

January 14, 2008

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 Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Coombs, Ellsworth and Collins.

Regrets: Deputy Mayor O'Keefe

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 the Agenda

SJMC2008-01-14/14R

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

- a. Memorandum dated January 14, 2008 from the Chief Commissioner and City Solicitor re Ticketing Update
- b. Travel Request – Councillor Hickman
- c. Request for Reception – Goulds Winter Carnival Volunteers
- d. Memorandum dated January 7, 2008 from the Chief Commissioner and City Solicitor re: 19 Henry Street
- e. Memorandum dated January 14, 2008 from the Director of Building and Property Management re: 135 Military Road, Stella Burry

Adoption of Minutes

SJMC2008-01-14/15R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Duff: That the Minutes of the January 7th, 2008 meeting be adopted as presented.

St. John's Municipal Plan Amendment Number 53, 2007 and St. John's Development Regulations Amendment Number 422, 2007 - Southbrook Floodplain Mapping and Amendments (Ward 5)

Under business arising, Council considered a memorandum dated January 8, 2008 from the Director of Planning regarding the above noted.

SJMC2008-01-14/16R

It was moved by Councillor Duff; seconded by Councillor Hickman: That the following Resolutions for St. John's Municipal Plan Amendment Number 53, 2007 and St. John's Development Regulations Amendment Number 422, 2007 be adopted:

RESOLUTION

ST. JOHN'S MUNICIPAL PLAN AMENDMENT NUMBER 53, 2007

WHEREAS the St. John's Municipal Council wishes to modify the provisions of the St. John's Municipal Plan in order to accurately reflect the floodplain and associated buffer of South Brook.

BE IT THEREFORE RESOLVED that the St. John's Municipal Council hereby adopts the following map amendments to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act, 2000.

Redesignate lands in the vicinity of South Brook from the Residential Low Density Land Use District, the Residential Medium Density Land Use District, the Rural Land Use District, the Commercial General Land Use District and the Open Space Land Use District to the Open Land Use District and the Residential Low Density Land Use District as shown on Map III-1A attached.

BE IT FURTHER RESOLVED that the St. John's Municipal Council requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 14th day of January, 2008.

Mayor

**Director of Corporate Services
& City Clerk**

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

MCIP

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 422,
2007**

WHEREAS the St. John's Municipal Council wishes to amend the St. John's Development Regulations in order to accurately reflect the floodplain and associated buffer of South Brook.

BE IT THEREFORE RESOLVED that the St. John's Municipal Council hereby adopts the following map amendments to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act, 2000.

Rezone lands in the vicinity of South Brook from the Residential Low Density (R1) Zone, the Residential Medium Density (R2) Zone, the Rural Zone, the Commercial Highway (CH) Zone and the Open Space (O) Zone to the Open Space (O) Zone and the Residential Medium Density (R2) Zone as shown on Map Z-1A attached.

BE IT FURTHER RESOLVED that the St. John's Municipal Council requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 14th day of January, 2008.

Mayor

**Director of Corporate Services
& City Clerk**

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

MCIP

And further; that Doctor Chris Sharpe, a member of the City's Commissioner list, be appointed as the Commissioner charged to conduct a public hearing and to prepare a report with recommendations for Council's consideration on the amendments.

The motion being put was unanimously carried.

Public Hearing

Public Hearing Report dated November 27th, 2007 Re: Application to Rezone Property to Permit a Residential Condominium Building, Civic Number 28 Water Street – Applicant PHB Group Architects Inc. on behalf of Mr. Brian Babb Memorandum dated January 10, 2008 from the Director of Planning

Council considered as information a public hearing report dated November 27, 2007 which was held to consider an application from PHB Group Architects Inc. on behalf of Mr. Brian Babb to rezone the property at Civic Number 28 Water Street (adjacent to Leo's Lane) from the Industrial General (IG) Zone to the Commercial Central Mixed Use (CCM) Zone to permit the construction of a twelve (12) unit, eight (8) storey residential condominium building.

Council also considered a memorandum dated January 10, 2008 from the Director of Planning on the status of this rezoning application, who noted that to date no further material has been received from PHB Group Inc. on the building height issue, although it is anticipated that this material will be received in the near future; at which time city staff would arrange another meeting between the applicant, the residents and the building's condominium corporation and other persons whose properties are located in the vicinity of the application site to discuss the results of Mr Pratt's additional work on the building height issue.

Development Committee Report dated January 8, 2008

Council considered the following Development Committee Report dated January 8, 2008:

**1. Proposed Commercial Building
Newfoundland Energy Services
Civic No. 11 Major's Path (Ward 1)**

The Development Committee recommends that Council approve the proposed Building Line and Side Yard in accordance with the Section. 8.3.1 and Section 10.27.5(1)(g) of the St. John's Development Regulations. It is further recommended that Council grant Approval-in-Principle for the development, subject to the following conditions:

- a. compliance with the requirements of the Departments of Planning and Engineering;
- b. payment of all development fees and assessments in accordance with Section 6.4 of the St. John's Development Regulations;
- c. the required Building Permits must be obtained from the City prior to the commencement of any development; and
- d. approval of the building elevations from the St. John's International Airport Authority.

**2. Crown Land Grant Referral
Mr. Patrick Clarke
Main Road, Goulds (Ward 5)**

The Development Committee recommends that Council approve the above noted request for a Crown Land Grant. Should the applicant be successful in obtaining the Crown Land Grant, a formal development application must be submitted to the City for review and approval prior to the commencement of any development on the site.

**3. Proposed Subdivision of Property to Accommodate One (1) Additional
Residential Building Lot
Mr. Darrell Tucker
Civic No. 6 Montgomery Street (Ward 4)**

The Development Committee recommends that Council grant Approval-in-Principle to the above noted application, with final approval being subject to the following conditions:

- a. submission of a revised legal survey plan and description of the proposed development to the Department of Planning;
- b. payment of the \$100.00 Subdivision Application Fee and the \$1,000 Development Fee as required under Section 6.4 of the St. John's Development Regulations;
- c. the applicant/developer will be responsible for extending water, sanitary sewer and storm sewer service laterals from the mains in the street into the proposed new dwelling and for all associated costs; and
- d. compliance with all requirements of the Departments of Engineering and Building and Property Management.

**4. Proposed Demolition and Reconstruction of Commercial Building
Crombie REIT
Civic No. 56-56A Kenmount Road (Ward 4)**

The Development Committee recommends that Council grant Approval-in-Principle to the above noted application subject to the following conditions:

- a. submission to the Department of Planning of detailed site, site servicing and landscape plans for review and approval; and
- b. compliance with all the requirements of the Departments of Engineering, Planning, Building and Property Management, and Public Works and Parks.

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

SJMC2008-01-14/17R

Regarding Item #1: It was decided on motion of Councillor Ellsworth; seconded by Councillor Duff: That the Committee's recommendation of approval of the building line and side yard in accordance with Section 8.3.1 and Section 10.27.5(1)(g) of the St. John's Development Regulations; and also to grant Approval-in-Principle for the development subject to the conditions outlined, be accepted.

SJMC2008-01-14/18R

Regarding Item #2: It was decided on motion of Councillor Ellsworth; seconded by Councillor Duff: That the Committee's recommendation of approval for a Crown Land Grant, be accepted.

2008/01/09

Permits List

CLASS: COMMERCIAL

FUTURISTIC FILMS LIMITED.	11 ELIZABETH AVE	CO CUSTOM WORKSHOP
PLATO	80-82 ELIZABETH AVE	SN OFFICE
CANADIAN CANCER SOCIETY	70 ROPEWALK LANE, DAFFODIL PL	SN HOTEL
SAVE EASY	39 ROWAN ST, SAVE EASY	SN RETAIL STORE
E. C. BOONE LTD.	TORBAY RD	SN VACANT LAND
QTI INVESTMENTS	430 WATER ST	SN OFFICE
SOUTHWEST PROPERTIES	215 WATER ST	SN MIXED USE
OCEANEX	601 WATER ST, OCEANEX	SN OFFICE
BOOSTER JUICE	194 ELIZABETH AVE	TI EATING ESTABLISHMENT
FACILITIES DESIGN GROUND INC.	AVALON MALL - SPRING STORE	CR RETAIL STORE
BELL CANADA	SERPENTINE ST, WIC	NC ACCESSORY BUILDING
		THIS WEEK \$ 268,750.00
		TO DATE \$ 930,750.00

CLASS: GOVERNMENT/INSTITUTIONAL

ST.THOMAS PARISH	8 MILITARY RD	RN CHURCH
		THIS WEEK \$ 3,000.00
		TO DATE \$ 3,000.00

CLASS: RESIDENTIAL

GARY & HANNAH WHITE	98 BLACKLER AVE	NC ACCESSORY BUILDING
GARY WHITE	98 BLACKLER AVE	NC FENCE
GARY & HANNAH WHITE	38 GOLF AVE	NC ACCESSORY BUILDING
MARK WELLS	340 GROVES RD, LOT 9	NC SINGLE DETACHED DWELLING
GIBRALTAR DEVELOPMENT	5 LUCYROSE LANE, LOT 121	NC SINGLE DETACHED DWELLING
SULLIVANS CONST LTD	19 MARK NICHOLS PL	NC ACCESSORY BUILDING
11269 NFLD INC	164 MILITARY RD	NC SINGLE DETACHED DWELLING
STEVEN FRIZZELL	47 OXEN POND RD	NC ACCESSORY BUILDING
SKYMARK CONTRACTING	33 PIPER ST - LOT 195	NC SINGLE DETACHED DWELLING
J & P CONTRACTING INC.	17 ROTARY DR, LOT 34	NC SINGLE DETACHED & SUB.APT
J & P CONTRACTING INC	25 ROTARY DR, LOT 30	NC SINGLE DETACHED & SUB.APT
ALVIN & ANNE CARTER-HAYES	42 O'REGAN RD	EX SINGLE DETACHED DWELLING
IAN MACPHERSON	62 PINE BUD AVE	EX SINGLE DETACHED DWELLING
ANNETTE MAGEE	15 FALKLAND ST	RN SINGLE DETACHED DWELLING
WALLACE & JOY KENNEDY	39 OTTER DR	RN SINGLE DETACHED DWELLING
SARAH HALFYARD	20 PENNYWELL RD	RN SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP	2-10 SALTER PL	RN TOWNHOUSING
JOHN & ANGELA MACDONALD	5 SHEFFIELD PL	RN SINGLE DETACHED DWELLING
ELAINE HANN	183 TOPSAIL RD	RN APARTMENT BUILDING
		THIS WEEK \$ 1,129,800.00
		TO DATE \$ 1,790,550.00

CLASS: DEMOLITION

DYNAMITE BOUTIQUE	AVALON MALL-DYNAMITE BOUTIQUE	DM RETAIL STORE
		THIS WEEK \$ 5,000.00
		TO DATE \$ 35,000.00

THIS WEEK'S TOTAL: \$ 1,406,550.00

TOTAL YEAR TO DATE: \$ 2,759,300.00

REPAIR PERMITS ISSUED: 2008/01/03 TO 2008/01/09 \$ 8,000.00
2007/12/13 TO 2008/01/09 \$ 28,800.00 YTD
LEGEND

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

Payrolls and Accounts

SJMC2008-01-14/22R

It was decided on motion of Councillor Colbert; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending January 10th, 2008 be approved as presented:

**Weekly Payment Vouchers
For The
Week Ending January 10, 2008**

PAYROLL

Public Works	\$ 473,559.23
Bi-Weekly Amalgamation	\$ 544,619.72
Bi-Weekly Management	\$ 533,932.67
Bi-Weekly Administration	\$ 527,290.40

ACCOUNTS PAYABLE

Cheque No. 126533 – 126839	\$3,299,840.04
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Total: \$5,379,242.06

Tenders

- a. Tender - Provision of Flagpersons

SJMC2008-01-14/23R

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

- a. Mask Security Inc. in the amount of \$14.79 per hour (HST Extra)

Irving Oil Tank Farm – Southside Hills

Council considered a memorandum dated January 10, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-01-14/24R

It was decided on motion of Councillor Colbert; seconded by Councillor Collins: That the recommendation of the Chief Commissioner and City Solicitor that the Manager of Real Estate Services be authorized to provide a Letter of Consent allowing Irving Oil to make application to the Crown for Irving Oil Tank Farm land at Southside Hills, be approved.

CAMA Annual Meeting

Council considered a memorandum dated January 8, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-01-14/25R

It was decided on motion of Councillor Coombs; seconded by Councillor Colbert: That travel by the Chief Commissioner and City Solicitor to Quebec City from May 26 to 28, 2008 to attend the CAMA Annual Meeting at an approximate cost of \$2,575.50, be approved.

Quarterly Travel Report

Council considered as information the Quarterly Travel Report for the fourth quarter of 2007 as provided by the Director of Finance and City Treasurer.

Goulds Winter Carnival

SJMC2008-01-14/26R

It was decided on motion of Councillor Coombs; seconded by Councillor Colbert: That the City sponsor a reception for the Volunteers of the Goulds Winter Carnival taking place February 8th to 17th, 2008.

Travel Request – Councillor Hickman

SJMC2008-01-14/27R

It was decided on motion of Councillor Coombs; seconded by Councillor Colbert: That travel by Councillor Hickman, February 6th and 7th, 2008 to Ottawa, to attend the Canadian Capital Cities Organization Board Meeting, be approved.

19 Henry Street

Council considered a memorandum dated January 7, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-01-14/28R

It was decided on motion of Councillor Puddister; seconded by Councillor Hann: That the recommendation of the Chief Commissioner and City Solicitor that property at 19 Henry Street be expropriated subject to the following terms and conditions, be approved:

- 1. That the land firstly be appraised and an offer made to the owner based on an appraised value. If the offer is not accepted, then the land be expropriated.**
- 2. The developer is to undertake to pay all costs related to the expropriation including compensation, professional costs and arbitration costs, if applicable.**
- 3. Before the land is conveyed to the developer, it is to provide the City with a letter of credit in the amount to be determined by the Manager of Real Estate Services, sufficient to cover all costs related to the expropriation.**

135 Military Road, Stella Burry

Council considered a memorandum dated January 14, 2008 from the Director of Building and Property Management regarding a request from Stella Burry Community Services for the waiver of permit fees and parking meter fees associated with the redevelopment of the above noted site.

SJMC2008-01-14/29R

It was decided on motion of Councillor Duff; seconded by Councillor Galgay: That permit and meter rental charges associated with the redevelopment of the Stella Burry site, 135 Military Road, be waived.

Ticketing Update

Council considered a memorandum dated January 14, 2008 from the Chief Commissioner and City Solicitor advising that as of January 14, 2008 all administrative issues have been clarified between the City, the Province's IT Division and the Provincial Court and the City is now able to issue tickets for certain by-law violations. He also advised that prior to the issuance of a ticket the property owner must have received at least three notices to comply. Only after the issuance of the notices may a ticket be issued. Tickets must also be personally served on property owners.

Though some concerns with respect to the process were raised, all members of Council supported the City's new Ticketing Authority for certain by-law violations.

The Chief Commissioner reminded Council that the process is new and it will take time to determine if it is administratively feasible. Some members of Council had concerns with tickets being charged against landlords when the tenants are the offenders with Councillor Puddister suggesting that staff exercise discretion when issuing tickets to landlords whose tenants are at fault. Councillor Ellsworth as well as other members of Council acknowledged that the majority of landlords are compliant. Councillor Hann felt that residents need to be educated to ensure they know when they are in violation of the regulations.

Councillor Hickman

Councillor Hickman alluded to the recent accident near Bathurst, NB., indicating he would like the Province to look at twinning the highway from Whitbourne to Clarendville under this year's Highways Program in the interest of public safety and given the proposed developments for the Placentia Bay area and the potential for increased traffic. He also encouraged the Province to look at commencing work on the Team Gushue Highway extension.

Councillor Galgay

Councillor Galgay asked that a request from Mrs. Fullington, 9 Top Battery Road for the installation of a rail in the area near the public pathway be referred to the Public Works, Environment & Protection Committee for consideration.

Councillor Ellsworth

Councillor Ellsworth advised that he received complaints that contractors are snow clearing on private lots in the Kenmount Road area and backing out onto Kenmount Road. He suggested that residents who witness this activity contact the RNC.

Councillor Ellsworth advised that he along with Mr. Cec Whitten and the Director of Finance and City Treasurer met with representatives of Health Care and

Nursing Home Boards today to address the concerns of the Para Transit Committee with respect to ridership and funding issues, and hope to have a resolution in the coming weeks.

Councillor Collins

Councillor Collins advised that the Goulds Winter Carnival will take place February 8 to 17, 2008.

Councillor Collins advised that he received complaints concerning hunters using high power rifles in close proximity to residential homes particularly in the Goulds area and noted that the matter will be looked at in the near future.

His Worship the Mayor

His Worship the Mayor advised that he has not followed up on Council's direction to write Air Canada as well as the Federal and Provincial Ministers expressing concern at the level of service provided by the carrier to residents traveling in and out of the province. Instead, he proposed that a public inquiry be conducted, and asked Council's direction.

SJMC2008-01-14/30R

It was moved by Councillor Colbert; seconded by Councillor Puddister: That the Mayor request the Federal Government to conduct a Public Inquiry into Air Canada's quality of service to and from the Province.

Discussion ensued during which Councillor Puddister indicated that he would like the inquiry to focus also on an overseas flight and look at having Air Canada provide a direct flight from St. John's to London at least two days per week. Councillor Duff, though supportive of a public inquiry, indicated she would like to have more information prior to proceeding.

During discussion, His Worship the Mayor noted that he met with Mayor Detchevery of St. Pierre and Miquelon and there is some appetite for a cooperative effort to approach Air France towards securing a direct overseas air service. The Mayor noted the idea will be pursued and he will keep Council informed.

Following discussion, the motion being put was unanimously carried.

Adjournment

There being no further business, the meeting adjourned at 5:10 p.m.

MAYOR

CITY CLERK