

**July 26<sup>th</sup>, 2010**

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 4:45 p.m. today.

His Worship the Mayor presided.

There were present also: Deputy Mayor Duff; Councillors O'Leary, Hickman, Colbert, Hann, Breen, Galgay, Tilley, Hanlon and Collins.

The City Manager, Deputy City Manager/Director of Public Works and Parks; Director of Planning, Director of Engineering, Acting City Solicitor, Acting City Clerk and Recording Secretary, were also in attendance.

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

#### **SJMC2010-07-26/413R**

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

- a. Special Events Advisory Recommendation – July 20, 2010
- b. Submission re Civic Number 146 New Cove Road from Mary Hynes; Alice Collins and Kevin Hogan; Eleanor Jones; Paul Rogers; Paul O'Brien; Maureen Summers; John Furlong; Ken McLean and Barbara Case, One petition
- c. Submissions re 413 Thorburn Road from Peter Wall and Ida Young
- d. Letter from Dany, Josh and Luna Munden re ACRO-ADIX
- e. Finance & Administration Standing Committee Report dated July 14, 2010
- f. Parks and Recreation Standing Committee of the Whole dated July 23, 2010
- g. Tender – City Depot 'D' Block Renovations
- h. Request from the Deputy Mayor re registration cost to attend Heritage Canada foundation 2010 Annual Conference to be held in St. John's, Sept 30 to October 2, 2010.

### **Adoption of Minutes**

#### **SJMC2010-07-26/414R**

**It was decided on motion of Councillor Tilley; seconded by Deputy Mayor Duff: That the minutes of the July 13<sup>th</sup>, 2010 meeting be adopted as presented.**

**Notice of Motion – Councillor Debbie Hanlon ACRO-ADIX School of Acrobatics**

**SJMC2010-07-26/415R**

**Pursuant to Notice of Motion, it was moved by Councillor Hanlon, seconded by Deputy Mayor Duff: That Council's decision of June 14, 2010 to reject an application by ACRO-ADIX School of Acrobatics requesting permission to establish and operate a Private Park for an aerial arts and acrobatics school from Civic No. 413 Thorburn Road, be rescinded.**

Councillor Hanlon indicated that since Council's rejection of the proposed business she has more information on the proposal and has met with the applicant and would like to give them the opportunity to present their case.

Councillor Hanlon also advised that she has since been informed that the operation was in business and has since ceased.

His Worship the Mayor questioned the need to rescind the motion and it was pointed out by the City Manager that rescinding is not necessary and that the applicant can merely reapply.

Two submissions of objection to the proposed operation were tabled along with a letter from the applicants.

The motion to rescind was withdrawn since the applicant can reapply without rescinding the motion.

It was pointed out by staff that a new application would have to be readvertised and notices will be forwarded within a 150 m radius of the application site unless otherwise directed by Council.

**Proposed Rezoning of Property to Allow a New Housing Development, Civic Number 154 Freshwater Road, Applicant: Freshwater Development Ltd.**

Under business arising, Council considered a memorandum dated July 21, 2010 from the Director of Planning regarding the above.

**SJMC2010-07-26/416R**

**It was moved by Councillor Galgay; seconded by Deputy Mayor Duff: That the following Resolutions for St. John’s Municipal Plan Amendment Number 84, 2010 and St. John’s Development Regulations Amendment Number 487, 2010 be adopted; and further, that Mr. Gerhard Weiland, a member on the City’s commissioners list, be appointed as the commissioner to conduct a public hearing on the amendments, the proposed date for the hearing being Tuesday, August 17, 2010.**

**RESOLUTION  
ST. JOHN’S MUNICIPAL PLAN AMENDMENT  
AMENDMENT NUMBER 84, 2010**

**WHEREAS** the City of St. John’s wishes to permit a residential development on property situated at Civic Number 154 Freshwater Road.

**BE IT THEREFORE RESOLVED** that the City of St. John’s hereby adopts the following map amendment to the St. John’s Municipal Plan pursuant to the provisions of the Urban and Rural Planning Act.

**Redesignate the property situated at Civic Number 154 Freshwater Road from the Institutional Land Use District to the Residential Medium Density Land Use District as shown on Map III – IA attached.**

**BE IT FURTHER RESOLVED** that the City of St. John’s 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 **26th day of July, 2010.**

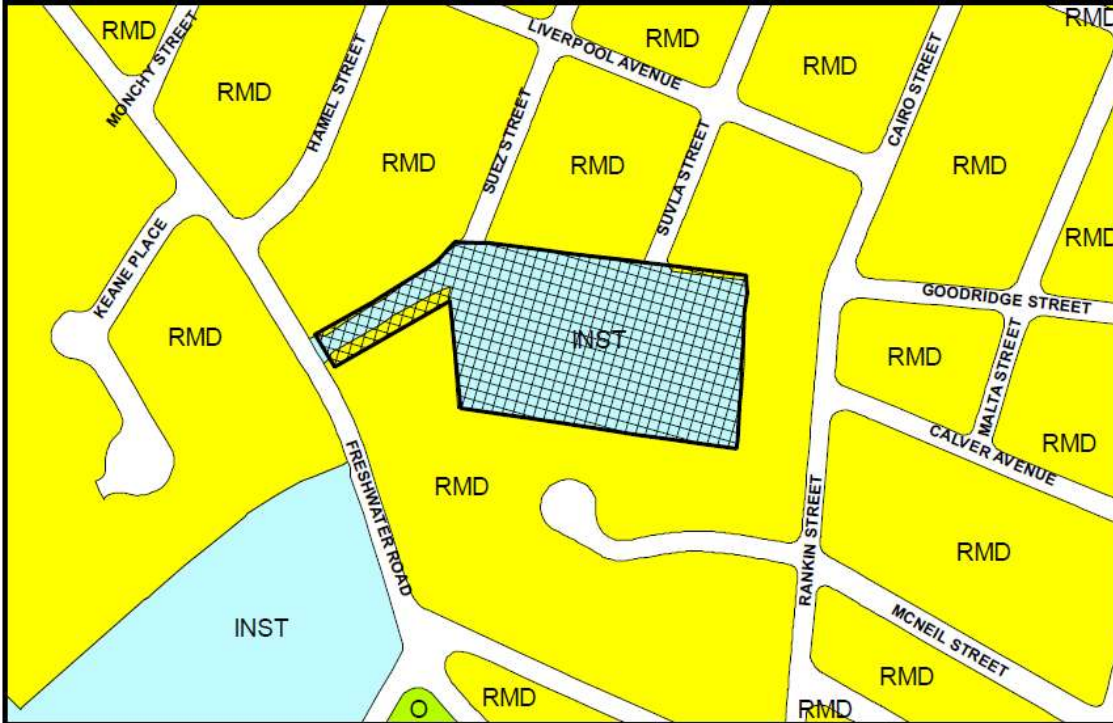
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**Mayor**

\_\_\_\_\_  
**Director of Corporate Services/  
City Clerk**

\_\_\_\_\_  
**Provincial  
Registration**

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

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MCIP



**CITY OF ST. JOHN'S  
MUNICIPAL PLAN  
Amendment No. 84, 2010  
[Map III-1A]**

2010 06 24 SCALE: 1:2500  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING

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



AREA PROPOSED TO BE REDESIGNATED FROM  
INSTITUTIONAL (INST) LAND USE DISTRICT TO  
RESIDENTIAL MEDIUM DENSITY (RMD) LAND USE DISTRICT

154 FRESHWATER RD

\_\_\_\_\_  
M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director Corp. Services/City Clerk

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Council Adoption

Provincial Registration

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 487, 2010**

**WHEREAS** the City of St. John's wishes to permit a residential development on property situated at Civic Number 154 Freshwater Road.

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations pursuant to the provisions of the Urban and Rural Planning Act.

**Rezone the property situated at Civic Number 154 Freshwater Road from the Institutional (INST) Zone to the Residential High Density (R3) Zone as shown on Map Z-IA attached.**

**BE IT FURTHER RESOLVED** that the City of St. John's 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 **26<sup>th</sup> day of July, 2010.**

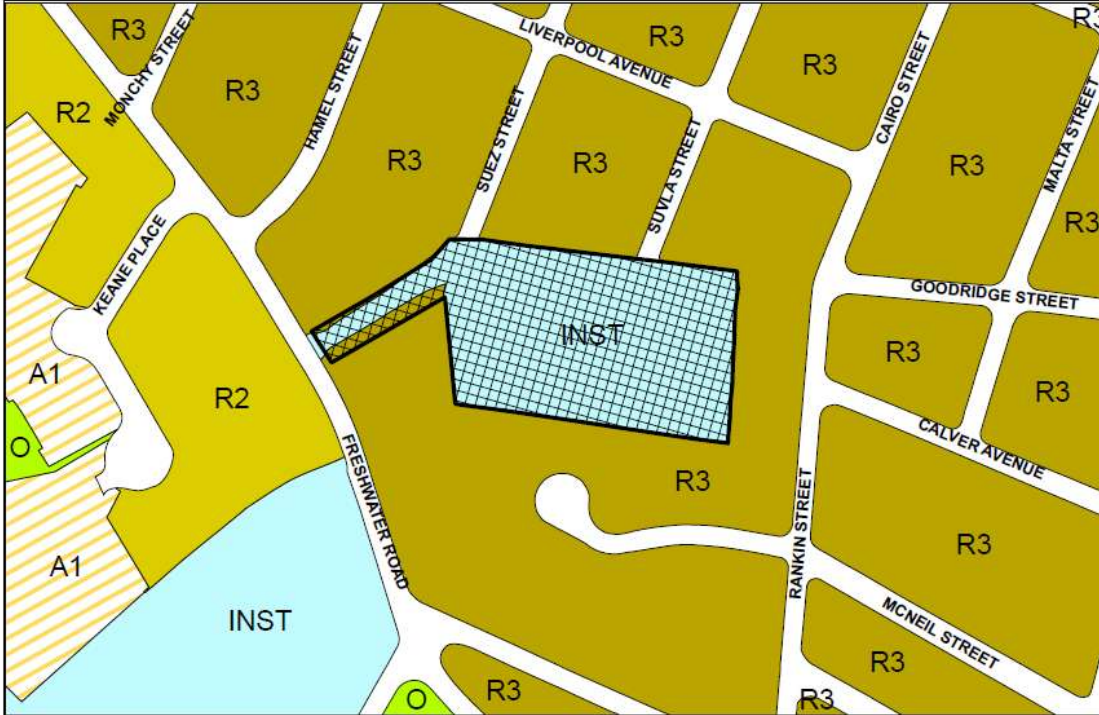
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**Mayor**

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**Director of Corporate Services/  
City Clerk**

\_\_\_\_\_  
**Provincial Registration**

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

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MCIP



**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 487, 2010  
[Map Z-1A]**

2010 06 24 SCALE: 1:2500  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING

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



AREA PROPOSED TO BE REZONED FROM  
INSTITUTIONAL (INST) LAND USE ZONE TO  
RESIDENTIAL HIGH DENSITY (R3) LAND USE ZONE

154 FRESHWATER RD

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M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director Corp. Services/City Clerk

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Council Adoption

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Provincial Registration

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

**Discretionary Use Application, Application to Operate a Lounge at Civic Number 668  
Topsail Road: Applicant: New Moon Restaurant**

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Under business arising, Council considered a memorandum dated July 21, 2010 from the Director of Planning regarding the above noted application which was deferred by Council on June 14, 2010 pending information pertaining to the number of area businesses where Video Lottery Terminals (VLTs) have been installed, and whether or not it is the applicant's intention to install VLT's if approval is granted by Council to operate a lounge.

**SJMC2010-07-26/417R**

**It was moved by Councillor Breen; seconded by Deputy Mayor Duff: That the application by New Moon Restaurant to operate a Lounge at Civic Number 668 Topsail Road be approved.**

The applicant has verbally advised City staff that it is not their intention at this time to apply to the Atlantic Lottery Corporation to install VLTs in the proposed new lounge. The ALC, who regulates the establishment of VLTs in the province, has advised that to date it has not received an application from New Moon to install VLTs in the proposed new lounge.

Council also noted that ALC has advised that on Topsail Road in the vicinity of the site of the proposed new lounge, there are 20 approved VLTs within a 0.5 radius, and within a 1 km radius, there are 27 approved VLTs. In providing this information, the ALC has noted that in some parts of the City, bars and lounges tend to operate in close proximity to each other as do other types of businesses such as automobile dealerships.

The Director of Planning advised that staff contacted the applicant earlier today and were advised that it is not the restaurant's intention to install VLT's but to extend the existing bar area. The Deputy Mayor pointed out that it is not within the City's jurisdiction to legislate VLT's and since it is not the applicant's intent to install VLT's, to refuse the lounge application would be discriminatory.

**Following discussion, the motion being put was carried with Councillors Tilley and Hann dissenting.**

**Proposed Rezoning of Properties, Civic Numbers 46-100 Old Bay Bulls Road**

Under business arising, Council considered a memorandum dated July 19, 2010 from the Director of Planning regarding the above noted.

**SJMC2010-07-26/418R**

**It was moved by Councillor Collins; seconded by Councillor Hann: That the staff be directed to proceed with the process to rezone properties from Civic Number 46 to Civic Number 100 Old Bay Bulls Road from the RRI Zone to the R1 Zone, and agreed that the following Resolutions for St. John’s Municipal Plan Amendment Number 83, 2010 and St. John’s Development Regulations Amendment Number 485, 2010 be adopted-in-principle, subject to the issuance of Provincial Release from the Department of Municipal Affairs, in accordance with the requirements of the Urban and Rural Planning Act.**

**RESOLUTION  
ST. JOHN’S MUNICIPAL PLAN  
AMENDMENT NUMBER 83, 2010**

**WHEREAS** the City of St. John’s wishes to recognize the recent installation of municipal water and sewer services along the properties Civic Numbers 46 – 100 Old Bay Bulls Road.

**BE IT THEREFORE RESOLVED** that the City of St. John’s hereby adopts the following map amendment to the St. John’s Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act, 2000:

**Redesignate the properties from Civic Numbers 46 Old Bay Bulls Road to Civic Number 100 Old Bay Bulls Road from the Rural District to the Residential Low Density District as shown on Map III – 1A attached.**

**BE IT FURTHER RESOLVED** that the City of St. John’s 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 **26<sup>th</sup> day of July, 2010.**

\_\_\_\_\_  
**Mayor**

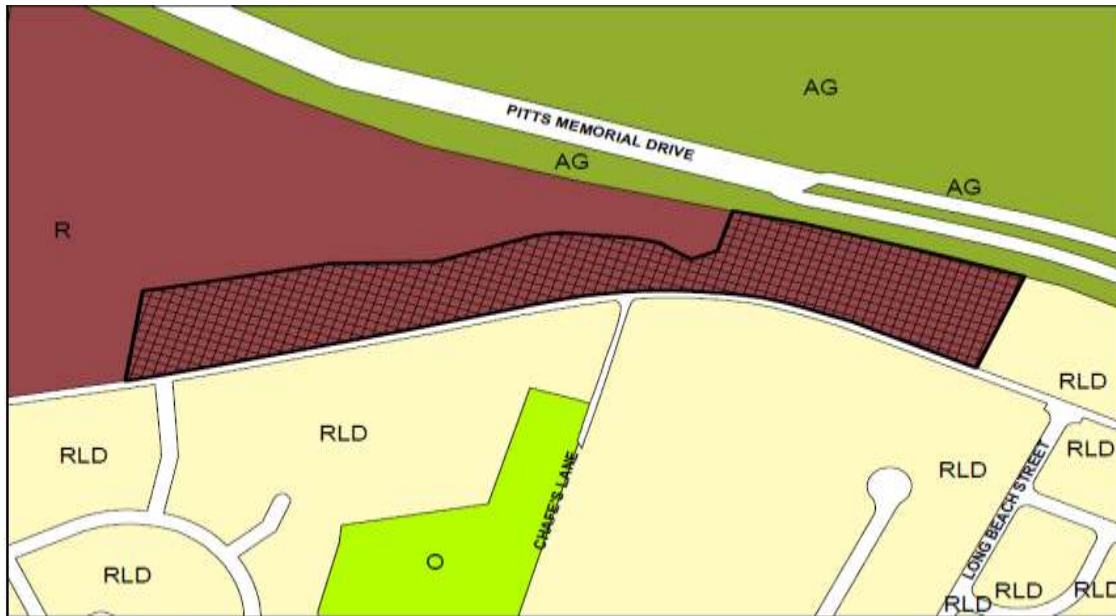
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**City Clerk**

\_\_\_\_\_  
**Provincial Registration**

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


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**CITY OF ST. JOHN'S  
MUNICIPAL PLAN  
Amendment No. 83, 2010  
[Map III-1A]**

2010 05 26 SCALE: 1:4000  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING

 AREA PROPOSED TO BE REDESIGNATED FROM RURAL (R) LAND USE DISTRICT TO RESIDENTIAL LOW DENSITY (RLD) LAND USE DISTRICT

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

46-100 OLD BAY BULLS ROAD

\_\_\_\_\_  
M.C.I.P. signature and seal

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Mayor

\_\_\_\_\_  
Director Corp. Services/City Clerk

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Council Adoption

Provincial Registration

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 485, 2010**

**WHEREAS** the City of St. John's wishes to recognize the recent installation of municipal water and sewer services along the properties at Civic Numbers 46 – 100 Old Bay Bulls Road.

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations pursuant to the provisions of the Urban and Rural Planning Act.

**Rezone the properties from Civic Numbers 46 Old Bay Bulls Road to Civic Number 100 Old Bay Bulls Road from the Rural Residential Infill (RRI) Zone to the Residential Low Density (R1) Zone as shown on Map Z-1A attached**

**BE IT FURTHER RESOLVED** that the City of St. John's 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 **26<sup>th</sup> day of July, 2010.**

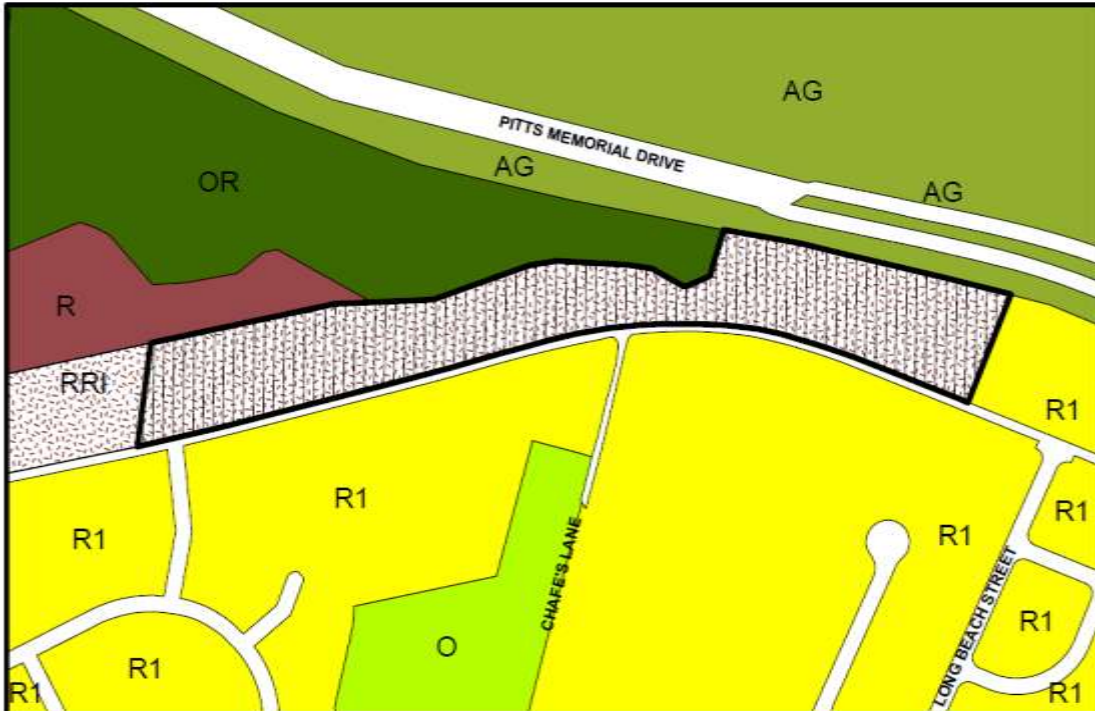
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**Mayor**

\_\_\_\_\_  
**City Clerk**

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**Provincial Registration**

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

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MCIP



**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 485, 2010  
[Map Z-1A]**

2010 05 26 SCALE: 1:4000  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING

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



AREA PROPOSED TO BE REZONED FROM  
RURAL RESIDENTIAL INFILL (RRI) LAND USE ZONE TO  
RESIDENTIAL LOW DENSITY (R1) LAND USE ZONE

46-100 OLD BAY BULLS ROAD

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M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director Corp. Services/City Clerk

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Council Adoption

Provincial Registration

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

**Proposed Text Amendment – St. John’s Development Regulations, Water Utility Enclosures for Premises Isolation Backflow Prevention Devices**

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Under business arising, Council considered a memorandum dated July 19, 2010 from the Director of Planning regarding the above noted.

**SJMC2010-07-26/419R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Hickman: That the following Resolution for St. John’s Development Regulations Amendment Number 486, 2010 be adopted, which will then be referred to the Provincial Department of Municipal Affairs with a request for Provincial registration in accordance with the requirements of the Urban and Rural planning Act:**

**RESOLUTION  
ST. JOHN’S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 486, 2010**

**WHEREAS** the City of St. John’s wishes to modify the provisions of the Development Regulations in order to allow the development of water utility enclosures;

**BE IT THEREFORE RESOLVED** that the City of St. John’s hereby adopts the following text amendment to the St. John’s Development Regulations, pursuant to the provisions of the Urban and Rural Planning Act.

1. Repeal the current definition of “Building” in Section 2 and add the following new definition:

“**BUILDING** means every structure, erection, excavation, alteration or improvement placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses, and any part of a Building so defined and fixtures that form part of a Building, except a Fence and a Water Utility Enclosure.”

2. Add the following definition of “Water Utility Enclosure” in Section 2:

“**WATER UTILITY ENCLOSURE** means a heated above ground, non-confined space for the purpose of locating and protecting premises isolation backflow prevention devices.”

3. Add Section 7.30 “Water Utility Enclosure” subject to the following requirements:
  - (a) The minimum building line (front yard) for a Water Utility Enclosure may be at the front lot line of any property;
  - (b) Water Utility Enclosures shall be erected at least 0.3metres from any Side or Rear Lot Lines;

- (c) Development Restriction – Corner Lot and Yards Abutting a Street as established by Council under the authority of Section 8.3.3;
  - (d) Sight lines - Intersections as established by Council under the authority of Section 8.3.4 shall apply;
  - (d) Unless otherwise approved by the Director of Building, an electrical service to a Water Utility Enclosure shall only be provided through the same service as the Main Building;
  - (e) Compliance with all other Municipal and Provincial regulations.
- 4a. Remove Section 8.3.3 (1) “Development Restrictions – Corner Lot and Yards Abutting a Street”;
- 4b. Add a new Section 8.3.3 (1) “Development Restrictions – Corner Lot and Yards Abutting a Street”
- (1) Except for corner Lots in the Downtown as defined in Section 3, Map C , and except as provided for in Section 8.3.3(2), no Building or Fence or Water Utility Enclosure shall be erected nor shall any land be used on any corner Lot for any Development within the triangle formed by two Street Lines and a line connecting two points on the two Street Lines located:”
- 5a. Remove Section 8.3.3 (2) “Development Restrictions – Corner Lot and Yards Abutting a Street”;
- 5b. Add to Section 8.3.3 (2) “Development Restrictions – Corner Lot and Yards Abutting a Street”
- (2) No Fence, Accessory Building, or Utility Enclosure may be permitted in any Yard abutting a Street, except where in the opinion of an authorized Officer it does not impede sight lines along the Street. In such cases, the height and location of the Fence, Accessory Building, or Water Utility Enclosure shall be as determined by an authorized Officer.
6. Add to Section 8.3.8 “Obstruction of Yards”
- (e) Water Utility Enclosures for the purposed of locating and protecting premises isolation backflow prevention devices.

**BE IT FURTHER RESOLVED** that the City of St. John’s 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 **26th day of July, 2010.**



Two (2) additional parking spaces will be created for a total of four (4) parking spaces. (**Ward 3**).

**SJMC2010-07-26/421R**

**It was moved by Councillor Tilley; seconded by Councillor O’Leary: That the application be approved.**

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

**Public Meetings**

**a. Public Meeting Report dated July 14<sup>th</sup>, 2010**

Councillor O’Leary presented a public meeting report dated July 14<sup>th</sup>, 2010, which was held to discuss an application from VIMAC Ltd. to rezone the property at Civic No. 141-145 Bay Bulls Road from the Residential Low Density (R1) Zone to the Apartment Low Density (A1) Zone. The purpose of the rezoning is to permit the construction of a three-storey, 26 unit apartment building. In this regard, Council also considered a memorandum dated July 21, 2001 from the Director of Planning.

The Transportation Engineer has advised that a traffic impact study was not warranted based on the limited size of the proposed apartment building (26 units) and the Engineering staff have advised that the proposed access to the application site is acceptable.

It is noted that it will not be necessary to undertake any amendments to the St. John’s Municipal Plan to accommodate the rezoning of the application site to the A1 Zone.

**SJMC2010-07-26/422R**

**It was moved by Councillor Collins; seconded by Councillor O’Leary: That the following Resolution for St. John’s Development Regulations Amendment Number 491, 2010 be adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendment in accordance with the requirements of the Urban and Rural Planning Act:**

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 491, 2010**

**WHEREAS** the City of St. John's wishes to allow the construction of an apartment building at Civic Numbers 141 – 145 Bay Bulls Road.

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act.

**Rezone land at Civic Number 141 – 145 Bay Bulls Road from the Residential Low Density (R1) Zone to the Apartment Low Density (A1) Zone as shown on Map Z – 1A attached.**

**BE IT FURTHER RESOLVED** that the City of St. John's 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 **26<sup>th</sup> day of July, 2010.**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Provincial Registration**

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


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MCIP



**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 491, 2010  
[Map Z-1A]**

2009 07 21 SCALE: 1:1500  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING

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

 AREA PROPOSED TO BE REZONED FROM  
RESIDENTIAL LOW DENSITY (R1) LAND USE ZONE TO:  
APARTMENT LOW DENSITY (A1) LAND USE ZONE

141-145 BAY BULLS ROAD, VIMAC LTD.

\_\_\_\_\_  
M.C.I.P. signature and seal

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Mayor

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Director Corp. Services/City Clerk

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Council Adoption

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Provincial Registration

It is noted that four letters of opposition were submitted and included in the public hearing report and a submission to the Director of Planning from Doug Vicars, President, Vimac Ltd. dated July 26, 2010 was tabled.

Councillors O’Leary and Collins indicted their support of the proposed development noting that the developer has been very accommodating in addressing the residents’ concerns with respect to this development.

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

**b. Public Meeting Report dated July 7<sup>th</sup>, 2010**

Deputy Mayor Duff presented a public meeting report dated July 7<sup>th</sup>, 2010 which was held to consider an application from Gibraltar Development Ltd. to rezone property at Civic Number 146 New Cove Road from Residential Medium Density (R2) Zone to the Apartment Medium Density (A2) Zone. The purpose of the proposed rezoning is to allow the construction of a 4-storey, 24-unit apartment building on the subject site.

In this regard, Council considered a memorandum dated July 22, 2010 from the Director of Planning. A number of written submissions of concern/objection were included with the meeting report. As well a petition was tabled along with a number of submissions of objection.

**SJMC2010-07-26/423R**

**It was moved by Deputy Mayor Duff; seconded by Councillor O’Leary: That the application for rezoning of property at Civic Number 146 New Cove Road from Residential Medium Density (R2) Zone to the Apartment Medium Density (A2) Zone to allow the construction by Gibraltar Development Ltd. of the proposed 4-storey/24 unit apartment building be rejected.**

Discussion ensued during which members of Council supporting the motion to reject, though favouring the proposed development concept, could not support the New Cove Road site. They cited traffic issues; the fact that the proposed building which is surrounded by residences would result in the creation of a hidden driveway; over-development of the site from the point of view of traffic; and the existing traffic issues at Mary Queen of Peace School. During discussion, Councillor Colbert asked that a complete traffic study be conducted for the Torbay Road Portugal Cove Road area once the new lights are installed.

Councillor Hann speaking against the motion noted the planned realigning and reconstructing of the intersection of Portugal Cove Road and New Cove Road, and signalization should change the traffic patterns and alleviate the traffic problems.

The Transportation Engineer, whose comments are outlined in the memorandum dated July 22, 2010 from the Director of Planning, has reviewed the concerns raised by the residents with traffic pertaining to the proposed apartment building, and does not foresee any problems with the proposed application

**The motion to reject being put was carried with Councillors Hann and Tilley dissenting.**

**c. Public Meeting Report dated May 6, 2010**

Councillor Breen presented a public meeting report dated May 6, 2010 which was held to discuss an application submitted by the Bella Vista Ltd. (Rick Young) to rezone the property at Civic Number 24 Torbay Road from the Residential Low Density (R1) Zone to the Commercial Local (CL) Zone. The purpose of the proposed rezoning is to allow the existing single-detached dwelling on the property to be used for office space.

In this regard Council considered a memorandum dated July 22, 2010 from the Director of Planning.

**SJMC2010-07-26/424R**

**It was moved by Councillor Breen; seconded by Councillor Hann: That the following Resolution for St. John's Development Regulations Amendment Number 493, 2010 be adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial registration in accordance with the Urban and Rural Planning Act:**

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 493, 2010**

**WHEREAS** the City of St. John's wishes to permit the development of office space in the existing single detached house at Civic Number 24 Torbay Road,

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act.:

**Rezone the property at Civic Number 24 Torbay Road from the Residential Low Density (R1) Zone to the Commercial Local (CL) Zone, as shown on Map Z-1A attached.**

**BE IT FURTHER RESOLVED** that the following text amendment be made to Section 10.16 "Commercial Local (CL) Zone: insert the phrase

**"(except for the property at Civic Number 24 Torbay Road)"**

after each Permitted Use and each Discretionary Use in the CL Zone with the sole exception of Section 10.16.1.f "Office".

**BE IT FURTHER RESOLVED** that the City of St. John's 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 **26<sup>th</sup> day of July, 2010.**

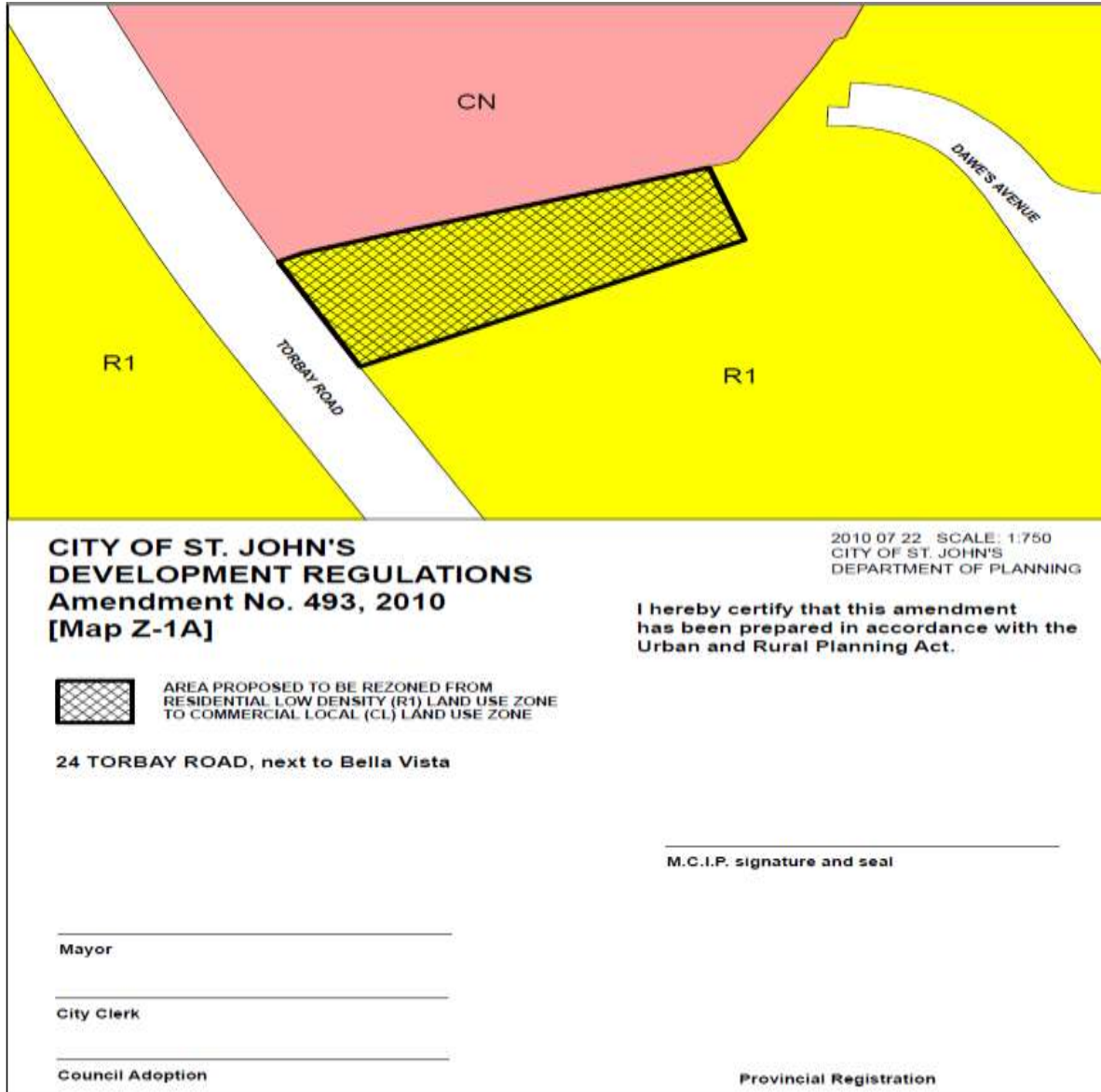
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**Mayor**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Provincial Registration**

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

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MCIP



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

**d. Public Meeting Report dated July 21, 2010**

Councillor O’Leary presented a public meeting report dated July 21, 2010 which was held to provide an opportunity for public review and comment on the land use assessment report prepared by Hearn Fougere Architects Inc. on behalf of the Provincial Department of Transportation and Works for the St. John’s Long-Term Care Facility proposed to be constructed at Newfoundland Drive/Janeway Place.

In this regard Council considered a memorandum dated July 22, 2010 from the Director of Planning.

**SJMC2010-07-26/425R**

**It was moved by Councillor O’Leary; seconded by Councillor Hickman: That the land use assessment report for the St. John’s Long Term Care Facility dated July 6, 2010 prepared by Hearn Fougere Architects Inc. be approved; and that the St. John’s Long-Term Care Facility proposed to be constructed at Newfoundland Drive/Janeway Place, be granted approval-in- principle subject to the following conditions:**

- 1. Development of the project is to be undertaken in accordance with the land use assessment report dated July 6, 2010 prepared by Hearn Fougere Architects Inc. on behalf of the Provincial Department of Transportation & Works;**
- 2. The proponent and their consultants should consult with the residents of Virginia Place to discuss the possible retention of the existing treed buffer at the back of the properties on Virginia Place as a possible alternative to the construction of a privacy fence between the existing homes and the parking area for the long term care facility;**
- 3. Submission by the proponents of detailed site, site-servicing, landscaping and building plans for review and approval by City staff;**
- 4. The preparation of a development agreement between the Department of Transportation & Works and the City; and**
- 5. The development shall be undertaken in accordance with all requirements of the St. John’s Development Regulations, the City’s Commercial Development Policy and all applicable requirements of the City’s Departments of Engineering, Building and Property Management, Public Works and Parks and Planning.**

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

**Committee Reports**

**Development Committee Report dated July 13<sup>th</sup>, 2010**

Council considered the following Development Committee Report dated July 13, 2010:

**RECOMMENDATION OF APPROVAL:**

- 1. Proposed Demolition and Replacement of Dwelling  
Joyce Rolfe  
Civic No. 11 Cabot Avenue (Ward 2)**

The Development Committee recommends that Council grant approval to the application subject to the following conditions:

- a. approval of the building elevations by the City's Heritage Officer; and
- b. compliance with all requirements of the City's Department of Engineering and Department of Building and Property Management.

**Ronald Penney, Chairperson  
City Manager**

**SJMC2010-07-26/426R**

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

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

**Heritage Advisory Committee Report dated July 21, 2010**

Council considered the following Heritage Advisory Committee Report dated July 21, 2010:

**Members:** Deputy Mayor Shannie Duff  
David Kelland, NL Association of Architects  
Gerard Hayes, General Representative  
Melanie Del Rizzo, Business Tax Payer  
Tony Lockyer, Canadian Homebuilders Association, Eastern NL  
Ken O'Brien, Manager of Planning & Information  
Sylvester Crocker, Manager of Technical Services  
Peter Mercer, Heritage Officer  
Karen Chafe, Recording Secretary

Report:

1. **390 Duckworth Street – Installation of ATM Machine**  
The Heritage Officer advised of an application from the Majestic Theatre to install an ATM machine on the Duckworth St. side of their building, east of the single red door entrance.

**The Committee recommends approval of the application.**

2. **25 Monkstown Road – Application for Windows Replacement**  
Mr. David Kelland abstained from discussion or voting on this matter.

The application is to replace two windows at the rear of the building: the existing dormer window is to be replaced with a single hung window, subject to code requirements; and the extension of the building proposes a new window to be installed over the rear entrance on the 2<sup>nd</sup> storey. The rear of this building is not visible from the street.

**The Committee with the abstention of David Kelland recommends approval of the window replacement in the rear dormer of the main building and new window opening as proposed at the rear extension above the door.**

**3. CLB Armoury – Proposed Signage**

The Committee considered proposed signage for the east and west elevations of the CLB Armoury as attached.

**The Committee recommends that the application as proposed be rejected due to non-conformance with the Heritage Sign By-Law, namely that:**

- **The signs are third party which advertise Pepsi product;**
- **The signs are too large;**
- **The signs are also proposed to be situated on a high traffic street in a high profile area facing both east and west bound traffic.**

**The Committee further recommends that should the applicant wish to use LED lighting on the front façade of the building, this may be considered provided it is for the advertisement of functions and events taking place within the building and that consultation with the Heritage Officer would be required.**

**4. Star of the Sea Hall, 40 Henry St. , Proposed Demolition**

The Committee during its July 5<sup>th</sup> meeting met with Ron Fougere of Ron Fougere Associates Ltd. to discuss a proposal to demolish the Star of the Sea Hall located at 40 Henry St. and replace it with a 48 unit condominium development on the site. The application was deferred to give the Committee an opportunity to research the building's architectural merits, cultural history as well as the historic significance of the site itself. The Committee had also asked for any reports that may be on file regarding the building's structural condition and that arrangements be made to conduct a site visit of the Star of the Sea Hall.

The Committee having considered the above noted information, recommends that the application to demolish the Star of the Sea Hall at 40 Henry St. be rejected on the basis of the following:

- a. **This building is structurally sound as noted in the attached structural report prepared by the City's Building Department.**



- b. **The building is a heritage designated structure with a strong and important association to major historical events occurring throughout the history of St. John's:**
- **The current building was the headquarters of Responsible Government during the Confederation battles of 1947-1948;**
  - **It is the site of the first Roman Catholic Chapel (Old Chapel) in St. John's and of its adjoining residence, the Palace of the first bishops which was destroyed by fire in 1874;**
  - **The Star of the Sea Association has been active on this site since 1873 and has served as a social organization for the community's fishermen who at one time numbered over 1500 in membership and was for many years the largest society in the City.**
  - **According to information received from Gerald Penney Associates Limited, the Star of the Sea site has been proposed as the best fit for Queen Mary's Fort of c. 1693-1697, and this is based upon identification of the site with the Burstheart fishing ships' room.**
  - **The attached Statement of Significance from the Heritage Foundation of NL further elaborates on the site's history and is also recognized on the Canada's Historic Places website.**
- c. **The Committee is not satisfied that sufficient efforts have been made to find adaptive reuses for the property as either a place of public assembly, a cultural facility for which there is a need or as conversion to a lower density residential use.**
- **Reference was made to the successful restoration of the old Imperial Tobacco factory on 22 Flavin Street now known as the Imperial Building which was renovated into a four storey, sixteen unit condominium complex. Another great example is the Carriagehouse Condominiums at 139 Gower St. which is a three storey, fourteen unit building. Both examples have a similar footprint to the Star of the Sea Hall.**
  - **A conversion consisting of residential condominiums as opposed to the proposed demolition and new construction of a 48 unit development would be a more appropriate use in such a high density area. Off-street parking could be accommodated for such with the removal of the east, west and rear extensions which are not original to the building, and the partial basement could also be used. If additional condominium units were required to make the development feasible, floor space could be added at the rear of the building where it is not visible from Henry Street or Dick's Square.**

- d. **During the Regular Council Meeting of March 31<sup>st</sup>, 2008, the Committee's recommendation to reject an application for demolition by then owner Gary White was accepted on the basis that the building was a heritage designated structure. During that period, staff was directed to explore options for adaptive reuse, as noted above.**

**Deputy Mayor Shannie Duff  
Chairperson**

**SJMC2010-07-26/427R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Hanlon: That the Committee's recommendations pertaining to Items 1 and 2 be approved.**

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

**SJMC2010-07-26/428R**

**Regarding Item 3 –Proposed Signage - CLB Armoury – (Councillor Tilley abstained from discussion declaring a conflict of interest). It was moved by Deputy Mayor Duff; seconded by Councillor Hanlon: That the Committee's recommendation be approved.**

Members of Council with the exception of Deputy Mayor Duff voted against the Committee's recommendation to reject the proposed signage for the east and west elevations of the CLB Armoury, given the fact that the Armoury site is surrounded by similar advertising in the area. The Deputy Mayor noted that it is important that the sign regulations for the Heritage Conservation area are applied in a consistent manner.

**Following discussion the motion being put was lost, with Deputy Mayor Duff dissenting, and Councillor Tilley abstaining.**

**SJMC2010-07-26/429R**

**It was then moved by Councillor Hickman; seconded by Councillor Breen: That the proposed signage for the east and west elevations of the CLB Armoury as presented, be approved.**

**The motion being put was carried with Deputy Mayor Duff dissenting and Councillor Tilley abstaining.**

**SJMC2010-07-26/430R**

**Regarding Item #4, Star of the Sea Hall, 40 Henry Street, proposed Demolition, it was moved by Deputy Mayor Duff; seconded by Councillor O'Leary: That the Committee's recommendation to reject the application to demolish the Star of the Sea Hall at 40 Henry Street, be approved.**

Deputy Mayor Duff noted that the Committee's decision was not an easy one. She outlined the Heritage Committee's reasons for rejection of the proposed demolition of the Star of the Sea Hall, which include the historical significance of the site and fact that the committee is not satisfied that sufficient efforts have been made to find adaptive reuses for the property. Councillor O'Leary agreed and felt that the building could be considered as future cultural space for artists. She also indicated that the developer's proposal for a memorial to commemorate the history and heritage of the building will be of no benefit to the public.

Members of Council voting against the Committee's recommendation agreed that it would not be economically feasible for the City to purchase the building, the cost to renovate the building would be extremely costly; that ample efforts have been made to find adaptive reuses; the proposed building would mean ample off-street and in-door parking and the tax benefit would be significant.

During discussion, Councillor Hann indicated that he has been informed that the City has made a decision about moving forward with an Arts Centre. He asked that he be provided with the list of the members who comprise the sub-committee of the Arts Advisory Committee, including the groups and companies they represent, and if they represent private companies.

**Following discussion, the motion to approve the Committee's decision being put was lost with Deputy Mayor Duff and Councillor O'Leary voting in favour and all others dissenting.**

**SJMC2010-07-26/431R**

**It was then moved by Councillor Colbert; seconded by Councillor Galgay: That a proposal by Ron Fougere of Ron Fougere Associates Ltd. to demolish the Star of the Sea Hall located at 40 Henry Street and replace it with a 48 unit condominium development on the site, be approved.**

**The motion being put was carried with Deputy Mayor Duff and Councillor O'Leary dissenting.**

**Planning & Housing Standing Committee Report dated July 22, 2010**

Council considered the following Planning & Housing Standing Committee Report dated July 22, 2010:

In Attendance:

- Councillor Frank Galgay, Chairperson
- Mayor Dennis O’Keefe
- Deputy Mayor Shannie Duff
- Councillor Sheilagh O’Leary
- Councillor Danny Breen
- Councillor Bruce Tilley
- Councillor Debbie Hanlon
- Mr. Ron Penney, City Manager
- Mr. Paul Mackey, Deputy City Manager/Director of Public Works & Parks
- Mr. Cliff Johnston, Director of Planning
- Mr. Walt Mills, Director of Engineering
- Mr. Dave Blackmore, Director of Building & Property Management
- Mr. Bob Bursey, City Solicitor
- Mr. Joe Sampson, Manager of Development
- Mr. Ken O’Brien, Manager of Planning & Information
- Mr. Jim Clarke, Manager of Street and Parks
- Ms. Linda Bishop, Senior Legal Counsel
- Mr. Robin King, Transportation Engineer
- Ms. Lynnann Winsor, Development Engineer
- Ms. Kelly Butler, Recording Secretary

Also in attendance were Mr. Craig Ennis, St. John’s Board of Trade and Ms. Alisha Morrissey with The Telegram.

**1. Delegation – Representatives of Compusult Ltd. and Sheppard Case Architects Inc. re: New Development Application for Proposed New Office/Retail Building at Civic No. 345 Water Street (Ward 2)**

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The Committee met with representatives of Compusult Ltd. (Barry O’Rourke and Wayne Emberley) and Sheppard Case Architects Inc. (Jim Case) to discuss a new application for an office/retail building at Civic No. 345 Water Street (former Arcade site). The Committee considered the **attached** memorandum dated July 20, 2010, from the Manager of Development and Director of Planning regarding the application.

The Director of Planning provided a brief overview the application, noting that the proposed office/retail building is six (6) storeys in height as measured from Water Street and seven (7) storeys in height as measured from Harbour Drive. The total gross floor spaces of the building will be approximately 7885 m<sup>2</sup> with a floor area ratio of 3.72, with retail and restaurant space on the first storey on Water Street. The remainder of the building will be used for office space. The first four storeys (15 m) will be constructed flush with the street line of Water Street, with the

remaining storeys to be stepped back. Forty-one (41) parking spaces are provided for the project, however, with Council's adoption of the new Downtown Parking Regulations, 105 parking spaces are required for this development.

A short discussion ensued regarding the parking requirements, with it being noted that the proponents are looking at possibility installing a "smart parking system", a type of parking system currently being used in Asia, in order to add additional parking. Unfortunately, the system would only marginally increase the available parking. Mr. O'Rourke noted that the City had provided various options to address the parking deficiency, including providing on-site parking, providing a cash-in-lieu payment to the City, or leasing long-term parking off site. The company has searched for available parking space to lease, however, nothing is available. Mr. O'Rourke also referenced the cash-in-lieu, and advised that the funding either has to come directly from the company's operating capital or a lending institution. He indicated that financial institutions are not particularly willing to provide financing for a project that offers no equity.

(Following the presentation to the Committee, the delegation retired from the meeting.)

(Mayor O'Keefe entered the meeting.)

The Committee discussed the application at length, with it being noted that the proposal has merit, however, the parking requirement is an issue. It was agreed that the applicants be directed to undertake a Land Use Assessment Report for the proposed office/retail building, including information on how they will meet the City's parking requirement.

**The Committee recommends, on motion of Deputy Mayor Duff; seconded by Councillor Hanlon: That the applicants be asked to undertake a Land Use Assessment Report under Terms of Reference to be approved by Council including information on measures to provide on-site parking, to lease parking in another location, or the provision of a cash-in-lieu of parking payment to the City.**

**The Committee also agreed that once the assessment report has been reviewed by City Staff to ensure that all applicable information has been provided, the application/assessment report will be referred to a public meeting to be chaired by a member of Council.**

*Subsequent to the Planning and Housing Committee meeting, staff have prepared the attached Terms of Reference for the Land Use Assessment Report for Council's consideration of approval.*

**2. Proposed Draft Amendments – St. John's Municipal Plan and St. John's Development Regulations for Lands on Water Street Between Bishop's Cove and Steer's Cove (Ward 2)**

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The Committee considered the attached memorandum dated July 20, 2010, from the Director of Planning regarding the above noted matter.

During discussion on the matter, Deputy Mayor Duff expressed concerns about the discretionary powers of Council with respect to the approval of future development applications for this block of land, and she suggested that more direction and is needed on the use of Council's discretionary powers. She further suggested the development of some type of parameters or guidelines relative to how Council should exercise that discretion. In this regard, she also suggested that if Council is going to consider allowing greater height for a project, then the developer should be required to show that the additional height would provide some type of quantifiable public benefit to the City, i.e. public parking, preservation of public vistas, etc. Other Committee members indicated their satisfaction with the direction of the draft amendments.

(During discussion Councillor O'Leary retired from the meeting, and Councillor Galgay left the meeting and Mayor O'Keefe assumed the chair.)

**The Committee recommends on motion of Councillor Hanlon; seconded by Councillor Breen, with Deputy Mayor Duff abstaining: That Council adopt-in-principle the proposed amendments to the St. John's Municipal Plan and the St. John's Development Regulations, subject to the issuance of a Provincial release from the Department of Municipal Affairs. Once the Provincial release is issued, Council could formally adopt the amendments and appoint a Commissioner to conduct a public hearing on the amendments.**

(Councillor Galgay entered the meeting and assumed the chair.)

**3. Proposed Rezoning of Property for Residential Condominium Building with Medical Centre and/or Drugstore – Brookfield Plains Inc. – Castle Bridge Drive, Brookfield Plains (Ward 5)**

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The Committee considered the attached memorandum dated July 20, 2010, from the Director of Planning and Manager of Planning and Information regarding the above noted matter.

**The Committee recommends on motion of Mayor O'Keefe; seconded by Councillor Breen: That once all relevant information has been provided by the applicant, including building elevations information, all proposed land uses, and parking layout, that a public meeting be scheduled to be chaired by a member of Council. At a later stage, the Municipal Plan amendment would require a public hearing chaired by an independent commissioner appointed by Council.**

Councillor Frank Galgay  
Chairperson

**SJMC2010-07-26/432R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Collins: That the Committee's recommendations be approved including its recommendation pertaining to Item #2 to adopt-in-principle the following Resolutions for St. John's**



**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 489, 2010**

**DRAFT**

**WHEREAS** the City of St. John's wishes to make provision for the development of buildings with greater building height and building bulk in the block of land located on the south side of Water Street between Bishop's Cove and Steer's Cove and to remove this area from the Heritage Area.

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map and text amendments to the St. John's Development Regulations pursuant to the provisions of the Urban and Rural Planning Act.

- 3. Modify Section 3, Map E – “Heritage Areas” by removing the properties in the block of land located on the south side of Water Street between Bishop's Cove and Steer's Cove from the boundaries of Heritage Areas 2 and 3 as shown more particularly in the attached plan.**
- 4. Modify Section 3, Map F - “Downtown Building Control” by adding the properties in the block of land on the south side of Water Street between Bishop's Cove and Steer's Cove as an area allowing greater building height and building bulk as shown more particularly on the attached plan.**
- 5. Create a new Zone to be referenced as the “Commercial Central Retail – Water Street West (CCR-Water Street West) Zone” with the following requirements:**

**“Commercial Central Retail – Water Street West (CCR – Water Street West) Zone.**

**Purpose of this Zone: This zone shall apply to the properties on the south side of Water Street located between Bishop's Cove and Steer's Cove.**

- (a) Permitted Uses – all Uses permitted in the Commercial Central Retail (CCR) Zone.**
- (b) Discretionary Uses – all Uses referenced as Discretionary Uses in the Commercial Central Retail (CCR) Zone.**
- (c) Zone Requirements**
  - (i) Floor Area Commercial (minimum) Not less than one (1) storey of the Building shall be used exclusively for one or more of the following uses – Retail Store, Bank, Service Shop, Eating Establishment, Tavern, Place of Amusement, Place of Assembly and such a Commercial Storey shall be at the approximate elevation of the adjoining portion**



of Water Street.

- (ii) **Building Height (maximum) 15 metres**
- (iii) **Floor Area Ratio (maximum) 3.0**
- (iv) **Building Line (minimum) All Buildings situated on Water Street shall be built on the Street Line, except for entrances to an arcade or a pedestrian court with a width not exceeding 6 metres, measured along a line parallel to Water Street.**
- (v) **Additional Building Height and Floor Area Ratio Notwithstanding subsections (ii) and (iii), Council may, at its discretion, allow Buildings to a maximum Building Height of 40 metres and a maximum Floor Area Ratio of 5.0, provided:
  - 1. Any part of a Building exceeding 15 metres in height must be set back a minimum distance of 8 metres from the Street Line; and**
- (d) **Council must approve the building elevations for all new Buildings and Council must approve the building elevations for all renovations to the building envelopes of existing Buildings.”**
- 4. **Rezone the properties in the block of land located on the south side of Water Street between Bishop’s cove and Steer’s Cove from the Commercial Central Retail (CCR) Zone to the Commercial Central Retail – Water Street West (CCR – Water Street West) Zone as shown on Map Z – 1A attached.**

**BE IT FURTHER RESOLVED** that the City of St. John’s 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 **26<sup>th</sup> day of July, 2010.**

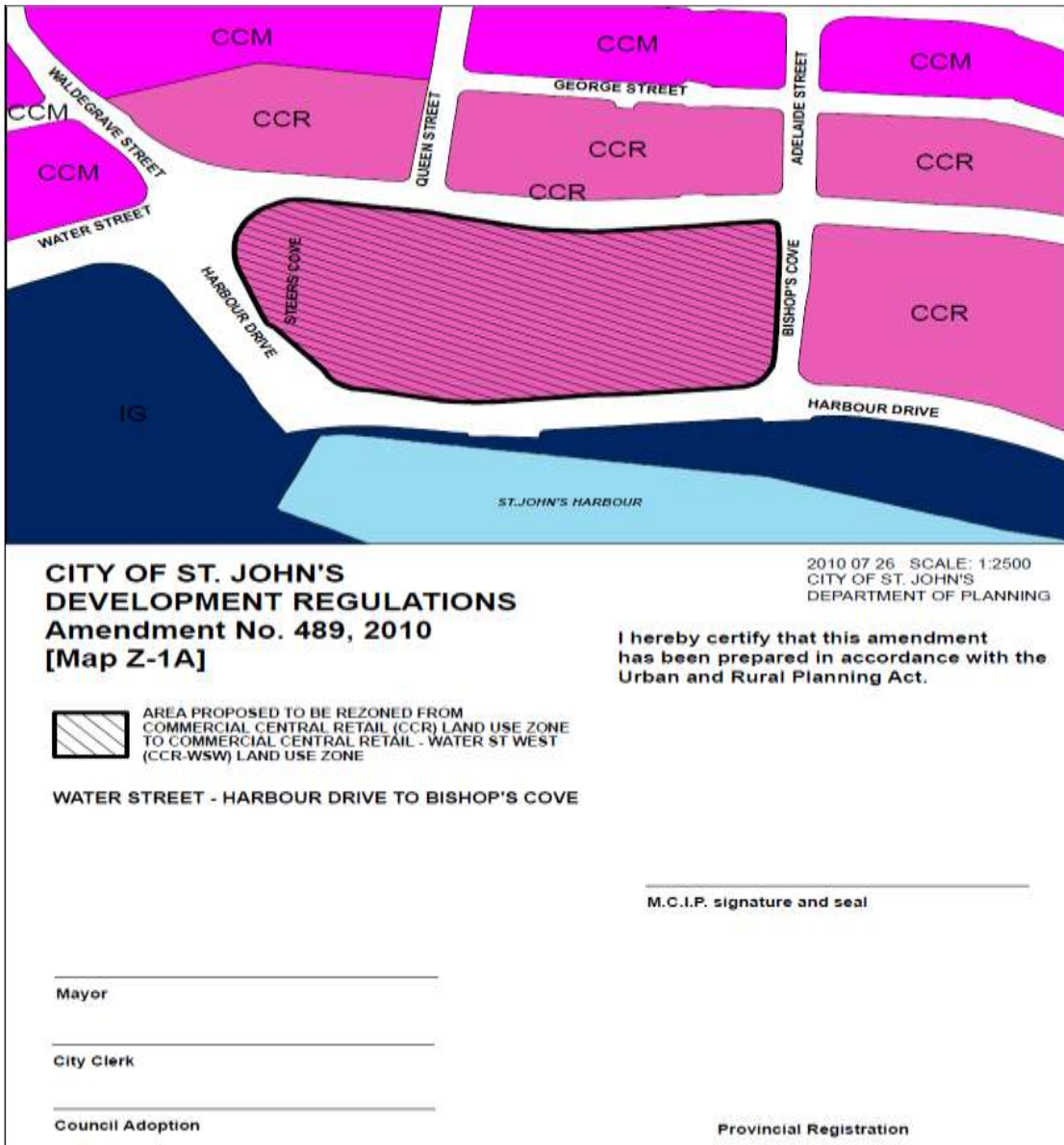
\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Provincial Registration**

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

\_\_\_\_\_  
MCIP



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

**Joint Meeting of the Para Transit Advisory and Review Steering Committees dated July 14, 2010**

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Council considered the following Joint Meeting of the Para Transit Advisory and Review Steering Committees dated July 14, 2010:

**Attendees:** Cecil Whitten, Chairperson and Cerebral Palsy Association Rep.  
 Councillor Tom Hann  
 Bill Westcott, Epilepsy NL  
 Margaret Murphy, CNIB Rep  
 Vera Parsons, ILRC  
 Lori Shea, Canadian Council of the Blind  
 Ron Ellsworth, Citizen Representative  
 Kelly Heisz, Mayor’s Advisory Committee on the Status of Persons with Disabilities  
 Katherine Turner, Eastern Health  
 Susan Ralph, Para Transit Coordinator  
 Karen Chafe, Recording Secretary  
 James McLeod from the Telegram was also in attendance.

**1. RFP for the ASP Paratransit Scheduling Software**

The City received two submissions as a result of its Request for Proposals for ASP Paratransit Scheduling Software from Trapeze and Routematch. An extensive review of each submission was conducted including demonstrations from each group. The City’s IT Department was also involved in the review process. The preferred submission from Routematch has a cost breakdown as outlined below which would be implemented over a three year period. The items outlined with an asterisk \* are proposed to be completed in year 1, with the remaining items to be completed in years 2 and 3 pending appropriate cost-shared funding with the relevant stakeholders:

**Licensing:**

License to Use RouteMatch TS™	\$ 17,167*
License to Use RouteMatch Incidents Module	\$ 7,500*
RouteMatch AVL/MDC Module™	\$ 14,400
RouteMatch Paratransit IVR Module™	\$108,840
RouteMatch Customer Web Portal	\$ 25,800*

**Professional Services:**

Professional Services (Standard)	\$ 38,896*
RouteMatch Professional Services (Wireless)	\$ 38,629
Documentation:	\$ 693*
ASP Hosting Fees	\$ 10,500*

**Third Party Software:**

Third Party Software (TeleAtlas GIS Data)	\$ 514*
Third Party Software (Microsoft SQL Server)	\$ 2,625*

**Hardware:**

Mentor Ranger MDC Hardware (12 units)	\$ <u>37,096</u>
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Total: \$302,660

**The Committee on motion of Ron Ellsworth; seconded by Bill Westcott: recommends that the submission from Routematch be accepted and that City staff be directed to engage with Routematch to initiate implementation of the software launch by September 2010 at a cost of \$120,000. This amount includes the items noted above in asterisk \* as well as an approximate 20 percent cushion for additional items which may arise such as custom development, reports, problems, travel budget, etc. It should be noted that the implementation process starting in September will take approximately three to six months to complete before the City can go live with the software, depending on unexpected problems which may occur.**

**2. Strategy for Cost-Shared Funding with Relevant Stakeholders**

**In light of the above-noted costs, the Committee further recommends that discussions be initiated with the following stakeholders: the City of St. John's, the City of Mount Pearl and the Provincial Government to determine a cost-sharing formula for short and long term funding of the para transit system as well as software support. The usage data collected from Year One will be used to inform how the costs should be broken down among these three parties.**

**3. Contract Extension for Wheelway**

**The paratransit service currently contracted with Wheelway will expire December 31<sup>st</sup>, 2010. In light of the proposed September 2010 implementation of the ASP Paratransit Scheduling Software by Routematch (pending Council's approval), the Committee felt that Wheelway's contract should be extended to a period of between six months to one year. This will enable the collection of data from the new system which can be used in the development of the new RFP for contract renewal.**

**The Committee on motion of Ron Ellsworth; seconded by Bill Westcott recommends that the Wheelway contract be extended to a six to twelve month period not to exceed December 31<sup>st</sup>, 2011.**

**Cecil Whitten  
Chairperson, Para Transit Advisory Committee**

**Ron Ellsworth  
Chairperson, Para Transit Review Steering Committee**

**SJMC2010-07-26/433R**

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

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

**Nomenclature Committee Report dated July 21, 2010**

Council considered the following Nomenclature Committee Report dated July 22, 2010:

**Council approval is recommended for the following Street Names:**

1. **Brookfield Plains – Stage 2  
Developer – Brookfield Plains Inc.**  
  
**Aldergrove Place**
2. **Kenmount Terrace Subdivision – Stage 7B**  
  
**Georgina Street  
Nerrisa Place  
Rosalind Street**
3. **Realignment of Blue Puttee Drive and McCrae Street  
Clovelly Trails – Stage 3B  
Developer – Cabot Development Corporation Ltd.**

Phyllis Bartlett  
Acting City Clerk

**SJMC2010-07-26/434R**

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

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

**Special Events Advisory Recommendation – July 20, 2010**

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**Council considered the following Special Events Advisory Recommendations:**

The following recommendations of the Committee are forwarded to Council for approval in principle subject to any conditions that may be required by the Special Events Advisory Committee:

- 1) **Event:** Thomas Amusements  
**Location:** St. John's Racing and Entertainment Centre  
**Date:** September 13 - 19, 2010

- 2) **Event:** Thomas Amusements  
**Location:** Zeller's Parking Lot, Stavanger Drive  
**Date:** September 27 – October 3, 2010
  
- 3) **Event:** Battle of Britain Parade (Air Force Association of Canada)  
**Location:** CLB Armoury to War Memorial at Water Street  
**Date:** September 19, 2010  
**Time:** 10:15 am – 1:15 pm

The Organizer has requested permission for a “fly past” over Water Street.

- 4) **Event:** Annual Royal St. John's Regatta  
**Location:** Quidi Vidi Lake  
**Date:** August 4, 2010 (pending weather)
  
- 5) **Event:** Annual George Street Festival  
**Location:** George Street – Prince Edward Plaza  
**Date:** July 29 – August 3, 2010

**Recommendation:**

It is the recommendation of the Committee that Council approve the above noted events, subject to the conditions set out by the Special Events Advisory Committee.

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Robin King, P. Eng.  
Chair – Special Events Advisory Committee

**SJMC2010-07-26/435R**

**It was moved by Councillor Colbert; seconded by Councillor Hickman That the Committee's recommendations be approved.**

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

**Parks and Recreation Standing Committee of the Whole dated July 23, 2010**

Council considered the following Parks and Recreation Standing Committee of the Whole Report dated July 23, 2010:

**In Attendance:** Councillor Wally Collins, Chairperson  
Deputy Mayor Shannie Duff  
Councillor Frank Galgay  
Councillor Tom Hann  
Councillor Bruce Tilley  
Councillor Sheilagh O’Leary  
Councillor Danny Breen  
Councillor Gerry Colbert  
Councillor Sandy Hickman  
Councillor Debbie Hanlon  
Ron Penney, City Manager  
Paul Mackey, Deputy City Manager/Director of Public Works & Parks  
Jill Brewer, Director of Recreation  
Walt Mills, Director of Engineering  
Robin King, Transportation Engineer  
Karen Chafe, Recording Secretary

Also in attendance were: Alicia Morrissey with the Telegram and Shelley Morrissey, resident of Newtown Road.

**Report:**

**1. Cycling Master Plan Phases 1 and 2**

The Committee reviewed the MRC Report on the St. John’s Phase 1 and 2 Cycle Plan Implementation which summarized the public meetings held on these matters and proposed alternative treatments. Also considered were the following petitions/letters received since the public consultation process of June 28<sup>th</sup> – 30<sup>th</sup>, 2010:

- Petition from Residents of Frecker Drive signed by 262 residents
- Petition from Residents of Canada Drive signed by 77 residents
- Blog petition organized by *The Scope*, signed by 1094 people.
- Petition from Residents of Newtown Road signed by 69 people
- E-mail from Joe and Jean Hollohan, 70 Frecker Drive
- E-mail from Heather Chafe, 292 Newfoundland Drive

The following points were outlined during the meeting:

- Councillor Tilley relayed the concerns of his constituents in Ward 3, particularly those areas noted above where petitions were circulated which mainly reference the loss of on-street parking.
- Councillor Hann questioned if the groups representing people with disabilities were consulted, to which it was noted that staff has taken into consideration those concerns from people with disabilities who live in the effected areas where parking may be lost. It was agreed that staff apprise the Mayor’s Advisory Committee on the Status

of Persons with Disabilities during its next meeting. Staff assured that every effort will be made to accommodate special needs where such are merited.

- Each member of Council present relayed the concerns and support they received from their respective constituents. The majority expressed their support for the Cycling Master Plan subject to various accommodations which are outlined in detail below.

The following recommendations are hereby referred to Council for ratification:

### **Phase 1**

**The Committee on motion of Deputy Mayor Duff; seconded by Councillor Hanlon with Councillor Tilley dissenting, recommends that Phase 1 of the Cycling Master Plan be adopted subject to acceptance of the following alternative treatments in specific areas of the Plan which are based on the feedback received from the public consultation process:**

- **Cowan Avenue from Topsail to Waterford Bridge: Apply sharrow treatment to this section of roadway to permit on-street parking on one side of the roadway. Implementation of this cross section will require the City to accept a higher level of collision risk.**
- **Mundy Pond Road from Columbus to Ropewalk Lane: That the bike lanes be installed on Mundy Pond Road as planned; and should problems result on the segment of roadway between Blackler Avenue and Pearce Avenue, that consideration be given to installing a paved multi-use trail behind the curb on the south side of the roadway.**
- **Beaumont Street from Bennett to Campbell: That a signed only route treatment be applied in this area based on expected new speed and traffic data which will indicate that lower vehicle operating speeds and traffic volumes will accommodate such.**
- **Newtown Road from Elizabeth to Merrymeeting: That a signed only route treatment be applied to Newtown Road. This will mitigate the parking problems that would have resulted under the original proposal. It will also mean that that an aggressive speed management program will have to be implemented on Newtown Road to reduce vehicle speeds to more acceptable levels.**

### **Phase 2: Virginia River Trail**

**The Committee on motion of Councillor Breen; seconded by Deputy Mayor Duff recommends that Phase 2 of the Cycling Master Plan involving the Virginia River Trail be approved with the stipulation that the trail be done on a phase-by-phase basis starting this year with the section of trail leading from Penney Crescent to Winsor Lake. This section of trail will then be closely monitored by the City to determine if there are any problem areas,**



particularly with regard to safety concerns and that these be addressed by the City prior to further extension of the Trail as proposed in the Cycling Master Plan.

2. **Cycling Master Plan Campaign Branding: Vivid Communications**

During the July 16<sup>th</sup> meeting of the Parks and Recreation Standing Committee, a presentation by Wayne Wheeler of Vivid Communications was conducted. His memo dated June 30<sup>th</sup> outlines the highlights of his presentation.

**The Committee recommends that Council approve the approach presented by Vivid Communications for the campaign branding of the Cycling Master Plan as outlined in the attached memo.**

Councillor Wally Collins  
Chairperson

**SJMC2010-07-26/436R**

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

**(During discussion on this report, His Worship the Mayor left the meeting and Deputy Mayor Duff assumed the Chair).**

Councillor Galgay tabled a petition from resident of Old Topsail Road , the prayer of which reads as follows:

**“We are the residents of “Old” Topsail Road directly affected by the proposed parking ban/cycling trail plan. Under this proposed plan there would be no parking on either side of “Old” Topsail Road 24 hours a day, 7 days a week, 365 days a year.**

**We oppose the current proposal and want the opportunity to meet with representatives of City Hall and Councillors to discuss a mutually satisfactory arrangement for all parties. Further, we ask that the “Old” Topsail Road area be excluded for the time being from the proposed cycling plan to allow a dialogue between residents and the City.**

**Dated at St. John's, NL, Sunday, July 25, 2010.”**

**SJMC2010-07-26/437R**

**It was moved by Councillor Galgay; seconded by Councillor Collins: That the motion be amended to include the following: That the removal of off street parking as it relates to Old Topsail Road from Water Street to the fork of Craigmillar Avenue, be deferred pending further discussion between the Transportation Engineer and the affected residents.**

Councillor Tilley took exception to the proposed amendment since a similar request by him at a recent meeting was denied by Council. Councillor Breen agreed noting that everybody should be treated equally. Councillors Hann also agreed noting that residents were given ample opportunity during the process to provide input.

**The amendment to the motion being put was carried with Councillors Tilley, Hann and Breen dissenting.**

Discussion on the main motion ensued during all member of Council with the exception of Councillor Tilley, indicted their support of the Cycling Master Plan as presented. Councillor Tilley pointed out the concerns raised by his Ward 3 constituents and indicated that petitions were presented relative the loss of on-street parking.

**Following discussion, the main motion (including amendment), being put was carried with Councillor Tilley dissenting.**

**Finance & Administration Committee Report dated July 14, 2010**

Council considered the following Finance and Administration Committee Report dated July 14, 2010:

In Attendance:

- Deputy Mayor Shannie Duff, Chairperson
- Councillor Sheilagh O’Leary
- Councillor Tom Hann
- Councillor Frank Galgay
- Councillor Danny Breen
- Councillor Bruce Tilley
- Ron Penney, City Manager
- Neil Martin, Deputy City Manager/Director of Corporate Services & City Clerk
- Paul Mackey, Deputy City Manager/Director of Public Works & Parks
- Bob Bishop, Director of Finance & City Treasurer
- Kevin Breen, Director of Human Resources

Dave Blackmore, Director of Building and Property Management  
Jill Brewer, Director of Recreation  
Elizabeth Lawrence, Director of Economic Development, Tourism & Culture  
Jason Silver, City Internal Auditor  
Kelly Butler, Recording Secretary

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

**1. CD #R2010-04-13/19 – Request from the Health Care Foundation for Contribution to the Give from the Heart Campaign**

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Deputy Mayor Duff noted that the Health Care Foundation made a presentation to the Committee at its April 1<sup>st</sup> meeting, and it was decided that the City would approach Municipalities Newfoundland and Labrador (MNL) to ascertain their support for the Give from the Heart Campaign and request that they also seek support for the initiative from its member municipalities. Councillor Hanlon, the City's representative on MNL, has since advised that MNL has stated that each municipality should be responsible for making its own decision as to whether or not they wish to contribute to the fundraising campaign. On this note, she requested the Committee's direction on the request from the Health Care Foundation for a \$50,000 contribution to the campaign, which can be paid out over a five year period.

Councillors Hann and Breen indicated they while they understood the importance of having new equipment, they felt that this type of funding was a Provincial responsibility and the City should not be funding something that is not its responsibility. Deputy Mayor Duff and Councillor Tilley spoke in favour of providing funding, noting that it is the City and its citizens who will benefit the most from having new equipment. Councillor Tilley suggested providing funding in a smaller amount than what was requested. Deputy Mayor Duff noted that hospital foundations are often set up to raise money to purchase needed equipment not funded in their capital budgets, and it is not unheard of for municipalities to contribute to such campaigns.

**Following the discussion, the Committee recommends, on motion of Councillor Hann; seconded by Councillor Breen: That the City not make a donation to the Health Care Foundation's Give from the Heart Campaign.**

**2. Automated External Defibrillators**

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The Committee considered a memorandum dated June 29, 2010, from His Worship the Mayor regarding the above noted matter.

The Director of Human Resources advised that the issue of funding to purchase defibrillators for City facilities was put forward for consideration in the 2010 budget, however, no funding was approved. Mayor O'Keefe has since requested that the matter be brought forward for discussion by the Finance Committee.

Councillor Breen noted that the Heart and Stroke Foundation has recently begun a campaign to have defibrillators installed in recreation facilities across the Province, especially in smaller communities. If the City is going to encourage its employees and citizens to enter into life long fitness and recreation, then there is a need to have the equipment to deal with issues that may arise. Medical protocols have changed and there is no longer a requirement for medical oversight of training and use of the equipment. The City Manager indicated that the matter was considered during budget discussions last fall, and it was turned down. He cautioned the Committee on approving new budgetary items mid-year.

**The Committee agreed that the issue of funding for automated external defibrillators be referred to the 2011 budget discussions for consideration.**

**3. Amendment to Policy No. 02-01-05: Computer Passwords**

The Committee considered the attached memorandum dated June 29, 2010, from the Deputy City Manager/Director of Corporate Services and City Clerk regarding the above noted matter.

**The Committee recommends, on motion of Councillor Galgay; seconded by Councillor Tilley: That Policy No. 02-01-05: Computer Passwords be amended to read as follows:**

**“3. *Your password must be a minimum of 8 characters*”**

**4. Nutrition Policy**

The Committee considered the attached memorandum dated June 23, 2010, from the Director of Human Resources regarding the above noted matter.

**The Committee recommends, on motion of Councillor Tilley; seconded by Councillor Hann: That the attached Nutrition Policy be adopted as presented, with an effective date of August 1, 2010.**

**5. Financial Support for Meetings and Conventions**

The Committee considered a memorandum dated July 13, 2010, from the Deputy City Manager/Director of Corporate Services & City Clerk regarding the above noted matter.

**The Committee recommends, on motion of Councillor Hann; seconded by Councillor Breen: That the following grants be awarded in accordance with Policy 04-09-02: Financial Support for Meetings and Conventions:**

- a. Atlantic Regional Assoc. of Immigrant Servicing Agencies \$500**
- b. 2011 University Curling Championships \$500**
- c. Edge 2010 Conference \$750**

**6. Request for Financial Support for the Upcoming 60<sup>th</sup> Annual Municipalities Newfoundland and Labrador Convention – October 6-9, 2010**

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The Committee considered a letter dated June 17, 2010, from Mayor Harry Hallett, President – Municipalities Newfoundland and Labrador regarding the above noted matter.

**The Committee recommends, on motion of Councillor Galgay; seconded by Councillor O’Leary: That the City approve a cash donation of \$5,000 as well as \$5,000 for the purchase of delegate kit bags for the upcoming Municipalities Newfoundland and Labrador Convention taking place in St. John’s from October 6-9, 2010.**

**7. Request for Financial Support to Represent the Province at Hockey Day in Canada – February 12-13, 2011 – Victoria, BC**

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The Committee considered a letter dated June 30, 2010, from Bronson Dawe, Bears Cove Bombers Hockey Club regarding the above noted matter.

**The Committee recommends on motion of Councillor Breen; seconded by Councillor Tilley: That the request for funding be denied as it is contrary to City policy.**

**8. Request for Financial Support for the Western Oil and Gas Symposium – September 23-24, 2010**

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The Committee considered a letter dated April 15, 2010, from Sharon McLennon, Corner Brook Board of Trade regarding the above noted matter.

**The Committee recommends on motion of Councillor Breen; seconded by Councillor Tilley: That the request for funding be denied as it is contrary to City policy.**

**9. Request for Participation in the Annual Vera Perlin Charity Golf Tournament Fundraiser**

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The Committee considered correspondence from Joe Squires, Golf Committee - Vera Perlin Cup regarding the above noted request.

**The Committee recommends on motion of Councillor Breen; seconded by Councillor Tilley: That the request for participation in the Annual Vera Perlin Charity Golf Tournament be denied as it is the City’s policy not to participate in charity golf tournaments.**

Deputy Mayor Shannie Duff  
Chairperson

**SJMC2010-07-26/438R**

**It was moved by Councillor Breen; seconded by Councillor Hann: That the Committee’s recommendations with the exception of Item #2 (Automated External Defibrillators), be approved.**

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

**SJMC2010-07-26/439R**

**Regarding Item #2 (Automated External Defibrillators), it was moved by Councillor Breen; seconded by Councillor Tilley: That a pre-budget commitment in the amount of \$20,000 towards Phase 1 of the Automated External Defibrillators plan, 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 July 9 to 22, 2010.

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF July 9, 2010 TO July 22, 2010**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
INST	Grand Concourse Authority	Trail of the Caribou Memorial	Boulevard	1	Approved	10-07-20
RES	Geralyn Lynch	Site work/Landscaping	127 Empire Avenue	2	Approved	10-07-15
COM	Tina Stevenson	Family Home Child Care Service	46 Holbrook Avenue	3	Approved	10-07-15
RES	Glen Putt	Subdivide for Building Lot	36 Park Lane	5	Approved	10-07-14
INST	Department of National Defense	Widening and Upgrading of Boulevard	Boulevard	1	Approved	10-07-14

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

INS - Institutional  
IND - Industrial

**Gerard Doran  
Development Officer  
Department of Planning**

\*\* 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.

**Building Permits List**

**SJMC2010-07-26/440R**

**It was decided on motion of Councillor Tilley; 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:**

2010/07/21

Permits List

**CLASS: COMMERCIAL**

CAPITAL SUBARU	KENMOUNT RD	NC CAR SALES LOT
LEANNE HEWITT	280 TORBAY RD	OC DAY CARE CENTRE
GOODLIFE FITNESS	AVALON MALL	SN CLUB
SEQUERRA INVESTMENTS INC.	27 ELIZABETH AVE	MS RESTAURANT
ACHIEVA TUTORING	49-55 ELIZABETH AVE	MS OFFICE
PETS UNLIMITED	39 KELSEY DR	MS RETAIL STORE
CANADIAN CORPS OF	207A KENMOUNT RD	SN OFFICE
CABOT HOLDINGS LIMITED	KENMOUNT RD	SN OTHER
BIG R	484-490 MAIN RD	MS RESTAURANT
OLD NAVY (CANADA) INC.	22 STAVANGER DR	MS RETAIL STORE
OLD NAVY	22 STAVANGER DR	SN RETAIL STORE
GOODLIFE FITNESS CENTRES INC.	215 WATER ST	SN CLUB
MAGNA CONTRACTING & MGMT INC.	106 AIRPORT RD	NC ACCESSORY BUILDING
DAYBREAK PARENT CHILD CENTRE	74 BOULEVARD	NC ACCESSORY BUILDING
YELLOW BELLY BREWERY LTD	288 WATER ST	NC PATIO DECK
ANDREW DOUCET	AVALON MALL LOTTO KIOSK	RN BANK
FORTIS PROPERTIES CORPORATION	157-163 WATER ST	RN MIXED USE
ANDREW PLANCHAT	9-11 LEMARCHANT RD	RN RETAIL STORE
ATLANTIS DEVELOPMENTS INC	12 GLENEYRE ST	RN MIXED USE
KENSINGTON GATE PROP	386 STAVANGER DR	RN MIXED USE
FORTIS PROPERTIES CORPORATION	136-140 WATER ST, 5TH FLOOR	RN OFFICE
NYGARD STORE	AVALON MALL, NYGARD	TI RETAIL STORE
MILE ONE STADIUM	50 NEW GOWER ST	RN RECREATIONAL USE
BREEN'S ENTERPRISES LIMITED	326 LOGY BAY RD	EX CONVENIENCE STORE
MARGUERITE'S PLACE/STATUS OF	160-174 CASHIN AVE EXTEN	NC MIXED USE
		THIS WEEK \$ 1,935,177.00

**CLASS: INDUSTRIAL**

THIS WEEK \$ .00

**CLASS: GOVERNMENT/INSTITUTIONAL**

METROBUS	MESSENGER DRIVE	NC TRANSPORTATION TERMINAL
WESLEY UNITED CHURCH	101 PATRICK ST	RN CHURCH
HOLY HEART OF MARY HIGH SCHOOL	55 BONAVENTURE AVE, ASBESTOS	RN SCHOOL
CITY OF ST. JOHN'S	10 MAPLE VIEW PL	NC ADMIN BLDG/GOV/NON-PROFIT
		THIS WEEK \$ 1,412,089.00

CLASS: RESIDENTIAL

KRISTA BUDDEN	5 ASHBOURNE DR	NC PATIO DECK
CHARLES & BERNARDINE HARRIS	14 ASPEN PL	NC ACCESSORY BUILDING
BRIAN GRANTER	5 BAMBRICK ST	NC ACCESSORY BUILDING
HANN CONSTRUCTION LIMITED	13 BANIKHIN PL, LOT 60	NC SINGLE DETACHED DWELLING
DANNY K. GOODYEAR	120 BARNES RD	NC PATIO DECK
TERESA BUTLER	242 BAY BULLS RD	NC ACCESSORY BUILDING
JUSTIN PATTERSON AND	24 SPRUCE GROVE AVE	NC FENCE
CHRIS O'NEILL	10 BISHOP'S LINE	NC FENCE
DENIS COADY AND	5 BLAKE PL	NC ACCESSORY BUILDING
CRAIG SCOTT SHEPPARD	9 BOLAND ST	NC PATIO DECK
BRIAN A. & DONNA L. HOWELL	13 BONNIE DR	NC PATIO DECK
JAMIE WHITE & TAMIE WALSH	60 BURRY PORT ST	NC FENCE
HERBERT PACK	31 BURRY PORT ST	NC PATIO DECK
ADAM HILL	16 CAHILL DR	NC FENCE
BERNARD DUCEY	59 CANADA DR	NC FENCE
ROBERT LEGROW	7 CANSO PL	NC FENCE
ROBERT LEGROW	7 CANSO PL	NC ACCESSORY BUILDING
KAVANAGH'S CONSTRUCTION LTD	11 CANSO PL, LOT 14	NC SINGLE DETACHED & SUB.APT
MIKE SIKORSKY AND	4 CARMANVILLE ST	NC ACCESSORY BUILDING
WILLIAM CONWAY	28 CASTLE BRIDGE DR	NC PATIO DECK
WILLIAM DERRICK ENGLISH	40 CASTLE BRIDGE DR	NC PATIO DECK
SHAWN LEDREW	50 CASTLE BRIDGE DR	NC ACCESSORY BUILDING
PRO TECH CONSTRUCTION	84 CASTLE BRIDGE DR, LOT 35	NC SINGLE DETACHED DWELLING
CRAIG KENNEDY	90 CASTLE BRIDGE DR	NC ACCESSORY BUILDING
CRAIG KENNEDY	90 CASTLE BRIDGE DR	NC PATIO DECK
FORREST COLLIER	7 CIRCULAR RD	NC PATIO DECK
DARRYL PYE	53 ENNIS AVE	NC FENCE
ANTHONY LOCKYER	32 FIRDALE DR	NC FENCE
SHAWN BROWN	12 FORDE DR	NC SWIMMING POOL
DBH ENTERPRISES LTD.	42 FRANCIS ST, LOT 78	NC SINGLE DETACHED DWELLING
PRO-TECH CONSTRUCTION	29 FRANCIS ST, LOT 64	NC SINGLE DETACHED & SUB.APT
PHILIP POWER & SON	67 FRANCIS ST, LOT 47	NC SINGLE DETACHED DWELLING
ADRIAN G. RYAN	178 FRESHWATER RD	NC ACCESSORY BUILDING
CARDINAL HOMES LTD	65 GLENLONAN ST, LOT 85	NC SINGLE DETACHED DWELLING
CARDINAL HOMES LTD	69 GLENLONAN ST, LOT 83	NC SINGLE DETACHED DWELLING
CARDINAL HOMES LTD	71 GLENLONAN ST, LOT 82	NC SINGLE DETACHED DWELLING
CARDINAL HOMES LTD.	73 GLENLONAN ST, LOT 81	NC SINGLE DETACHED DWELLING
SKYMARK CONTRACTING	89 GREAT EASTERN AVE, LOT 74	NC SINGLE DETACHED & SUB.APT
ADAM STURGE	26 GREENSPOND DR	NC FENCE
ROY PRETTY	110 GROVES RD	NC ACCESSORY BUILDING
R.J. SPURRELL	5 HARRIS RD	NC FENCE
DONNA G. MORALEJO	18 HENRY ST	NC FENCE
MARY CARTER	109 HILLVIEW DR W	NC ACCESSORY BUILDING
CHUCK RUMBOLT	71 HOPEDALE CRES	NC PATIO DECK
JUSTIN BROWN	75 HOPEDALE CRES	NC FENCE
PAUL MURPHY CONSTRUCTION LTD	1 JUDGE PL, LOT 9	NC SINGLE DETACHED DWELLING
SHERIDAN MCGRORY	11 KERRY ST	NC FENCE
JEFFREY CAREW	2 KNAPDALE PL - LOT 47	NC SINGLE DETACHED DWELLING
DONOVAN HOMES	52 LADYSMITH DR - LOT 27	NC SINGLE DETACHED DWELLING
DONOVAN HOMES LTD.	60 LADYSMITH DR - LOT 23	NC SINGLE DETACHED DWELLING
NICHOLAS HOWARD	43 LADYSMITH DR, LOT 9	NC SINGLE DETACHED DWELLING
DAVID PHILPOTT	7 LAGGAN PL, LOT 56	NC SINGLE DETACHED DWELLING
JOSHUA MERCER	55 LESLIE ST	NC FENCE
RUBY BURKE	2 LESTER ST	NC FENCE
RICHARD LAMB	37 MACBETH DR	NC FENCE
PAUL & STEPHANIE TUCKER	59 MACBETH DR	NC FENCE
DAVID VOKEY AND TRACEY VOKEY	496 MADDOX COVE RD - LOT #1	NC SINGLE DETACHED DWELLING
MICHAEL JAMES COHEN	17 MARGARET'S PL	NC FENCE
ANDREW SINCLAIR	61 MARK NICHOLS PL	NC FENCE
JOHN TOMPKINS & LORI PENNEY	16 MERCER'S DR	NC FENCE
MICHAEL WALBOURNE AND	6 MIKE ADAM PL, LOT 240	NC SINGLE DETACHED DWELLING
BERNARD GOSSE	21 MOONEY CRES	NC FENCE



SHAWN LAHEY	24 MYRICK PL	NC ACCESSORY BUILDING
LYNSEY SOPER	74 NASCOPIE CRES	NC FENCE
KEITH TUCK	475 NEWFOUNDLAND DR	NC ACCESSORY BUILDING
MARSHALL GOLLOP AND	284 NEW PENNYWELL RD	NC PATIO DECK
MARSHALL GOLLOP AND	284 NEW PENNYWELL RD	NC ACCESSORY BUILDING
EDGAR GAULTON & MARY WYSE	107 NEWTOWN RD	NC ACCESSORY BUILDING
SEAN GULLIVER & KAREN STEELE	77 OLD BAY BULLS RD	NC SINGLE DETACHED DWELLING
MELVIN COOMBS	37 PARK LANE	NC SWIMMING POOL
CARSON AND HEATHER CHAFE	5 PARKVIEW CRES	NC ACCESSORY BUILDING
JOSEPH JOY	29 PETITE FORTE DR	NC ACCESSORY BUILDING
CAN-AM PLATFORMS LTD.	41 PETITE FORTE DR, LOT 306	NC SINGLE DETACHED & SUB.APT
ARTHUR DALTON & NANCY EALES	169 PETTY HARBOUR RD	NC ACCESSORY BUILDING
GARY SQUIRES	10 PLOVER ST	NC ACCESSORY BUILDING
GARY SQUIRES	10 PLOVER ST	NC FENCE
CHRISTOPHER JAMES CARDIFF AND	3 POINT LEAMINGTON ST	NC FENCE
JAMES GRIFFITHS	21 POINT LEAMINGTON ST	NC FENCE
ROBERT & MICHELLE MURDOCH	79 REGENT ST	NC FENCE
MEL C. NEWHOOK	48 ROBINSONS PL	NC PATIO DECK
MEL C. NEWHOOK	48 ROBINSONS PL	NC FENCE
JEREMY RUBY	RUBY LINE	NC SINGLE DETACHED DWELLING
WILLIAM CHISLETT & MADONNA	32 RUSSELL ST	NC FENCE
WAYNE & STELLA BROWN	3 ROYAL OAK DR	NC ACCESSORY BUILDING
CLOVER CONSTRUCTION INC.	8 ST. SHOTS PL, LOT 88	NC SINGLE DETACHED & SUB.APT
MICHELLE YOUNG/KELLIE HODDER	25 SCOUTS PL	NC FENCE
DERICK REID	88 SEABORN ST	NC ACCESSORY BUILDING
JUDITH ELIZABETH BARRY	38 SERPENTINE ST	NC ACCESSORY BUILDING
ERCO HOMES	64 SHORTALL ST, LOT 50	NC SINGLE DETACHED DWELLING
JIM OWENS	271 SOUTHERN SHORE HWY	NC ACCESSORY BUILDING
PAULA & RON WALSH	1 SYCAMORE PL	NC SINGLE DETACHED DWELLING
MICHAEL & SHERI-LYNN DORMODY	47 VEITCH CRES	NC FENCE
DR. CHRISTOPHER PATEY	126 WATERFORD BRIDGE RD	NC PATIO DECK
LOYOLA O'BRIEN/PATRICIA DOOLEY	173 WATERFORD BRIDGE RD	NC FENCE
DAVID HANCOCK AND	111 WINSLOW ST	NC FENCE
DEBRA CELESTE HIGNELL	32 YORK ST	NC PATIO DECK
TAYLOR RESEARCH AND MANAGEMENT	70 COLONIAL ST	CR HOME OFFICE
NEW VICTORIAN HOMES	10 DAUNTLESS ST	CR SUBSIDIARY APARTMENT
SARAH STUCKLESS	167 ELIZABETH AVE	CR SUBSIDIARY APARTMENT
SCOTT YOUNG	25 LADY ANDERSON ST	CR SUBSIDIARY APARTMENT
JAMES J. TRAVERSE	9 WEXFORD ST	CR SUBSIDIARY APARTMENT
MAXWELL BROCKERVILLE	31 BORDEN ST	EX ACCESSORY BUILDING
MARY CONNORS	58 CALVER AVE	EX SINGLE DETACHED DWELLING
ALBERT MACKEY/COLLEEN SULLIVAN	138 DOYLE'S RD	EX SINGLE DETACHED DWELLING
RUEBEN WARREN	1 LAWLOR PL	EX SINGLE DETACHED DWELLING
CRAIG BUTLER	14 LUCYROSE LANE	EX PATIO DECK
ANDREW VARDY & JILL PERRY	6 RODNEY ST	EX SINGLE DETACHED DWELLING
MICHAEL & SHARON TUCKER	314 SOUTHERN SHORE HWY	EX SINGLE DETACHED DWELLING
JOHN MOSDELL	16 TIFFANY LANE	EX PATIO DECK
BRETT BOWER	16 BALSAM ST	RN TOWNHOUSING
BRYAN DUNNE	45 BEACON HILL CRES	RN SINGLE DETACHED DWELLING
11476 NEWFOUNDLAND & LAB INC	41 CASTLE BRIDGE DR	RN SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	13-23 & 36-52 CHALKER PL	RN TOWNHOUSING
GRAHAM HILLIER	120 FRESHWATER RD	RN APARTMENT BUILDING
CYNTHIA COLES	69 FRESHWATER RD	RN SINGLE DETACHED DWELLING
JUDY D. BEAZLEY	26 GIL EANNES DR	RN SINGLE DETACHED DWELLING
JEFFREY CAREW	30 GOLD MEDAL DR	RN SINGLE DETACHED DWELLING
CHESLEY LUCAS	136 GROVES RD	RN SINGLE DETACHED DWELLING
GREG MARTIN	176 HAMILTON AVE	RN SINGLE DETACHED DWELLING
CRAIG D. EVELEIGH AND	70 HIGHLAND DR	RN SINGLE DETACHED & SUB.APT
ELIZABETH CHANCEY	77 MAYOR AVE	RN SINGLE DETACHED DWELLING
BENJAMIN DAVIS &	25 MILITARY RD	RN SINGLE DETACHED DWELLING
AGNES & MARIA RYAN-KELSEY	174 PATRICK ST	RN SINGLE DETACHED & SUB.APT
MRS. ANGELA ABBOTT	43 PORTUGAL COVE RD	RN SINGLE DETACHED DWELLING
INTERIORS LIMITED	129 QUEEN'S RD	RN TOWNHOUSING
LORI ROGERS	114 QUIDI VIDI RD	RN SEMI-DETACHED DWELLING

ALVIN & LAURA ANTLE	2 WATSON ST	RN SEMI-DETACHED DWELLING
CRAIG HOGAN	144 EASTBOURNE CRES	SW SINGLE DETACHED DWELLING
BRADLEY SNELGROVE & KIMBERLEY	48 FAHEY ST	SW SINGLE DETACHED DWELLING
JEFF CAREW	30 GOLD MEDAL DR	SW SINGLE DETACHED DWELLING
MICHAEL & CHARLOTTE MANNING	56 GOODRIDGE ST	SW SEMI-DETACHED DWELLING
RODNEY TAPP	130 GREEN ACRE DR	SW SEMI-DETACHED DWELLING
DONNA G. MORALEJO	18 HENRY ST	SW SEMI-DETACHED DWELLING
SEAN HANRAHAN	40 SMITHVILLE CRES	SW SINGLE DETACHED DWELLING
WAYNE C. DILLON &	58 VALLEYVIEW RD	SW SINGLE DETACHED DWELLING
MARY PRATT	161 1/2 WATERFORD BRIDGE RD	SW SINGLE DETACHED DWELLING
LOYOLA O'BRIEN/PATRICIA DOOLEY	173 WATERFORD BRIDGE RD	SW SINGLE DETACHED DWELLING
LOYOLA O'BRIEN/PATRICIA DOOLEY	173 WATERFORD BRIDGE RD	SW SINGLE DETACHED DWELLING
LASIK MD	272-276 TORBAY RD	SN CLINIC

THIS WEEK \$ 7,791,988.00

**CLASS: DEMOLITION**

DAVID CHARLES ROWE AND	23 SHOAL BAY RD	DM SINGLE DETACHED DWELLING
MARC BOILY CONTRACTING LTD.	16 WILLIAM ST	DM TOWNHOUSING
BLUE WATER DOWN TOWN	331 WATER ST	DM MIXED USE
A. HARVEY & COMPANY LIMITED	714 TORBAY RD	DM OFFICE

THIS WEEK \$ 252,000.00

THIS WEEK'S TOTAL: \$ 11,391,254.00

REPAIR PERMITS ISSUED: 2010/07/08 TO 2010/07/21 \$ 282,750.00

LEGEND

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

**REJECTIONS:**

**46 Ladysmith Drive - Application for stairwell is rejected.**

**101 Mount Scio Road - Application for a new sign is rejected.**

**53 Monkstown Road - Application for driveway relocation/retaining wall/fencing is rejected.**

**Payrolls and Accounts**

**SJMC2010-07-26/441R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Collins:  
That the following Payrolls and Accounts for the weeks ending July 15 and July 22,  
2010 be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending July 15, 2010**

**PAYROLL**

Bi-Weekly Casual	\$	114,609.45
Public Works	\$	212,674.68
<b>ACCOUNTS PAYABLE</b>	\$	4,494,139.01
<b>Total:</b>	\$	<b>4,821,423.14</b>

**Weekly Payment Vouchers  
For The  
Week Ending July 22, 2010**

**PAYROLL**

Bi-Weekly Management	\$	354,796.88
Regional Fire Services	\$	597,856.46
Bi-Weekly Administration	\$	597,551.87
Public Works	\$	714,202.68
<b>ACCOUNTS PAYABLE</b>	\$	4,544,522.44

**Tenders**

- a. Tender – Open Order for Graffiti – Gum Removal
- b. Tender - Supply and Installation of Outdoor Fitness Equipment
- c. Tender – Bay Bulls Big Pond Water Treatment Plant, Pre-Treatment Facility CP-3 Plant Electrical and Administration Building Upgrading
- d. Tender – 2010 Infrastructure Improvements, Forest Road Watermain Upgrading (Forest Road Watermain – Rawlins Cross PRV)
- e. Tender – Bay Bulls Road Street Upgrading
- f. Tender – Results of Tender #2010073 – Maintenance & Service of Fire Extinguishers, Extinguishing Systems & Smoke Alarms
- g. Tender – City Depot ‘D’ Block Renovations

**SJMC2010-07-26/442R**

**It was moved by Councillor O’Leary : seconded by Councillor Colbert: That the recommendations of the Director of Finance and City Treasurer, the Director of Engineering and the Director of Building and Property Management be approved and the tenders awarded as follows:**

- a. **Penney Holdings @ \$46,875.00 (taxes not included)**
- b. **Green Gym @ \$27,888.75 (taxes not included)**
- c. **Anchorage Contracting Ltd. @ \$9,561,470.84**
- d. **Pyramid Construction Ltd. @ \$2,269,006.10**
- e. **Modern Paving Ltd. @ \$2,249,081.94**
- f. **Martin’s Fire and Safety @ \$10,420.93, which includes HST**
- g. **Redwood Construction Ltd. @ \$831,464.00 which includes HST**

**Correspondence**

**7 Plank Road – Pascale Horan & Gladys Horan**

Council considered a memorandum dated July 20 from the City Manager regarding the above noted.

**SJMC2010-07-26/443R**

**It was moved by Councillor Colbert; seconded by Councillor Hann: That the recommendation of the City Manager that City owned land adjacent to 7 Plank Road be leased to the new owners of 7 Plank Road for \$415.00 per year along with the usual administration fee of \$150.00 for setting up the Lease, be approved.**

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

**124 Brookfield Road, Pauline Sbrocchi**

Council considered a memorandum dated July 19, 2010 from the City Manager regarding the above noted.

**SJMC2010-07-26/444R**

**It was moved by Councillor Hickman; seconded by Councillor Collins: That the recommendation of the City Manager that land required by the City at 124 Brookfield Road for street upgrading, be acquired for the appraised value of \$1,230.00 plus legal fees.**

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

**Doyle's River Upgrading – Dooling's Line, Goulds**

Council considered a memorandum dated July 19, 2010 from the City Manager regarding the above noted.

**SJMC2010-07-26/445R**

**It was moved by Councillor Collins; seconded by Councillor Hann: That the recommendation of the City Manager that land at Doolings Line, required by the City for the bridge structure as part of the upgrading of Doyle's River, be acquired from James and Jo-Ann Abbott for \$1000.00 plus legal fees, be approved.**

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

**City land adjacent to 1 Savannah Park Drive**

Council considered a memorandum dated July 14, 2010 from the City Manager regarding the above noted.

**SJMC2010-07-26/446R**

**It was moved by Councilor Hann; seconded by Councillor Hanlon : That City land adjacent to 1 Savannah Park Drive be sold to Keith Humphries, owner of 1 Savannah Park Drive, for \$4,500.00 plus usual administration fees plus HST.**

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

**Maple View Place**

Council considered a memorandum dated July 22, 2010 from the City Manager regarding the above noted.

**SJMC2010-07-26/447R**

**It was moved by Councillor Hann; seconded by Councillor Hanlon: That the Mayor and City Clerk be authorized to execute Notice of Expropriation with respect to land required by the City from The Flake House for the upgrading of Maple View Place in Quidi Vidi Village.**

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

**Registration costs to attend Heritage Canada Foundation 2010 Annual Conference to be held in St. John's Sept. 30 to October 2, 2010**

Council considered a memorandum dated July 9, 2010 from the Deputy City Manager/Director of Corporate Services and City Clerk regarding the above noted.

**SJMC2010-07-26/448R**

**It was moved by Councillor Colbert; seconded by Councillor Galgay: That registration costs at \$385.00/per person, for Deputy Mayor Duff, Councillors O'Leary, Hanlon and Hickman to attend Heritage Canada Foundation 2010 Annual Conference to be held in St. John's Sept. 30 to October 2, 2010, be approved.**

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

**Robin Hood Bay Tours & Recycling Presentations**

Council considered as information an update on promotion activities for the upcoming curbside recycling program; along with information on the availability of tours of the Robin Hood Bay Regional Waste Management Facility.

**Robin Hood Bay Waste Management Facility, Materials Recovery Facility Operations Contract**

Council considered a memorandum dated July 20, 2010 from the Deputy City Manager/Director of Public Works & Parks regarding the above noted.

**SJMC2010-07-26/449R**

**It was moved by Councillor Hann; seconded by Councillor Tilley: That the Materials Recovery Facility Operations Contract be awarded to the preferred**

**bidder, Scotia Recycling, at an operation cost of \$1,125,000 plus tax, based on the projected first year throughput of 5000 tons.**

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

**399 Empire Avenue**

Council considered a memorandum dated July 16, 2010 from the Director of Building & Property Management regarding the above noted.

**SJMC2010-07-26/450R**

**It was moved by Councillor Colbert; by Councillor Hanlon: That an order be issued as per Section 375 of the City Act to have building at 399 Empire Avenue, demolished and removed from the site, failing which, the work will be carried out, the cost of which will be charged to the property.**

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

**Giant Hogweed**

Council considered as information a memorandum dated July 22, 2010 from the Manager, Streets & Parks Services Division regarding the much focused attention during the past several weeks on the giant hogweed. He outlined the program and protocol to deal with the issue as a matter of public safety and in order to reduce the spread of this noxious weed

**Road Closure on Battery Road to Repair Water Pipe Leak**

Council considered a memorandum dated July 22, 2010 from the Manager of Environmental Services – Dept of Public Works and Parks regarding the above noted.

**SJMC2010-07-26/451R**

**It was moved by Councillor Galgay; seconded by Councillor Breen: That the road closure plan for Battery Road to repair a water pipe leak, on August 2, 2010 be approved as presented.**

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

**Letter dated July 13, 2010 from Mayor Bill Fagan, Town of Portugal Cove-St. Philip's congratulating the Director Engineering "on his quick and effective action with regard to the recent vehicle accident and oil spill at Bay Bulls Big Pond."**  

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Council acknowledged the above noted letter.

**Letter dated May 4, 2010 from Bill Mahoney, Chair RNC Historical Society requesting that the Parkette at Gower Street and Queen's Road be named Constabulary Court**  

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**SJMC2010-07-26/452R**

**It was moved by Councillor Galgay; seconded by Councillor Tilley: That a request from Mr. Bill Mahoney, Chair RNC Historical Society that the Parkette at Gower Street and Queen's Road be named Constabulary Court, be approved.**

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

**Councillor Collins**

Councillor Collins advised that there will be a meeting on Thursday evening, July 29, 2010 at the Community Centre to discuss the Della Drive area Basketball Court issues.

Councillor Collins advised that the individual responsible for dumping of garbage in the Backline area is known and the matter is referred to the police for action.

Councillor Collins thanked Council on behalf of the residents of Goulds and Kilbride for its continued support of Ward 5, noting its most recent commitment of funding towards the Goulds Servicing Study.

**Councillor Hanlon**

**Banner Request**

**SJMC2010-07-26/453R**

**It was moved by Councillor Hanlon; seconded by Councillor Hickman: That the banner request for Safety Week (Jessica Campaign) August 1 to 7, be approved, along with \$250 towards a reception.**

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



Councillor Hanlon advised that she has received calls from residents of the Guy Street/Whiteway Street area concerning stockpiling of garbage on garbage day as a result of the Anderson Avenue/Newfoundland and Labrador Housing project . She advised that the matter has been referred to Clean and Beautiful and the Director of Building and Property Management for follow-up.

**Councillor Galgay**

Councillor Galgay commended the organizers of the Lantern Festival, Friends of Victoria Park, on putting of a superb presentation.

**Councillor Breen**

Councillor Breen mentioned issues similar to those mentioned by Councillor Hanlon relative NLHC. He asked that Council meet with senior officials of NLHC to explain Council's concerns and to find a way to addresses the problems.

Councillor Breen advised that he has received a number of calls and emails concerning the Robin Hood Bay odour. He tabled a number of emails and asked that they be placed on the agenda of the next meeting of the Public Works and Environment Committee meeting to bring attention to the matter.

**Councillor Hann**

Councillor Hann referenced the Deputy Mayor's interview with CBC concerning the old exposed rail trails in the downtown core and lamenting the fact the City doesn't have any street cars left. In response to this Councillor Hann gave a brief history noting that back in 2004 Metrobus was approached to establish two rubber tire trams to take in the full downtown core. At that time the monthly operating costs was estimated to be approximately \$13,000 and the cost of a tram was \$470,000.

Staff at Metrobus have since updated these figures to today's dollars showing operating costs at \$27,000 per month and \$564,000 per tram. Councillor Hann noted that records indicated that ACOA was approached at one time for funding towards trams in the

downtown for a trial period, however, the request was rejected by ACOA who suggested and the idea would negatively impact tour operations in the downtown.

Councillor Hann noted that the idea is likely not a priority item with the Metrobus operation given the challenges it is facing with an expanding market, urban sprawl and pressure to provide service, the replacement of sixteen buses and the fact that the City has contributed \$8 million towards its new facility. The Deputy Mayor noted that perhaps the matter could be looked at some future date in the context of a downtown shuttle service.

### **Councillor O'Leary**

Councillor O'Leary in responding to Councillor Hanlon's concern relative to NLHC project on Anderson Avenue, advised that NLHC have installed a dumpster on site which will help eradicate the problem.

Councillor O'Leary noted on behalf of Clean and Beautiful that this has been a record year in terms of participation and registration, and thanked all supporters on their behalf.

Councillor O'Leary alluded to a message left by a tourist asking that the City clean up its garbage claiming the downtown to be one of the dirtiest.

Councillor O'Leary advised that she met with Eastern Health CEO, Vickie Kaminski and her Vice Chair, on the issue of their smoking ban on Eastern Health property and the negative impact of that on residential neighbourhoods and open space areas. She noted it was a very positive meeting and they will endeavour to cooperate in order to address the problem. She advised that she will further update Council.

Councillor O'Leary asked the City Manager to provide an update on the issue of Equal Opportunity Employment Pro-Activity in the City.

Councillor O'Leary advised that she is in the process of initiating discussions regarding problems pertinent to the Margaret Place area. She asked that the Director of Planning, Councillor Galgay, residents and planners meet to discuss some of the area issues.

**Adjournment**

There being no further business, the meeting adjourned at 7:55 p.m.

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**MAYOR**

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**CITY CLERK**