

February 25th, 2008

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 O'Keefe, Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Coombs, Ellsworth and Collins

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

(All other City Directors were in attendance for the Mayor's final Regular Meeting of Council)

Call to Order and Adoption of the Agenda

SJMC2008-02-25/113R

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

- a. Memorandum dated February 22, 2008 from the Chief Commissioner/City Solicitor re Murphy's Lane/Mundy Pond Road
- b. Memorandum dated February 22, 2008 from the Director of Building and Property Management re St. Joseph's Lane
- c. Travel Request by Deputy Mayor O'Keefe – Miami Seatrade, March 11 to 16, 2008
- d. Setting of the date for the By-Election (Memorandum dated February 20, 2008 from the City Clerk)

Adoption of Minutes

SJMC2008-02-25/114R

It was decided on motion of Councillor Coombs; seconded by Councillor Hann: That the Minutes of the February 18th, 2008 meeting be adopted as presented.

**Notice of Motion – His Worship the Mayor
St. John’s Animal Control Regulation**

SJMC2008-02-25/115R

**Pursuant to Notice of Motion, it was moved by Deputy Mayor O’Keefe;
seconded by Councillor Ellsworth: That the following By-Law relating to
the regulation and control of domesticated animals within the City of St.
John’s be adopted:**

BY-LAW NO.

ANIMAL CONTROL REGULATION

PASSED BY COUNCIL ON FEBRUARY 25, 2008

Pursuant to the powers vested in it under the City of St. John=s Act, R.S.N.L. 1990, c.C-17, as amended and all other powers enabling it, the City of St. John=s enacts the following By-Law relating to the regulation and control of domesticated animals within the City of St. John=s.

BY-LAW

1. This By-Law may be cited as the St. John=s Animal Control Regulation.
2. In this By-Law:
 - (a) AAnimal@ means all species of fauna excluding humans, fish and aquatic invertebrates;
 - (b) ACat@ means a male or female domesticated cat;
 - (c) ADog@ means a male or female domesticated dog and includes an animal which is a cross between a wolf and a dog;
 - (d) AOfficer@ means a Humane Services Officer in the employ of the City of St. John=s or other person or persons designated by the City of St. John=s to enforce the provisions of this By-Law; and
 - (e) AOwner@ means any person, partnership, association, or corporation that owns, possesses or has control, care or custody over an animal.
3.
 - (1) Every owner of an Animal is responsible to ensure that the Animal is provided with the following:
 - (a) clean, fresh drinking water and food of sufficient quantity and quality so as to allow for normal, healthy growth and the maintenance of normal, healthy body weight;

- (b) clean food and water receptacles located so as to avoid contamination by excreta;
 - (c) exercise sufficient to maintain good health; and
 - (d) necessary veterinary medical care.
- (2) Every Owner whose Animal normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the Animal is provided with an enclosure which meets the following criteria:
- (a) no more than three Animals may be in an enclosure;
 - (b) a total area that is at least twice the length of the first Animal in all directions and not less than 9 metres² where one Animal is housed; however where more than one Animal is housed the width and length of the enclosure shall be increased by one meter for each additional Animal;
 - (c) a minimum height of one (1) metre over and above the height of the tallest Animal in the enclosure;
 - (d) contains a shelter or shelters, which in the opinion of the Officer, provides protection from the elements and is of sufficient size so as to allow each Animal or Animals to turn around freely and lie in a normal position;
 - (e) is situate so as to, in the opinion of the Officer, provide sufficient shade at all times;
 - (f) is cleaned, including the removal of excreta, on a daily basis;
 - (g) does not have wire mesh, metal or wooden slat flooring; and
 - (h) is not stacked with other enclosures and is not located off the ground.
 - (i) is heated, in an approved manner and to a temperature acceptable to the Officer, from November 1st to April 30th.
- (3) No Owner shall house a pregnant or nursing Animal with other Animals other than its nursing offspring.
- (4) No Owner shall cause an Animal to be left unattended/hitched, while tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus or where rope or cord is tied directly around the Animal=s neck.

- (5) No Owner shall cause an Animal to be confined in an enclosed space, including a motor vehicle, without adequate ventilation.
 - (6) No Owner shall transport an Animal in a motor vehicle outside the passenger compartment unless the Animal is, in the opinion of the Officer, adequately confined or secured in a body harness or other manner of fastening which is adequate to prevent the Animal from falling from the motor vehicle or otherwise injuring itself.
4. No Owner shall keep an Animal in an unsanitary condition. Conditions shall be considered unsanitary where, in the opinion of the Officer, the keeping of the Animal results in an accumulation of fecal matter, an odor, insect infestation or rodent attractants which endanger the health of the Animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.
5. (1) When a Dog or Cat defecates on any public or private property other than the property of its Owner, the Owner shall cause such faeces to be removed immediately.
- (2) No Owner shall suffer, permit, allow or for any reason have his or her Animal, bark, howl, or meow excessively so as to become a nuisance in the opinion of the Officer.
- (3) No owner of a Dog shall permit his or her Dog to:
- (a) chase, bite or attack any person
 - (b) chase, bite or attack any domestic animal
 - (c) damage public or private property.
- (4) The running at large of Dogs or Cats is prohibited unless otherwise exempted by law.
6. (1) The owner of any Dog aged six months or more shall obtain a licence for the Dog by registering it with the municipality and paying a fee as specified in Schedule A.
- (2) The owner of any Dog aged six months or more shall obtain a licence for the Dog within 20 business days of acquiring the Dog or within 20 business days of the Dog attaining the age of six months.
- (3) The Owner shall renew the license annually and shall advise the City of any changes in licensing information, including, but not limited to, change of address and/or phone number.
- (4) When the Dog is off the property of the Owner the Owner shall cause the Dog to wear around the neck a collar to which shall be attached the current licence tag issued for that Dog.

- (5) A Dog used as a guide or for assistance to a disabled person shall be licensed and shall wear the current licence tag. Any person who produces evidence satisfactory to the Officer showing that the Dog is required as a guide or for assistance by a disabled person shall be exempt from paying the licence fee.
 - (6) The City shall keep a record of all Dogs registered and licenced, showing the date and number of registration and licence, and the name and description of the Dog, with the name and address of the Owner.
 - (7) A licence for a Dog shall not be transferable.
- 7.
- (1) The Officer may seize and impound:
 - (a) every Animal found at large
 - (b) every Dog not wearing a collar and tag while off the premises of the Owner and not accompanied by a person responsible.
 - (2) The Officer shall make all reasonable efforts to identify and contact the Owner of every stray Animal received, whether the Animal is living or dead.
 - (3) Every Animal shall be provided with clean food and water and sheltered in sanitary conditions. The Animal shall remain impounded for a minimum of five days or for the length of time prescribed by provincial legislation, unless the Animal is claimed by its rightful Owner. If not claimed within that time, the Animal shall become the property of the City.
 - (4) Where in the opinion of the Officer, in consultation with a veterinarian, an impounded Animal is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the Animal may be euthanized humanely.
 - (5) Where an impounded Animal seized and impounded is injured or ill and is treated by a veterinarian, the City shall, in addition to any impoundment fees, be entitled to charge the person claiming the Animal for the cost of the treatment.
 - (6) During the impoundment period, the Owner may claim the Animal upon proof of ownership of the Animal and payment to the City of:
 - (a) the appropriate licence fee where the Dog is not licenced;
 - (b) maintenance fees as specified in Schedule A, and
 - (c) veterinary fees where applicable.
 - (7) An Animal that is impounded and not claimed by the Owner within the time provided in subsection (3) may:

- (a) be adopted for such fees as may be established; or
 - (b) be euthanized by humane methods.
- (8) An impounded Animal which is in the opinion of the Officer, dangerous to persons and/or Animals may be humanely destroyed immediately. An impounded Animal that has been designated as dangerous by the Officer shall not be offered for adoption.
8. The St. John=s Animal Control Regulation passed by the St. John=s Municipal Council on May 16, 1990, together with all amendments thereto, are hereby repealed.
9. Any person who contravenes the provisions of this By-Law shall be guilty of an offence and liable upon summary conviction to a fine as provided for in section 403 of the City of St. John=s Act, as amended.

IN WITNESS WHEREOF the Seal of the City of St. John’s has been hereunto affixed and this Regulation has been signed by the Mayor and City Clerk on behalf of the St. John’s Municipal Council this 25TH day of February, 2008.

MAYOR

CITY CLERK

SCHEDULE AA@

Licenses:

- 1. Dog Licence for neutered male or spayed female \$10.00
- 2. Dog Licence 10.00

Impound Fees:

First Impoundment in any twelve month period:

- Licenced Animal \$ 25.00
- Unlicenced Animal which is neutered or spayed 25.00
- Unlicenced Animal which is not neutered or spayed 50.00

Second Impoundment in any twelve month period:

Licenced Animal	\$ 50.00
Unlicenced Animal	75.00

Third or Subsequent Impoundment in any twelve month period:

Licenced Animal	\$ 75.00 *
Unlicenced Animal	100.00 *

(* This fee shall increase by \$50.00 for each impoundment in excess of 3 in a twelve month period.)

Daily Rates	-	Cats	\$ 10.00
	-	Dogs	10.00
	-	Other Animals	10.00
	-	Quarantined Animals	25.00

Discussion ensued during which His Worship the Mayor asked members of Council to support the by-law in an attempt to give the City the ability to deal with many of the major problems associated with animal control. It was noted during discussion that currently only the SPCA and the police have authority to investigate private property, however, the City is in the endeavouring to get that authority. Also, during discussion, His Worship the Mayor noted he would like to be considered as a candidate to serve on the Animal Control Committee.

Following discussion, the motion being put was unanimously carried.

St. John’s Municipal Plan Amendment Number 58, 2008 and St. John’s Development Regulations Amendment Number 428, 2008 – Proposed Hotel Development – Civic Number 418 Water Street (Ward 2)

Under business arising, Council considered a memorandum dated February 22, 2008 from the Director of Planning regarding the above noted.

SJMC2008-02-25/116R

It was moved by Councillor Duff; seconded by Councillor Ellsworth: That the following Resolutions for St. John’s Municipal Plan Amendment Number 58, 2008 and St. John’s Development Regulations Amendment Number 428, 2008 be adopted; and further that Dr. Chris Sharpe, a member of the City’s Commissioner list, be appointed as the commissioner to conduct a public hearing on the amendments. The proposed date for the hearing being March 18, 2008.

**RESOLUTION
ST. JOHN’S MUNICIPAL PLAN AMENDMENT NUMBER 58, 2008**

WHEREAS the St. John’s Municipal Council wishes to permit a hotel development with a Building Height greater than 15 metres at the property located at Civic Number 418 Water Street.

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

1. Modify Part III Section 3.3.4 – the “Commercial Downtown Land Use District” by repealing the first paragraph under the heading of “Building Height and Area” and substituting the following:

“This District allows buildings not exceeding 15 metres in height with a Floor Area Ratio not exceeding 3.0 except where otherwise provided in the Development Regulations. In a situation where owing to substantial grade differences on a lot with frontage on more than one public street, a multi-storey building would have a storey higher than 6.0 metres, Council may increase the maximum Floor Area Ratio to 4.0, provided the maximum Building Height in metres is maintained.”

BE IT FURTHER RESOLVED that the St. John’s Municipal Council requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John’s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 25th day of February, 2008.

Mayor

**Director of Corporate Services
& City Clerk**

<p>I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.</p> <p>_____</p> <p>MCIP</p>

RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 428,
2008

WHEREAS the St. John's Municipal Council wishes to permit a hotel development with a Building Height greater than 15 metres at the property located at Civic Number 418 Water Street.

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

1. Repeal Section 10.23.3 of the Development Regulations – Zone Requirements for the Commercial Central Mixed Use (CCM) Zone and substitute the following:

**“10.23.3 Zone Requirements – Commercial Central Mixed Use
(CCM) Zone**

**The following requirements shall apply to all uses except Service
Stations:**

- (a) **Floor Area Ratio (maximum) 3.0**

In a situation where owing to substantial grade differences on a lot with frontage on more than one public street, a multi-storey building would have a storey higher than 6.0 metres, Council may increase the maximum Floor Area Ratio to 4.0, provided the maximum Building Height does not exceed 15 metres.

- (b) **Building Height (maximum) 15 metres**

- (c) **Residential Density (maximum)**

One (1) Dwelling Unit per 50m² of Lot Area:

- (d) **Notwithstanding Subsections (a), (b) and (c), Council may permit at the property situate at Civic Number 418 Water Street a Building with a Building Height greater than 15 metres.**

BE IT FURTHER RESOLVED that the St. John's Municipal Council requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 25th day of February, 2008.

Mayor

**Director of Corporate Services
& City Clerk**

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

MCIP

The motion being put was unanimously carried.

Provincial Campaign – Ban Smoking in Cars

Under business arising, Council considered a letter dated February 7, 2008 to His Worship the Mayor from Mr. Paul Thomey, Executive Director, Newfoundland & Labrador Lung Association regarding the above noted.

SJMC2008-02-25/117R

It was moved by Councillor Hann; seconded by Councillor Colbert: That the Provincial Minister of Health be written indicating Council’s support of the Provincial Lung Association campaign to ban smoking in cars with children .

The motion being put was unanimously carried.

Snow Clearing Report – Salt Usage

Under business arising, Council considered as information a memorandum dated February 20, 2008 from the Director of Finance and City Treasurer regarding the above noted.

Notices Published

1. An application has been submitted by Cabot Development Corporation Ltd. to have undeveloped property on the **north side of Stavanger Drive, bordering the Clovelly Golf Course, approximately east of the Wal Mart store on Stavanger Drive and west of Coultas Street**, rezoned from the Open Space (O) Zone and the Commercial Regional (CR) Zone to the Residential Medium Density (R2) Zone and the Apartment High Density (A3) Zone.

The rezoning is intended to accommodate a proposed senior citizen condominium housing development consisting of 30 building lots with a mixture of 12 metre and 15 metre frontages for single-detached dwellings, a proposed 4-storey residential condominium building with approximately 55 units and a seniors retirement village

consisting of a proposed 5-story building and two 4-storey buildings with a total of approximately 208 residential units. The subject property has a total area of approximately 6.5 hectares (16 acres). (WARD 1)

Memorandum dated February 22, 2008 from the Director of Planning

SJMC2008-02-15/118R

It was moved by Councillor Puddister; seconded by Councillor Hickman: That the following Resolutions for St. John’s Municipal Plan Amendment Number 59, 2008 and St. John’s Development Regulations Amendment Number 430, 2008 be adopted-in-principle, subject to Provincial release:

RESOLUTION

ST. JOHN’S MUNICIPAL PLAN AMENDMENT NUMBER 59, 2008

WHEREAS the St. John’s Municipal Council wishes to permit the construction of a mixed use residential development located on the north side of Stavanger Drive and west of Coultas Street.

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

Redesignate land located on the north side of Stavanger Drive and west of Coultas Street, from the Commercial General Land Use District, the Open Space Land Use District and the Residential Medium Land Use District to the Residential High Density Land Use District, the Residential Low Density Land Use District and the Open Space Land Use District as shown on Map III – 1A attached.

BE IT FURTHER RESOLVED that the St. John’s Municipal Council requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

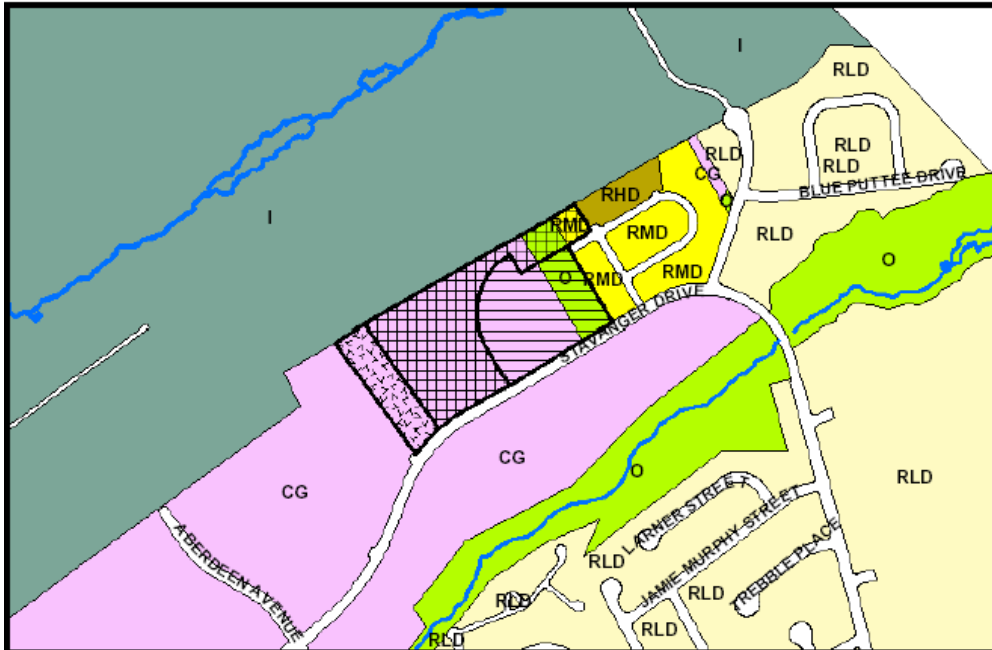
IN WITNESS THEREOF the Seal of the City of St. John’s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 25th day of February, 2008.

Mayor

**Director of Corporate Services
& City Clerk**

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

MCIP



CITY OF ST. JOHN'S

**MUNICIPAL PLAN 2003
AMENDMENT No. 59, 2008
[MAP III-1A]**

SCALE= 1: 7500

2008 02 19
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING



AREA PROPOSED TO BE REDESIGNATED FROM COMMERCIAL GENERAL (CG) LAND USE DISTRICT TO OPEN SPACE (O) LAND USE DISTRICT



AREA PROPOSED TO BE REDESIGNATED FROM COMMERCIAL GENERAL (CG), OPEN SPACE (O) AND RESIDENTIAL MEDIUM DENSITY (RMD) LAND USE DISTRICTS TO RESIDENTIAL HIGH DENSITY (RHD) LAND USE DISTRICTS



AREA PROPOSED TO BE REDESIGNATED FROM COMMERCIAL GENERAL (CG) AND OPEN SPACE (O) LAND USE DISTRICTS TO RESIDENTIAL LOW DENSITY (RLD) LAND USE DISTRICT

STAVANGER DRIVE

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

MAYOR

DIRECTOR CORP. SERVICES/CITY CLERK

COUNCIL ADOPTION

M.C.I.P. signature and seal

RESOLUTION

ST. JOHN’S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 430, 2008

WHEREAS the St. John’s Municipal Council wishes to permit the construction of a mixed use residential development located on the north side of Stavanger Drive and west of Coultas Street.

BE IT THEREFORE RESOLVED that the St. John’s Municipal Council hereby adopts the following map and text amendments to the St. John’s Development Regulations pursuant to the provisions of the Urban and Rural Planning Act, 2000.

1. Rezone land on the north side of Stavanger Drive situated west of Coultas Street from the Commercial Regional (CR) Zone, the Residential Medium Density (R2) Zone and the Open Space (O) Zone to the Apartment High Density (A3) Zone, the Residential Low Density (R1) Zone and the Open Space (O) Zone as shown on Map Z - 1A attached.
2. Repeal Section 10.14.3 (f) of the Development Regulations (Building Height – Apartment High Density (A3) Zone) and substitute the following:

“(f) Building Height (maximum)
Ten (10) storeys (not exceeding 37 metres) except those properties located at Civic Numbers 346-360 Empire Avenue and commonly referred to as the Kelly’s Brook Seniors’ Apartments, where the Building Height is restricted to a maximum of five (5) storeys; and except for the property located on Forest Road and commonly known as the Old General Hospital site, where the Building Height is restricted to a maximum of three (3) storeys; and except for the property located on the north side of Stavanger Drive and east of Coultas Street where the Building Height is restricted to six (6) storeys; and except for the property located on the north side of Stavanger Drive and west of Coultas Street where the Building Height is restricted to five (5) storeys.”

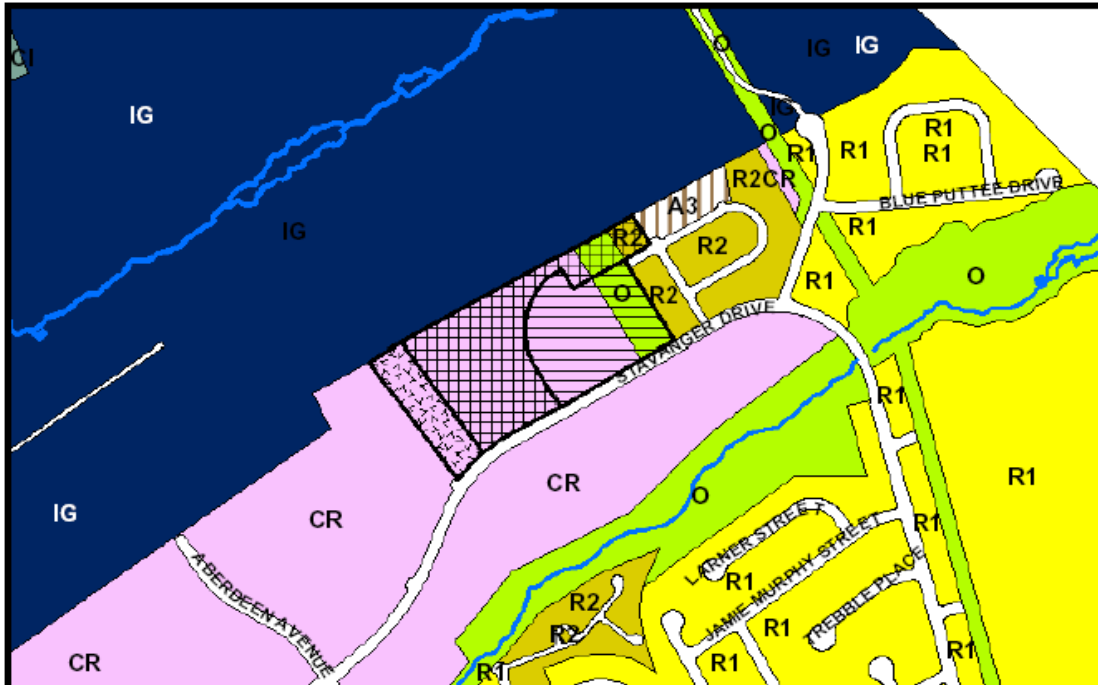
BE IT FURTHER RESOLVED that the St. John’s Municipal Council requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John’s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 25th day of February, **2008**.

Mayor




**Director of Corporate Services
& City Clerk**

<p>I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.</p> <p>_____</p> <p>MCIP</p>



**CITY OF ST. JOHN'S
 LAND USE ZONING AND
 DEVELOPMENT REGULATIONS 1994
 AMENDMENT No. 430, 2008
 [MAP Z-1A]**

SCALE= 1: 7500
 2008 02 19
 CITY OF ST. JOHN'S
 DEPARTMENT OF PLANNING

-  AREA PROPOSED TO BE REZONED FROM COMMERCIAL REGIONAL (CR) LAND USE ZONE TO OPEN SPACE (O) LAND USE ZONE
-  AREA PROPOSED TO BE REZONED FROM COMMERCIAL REGIONAL (CR), OPEN SPACE (O) AND RESIDENTIAL MEDIUM DENSITY (R2) LAND USE ZONES TO APARTMENT HIGH DENSITY (A3) LAND USE ZONE
-  AREA PROPOSED TO BE REZONED FROM COMMERCIAL REGIONAL (CR) AND OPEN SPACE (O) LAND USE ZONES TO RESIDENTIAL LOW DENSITY (R1) LAND USE ZONE

STAVANGER DRIVE

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

 MAYOR

 DIRECTOR CORP. SERVICES/CITY CLERK

 COUNCIL ADOPTION

 M.C.I.P. signature and seal

Councillor Puddister advised that the snow clearing issue has not been addressed but the developer is working with staff to come up with a satisfactory solution.

Following discussion, the motion being put was unanimously carried.

2. A **Discretionary Use Application** has been submitted by Jo Boss Coffee and Espresso requesting permission to establish and operate an Eating Establishment/Restaurant from **Civic No. 516 Topsail Road**. The proposed business will operate from the first floor and will occupy a floor area of 150 m². Hours of operation will be 7:00 a.m. to 11:00 p.m. daily. On site parking is provided. **(WARD 3)**

SJMC2008-02-25/119R

It was decided on motion of Councillor Coombs; seconded by Councillor Duff: That the application be approved.

3. A **Variance of Non-Conformity** application has been submitted by Mr. Ches Snow requesting permission to change the use of the former Creative Canvas Premises, located at **Civic No. 409 Bay Bulls Road**, to accommodate a Furniture Restoration and Upholstery Business. The proposed business will occupy a floor area of approximately 418 square meters within the building and will employ a staff of between 2 and 3. Off street parking for 15 vehicles can be accommodated on the site.

The subject property is currently zoned Rural Residential Infill (RRI) under the St. John's Development Regulations. The former use of this property is considered to be a legal Non-Conforming Use in this zone. **(WARD 5)**

SJMC2008-02-25/120R

It was decided on motion of Councillor Collins; seconded by Councillor Hann: That the application be approved.

4. A **Discretionary Use Application** has been submitted by Equine Meadows requesting permission to build an Indoor Riding Arena for horse riding at **Civic No. 29 Heavy Tree Road**. The proposed arena will measure 30 metres in length, 18 metres wide and will be 9 metres in height. The facility will be used by a maximum of five (5) horses. **(WARD 5)**

SJMC2008-02-25/121R

It was decided on motion of Councillor Collins; seconded by Councillor Ellsworth: That the application be approved.

Development Committee Report dated February 19, 2008

Council considered the following Development Committee Report dated February 19, 2008:

1. **Proposed Residential Building Lot**
Mr. John Molloy
Fowler's Road (Ward 5)

The Development Committee reaffirms its original decision to reject the above noted application in accordance with Section 5.1.3(3) of the St. John's Development Regulations (premature development).

Art Cheeseman, Chairperson
Associate Commissioner/Director of Engineering

SJMC2008-02-25/122R

It was decided on motion of Councillor Ellsworth; seconded by Councillor

Puddister: That the Committee’s recommendation to reaffirm its original decision to reject the application in accordance with Section 5.1.3(3) of the St. John’s Development Regulations (premature development), be accepted.

Development Permit List

Council considered as information the following Development Permits List for the period February 15 to 21, 2008:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF FEBRUARY 15, 2008 TO FEBRUARY 21, 2008**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
Com.	Mr. J. Des Cousins	Home Office: Environmental Engineering Consulting Business	Civic No. 18 McDougal Street	Ward 2	Application Approved	2008 02 15
Ind.	Murphy Services Inc.	Proposed Quarry Operation (File No. 7118173)	Dog Pond Forest Access Road (Off Trans Canada Highway)	Ward 5	Application Rejected: Contrary to Section 10.46	2008 02 19
Res.	Mr. Harold Dillon	Construction of Single Detached Dwelling	Civic No. 416 Blackmarsh Road	Ward 3	Application Rejected: Contrary to Section 10.3.3(1)(b)	2008 02 21

*	Code Classification:			
	RES	- Residential	INST	-
	COM	- Commercial	IND	-
	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

SJMC2008-02-25/123R

It was decided on motion of Councillor Ellsworth; 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:

2008/02/20

Permits List

CLASS: COMMERCIAL

U-AUTO WASH INC.	15 ABERDEEN AVE	SN CAR WASHING ESTABLISHMENT
PEOPLE'S JEWELLERS	AVALON MALL - PEOPLE'S JEW	SN RETAIL STORE
HAIR HAVAN	255 BAY BULLS RD	MS SERVICE SHOP
GOLDSTONE DEVELOPMENTS LIMITED	328 BLACKMARSH RD	MS RETAIL STORE
KENNY ENTERPRISES LTD.	63 BROOKFIELD RD	MS CONVENIENCE STORE
DICKS AND COMPANY LIMITED	385 EMPIRE AVE	MS OFFICE
TOYOTA PLAZA LIMITED	73 KENMOUNT RD	MS CAR SALES LOT
TOYOTA PLAZA LIMITED	73 KENMOUNT RD	MS CAR SALES LOT
ATLANTIC RECREATION LIMITED	465 KENMOUNT RD	MS RETAIL STORE
HAIR TALK	120 LEMARCHANT RD	MS SERVICE SHOP
MARIES MINI MART	484-490 MAIN RD	MS CONVENIENCE STORE
ATLANTIC HOSE AND FITTINGS LTD	50 PIPPY PL	MS OFFICE
COLUMBUS HALL STOCK CO.	ST. CLARE AVE	MS CLUB
SOUTHERN MEDICAL CLINIC	390 TOPSAIL RD	SN CLINIC
HSBC BANK CANADA	205 WATER ST, HSBC	SN BANK
THE OAS MASSAGE STUDIO	11 QUEEN ST	CO SERVICE SHOP
FORTIS PROPERTIES CORPORATION	136-140 WATER ST	RN OFFICE
ALIAN T	HAMILTON AVE	NC COMMUNICATIONS USE
PEOPLES JEWELLERS	AVALON MALL - PEOPLES	TI RETAIL STORE
25 TIFFANY LANE CONDO CORP	UNIT 303, 25 TIFFANY LANE	RN CONDOMINIUM

THIS WEEK \$ 230,100.00
TO DATE \$ 5,721,544.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00
TO DATE \$ 3,028,071.00

CLASS: RESIDENTIAL

PAM LAYDEN	495 EMPIRE AVE	NC SINGLE DETACHED & SUB.APT
CYRIL JANES	579 EMPIRE AVE	NC ACCESSORY BUILDING
PRO-TECH CONSTRUCTION LTD.	28 SHORTALL ST - LOT 37A	NC SINGLE DETACHED DWELLING
THOMAS MURRIN & MARIA KRIEVAN	56 BURRY PORT ST	CR SINGLE DETACHED DWELLING
HANLEY CONSTRUCTION	11 HOPEDALE CRES	CR SUBSIDIARY APARTMENT
HANLEY CONSTRUCTION ING	13 HOPEDALE CRES - LOT 153	CR SUBSIDIARY APARTMENT
HANN CONSTRUCTION LIMITED	20 VEITCH CRES	CR SINGLE DETACHED DWELLING
DEREK DYMOND	301 NEWFOUNDLAND DR	EX SINGLE DETACHED & SUB.APT
ERCO DEVELOPMENTS INC.	10 FLORENCIA CRT	RN TOWNHOUSING
REVALATION RENOVATIONS	36 GILBERT ST	RN TOWNHOUSING
CHRISTOPHER CONNOLLY & KRISTY	2 MYRICK PL	RN SINGLE DETACHED DWELLING
K.A.R.A. INVESTMENTS LTD.	50 PALM DR - LOT 125	RN SINGLE DETACHED DWELLING
IVAN ABBOTT	7 RUSS HOWARD ST, LOT 114	RN SINGLE DETACHED
DWELLING		
LORI ROGERS	152 ST. CLARE AVE	RN APARTMENT BUILDING

THIS WEEK \$ 525,800.00
TO DATE \$ 3,665,864.00

CLASS: DEMOLITION

JOHN HASLAM & ROXANNE PETTIPAS	33 FLOWER HILL	DM SEMI-DETACHED DWELLING
JOHN HASLAM & ROXANNE PETTIPAS	35 FLOWER HILL	DM SEMI-DETACHED DWELLING
25 TIFFANY LANE CONDO CORP	UNIT 303, 25 TIFFANY LANE	DM CONDOMINIUM

THIS WEEK \$ 16,000.00
TO DATE \$ 220,500.00

THIS WEEK'S TOTAL: \$ 771,900.00

TOTAL YEAR TO DATE: \$ 12,635,979.00

REPAIR PERMITS ISSUED: 2008/02/14 TO 2008/02/20 \$ 79,800.00
2007/12/13 TO 2008/02/20 \$ 145,450.00 YTD

LEGEND

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

Payrolls and Accounts

SJMC2008-02-25/124R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending February 14, 2008 be adopted as presented:

**Weekly Payment Vouchers
For The
Week Ending February 21, 2008**

PAYROLL

Public Works	\$ 372,835.51
Bi-Weekly Amalgamation	\$ 511,626.23
Bi-Weekly Management	\$ 518,382.68
Bi-Weekly Administration	\$ 515,317.59

ACCOUNTS PAYABLE

Cheque No. 128561 – 128839	\$2,175,466.38
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Total: \$4,093,628.20

Murphy's Lane/Mundy Pond Road

Council considered a memorandum dated February 22, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-02-25/125R

It was moved by Councillor Coombs; seconded by Councillor Ellsworth: That the recommendation of the Chief Commissioner and City Solicitor,

with respect to City land at Murphy’s Lane/Mundy Pond Road, that the easement be granted to Aliant for \$1,339.17 (as per a formula negotiation with Aliant) and that the land be sold to Mrs. Stone subject to the easement at a rate to be based on \$1.00 per square foot (approximately \$2,500.00) plus usual administration fees, be approved.

The motion being put was unanimously carried.

St. Joseph’s Lane

Council considered a memorandum dated February 22, 2008 from the Director of Building and Property Management regarding an application to approve all existing signs, which have been installed without permits at even numbers 2-20 St. Joseph’s Lane.

SJMC2008-02-25/126R

It was moved by Councillor Hann; seconded by Councillor Ellsworth: That the recommendation of the Director of Building and Property Management that Council reject all signs except the ten brass wall plaques, with respect to 2-20 St. Joseph’s Lane, in accordance with Section 3(2) of the Sign By-Law, be approved.

The motion being put was unanimously carried.

Travel – Deputy Mayor O’Keefe

SJMC2008-02-25/127R

It was moved by Councillor Colbert; seconded by Councillor Hickman: That travel by Deputy Mayor O’Keefe to Miami, March 11 to 16, 2008 to attend Seatrade Miami - Marketing and Promotion Sales Calls for St. John’s and the Province of NL, (with Cruise NL cost sharing the travel), be approved.

The motion being put was unanimously carried.

Setting of the Date for the By-Election

Council considered a memorandum dated February 20, 2008 from the Associate Commissioner/Director of Corporate Services and City Clerk regarding the above noted.

SJMC2008-02-25/128R

It was moved by Councillor Hann; seconded by Deputy Mayor O’Keefe: That the recommendation of the Associate Commissioner/Director of Corporate Services and City Clerk that Council set the date of the by-election as Tuesday, June 3, 2008, be approved; and the following will therefore constitute the legislated timetable:

1. Last day for current Councillors running in the by-election to tender resignation to City Clerk April 18, 2008
2. Call for nominations April 19, 2008
3. Nominations open April 29, 2008

- | | |
|-----------------------------|---------------------|
| 4. Nominations close | May 6, 2008 |
| 5. Election day | June 3, 2008 |

The motion being put was unanimously carried.

Snow Clearing Report for the period January 1st to February 22nd, 2008

Council considered the Snow Clearing Report for the period January 1st to February 22nd, 2008 showing a negative variance of \$572,994.

Letter dated February 20, 2008 from Yvonne Power, Executive Director, Cruise Newfoundland and Labrador

Council considered the above noted letter from Cruise Newfoundland and Labrador advising that the following officers were elected to serve on the Board and thanking members of Council for their willingness to assist Cruise Newfoundland and Labrador in furthering the growth of the cruise industry in Newfoundland and Labrador:

Dennis O’Keefe, City of St. John’s Chair
Randy Letto, Destination Labrador – Vice-Chair
Jackie Chow, Corner Brook Port Corporation – Secretary/Treasurer

Copy of letter to the Honourable Lawrence Cannon, Minister of Transport, Infrastructure and Communities from Deputy Mayor O’Keefe re Commercial Vehicle Side Guards

Copy of letter to Mr. Gord Steeves, President FCM from Deputy Mayor O’Keefe re Commercial Vehicle Side Guard

Council considered the above noted letters concerning Council’s request to Transport Canada to review the feasibility of requiring “side guards” for some classes of large trucks, trailers and buses operating in urban areas. The purpose of the rear guards is to reduce the possibility of pedestrians and cyclists being run over by the rear wheels of these large vehicles.

Deputy Mayor O’Keefe acknowledged the presence in the Chamber of members of Jessica Holman-Price family and thanked members of staff for their input towards asking Transport Canada to review this safety concern.

His Worship the Mayor cautioned that such vehicle standards may not be feasible and noted that city trucks may be exempt from the requirement.

Letter dated February 11, 2008 to His Worship the Mayor from Mr. Paul Moist, National President, CUPE offering CUPE's support in his campaign for long-term and sustainable funding for municipal infrastructure

Council considered the above noted letter.

Deputy Mayor O'Keefe

Deputy Mayor O'Keefe asked that a letter of sympathy be forwarded the family of the late John Williams, former City employee, on behalf of Council.

Deputy Mayor O'Keefe extended best wishes to the Mayor who will officially step down as Mayor on March 3, 2008, and commended him on his accomplishments over the years towards making the City a "much better place" leaving the City in a good financial position.

Councillor Duff

Councillor Duff asked that a letter of sympathy be forwarded, on behalf of Council, to the family of the late Brian Martin, who served on the City's Housing Steering Committees.

Councillor Hickman

Councillor Hickman also offered best wishes to the retiring Mayor.

Councillor Galgay

Councillor Galgay advised that on February 20, 2008 the Stella Burry Corporation launched their campaign towards the development of the O'Mara Martin Building and encouraged citizens and the corporate community to contribute to the very worthwhile project.

Councillor Coombs

Councillor Coombs also extended best wishes to the Mayor on his retirement and wished him all the best in his new position as Chair of the PUB.

Councillor Ellsworth

Councillor Ellsworth advised that he has been receiving calls from residents of Airport Heights regarding the use of ATVs and Skidoos in their area. He encouraged residents to write down license plate numbers which can be forwarded to the RNC for action.

Councillor Ellsworth congratulated Cygnus Gymnastics who held their first competition in their new facility and thanked the volunteers for their contribution towards a successful event.

Councillor Ellsworth wished the Mayor all the best in his new career.

Councillor Collins

Councillor Collins also offered his best wishes to the Mayor.

Mayor Wells

In addressing the citizens of St. John's at his final meeting of Council, Mayor Wells thanked them for their vote of confidence noting it was an "honour and a privilege" to have served as Mayor of the City of St. John's.

Mayor Wells also thanked all City staff whom he commended for consistently providing a high level of service and noted he is "proud for being Mayor with such a great group of people".

During his comments Mayor Wells made it known to the City Clerk that he doesn't want a painted portrait as is customary for former mayors but to use his official photograph which he had already given the City Clerk, and instead asked that a donation be made to the SPCA and Beagle Paws.

Adjournment

There being no further business, the meeting adjourned at 5:20 p.m.

MAYOR

CITY CLERK