

February 27<sup>th</sup>, 2012

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 Hickman, Hann, Colbert, Breen, Galgay, Tilley and Collins.

Regrets: Councillors O'Leary and Hanlon.

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

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

##### **SJMC2012-02-27-/117R**

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

- a. Tender – Riverhead WWTF Digester No. 1, Scaffolding

#### **Adoption of Minutes**

##### **SJMC2012-02-27/118R**

**It was decided on motion of Deputy Mayor Duff; seconded by Councillor Breen: That the minutes of the February 20<sup>th</sup>, 2012 meeting be adopted as presented.**

**Business Arising**

**St. John's Whistleblower Protection By-Law**

**SJMC2012-02-27/119R**

**Pursuant to Notice of Motion, it was moved by Councillor Hickman, seconded by Deputy Mayor Duff: That the following St. John's Whistleblower Protection By-Law be adopted:**

**BY-LAW NO.**

**ST. JOHN'S WHISTLEBLOWER PROTECTION BY-LAW**

**PASSED BY COUNCIL ON FEBRUARY 27, 2012**

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Pursuant to the powers vested in it under the City of St. John's Act, RSNL 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 protection of whistleblowers.

**BY-LAW**

1. This By-Law may be cited as the "St. John's Whistleblower Protection By-Law".
2. The purpose of this By-Law is:
  - (a) to facilitate the disclosure and investigation of significant and serious matters in or relating to the city and its employees that are potentially unlawful, dangerous to the public or injurious to the public interest; and
  - (b) to protect persons who make those disclosures.
3. In this By-Law:
  - (a) "employee" shall mean an employee of the city including officers, directors and the St. John's Municipal Council.
  - (b) "wrongdoing" means a wrongdoing referred to in section 4.
4. This By-Law applies to the following wrongdoings in or relating to the city and its employees:
  - (a) an act or omission constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation made under an Act, including a municipal by-law or regulation;
  - (b) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of an employee;

- (c) gross mismanagement, including of public funds or a public asset;
  - (d) knowingly directing or counselling a person to commit a wrongdoing described in subsections (a) to (c).
- 5. An employee who commits a wrongdoing is subject to appropriate disciplinary action, including termination of employment, in addition to and apart from any penalty provided for by law.
- 6. If an employee reasonably believes that he or she has information that could show a wrongdoing has been committed, or is about to be committed, the employee may make a disclosure
  - (a) to the City Manager where the disclosure involves a fellow employee,
  - (b) to the Mayor and City Clerk where the disclosure involves the City Manager or is made by the City Manager.
- 7. A disclosure made under section 6 must be in writing and must include the following information, if known:
  - (a) a description of the wrongdoing;
  - (b) the name of the person or persons alleged to
    - (i) have committed the wrongdoing; or
    - (ii) be about to commit the wrongdoing;
  - (c) the date of the wrongdoing; and
  - (d) whether the wrongdoing has already been disclosed and a response received.
- 8. (1) Nothing in this By-Law authorizes the disclosure of:
  - (a) information protected by the Access to Information and Protection of Privacy Act;
  - (b) information that is subject to any restriction created by or under an Act of the Legislature or the Parliament of Canada;
  - (c) information that is protected by solicitor-client privilege.

- (2) If the disclosure involves personal information or confidential information, the employee must take reasonable precautions to ensure that no more information is disclosed than is necessary to make the disclosure.
9. Nothing in this By-Law relating to the making of a disclosure is to be construed as affecting an employee's obligation under any other Act or regulation to disclose, report or otherwise give notice of any matter.
10.
  - (1) An employee who makes a disclosure under section 6 shall receive written confirmation of receipt of their disclosure within 10 working days.
  - (2) The City Manager shall carry out all investigations of disclosures except where the disclosure involves the City Manager or is made by the City Manager in which case the City Clerk shall carry out the investigation.
11.
  - (1) For the purposes of this section the City Manager or City Clerk who carries out an investigation of a disclosure, as the case may be in accordance with section 10(2), shall be called the investigator.
  - (2) The investigator must carry out their investigation as expeditiously as possible and in any event must prepare a written report on their findings within 30 working days of receipt of the disclosure and deliver same to the Audit Standing Committee of Council and the recipient of the initial disclosure under section 6.
  - (3) The investigator must ensure that the right to procedural fairness and natural justice of all persons involved in an investigation is respected, including persons making disclosures, witnesses and persons alleged to be responsible for wrongdoings.
  - (4) The investigator is not required to investigate a disclosure, and may cease an investigation, if he or she is of the opinion that:
    - (a) the subject matter of the disclosure is more appropriately dealt with under an Act of the Legislature or the Parliament of Canada;
    - (b) the disclosure is frivolous or vexatious, or has not been made in good faith or does not deal with a sufficiently serious subject matter;
    - (c) so much time has elapsed between the date when the subject matter of the disclosure arose and the date when the disclosure was made that investigating it would not serve a useful purpose;
    - (d) the disclosure relates to a matter that results from a balanced and informed decision-making process on a public policy or operational issue;

- (e) the disclosure does not provide adequate particulars about the wrongdoing as required by section 7;
  - (f) the disclosure relates to a matter that is more appropriately dealt with under a collective agreement or employment agreement;
  - (g) there is another valid reason for not investigating the disclosure.
- (5) If during an investigation the investigator has reason to believe that another wrongdoing has been committed the investigator may investigate that wrongdoing in accordance with this By-Law.
- (6) The investigator's written report required under subsection (2) shall contain his or her findings and any recommendations about the disclosure and the wrongdoing. Such recommendations may be referred to the appropriate department head for implementation, with a report on the implementation of any recommendations to be delivered to the Audit Standing Committee of Council within 90 days.
12. No person shall take a reprisal against an employee or direct that one be taken against an employee because the employee has, in good faith,
- (a) sought advice about making a disclosure;
  - (b) made a disclosure; or
  - (c) co-operated in an investigation under this By-Law.
13. No person shall, in seeking advice about making a disclosure, in making a disclosure, or during an investigation, knowingly make a false or misleading statement, orally or in writing.
14. No person shall wilfully obstruct a person acting in the performance of a duty under this By-Law.
15. No person shall, knowing that a document or thing is likely to be relevant to an investigation under this By-Law
- (a) destroy, mutilate or alter the document or thing;
  - (b) falsify the document or make a false document;
  - (c) conceal the document or thing; or
  - (d) direct, counsel or cause, in any manner, a person to do anything mentioned in subsections (a) to (c).
16. (1) 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.

- (2) In addition to the penalty provided for in subsection (1), any person who contravenes the provisions of the By-Law is subject to appropriate disciplinary action, including termination of employment.

**IN WITNESS WHEREOF** the Seal of the City of St. John's has been hereunto affixed and this By-Law has been signed by the Mayor and City Clerk this 27<sup>th</sup> day of February, 2012.

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**MAYOR**

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**CITY CLERK**

Councillor Colbert pointed out that he had asked Council to defer adoption of the By-Law pending consideration of his question as to whether the By-Law provided for the provision of legal counsel at the cost of the taxpayer to a whistleblower in the event that she/he is sued as a result of their allegation of wrongdoing. Councillor Colbert alluded to the fact that the City Solicitor pointed out that it would not be possible under certain circumstances to guarantee protection to whistleblowers, and therefore recommended that a decision whether or not to provide taxpayer funded legal services to a whistleblower remain at Council's discretion. Councillor Colbert indicated that he would prefer to have that recommendation reflected in the bylaw, but decided not to defer the vote.

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

**Discretionary Use Application for a Home Occupation  
Proposed Hair Salon, Civic Number 9 Bishop's Line (Ward 5)  
Applicant – Dawn Mootrey**

Under business arising, Council considered a memorandum dated February 23, 2012 from the Director of Planning concerning the above noted application which was considered by Council at its Regular Meeting held on February 20, 2012 and deferred in order to provide the City's Transportation Engineer with an opportunity to review the public submissions received in response to the City's advertisement of the application. These submissions expressed traffic flow/parking concerns.

**SJMC2012-02-27/120R**

**It was moved by Councillor Collins; seconded by Councillor Galgay: That the application for the proposed hair salon be approved subject to the applicant operating the business as outlined in her application and provided that the driveway is widened to accommodate an additional parking space for customers. Further, the widening of the driveway should be completed to any specifications as required by the City's Department of Engineering, and that the work be completed before final approval/an occupancy certificate is issued for the hair salon.**

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

**Discretionary Use Application for a Home Occupation  
Proposed Pilates Studio, Civic Number 5 Carpasian Road (Ward 2)  
Applicant: Sarah Joy Stoker**

Under business arising, Council considered a memorandum dated February 23, 2012 from the Director of Planning regarding the above noted application which was considered by Council at its Regular Meeting held on February 20, 2012 and deferred in order to provide the City's Transportation Engineer with an opportunity to review the public submissions received in response to the City's advertisement of the application. Some of these submissions expressed concerns regarding traffic movements/parking issues.

**SJMC2012-02-27/121R**

**It was moved by Councillor Galgay; seconded by Councillor Hickman: That, as the Transportation Engineer does not expect any traffic related concerns for the neighbourhood if the application for the Home Occupation for the pilates studio were to be allowed, the application be approved subject to the condition that the pilates studio operate in the manner as outlined by the applicant in her application.**

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

**Notices Published**

1. An application has been submitted by Zainab Jerrett requesting permission to operate a catering business as a **Home Occupation from Civic No. 166 University Avenue**. The proposed business will occupy a floor area of 10m<sup>2</sup>. Prepared foods are for off-site functions. The applicant is the sole employee. **(Ward 4)**

One (1) Submission of objection

**SJMC2012-02-27/122R**

**It was moved by Councillor Collins; seconded by Councilor Tilley: That the application be approved.**

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

2. An application has been submitted by Bridget Connors requesting permission to occupy the vacant commercial section of **Civic No. 15 Bay Bulls Road** to accommodate a hair salon. The proposed business will operate Monday to Friday from 10 am to 8 pm; Saturday from 12 pm to 6 pm; and will employ a staff of three (3). On-site parking for five (5) vehicles is provided. **(Ward 5)**

**SJMC2012-02-27/123R**

**It was moved by Councillor Collins; seconded by Councilor Tilley: That the application be approved.**

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

**Public Hearings**

Public Meeting Report dated February 15, 2012  
Re: Proposed Development Guidelines for Non-Residential Properties  
Battery Neighbourhood **(Ward 2)**

**(Memorandum dated February 24, 2012 from the Director of Planning)**

Deputy Mayor Duff presented the report of a public meeting held on February 15, 2012 to provide an opportunity for public review and comment on the proposed development guidelines for non-residential properties in the Battery neighbourhood. These development guidelines were prepared by PHB Group Architects Inc. on behalf of the City.



**SJMC2012-02-27/124R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Galgay: That a decision on the proposed development guidelines be deferred for the present time to provide an opportunity for City staff and Mr. Pratt to review and discuss the public comments and submissions that have been received with respect to the guidelines and to determine if any adjustments need to be made.**

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

**Planning and Housing Standing Committee Report dated February 21, 2012**

Council considered the following Planning and Housing Committee Report dated February 21, 2012:

In Attendance:

- Councillor Tom Hann, Chairperson
- Deputy Mayor Shannie Duff
- Councillor Bruce Tilley
- Councillor Danny Breen
- Councillor Sandy Hickman
- Councillor Frank Galgay
- Councillor Wally Collins
- Mr. Bob Smart, City Manager
- Mr. Paul Mackey, Deputy City Manager and Director of Public Works & Parks
- Mr. Cliff Johnston, Director of Planning
- Mr. Walt Mills, Director of Engineering
- Mr. Ken O'Brien, Manager of Planning & Information
- Mr. Joe Sampson, Manager of Development
- Mr. Sylvester Crocker, Manager of Technical Services
- Ms. Lynnann Winsor, Development Engineer
- Ms. Judy Powell, General Manager - Metrobus
- Ms. Lindsay Lyghtle Brushett – Planner (arrived at 1:10 p.m.)
- Ms. Jennifer Mills, Communications Officer (arrived at 1:10 p.m.)
- Ms. Maureen Harvey, Recording Secretary

Also in attendance were Mr. Dave Bartlett with The Telegram, Alisha Morrissey with the St. John's Board of Trade, Adam Walsh from CBC and Dave Squires of NTV.

**1. Representatives from the Narrows Working Group (Wards 2 and 5)**

The following people were welcomed to the meeting from the above noted group: MP Ryan Cleary, Joan Butler, Mark Hiscock, Peter Gill, Chris Brooks, Mark Wilson and Matt White.

The Committee received a presentation from MP Ryan Cleary who is the Chair of the newly formed steering committee of a stakeholders' group called: The Narrows: A Vision for the Gateway to St. John's. The goal of the steering committee is to protect, enhance and preserve The Narrows, the iconic entrance to St. John's harbour. He noted that while to date, efforts have focused on the two sides of the The Narrows as separate entities, the rich fishing heritage of the Battery and the proud military history of Fort Amherst are intertwined, and as such the interested stakeholders of both sides have joined forces to form this steering committee with a common goal. A copy of Mr. Cleary's presentation is available from the City Clerk's Department.

The group has requested that the City establish a Planning Area Development Scheme for The Narrows independent from any element of the current Municipal Plan Review Process. The rationale behind this request is while the Municipal Plan Review is anticipated to take approximately 15-18 months to complete, it is hoped that the The Narrows Steering Committee will not be delayed in its efforts to keep the initiative moving forward in a timely fashion.

Mr. Cleary indicated that The Narrows stakeholders group is made up of a resident steering committee from both sides of the harbor, including the Outer Battery Neighbourhood Association and the newly formed Fort Amherst Neighbourhood Association – both of whom are represented at this meeting. The stakeholders' group also includes representatives of the St. John's City Council; the MHA's for Signal Hill-Quidi Vidi and St. John's South; the Heritage Foundation of Newfoundland and Labrador and Destination St. John's. He noted the Provincial Department of Tourism, Culture and Recreation has asked to play a "supportive role."

The Narrows group recommended the City of St. John's undertake the following for developing a Planning Area Development Scheme for The Narrows District:

- Identify the various values of The Narrows (i.e., as a tourism icon; heritage/aesthetic/scenic values; social/community values; development potential).
- Document character-defining elements of The Narrows district that extend beyond the physical (architectural, aesthetic) to include intangible values (community/social, heritage).
- Develop a common vision for The Narrows
- Identify tools, measures and mechanisms required to preserve character-defining elements and to foster a sense of community.
- Develop guidelines for the future development of the district that updates design guidelines; addresses management of traffic/circulation; and identifies the types of uses to be supported/encouraged and opportunities for adaptive re-use.

Mr. Cleary also made reference to some of the challenges facing the area, including:

- Rapid decline in the traditional population base
- Influx over the last few decades of new residents
- The deterioration of fishing stages and stores that no longer have practical use
- New city standards for upgrading fishing structures that were previously repaired by fishing families employing traditional construction techniques;

- Increase in the number of developers

Mr. Cleary noted that timing is critical to ensuring this initiative moves forward. He stated the group is not soliciting money for the project and it may never solicit money.

Members of the Committee indicated their support for the initiative. The Chair thanked the delegation for their presentation and indicated that further dialogue along with a formal response would be forthcoming.

*Letters from MP Ryan Cleary, Chris Brookes – Chairperson of the Outer Battery Neighbourhood Association and Mark Hiscock, Chairperson of the Fort Amherst Neighborhood Association are attached for the information of Council.*

**2. Representatives from the Henry Bell Development Ltd. re: Redevelopment of the former Newfoundland Telephone Building at 345-353 Duckworth Street to house residential condominiums (Ward 2)**

The committee considered a memorandum dated February 17, 2012 from the Department of Planning along with a presentation from Mr. Bill Clarke and Mr. Dick Cook on behalf of Henry Bell Development Group. The Committee also considered the attached staff report dated February 17, 2012 from the Department of Planning. The Committee reviewed details of the application to re-develop the former Newfoundland Telephone Building as an 8-storey mixed-use building. The new building would contain approximately 80 residential apartments and one level of commercial floor space along Duckworth Street. The proposal would provide parking for the apartments in the parking garage which the same developers are to construct on the opposite side of Duckworth Street.

The Committee reviewed a view plane study prepared by City staff illustrating the appearance of the building from several vantage points throughout the downtown area. A copy of the view plane analysis is available from the Department of Planning

Upon question, the developers indicated it is their intent to have construction of the parking garage completed within 13 months. They noted that the availability of parking is a pre-requisite to developing the site across the street.

Mr. Clarke and Mr. Cook retired from the meeting following which time the Committee later discussed the application in further detail.

**The Committee recommends on a motion from Deputy Mayor Shannie Duff; seconded by Councillor Frank Galgay that the application by Henry Bell Development Ltd. to redevelop the former Avalon Telephone Building at 345-355 Duckworth Street be subject to completion of a LUAR and a subsequent public meeting to be chaired by a member of Council.**

Subsequent to the Committee meeting, the proposed terms of reference for the LUAR have been prepared by City staff and are attached for consideration of approval.

**3. Mr. Chris Andrews – proponent for a proposed restaurant/lounge at the former Thai Restaurant at 177 Duckworth Street (Ward 2)**

The Committee met with Mr. Chris Andrews and partner, regarding the proposed restaurant and lounge application at the former Thai Restaurant at 177 Duckworth Street. The Committee also considered the attached material received from the proponent outlining the proposed lounge operation and the attached memorandum dated February 16, 2012 from the Department of Planning.

**On a motion by Councillor Danny Breen; seconded by Councillor Bruce Tilley it was agreed that subject to receipt of a letter of support for the proposed restaurant/lounge operation from the Royal Canadian Legion – vis-a-vis given that the Newfoundland War Memorial on Duckworth Street is located adjacent to the proposed site, the Committee recommends that Council consider removing the current provision in the St. John’s Development Regulations which prohibits lounges within a 50 metre radius from the Newfoundland War Memorial.**

The Committee notes, that should Council be prepared to entertain this application, it will be necessary for the application to be advertised by City staff as a discretionary use application, prior to it being referred to a future Regular Meeting of Council for consideration of approval.

**4. Memorandum dated January 13, 2012 from the Department of Planning re: rezoning of property for Commercial/light industrial development –Fowler’s Road. Applicant: Metcalfe Holdings Ltd. (Ward 5)**

Metcalfe Holdings Limited has applied to rezone a total of 31 hectares (76 acres) of land located within the municipal boundaries of both the Town of Conception Bay South and the City of St. John’s. The portion of the subject property that is within the City of St. John’s Municipal Boundary is 7.9 hectares. The applicant is proposing to rezone the area from the Rural (R) Zone to the Commercial Industrial (CI) Zone. The application was previously rejected by Council at its the January 30, 2012 Regular Meeting and has since been referred back to the Planning and Housing Committee for further investigation.

**The Committee recommends, that staff arrange a meeting with the Town of Conception Bay South and the proponent to explore the proponent’s options, should the City not permit this development.**

**5. Letter dated February 3, 2012 from the Minister of Municipal Affairs re: amendment to the St. John's Urban Region Regional Plan to accommodate the development of four (4) residential lots with private on-site services at the west end of Maddox Cove Road, adjacent to the City's municipal boundary with the Town of Petty Harbour-Maddox Cove. (Ward 5)**

The Committee considered the attached correspondence dated February 3, 2012 from the Minister of Municipal Affairs.

As per the Minister's correspondence, the Committee directed the Department of Planning to write all municipalities on the Northeast Avalon and the consulting firm CBCL Limited to advise and solicit feedback regarding the proposed amendments to the Regional Plan and the St. John's Municipal Plan and Development Regulations respecting the lands at the west end of Maddox Cove Road.

**6. Event Report from the Fourth Annual Affordable Housing Forum – November, 2011**

The Committee considered as information the attached report on the Affordable Housing Forum held on November 22, 2011.

**7. Council Directive R2012-01-23/33 re: Scheduling of Public Hearings**

The Committee considered this directive and agreed that status quo be maintained regarding the scheduling of public meetings.

**8. Correspondence dated February 10, 2012 from the Chairman and CEO of Newfoundland and Labrador Housing Corporation**

The Committee considered the attached correspondence dated February 10, 2012 from Mr. Len Simms, Chairman and CEO of Newfoundland & Labrador Housing Corporation. The letter invites Council and other City staff involved with social housing issues to a Corporate Overview Presentation of NLHC. The Committee agreed that a meeting be arranged with the NLHC for presentation of statistics on housing operations.

**9. Memorandum from the Department of Planning dated February 20, 2012 re: proposed rezoning from Rural (R) to Industrial General (IG)– Conception Bay South Bypass Road) – Applicant: Mr. Mike Barry, Triple J. Aggregates**

The Committee considered the attached memorandum from the Department of Planning dated February 20, 2012.

Triple J. Aggregates have applied to develop 3.5 hectares (8.6 acres) of Crown land south of the conception Bay South Bypass Road and west of the Trans Canada Highway. The applicant wishes to lease the land from the Crown and wants to use the land to stockpile aggregate material.

**The Committee agreed that Triple J. Aggregates be asked to prepare a land use assessment report on the proposed quarry. Upon completion of this report and its review by City staff, it is recommended that the rezoning application be advertised for public review and comment.**

Subsequent to the Committee meeting, the proposed terms of reference for the land use assessment report have been prepared by City staff and are attached for consideration of approval by Council.

**10. Verbal update on the arrangements for the Mayor's Symposium Event (Municipal Plan Review) which is scheduled for Saturday, February 25, 2012 at 9:00 a.m. at St. John's City Hall.**

The committee received a verbal update from staff regarding the arrangements and format for the Mayor's Symposium event.

Councillor Tom Hann  
Chairperson

**SJMC2012-02-27/125R**

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

**Regarding Item #3 - (Mr. Chris Andrews, proponent for a proposed restaurant/lounge at the former Thai Restaurant at 177 Duckworth Street (Ward 2),** Councillor Galgay pointed out that he was absent during the presentation and discussion by the Committee on this matter due to a possible conflict of interest.

Discussion on the report ensued, during which Councillor Galgay abstained due to a possible conflict of interest.

Regarding Item #3, Deputy Mayor Duff noted her reluctance about bringing lounges close to residential areas, immediately on and above Duckworth Street. She noted she has no problem with a licensed restaurant but is not in favour of a pub.

Councillor Hann noted that the applicant is not proposing an "all-night bar" but rather a restaurant which would cater to tourists, and provide live music which would be low key.

**Following discussion, the motion being put was carried with Councillor Galgay abstaining on Item #3 due to a possible conflict of interest.**

**Public Works & Environment Standing Committee Report dated February 16, 2012**

Council considered the following Public Works & Environment Standing Committee Report dated February 16, 2012:

**Attendees:** Councillor Wally Collins, Chairperson  
Councillor Frank Galgay  
Councillor Bruce Tilley  
Councillor Sheilagh O’Leary  
Councillor Danny Breen  
Robert Smart, City Manager  
Paul Mackey, Deputy City Manager & Director of Public Works & Parks  
Walt Mills, Director of Engineering  
Jason Sinyard, Manager of Waste Management  
Kevin Breen, Manager of Streets & Parks  
Brian Head, Operations Assistant – Parks  
Phil Hiscock, Operations Assistant – Streets  
Sylvester Crocker, Manager of Technical Services  
Karen Chafe, Recording Secretary

Also present from the media were Dave Bartlett, Reporter, The Telegram and Adam Walsh, CBC Radio.

Mr. Chris Brookes, representing the Outer Battery Neighbourhood Association was also present.

**1. Outer Battery Parking Lot Shore Protection Project**

The Committee considered a memo dated February 15, 2012 from the Director of Engineering regarding the tender to repair and improve shore protection for the Outer Battery parking lot. The memo also recommended that the concrete retaining wall be aesthetic and blend in with the surroundings. The structure has been built with only the aesthetic portion remaining to be completed. The estimated cost of the proposed wall treatment is \$15,000.00 and approval of the work was recommended by staff.

**The Committee requested that prior to approving the aesthetic treatment of the retaining wall, that residents first be given the opportunity to review the proposal and to provide feedback and possibly, alternate suggestions. It should be noted that the deferral of**

**this matter follows the public meeting which occurred on February 15 wherein reference was made to the aesthetic treatment as well as the suggestion that the wall be treated with a mural depicting the culture of the Outer Battery.**

**2. 171 Old Bay Bulls Road – Water Supply**

The Committee met with Messrs Ed Power and MHA for Kilbride Mr. John Dinn. The Committee also considered a memo dated February 9, 2012 from the Director of Engineering outlining options for the supply of water to the Powers' residence. Though the Powers assert that the low water levels they have experienced in their well is attributed to the extent of development that has occurred in their area, the aforementioned memo concludes that "the level of water in the shallow well at 171 Old Bay Bulls Road appears to fluctuate with precipitation .... the water level in a shallow well is a function of the level of groundwater. Groundwater levels generally fluctuate in response to precipitation." It should be noted that the same problem also exists with the Power's neighbour, Mrs. Smith.

Following discussion, the Committee recommends Council's approval of one of the following two options, pending agreement by the Power and Smith properties:

**That the City cover the entire cost to install one drilled well to be shared between the Power and Smith properties, the estimated cost of which is between \$10,000 to \$15,000. It should be noted that one property owner would have to be responsible for the ownership and maintenance of the actual well which may likely be a complicating factor in the eventual sale of either property; or**

**That the City pay half the cost to install two wells – one each for the Power and Smith properties, with the owners being responsible to cover the other half of the cost for each well.**

**3. Goulds Servicing Study – Phase 1 – Flow Monitoring Study**

The Committee considered a memo dated February 10, 2012 from the Director of Engineering outlining the conclusions of the flow monitoring study which was authorized by Council in 2009 and undertaken by Kavanagh and Associates to identify the major sources of infiltration/inflow into the existing sanitary sewer system in the Goulds. The study included the major components of the water supply system, wastewater collection system and storm drainage system within the Goulds and estimated the total costs of remediation at \$51, 728,698.00. The study recommended that any deficiencies it identified should be addressed prior to the upgrading/replacement of the major systems. The Flow Monitoring Study identified the following three main problem areas:



- Meadowbrook Drive Area
- Keith Drive Area
- Main Road

The following work is recommended and listed in order of priority:

- (1) Meadowbrook Drive Area – Reconstruct 125 m of sanitary sewer and perform 16 spot excavations in order to correct the inflow/infiltration problems in this area. Cost: (\$650,270.00)
- (2) Main Road (Phase 1) – Reconstruct 1300 m of sanitary sewer main from Doyles Road to the Main Pumping Station: Cost - \$1,436,661.00
- (3) Main Road (Phase 2) – Reconstruct 1300 m of sanitary sewer main from Doyles Road to the Main Pumping Station: Cost - \$1,436,661.00
- (4) Keith Drive Area – Reconstruct 396 m of sanitary sewer main, perform 17 spot excavations, and install 4 grouting sleeves in order to correct the inflow/infiltration problems in this area. Cost: - \$1,430,282.00.

**The Committee recommends that the priorities as outlined above be referred to the capital works review process. The Committee also referenced the almost \$52 million worth of overall funding required and requested that the Department of Engineering outline this work in a comprehensive chart format.**

#### **4. Environmental Advisory Committee**

Councillor O’Leary proposed the re-establishment of the Environmental Advisory Committee to review environmental concerns that she felt were not getting adequately addressed via other committee channels. Though the City has made much progress in the area of environmental waste management, there is a need for the City to expand its focus toward environmental stewardship of wetland areas, particularly in light of increasing demands for development expansion.

**The Committee recommends that the City Manager consult with Councillor O’Leary about the parameters for the re-establishment of the Environmental Advisory Committee and that a draft proposal outlining the mandate and composition of the new committee be forwarded to a future meeting of the Public Works & Environment Standing Committee.**

#### **5. Debris Collection Pick-up Service**

The Deputy City Manager requested Council’s approval to offer free of charge a debris collection service for citizens who have been impacted by the recent storm which caused basement flooding.

**The Committee recommends approval of the free-of-charge debris collection pick-up service outlined by the Deputy City Manager.**

**Councillor Wally Collins  
Chairperson**

**SJMC2012-02-27/126R**

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

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

**Economic Development & Tourism Standing Committee Report dated February 14, 2012**

Council considered the following Economic Development & Tourism Standing Committee Report dated February 14, 2012:

**Attendees:** Councillor Bruce Tilley, Chairperson  
Deputy Mayor Shannie Duff  
Councillor Frank Galgay  
Councillor Debbie Hanlon  
Councillor Danny Breen  
Councillor Tom Hann  
Councillor Sheilagh O'Leary  
Councillor Sandy Hickman  
Elizabeth Lawrence, Director of Economic Development, Tourism, & Culture  
Vicki Button, Marketing and Business Development Coordinator  
Heather Mills-Snow, Economic Development Coordinator  
Wendy Mugford, Economic Development Coordinator  
Kay Anonsen, Arts & Cultural Development Coordinator  
Margaret Donovan, Tourism Industry Coordinator  
Bernadette Walsh, Special Projects Coordinator  
Todd Lehr, Tourism Program Analyst  
Karen Chafe, Recording Secretary

1. **Terms of Reference: Roadmap 2021 Liaison Committee**

The Committee considered the attached Terms of Reference.

**The Committee recommends approval of the Terms of Reference for the Roadmap 2021 Liaison Committee and that Councillor Sheilagh O’Leary be added to the membership list in addition to the chairmanship position which will also be held by a member of council.**

2. **Oil Industry Events 2012**

The Committee considered the attached background information from staff outlining the oil industry events taking place in 2012.

**The Committee recommends approval of the recommendations as outlined in the attached chart.**

3. **Better Business Bureau**

The Committee considered the attached issue paper from staff about whether or not the City should renew its membership in the BBB for 2012.

**The Committee recommends that the City of St. John’s not renew its membership in the BBB for 2012.**

4. **Newfoundland Association of Technical Industries (NATI) Solutions Summit**

The Committee considered background information on the NATI Solutions Summit being held at the Delta Hotel and Conference Centre on March 14, 2012.

**The Committee recommends that Councillors Galgay and Tilley attend the NATI Solutions Summit.**

**Councillor Bruce Tilley  
Chairperson**

**SJMC2012-02-27/127R**

**It was moved by Councillor Tilley; seconded by Councillor Breen: That the Committee’s recommendations be approved.**

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

**Development Permits List**

Council considered as information the following Development Permits List for the period of February 17, 2012 to February 23, 2012:

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF February 17, 2012, 2012 TO February 23, 2012**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	11169 NL Limited	Proposed Dwelling	26 Cookstown Road	2	Rejected – contrary to Section 10.23.3.	12-02-20
COM	Preeti Sharma	Family Home Child Care Centre	6 Trinity Street	3	Approved	12-02-21

\* Code Classification:  
 RES - Residential  
 COM - Commercial  
 AG - Agriculture  
 OT - Other

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**

**SJMC2012-02-27/128R**

**It was decided on motion of Councillor Hann; 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:**

2012/02/22

Permits List

**CLASS: COMMERCIAL**

DAYBREAK PARENT CHILD CENTRE	74 BOULEVARD	SN DAY CARE CENTRE
CABOT FORD	46 KENMOUNT RD	SN CAR SALES LOT
BROOKE'S AUTOMOTIVE	455 KENMOUNT RD	MS COMMERCIAL GARAGE
HICKMAN MOTORS LIMITED	20 PEET ST	MS CAR SALES LOT
WINMAR	64 PIPPY PL	SN OFFICE
AFTERSCHOOL FUNDAMENTALS INC.	97 TORBAY RD	MS DAY CARE CENTRE
MERCER'S FINE JEWELLERS	110 WATER ST	SN RETAIL STORE
TOYS "R" US (CANADA) LTD.	58 KENMOUNT RD	NC FENCE
ULTRAMAR LTD.	52 KENMOUNT RD - PIPELINE	NC ACCESSORY BUILDING
MBM LEMARCHANT HOLDINGS LTD.	290 LEMARCHANT RD	RN OFFICE
FORTIS PROPERTIES CORPORATION	FACTORY LANE, FORT WLLM BLDG	RN OFFICE

MCMURDO'S JUNCTIONAL INC	208 WATER ST	RN TAVERN
LAHEY HOLDINGS LIMITED	117 ROPEWALK LANE	RN MIXED USE
MILE ONE STADIUM	50 NEW GOWER ST	RN RECREATIONAL USE
		THIS WEEK \$ 119,600.00

**CLASS: INDUSTRIAL**

THIS WEEK \$ .00

**CLASS: GOVERNMENT/INSTITUTIONAL**

PROFAC FACILITIES MANAGEMENT	95 UNIVERSITY AVE	SW COMMUNICATIONS USE
CITY OF ST. JOHN'S	CHARTER AVE @ EAST DRIVE	NC MIXED USE
		THIS WEEK \$ 6,075,000.00

**CLASS: RESIDENTIAL**

YORK DEVELOPMENTS INC.	BLACKMARSH RD., LOT 2, UNIT 1	NC CONDOMINIUM
YORK DEVELOPMENTS INC.	BLACKMARSH RD., LOT 2, UNIT 2	NC CONDOMINIUM
YORK DEVELOPMENTS INC.	BLACKMARSH RD., LOT 2, UNIT 3	NC CONDOMINIUM
YORK DEVELOPMENTS INC.	BLACKMARSH RD., LOT 2, UNIT 4	NC CONDOMINIUM
YORK DEVELOPMENT INC.	BLACKMARSH RD., LOT 1, UNIT 1	NC CONDOMINIUM
YORK DEVELOPMENTS INC.	BLACKMARSH RD., LOT 1, UNIT 2	NC CONDOMINIUM
YORK DEVELOPMENTS INC.	BLACKMARSH RD., LOT 1, UNIT 3	NC CONDOMINIUM
YORK DEVELOPMENTS INC.	BLACKMARSH RD., LOT 1, UNIT 4	NC CONDOMINIUM
SKYMARK CONTRACTING LTD	CHURCHILL AVE, LOT 9	NC SINGLE DETACHED DWELLING
SKYMARK CONTRACTING LTD	CHURCHILL AVE, LOT 10	NC SINGLE DETACHED DWELLING
SKYMARK CONTRACTING LTD	CHURCHILL AVE, LOT 11	NC SINGLE DETACHED DWELLING
KARWOOD CONTRACTING	42 COUNTRY GROVE PL - LOT 66	NC SINGLE DETACHED DWELLING
DEER PARK CONTRACTING	26 GALAXY CRES, LOT 15	NC SINGLE DETACHED DWELLING
ROOSEVELT PROPERTIES LIMITED	181 HAMILTON AVE	NC CONDOMINIUM
LELA M.A. EVANS	15 RICHMOND ST	NC FENCE
LEAH KEATING	26 WINNIPEG ST	NC PATIO DECK
ROSE DROVER	91 EASTBOURNE CRES	CR SUBSIDIARY APARTMENT
GERALD & GLORIA GRANT	110 GREAT EASTERN AVE, LOT 95	CR SINGLE DETACHED & SUB.APT
EDWARD BENOIT	130 GREAT EASTERN AVE, LOT 105	CR SINGLE DETACHED & SUB.APT
SCOTT BICKFORD	37 AIRPORT RD	RN SINGLE DETACHED DWELLING
LORI HEATH	14 COLONIAL ST	RN TOWNHOUSING
DIANNE M. CRANE	16 CORNWALL HTS	RN SINGLE DETACHED DWELLING
IRIS MARY POWER	35 COVENTRY WAY	RN SINGLE DETACHED DWELLING
CHAD ROBERT DAVIS	185 CRAIGMILLAR AVE	RN TOWNHOUSING
PHILLIP BUCKINGHAM	14 DERBY PL	RN SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	43 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP	45 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	47 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP	65 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	67 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP	69 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	71 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP	73 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	75 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP	77 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	79 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP	81 NEW PENNYWELL RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	83 NEW PENNYWELL RD	RN TOWNHOUSING
CAPITAL CONTRACTING LTD	30 PARSONAGE DR	RN SINGLE DETACHED DWELLING
JOHN JAMES AND HEATHER JAMES	4 PLUTO ST	RN SINGLE DETACHED DWELLING
GARY MAHER	69 AIRPORT HEIGHTS DRIVE	RN SINGLE DETACHED & SUB.APT
COLIN P. HALEY	115-119 QUEEN'S RD	RN CONDOMINIUM

ANDREW MCDONALD	109 ST. CLARE AVE	RN SEMI-DETACHED DWELLING
JARROD SHARPE & REGAN PECKHAM	70 TERRA NOVA RD	RN SINGLE DETACHED DWELLING
MICHAEL DINN	85-87 BACK LINE	SW SINGLE DETACHED & SUB.APT

THIS WEEK \$ 2,758,400.00

**CLASS: DEMOLITION**

THIS WEEK \$ .00

THIS WEEK'S TOTAL: \$ 8,953,000.00

REPAIR PERMITS ISSUED: 2012/02/16 TO 2012/02/22 \$ 51,700.00

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**

**SJMC2012-02-27/129R**

**It was decided on motion of Councillor Hann; seconded by Councillor Tilley:  
That the following Payrolls and Accounts for the week ending February 23,  
2012 be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending February 23, 2012**

**Payroll**

Public Works	\$ 455,685.56
Bi-Weekly Casual	\$ 15,224.38
<b>Accounts Payable</b>	<b>\$ 5,331,267.71</b>

**Total: \$ 5,802,177.65**

### **Tenders**

- a. Tender - Recyclable Metal Collection
- b. Tender - Water Main Valves
- c. Tender - Hydrant Conversion Kits
- d. Tender - Bulk Garbage Collection
- e. Tender - Riverhead WWTF Digester No. 1, Scaffolding

### **SJMC2012-02-27/130R**

**It was moved by Councillor Hann; seconded by Councillor Tilley: That the recommendations of the Director of Finance and City Treasurer and the Director of Engineering be approved and the tenders awarded as follows:**

- a. Newfound Disposal Systems Ltd. @ \$111,120.00 (taxes not included)**
- b. Waterworks @ \$40,897.38, (taxes not included)**
- c. Waterworks @ \$70,791.10 (taxes not included)**
- d. DBI Garbage Removal Ltd. @ \$226,450.00 (taxes not included)**
- e. Safway Services Canada Inc. @ \$199,872.22**

### **Petitions**

Councillor Galgay tabled a petition the prayer of which reads as follows, and which was referred to the Department of Building and Property Management for follow-up:

"We, the undersigned residents of 30 Hamilton Avenue (Riverhead Towers) (the "Building"), request that City of St. John's install **security/surveillance cameras** in: 1) the Building lobby entrance/exit; 2) the basement area of the Building; and 3) elsewhere in the Building that the City feels necessary. We feel that is required to deter future break-ins, such as the basement storage area break-in and theft of property that occurred Sunday, February 12, 2012."

### **Snow Clearing Report**

Council considered as information the Snow Clearing Report for the period January 1 to February 24<sup>th</sup>, showing a negative variance of \$371,767.

**Councillor Collins**

Councillor Collins advised that the Concept Design for Community Center in Southlands will be considered by the Parks and Recreation Committee on February 28, 2012

**Councillor Galgay**

Councillor Galgay updated Council on the MNL Regional Meetings attended by him in Happy Valley, Goose Bay on February 22, 23 and 24, 2012. He tabled meeting materials which is on file with the City Clerk's office.

Councillor Galgay referenced the recent death of former Corner Brook Mayor Ray Pollett and made the following motion.

**SJMC2012-02-27/131R**

**It was moved by Councillor Galgay; seconded by Deputy Mayor Duff: That His Worship the Mayor write a letter of condolence to the family of Ray Pollett on behalf of the City of St. John's.**

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

**Councillor Hann**

Councillor Hann thanked staff, the rural secretariat, Deputy Minister Gilbert and all who helped the City launch its Municipal Plan Review with the Mayor's Symposium on Saturday, February 25, at City Hall. He thanked all the residents who took part and provided input which will be of significant benefit during the review of the Municipal Plan.

**Deputy Mayor Duff**

**SJMC2012-02-27/132R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Collins: That Council approve in principle the preparation of a Planning Area Development Scheme for the Narrows District (the communities of the Battery and Fort Amherst) in order to document the character defining elements and to provide planning protection for the communities which border the entrance to the historic harbor of St. John's, and that the**



**preparation of the Narrows District Planning process be undertaken as part of the Review of the St. John's Municipal Plan.**

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

Deputy Mayor Duff advised that the Urban Municipalities Committee of MNL will be meeting on the weekend and discussions will include the new fiscal approach with the Province.

**His Worship the Mayor**

His Worship the Mayor noted that he along with the City Manager and the Director of Finance will be meeting with Premier Dunderdale tomorrow to discuss a number of key issues one of which will be a new fiscal approach with the Province.

His Worship the Mayor referenced a recent news article regarding comments made by Mount Pearl Mayor Simms to the Chamber of Commerce that the transit service it charters through Metrobus is "woefully inadequate". Though Mayor O'Keefe stated that the comment by Mayor Simms was not meant as a criticism, the perception is that Metrobus is not providing an adequate service. Mayor O'Keefe noted that the service provided to the City of Mount Pearl is what was contracted for by the City of Mount Pearl. He noted that an enhanced service for the City of Mount Pearl was turned down a few years ago due to the additional cost. He provided the following information.

**1. Ridership**

In years 2008 and 2009, the average annual ridership was 170,000 (2010 and 2011 numbers were skewed due to the strike).

**2. Recommended changes to service in 2007**

**Currently**

Mount Pearl has 2 routes: Route 21 and 22.

Route 21 is the main route that operates once per hour seven days a week.

Route 22 operates once per hour peak times only (3 trips in the morning and 3 trips in the afternoon). This route services Donovans Industrial Park, Farrell Drive, Wyatt Blvd. and Mount Carson and along Topsail Road.

**Proposed in 2007**

Route 21 - slight adjustment in route and increase service to once every 30 minutes in peak times; once per hour in other times.

Route 22 - slight adjustment in route but no change in hours of service.

New Route - proposed to cost share with the City of St. John's to service Southlands and parts of Mount Pearl to Kenmount Road and Kelsey Drive via Mount Carson.

The routes were designed to provide better service to travel around within Mount Pearl or transfer between buses to allow Mount Pearl residents the option to travel to the Village Mall or to the Kenmount Road area.

The increase in annual cost was approximately \$400,000.

Councillor Hann noted that the City's recent Transit Study received 84% approval rating. He pointed out that an enhanced service was turned down by the City of Mount and they are now conducting their own study.

**Adjournment**

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

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**MAYOR**

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**CITY CLERK**