

January 29, 2007

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

His Worship the Mayor presided.

There were present also Deputy Mayor O=Keefe, Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Ellsworth and Collins.

Regrets: Councillor Coombs

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

Call to Order and Adoption of Agenda

SJMC2007-01-29/49R

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

- a. Memorandum dated January 29, 2007 from the Chief Commissioner/City Solicitor re: Avalon Sports Inc.

Adoption of the Minutes

SJMC2007-01-29/50R

It was decided on motion of Councillor Duff; seconded by Councillor Hickman: That the Minutes of January 22, 2007 be adopted as presented.

Notices Published

1. **A Discretionary Use Application** has been submitted by Mr. Russell Floren requesting permission to use the existing carriage house at the Angel House Heritage Inn located at **Civic No. 146 Hamilton Avenue** for the sale of antiques. The proposed antique business will occupy a floor area of approximately 45 sq. meters within the existing carriage house. Off-street

parking for five (5) vehicles can be accommodated on the site. **(Ward 2)**
One letter of support

SJMC2007-01-29/51R

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

**Public Works, Environment & Protection Standing Committee Report dated
January _____ 18th, _____ 2007**

Council considered the following Public Works, Environment & Protection Standing Committee Report dated January 18th, 2007:

In Attendance: Councillor Ron Ellsworth, Chairperson
Councillor Tom Hann
Councillor Wally Collins
Councillor Frank Galgay
Ron Penney, Chief Commissioner/City Solicitor
Art Cheeseman, Associate Commissioner/Director of

Engineering

Paul Mackey, Director of Public Works & Parks
Dave Blackmore, Director of Building & Property Management
Robert Bishop, Director of Finance & City Treasurer
Richard Parks, Manager of Fleet Division
Jim Clarke, Manager of Streets & Parks
Brendan O=Connell, Manager of Environmental Services
Gerri King, Manager of Environmental Initiatives
Jason Sinyard, Manager of Waste Management Division
Brian Head, Operations Assistant - Parks
Michael Smith, Environmental Technician
Karen Chafe, Recording Secretary

Regrets from Councillors Duff & Puddister

1. **Cross Connection Program**

The Committee considered background information from the Dept. of Public Works & Parks regarding the proposed cross connection control program for the City=s water distribution system. The Committee endorses the following as recommended by the Director of Public Works & Parks:

That the City proceed with the development and adoption of a Cross Connection Control By-Law, and that such a program be implemented following appropriate public notification.

It should be noted that the proposed hiring of a Cross Connection Control Officer to implement and maintain the program was not approved in this year=s round of budget discussions. Staff advised, however, that pending this year=s process, they may resubmit the request for consideration in next year=s budget.

2. **Anti-Idling Policy**

The Committee considered the attached Anti-Idling Policy which is a revision from the original policy 11-23-04.

The Committee recommends that the attached Anti-Idling Policy be adopted, replacing the original policy: 11-23-04.

3. **Ryan=s Lane Snow Clearing**

The Committee considered a memorandum dated January 9th, 2007 from the Director of Public Works & Parks regarding the private gravel lane off Kenmount Road wherein snow clearing is limited to the front of civic # 307.

The Committee endorses the recommendation of staff that the status quo be maintained and that snow clearing of the lane be restricted to the front of civic # 307. It should be noted that this lane which is private is very steep and in poor condition which will cause serious safety concerns with the City=s heavy equipment operations.

4. **New Anti-Icing Truck**

The Committee considered a memorandum dated December 1st, 2006 from the Director of Public Works & Parks regarding the purchase of a new truck to increase the City=s anti-icing capability. No additional staff will be required for the new truck because existing operators will be utilized to operate it. The Committee endorses the following recommendation of staff:

That Council approve the calling of tenders for the purchase of 1 additional anti-icing truck (estimated cost \$175,000). It is further recommended that this unit be funded from the salt savings reserve fund.

5. **Service Evaluation Survey Results**

The Committee considered as information the attached service evaluation survey results. The majority of comments received were of a very positive nature, and the Committee commended staff for the job well done in servicing the general public. For Council=s information.

Councillor Ron Ellsworth
Chairperson

SJMC2007-01-29/52R

It was moved by Councillor Ellsworth; seconded by Councillor Hickman: That the Committee=s recommendations be approved.

Discussion ensued during which Councillor Duff asked for information pertaining to budgeted salt expenditures re Item #4 (New Anti-Icing Trucks).

Following discussion, the motion being put was unanimously carried.

Heritage Advisory Committee Report dated January 26, 2007

Council considered the following Heritage Advisory Committee Report dated January 26, 2007:

Members: Councillor Shannie Duff, Chairperson
Councillor Ron Ellsworth
Bernadine Simmonds
Gerard Hayes
Neil Hardy
David Kelland
Dale Jarvis
Melanie Del Rizzo
Andrew Ryan
Debbie O=Rielly

Request for Temporary Signage

Bristol Group and the Atlantic Lottery Corporation have submitted an application for a projected image to be shown on 152 Water Street (see attached photo for reference). The projected image will be temporary for the entire month of February from the hours of 3:00 p.m. to 8:00 a.m. daily. The image size will be approximately 30'x50' and will have a countdown clock (days-hours-mins-secs), changing text message, and logos of the proposed lottery and the Atlantic Lotto Corporation. Due to confidentiality reasons they did not want the image circulated and presented at the council meeting prior to it being released to the public on February 1st. The image will be projected from the adjacent building (old Gallery Shoes building) across the parking lot and on the side of 152 Water Street. They advise that they already have consent of the traffic department.

The Committee recommends rejection of the proposal as it is contrary to the

Heritage Area Sign By-Law for the following reasons:

- A sign is defined in the St. John's Sign By-Law as Aa device or platform designed to advertise a product or service or relay a message or illustration and includes but is not limited to advertising, messages or illustrations applied directly to building, walls or other surfaces.@
- Third party sign is defined in the St. John's Heritage Area Sign By-Law as: Aa sign which references or advertises a company, store, service, product, or event not available or occurring at the building or site to which it is affixed.@

The proposed projected image, therefore, is a sign, is third party and it also exceeds the maximum size of a wall sign (32 ft²).

It should also be noted that during a Development Committee meeting of October 17th, 2006, an application to allow projected images (temporary signage) on two sites: the Majestic Building and the Cellar Restaurant Building, to promote the International Women=s Film Festival was also rejected, because it was contrary to the sign by-law. Council endorsed the Development Committee=s recommendations in this regard.

Councillor Shannie Duff
Chairperson

SJMC2007-01-29/52R

It was moved by Councillor Duff; seconded by Councillor Ellsworth:
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 January 18, 2007 to January 25, 2007:

DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF JANUARY 18, 2007 TO JANUARY 25, 2007

Code	Applicant	Application	Location	Ward	Development Officer's	Date
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					Decision	
Res.	Mr. Carl Roberts	Construction of Attached Garage	Civic No. 1 Elliott=s Road	Ward 5	Application Rejected: Contrary to Section 10.3.3(1)(e)	07 01 18
Res	Newfoundland & Labrador Housing Corporation	Proposed Retrofit of NLHC Housing Units	Civic No=s. 67 - 81 Froude Avenue	Ward 3	Application Approved	07 01 22
Res.	Mr. Daniel Rideout	Proposed Extension to Dwelling	Civic No. 347 Blackmarsh Road	Ward 3	Application Approved	07 01 25

NOTES:

*	<p>Code Classification:</p> <p>RES - Residential INST - Institutional</p> <p>COM - Commercial IND - Industrial</p> <p>AG - Agriculture</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>

Ed Murray
Development Officer
Department of Planning

Building Permits List

SJMC2007-01-29/53R

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

4

2007/01/2

Permits List

CLASS: COMMERCIAL

REIDS CONVENIENCE	34 CAMPBELL AVE, REIDS CONVEN.	MS CONVENIENCE STORE
STOGGER'S PIZZA	75-81 HARVEY RD, STOGGERS PIZZA	SN TAKE-OUT FOOD SERVICE
NFLD. LIQUOR COMMISSION PROFIT	43 KELSEY DR, NFLD. LIQUOR	MS ADMIN BLDG/GOV/NON-
HAPPY'S FIREWORKS	515 KENMOUNT RD, HAPPY'S FIREW	MS RETAIL STORE
ALEXIS TEMPLETON STUDIO INC.	75 QUIDI VIDI RD	SN CUSTOM WORKSHOP
ABACUS CRAY LTD. (JONES & CO.)	20 ROPEWALK LANE, ABACUS CRAY	MS MIXED USE
ELDON BESSEY	758 THORBURN RD, ELDON BESSEY	SN OFFICE
FMC TECHNOLOGIES COMPANY	475 WATER ST	NC ACCESSORY BUILDING

THIS WEEK \$

172,450.00
1,188,250.00

TO DATE \$

CLASS: INDUSTRIAL

.00
300,000.00

THIS WEEK \$

TO DATE \$

CLASS: GOVERNMENT/INSTITUTIONAL

WATER TREATMENT PLANT
PROFIT

70 SOUTHERN SHORE HIGHWAY

RN ADMIN BLDG/GOV/NON-

466,000.00
873,500.00

THIS WEEK \$

TO DATE \$

CLASS: RESIDENTIAL

SAI-MON CHIU
ROBERT SEYMOUR
LEONARD KENNY
DAVID SACKS
DAVID SACKS
SALLY GODDARD
TRABON CONSTRUCTION
BERTRAM & ROSALIE BLUNDON
D. DYMOND
DAVE PUDDICOMBE

34 BURRY PORT ST
324 PENNYWELL RD
19 GLADNEY ST
101 BAY BULLS RD, UNIT 14
101 BAY BULLS RD, UNIT 16
46 EMPIRE AVE
20 PALM DR
206 PENNYWELL RD
39 RUTLEDGE CRES
56 SHAW ST

NC FENCE
NC FENCE
CR SINGLE DETACHED DWELLING
RN TOWNHOUSING
RN TOWNHOUSING
RN SUBSIDIARY APARTMENT
RN SINGLE DETACHED DWELLING
RN SINGLE DETACHED DWELLING
RN SINGLE DETACHED DWELLING
SW SINGLE DETACHED DWELLING

52,200.00
2,125,466.00

THIS WEEK \$

TO DATE \$

CLASS: DEMOLITION

.00
75,256.00

THIS WEEK \$

TO DATE \$

690,650.00
4,562,472.00

THIS WEEK'S TOTAL: \$

TOTAL YEAR TO DATE: \$

REPAIR PERMITS ISSUED: 2007/01/18 TO 2007/01/24 \$ 12,600.00
2006/12/28 TO 2007/01/24 \$ 44,350.00

YTD

LEGEND

CO CHANGE OF OCCUPANCY
RN RENOVATIONS
MS MOBILE SIGN
SN SIGN
NC NEW CONSTRUCTION

EX EXTENSION
CR CHNG OF OCC/RENOVTNS
SW SITE WORK
DM DEMOLITION

Payrolls and Accounts

SJMC2007-01-29/54R

It was decided on motion of Councillor Hann; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending January 25, 2007 be approved:

**Weekly Payment Vouchers
For The
Week Ending January 25, 2007**

PAYROLL

Public Works	\$ 340,427.58
Amalgamation	\$ 497,925.19
Bi-Weekly Administration	\$ 534,329.41
Bi-Weekly Management	\$ 471,906.38

ACCOUNTS PAYABLE

Cheque No. 111627 - 111888	\$1,995
	,368.73
(Includes Direct Deposits/Transfers/Equip. Leasing)	

Total:	\$3,839
	,957.29

Tenders

- a. Tender - Purchase of Two (2) Rubber Tracked Sidewalk Plows with Snow Blower Attachments

SJMC2007-01-29/55R

It was decided on motion of Councillor Hann; seconded by Councillor Puddister: That the recommendation of the Acting Director of Finance and City Treasurer be approved and the tender awarded as follows:

- a. S & S Supply Ltd. in the amount of \$304,700.00 (HST Extra)

Petitions

Councillor Galgay tabled a petition the prayer of which reads as follows:

We, the undersigned, petition St. John=s City Council to reject the developmental proposal put forth by the Millennium Group to construct a 35 room luxury inn and 46 seat restaurant on the property known as ATucker=s Wharf@ in Quidi Vidi Village.

This proposal is not in keeping with The Quidi Vidi Village Development Plan that was adopted by the City of St. John=s in 2006.

Martin=s Meadow (Estate of William O.D. Kelly)

Council considered a memorandum dated January 23, 2007 from the Chief Commissioner/City Solicitor regarding the above noted.

SJMC2007-01-29/56R

It was decided on motion of Councillor Colbert; seconded by Councillor Hann: That the Estate of William O.D. Kelly, who owns a 1.7 interest in the William=s Estate, be compensated in the amount of \$4,515.28 as recommended by the Chief Commissioner/City Solicitor.

Martin=s Meadow (Estate of Maud White)

Council considered a memorandum dated January 23, 2007 from the Chief Commissioner/City Solicitor regarding the above noted.

SJMC2007-01-29/57R

It was decided on motion of Councillor Colbert; seconded by Councillor Hann: That the Estate of Maud White, who owns a 3/49 interest in the William=s Estate, be compensated in the amount of \$1,935.00 as recommended by the Chief Commissioner/City Solicitor .

Valleyview Road Bridge Replacement, Daniel Menchinton

Council considered a memorandum dated January 25, 2007 from the Chief Commissioner/City Solicitor regarding the above noted.

SJMC2007-01-29/58R

It was decided on motion of Councillor Colbert; seconded by Councillor Hann: That Mr. Daniel Menchinton, owner of a parcel of land at 9 Valleyview Road, expropriated by the City for Valleyview Road Bridge Replacement, be compensated in the amount of \$1,000.00 as recommended by the Chief Commissioner/City Solicitor

Corporate ID Project Plan

Council considered a memorandum dated January 26, 2007 from the Chief Commissioner/City Solicitor regarding the above noted.

SJMC2007-01-29/59R

It was moved by Councillor Colbert; seconded by Councillor Hann: That staff be authorized to move forward with the Corporate ID Project Plan as presented and as recommended by the Chief Commissioner/City Solicitor.

The motion being put was unanimously carried.

Assessment Rates - 2007

Council considered a memorandum dated January 23, 2007 from the Associate Commissioner/Director of Engineering regarding the above noted.

SJMC2007-01-29/60R

It was decided on motion of Councillor Colbert; seconded by Councillor Hickman: That the Assessments Rates for 2007 be approved as follows:

Assessment Rates for 2006 Assessment Rates for 2007

Watermain	\$128.00/m	\$154.00/m
Sanitary Sewer	\$116.00/m	\$140.00/m
Storm Sewer	\$ 75.00/m	\$ 91.00/m
Water Service	\$831.00 EA	\$1,002.00 EA
Sanitary Service	\$857.00 EA	\$1,033.00 EA
Storm Service	\$857.00 EA	\$1,033.00 EA
Commercial Water Service	\$3,147.00 EA	\$3,795.00 EA
Commercial Sanitary Service	\$1,520.00 EA	\$1,833.00 EA
Commercial Storm Service	\$1,392.00 EA	\$1,679.00 EA

Street Improvement	\$68.00/m	\$82.00/m
New Street	\$289.00/m	\$348.00/m
Sidewalk	\$16.00/m	\$20.00/m
Rural Street Upgrading	\$58.00/m	\$70.00/m

Projected Memorial Stadium Costs, Based on Renovation/Expansion

Council considered as information a report on the projected Memorial Stadium costs based on Renovation/Expansion outlining assumptions, annual costs of a renovated and expanded Memorial Stadium, and Annual Costs to Taxpayers of MOS and the SJCC. His Worship the Mayor noted that when you consider the benefits generated by Mile One Centre in the community at large, the facility has been an outstanding success, and he acknowledged the contribution by the private sector members who supported this infrastructure.

Letter dated January 19, 2007 to His Worship the Mayor from Minister Jack Byrne, Department of Municipal Affairs re: Proposed Feasibility Study

Council considered the above noted letter from Minister Jack Byrne giving prior notification of his intention to order that a Feasibility Study be prepared into the City of Mount Pearl=s proposal to expand its municipal boundary east of Commonwealth Avenue and south of the current Mount Pearl Municipal Boundary to the limits of the East-West Arterial Road right of way. He further advised that Mr. John Roil has been appointed to serve as Commissioner and prepare the Feasibility Study.

Letter dated January 19, 2007 to His Worship the Mayor from Jim Buckingham and John Breen, Directors, Avalon Sports, requesting a meeting with Council to discuss a a Site for a Proposed Indoor Field Sports Facility for St. John=s area

Council considered the above noted letter from Avalon Sports Inc. requesting a meeting with Council to discuss a site for a proposed indoor field sports facility for the St. John=s area, proposing that the City assist by donating City-owned land for the construction of the proposed facility. In this regard, Council considered a memorandum dated January 29, 2007 from the Chief Commissioner/City Solicitor.

SJMC2007-01-29/61R

It was moved by Councillor Puddister; seconded by Councillor Hickman: That representatives of the Avalon Sports Inc. be given the opportunity to meet with the Parks and Recreation Standing Committee to discuss their proposal for an indoor soccer facility for the St. John=s area.

Discussion ensued during which Councillor Duff suggested that a decision on the matter be held pending development of the City=s Parks and Recreation Master Plan.

Following discussion, the motion being put was unanimously carried.

Deputy Mayor O=Keefe

Deputy Mayor O=Keefe advised that a committee has been formed composed of representatives of school councils to look at the possibility of locating a high school back to the west end area of St. John=s. He noted that a meeting has been scheduled for February 1, 2007 at 7:30 p.m. at Beaconsfield Field Junior High School, Waterford Bridge Road. He encouraged parents in the west end to attend the meeting, and suggested that members of Council become part of the process in support of the idea.

Councillor Galgay

Councillor Galgay advised that he received calls from parents of children who attend Lakecrest and St. Bonaventure=s College private schools concerning sidewalk snow clearing and noted that he has been advised by the Director of Public Works & Parks that those schools will be included on the list of schools eligible for sidewalk snow clearing.

Councillor Ellsworth

Councillor Ellsworth asked residents, along with business owners, to be mindful of the hazards of shovelling snow onto the streets. He also encouraged residents to report incidents of illegal snowmobiling to the RNC.

Councillor Ellsworth advised there will be a meeting of the Airport Heights Citizens= Committee, January 30, 2007 at 8:00 p.m., weather permitting.

Councillor Collins

Councillor Collins advised that the Southside Road Traffic Study is now available and thanked members of staff who worked on the project.

Councillor Collins advised that he has asked the St. John=s Transportation Commission to consider providing a bus service to the areas of Southlands, South Brook, Petty Harbour Road and Backline.

Adjournment

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

MAYOR

CITY CLERK