Committee=s recommendation that Council grant Approval-in-Principle to the application, be accepted.

SJMC2007-02-19/79R

Regarding Item #3: It was decided on motion of Councillor Duff; seconded by Councillor Galgay: That the Committee=s recommendation to grant approval to the application for renovation and a proposed 50% increase in floor area of the existing dwelling in accordance with Section 104(b) of the City of St. John=s Act, be accepted.

SJMC2007-02-19/80R

Regarding Item #4: It was decided on motion of Councillor Duff; seconded by Councillor Galgay: That the Committee=s recommendation of approval be accepted.

SJMC2007-02-19/81R

Regarding Item #5: It was decided on motion of Councillor Duff; seconded by Councillor Galgay: That the Committee=s recommendation that a public information session, to be chaired by a member of Council, be held to present the project, be accepted.

Special Events Advisory Committee Report dated February 14, 2007

Council considered the following Special Events Advisory Committee Report dated

February 14, 2007:

Re: Special Events Advisory Committee Recommendation

The following recommendations of the Committee are forwarded to Council for approval in principle subject to any conditions that may be required by the Special Events Advisory Committee.

- 1) Event: Thomas Amusement Carnival
- Location: Avalon Mall Parking Lot
- Dates: June 20 - July 2, 2007
September 26 - 30, 2007 (inclusive)

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.

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

SJMC2007-02-19/82R

It was decided on motion of Councillor Colbert; seconded by Councillor Coombs: That the Committee=s recommendation to grant approval to the event subject to the conditions set out by the Committee, be accepted.

Development Permits List

Council considered the following Development Permits List for the period of February 9, 2007 to February 15, 2007:

DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF FEBRUARY 9, 2007 TO FEBRUARY 15, 2007

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
Res.	Perennial Management	Two (2) Additional Apartment Units in Existing Apartment	Southview Manor Civic No. 23 Kennedy	Ward 3	Application Approved	07 02 13

	Limited	Building	Road			

NOTES:

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

Ed Murray
 Development Officer
 Department of Planning

Building Permits List

SJMC2007-02-19/83R

It was decided on motion of Councillor Colbert; seconded by Councillor Hickman: That the recommendation of the Director of Building & Property Management with respect to the following Building Permits List, be approved:

2007/02/14

Permits List

CLASS: COMMERCIAL

CARE GIVERS	355A MAIN RD	CO CLINIC
COMPLETE TIRE	67 AIRPORT RD	NC COMMERCIAL GARAGE
DICKS AND COMPANY LIMITED	385 EMPIRE AVE	MS RETAIL STORE
PLATINUM ENTERPRISE CORP LTD	36 GEORGE ST, PLATINUM SHOWBAR	SN TAVERN
10504 NEWFOUNDLAND INC.	229 KENMOUNT RD	SN RETAIL STORE
AUTO CLINIC	455 KENMOUNT RD	MS COMMERCIAL GARAGE
HICKMAN SATURN SAAB	20 PEET ST	MS CAR SALES LOT
EASYHOME	272-276 TORBAY RD, EASYHOME	SN RETAIL STORE
SHEA HEIGHTS PHARMACY	55B LINEGAR AVE, SHEA HGTS PHA	CR PHARMACY
JOAN BUTLER	100 DUCKWORTH ST, JOAN BUTLER	RN MIXED USE
EARL NORMAN & GARY HOLDEN	1-3 MILITARY RD, COFFEE SHOP	CR EATING ESTABLISHMENT
FASTENERS PLUS LTD.	142 PENNYWELL RD, FASTENERS	CR RETAIL STORE
FIRELIGHT GLASS	THE VILLAGE - FIRELIGHT GLASS	CR RETAIL STORE
MORRISSEY & CO. INC	146 CAMPBELL AVE	CR OFFICE

THIS WEEK \$ 81,393.00
 TO DATE \$ 1,919,643.00

CLASS: INDUSTRIAL

THIS WEEK \$.00
 TO DATE \$ 300,000.00

CLASS: GOVERNMENT/INSTITUTIONAL

FED GOVT (SIR HUMPH. GILBERT)	175-177 DUCKWORTH ST, 4TH FLOO	RN ADMIN BLDG/GOV/NON-PROFIT
CITY OF ST. JOHN'S	139 MAYOR AVE, LIONS CLUB	RN ADMIN BLDG/GOV/NON-PROFIT

THIS WEEK \$ 235,000.00
 TO DATE \$ 1,190,500.00

CLASS: RESIDENTIAL

GERARD ANTLE	58 PALM DR	NC ACCESSORY BUILDING
BRASILINO & RUBY RAMOS	174 SIGNAL HILL RD	NC FENCE
BRASILINO & RUBY RAMOS	174 SIGNAL HILL RD	NC ACCESSORY BUILDING
ERCO HOMES	32 VEITCH CRES - LOT 248	NC SINGLE DETACHED DWELLING
ERCO HOMES	45 VEITCH CRES, LOT 206	NC SINGLE DETACHED DWELLING
TONY NOONAN	170 WATERFORD BRIDGE RD	NC SINGLE DETACHED DWELLING
PAT GARDINER	152 FOREST RD	CD SINGLE DETACHED DWELLING
YVETTE FLOOD	4 HEBBARD PL	CO HOME OFFICE
NEIL TULK	81A PETTY HARBOUR RD	CO HOME OFFICE
M. B. HOLDINGS INC.	3 DUNFORD ST	RN TOWNHOUSING
CHANTAL JORDAAN	89 GOWER ST	RN TOWNHOUSING
DARRELL O'BRIEN	212-214 MAIN RD	RN SUBSIDIARY APARTMENT
TEKOIL & GAS CORORATION	25 MOUNTBATTEN DR	RN SINGLE DETACHED DWELLING
ROLEY CONSTRUCTION	58 PRESCOTT ST	SW APARTMENT BUILDING

THIS WEEK \$ 414,700.00
 TO DATE \$ 3,320,969.00

CLASS: DEMOLITION

MR. & MRS EDWARD FRANCIS BRAGG	31 BEAUMONT ST	DM TOWNHOUSING
JUNE E STONE	33 BEAUMONT ST	DM TOWNHOUSING
IRVING OIL LTD.	43 CASHIN AVE, IRVING	DM SERVICE STATION

THIS WEEK \$ 13,000.00
 TO DATE \$ 88,256.00

THIS WEEK'S TOTAL: \$ 744,093.00

TOTAL YEAR TO DATE: \$ 6,819,368.00

REPAIR PERMITS ISSUED: 2007/02/08 TO 2007/02/14 \$ 23,000.00
 2006/12/28 TO 2007/02/14 \$ 123,750.00 YTD

LEGEND

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

Payrolls and Accounts

SJMC2007-02-19/84R

It was decided on motion of Councillor Colbert; seconded by Councillor Hickman: That the following Payroll and Accounts Payable for the week ending February 15, 2007 be approved:

**Weekly Payment Vouchers
For The
Week Ending February 15, 2007**

PAYROLL

Public Works		\$
351,339.78		
Bi-Weekly Casual		\$
	13,277.30	

ACCOUNTS PAYABLE

Cheque No. 112563 - 112830	\$
	1,712,297.30
(Includes Direct Deposits/Transfers/Equip. Leasing)	

Total:

**\$
2
,
0
7
6
,
9
1
4
.
3**

Tenders

- a. Tender - Supply of Building Materials & Hardware, on a when and as required basis, for a one year period
- b. Request for Proposals - Art Procurement Policy and Procedures Review
- c. Request for Proposals - Cultural Planning Research

SJMC2007-02-19/85R

It was decided on motion of Councillor Colbert; seconded by Councillor Hickman: That the recommendation of the Director of Finance and City Treasurer and the Director of Economic Development, Tourism and Culture be approved and the tenders awarded as follows:

- a. Chester Dawe Ltd. in the amount of \$66,521.26 (HST Extra)
- b. Gordon Laurin in the amount of \$15,000.00
- c. Dennis Knight Associates in the amount of \$27,000.00

Newco Metals and Auto Recycling - Lease Renewal

Council considered a memorandum dated February 8, 2007 from the Associate Commissioner/Director of Engineering regarding the above noted.

SJMC2007-02-19/86R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Colbert: That the recommendation of the Associate Commissioner/Director of Engineering that the 2007 lease between the City of St. John=s and Newco Metals and Auto Recycling Limited, only be renewed until October 29, 2007, be approved. (This date will coincide with the company=s Certificate of Approval expiry date).

Snow Clearing Report

Council considered as information the snow clearing report for the period January 1st to February 16th, 2007 showing a negative variance of \$186,297.00.

**Heritage Canada Foundations=s Petition, Federal Financial Incentives for
Heritage Buildings, Landmarks, Not Landfill@**

Council considered a memorandum dated February 15, 2007 from the Manager of Planning and Information regarding the above.

SJMC2007-02-19/87R

**It was moved by Councillor Duff; seconded by Councillor Hickman:
That the City endorse the following petition and forward it to the
Federal Government for 2007 federal budget.**

Whereas historic places are an integral part of memory, community, and identity, telling the stories of who we are and where we come from;

Whereas Canada has lost more than 20 percent of its pre-1920 heritage buildings to demolition over the last 30 years;

Whereas the rehabilitation of historic places creates jobs, stimulates adjacent development, increases property values, reduces landfill, and protects community character;

Whereas the pilot Commercial Heritage Properties Incentive Fund (CHPIF) (which was recently cancelled) demonstrated the need for, and beneficial effect of, a federal incentive to leverage private investment for the rehabilitation of historic places;

Whereas the federal tax system encourages and rewards economic activities in many commercial areas, such as motion-picture production and mineral exploration, but contains disincentives to the reuse of historic buildings; and

Whereas the tools are in place to identify eligible heritage properties and establish the quality of rehabilitation work, through the federal/provincial/territorial Historic Places Initiative;

Therefore we call upon the Government of Canada to include financial incentives for historic places in the next federal budget.

The motion being put was unanimously carried.

Travel Authorization - Councillor Duff

SJMC2007-02-19/88R

It was decided on motion of Councillor Colbert; seconded by Councillor Puddister: That travel costs in the amount of \$32.24 by Councillor Duff to Ocean Quest Lodge in Manuels, CBS, two (2) round trips, to attend meeting of the NLFM Urban Municipalities Committee meeting, be approved.

Councillor Duff

Councillor Duff, who represents the City on the Grand Concourse Authority tabled their annual general meeting reports which she referred to the appropriate departments as reference material.

Councillor Duff mentioned her attendance at the Urban Municipalities Committee meeting in CBS, February 9 to 10, 2007 and advised she will provide a written report to Council on the meetings at a later date. However, she did make reference to reports by the Conference Board of Canada and summarized at the meetings by Robert Greenwood, the Director of Memorial University=s Leslie Harris Centre of Regional Policy and Development, which focussed on successful Canadian cities and hub cities with no mention of St. John=s as a hub city or a successful Canadian city. She noted that in her opinion both of the reports are very damaging to St. John=s and the Province and expressed concern of serious implications for the City and the Province, in referencing Halifax as a capital or being promoted as the region=s oil and gas capital . She asked that the matter be referred to the Economic Development Standing Committee and that Mr. Robert Greenwood be invited to that meeting to discuss the reports.

His Worship the Mayor pointed out that he has raised the issue with Council before, noting that any suggestion that Halifax is the oil and gas capital is completely erroneous. He further indicated that he refuses to be part of the Atlantic Mayors Congress.

Councillor Galgay

Councillor Galgay mentioned the 2007 Aliant Winterlude event held in Bowring Park on Sunday, February 18, 2007, hosted by the City=s Department of Recreation with the support of the Parks Division, and on behalf of staff he thanked the volunteer groups who participated, and all the business and corporate groups involved in the event. He also thanked staff members for their efforts in creating such a successful event.

Councillor Ellsworth

Councillor Ellsworth congratulated all participants of the Newfoundland and Labrador Volleyball Association 16 and Under Pro Championships held this past weekend with Leary=s Brook Jr. High Grade 9 team winning Gold; Macdonald Drive Grade 9 girls winning Silver and Mount Pearl Intermediate winning Bronze.

Councillor Collins

Councillor Collins tabled a petition from residents of Walsh=s Lane and Old Bay Bulls Road concerning drinking water problems in that area, which was referred to the Associate Commissioner/Director of Engineering for investigation.

Councillor Collins congratulated Sergeant Michael Denine of St. John=s on being awarded the Star of Military Valour.

Adjournment

There being no further business the meeting adjourned at 5:00 p.m.

MAYOR

CITY CLERK