

January 30<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 O'Leary, Hickman, Hann, Colbert, Breen, Galgay, Tilley, Hanlon and Collins.

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

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

##### **SJMC2012-01-30-/68R**

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

- a. Letter dated January 27, 2012 to His Worship the Mayor from Mike Doucette, Vice President, Conventional Atlantic Loblaw, re closure of Churchill Square, Save Easy (St. John's, NL)
- b. Media Release – City to accept Registration for Mayor's Symposium

#### **Adoption of Minutes**

##### **SJMC2012-01-30/69R**

**It was decided on motion of Councillor Galgay; seconded by Councillor O'Leary: That the minutes of the January 23<sup>rd</sup>, 2012 meeting be adopted as presented.**

#### **Business Arising**

##### **SJMC2012-01-30/70R**

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

Discussion ensued during which, Councillor Colbert asked that provision be made in the by-law to protect the whistleblower in terms of providing legal counsel in the event the worker is named in a lawsuit.

**SJMC2012-01-30/71R**

**It was then moved by Councillor Colbert; seconded by Councillor O’Leary: That a decision be deferred pending review of Councillor Colbert’s request by the legal staff.**

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

**Business Arising**

**Application to Rezone Property for a Mixed use Development  
Civic No. 25 Rhodora Street, Gibraltar Development**

Under business arising, Councillor Breen referenced Council’s decision of January 23, 2012 to defer making a decision on the above noted application until such time as the Airport Authority has had an opportunity to complete its review of the application. Councillor Breen advised that the applicant has since withdrawn the application and has resubmitted a new application which will be dealt with through the City’s planning process.

**Notices Published**

- 1. A Discretionary Use Application** has been submitted by Jennifer Gorman requesting permission to occupy a portion of Civic Number **4 Trainor Place as a Day Care Centre**. The proposed business will occupy a floor area in the basement level of approximately 31 metres squared and will operate five (5) days per week, 8:30 a.m. - 5:15 p.m. The business involves caring for a maximum of eight (8) children. There are two (2) on-site parking spaces available for the business. The applicant is the sole employee. **(Ward 1)**

**Four (4) submissions of objection**

**One (1) submission of support**

**One (1) Submission of concern**

**SJMC2012-01-30/72R**

**It was moved by Councillor Hann; seconded by Councillor Colbert: That the application be rejected.**

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

**Development Committee Report dated January 24<sup>th</sup>, 2012**

Council considered the following Development Committee Report dated January 24<sup>th</sup>, 2012:

**RECOMMENDATIONS OF APPROVAL**

**1. Proposed Senior's Apartment Buildings  
G & G Services  
Southlands Boulevard at Teakwood Drive (Ward 5)**

The Committee recommends that Council renew the Approval-in-Principle for the development for a period of one (1) year, subject to the following conditions:

- a. Compliance with the requirements of the Departments of Planning and Engineering, including conformance with the City's Commercial Development Policy;
- b. The Newfoundland and Labrador Housing Corporation to pay the full costs of the traffic signalization of the intersection of Southlands Boulevard and Teakwood Drive;
- c. The developed site shall conform to the City's Commercial Landscape Policy;
- d. Payment of all development fees and assessments in accordance with the requirements of the Development Regulations; and
- e. The required Building Permits must be obtained from the City, prior to the commencement of any development.

Robert F. Smart, City Manager  
Chair – Development Committee

**SJMC2012-01-30/73R**

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

**Following discussion, the motion being put was unanimously carried.**

**Audit Committee Report dated January 25<sup>th</sup>, 2012**

Council considered the following Audit Standing Committee Report dated January 25<sup>th</sup>, 2012:

In Attendance:           Councillor Sandy Hickman, Chairperson  
                                  Councillor Debbie Hanlon  
                                  Councillor Tom Hann  
                                  Councillor Danny Breen

Councillor Bruce Tilley (12:25 p.m.)  
Mr. Harold Squires, Citizen Representative  
Mr. Bob Smart, City Manager  
Mr. Neil Martin, Deputy City Manager/Director of Corporate Services & City Clerk  
Mr. Bob Bishop, Director of Finance & City Treasurer  
Mr. Sean Janes, Auditor I  
Ms. Maureen Harvey, Recording Secretary

Others in attendance: Janine Halliday – Manager Citizen’s Service Centre  
Mr. Bill Thistle – General Manager – SJSE  
Mr. Mike Saunders – Senior Manager – Finance & Administration - SJSE

**1. Cash Shortage – Citizen’s Service Centre**

The Committee reviewed a memorandum dated July 26, 2011 from the Director of Finance – City Treasurer regarding a cash shortage in the Citizen’s Service Centre along with a follow up report from management in response to the recommendations contained in the memorandum.

Recognizing that cash shortages in the Citizen Service Centre are extremely rare, given the volume of cash that flows through the Service Centre, the Committee was satisfied that the matter had been fully investigated and documented. Having reviewed the recommendations and responses put forward, the Committee was satisfied that reasonable and acceptable measures have been implemented to minimize possibility of future cash shortages and that no further action in relation to this incident is required.

**2. Internal Audit Summary Report – St. John’s Sports and Entertainment Ltd**

The Committee reviewed a report from the Internal Auditor dated June 24, 2011 representing a follow- up review with respect to Cash Control Procedures at Mile One Centre - St. John’s Sports and Entertainment Limited. The purpose of the follow-up was to determine the adequacy, effectiveness and timeliness of actions taken by management on audit findings presented in the original program review dated April 22, 2009.

The Committee reviewed, in detail, each of the issues identified, the auditor’s recommendations and management’s response to such recommendations. The Committee is satisfied with the management’s response and action taken to date and feels confident that such measures will greatly enhance cash control processes at Mile One. The Committee also recognized that the implementation of some recommendations will continue, particularly as they relate to a newly acquired ticketing purchase system.

**On a motion from Councillor Tom Hann; seconded by Councillor Debbie Hanlon, the Committee adopted reports from the City’s Internal Auditor with respect to the Citizen’s Service Centre and St. John’s Sports and Entertainment Limited.**



**Building Permits List**

**SJMC2012-01-30/75R**

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

2012/01/25

Permits List

**CLASS: COMMERCIAL**

MCLOUGHLAN ESTATES LIMITED	22-24 BLACKMARSH RD	SN RETAIL STORE	
SUNLIFE	145 KELSEY DR	SN OFFICE	
EPILEPSY NEWFOUNDLAND AND	351-361 KENMOUNT RD	SN RETAIL STORE	
COCO CUPCAKES	446 NEWFOUNDLAND DR, COCO CUPCA	SN BAKERY	
BANK OF NOVA SCOTIA	37 ROWAN ST	SN BANK	
PDL HOLDINGS	3 STAVANGER DR.	MS RESTAURANT	
TERRY GULLIVER	371-373 DUCKWORTH ST-TRAPPER'S	RN TAVERN	
TEAMSTERS L855	99 LEMARCHANT RD	RN OFFICE	
AUSTIN'S CONTRACTING INC.	25-27 AUSTIN ST	CR OFFICE	
APM CONSTRUCTION SERVICES	10 MESSENGER DR - KENT	NC ACCESSORY BUILDING	
CIR MANAGEMENT	92 THORBURN RD	RN EATING ESTABLISHMENT	
RICHE INVESTMENTS	40 QUIDI VIDI RD	RN OFFICE	
APPLECORE INTERACTIVE INC.	40 QUIDI VIDI RD	RN OFFICE	
PROJECT MGMT SERVICES	180 PORTUGAL COVE RD	RN HOTEL	
			THIS WEEK \$ 669,026.00

**CLASS: INDUSTRIAL**

THIS WEEK \$ .00

**CLASS: GOVERNMENT/INSTITUTIONAL**

GORDON HOLDEN	110 MUNDY POND RD	RN CHURCH	
			THIS WEEK \$ 157,011.00

**CLASS: RESIDENTIAL**

CLOVER CONSTRUCTION INC	96 CHEESEMAN DR, LOT 63	NC SINGLE DETACHED DWELLING	
SKYMARK CONTRACTING LTD	CHURCHILL AVE, LOT 2	NC SINGLE DETACHED DWELLING	
SKYMARK CONTRACTING LTD	CHURCHILL AVENUE, LOT 3	NC SINGLE DETACHED DWELLING	
SKYMARK CONTRACTING LTD	CHURCHILL AVE, LOT 4	NC SINGLE DETACHED DWELLING	
SKYMARK CONTRACTING LTD	CHURCHILL AVE, LOT 5	NC SINGLE DETACHED DWELLING	
SKYMARK CONTRACTING LTD	CHURCHILL AVE, LOT 6	NC SINGLE DETACHED DWELLING	
ROY & RHONA BAKER	5 GLEN ABBEY ST, LOT 179	NC SINGLE DETACHED DWELLING	
DONOVAN HOMES LTD.	13 MIRANDA ST, LOT 96	NC SINGLE DETACHED DWELLING	
DONOVAN HOMES LTD.	15 MIRANDA ST, LOT 95	NC SINGLE DETACHED DWELLING	
WRIGHTLAND DEVELOPMENT	SHAW ST, LOT 10	NC SINGLE DETACHED DWELLING	
WRIGHTLAND DEVELOPMENT	SHAW ST, LOT 11	NC SINGLE DETACHED DWELLING	
CYNTHIA WALSH	13 VIGUERS RD	NC FENCE	
LEONA OTTENHEIMER	8 ALBANY ST	CR SUBSIDIARY APARTMENT	

SHELDON LEWIS	78 HAMILTON AVE	CR TOWNHOUSING
MICHAEL ALBERT CAMIOT AND	42 OUTER BATTERY RD	RN SINGLE DETACHED DWELLING
BRIAN CASEY	33 CARPASIAN RD	RN SINGLE DETACHED DWELLING
NU-WAL CONTRACTING INC	143 CHEESEMAN DR	RN SINGLE DETACHED DWELLING
PATRICIA ANN COLEMAN	9 CHERRINGTON ST	RN SINGLE DETACHED & SUB.APT
KMK PROPERTIES	100 ELIZABETH AVE, COMMON AREA	RN MIXED USE
KMK PROPERTIES INC.	100 ELIZABETH AVE, UNIT 511	RN CONDOMINIUM
KMK PROPERTIES INC.	100 ELIZABETH AVE, UNIT 411	RN CONDOMINIUM
M. CAMPBELL	17 EXETER AVE	RN SINGLE DETACHED DWELLING
JOHN DEVEREAUX AND	8 GLEN ABBEY ST	RN SINGLE DETACHED DWELLING
JONATHAN WEIR	176 GOWER ST	RN SEMI-DETACHED DWELLING
65792 NEWFOUNDLAND & LAB LTD	236 HAMILTON AVE	RN APARTMENT BUILDING
ERIC LAMME	49 QUEEN'S RD	RN APARTMENT BUILDING
DAVID BUCKLEY & PETRA SUNNER	17 ROCHE ST	RN SINGLE DETACHED DWELLING
CYRIL HOGAN & FAITH ROBINSON	60 SORREL DR	RN SINGLE DETACHED DWELLING
PETER & ANN DONOHOE	60 BRAZIL ST	SW SEMI-DETACHED DWELLING
SKYMARK CONTRACTING LTD.	11 MARGARET'S PL	SW TOWNHOUSING
SKYMARK CONTRACTING LTD.	13 MARGARET'S PL	SW TOWNHOUSING
SKYMARK HOMES	15 MARGARET'S PL	SW TOWNHOUSING
SKYMARK HOMES	17 MARGARET'S PL	SW TOWNHOUSING

THIS WEEK \$ 3,715,411.00

**CLASS: DEMOLITION**

THIS WEEK \$ .00

THIS WEEK'S TOTAL: \$ 4,541,448.00

REPAIR PERMITS ISSUED: 2012/01/19 TO 2012/01/25 \$ 61,400.00

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	

**REJECTION:**

**70 Doyle's Lane – Your application for a change of occupancy, home business of auto sales has been rejected as per Section 10.34 of the Development Regulations, (this use is not listed as a permitted use in the Agricultural Zone).**

**Payrolls and Accounts**

**SJMC2012-01-30/76R**

**It was decided on motion of Councillor Collins; seconded by Councillor Hanlon: That the following Payrolls and Accounts for the week ending January 26, 2012 be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending January 26, 2012**

**Payroll**

Public Works	\$ 452,260.44
Bi-Weekly Casual	\$ 13,874.15
<b>Accounts Payable</b>	<b>\$ 2,674,931.35</b>
<b>Total:</b>	<b>\$ 3,141,065.94</b>

**Review of the St. John’s Municipal Plan  
Municipal Plan Advisory Committee &  
Mayor’s Symposium**

Council considered a memorandum dated January 27, 2012 from the Director of Planning providing an update respecting the Municipal Plan Advisory Committee and the Mayor’s Symposium.

Council also reviewed a media release on the Mayor’s Symposium. The City of St. John’s will accept registration on a first-come, first-served basis starting Monday, February 6<sup>th</sup> at 9:00 am until Friday, Feb. 10<sup>th</sup> ending at 4:30 p.m. for the Mayor’s Symposium. The symposium will be held on Saturday, Feb. 25<sup>th</sup> , 9:00 a.m. to 12:30 p.m. in the Foran/Greene Room.

**AMEC Road Weather Information System (RWIS) Contract Amendment**

Council considered a memorandum dated January 4, 2012 from the Deputy City Manager/Director of Public Works & Parks regarding the above noted.

**SJMC2012-01-30/77R**

**It was moved by Councillor Hanlon; seconded by Councillor Tilley: That the amendment to the AMEC weather forecasting contract the purpose of which is to add a video camera on Kenmount Road, at a cost of \$14,697 + HST, plus the incremental monthly service fee for maintenance, operation and reporting @ \$145.00 + HST, to be paid from the existing snow clearing budget, be approved as presented.**

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

**9 Hamilton Avenue**

Council considered a memorandum dated January 27, 2012 from the City Solicitor concerning the above noted.

**SJMC2012-01-30/78R**

**It was moved by Deputy Mayor Duff; seconded by Councillor O'Leary: That the Quit Claim Deed in relation to property 9 Hamilton Avenue be executed as presented.**

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

**Quarterly Travel Report**

Council considered as information a memorandum dated January 24, 2012 from the Director of Finance and City Treasurer regarding the above noted.

**Notice to Motorists – Downtown Snow Removal Operations**

Council considered as information the above notice to motorists.

**Correspondence dated January 17, 2012 from Mayor Bill Fagan, Portugal Cove/St. Philip's to MHA David Brazil, District of Conception Bay East-Bell Island; MHA Dale Kirby, District of St. John's North; and MNL President Churence Rogers Re Meeting of Mayors on the Northeast Avalon held on January 11, 2012 and advising that the Town of Portugal Cove-St. Philip's endorses the decision of the Northeast Avalon Mayors with respect to a new fiscal arrangement - a rebate of the Provincial portion of the HST, and a portion of the Provincial Gas Tax payable to municipalities**

---

Council considered as information the above noted correspondence.

His Worship the Mayor advised that he along with the City Manager met with the Minister of Municipal Affairs today regarding a new fiscal arrangement and other issues pertinent to the City. He advised that a full analysis of the information presented to the Province will be carried out and the City will await a response.

**Letter dated January 27, 2012 to His Worship the Mayor from Mike Doucette, Vice President, Conventional Atlantic Loblaw, re closure of Churchill Square, Save Easy (St. John's, NL)**

---

His Worship the Mayor tabled the above noted letter from Mr. Mike Doucette, Vice President, Loblaw, concerning the closure of Churchill Square, Save Easy, advising that they currently do not have specific plans for the former Save East premises, however, are actively involved in discussions with interested parties.

His Worship the Mayor provided the contact information and encouraged the area residents to make their feelings known to Loblaws.

In this regard, Councillor Hann noted that if Loblaw's is not successful in finding a tenant for the building, it might be an opportune time to look at the possibility of a farmer's market in that location. He asked that the Mayor write Mr. Doucette to determine if Loblaws, the City and the Farmers market participants are open to developing a type of agreement in this regard. Council concurred.

During discussion, Councillor Colbert noted that plans and drawings for a farmers market in Churchill Park were developed by a previous Council and unfortunately that Council did not

find the funding to construct the building. He suggested that members of Council may wish to obtain a copy of the report.

**Councillor Collins**

Councillor Collins advised that he was assured by Mr. Strickland that the car wrecks in the Blackhead Road area will be removed in the Spring.

Councillor Collins advised of Council's decision to fund the Main Road Street Upgrading – Phase 1 (Durdle Drive to Keith Drove) at a cost of \$3.2 million.

**Councillor Hanlon**

Councillor Hanlon congratulated The Murphy Centre in celebrating its 25<sup>th</sup> Anniversary.

**Councillor Tilley**

Councillor Tilley noted that he has received a number of phone calls from seniors as a result of the recent comments by the Prime Minister about the future of seniors pensions and particularly Old Age Security. He indicated that there have been many conflicting reports and seniors are extremely upset and as a result are put in a position of uncertainty and fear. Councillor Tilley indicated that Council should communicate by letter to Federal Minister Penashue to find out the facts surrounding this issue. He further indicated that everyone concerned should communicate to all our MP's and noted that he will be writing the Prime Minister and will raise the matter at the next meeting of the Mayor's Advisory Committee on Seniors for action. Councillor Tilley also asked that the Mayor write the Prime Minister on behalf of all senior citizens in the City of St. John's stating that it is unacceptable to tamper with seniors pension.

**Councillor Galgay**

Councillor Galgay commended staff with the Department of Public Works on the efficient manner in which they handled the snow clearing operations during the most recent snow fall.

**Councillor Breen**

Councillor Breen advised of the public meeting to be held on January 31, 2012 at 7:00 p.m. in the Foran/Greene Room, 4th floor, City Hall to present the City's proposed enhancements for sidewalk snow clearing measures.

**Councillor Colbert**

Councillor Colbert applauded the negotiations taking place to extend the existing Ice Caps Team's lease for St. John's.

**Councillor Hickman**

Councillor Hickman commended the Province on awarding the tender for Route 3, Team Gushue Highway Extension. His Worship the Mayor noted the fact that because the City of Mount Pearl will be a major beneficiary of the highway, maintenance and snow clearing should be cost shared with the City of Mount Pearl on a per capita basis. He noted he would welcome further discussions in this regard with the City of Mount Pearl.

**Councillor O'Leary**

Councillor O'Leary alluded to Council's support of the Home Sharing Pilot Project and, though to date the Province has yet to respond, it is hoped that it will be a positive one.

Councillor O'Leary noted that she received a positive response to the City's decision to increase taxi rates and the fact that the increase helps offset increased gas costs.

Councillor O’Leary encouraged residents to take part in the review of the City’s Municipal Plan and stressed the importance of residents to become involved and commence compiling a list of key issues they would like to focus on.

**Deputy Mayor Duff**

Deputy Mayor Duff extended birthday greetings to Lieutenant Governor John Crosbie, celebrating his 81<sup>st</sup> birthday.

**Adjournment**

There being no further business, the meeting adjourned 5:35 p.m.

---

**MAYOR**

---

**CITY CLERK**