

January 12, 2009

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 4:30 p.m. today.

Mayor Dennis O'Keefe presided.

There were present also Deputy Mayor Ellsworth, Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Coombs and Collins

Regrets: Councillor Hanlon

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

Call to Order and Adoption of the Agenda

SJMC2009-01-12/15R

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

- a. Tender - Prepurchase of DAF Equipment
- b. Notices of Motion - - Ward Boundaries By-Law; Election Finance By-Law and Repeal of No. of Councillors By-Law

Adoption of Minutes

SJMC2009-01-12/16R

It was decided on motion of Councillor Hann; seconded by Councillor Duff: That the Minutes of the January 5th, 2009 meeting be adopted as presented.

Business Arising

Proposed Hotel Development, Intersection of Water Street/Prescott Street (Ward 2), Applicant, 3103301 NS Ltd.

Under business arising, Council considered as information a memorandum dated January 8, 2009 from the Director of Planning regarding the above noted. In accordance with the Council Directive of August 25, 2008, the public meeting on the application has been scheduled for Thursday, January 29, 2009 at 7 p.m. in the Foran/Green Room.

Notice of Motion (Councillor Collins) St. John's Electrical By-Law Amendment

SJMC2009-01-12/17R

Pursuant to Notice of Motion, it was moved by Councillor Collins; seconded by Councillor Hann : That the following St. John's Electrical By-Law Amendment No. 1, 2009), be adopted:

BY-LAW NO.

ST. JOHN'S ELECTRICAL BY-LAW (AMENDMENT NO 1 – 2009) BY-LAW

PASSED BY COUNCIL ON JANUARY 12, 2009

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.

BY-LAW

1. This By-Law may be cited as the "St. John's Electrical By-Law (Amendment No. 1 – 2009) By-Law.
2. Section 13 of The St. John's Electrical By-Law is repealed and the following substituted:

"13. The 2009 Canadian Electrical Code of the Canadian Standards Association and all amendments thereto adopted by the said Association are hereby declared to be and shall be taken as part and parcel of this By-Law as if same were repeated herein in full, and all provisions of the said Code shall apply to all electrical work and installations."

IN WITNESS WHEREOF the Seal of the City of St. John's was hereunto affixed and this By-Law was signed by the Mayor and City Clerk this 12th day of January ,2009.

MAYOR

CITY CLERK

The motion being put was unanimously carried.

Notice of Motion (Councillor Coombs) St. John's Snow Removal Regulations

SJMC2009-01-12/18R

Pursuant to Notice of Motion, it was moved by Councillor Coombs; seconded by Councillor Hickman: That the following St. John's Snow Removal (Amendment No. 1, 2009) Regulations be adopted:

BY-LAW NO.

ST. JOHN'S SNOW REMOVAL (AMENDMENT NO. 1 – 2009) REGULATIONS

PASSED BY COUNCIL ON JANUARY 12, 2009

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 snow removal.

AMENDMENT

1. This By-Law may be cited as the "St. John's Snow Removal (Amendment No. 1 – 2009) Regulations".
2. Section 7 of the St. John's Snow Removal Regulations is repealed and the following substituted:

"7. No person shall deposit snow or ice upon any street or sidewalk which street or sidewalk is cleared of snow or ice by the City."

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 12th day of January, 2009.

MAYOR

CITY CLERK

The motion being put was unanimously carried.

Tim Horton's Drive Thru

Under business arising, Councilor Colbert referenced the "Cheers and Jeers" Article in the Telegram indicating that according to Section 111.(1) of the Highway Traffic Act, traffic spilling onto roadways is against the law. The Chief Commissioner noted that this section of the Act does not address this particular issue, noting that Council and staff will be meeting with representatives of Tim Horton's next week and is confident a satisfactory resolution to the situation will be reached.

Councillor Puddister noted that contrary to some reporting, the intent of Council's motion of last week that a moratorium be placed on drive-thru applications, is to place a temporary ban on proposed applications to ensure the requirements of the City's traffic Department are met in the interest of public safety. Members of Council took exception to comments made by Mr. Brad George of the Canadian Federation of Independent Business, that the City is not being "business friendly." His Worship the Mayor noted he intends to write Mr. George in this regard.

Redmond's Road Vehicle Impound Lot

Deputy Mayor Ellsworth asked the status of Councillor's Coombs' query as to whether the Redmond's Road application was discussed at Council's private meeting on November 17, 2008. Councillor Coombs noted that he was advised by staff that the official minutes did not contain reference to this application. Councillor Puddister indicated he incorrently informed Councillor Coombs in this regard and that a brief discussion ensued following adjournment of that meeting.

Deputy Mayor Ellsworth alluded to last week's failed motion by Councillor Coombs, due to lack of a seconder, to have Council's decision of November 17, 2008 allowing the establishment of a Towing and Vehicle Impound Lot located on Redmond's Road, rescinded. He noted the Mayor's expression of "disappointment" that members of Council were not willing to at least allow an open debate on the issue. Deputy Mayor Ellsworth reminded the Mayor he could have vacated the chair in order to second the motion and allow debate. His Worship the Mayor noted there was no point in vacating the chair since the other members of Council were not willing to support the motion, noting he is not in favour of the Mayor getting into the habit of leaving the chair to second the motion, thereby losing control over the ensuing debate. He noted one should only have to vacate the chair for an "extremely serious situation".

During discussion, Councillor Collins pointed out that he was satisfied with Council's decision on the Redmond's Road application and saw no reason to further discuss the issue.

Councillor Hann referenced a CBC interview with Councillor Coombs which, he noted, appeared to insinuate that the Development Committee was being politicized because Councillors attend the meetings. Councillor Duff noted that she has been attending the meetings for years, and there is nothing "untoward" with Councilors attending the meeting. Councillor Coombs asked that staff provide information on the mandate of the Committee. He also asked if Councillors enter into debate on the issues brought before the Committee.

Notices Published

1. **A Discretionary Use Application** has been submitted by Mr. Sheldon Barry requesting permission to convert the existing single detached dwelling located at **Civic No. 20-22 Prospect Street** into two (2) residential infill units. The applicant will construct an extension of 2.4m x 7.3m onto the existing dwelling. The total lot area is 121 m² which meets the minimum lot requirements of 60m² per dwelling unit for an infill lot in the RD (Residential Downtown) Zone. **WARD 2**

Two (2) submissions of objection

SJMC2009-01-12/19R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Coombs: That the application be approved.

The motion being put was carried with Councillor Duff dissenting.

2. **A Discretionary Use Application** has been submitted by Chad Warren & Sherry McHugh for a proposed Home Occupation at **Civic No. 566-568 Thorburn Road**. The proposed business will be an Automotive Detailing Shop which will operate 9:00 am to 5:00 pm, Monday to Friday. The Home Occupation will also include a snow clearing business. The business will be located in the accessory building located on the property, and the applicant will be the sole employee. The total proposed floor area for the business is 80m². There will be 3 (three) parking spaces provided. A Home Occupation is a Discretionary Use in an accessory building in the RR (Rural Residential) Zone. **WARD 4**

SJMC2009-01-12/20R

It was moved by Councillor Puddister; seconded by Councilor Hann: That the application be approved.

The motion being put was unanimously carried.

Development Committee Report dated January 6, 2009

Council considered the following Development Committee Report dated January 6, 2009:

RECOMMENDATION OF APPROVAL:

1. **Proposed Eating Establishment Liquor License
Portobello's Restaurant
Civic No. 115 Duckworth Street (Ward 2)**

The Development Committee recommends that Council approve the above noted application.

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

SJMC2009-01-12/21R

It was moved by Councillor Duff; seconded by Councillor Hickman: That the Committee's recommendation of approval be accepted.

The motion being put was unanimously carried.

Tree Committee Report dated November 20th, 2008

Council considered the following Tree Committee Report dated November 20th, 2009:

Attendees: Jim Floyd, Chairperson, NL Association of Landscape Architects
LeeAnn Montgomery, Clean & Beautiful
Addison Bown, Grand Concourse Authority
Eric Salter, Resident Representative
Mike Murray, Landscape Newfoundland and Labrador
Dave Blackmore, Director of Building & Property Management
Ken O'Brien, Manager of Planning and Information
Dave Evans, Senior Municipal Arborist
Brian Head, Operations Assistant – Parks
Paul Boundridge, Planning Coordinator
Karen Chafe, Recording Secretary

1. Provincial Department of Natural Resources Representative

The Committee welcomed Mr. Rod Hillyard, as the newest member of the Tree Committee, representing the Provincial Department of Natural Resources. Mr. Hillyard is the District Ecosystem Manager with the Department.

Council's ratification of the membership of Rod Hillyard as representative for the Provincial Department of Natural Resources is hereby recommended.

**Jim Floyd
Chairperson**

SJMC2009-01-12/22R

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

The motion being put was unanimously carried.

City of St. John's 2007 Consolidated Financial Statements

The Director of Finance and City Treasurer reviewed the 2007 Consolidated Financial Statements and provided additional detail and explanation in a "Financial Statement Discussion and Analysis Paper".

SJMC2009-01-12/23R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hickman: That the City of St. John's 2007 Consolidated Financial Statements be approved as presented.

The motion being put was unanimously carried.

Resolutions

Council considered a memorandum dated January 7, 2009 from the Director of Finance and City Treasurer regarding borrowing resolutions, for the Multi-Year Capital Works Program and for the Harbour Clean-Up Project.

SJMC2009-01-12/24R

It was moved by Councillor Colbert; seconded by Councillor Galgay: That the following Resolution for the Multi-Year Capital Works Program be adopted:

RESOLUTION

WHEREAS the City of St. John's Municipal Council is empowered under the provisions of the City of St. John's (Loan) Act, 1978, as amended, to borrow money on the credit of the City subject to the approval of the Minister of Municipal Affairs;

AND WHEREAS the Council deems it advisable to borrow up to Twenty Four Million Dollars (\$24,000,000) under the said Act for the purpose of interim financing of the City's share of capital costs incurred under the 2008-2010 Multi-Year Capital Works Program and to seek the approval of the Minister of Municipal Affairs to borrow up to the said amount for the said purpose;

BE IT THEREFORE RESOLVED that the required approval of the Minister of Municipal Affairs be sought to borrow up to Twenty Four Million Dollars (\$24,000,000) for the said purpose.

The motion being put was unanimously carried.

SJMC2009-01-12/25R

It was moved by Councillor Colbert; seconded by Councillor Galgay: That the following Resolution for the Harbour Clean-Up Project be adopted:

RESOLUTION

WHEREAS the City of St. John's Municipal Council is empowered under the provisions of the City of St. John's (Loan) Act, 1978, as amended, to borrow money on the credit of the City subject to the approval of the Minister of Municipal Affairs;

AND WHEREAS the Council deems it advisable to borrow up to Thirty Five Million Dollars (\$35,000,000) under the said Act for the purpose of interim financing of the capital cost incurred for the completion of the Harbour Clean-Up Project and to seek the approval of the Minister of Municipal Affairs to borrow up to the said amount for the said purpose;

BE IT THEREFORE RESOLVED that the required approval of the Minister of Municipal Affairs be sought to borrow up to Thirty Five Million Dollars (\$35,000,000) for the said purpose.

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permit List for the period January 2 to 8, 2009:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF January 2, 2008 TO January 8, 2009**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Wild MD	Office Building	120 Stavanger Drive	1	Approved	09-01-05
RES	ERCO Development Inc.	Five townhouses units	Mayor Avenue@ Newtown Road	2	Approved	09-01-05
COM	Beagle Paws	Change of Occupancy/Retail Only	14 Forbes Street	3	Approved	09-01-08

<p>* Code Classification: RES- Residential COM- Commercial AG - Agriculture</p>	<p>INST - Institutional IND - Industrial</p>
<p>** This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.</p>	

**Gerard Doran
Development Officer
Department of
Planning**



Building Permits List

SJMC2009-01-12/26R

It was decided on motion of Councillor Duff; seconded by Councillor Hann: That the recommendation of the Director of Building and Property Management with respect to the following Building Permits List be approved:

2009/01/07

Permits List

CLASS: COMMERCIAL

57770 NEWFOUNDLAND & LABRADOR	207 KENMOUNT RD	MS OFFICE
PLAZACORP PROPERTY HOLDINGS	250 LEMARCHANT RD, SHOPPERS	SN CLINIC
VICTOR & BRENDA ROBERTS	515 KENMOUNT RD, FIREWORKS	NC ACCESSORY BUILDING
DAVE QUICK	16-72 HAMLIN RD - COUNTRY PET	CO INDUSTRIAL USE
CBC	95 UNIVERSITY AVE	RN COMMUNICATIONS USE
HOME ELEMENTS, INC.	15 GOLDSTONE ST - UNIT 5	CR RETAIL STORE
PAR HOLDINGS LIMITED	120 LEMARCHANT RD, WASTE MGMT	RN OFFICE
BRETON SOLUTIONS INC.	40 QUIDI VIDI RD - SUITE 102	TI OFFICE

THIS WEEK \$ 90,200.00
TO DATE \$ 55,700,894.00

CLASS: INDUSTRIAL

THIS WEEK \$.00
TO DATE \$ 2,685,000.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00
TO DATE \$ 43,140,635.00

CLASS: RESIDENTIAL

ERCO HOMES	23 KERR ST - LOT 40	NC SINGLE DETACHED DWELLING
LIAM MURPHY	876 MAIN RD	NC SINGLE DETACHED DWELLING
STEADFAST CONTRACTING	7 PLOVER STREET, LOT 51	NC SINGLE DETACHED & SUB.APT
SEAN & STEPHANIE COLFORD	1 GOODVIEW ST	CR SUBSIDIARY APARTMENT
LEONARD CLARKE	129-131 BOND ST	RN SEMI-DETACHED DWELLING
PAUL LEONARD	2 CABOT ST	RN SEMI-DETACHED DWELLING
ROBERT DALEY	13 MEEKER PL	RN SEMI-DETACHED DWELLING
GERALD PINSENT	60 PLEASANT ST	RN TOWNHOUSING
GREG BOYDE	27 GAMBIER ST	SW SINGLE DETACHED & SUB.APT
EDISON KING	5 STAMP'S LANE	SN OFFICE

THIS WEEK \$ 626,800.00
TO DATE \$148,510,164.00

CLASS: DEMOLITION

URBAN CONTRACTING J.J. WALSH	16 KEEGAN CRT	DM TOWNHOUSING
CIR MANAGEMENT LIMITED	THE VILLAGE-430 TOPSAIL RD	DM RETAIL STORE
		THIS WEEK \$ 57,500.00
		TO DATE \$ 1,875,900.00

THIS WEEK'S TOTAL: \$ 774,500.00

TOTAL YEAR TO DATE: \$251,912,593.00

REPAIR PERMITS ISSUED: 2009/01/01 TO 2009/01/07 \$ 25,000.00
 2007/12/13 TO 2009/01/07 \$ 3,658,660.00 YTD

LEGEND

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

Rejections:

8 Forest Road:

Application for signage at the above address rejected as contrary to **Section 3.(2) of the City of St. John's Sign By-Law** (No sign shall be permitted on residential property).

232 Torbay Road:

Application to operate a Family Home Childcare Facility at the above referenced property has been rejected as contrary to **Section 2 of the St. John's Development Regulations** as the proposed use does not conform to the definition of Family Home Childcare and therefore is not a permitted use in the R1 Zone

333 Freshwater Road:

Application to operate a Family Home Childcare Facility at the above referenced property has been rejected as contrary to **Section 2 of the St. John's Development Regulations** as the proposed use does not conform to the definition of Family Home Childcare and is not a permitted use in the CH Zone.

Payrolls and Accounts

SJMC2009-01-12/27R

It was decided on motion of Councillor Duff; seconded by Councillor Hann: That the following Payrolls and Accounts for the week ending January 8, 2009 be approved as presented:

**Weekly Payment Vouchers
For The
Week Ending January 8, 2009**

PAYROLL

Public Works	\$ 414,617.46
Bi-Weekly Amalgamation	\$ 502,735.31
Bi-Weekly Management	\$ 574,177.42
Bi-Weekly Administration	\$ 571,032.37

ACCOUNTS PAYABLE

Cheque No. 141669 - 142006	\$2,003,666.79
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Total: \$4,066,229.35

Notices of Motion

Councillor Coombs gave the following Notice of Motion:

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move to amend the Sign By-Law so as to provide that the exemption for non-illuminated real estate signs applies only to signs in place for less than one (1) year.

Councillor Coombs gave the following Notice of Motion:

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move to amend Section 3 of the Ward Boundaries By-Law so as to refer to the current, and therefore correct, number of Councillors.

Councillor Coombs gave the following Notice of Motion:

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move to repeal the No. of Councillors By-Law as this By-Law is superseded by the provisions of the City of St. John's Act and is therefore redundant.

Councillor Coombs gave the following Notice of Motion:

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move to amend Section 6 of the St. John's Election Finance By-Law so as to clarify the provisions of this Section.

Phone Polls

SJMC2009-01-12/28R

It was moved by Councillor Hickman; seconded by Councillor Hann: That the following Phone Poll be ratified:

Phone Poll Ratification – Travel by His Worship the Mayor to attend the FCM Big City Mayors' Caucus , Ottawa, January 14-15, 2009

The motion being put was unanimously carried.

Travel Request by Councillor Hickman to attend Board Meeting of the Canadian Capital Cities Organization, Ottawa, February 11-13, 2009

SJMC2009-01-12/29R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hickman: That travel by Councillor Hickman to attend Board Meeting of the Canadian Capital Cities Organization, Ottawa, February 11-13, 2009, be approved.

The motion being put was unanimously.

Brookfield Plains Subdivision

Council considered a memorandum dated January 8th, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-01-12/30R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hann: That the recommendation of the Chief Commissioner and City Solicitor that the Mayor and City Clerk be authorized to execute the Quit Claim Deed with respect to Brookfield Plains Subdivision, be approved.

The motion being put was unanimously carried.

The Telegram Article – “Set aside pet time in public places”

In considering the above noted article, it was agreed that the City explore the possibility of designating space to allow dogs to be untethered, such as Pippy Park and other appropriate areas in the City. The matter was referred to the Parks and Recreation Committee as well as the Animal Control Committee for consideration.

Councillor Coombs

Councillor Coombs noted that concern has been expressed to him that some businesses in the downtown are not keeping the sidewalks in front of their business free of snow and ice. It was noted that the City has a cost shared arrangement with the DDC to clear the sidewalks. However, this arrangement is solely for sidewalk snow clearing of 10 cm of snow or more and does not involve salting or sanding.

Councillor Galgay also noted that he received a similar complaint from a downtown business owner. Enforcement of the regulation governing salting and sanding of sidewalks by business owners was questioned and in this regard the matter was referred to staff.

Councillor Galgay referenced the Mayor's attendance January 14, 2009 at the FCM Big Cities Mayors' Caucus in Ottawa, and asked that he take advantage of the opportunity to bring forward the issue of affordable housing along with his list of capital projects, among others.

Councillor Puddister

Councillor Puddister pointed out to members of Council that if the City is to enforce the proper clearing of sidewalks in the downtown it has to be diligent in looking after those owned and controlled by the City.

Councillor Hickman

Councillor Hickman referenced the invitation from the Eastern School District to the 2008-11 Strategic Plan Presentation, January 13, 2009 and offered to attend the meeting on behalf of Council.

Councillor Colbert

Councillor Colbert asked for the following information as it relates to the City's provision of parking enforcement on private parking lots:

1. The names and addresses of all businesses/government agencies to which we provide the service.
2. A copy of the contract between the parties.
3. Are all contracts the same? Do they all operate the same? i.e, permits
4. Have we ever refused to provide the service to any business, if so, why?
5. The revenue that is generated from each of the lots (if this cannot be established then the total revenue will do)
6. The minutes of the meeting when Council approved this arrangement between the private businesses and the City.
7. What/who gives us the legal right to provide such a service?

Councillor Duff

Councillor Duff advised the general public that Council met today with the Architect, Mr. Philip Pratt regarding the George Street Redevelopment Study. She noted that it was never intended that the outdoor market be exclusive to farmers but to other vendors/multi-faceted. She noted that Council directed staff to provide information on sequencing the projects, provide cost estimates, and identify potential funding partners. That information, once compiled will be presented to Council at which time they will decide how they wish to proceed.

Councillor Duff also alluded to the importance of placing the issue of Affordable Housing on Federal Radar. She noted there has been a lot of concern across Canada over the years because the Federal government pulled out of its leadership role on Affordable Housing creating enormous deficit. Not only is capital funding needed, but also creative and sustained leadership, and financial investment from the Federal Government. She noted that when the Federal government was involved in such programs the greatest progress was made in making sure all Canadians have access to what is really a basic human right and that is, having decent, affordable housing.

Deputy Mayor Ellsworth

Deputy Mayor Ellsworth noted that sidewalk clearing was raised recently and referred to the Council/DDC/BIA Joint Council.

Deputy Mayor Ellsworth referenced his request last week that staff provide a comparison of housing starts reflected in the figures presented in the January 2009 Economic Update. He advised that he was advised by staff that housing starts are on par with last year and that this type of information will be provided in an alternate format on a go forward basis.

His Worship the Mayor

His Worship the Mayor referenced a weekend article by the Telegram regarding a National Freedom of Information Audit. It noted that St. John's ranked third-best out of 22 municipal governments across the country surveyed by the Canadian Newspaper Association, garnering a grade of B. The Mayor commended and thanked staff on their handling of information requests.

Adjournment

There being no further business, the meeting adjourned at 6:00 p.m.

MAYOR

CITY CLERK