

**January 31, 2011**

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

#### **Adoption of the Agenda**

##### **SJMC2011-01-31/49R**

**It was decided on motion of Councillor Galgay; seconded by Councillor Breen: That the Agenda be adopted as presented with the following additional items:**

- a. Mayor's Advisory Committee on Seniors Report dated January 12, 2011
- b. Terry Fox Marathon of Hope 30<sup>th</sup> Anniversary Project

#### **Adoption of Minutes**

##### **SJMC2011-01-31/50R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Hanlon: That the minutes of the January 24, 2011 meeting be adopted as presented.**

#### **Business Arising**

##### **Leased Office Space**

Under business arising, Council considered a memorandum dated January 25, 2011 from the Acting City Manager containing information requested by Councillor Colbert regarding the office space currently leased by the City to house some of its employees and operations. Councillor Colbert noted the information will guide Council on how it should proceed in the future with respect to leasing vs investing in a building.

### **Metrobus Strike**

Councillor Hann alluded to the fact that a settlement has been reached on the labour dispute between Metrobus Transit and the Amalgamated Transit Union. He thanked members of Council and both bargaining teams.

Councillor Galgay suggested that people ride the bus for the next two weeks and take advantage of the free rides being offered by the Commission, not to mention the benefits in terms of the environment and freeing up much need parking spaces.

Councillor Hanlon asked the status of the Metrobus Study. Councillor Hann advised that the study was delayed because of the strike however the study will resume shortly and should be finalized within six months.

### **Development Committee Report dated January 25, 2011**

Council considered the following Development Committee Report dated January 25, 2011:

**1. Proposed Semi-Detached Dwelling  
Rodrigues Estate Development  
Civic No. 17 Boncloddy Street (Ward 2)**

The Development Committee recommends that Council establish a minimum Building Line of 0.25 metres for the above noted property in accordance with section 8.3.1 of the St. John's Development Regulations. It is further recommended that Council approve the application for Rodrigues Estate Development Incorporation.

Neil A. Martin  
Acting City Manager  
Chair – Development Committee

**SJMC2011-01-31/51R**

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

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

**Planning & Housing Standing Committee Report dated January 26, 2011**

Council considered the following Planning & Housing Committee Standing Committee report dated January 26, 2011:

In Attendance: Councillor Frank Galgay, Chairperson  
Deputy Mayor Shannie Duff  
Councillor Sheilagh O'Leary  
Councillor Tom Hann  
Councillor Sandy Hickman  
Councillor Danny Breen  
Councillor Bruce Tilley  
Councillor Debbie Hanlon  
Councillor Wally Collins  
Mr. Neil Martin, Acting City Manager/Director of Corporate Services & City Clerk  
Mr. Paul Mackey, Deputy City Manager/Director of Public Works & Parks  
Mr. Cliff Johnston, Director of Planning  
Mr. Dave Blackmore, Director of Building & Property Management  
Ms. Jill Brewer, Director of Recreation  
Mr. Joe Sampson, Manager of Development  
Mr. Ken O'Brien, Manager of Planning & Information  
Mr. Jim Clarke, Manager of Streets & Parks  
Ms. Lynnann Winsor, Development Engineer  
Mr. Chris Small, Planning Technician  
Ms. Kelly Butler, Recording Secretary

Also in attendance were Mr. Dave Bartlett with The Telegram and Ms. Alisha Morrissey with the St. John's Board of Trade.

**Draft Discussion Paper – Issues for Discussion with the Eastern School District and the Department of Education – CD #R2010-12-06/10**

The Committee discussed, at length, the **attached** memorandum dated January 21, 2011, from the Director of Planning and the **attached** draft position paper dated January 21, 2011, prepared by City Staff. It was noted that this draft paper focuses on two primary

issues: (1) the need for ongoing communication and consultation between the City, the Eastern School District, the Department of Education and the Department of Transportation and Works respecting new school construction, modifications to existing schools, and City programs in school facilities; and (2) the report prepared by BAE-Newplan Group Ltd. respecting school facility requirements of the greater St. John's area. This report contains recommendations for proposed school closures.

**Upon reviewing the draft paper, the Committee recommends, on motion of Deputy Mayor Duff; seconded by Councillor O'Leary: That staff redraft the position paper to place additional emphasis on municipal planning issues respecting the potential detrimental impacts of inner-city schools closures on local neighbourhoods with regards to loss of educational facilities for inner-city residents and the delivery of recreational and other programs by the City and other community agencies from existing school. It is further recommended that Council request a joint meeting with officials of the Eastern School District, and the Ministers and appropriate officials of the Departments of Education and Transportation and Works to discuss the issues in the City's position paper. This meeting should be requested to be held prior to March 9, 2011, which is the date the Eastern School District has announced that it will vote on the Notices of Motion regarding school closures for Zones 9 through 13. These Notices of Motion will be given at a meeting of the Eastern School District being held on January 26, 2011.**

Councillor Frank Galgay  
Chairperson

**SJMC2011-01-31/52R**

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

In speaking to the motion, Deputy Mayor Duff noted that it is regrettable that the issue pertaining the recommendation contained in the City's position paper concerning the school guard crossing program hit the media before Council had an opportunity to meet with the School Board officials and the affected employees, and noted that the Acting City Manager has since written the School Board in this regard.

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

**Heritage Advisory Committee Report dated January 24, 2011**

Council considered the following Heritage Advisory Committee Report dated January 24, 2011:

**Members:** Deputy Mayor Shannie Duff  
David Kelland, NL Association of Architects  
Gerard Hayes, General Representative  
Debbie O'Rielly, NL Historic Trust  
Wayne Purchase, Downtown St. John's  
Ken O'Brien, Manager of Planning & Information  
Sylvester Crocker, Manager, Technical Services  
Peter Mercer, Heritage Officer  
Helen Miller, Archivist  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Recording Secretary

**Report:**

1. **Replacement of DDC Representative on Committee**

The Downtown Development Commission (now known as Downtown St. John's) has appointed Wayne Purchase of Martek, Morgan & Finch as their new representative on the Heritage Advisory Committee replacing Mr. Glen Power.

**Council's ratification of this appointment is hereby requested.**

2. **Application for Chain Link Fence – Murray Premises Parking Lot**

The Committee considered an application from Blue Water Downtown Investment Ltd. for a chain link fence along the eastern boundary of Murray Premises Parking Lot at 331 Water St. A copy of the survey is attached demarking the proposed fence which would be a 5 ft. high (dark green) vinyl chain link fence of commercial grade.

**The Committee recommends that the application be rejected as presented because the proposed design and materials are not in keeping with the Heritage Regulations for fencing. The Developer is requested to resubmit a proposal more in keeping with these regulations; and the Heritage Officer must be consulted with respect to alternative designs.**

Deputy Mayor Shannie Duff  
Chairperson

**SJMC2011-01-31/53R**

**Regarding Item #1: It was moved by Deputy Mayor Duff; seconded by Councillor Galgay: That the Committee's recommendation be approved.**

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

**SJMC2011-01-31/54R**

**Regarding Item #2: It was moved by Deputy Mayor Duff; seconded by Councillor Galgay: That the Committee's recommendation be deferred pending review of additional information by the Committee.**

**The motion being put was carried with Councillor O'Leary abstaining, declaring a conflict of interest.**

**Mayor's Advisory Committee on Seniors Report dated January 12, 2011**

Council considered the following Mayor's Advisory Committee Report on Seniors dated January 12, 2011:

In Attendance:           Mr. Frank Lee, Chairperson  
                                  Councillor Tom Hann  
                                  Councillor Bruce Tilley  
                                  Dr. Wendy Young, MUN  
                                  Dr. Veeresh Gadag, MUN  
                                  Ms. Margaret Adey, CARP  
                                  Ms. Kelly Heisz, Seniors Resource Centre  
                                  Mr. Graham Hill, CN Pensioners' Association  
                                  Ms. Lorraine Best  
                                  Mr. Puran Singh Cheema  
                                  Ms. Nancy Knight  
                                  Ms. Heather Hickman, Manager of Community Development  
                                  Ms. Helen Handrigan, Senior Housing Officer  
                                  Ms. Jennifer Langmead, Community Services Coordinator  
                                  Ms. Robyn Murphy, Seniors Outreach Fieldworker  
                                  Ms. Nicole Clancy, MUN Co-op Student

Regrets: Dr. Sandra MacDonald and Mr. Boyd Smith

**1. Planning Issue – Future Locations for Seniors Complexes**

Mr. Lee referenced the Committee's discussion regarding the above noted matter during its last meeting, which was precipitated in reference to a comments made at a public hearing to discuss a proposed seniors complex in Kilbride. He suggested that the Committee's recommendation on the need for more multi-unit buildings should also include a reference to more multi-unit buildings for seniors.

Following the discussion, the Committee recommends that the following suggestion be referred to the City's Planning Committee for consideration:

- That the City's planning policy be reviewed to include a provision that future residential subdivisions include the provision for multi-unit buildings, including multi-unit buildings for seniors; and
- When the City looks at developing concept plans for large tracts of privately owned land, that the need for more multi-unit buildings, including multi-unit buildings for seniors, be kept in mind.

**2. 2011 Seniors' Day Event**

Ms. Langmead provided the Committee with an overview the proposed plans for the 2011 Seniors' Day Event, which were prepared following a meeting of the event planning sub-committee last week.

**The Committee recommends, on motion of Councillor Hann; seconded by Councillor Tilley: That Council be asked to official declare June 1<sup>st</sup>, 2011, as Seniors Day in the City.**

Frank Lee  
Chairperson

**SJMC2011-01-31/55R**

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

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

**Development Permits List**

**SJMC2011-01-31/56R**

**It was decided on motion of Councillor Hann; seconded by Councillor Collins: That the following Development Permits List for the period January 21, 2011 to January 27, 2011 be approved:**

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF January 21, 2011 TO January 27, 2011**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	John Lester	Construction of 3 Steel Prefabricated Greenhouses	173 Brookfield Road	5	Approved	2011-01-25
COM	John Lester	Construction of 5 Greenhouses	181 Brookfield Road	5	Approved	2011-01-25
COM	Kavanagh Associates	Office/Retail Building Site Plan	Kelsey Drive@ Messenger Drive	4	Approved	2011-01-26
RES	Rob Schamper	Proposed Rebuild of Townhouse Unit	131 Pennywell Road	2	Approved	2011-01-26

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

INST - Institutional  
 IND - Industrial

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\*\* 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**

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**Building Permits List**

**SJMC2011-01-31/57R**

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

2011/01/26

Permits List

**CLASS: COMMERCIAL**

RESTAURANTS UNLTD INC	290 FRESHWATER RD	CO RESTAURANT
JMK ENTERPRISES LIMITED	137 BLACKMARSH RD	MS CONVENIENCE STORE
LAURIER LOUNGE	301 HAMILTON AVE	MS TAVERN
CAA ATLANTIC SERVICES LIMITED	55 KELSEY DR	MS OFFICE
CABOT HOLDINGS LIMITED	193 KENMOUNT RD	MS RETAIL STORE
COMPARK SERVICES LTD	358 MAIN RD	MS SERVICE STATION
NEEDS CONVENIENCE	449 NEWFOUNDLAND DR	SN CONVENIENCE STORE
SHARKY'S CUTS FOR KIDS	140 STAVANGER DR	MS SERVICE SHOP
PAT MURPHY	479 MAIN RD	OC SERVICE SHOP
CARE GIVERS INC.	1 PATON ST, UNIT 9	RN OFFICE

IAN PIPPY	280 PADDY'S POND RD	NC FENCE
HEBRON	215 WATER ST, SUITE 700	RN OFFICE
CHRIS DUNNE	36 GEORGE ST	RN RESTAURANT
MAXXAM ANALYTICS	49-55 ELIZABETH AVE	RN OFFICE
SOBEYS PROPERTIES LIMITED	470 TOPSAIL RD ZELLARS PLAZA	RN SHOPPING CENTRE
DR. BRIAN CARRIM	145 TORBAY RD, DR. B.CARRIM	TI CLINIC
IMPERIAL OIL LIMITED	460 KENMOUNT RD	SW SERVICE STATION
IMPERIAL OIL LIMITED	390 TORBAY RD	SW SERVICE STATION
SUMMIT BUILDERS	MEWS PL - LOT 9	NC WAREHOUSE

THIS WEEK \$ 1,518,512.00

**CLASS: INDUSTRIAL**

MOLSON CANADA	51 BELVEDERE ST	NC FENCE
NEWFOUNDLAND BREWERY LTD.	51 BELVEDERE ST	EX INDUSTRIAL USE

THIS WEEK \$ 224,136.00

**CLASS: GOVERNMENT/INSTITUTIONAL**

TIFFANY VILLAGE RETIREMENT	50 TIFFANY LANE	RN APARTMENT BUILDING
PROVINCIAL GOVERNMENT	215 WATER ST, HOLDING CELLS	RN ADMIN BLDG/GOV/NON-PROFIT

THIS WEEK \$ 24,125.00

**CLASS: RESIDENTIAL**

ROSE HALLIDAY	4 BERGERON PL	NC FENCE
JOHN PROWSE CONTRACTING	102 CASTLE BRIDGE DR, LOT 43	NC SINGLE DETACHED DWELLING
GERALD & CAROL CLANCY	218 FRECKER DR	NC ACCESSORY BUILDING
ADAM HART & ALEXANDRA E. POWER	36 PETITE FORTE DR	NC FENCE
SHARON PIPPY	187 PLEASANT ST	NC PATIO DECK
DBH ENTERPRISES LTD	46 ROSALIND ST, LOT 405	NC SINGLE DETACHED DWELLING
TYLOR BALDWIN	54 ROSALIND ST	NC SINGLE DETACHED & SUB.APT
TRIMMER HOMES (JOHN ROBERTS)	56 ROSALIND STREET, LOT 410	NC SINGLE DETACHED & SUB.APT
JOHN ROBERTS	58 ROSALIND ST, LOT 411	NC SINGLE DETACHED & SUB.APT
JOHN ROBERTS	15 ROSALIND ST, LOT 457	NC SINGLE DETACHED & SUB.APT
WING YUN TAM & FLORENCE TAM	50 GREAT EASTERN AVE	CR SUBSIDIARY APARTMENT
ROBERT GEORGE ELLIS AND	29 LADYSMITH DR	CR SUBSIDIARY APARTMENT
AARON HOLDEN	37 PETITE FORTE DR	CR SUBSIDIARY APARTMENT
ADAM BAKER	2 PLOVER ST	CR SUBSIDIARY APARTMENT
ARTHUR CAMERON	38 POPLAR AVE	EX SINGLE DETACHED DWELLING
DOMINIQUE BREGENT-HEALD &	52 ROCHE ST	EX SINGLE DETACHED DWELLING
JEROME KIRKLAND & EDWINA	24 SHEA ST	EX SINGLE DETACHED DWELLING
RICHARD K. RYDER	46 BATTERY RD	RN SINGLE DETACHED DWELLING
JEROME BYRNE	40 COCHRANE ST	RN TOWNHOUSING
JEROME BYRNE	40 COCHRANE ST	RN TOWNHOUSING
DINH LY	28 FEILD ST	RN SEMI-DETACHED DWELLING
SEAN COLFORD	1 GOODVIEW ST	RN SINGLE DETACHED & SUB.APT
JOE O'BRIEN	13 JOHNSON CRES	RN SINGLE DETACHED & SUB.APT
NFLD. & LABRADOR HOUSING CORP.	1 ROOSEVELT AVE	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	2 ROOSEVELT AVE	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	3 ROOSEVELT AVE	RN TOWNHOUSING
NFLD & LABRDOR HOUSING CORP.	4 ROOSEVELT AVE	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	5 ROOSEVELT AVE	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	6 ROOSEVELT AVE	RN TOWNHOUSING
JEFF PARSONS	40 OTTAWA ST	RN SINGLE DETACHED DWELLING
SHARON PIPPY	187 PLEASANT ST	RN SEMI-DETACHED DWELLING
ANNE GEORGE	12 SIGNAL HILL RD	RN SINGLE DETACHED DWELLING
MICHAEL O'DEA	43-45 YOUNG ST	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	60 CABOT ST	SW TOWNHOUSING

THIS WEEK \$ 2,398,160.00

CLASS: DEMOLITION

THIS WEEK \$ .00

THIS WEEK'S TOTAL: \$ 4,164,933.00

REPAIR PERMITS ISSUED: 2011/01/20 TO 2011/01/26 \$ 5,000.00

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**

**SJMC2011-01-31/58R**

**It was decided on motion of Councillor Hann; seconded by Councillor Collins: That the following Payrolls and Accounts for the week ending January 27, 2011, be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending January 27, 2011**

**PAYROLL**

Public Works	\$ 418,454.95
Bi-Weekly Casual	\$ 15,900.63

**ACCOUNTS PAYABLE \$ 3,134,714.10**

**Total: \$ 3,569,069.68**

**Tenders**

- a. Tender - Glass Traffic Beads
- b. Tender - Waste Disposal Service Riverhead Facility

**SJMC2011-01-31/59R**

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

- a. **Construction Signs @ \$27,500.00 (taxes not included)**
- b. **Newfound Disposal Systems @ \$154,259.00 (taxes not included)**

**Sheds 4A and 6 Outer Battery**

Council considered a memorandum dated January 24, 2011 from the Director of Building and Property Management regarding the above noted.

**SJMC2011-01-31/60R**

**It was moved by Councillor Breen; seconded by Councillor Hickman: That sheds at 4A and 6 Outer Battery Road be ordered demolished and removed as per Section 375 of the City of St. John's Act.**

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

**Ratification of Email Poll**

**SJMC2011-01-31/61R**

**It was decided on motion of Councillor Tilley; seconded by Councillor O'Leary: That the following email poll be ratified:**

**Closure of Holloway Street for 4 to 6 weeks (within the next week or two) to facilitate the remaining demolition of law offices that were damaged by fire last year**

**Snow Clearing Report for the period January 1<sup>st</sup> to 28<sup>th</sup>, 2011**

Council considered as information the snow clearing report for the period January 1 to 28, 2011 showing a negative variance of \$105,554.

### **Quarterly Travel Report**

Council considered as information the quarterly travel report.

Councillor Collins noted Council's decision during budget discussion to cut the travel budget by 25% and indicated he intends to discuss with the Finance Committee how travel will be tracked.

### **February 2011 Economic Update**

Council considered as information the February 2011 Economic Update. Councillor Hanlon outlined the highlights of the report.

### **Terry Fox Marathon of Hope 30<sup>th</sup> Anniversary Project**

Deputy Mayor Duff referred to a meeting of the Finance Committee held on November 27, 2009 during which a request of the St. John's Port Authority for a \$100,000 contribution towards the above noted project was raised. She noted it appeared that Council intended to fund the project, however, the matter did not come back to Council for formal approval. She noted that the project cost is estimated to be \$440,000 plus land and is funded as follows: (1) Port Authority \$40,000 plus land (2) Parks Canada \$300,000. She noted that originally the City was asked to cost share the project, however, because of Canada Lands contribution of \$300,000 the City is asked to contribute \$100,000.00

#### **SJMC2011-01-31/62R**

**It was then moved by Deputy Mayor Duff; seconded by Councilor Hickman: That the City contribute \$100,000 towards the Terry Fox Marathon of Hope 30<sup>th</sup> Anniversary Project, with the City being responsible for maintaining the landscaping around the monument.**

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

**Councillor O’Leary**

Councillor O’Leary noted that the City of St. John’s Heritage Advisory Committee is pleased to recognize property owners for a “job well done” in outstanding restoration work on buildings in the City’s heritage areas, as well as the construction of new buildings that blend into the heritage areas. She reminded people that the deadline for submissions of nominations for Outstanding Work on Buildings in Heritage Areas is February 14, 2011.

**Councillor Hann**

Councillor Hann raised the issue of decorum in the Council Chamber and the situation surrounding last week’s meeting, chaired by Acting Mayor Duff, during which Metrobus drivers were in attendance in the public gallery. Councillor Hann noted that while the Acting Mayor did ask for order twice, the situation “got out of hand” and in his opinion the Chair should have “shut down the meeting”. Councillor Hann suggested a review of procedure to see if improvements should be made to maintain control and decorum in the Chamber. His Worship the Mayor noted that the rules of procedure are appropriate and if enforced the meetings progress as they should. Deputy Mayor Duff noted that she handled the situation, which was very tense, being careful not to incense anyone.

**Councillor Breen**

Councillor Breen congratulated, on behalf of Council, Jason Silver, the City’s Internal Auditor, on his recent election to Fellow Chartered Accountants by the the Institute of Chartered Accountants of Newfoundland and Labrador.

**Councillor Hanlon**

The City Clerk at the request of Councillor Hanlon provided an updated on the City’s plan to implement a new enterprise software platform called Microsoft Sharepoint 2010.

**Adjournment**

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

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**MAYOR**

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**CITY CLERK**